

# CITY OF LYNNWOOD

## ORDINANCE NO. 2831

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, AMENDING CHAPTER 5.70 OF THE LYNNWOOD MUNICIPAL CODE RELATING TO THE LICENSING OF FLEA MARKET BUSINESSES AND ACTIVITIES; AMENDING SECTION 3.104.010 OF THE LYNNWOOD MUNICIPAL CODE TO INCLUDE LICENSE FEES FOR FLEA MARKETS BUSINESSES AND ACTIVITIES; AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

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WHEREAS, pursuant to RCW 35A.11.020 the City Council of the City of Lynnwood has the power to adopt ordinances of all kinds relating to and regulating its local or municipal affairs which are appropriate to the good government of the City; and

WHEREAS, the City Council desires to amend the Lynnwood Municipal Code in order to establish appropriate license fees relating to flea market businesses and activities; now, therefore

THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Section 5.70.010 of the Lynnwood Municipal Code is hereby amended to read as follows:

### **5.70.010 Definitions.**

“Hotel” means and includes hotels, motels, rooming houses, lodging houses, apartments, or any other space, building or buildings used for human habitation containing more than three rooms intended or designed to be used or which may be used for sleeping or living quarters by tourists, temporary guests, or any person or persons, which are rented, hired out, or leased for compensation as a business.

“Theater and show” means and includes any theater or show, entertainment or exhibition, except circuses and carnivals and except amateur or other exhibitions, given solely for the benefit of any religious, charitable or literary organization, and except amateur baseball, football or other athletic games.

“Flea Market” means and includes any person, firm, corporation or company that rents, leases or occupies booths, stalls or tables within a building located within the limits of the city of Lynnwood from another person or business for the purpose of placing before the public for sale on a temporary basis, used goods, new wares or merchandise, with the

exception of secondhand items subject to Chapter 5.82 LMC regulating secondhand dealers.

Section 2. Section 5.70.020 of the Lynnwood Municipal Code is hereby amended to read as follows:

**5.70.020 License required.**

It is unlawful to operate or engage in any of the businesses or activities covered by this chapter without first obtaining a license pursuant to the provisions of this title. Each license may be held under the UBI of the promoter.

Section 3. Section 5.70.030 of the Lynnwood Municipal Code is hereby amended to read as follows:

**5.70.030 License fees.**

The license fees for the following businesses are as shown in Chapter 3.104 LMC:

- A. Bowling alley;
- B. Hotel;
- C. Theater and show;
- D. Skating or roller rink;
- E. Open-air Christmas tree lot;
- F. Flea Market.

Section 4. Section 3.104.010 of the Lynnwood Municipal Code is hereby amended to include the following fees and charges associated with flea market businesses or activities:

<b>Flea market 5.70.030</b>		
Special license - Daily fee	Per day	\$10.00
Special license - Weekend	Saturday & Sunday	\$16.00
Flea market participants	Per year	\$40.00

Section 5. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 6. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after publication.

PASSED BY THE CITY COUNCIL, the 26th day of April, 2010 and approved by the Mayor this 30 day of May, 2010.

APPROVED:



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Don Gough  
Mayor

ATTEST/AUTHENTICATED:



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Vicki Heilman  
Acting Finance Director

APPROVED AS TO FORM:



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Eric Frimodt  
City Attorney

PASSED BY THE CITY COUNCIL: 4/26/10

PUBLISHED: \_\_\_\_\_

EFFECTIVE DATE: \_\_\_\_\_

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