

CITY OF MERCER ISLAND
ORDINANCE NO. 22C-10

**AN ORDINANCE OF THE CITY OF MERCER ISLAND, WASHINGTON,
AMENDING MERCER ISLAND CITY CODE SECTIONS 9.30.070 and 9.30.200,
RELATING TO PARK RULES; PROVIDING FOR SEVERABILITY; AND
ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, in the Washington Supreme Court case of *State v. Blake*, 197 Wn.2d 170, 481 P.3d 512 (2021), the Court held that strict liability drug possession statutes violate the due process clauses of the state and federal constitutions; and

WHEREAS, current MICC Chapter 9.30, Parks Rules, provides for strict liability for both fireworks and drug and alcohol possession within City parks, in conflict with the holding in *Blake*; and

WHEREAS, the City Council hereby finds that amendments to MICC Chapter 9.30 are necessary to bring MICC Chapter 9.30 into compliance with state law and to preserve the public peace, health, safety, and welfare; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF MERCER ISLAND, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Amendment of MICC 9.30.070. MICC 9.30.070, Explosives, is hereby amended as follows.

9.30.070 - Explosives.

It is unlawful to knowingly possess, use or explode any fireworks, firecrackers or explosives of any kind in any park except as part of a duly authorized public fireworks display.

Section 2. Amendment of MICC 9.30.200. MICC 9.30.200, Intoxicating liquors and drugs prohibited, is hereby amended as follows.

9.30.200 - Intoxicating liquors and drugs prohibited.

It is unlawful to bring into any park or consume by mouth, inhalation or injection, or knowingly possess while in any park, any wine, beer or other alcoholic beverage, narcotic or dangerous drugs; provided, however, that this section shall not apply to any person possessing or consuming a drug obtained by such person by lawful prescription and taken pursuant to the medical direction of a licensed physician.

Section 3. Severability. If any section, sentence, clause, or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, or its application held inapplicable to any person, property, or circumstance, such invalidity or unconstitutionality shall not affect the validity of any other section, sentence, clause, or phrase of this Ordinance or its application to any other person, property, or circumstance.

Section 4. Publication and Effective Date. A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City. This Ordinance shall take effect and be in full force five days after the date of publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF MERCER ISLAND, WASHINGTON, AT ITS MEETING ON _____, 2022.

CITY OF MERCER ISLAND

Salim Nice, Mayor

ATTEST:

APPROVED AS TO FORM

Andrea Larson, City Clerk

Bio Park, City Attorney

Date of publication: