

**ORDINANCE NO. 2021-\_\_\_\_\_**

**AN ORDINANCE** adding Yakima Municipal Code Section 13.16.178 Drug Possession and Use Prohibited to Chapter 13.16: Rules and Regulations regarding parks and playgrounds.

**WHEREAS**, the City owns, operates and maintains parks and playgrounds throughout the City for the benefit of residents and visitors; and

**WHEREAS**, many families enjoy the parks for recreation, picnics, walking their dogs and other leisurely activities; and

**WHEREAS**, alcohol possession and use are prohibited in City parks with limited exceptions for those who obtain a special event permit; and

**WHEREAS**, for consistency, it is appropriate to have a similar prohibition on drug possession and use in the City parks; and

**WHEREAS**, the City Council of the City of Yakima hereby finds and determines that it is in the best interests of the City of Yakima and its residents to add Section 13.16.078 prohibiting possession, use or consumption of drugs in City parks and playgrounds, and such amendment will promote the general health, safety and welfare; now, therefore

**BE IT ORDAINED BY THE CITY OF YAKIMA:**

**Section 1.** Section 13.16.078 is hereby added to the Yakima Municipal Code to read as follows:

**13.16.078 Unlawful Acts Involving Controlled Substances or Prescription Drugs**

- A. No person shall commit any of the following acts in a park:
  - 1. Sell, distribute, make available or offer to provide a controlled substance or prescription drug to another;
  - 2. Package, possess or store a controlled substance;
  - 3. Transport a controlled substance or materials intended to be used in the packaging of a controlled substance;
  - 4. Solicit another to provide, make available, sell or distribute a controlled substance or prescription drug to any person; or
  - 5. With the intent to engage in any act prohibited by this Section, seek, meet, approach, or encounter another.
- B. Nothing in subsection A of this Section shall prohibit the possession in a park of medications prescribed to the person or to a person under that person's care, if and under such conditions as possession of such substance is otherwise lawful.
- C. For purposes of this Section "controlled substance" shall have the meaning provided in RCW 69.50.101 and "prescription drug" shall have the same meaning as "legend drugs" provided in RCW 69.41.010(13).

**Section 2.** Severability/Validity. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is declared invalid or unconstitutional for any reason, such decision shall not affect the validity of the remaining portions of this ordinance.

**Section 3.** Effective Date. This ordinance shall be in full force and effect 30 days after its passage, approval, and publication as provided by law and by the City Charter.

**PASSED BY THE CITY COUNCIL**, signed and approved this 17<sup>th</sup> day of August, 2021.

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Patricia Byers, Mayor

ATTEST:

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Sonya Claar Tee, City Clerk

Publication Date:\_\_\_\_\_

Effective Date:\_\_\_\_\_