

ORDINANCE NO. 24-1689

AN ORDINANCE OF THE CITY OF LYNDEN REPEALING ORDINANCE NO. 371, CODIFIED AT LYNDEN MUNICIPAL CODE 13.04.440, REGARDING FLUORIDATION OF THE CITY'S WATER SUPPLY

WHEREAS, the City of Lynden ("City") is a municipal corporation empowered under the laws of the State of Washington to furnish water service to property owners within and without the City in the manner provided by law; and

WHEREAS, in 1959 the Lynden City Council passed and approved Ordinance No. 371, a copy of which is attached hereto as **Exhibit A**, which authorized and directed the City's water department to add fluoride to the City's public water supply, in accordance with the rules and regulations of the State Board of Health pertaining thereto; and

WHEREAS, Ordinance Number 371 is currently codified at Lynden Municipal Code 13.04.440; and

WHEREAS, in 2023 the City Council began hearing from an increasing number of community members seeking discontinuation of the addition of fluoride to the City's water supply; and

WHEREAS, pursuant to RCW 70A.125.120, a public water system considering commencing or discontinuing fluoridation of its water supply must notify its customers and the Washington State Department of Health at least 90 days prior to a vote or decision on the matter; and

WHEREAS, in late January, 2024, the City sent a letter to the Washington State Department of Health notifying the Department that the City would be considering discontinuing fluoridation of the City's water supply; and

WHEREAS, the City scheduled a public hearing on whether the addition of fluoride to the City's water supply should be discontinued, and undertook extensive efforts to effectively notify its water customers ahead of said public hearing; and

WHEREAS, public notice of the hearing included without limitation: (1) posting a legal notice in the Lynden Tribune on January 31, 2024, (2) posting a News Flash on the City's website, (3) including an insert in the utility bills sent out to the City's customers during March and April 2024, and (4) placed an advertisement for the public hearing in the April 3rd and April 24th 2024 publications of the Lynden Tribune; and

WHEREAS, the City Council held a public hearing on whether the City should discontinue fluoridation of the City's water supply at its May 6, 2024 meeting, at which time public testimony was taken; and

WHEREAS, said public hearing was continued and further public testimony was taken at the May 20, 2024 City Council meeting, after which the public hearing was closed; and

WHEREAS, the City also invited the submission of written comments on the topic, which were included in the public record and provided to members of the City Council; and

WHEREAS, the City Council discussed whether to discontinue fluoridation of the City's water supply at the June 3rd, 2024, City Council meeting; and

WHEREAS, the foregoing recitals are material findings and declarations of the Lynden City Council;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lynden, Washington, as follows:

Section 1: Ordinance No. 371 authorizing and directing the fluoridation of the City's water supply is hereby repealed in full. Section 13.40.440 shall be removed from the Lynden Municipal Code.

Section 2: Any ordinance or parts of ordinances in conflict herewith are hereby repealed.

Section 3: If any section, subsection, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases has been declared invalid or unconstitutional, and if, for any reason, this ordinance should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.

Section 4: This ordinance shall be in full force and effect five (5) days after its passage, approval, and publication as provided by law.

AFFIRMATIVE VOTE ____ IN FAVOR, AND _____ AGAINST, AND SIGNED BY THE MAYOR THIS ____ DAY OF _____ 2024.

Scott Korthuis, Mayor

ATTEST:

Pamela Brown, City Clerk

APPROVED AS TO FORM:

ROBERT CARMICHAEL, City Attorney