

Ordinance No. 124394

Council Bill No. ~~117998~~ 117998

AN ORDINANCE relating to smoking in public places and places of employment; amending Chapter 10.64 of the Seattle Municipal Code to conform with state law.

Related Legislation File: _____

Date Introduced and Referred: 12.9.13 12.9.13	To: (committee): Housing, Human Services, Health, and Culture
Date Re-referred:	To: (committee):
Date Re-referred:	To: (committee):
Date of Final Action: 12.16.13	Date Presented to Mayor: 12.18.13
Date Signed by Mayor: 12.23.13	Date Returned to City Clerk: 12.23.13
Published by Title Only ☒	Date Vetoed by Mayor:
Published in Full Text	
Date Veto Published:	Date Passed Over Veto:
Date Veto Sustained:	Date Returned Without Signature:

The City of Seattle – Legislative Department

Council Bill/Ordinance sponsored by: 

Committee Action:

Date	Recommendation	Vote
5-0	pass as amended NL, BH, SB, SC, TB	12/11/13 (41)

This file is complete and ready for presentation to Full Council. _____

Full Council Action:

Date	Decision	Vote
12.16.13	Passed	9-0



CITY OF SEATTLE

ORDINANCE

124394

COUNCIL BILL

117998

AN ORDINANCE relating to smoking in public places and places of employment; amending Chapter 10.64 of the Seattle Municipal Code to conform with state law.

WHEREAS, some provisions of the Seattle Municipal Code relating to smoking in public places and places of employment are inconsistent with changes the state has made to the Revised Code of Washington; and

WHEREAS, the City Council intends the Municipal Code to be consistent with the Revised Code of Washington as they relate to smoking in public places and places of employment; and

WHEREAS, RCW 70.160.070 provides for a fine of up to \$100, plus statutory assessments, for smoking in public places or places of employment; and

WHEREAS, the fine for public consumption of alcohol in Seattle is \$27; and

WHEREAS, whenever practical the Seattle Police Department intends to provide a first warning for persons violating the provisions of this ordinance by smoking in a public place;

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 10.64.010 of the Seattle Municipal Code is amended as follows:

10.64.010 Definitions.

A. "Public place" as used in this chapter shall mean that portion of any building or vehicle used by, and open to, the public regardless of whether such building or vehicle is owned in whole or in part by private persons or entities, or by The City of Seattle or other public entity, and regardless of whether a fee is charged for admission to the place, and includes a presumptively reasonable minimum distance, as set forth in RCW 70.160.075, of twenty-five feet (25') from entrances, exits, windows that open and ventilated intakes that serve an enclosed area where smoking is prohibited. A public place does not



include a private residence unless the private residence is used to provide licensed child care, foster care, adult care or other similar social service care on the premises.

Public places include, but are not limited to: Schools, elevators, public conveyances or transportation facilities, museums, concert halls, theaters, auditoriums, exhibition halls, indoor sports arenas, hospitals, nursing homes, health care facilities or clinics, enclosed shopping centers, retail stores, retail service establishments, financial institutions, educational facilities, ticket areas, public hearing facilities, state legislative chambers and immediately adjacent hallways, public restrooms, libraries, restaurants, waiting areas, lobbies, bars, taverns, bowling alleys, skating rinks, casinos, reception areas, and no less than seventy-five percent (75%) of the sleeping quarters within a hotel or motel that are rented to guests. A public place does not include a private residence. This chapter is not intended to restrict smoking in private facilities which are occasionally open to the public except upon the occasions when the facility is open to the public.

B. "Smoke" or "smoking" as used in this chapter means the carrying or smoking of any kind of lighted pipe, cigar, cigarette or any other ~~((form of ignited tobacco or))~~ lighted smoking or material equipment.

C. "Place of employment" means any area under the control of a public or private employer which employees are required to pass through during the course of employment, including, but not limited to: Entrances and exits to the places of employment, and including a presumptively reasonable minimum distance, as set forth in RCW 70.160.075, of twenty-five feet (25') from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited; work areas; restrooms; conference and classrooms; break rooms and cafeterias; and other common areas.
A private residence or home-based business, unless used to provide licensed child care, foster care, adult

care, or other similar social service care on the premises, is not a place of employment. (RCW

70.160.020)

Section 2. Section 10.64.020 of the Seattle Municipal Code is amended as follows:

10.64.020 Prohibition.

Smoking is prohibited in ~~((the following))~~ public places and places of employment ~~((:~~

A. ~~Elevators;~~

B. ~~Mass transportation vehicles, such as buses; except on chartered buses for private hire or in taxicabs clearly designated by the operator to permit smoking;~~

C. ~~Indoor facilities serving as museums, concert halls, theaters, auditoriums and exhibition halls, whether owned or occupied by The City of Seattle or by any other person; provided that smoking by performers as part of a theatrical production is permitted; and provided further that smoking may be permitted in designated areas including portions of lobbies, so long as such areas are physically separated from the spectator areas, lobbies and all other public areas;~~

D. ~~Indoor sports arenas, provided that smoking may be permitted in designated areas of lobbies, if the lobbies are physically separated from the spectator area;~~

E. ~~Hallways and waiting rooms of every health care facility including, but not limited to, hospitals, nursing homes, clinics and health departments, provided that smoking may be allowed in one or more designated, physically separate waiting rooms;~~

F. ~~All areas open to the public in buildings owned by The City of Seattle, provided that smoking may be permitted in designated smoking areas of the Seattle Center's "Center House" not to exceed thirty percent (30%) of the common area of the Center House;~~

G. ~~All areas open to the public within premises leased or rented by The City of Seattle;~~

H. ~~Public places which are part of shopping centers, retail stores and financial institutions,~~
including, but not limited to department stores, banks, laundromats and barbershops; provided, that
smoking may be allowed in the common areas of shopping malls;

I. ~~Classrooms and lecture halls of schools, colleges and universities;~~

J. ~~Rooms in which meetings and/or hearings open to the public are held;~~

K. ~~All public areas and waiting rooms of public transportation facilities including but not limited~~
to bus, train, airport and ferry facilities; provided that smoking may be permitted in designated smoking
areas that may not exceed thirty percent (30%) of the waiting area;

L. ~~All public restrooms including, but not limited to those found in all public places listed above;~~

M. ~~Libraries~~)). (RCW 70.160.030)

Section 3. Section 10.64.040 of the Seattle Municipal Code is amended as follows:

10.64.040 Designation of ((“Smoking” and)) “No Smoking” areas.

((A.)) The rightful occupant of each public place and place of employment regulated under this
chapter shall prohibit smoking and ((in which smoking is prohibited)) shall post signs prohibiting
smoking. Signs shall be posted conspicuously at every building entrance and, in the case of retail stores
and retail service establishments, in prominent locations throughout the place ((buildings, rooms, and
public places in which smoking is prohibited)); provided, that signs shall not be posted in violation of
other laws or ordinances. (RCW 70.160.050)

((B. ~~It is unlawful for any person to remove, deface, or destroy any sign posted in compliance~~
~~with this chapter.~~))

Section 4. Section 10.64.050 of the Seattle Municipal Code is amended as follows:

10.64.050 Enforcement.

1 Public Health – Seattle & King County ((The Seattle Fire Department)) is authorized to enforce
2 Section 10.64.040 ((; the Seattle-King County Health Department is authorized to enforce Section
3 10.64.030)). The Chief of Police is authorized to enforce all other sections of this chapter. (RCW
4 70.160.070)

5
6 Section 5. Section 10.64.060 of the Seattle Municipal Code is amended as follows:

7 **10.64.060 Penalty.**

8 A. Any person intentionally violating this chapter by smoking in a public place or place of
9 employment, or any person removing, defacing, or destroying a sign required by this chapter, is subject
10 to a civil fine to be set by Municipal Court local rule in an amount consistent with the penalty for public
11 consumption of alcohol. Any person passing by or through a public place while on a public sidewalk or
12 public right-of-way has not intentionally violated this chapter. Section 10.64.020 shall be enforced by
13 issuing a notice of infraction as provided in RCW 70.160.070.

14
15 B. When a violation of Section 10.64.040 occurs, a warning shall first be given to the owner or
16 other person in charge. Any subsequent violation is subject to a civil fine to be set by Municipal Court
17 local rule in an amount consistent with the penalty for public consumption of alcohol. Each day upon
18 which a violation occurs or is permitted to continue constitutes a separate violation. (RCW 70.160.070)

19 ((An offense against Section 10.64.020, Section 10.64.030 or Section 10.64.040 is a violation,
20 subject to the provisions of Chapter 12A.02 (General Provisions) and Chapter 12A.04 (Defenses) of the
21 Seattle Criminal Code. Any person convicted of violating Section 10.64.020, Section 10.64.030 or
22 Section 10.64.040 may be punished by a civil fine or forfeiture not to exceed One Hundred Dollars
23 (\$100.00).))
24

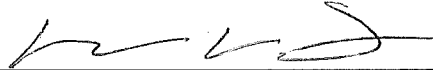
1 Section 6. Section 10.64.030 of the Seattle Municipal Code is repealed.

2
3 Section 7. This ordinance shall take effect and be in force thirty (30) days from and after its
4 approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after
5 presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

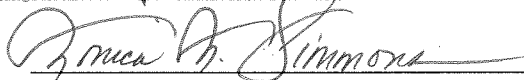
6 Passed by the City Council the 10th day of December, 2013, and signed by
7 me in open session in authentication of its passage this 10th day of December, 2013.

8
9 
10 President _____ of the City Council

11 Approved by me this 26th day of December, 2013.

12 
13 Michael McGinn, Mayor

14 Filed by me this 23rd day of December, 2013.

15 
16 Monica Martinez Simmons, City Clerk

17 (Seal)

FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	CBO Analyst/Phone:
Law; Legislative	Richard Greene (Law) / 684-8538; Peter Harris (Legislative) / 684-8368	n.a.

Legislation Title:

AN ORDINANCE relating to smoking in public places and places of employment; amending Chapter 10.64 of the Seattle Municipal Code to conform with state law.

Summary of the Legislation:

This ordinance brings the Municipal Code into conformity with changes in the provisions of the Revised Code of Washington regarding smoking in public and in places of employment, subject to a civil fine to be set by Municipal Court local rule in an amount consistent with the penalty for public consumption of alcohol.

Background:

(Include a brief description of the purpose and context of legislation and include record of previous legislation and funding history, if applicable.)

Please check one of the following:

- x **This legislation does not have any financial implications.**
(Please skip to "Other Implications" section at the end of the document and answer questions a-h. Earlier sections that are left blank should be deleted. Please delete the instructions provided in parentheses at the end of each question.)

Other Implications:

- a) Does the legislation have indirect financial implications, or long-term implications?**
(If yes, explain them here.)

The legislation slightly expands the scope of the prohibitions against smoking in public.

- b) What is the financial cost of not implementing the legislation?**
(Estimate the costs to the City of not implementing the legislation, including estimated costs to maintain or expand an existing facility or the cost avoidance due to replacement of an existing facility, potential conflicts with regulatory requirements, or other potential costs.)

None.

- c) Does this legislation affect any departments besides the originating department?**



The Police Department and the Seattle-King County Department of Public Health are charged with enforcing these provisions of the Municipal Code.

- d) What are the possible alternatives to the legislation that could achieve the same or similar objectives?** (Include any potential alternatives to the proposed legislation, such as reducing fee-supported activities, identifying outside funding sources for fee-supported activities, etc.)

None.

- e) Is a public hearing required for this legislation?**

(If yes, what public hearing(s) have been held to date, and/or what public hearing(s) are planned for the future?)

No.

- f) Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**

(For example, legislation related to sale of surplus property, condemnation, or certain capital projects with private partners may require publication of notice. If you aren't sure, please check with your lawyer. If publication of notice is required, describe any steps taken to comply with that requirement.)

No.

- g) Does this legislation affect a piece of property?**

(If yes, and if a map or other visual representation of the property is not already included as an exhibit or attachment to the legislation itself, then you must include a map and/or other visual representation of the property and its location as an attachment to the fiscal note. Place a note on the map attached to the fiscal note that indicates the map is intended for illustrative or informational purposes only and is not intended to modify anything in the legislation.)

No.

- h) Other Issues:**

List attachments to the fiscal note below:



CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL 117998

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WHEREAS, the City Council intends the Municipal Code to be consistent with the Revised Code of Washington as they relate to smoking in public places and places of employment; and

WHEREAS, RCW 70.160.070 provides for a fine of up to \$100, plus statutory assessments, for smoking in public places or places of employment; and

WHEREAS, the fine for public consumption of alcohol in Seattle is \$27; and

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THIS VERSION IS NOT ADOPTED



include a private residence unless the private residence is used to provide licensed child care, foster care, adult car or other similar social service care on the premises.

Public places include, but are not limited to: Schools, elevators, public conveyances or transportation facilities, museums, concert halls, theaters, auditoriums, exhibition halls, indoor sports arenas, hospitals, nursing homes, health care facilities or clinics, enclosed shopping centers, retail stores, retail service establishments, financial institutions, educational facilities, ticket areas, public hearing facilities, state legislative chambers and immediately adjacent hallways, public restrooms, libraries, restaurants, waiting areas, lobbies, bars, taverns, bowling alleys, skating rinks, casinos, reception areas, and no less than seventy-five percent (75%) of the sleeping quarters within a hotel or motel that are rented to guests. A public place does not include a private residence. This chapter is not intended to restrict smoking in private facilities which are occasionally open to the public except upon the occasions when the facility is open to the public.

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D. ~~Indoor sports arenas, provided that smoking may be permitted in designated areas of lobbies, if the lobbies are physically separated from the spectator area;~~

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THIS VERSION IS NOT ADOPTED



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L. ~~All public restrooms including, but not limited to those found in all public places listed above;~~

M. ~~Libraries)). (RCW 70.160.030)~~

Section 3. Section 10.64.040 of the Seattle Municipal Code is amended as follows:

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((B. ~~It is unlawful for any person to remove, deface, or destroy any sign posted in compliance with this chapter.~~))

Section 4. Section 10.64.050 of the Seattle Municipal Code is amended as follows:

THIS VERSION IS NOT ADOPTED



10.64.050 Enforcement.

1 Public Health – Seattle & King County ((The Seattle Fire Department)) is authorized to enforce
2 Section 10.64.040 (~~((; the Seattle King County Health Department is authorized to enforce Section~~
3 ~~10.64.030))).~~ The Chief of Police is authorized to enforce all other sections of this chapter. (RCW
4 70.160.070)

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6 Section 5. Section 10.64.060 of the Seattle Municipal Code is amended as follows:

7 10.64.060 Penalty.

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14
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18 which a violation occurs or is permitted to continue constitutes a separate violation. (RCW 70.160.070)

19 ~~((An offense against Section 10.64.020, Section 10.64.030 or Section 10.64.040 is a violation,~~
20 ~~subject to the provisions of Chapter 12A.02 (General Provisions) and Chapter 12A.04 (Defenses) of the~~
21 ~~Seattle Criminal Code. Any person convicted of violating Section 10.64.020, Section 10.64.030 or~~
22 ~~Section 10.64.040 may be punished by a civil fine or forfeiture not to exceed One Hundred Dollars~~
23 ~~(\$100.00).))~~

1 Section 6. Section 10.64.030 of the Seattle Municipal Code is repealed

2
3 Section 7. This ordinance shall take effect and be in force thirty (30) days from and after its
4 approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after
5 presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

6 Passed by the City Council the ____ day of _____, 2013, and signed by
7 me in open session in authentication of its passage this ____ day of _____, 2013.
8

9
10 _____
President _____ of the City Council

11 Approved by me this ____ day of _____, 2013.

12 _____
Michael McGinn, Mayor

13 Filed by me this ____ day of _____, 2013.

14
15 _____
Monica Martinez Simmons, City Clerk

16 (Seal)

THIS VERSION IS NOT ADOPTED



FILED
CITY OF SEATTLE

2014 FEB -6 PM 4:21

CITY CLERK

STATE OF WASHINGTON -- KING COUNTY

--SS.

306498

No. 124392,393,394,395,396,97

CITY OF SEATTLE, CLERKS OFFICE

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

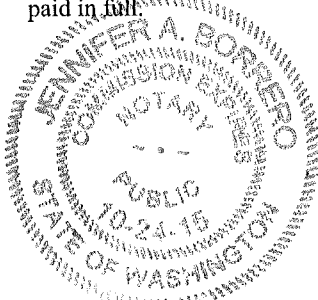
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:TITLE ONLY ORDINANCES

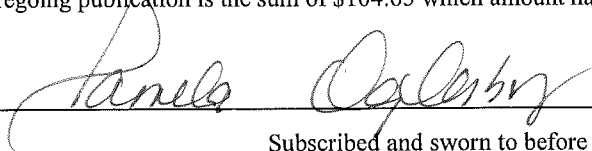
was published on

01/15/14

The amount of the fee charged for the foregoing publication is the sum of \$104.65 which amount has been paid in full.



Affidavit of Publication


Subscribed and sworn to before me on

01/15/2014



Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle

Title Only Ordinances

The full text of the following legislation, passed by the City Council on December 16, 2013, and published below by title only, will be mailed upon request, or can be accessed at <http://clerk.seattle.gov>. For information on upcoming meetings of the Seattle City Council, please visit <http://www.seattle.gov/council/calendar>.

Contact: Office of the City Clerk at (206) 684-8344.

ORDINANCE NO. 124392

AN ORDINANCE relating to the Seattle Retirement System; making changes to conform with the Internal Revenue Code; making technical corrections; amending Sections 4.36.040, 4.36.193 and 4.36.385, and repealing Section 4.36.285 of the Seattle Municipal Code; and ratifying and confirming certain acts.

ORDINANCE NO. 124393

AN ORDINANCE relating to consuming marijuana in public; amending Chapter 12A.20 of the Seattle Municipal Code to conform with state law

ORDINANCE NO. 124394

AN ORDINANCE relating to smoking in public places and places of employment; amending Chapter 10.64 of the Seattle Municipal Code to conform with state law.

ORDINANCE NO. 124395

AN ORDINANCE related to the sale and redevelopment of the former Public Safety Building block; authorizing the execution of amendments to the Purchase and Sale Agreement, to continue implementation of the sale and redevelopment of such property, as previously authorized by Ordinance 122612, and accepting payment therefor.

ORDINANCE NO. 124396

AN ORDINANCE relating to the Department of Finance and Administrative Services; authorizing execution of a lease agreement with the Washington State Department of Transportation for a portion of the highway right of way of State Route 90 located at Airport Way South and South Royal Brougham Way; and ratifying and confirming prior acts.

ORDINANCE NO. 124397

AN ORDINANCE related to the 2013 Budget; amending Ordinance 124058, which adopted the 2013 Budget, including the 2013-2018 Capital Improvement Program (CIP); changing appropriations to various departments and budget control levels, and from various funds in the Budget; adding new projects; revising project allocations for certain projects in the 2013-2018 CIP; creating positions; abrogating positions, lifting a proviso and ratifying and confirming certain prior acts; all by a 3/4 vote of the City Council.

Date of publication in the Seattle Daily Journal of Commerce, January 15, 2014.

1/15(306498)