

**ORDINANCE NO. 25-1709**

**AN ORDINANCE OF THE CITY OF LYNDEN AMENDING 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.125.210, 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 conformance with said statute, the City provided notification to its customers and the Washington State Department of Health and the City Council then considered discontinuing fluoridation of the City's water supply during a series of public hearings held in May and June of 2024; and

**WHEREAS**, at its October 7 and 21, 2024 meetings, the City Council (1) indicated it wished to reconsider discontinuing fluoridation of the City's water supply at a future meeting, and (2) directed staff to prepare and again send the required notices; and

**WHEREAS**, following said October 2024 Council meetings, the City sent a second notice 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**, also following said October 2024 Council meetings, the City provided public notice that the City Council would again be considering whether to discontinue fluoridization of the City's water supply, including through (1) mailings sent to customers, and (2) posting a News Flash on the City's website; and

**WHEREAS**, the City Council considered discontinuing fluoridation of the City's water supply at its April 21, 2025 meeting, at which there was an opportunity for public comment; 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. Lynden Municipal Code 13.40.440 is hereby amended to read as follows:

**13.44.440 – Fluoridation.**

Fluoride shall not be added to the City's municipal water supply.

**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 21<sup>ST</sup> DAY OF APRIL 2025.

\_\_\_\_\_  
Scott Korthuis, Mayor

ATTEST:

\_\_\_\_\_  
Pamela Brown, City Clerk

APPROVED AS TO FORM:

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ROBERT CARMICHAEL, City Attorney