ORDINANCE O-4657

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO VAPOR PRODUCTS AND PUBLIC HEALTH AND SAFETY.

WHEREAS, Kirkland Municipal Code ("KMC") Chapter 11.12 adopts numerous provisions of the Revised Code of Washington ("RCW") as elements of the City's criminal code; and

WHEREAS, various RCW provisions related specifically to public and health safety are included in KMC Section 11.12.030, including those related to the unlawful purchase or possession of tobacco products by persons under the age of eighteen; and

WHEREAS, in 2016 the Washington Legislature, through new Chapter 70.345 RCW, also made it unlawful for persons under the age of eighteen to purchase or possess vapor products or for any individual to use vapor products in specified indoor or outdoor areas, including those related to child care facilities, schools and playgrounds.

NOW, THEREFORE, the City Council of the City of Kirkland do ordain as follows:

Section 1. Kirkland Municipal Code Section 11.12.130 is amended to read as follows.

11.12.130 RCW Title 70, entitled "Public Health and Safety"—Adoption by reference.

The following RCW sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

RCW 70.74.010 Definitions.
RCW 70.74.160 Unlawful access to explosives.
RCW 70.74.295 Abandonment of explosives.
RCW 70.74.300 Explosive containers to be marked—Penalty.
RCW 70.74.310 Gas bombs, explosives, stink bombs, etc.
RCW 70.74.400 Seizure and forfeiture.
RCW 70.93.060 Littering prohibited—Penalties—Litter cleanup restitution payment.
RCW 70.155.010 Definitions.
RCW 70.155.080 Purchasing, possessing by persons under the age of 18—Civil infraction—Courts of jurisdiction.
RCW 70.345.010 Definitions.
RCW 70.345.140  Purchasing, possessing by persons under eighteen—Penalty—Jurisdiction.

RCW 70.345.150  Use of products in public places—When prohibited.

Section 2. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.

Section 3. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication pursuant to Section 1.08.017, Kirkland Municipal Code in the summary form attached to the original of this ordinance and by this reference approved by the City Council.

Passed by majority vote of the Kirkland City Council in open meeting this 4th day of September, 2018.

Signed in authentication thereof this 4th day of September, 2018.

Amy Walen, Mayor

Attest:

Kathi Anderson, City Clerk

Approved as to Form:

Kevin Raymond, City Attorney

Publication Date 09/10/18