



LYNNWOOD
WASHINGTON

ORDINANCE NO. 3185

**AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON,
RELATING TO THE USE OF ELECTRONIC SMOKING DEVICES IN
CITY PARKS; AMENDING SECTION 10.16.020 OF THE
LYNNWOOD MUNICIPAL CODE; AND PROVIDING FOR
SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY
PUBLICATION.**

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, the Washington State Legislature recognized evidence of the negative impacts on public health posed by environmental smoke in public places, and enacted Chapter 70.160 RCW, which prohibits smoking in public buildings, including public restrooms; and

WHEREAS, the people of Washington State recognized the increasing evidence of the negative impacts on public health resulting from environmental smoke in public places, and the voters passed Initiative No. 901, revising Chapter 70.160 RCW to further protect the public from hazardous smoke; and

WHEREAS, the Snohomish County Health District, as the local health jurisdiction for Snohomish County, diligently implements and enforces Chapter 70.160 RCW, and has authority to enact local rules and regulations as necessary to promote and improve public health within its jurisdiction (Snohomish County); and

WHEREAS, the Snohomish County Health District's Board of Health determined that changes in laws and technology regarding smoking practices and products required clarification to Chapter 70.160 RCW, and therefore on November 10, 2014, the Board adopted Chapter 14 of the Snohomish Health District Sanitary Code, restricting the use, sale and availability of vapor (electronic smoking) devices and products; and

40 WHEREAS, the Snohomish Health District Sanitary Code Chapter 14, Section 14.2
41 recognizes the chemical ingredients of solutions used in vapor products are not
42 standardized or regulated, and neither manufacturers nor retailers are required to disclose
43 chemical content. Consumers have no way of determining exactly what substances they are
44 inhaling or what the health consequences of such inhalation might be. Scientific analysis,
45 including by the United States Food and Drug Administration, shows vapor products release
46 fine and ultrafine particles of solvents, flavorings, and chemical byproducts produced in the
47 heating process that can include carcinogens, heavy metals, and other hazardous chemicals.
48 Adverse health consequences may result from direct or passive exposure to this unknown
49 mixture of potentially harmful chemicals, especially in vulnerable populations including
50 children, pregnant women, and individuals with compromised lung function; and

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

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

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

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

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

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

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

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78 WHEREAS, in 2013, the Lynnwood City Council adopted Ordinance No. 3017,
79 amending LMC 10.16.020 to prohibit the use of tobacco products in the City's public parks,
80 and to define "tobacco products" to include any form of tobacco that is smoked, and any
81 form of smokeless tobacco; and

83 WHEREAS, the City Council has determined that it is in the best interests of the
84 public health, safety, and property, and the general welfare of the community, to clarify
85 that the prohibition on the use of tobacco products in the City's public parks includes the
86 use of electronic smoking devices; now, therefore

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88 **THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, DO ORDAIN AS**
89 **FOLLOWS:**

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

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

97 A. All city ordinances shall apply to and be in full force and effect within
98 the public parks of the city.

99 B. No person shall cut, remove, or damage any flowers, trees, or shrubs
100 without prior obtained permission from the park and recreation director.

101 C. No person shall build any fire within a public park except in a stove or
102 fireplace provided therefor.

103 D. No person shall permit a dog to run at large within any public park,
104 and all dogs within the public parks shall be kept on leash and under control
105 at all times, except as may be permitted for special occasions under the
106 order of the park and recreation department.

107 E. No person shall ride or drive any horse or animal or permit any horse
108 or animal to go upon any portion of any public park except on the roads,
109 regularly provided parking areas, and horse trails where designated.

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

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

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

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

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

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

138 L. No person shall smoke, light or otherwise use any tobacco product in
139 any public park. For purposes of this subsection, the term "use" includes,
140 but is not limited to, the smoking or carrying of any kind of lighted tobacco in
141 the form of a cigarette, cigar, pipe, or other lighted smoking equipment, or
142 the activation or other use of any electronic smoking device. "Tobacco
143 product" includes any form of tobacco that is smoked, and any form of
144 smokeless tobacco including vape oils. "Electronic smoking device" means
145 an electronic or battery-operated device, the use of which resembles
146 smoking, that can be used by a person to simulate smoking through
147 inhalation of vapor or aerosol produced by the device and includes any
148 component part of such product whether or not sold separately. "Electronic
149 smoking device" includes, but is not limited to, an electronic cigarette, an
150 electronic cigar, an electronic cigarillo, an electronic pipe, vape pens, steam
151 stones, electronic hookah or similar products or devices.

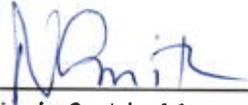
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153 **Section 2.** **Severability.** If any section, subsection, sentence, clause, phrase or
154 word of this Ordinance should be held to be invalid or unconstitutional by a court of
155 competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the
156 validity or constitutionality of any other section, subsection, sentence, clause, phrase or
157 word of this Ordinance.

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159 **Section 3.** **Effective Date.** This Ordinance or a summary thereof consisting of
160 the title shall be published in the official newspaper of the City. This Ordinance shall take
161 effect and be in full force five (5) days after publication.

162 PASSED BY THE CITY COUNCIL, the 28th day of March, 2016 and signed in authentication
163 this 29th day of March, 2016.

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APPROVED:



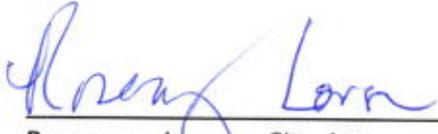
Nicola Smith, Mayor

ATTEST/AUTHENTICATED:



Sonja Springer, Finance Director

APPROVED AS TO FORM:



Rosemary Larson, City Attorney

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201 FILED WITH ADMINISTRATIVE SERVICES: 03/28/2016
202 PASSED BY THE CITY COUNCIL: 03/28/2016
203 PUBLISHED: 03/31/2016
204 EFFECTIVE DATE: 04/05/2016
205 ORDINANCE NUMBER: 3185



On the, 28th day of March, 2016 the City Council of the City of Lynnwood, Washington, passed ordinance 3185. A summary of the content of this ordinance, consisting of the title, provides as follows:

ORDINANCE NO. 3185

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, RELATING TO THE USE OF ELECTRONIC SMOKING DEVICES IN CITY PARKS; AMENDING SECTION 10.16.020 OF THE LYNNWOOD MUNICIPAL CODE; AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

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



Debbie Karber, Deputy City Clerk

DATED this 31st day of March, 2016.

Everett Daily Herald

Affidavit of Publication

State of Washington }
County of Snohomish } ss

Kathleen Landis being first duly sworn, upon oath deposes and says: that he/she is the legal representative of the Everett Daily Herald a daily newspaper. The said newspaper is a legal newspaper by order of the superior court in the county in which it is published and is now and has been for more than six months prior to the date of the first publication of the Notice hereinafter referred to, published in the English language continually as a daily newspaper in Snohomish County, Washington and is and always has been printed in whole or part in the Everett Daily Herald and is of general circulation in said County, and is a legal newspaper, in accordance with the Chapter 99 of the Laws of 1921, as amended by Chapter 213, Laws of 1941, and approved as a legal newspaper by order of the Superior Court of Snohomish County, State of Washington, by order dated June 16, 1941, and that the annexed is a true copy of EDH691201 ORDINANCE 3185 3186 as it was published in the regular and entire issue of said paper and not as a supplement form thereof for a period of 1 issue(s), such publication commencing on 03/31/2016 and ending on 03/31/2016 and that said newspaper was regularly distributed to its subscribers during all of said period.

The amount of the fee for such publication is \$38.74.

Kathleen Landis

Subscribed and sworn before me on this

31 day of March,
2016.

Debra Ann Grigg

Notary Public in and for the State of Washington.

City of Lynnwood - LEGAL ADS | 14127890
DEBBIE KARBER

Public Notices

LYNNWOOD WASHINGTON

CITY OF LYNNWOOD

On the, 28th day of March, 2016 the City Council of the City of Lynnwood, Washington, passed ordinances 3185 and 3186. A summary of the content of these ordinances, consisting of the title, provides as follows:

ORDINANCE NO. 3185
AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, RELATING TO THE USE OF ELECTRONIC SMOKING DEVICES IN CITY PARKS; AMENDING SECTION 10.16.020 OF THE LYNNWOOD MUNICIPAL CODE; AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

ORDINANCE NO. 3186
AN ORDINANCE OF THE CITY OF LYNNWOOD WASHINGTON, RELATING TO CLASSIFICATION FOR CITY EMPLOYEES AMENDING SECTION 2.48.185 OR THE LYNNWOOD MUNICIPAL CODE; AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND FOR SUMMARY PUBLICATION.

The full text of these ordinances will be mailed upon request.
DATED this 31st day of March, 2016.

Published: March 31, 2016. Debbie Karber, Deputy City Clerk EDH691201

DEBRA ANN GRIGG
Notary Public
State of Washington
My Commission Expires
October 31, 2017



LYNNWOOD
WASHINGTON

CERTIFICATE

I, the undersigned, Debra Karber, the duly appointed Deputy 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. 3185 of the City of Lynnwood, Washington, entitled as follows:

ORDINANCE NO. 3185

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, RELATING TO THE USE OF ELECTRONIC SMOKING DEVICES IN CITY PARKS; AMENDING SECTION 10.16.020 OF THE LYNNWOOD MUNICIPAL CODE; AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

That said ordinance was passed by the Council on March 28, 2016 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 March 31, 2016.

Debra Karber, Deputy City Clerk