

ORDINANCE O-4657

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

1 WHEREAS, Kirkland Municipal Code ("KMC") Chapter 11.12  
2 adopts numerous provisions of the Revised Code of Washington  
3 ("RCW") as elements of the City's criminal code; and  
4

5 WHEREAS, various RCW provisions related specifically to public  
6 and health safety are included in KMC Section 11.12.030, including  
7 those related to the unlawful purchase or possession of tobacco  
8 products by persons under the age of eighteen; and  
9

10 WHEREAS, in 2016 the Washington Legislature, through new  
11 Chapter 70.345 RCW, also made it unlawful for persons under the age  
12 of eighteen to purchase or possess vapor products or for any individual  
13 to use vapor products in specified indoor or outdoor areas, including  
14 those related to child care facilities, schools and playgrounds.  
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16 NOW, THEREFORE, the City Council of the City of Kirkland do  
17 ordain as follows:  
18

19 Section 1. Kirkland Municipal Code Section 11.12.130 is  
20 amended to read as follows.  
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22 **11.12.130 RCW Title 70, entitled "Public Health and Safety"—**  
23 **Adoption by reference.**  
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25 The following RCW sections, as currently enacted or as hereafter  
26 amended or recodified from time to time, are hereby adopted by  
27 reference and shall be given the same force and effect as if set forth  
28 herein in full:

- |    |                       |  |
|----|-----------------------|--|
| 29 | RCW 70.74.010         | Definitions.   |
| 30 | RCW 70.74.160         | Unlawful access to explosives.   |
| 31 | RCW 70.74.295         | Abandonment of explosives.   |
| 32 | RCW 70.74.300         | Explosive containers to be marked—Penalty.   |
| 33 | RCW 70.74.310         | Gas bombs, explosives, stink bombs, etc.   |
| 34 | RCW 70.74.400         | Seizure and forfeiture.  |
| 35 | RCW 70.93.060         | Littering prohibited—Penalties—Litter<br>36 cleanup restitution payment.                                   |
| 37 | RCW 70.155.010        | Definitions.   |
| 38 | RCW 70.155.080        | Purchasing, possessing by persons under<br>39 the age of 18—Civil infraction—Courts of<br>40 jurisdiction. |
| 41 | <u>RCW 70.345.010</u> | <u>Definitions.</u>  |

- 42 RCW 70.345.140 Purchasing, possessing by persons under
- 43 eighteen—Penalty—Jurisdiction.
- 44 RCW 70.345.150 Use of products in public places—When
- 45 prohibited.

46  
 47 Section 2. If any provision of this ordinance or its application to  
 48 any person or circumstance is held invalid, the remainder of the  
 49 ordinance or the application of the provision to other persons or  
 50 circumstances is not affected.

51  
 52 Section 3. This ordinance shall be in force and effect five days  
 53 from and after its passage by the Kirkland City Council and publication  
 54 pursuant to Section 1.08.017, Kirkland Municipal Code in the summary  
 55 form attached to the original of this ordinance and by this reference  
 56 approved by the City Council.

57  
 58 Passed by majority vote of the Kirkland City Council in open  
 59 meeting this 4<sup>th</sup> day of September, 2018.

60  
 61 Signed in authentication thereof this 4<sup>th</sup> day of September, 2018.

  
 Amy Walen, Mayor

Attest:

  
 Kathi Anderson, City Clerk

Publication Date 09/10/18

Approved as to Form:

  
 Kevin Raymond, City Attorney