

Ordinance # 473

An Ordinance Prohibiting Smoking in the Town of Yacolt's Town Park(s), and During Town Events, and Providing Penalties for the Violation Thereof.

Whereas, the Town of Yacolt, Washington's Town Parks and Town Events are intended for the healthy enjoyment of all citizens, including children and youth;

Whereas, the Town of Yacolt Public Works staff has reported that smoking and tobacco use in the Town's parks has resulted in litter in the form of cigarette butts, cigar butts, and other tobacco-related waste, which studies have shown can cause environmental degradation and pose a health risk to children and animals;

Whereas, the Surgeon General's warning states that smoking and tobacco use, including secondhand smoke, have been linked with the development of lung cancer, heart attack, low birth weight, bronchitis, pneumonia, asthma, chronic respiratory problems, and eye and nasal irritation;

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

Whereas, the Town's Parks and public areas contain grass, brush and trees, which can be combustible, particularly in the dry summer months, and the Parks and public areas do not contain facilities for disposing of tobacco products, and tobacco products that are not completely extinguished pose an increased risk of fire;

Whereas, the Town of Yacolt, Washington, through the exercise of its police power, has the authority to regulate its Parks and Town Events located within the Town to promote health, public safety, morals and general welfare; and,

Whereas, in response to the concerns stated herein and raised by staff and citizens, the Town Council desires to enact rules for the use of its Parks and public areas and to provide for the enforcement thereof:

NOW, THEREFORE, IT IS ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF YACOLT, WASHINGTON, AS FOLLOWS:

Section 1 - Definitions:

- A. "Park" means and includes all parks, trails, squares, greenways, parkways, grounds or other areas maintained by the Town of Yacolt and devoted to purposes of play, recreation and pleasure of the general public.
- B. "Smoking and Tobacco Use" means the carrying or smoking of any kind of lighted pipe, cigar, cigarette, or any other lighted smoking equipment and any other use of

tobacco products.

- C. "Town" means the Town of Yacolt, Washington.
- D. "Town Event" means any event sponsored by the Town within its jurisdictional boundaries including, without limitation, the 4th of July event, National Night Out, and the Christmas Tree Lighting Ceremony.

Section 2 - Smoking and Tobacco Use Regulated:

- A. Smoking and Tobacco Use are prohibited in the Town's Parks.
- B. Smoking and Tobacco Use are generally prohibited at Town Events, and shall only be allowed in designated areas.

Section 3 - Signage:

The Public Works Department of the Town is authorized and directed to post signs at the Town Park(s) and other locations prohibiting Smoking and Tobacco Use, except in designated areas, as appropriate and consistent with the terms of this Ordinance.

Section 4 – Enforcement / Violation / Penalties:

- A. Any violation of or any failure to comply with any of the provisions of this Ordinance shall constitute a class 2 civil infraction as contemplated by RCW 7.80 and any person convicted thereof may be punished by a civil fine or forfeiture in the sum of \$100.00 for each infraction. Such penalty is in addition to any other remedies or penalties provided by law, including statutory assessments.
- B. Payment of the civil fine within one business day of the issuance of a notice of infraction issued under this Ordinance shall reduce the amount of the fine owing by 50 percent.
- C. Designation of Enforcement Officer per statute. The Town of Yacolt's Mayor, Public Works Director, or any designee of the Mayor or Public Works Director, shall be deemed an "Enforcement Officer" under RCW 7.80 authorized to enforce the provisions of this Ordinance.

Section 5 - Severability:

If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is declared unconstitutional or invalid for any reason by a court of competent jurisdiction, the remaining portion of this Ordinance shall remain in full force and effect.

Section 6 - Short Title: This Ordinance shall be known as the No Smoking Ordinance and may be cited as such.

Section 7 - Effective Date:

This Ordinance shall be in full force and effect five (5) days after publication of the following summary, which is approved.

Town of Yacolt - Ordinance No. 473
No Smoking Ordinance
Summary for Publication

This Ordinance prohibits smoking and other tobacco use in the Town of Yacolt's Parks and at Town Events, (except in designated areas), located within the jurisdictional boundaries of the Town of Yacolt, Washington, and provides for enforcement and penalties for violation of the Ordinance. A copy of the full text of the Ordinance will be mailed upon request to the undersigned at the Town of Yacolt Town Hall, P.O. Box 160, Yacolt, WA 98675, (360) 686-3922. Published this ___ day of _____
Crystal Bielec, Customer Service Clerk

PASSED BY THE TOWN COUNCIL OF THE TOWN OF YACOLT, AT A REGULAR MEETING THEREOF THIS 20th DAY OF DECEMBER, 2010.

TOWN OF YACOLT




Joe Warren, Mayor

Attest:



Crystal Bielec, Customer Service Clerk

Approved as to Form:



David W. Ridenour, Town Attorney

Ayes:

Marbut, Weldon, Hancock

Nays:

Absent:

Madler

Abstain:

I hereby certify that this is a true and correct copy of the Ordinance # 473, as read before the Town Council and passed on the date herein mentioned and passed according to law.

ATTEST

Crystal Beilec

Crystal Beilec, Customer Service Clerk

Published:

1/4/2011

Effective Date:

1/4/2011

Ordinance Number:

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