AN ORDINANCE of the City Council of the City of Kent, Washington, amending various sections of Chapter 4.01 of the Kent City Code to prohibit smoking, vaping, or the use of tobacco products in or on any park property or park facility, and establishing a monetary penalty for all violations of that prohibition.

RECITALS

A. One of the primary purposes and functions of a public park is to provide safe, welcoming places for all to enjoy and pursue physical activity, healthy lifestyles, and leisure experiences through nature, which contribute to a healthier Kent community. However, smoking or the use of other tobacco products in public parks is contrary to this fundamental purpose.

B. While the Parks Department has an existing policy that prohibits smoking or the use of tobacco products on or near any City athletic field, this policy applies only while youth games or practices are in session. This existing policy does not apply generally to all park property.

C. Several other cities in King County have made their parks smoke and tobacco free, including the cities of Burien, SeaTac, Tukwila, and Seattle. Kent’s Parks and Recreation Commission and the Parks and Human Services Committee have both recommended that Council adopt an ordinance similarly making Kent’s parks and facilities smoke and tobacco

Amend Ch. 4.01 Kent City Code
Re: Tobacco Use in Parks Prohibited
free. Council agrees and finds that it is appropriate to adopt a smoke and tobacco free policy that applies in and on all park property and park facilities. Violation of this ordinance could result in the issuance of a fine in the amount of $50, plus statutory costs and assessments.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

ORDINANCE

SECTION 1. - Amendment - New KCC 4.01.005. Chapter 4.01 of the Kent City Code, entitled “Parks and Recreation,” is amended to add a new section 4.01.005, entitled “Definitions,” as follows:

Sec. 4.01.005. Definitions. As used in this chapter, the following terms shall have the meanings ascribed to them below:

A. “Park property” or “park facility” shall mean and include all City-owned or controlled parks, public squares, public gardens, playgrounds, athletic complexes, community centers, museums, trails, and all drives, parkways, bodies of water, docks, piers, moorage floats, beaches, and parking lots or garages contained therein. “Park property” or “park facility” shall also include all other parks and recreational areas, developed or undeveloped, owned by the City of Kent or under the management and control of the City of Kent for park purposes.

SECTION 2. - Amendment - New KCC 4.01.135. Chapter 4.01 of the Kent City Code, entitled “Parks and Recreation,” is amended to add a new section 4.01.135, entitled “Smoking, Vaping, or Tobacco Use in Parks Prohibited” as follows:

Sec. 4.01.135. Smoking, Vaping, or Tobacco Use in Parks Prohibited. It is unlawful for any person to smoke, vape, or use tobacco products in or on any park property or park facility, excluding the
Riverbend Golf Course facility. This prohibition includes both non-combustible products, like e-cigarettes or other vaping devices that produce smoke or vapor, and dipping tobacco, chewing tobacco, snuff, or snus; and combustible products, like paper cigarettes, cigarillos, or cigars, pipes, and hookahs. If the product emits smoke, or vapor, or contains tobacco, it is prohibited.

**SECTION 3. – Amendment – Revise KCC 4.01.220.** Section 4.01.220 of the Kent City Code, entitled “Penalties,” is amended as follows:

**Sec. 4.01.220. Penalties.**

A. **Civil infraction.**

1. Except as provided in subsections (A)(2) and (B) of this section, a violation of any provision of this chapter shall constitute a class 1 civil infraction in accordance with RCW 7.80.120(1)(a), as currently enacted or hereafter amended.

2. A violation of either KCC 4.01.080(B) or KCC 4.01.135 shall constitute a class 3 civil infraction in accordance with RCW 7.80.120(1)(c), as currently enacted or hereafter amended.

3. Each separate day, or portion thereof, during which any violation occurs shall constitute a separate violation.

B. **Misdemeanor.** Any person who violates KCC 4.01.020 or 4.01.040 shall be guilty of a misdemeanor punishable by a fine not to exceed five thousand dollars ($5,000) or by imprisonment not to exceed one (1) year, or by both such fine and imprisonment. Each separate day or portion thereof during which such violation occurs shall constitute a separate violation.

**SECTION 4. – Severability.** If any one or more section, subsection, or sentence of this ordinance is held to be unconstitutional or invalid, such
decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force and effect.

**SECTION 5.** - *Corrections by City Clerk or Code Reviser.* Upon approval of the city attorney, the city clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; ordinance, section, or subsection numbering; or references to other local, state, or federal laws, codes, rules, or regulations.

**SECTION 6.** - *Effective Date.* While this ordinance shall take effect 30 days from and after its passage as provided by law, the City will not enforce the ordinance until August 15, 2017, to allow for public outreach and education.

 SUZETTE COOKE, MAYOR

ATTEST:

KIMBERLEY A. KOMOTO, CITY CLERK

APPROVED AS TO FORM:

ARTHUR “PAT” FITZPATRICK, ACTING CITY ATTORNEY
PUBLISHED:  9th day of June, 2017.

I hereby certify that this is a true copy of Ordinance No. 4246 passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

[Signature]
KIMBERLEY A. KOMOTO, CITY CLERK