



**LYNNWOOD**  
WASHINGTON

**ORDINANCE NO. 3017**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, PROHIBITING SMOKING TOBACCO PRODUCTS IN CITY PARKS; AMENDING SECTION 10.16.020 OF THE LYNNWOOD MUNICIPAL CODE; AND PROVIDING FOR AN EFFECTIVE DATE, SEVERABILITY AND SUMMARY PUBLICATION.**

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WHEREAS, the City of Lynnwood owns, operates and manages a number of public parks within the City; and

WHEREAS, the City has the authority to regulate conduct within public parks in the City, and has enacted such regulations in LMC 10.16.020; and

WHEREAS, Washington State law (Chapter 70.160 RCW) prohibits smoking in any public building, including public restrooms; and

WHEREAS, the City's Visioning Statement, "Lynnwood Moving Forward: Our Community Vision" refers to and supports the City's promotion of healthy lifestyles; and

WHEREAS, the City's public parks are intended for the healthy enjoyment of all citizens; and

WHEREAS, the City's public parks, playgrounds and ball fields are appropriate venues for the promotion of healthy lifestyles, and allowing smoking at these venues can send a conflicting message to children, youth and adults that the use of tobacco products is consistent with a healthy lifestyle; and

WHEREAS, studies have shown that children and youth that are exposed to smoking and other tobacco use are more likely to smoke when they get older; and

WHEREAS, to protect children from exposure to the addictive substance of nicotine, RCW 28A.210.310 requires each school district in the State to have a written policy prohibiting the use of all tobacco products on public school property; and

WHEREAS, studies have shown conclusively that secondhand smoke can cause significant adverse health consequences and is a carcinogen for non-smokers, and generally poses a health risk to children and animals; and

WHEREAS, the Surgeon General has concluded that there is no safe level of exposure to secondhand smoke, and that the negative consequences associated with exposure to secondhand smoke include increased risk of blood clots, heart attack, asthma, respiratory problems, and eye and nasal irritation; and

WHEREAS, smoking and other tobacco use in the City's public parks has resulted in the litter of cigarette butts, cigar butts and other tobacco-related waste products; and

WHEREAS, smoking can cause environmental damage to and the risk of fire in the City's public parks;

WHEREAS, the City Council has determined that it is in the best interests of the public's health, safety, property and general welfare to prohibit the smoking and other use of tobacco products in City parks;

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

**Section 1.** Section 10.16.020 of the Lynnwood Municipal Code is amended to read as follows:

For the conduct of persons using or frequenting the public parks of Lynnwood, Washington, the following rules and regulations to be observed and enforced within the public parks are hereby established:

- A. All city ordinances shall apply to and be in full force and effect within the public parks of the city.
- B. No person shall cut, remove, or damage any flowers, trees, or shrubs without prior obtained permission from the park and recreation director.
- C. No person shall build any fire within a public park except in a stove or fireplace provided therefor.
- D. No person shall permit a dog to run at large within any public park, and all dogs within the public parks shall be kept on leash and under control at all times, except as may be permitted for special occasions under the order of the park and recreation department.
- E. No person shall ride or drive any horse or animal or permit any horse or animal to go upon any portion of any public park except on the roads, regularly provided parking areas, and horse trails where designated.

F. No motor vehicle shall be operated, stopped, parked or left standing any place in a public park except on roads and parking areas provided therefor.

G. Parking or loitering in public parks between dusk and dawn is prohibited except for the lighted tennis courts at Lynndale Park, which shall close at 11:00 p.m. It is unlawful for any person to loiter on, remain in, or otherwise be on said premises during this time except as may be permitted for special occasions with written permission from the city parks and recreation director.

H. No person shall mutilate, deface, injure or damage any building, installation, personal property, or piece of equipment in any public park.

I. No person shall engage in sale of any merchandise or services or operate any concession within any public park without permit from the park and recreation director previously obtained. Such permit shall include the posting of a \$100.00 bond to guarantee the cleanup of the area.

J. No person shall dump or dispose of any garbage in any public park except in receptacles which are provided therefor. Also, no person shall scatter or dispose of any bottles, broken glass, waste, or discarded paper or litter or waste material of any kind in or around any part of any public park except in receptacles which are provided therefor.

K. No alcoholic beverages shall be allowed in any public park; provided, the city council may permit the sale and consumption of alcoholic beverages within a confined licensed area for a permanent license or a temporary permit (not to exceed three consecutive days) issued by the Washington State Liquor Control Board. Any application to the city council for such a permit shall include a plot plan identifying the specific area to be licensed. In granting such permit the council may apply restrictions reasonably calculated to comply with the purposes of the P-1 zone as set forth in LMC 21.44.050.

L. No person shall smoke, light or otherwise use any tobacco product in any public park. For purposes of this subsection, the term "use" includes, but is not limited to, the smoking or carrying of any kind of lighted tobacco in the form of a cigarette, cigar, pipe, or other lighted smoking equipment. "Tobacco product" includes any form of tobacco that is smoked, and any form of smokeless tobacco.

**Section 2. Effective Date.** This Ordinance shall become effective five days following passage and publication of this ordinance.

**Section 3. 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 4. Summary Publication.** Publication of this Ordinance shall be by summary publication consisting of the ordinance title.

PASSED by the City Council the 12<sup>th</sup> day of August, 2013 and signed in authentication of its passage this 13<sup>th</sup> day of August, 2013.

APPROVED:  
  
Don Gough, Mayor

ATTEST/AUTHENTICATED:

  
Lorenzo Hines Jr., Finance Director

APPROVED AS TO FORM:

  
Rosemary Larson, City Attorney

FILED WITH ADMINISTRATIVE SERVICES: 08/06/2013  
PASSED BY THE CITY COUNCIL: 08/12/2013  
PUBLISHED: 08/15/2013  
EFFECTIVE DATE: 08/20/2013  
ORDINANCE NUMBER: 3017



On the 12<sup>th</sup> day of August the City Council of the City of Lynnwood, Washington, passed Ordinance No. 3017. A summary of the content of said ordinance, consisting of the title, provides as follows:

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The full text of this ordinance will be mailed upon request.

DATED this 15<sup>th</sup> day of August, 2013

  
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Lorenzo Hines, Finance Director

# **CERTIFICATE**

I, the undersigned, Lorenzo Hines Jr., the duly appointed City Clerk of the City of Lynnwood, Washington, hereby certify that the Ordinance hereto attached is a full, true and correct copy of Ordinance No. 3017 of the City of Lynnwood, Washington, entitled as follows:

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That said ordinance was passed by the Council of said City and was published and posted according to law; that said ordinance was duly published in the official newspaper of said City on August 15, 2013.

  
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Lorenzo Hines Jr., City Clerk and  
Finance Director