

ORDINANCE NO. __1614____

AN ORDINANCE OF THE CITY OF LYNDEN, COUNTY OF WHATCOM, AMENDING CHAPTER 12.24.110 OF THE LYNDEN MUNICIPAL CODE TO PROHIBIT THE USE OF BICYCLES AND SKATEBOARDS ON TENNIS, BASKETBALL, AND PICKLEBALL COURTS, CLIMBING ON STRUCTURES, AND THE USE OF FOUL OR OBSCENE LANGUAGE IN CITY PARKS

WHEREAS, the City of Lynden (“City”) has experienced an increase in certain behavior among visitors to city parks that is damaging to park infrastructure or disruptive to the enjoyment of such parks by the wider public, including the use of skateboards and bicycles on tennis, basketball, and pickleball courts, climbing on structures, and using foul or obscene language; and

WHEREAS, the City desires to amend the Lynden Municipal Code to expressly prohibit such behavior in its city parks to ensure such parks are safe and pleasant for all members of the public to enjoy; and

WHEREAS, this ordinance is declared to be an exercise of the policy power of the City of Lynden, and its provisions shall be liberally construed for the preservation and protection of the natural environment, public peace, health, safety and welfare; and

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

NOW THEREFORE, BE IT ORDAINED as follows:

Section 1: Chapter 12.24.110 of the Lynden Municipal Code is amended to read as follows (formatting changes included in double underline text; amendment included in **bold text**):

Chapter 12.24 – CITY PARK

12.24.110 – Certain Acts and Conduct Prohibited

It is unlawful for any person to **engage in the following acts or conduct in any park of the city**:

- A. Throw stones or discharge any firearms.
- B. Drive carelessly.
- C. Make indecent exposure of person.
- D. Operate any gaming device.
- E. Disturb any public meeting.

- F. **Climb on any building, facility, apparatus, or improved area not specifically designated for climbing purposes.**
- G. **Be on the roof of any building or facility except as authorized for construction, repair, operations, or maintenance purposes.**
- H. **Disturb the peace of others by violent, disorderly, or offensive conduct, by making or causing to be made loud or unusual noises, or by using personally abusive, profane, lewd, vulgar, obscene, or offensive language.**
- I. Be guilty of any act contrary to the laws of the State.
- J. **Operate or ride upon any bicycle, skateboard, or other device on any tennis, basketball, pickleball, or similar sports court.**

Section 2. If any section, subsection, sentence, 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 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 3. Any ordinance or parts of ordinances in conflict herewith are hereby repealed.

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

PASSED by the City Council this _____ day of November, 2019, and signed by the Mayor on the _____ day of November, 2019.

MAYOR

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney