

**CITY OF MARYSVILLE AGENDA BILL**

**EXECUTIVE SUMMARY FOR ACTION**

**CITY COUNCIL MEETING DATE: 9/14/201506/01/2015**

<b>AGENDA ITEM:</b> Ordinance Amending MMC Prohibiting the use of Electronic Cigarettes in Parks.	
<b>PREPARED BY:</b> Jim Ballew	<b>DIRECTOR APPROVAL:</b>
<b>DEPARTMENT:</b> Parks and Recreation	
<b>ATTACHMENTS:</b> Ordinance	
<b>BUDGET CODE:</b>	<b>AMOUNT:</b>
<b>SUMMARY:</b>	

Parks and Recreation Department staff recommend amendment of the current MMC section 6.82.173 which currently prohibits smoking and tobacco use in public parks to include the prohibition of electronic cigarettes or Vaping devices in public parks. Both parks staff and local law enforcement personnel continue to receive complaints from the public that electronic cigarettes or Vaping devices have similar second hand effects and scientific research concludes that electronic cigarettes emit harmful chemicals into the air and need to be regulated in the same manner as tobacco smoking.

The Snohomish Health District also supports the prohibition of electronic cigarettes and Vaping devices and currently prohibits use of these devices within their campus.

Since the City Council approved the prohibition of smoking in public parks, we have not received any complaints from the public but have received support and thanks for the policy. Many cities have adopted our policy on the prohibition of smoking in public parks and are also considering inclusion of electronic devices in their policies.

<b>RECOMMENDED ACTION:</b> Staff recommends the City Council consider amending the Marysville Municipal Code section 6.82.173 to include the prohibition of electronic cigarettes in Parks.
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CITY OF MARYSVILLE  
Marysville, Washington

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF MARYSVILLE AMENDING SECTION 6.82.173 OF THE MARYSVILLE MUNICIPAL CODE, PROHIBITING THE USE OF ELECTRONIC CIGARETTES IN PARKS; PROVIDING FOR SEVERABILITY; AND EFFECTIVE DATE.**

WHEREAS, the use of electronic cigarettes, also known as e-cigarettes or vaping devices, has increased and according to the Centers for Disease Control and Prevention, youth e-cigarette use tripled between 2013 and 2014;

WHEREAS, scientific research concludes that electronic cigarettes emit harmful chemicals into the air and need to be regulated in the same manner as tobacco smoking. There is evidence that nitrosamines, a group of carcinogens found specifically in tobacco, are carried over into the e-cigarette fluid from the nicotine extraction process.

WHEREAS, there is also evidence that the glycol carriers can be oxidized by the heating elements used in e-cigarettes to vaporize the liquids, creating aldehydes such as formaldehyde.

WHEREAS, the visible aerosol from vaping delivery devices consists of condensed submicron liquid droplets, which contain many chemicals including some that are carcinogenic, such as formaldehyde, metals (cadmium, lead, nickel), and nitrosamines which are harmful.

WHEREAS, the municipal code prohibits smoking in parks; and

WHEREAS, the use of e-cigarettes mimics the use of combustible cigarettes; and

WHEREAS, the use of e-cigarettes presents health risks resembling some of those of smoking combustible cigarettes and may lead to nicotine addiction; and

WHEREAS, the use of e-cigarettes is not consistent with the healthful, wholesome atmosphere that city parks should offer residents.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MARYSVILLE, WASHINGTON, DO ORDAIN AS FOLLOWS:

SECTION 1. Section 6.82.173 of the municipal code is amended as set forth in Exhibit "A."

SECTION 2. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance .

SECTION 3. Effective Date. This ordinance shall become effective five days after the date of its publication by summary.

PASSED by the City Council and APPROVED by the Mayor this \_\_\_\_\_ day of September 2015.

CITY OF MARYSVILLE

By \_\_\_\_\_  
MAYOR

Attest:

By \_\_\_\_\_  
CITY CLERK

Approved as to from:

By \_\_\_\_\_  
CITY ATTORNEY

Date of publication: \_\_\_\_\_

Effective Date (5days after publication): \_\_\_\_\_

# EXHIBIT A

## **6.82.173 Smoking and tobacco use.**

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It is unlawful for any person to smoke or light cigars, cigarettes, tobacco or other smoking material [or to use an electronic smoking device](#) within city parks. The director shall post signs in appropriate locations prohibiting smoking in the city's parks.

["Electronic smoking device" means an electronic or battery-operated device, the use of which resembles smoking, that can be used by a person to simulate smoking through inhalation of vapor or aerosol produced by the device and includes any component part of such product whether or not sold separately. "Electronic smoking device" includes, but is not limited to, an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, and an electronic hookah.](#)