

ORDINANCE 07 - 014

**AN ORDINANCE OF THE CITY OF BATTLE GROUND,
WASHINGTON REGULATING SMOKING AND TOBACCO USE
IN PUBLIC PARKS AND AMENDING BATTLE GROUND
MUNICIPAL CODE SECTION 8.18 TO DEFINE SMOKING AND
TOBACCO USE AND TO PROVIDE MONETARY PENALTIES
FOR VIOLATION OF THE BATTLE GROUND MUNICIPAL CODE
CHAPTER 8.18 PARK REGULATION AND ESTABLISHING AN
EFFECTIVE DATE**

WHEREAS, the City of Battle Ground, Washington through the exercise of its police power has the authority to regulate parks, as defined in Battle Ground Municipal Code 8.18 located within the city to promote health, public safety, morals and general welfare; and

WHEREAS, the city's parks are intended for the healthy enjoyment of all citizens, including children and youth; and

WHEREAS, the city staff has reported that smoking and tobacco use in parks has resulted in litter 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; and

WHEREAS, there are concerns and studies that have shown that smoking and tobacco use, including second hand smoke has been linked with the development of lung cancer, heart attack, low birth weight, bronchitis, pneumonia, asthma, chronic respiratory problems, and eye and nasal irritation; and

WHEREAS, studies have shown that children and youth exposed to smoking and tobacco use have greater incidents of smoking and tobacco use when they get older; and

WHEREAS, in response to the concerns stated herein and raised by city staff relating to the enforcement of BGMC 8.18, the city council desires to amend BGMC 8.18 to revise monetary penalties for violations of BGMC 8.18;

NOW THEREFORE THE CITY COUNCIL OF THE CITY OF BATTLE GROUND, does ordain as follows:

Section 1: Battle Ground Municipal Code 8.18.020 shall be and is hereby amended to read as follows:

8.18.020 Definitions.

The terms used in this chapter of the Battle Ground Municipal Code shall be defined as follows:

“Camp” means to erect a tent or other shelter or to use a sleeping bag, a vehicle or a trailer camper for the purpose of or in such a way as will permit remaining overnight.

“Campsite” means designated camping sites which are designated for the use of tent campers, and at which no water, sewer or electrical facilities are available for hookup to a trailer or a camper.

“City” means the City of Battle Ground.

“City Council” means the elected members of the Battle Ground City Council.

“City Manager” means the city manager of the City of Battle Ground or his or her designee.

“Motor vehicle” means any self-propelled device capable of being moved upon a road or other surface by which any persons or property may be transported, and shall include but not limited to automobiles, boats, trucks, motorcycles, motor scooters, jeeps or similar type four-wheel drive vehicles and snowmobiles.

“Park” means all public parks, plazas, public squares, playgrounds, activity centers and associated buildings, designated open spaces, designated sensitive lands and other facilities of the City of Battle Ground specified in the “City of Battle Ground Comprehensive Parks, Recreation and Open Space Plan” and/or acquired by the city which are identified as park and recreation facilities owned and operated by the city and/or jointly owned and operated by the city and other designated entities.

“Person” means all persons, firms, partnerships, corporations, clubs and all associations or combinations of persons whenever acting for themselves or by an agent, employee or member.

“Planning director” means the employee of the city charged with the responsibility of administering and enforcing the land development regulations of the city.

“Public works director” means the employee of city charged with the responsibility of administering the city’s public works department and enforcing public works rules and regulations.

“Smoking and Tobacco Use” means the carrying or smoking of a kind of lighted pipe, cigar, cigarette or any other lighted smoking equipment and any other use of tobacco products.

“Structure” means any piece of work, artificially built up or composed of parts jointed together in some definite matter.

“Trail” means any path or track designed for use by pedestrians or bicycles and which use is not permitted by standard passenger automobiles, or other rights-of-way specifically designated and posted for non-vehicular use.

“Trailer” means a towed vehicle which contains any sleeping or housekeeping accommodation, boat, animal, apparatus or is designed for the purpose of transporting any of the same by towing behind a vehicle.

“Type I application” means an application procedure that involves none or little discretionary decision-making on the part of the regulating agency and has no or little significant impact to abutting property owners and/or the public in general.

Section 2. There is added to the Battle Ground Municipal Code 8.18 the follow subsection:

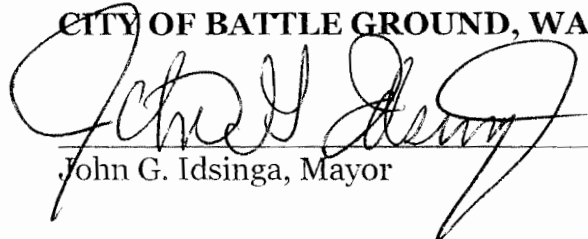
8.18.045 **Smoking and Tobacco Use Regulated.** Smoking and tobacco use shall only be allowed in designated areas of all parks within the City of Battle Ground. Smoking and tobacco use are prohibited in any other parts of parks except as designated.

Section 3. **Severability.** If any section sentence, clause or phase of this ordinance is ruled invalid by a court of competent jurisdiction, the remaining portion of this ordinance shall remain valid and in full force and effect.

Section 4. **Effective Date.** This ordinance shall be in full force and effective 30 days after approval and shall be published according to law.

PASSED BY THE CITY COUNCIL OF THE CITY OF BATTLE GROUND, WASHINGTON, AT A REGULAR MEETING THEREOF HELD THIS 18th DAY OF JUNE, 2007.

CITY OF BATTLE GROUND, WASHINGTON



John G. Idsinga, Mayor

Attest:



Claire Lider, City Clerk

Approved as to form:



Brian H. Wolfe, City Attorney