BOARD OF HEALTH
COUNTY OF KITTITAS
STATE OF WASHINGTON

ORDINANCE NO 2009-01

ORDINANCE REGARDING SMOKING IN PUBLIC PLACES.

WHEREAS, the health and safety of the people of Kittitas County is of great concern to
the Kittitas County Board of Health, and

WHEREAS, the people of the state of Washington have recognized that exposure to
secondhand smoke is known to cause cancer in humans. Secondhand smoke is a known cause of
other diseases including pneumonia, asthma, bronchitis, and heart disease. Citizens are often
exposed to secondhand smoke in the workplace, and are likely to develop chronic, potentially
fatal diseases as a result of such exposure. In order to protect the health and welfare of all
citizens, including workers in their places of employment, it is necessary to prohibit smoking in
public places and workplaces, and

WHEREAS, the people of the state of Washington passed Initiative Measure Number
901 now codified in Chapter 70.160 RCW, and

WHEREAS, Kittitas County Board of Health desires to protect the health and safety of
the citizens of the County;

NOW, THEREFORE, BE IT RESOLVED that the following Chapter is adopted by the Kittitas
County Board of Health.

X.X.010 Definitions.
As used in this chapter, the following terms have the meanings indicated unless the context clearly
indicates otherwise.

(1) "Smoke" or "smoking" means the carrying or smoking of any kind of lighted pipe, cigar, cigarette,
or any other lighted smoking equipment.

(2) "Public place" means that portion of any building or vehicle used by and open to the public,
regardless of whether the building or vehicle is owned in whole or in part by private persons or
entities, the state of Washington, or other public entity, and regardless of whether a fee is charged for
admission, and includes a presumptively reasonable minimum distance, as set forth in RCW 70.160.075,
of twenty-five feet from entrances, exits, windows that open, and ventilation intakes that serve an
enclosed area where smoking is prohibited. A public place does not include a private residence unless

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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, any place where tobacco or tobacco products are sold, and no less than seventy-five percent 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.

(3) "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 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.

X.X.020 Smoking prohibited in public places or places of employment.
No person may smoke in a public place or in any place of employment.

X.X.030 Owners, lessees to post signs prohibiting smoking.
Owners, or in the case of a leased or rented space the lessee or other person in charge, of a place regulated under this chapter shall prohibit smoking in public places and places of employment and shall post signs prohibiting smoking as appropriate under this chapter. Signs shall be posted conspicuously at each building entrance. In the case of retail stores and retail service establishments, signs shall be posted conspicuously at each entrance and in prominent locations throughout the place.

X.X.040 Intent of chapter as applied to certain private workplaces.
This chapter is not intended to regulate smoking in a private enclosed workplace, within a public place, even though such workplace may be visited by nonsmokers, excepting places in which smoking is prohibited by the chief of the Washington state patrol, through the director of fire protection, or by other law, ordinance, or regulation.

X.X.050 Intentional violation of chapter — Removing, defacing, or destroying required sign— Fine — Enforcement.

(1) Any person intentionally violating this chapter by smoking in a public place or place of employment, or any person removing, defacing, or destroying a sign required by this chapter, is subject to penalties and enforcement. Enforcement and penalties are authorized as detailed in Kittitas County Code (KCC) Title 18, except that a Order to Correct and voluntary correction period under Chapter 18.02 KCC shall not be required and the minimum penalty shall be $100 for each day of violation under this chapter, not including statutory assessments. This penalty may not be waived, reduced, or suspended below the $100. Any person passing by or through a public place while on a public sidewalk or public right-of-way has not intentionally violated this chapter.

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(2) Any person intentionally violating section 030 of this chapter, is subject to penalties and enforcement as detailed in Title 18 KCC, except that a Order to Correct and voluntary correction period under Chapter 18.02 KCC shall not be required and the minimum penalty shall be $100 for each day of violation under this chapter, not including statutory assessments. This penalty may not be waived, reduced, or suspended below the $100.

(3) Nothing in this Chapter shall in any way limit Local health departments, Local Law enforcement agencies and the county prosecutor from seeking to enforce Chapter 70.160 RCW.

X.X.060 Giving away tobacco products prohibited.

Giving away tobacco and tobacco products is prohibited. No retailer shall give away tobacco or tobacco products to any person. No person shall give away or offer to give away tobacco products to any person.

X.X.060 Severability.

If any provision of this Chapter or its application to any person or circumstances is held invalid, the remainder of the Chapter or the application of the Chapter to other persons or circumstances shall not be affected.

ADOPTED this 18 day of JUNE 2009.

DATED this 18 day of June, 2009 at Ellensburg, Washington.

BOARD OF HEALTH

KITTITAS COUNTY, WASHINGTON

[Signature]

Commissioner Alan A. Crankovich, Chair

[Signature]

Don Solberg, M.D., Vice Chair

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Rich Elliot, Board Member

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Commissioner Paul Jewell, Board Member

ATTEST:

CLERK OF THE BOARD

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