



**LYNNWOOD**  
WASHINGTON

**ORDINANCE NO. 3253**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, RELATING TO LICENSING AND DEPARTMENTAL AUTHORITY FOR REGULATION OF BUSINESSES, AMENDING LMC 3.104.050, AMENDING TITLE 5 LMC; REPEALING CHAPTERS 5.26, 5.52, AND 5.66 LMC, AND PROVIDING FOR AN EFFECTIVE DATE, SEVERABILITY AND SUMMARY PUBLICATION.**

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**WHEREAS**, Title 5 of the Lynnwood Municipal Code (LMC) consists of regulations relating to businesses and business licensing; and

**WHEREAS**, many of the provisions of Title 5 LMC were enacted in 1959 as part of the City's first municipal code, and no longer provide effective and efficient regulations regarding businesses and the licensing of businesses; and

**WHEREAS**, businesses are a vital component of the community and produce important tangible and intangible benefits by operating within Lynnwood, and the extent of regulatory controls should not exceed those necessary to protect the public's health, safety and welfare; and

**WHEREAS**, using LEAN principles, an inter-departmental workgroup of City employees identified numerous regulatory and procedural improvements that will eliminate waste, promote understandings of City regulations and licensing requirements, and normalize business regulations that have become ineffectual due to the passage of time; and

**WHEREAS**, the provisions of this ordinance address a portion of the procedural improvements identified by the LEAN workgroup, and subsequent legislation will address remaining matters so that the Fee Schedule and Title 5 LMC can appropriately and effectively regulate business activity; and

**WHEREAS**, the provisions of this ordinance do not relate to comprehensive plans or development regulations, and therefore notification of State agencies as specified by RCW 36.70A.106 and WAC 365-196-630 is not required; and

1           **WHEREAS**, the provisions of this ordinance are procedural in nature and are exempt from  
2 SEPA threshold determination and EIS requirements as specified by to WAC 197-11-800(19); and  
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4           **WHEREAS**, the City Council has determined that the provisions of this ordinance are in  
5 the interest of the public’s health, safety and general welfare;  
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7           NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, DO  
8 ORDAIN AS FOLLOWS:  
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10 **Section 1:** Table 3.104.050 entitled, “LMC Title 5 Fees and Charges” in LMC 3.104.050 is amended  
11 to read as provided in Exhibit A to this ordinance.  
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13 **Section 2:** Title 5 of the Lynnwood Municipal Code, entitled “BUSINESS REGULATIONS AND  
14 LICENSES,” is amended to read as provided in Exhibit B to this ordinance.  
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16 **Section 3:** Chapter 5.26 LMC is repealed.  
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18 **Section 4:** Chapter 5.52 LMC is repealed.  
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20 **Section 5:** Chapter 5.66 LMC is repealed.  
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22 **Section 6: Effective Date of Amendment and Adoption.** This ordinance shall become effective  
23 five days following passage and publication of this ordinance.  
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25 **Section 7: Severability.** If any section, subsection, sentence, clause, phrase or word of this  
26 ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction,  
27 such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of  
28 any other section, subsection, sentence, clause, phrase or word of this ordinance.  
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30 **Section 8: Summary Publication.** Publication of this ordinance shall be by summary publication  
31 consisting of the ordinance title.  
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33 PASSED this 24<sup>th</sup> day of April, 2017, and signed in authentication of its passage this 25<sup>th</sup> day of  
34 April, 2017.

35 APPROVED:  
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39 Nicola Smith, Mayor  
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ATTEST/AUTHENTICATED:

  
\_\_\_\_\_  
Sonja Springer, Finance Director

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Rosemary Larson, City Attorney

FILED WITH ADMINISTRATIVE SERVICES: 04/25/2017  
PASSED BY THE CITY COUNCIL: 04/24/2017  
PUBLISHED: 04/27/2017  
EFFECTIVE DATE: 05/02/2017  
ORDINANCE NUMBER: 3253

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**EXHIBIT A**

**3.104.050 LMC Title 5 fees and charges.**

The fees and charges set forth in Table 3.104.050 are the city of Lynnwood fees and charges related to the provisions of LMC Title 5.

**Table 3.104.050 – LMC Title 5 Fees and Charges**

<b>Type of Fee</b>		
<b>LMC TITLE <u>5</u> – BUSINESS REGULATIONS AND LICENSE FEES</b>		
<b>Base Fee: Resident, Nonresident and Home Occupation – LMC <u>5.06.040</u></b>		
First time business license (resident and home occupation business)	Initial application	122.50
Home occupation	Per year	30.00
Nonresident business	Per year	166.00
Nonresident business – Short-term	60 days	40.00
Resident business	Per year	103.00
<b>Base Fee: Business Employee</b>		
Each employee working 14 or less hours per week		48.50
Each employee working 15 or more hours per week		93.00
<b>Special Fee Assessed – LMC <u>5.06.040</u> and <u>5.06.050</u></b>		<b>In addition to Base Fee above</b>
Late business license application		15% of total fee
Liquor license – In addition to resident business	Max. person load capacity	1.00
<b>Garbage Collection – LMC <u>5.08.020</u></b>		<b>In addition to Base Fee above</b>
Garbage collection	For each resident	3.00
	For each commercial account	100.00
<b>Pawnbroker – LMC <u>5.16.025</u></b>		<b>In addition to Base Fee above</b>
Pawnbroker business	Per year	281.00
Investigation fee, per each new pawnbroker employee	One time	56.00
<b>Peddlers and Salesmen – LMC <u>5.20.030</u></b>		<b>In addition to Base Fee above</b>
Investigation fee, per each new employee	Initial application	56.00
Special license – Daily fee	Per day	17.00



<b>Public Dances – LMC <u>5.25.020</u> and <u>5.26.020</u></b>	<b>In addition to Base Fee above</b>	
Public dance license – Non-cabaret	Per year	200.00
One dance only	Per dance	20.00
<b>Special Events – LMC <u>5.30.040</u></b>	<b>In addition to Base Fee above</b>	
Commercial or community special event permit	Initial permit fee	170.00
Repeat of previously approved event during same calendar year	Repeating	56.00
Commercial or community special event permit sponsored by the city of Lynnwood	Initial or repeating permit fee	–
Expressive special event permit		–
Appeal of director's decision on a special event permit application	Note: Appeal fee moved from LMC <u>5.30.080(B)</u> to Fee Schedule.	500.00
<b>Taxicabs and For-Hire Vehicles – LMC <u>5.40.050</u></b>	<b>In lieu of Base Fee above</b>	
For-hire vehicle business	Per year	175.00
	Per vehicle, per year	20.00
Investigation fee, per each new vehicle driver	One time	56.00
<b>Emergency Care, First Aid and Ambulance Services – LMC <u>5.45.020</u></b>	<b>In lieu of Base Fee above</b>	
Registration fee	Per year	28.00
<b>CATV System</b>	<b>In lieu of Base Fee above</b>	
Application fee – LMC <u>5.48.030</u>	Initial application	200.00
Franchise fee – LMC <u>5.48.050</u>	Of gross receipts from prior calendar quarter	0.05
<b>Escort Bureaus, Services and Escorts – LMC <u>5.49.070</u></b>	<b>In lieu of Base Fee above</b>	
Escort bureau or introductory service	Per year – Nonrefundable	562.00
Escort or escort bureau runner	Per year – Nonrefundable	112.50
Escort bureau or intro service manager	Per year – Nonrefundable	112.50
<b>Adult Entertainment – LMC <u>5.50.050</u></b>	<b>In lieu of Base Fee above</b>	
Adult entertainment premises license	Per year	2,809.00
Adult entertainer's license	Per year	281.00
Adult entertainment manager	Per year	1,124.00

<b>Public Bathhouses – LMC <u>5.51.040</u></b>	<b>In lieu of Base Fee above</b>	
License fee	Per year	47.50
Each employee	Per year	15.50
Investigation fee, per facility and per each new employee	One time	40.00

<b>Private Security Guards and Companies, Private Detectives and Agencies – LMC <u>5.54.020</u></b>	<b>In lieu of Base Fee above</b>	
Nonresident business	Per year	166.50
Resident business	Per year	103.00
Additional per employee	Per year	15.50

<b>Day Spas – LMC <u>5.55.040</u></b>	<b>In addition to Base Fee above</b>	
Body scrub facility	Per year	40.00
Investigation fee – Nonrefundable	Initial application, per facility and per each new employee overseeing body scrubs	40.00

<b>Amusement Centers – LMC <u>5.60.020</u></b>	<b>In addition to Base Fee above</b>	
Amusement center	Per year	339.50
Operator's fee – LMC <u>5.60.050</u>	Per year	228.00
Amusement device – Over \$0.10 to operate/more than \$0.10 per hour	Per year	50.00
Amusement device – \$0.10 or less	Per year	25.00
Master license – One who leases or rents amusement devices to others – LMC <u>5.60.085</u>	Per year, in lieu of base fee above	339.50

<b>Panorams, Previews, Picture Arcades, Peep Shows – LMC <u>5.62.050</u></b>	<b>In lieu of Base Fee above</b>	
Panoram premises license	Per year	561.50
Panoram device license	Per year for each device	56.00
Panoram manager's license	Per year	28.00
Master license fee – Required if no premises license	Per year	339.00

<b>Vending Machines – LMC <u>5.63.040</u></b>	<b>In addition to Base Fee above</b>	
Operator's license	Per year	111.50
Vending machine license – Not tobacco	Per year	6.00
Vending machine license – Tobacco	Per year	28.50

**Cabarets and Taverns – LMC 5.66.030****In lieu of Base Fee above**

Resident business	Per year	103.00
Each employee of resident business	Per year	15.50

**Certain Business – LMC 5.70.030****In lieu of Base Fee above**

Bowling alley – Same as resident	Per year	103.00
Each employee – Resident	Per year	15.50
Hotel	Per year	25.00
Each room	Per year	0.60
Theater and show	Per seat – Per year not to exceed \$200.00	0.20
Skating or roller rink	Per year	112.50
Open air Christmas tree lots	Two months	28.00
Flea market		
Special license – Daily fee	Per day	10.00
Special license – Weekend	Saturday and Sunday	16.00
Flea market participants	Per year	40.00

**Auctions and Auctioneers – LMC 5.81.020****In lieu of Base Fee above**

Business Premises	Per day	28.00
Including dates of auction	Jan. – Dec. before first event	225.00
Auctioneer – Home occupation	Per year	30.00
Nonresident	Per year	166.00
Resident	Per year	103.00
Resident – Employees	Per employee per year	15.50

**Secondhand Dealers – LMC 5.82.020****In lieu of Base Fee above**

Dealers	Per year	280.00
\$1,000.00 bond required	Annually	
Employees – LMC <u>5.82.025</u>	Per year	56.00

**EXHIBIT B**

**Title 5**

**BUSINESS REGULATIONS AND LICENSES\***

**Chapters:**

- 5.04 **Business Generally**
- 5.06 **Resident, Nonresident, Home Occupation**
- 5.08 **Garbage Collecting**
- 5.16 **Pawnbrokers**
- 5.18 **Mobile Food Vendors**
- 5.20 **Peddlers and Salesmen**
- 5.24 *Repealed*
- 5.25 **Public and Teen Dances and Dance Halls**
- 5.28 *Repealed*
- 5.30 **Special Events**
- 5.32 *Repealed*
- 5.34 *Repealed*
- 5.40 **Taxicabs and For-Hire Vehicles**
- 5.42 *Repealed*
- 5.45 **Emergency Care, First Aid and Ambulance Services**
- 5.46 *Repealed*
- 5.48 **CATV System**
- 5.49 **Escort Bureaus, Services and Escorts**
- 5.50 **Adult Entertainment**
- 5.51 **Public Bathhouses**
- 5.53 **Practice of Massage**
- 5.54 **Private Security Guards, Private Security Companies, Private Detectives and Private Detective Agencies**
- 5.55 **Day Spas**
- 5.56 *Repealed*
- 5.60 **Amusement Centers**
- 5.62 **Panorams, Previews, Picture Arcades, Peep Shows**
- 5.63 **Vending Machines**
- 5.70 **Licenses for Certain Businesses**
- 5.81 **Auctions and Auctioneers**
- 5.82 **Secondhand Dealers**
- 5.87 *Repealed*

**5.92 *Repealed***\*For provisions regarding certain business activities and practices prohibited outright, see LMC Title 10; for powers of code cities to license, for the purpose of regulation and revenue, every kind of business authorized by law and to fix penalties for violation of ordinances, see RCW 35A.11.020 and 35.24.290(7).

Chapter 5.04

BUSINESS GENERALLY

Sections:

- 5.04.002 Purpose of chapter.
- 5.04.005 Applicability.
- 5.04.010 Administrative authority.
- 5.04.020 License to conduct business and compliance with applicable law.
- 5.04.030 Application for license – Decision of the director – Appeal.
- 5.04.040 Term and renewal of license.
- 5.04.042 *Repealed.*
- 5.04.045 Revocation or suspension of business license.
- 5.04.050 *Repealed.*
- 5.04.110 Separate licenses – When required.
- 5.04.120 Personal identification.
- 5.04.130 Penalty for violation of title.

**5.04.002 Purpose of chapter.**

This chapter is declared to be enacted for the purpose of regulating and controlling businesses, and for the purpose of providing revenue for the city of Lynnwood. (Ord. 3189 § 10, 2016; Ord. 30 § 9, 1959. Formerly 5.04.090)

**5.04.005 Applicability.**

A. The following provisions of this chapter are general provisions and shall apply to all persons who carry on business in the city of Lynnwood, and such provisions, and all additions that have general application, and subsection (B) of this section, shall comprise a separate chapter in LMC Title 5 designated as Chapter 5.04 LMC and entitled, “Business Generally”: LMC 5.04.020, 5.04.030, 5.04.040, 5.04.020, 5.04.110.

B. Without affecting the validity and requirements of any other provisions in this chapter or any other title or chapter relating to business regulations, the provisions of this chapter shall apply to all persons who propose to, or carry on business and all businesses in the city of Lynnwood. (Ord. 1089 § 10, 1979)

**5.04.010 Administrative authority.**

A. Except as specified herein, the community development director is authorized to administer, interpret, and enforce the provisions of this title. The community development director may promulgate forms, policies, and procedures as necessary to effectively and uniformly administer these provisions.

B. As necessary, the director may designate employees of the community development department or other city department to implement or enforce the provisions of this title. Enforcement of this title shall be based upon the authority and regulations set out in this chapter and in Chapters 1.01 and 1.40 LMC. (Ord. 3189 § 2, 2016)

C. The following definitions shall apply in construing the provisions of this chapter, except where otherwise declared or clearly apparent from the context:

- 1. “Director” means the city of Lynnwood community development director or the director’s designee.
- 2. “Department” means the community development department of the city of Lynnwood, or any department that succeeds to the community development department’s duties under this title.
- 3. “Business license clerk” means city employees or agents the community development director shall designate to administer this title, or any designee thereof.

**5.04.020 License to conduct business and compliance with applicable law.**

A. It is unlawful for any person, firm, corporation or association to maintain, conduct or operate any device, vehicle or thing, or engage in any business, profession, trade, occupation or activity without first having secured the license to do so, and paying all fees prescribed in this code.

B. Businesses licensed by the city, the licensee, and business employees shall conduct business operations and activities in compliance with applicable federal, state, and local laws and regulations.

C. The physical premises of a business licensed by the city shall conform to all applicable laws and regulations for property and structures, including but not limited to laws and regulations relating to land use, building, fire, health and safety, environment, and nuisances.

1 D. In instances when ownership of a licensed business is transferred, or when a licensed business is moved to a new  
2 physical location, a new business license shall be required. It shall be the responsibility of the business owner to  
3 submit a complete application for a business license. The business may be granted a 30-business-day grace period to  
4 allow for continuity of business operations while the new business license application is reviewed by the city.

5 E. In instances when the name of the business is changed without the need for a change to the business' Uniform  
6 Business Identifier (UBI) as determined by the Washington State Department of Revenue, and without a change in  
7 business ownership or location, the business owner shall notify the city of the name change not less than 15 business  
8 days prior to the change. (Ord. 3189 § 3, 2016; Ord. 818 § 2, 1975; Ord. 754 § 1, 1974; Ord. 674 § 1, 1972; Ord. 30  
9 § 2, 1959)

10 **5.04.030 Application for license – Decision of the director – Appeal.**

11 A. No license required under this chapter shall be issued except upon application made on forms prescribed by the  
12 city. Each application for license, in addition to other requirements, shall indicate:

- 13 1. The physical address and the mailing address for the proposed business or occupation;
- 14 2. The type and nature of the proposed business or occupation which the applicant intends to operate on said  
15 premises; and
- 16 3. The identity of the person or persons holding an ownership interest in the business, and those responsible for  
17 operation of the business, such as agents and officers of the corporation, business owner, or primary business  
18 manager. Telephone and email contact information shall be provided for each person identified as well as the  
19 name and contact information of the owner if the property is not owned by the business.

20 B. Each license application shall be accompanied by the license fee specified by Chapter 3.104 LMC.

21 C. Upon review of a complete application for a business license, the director shall take one of the following actions:

- 22 1. Approve the application; or
- 23 2. Approve the application with conditions necessary to ensure compliance with this title; or
- 24 3. Request additional information regarding the type and nature of the proposed business, or the responsible  
25 persons; or
- 26 4. Deny the application as provided by this section.

27 D. In the event the director denies a business license application, the director shall provide a written explanation of  
28 the reason for the denial to the applicant, with information regarding the right of appeal. The director may deny a  
29 business license application for reasons including but not limited to:

- 30 1. If the applicant fails to submit a complete application or additional information requested by the director;
- 31 2. If the application represents business practices that would cause any person to violate any federal, state or  
32 local law or regulation;
- 33 3. If the application contains misleading or inaccurate information;
- 34 4. If the applicant, corporate officer, or other responsible party has previously had his/her business license  
35 denied or revoked in Lynnwood or elsewhere, or has been convicted of, forfeited bonds for, or has plead guilty  
36 to offenses related to the operation of the same or a substantially similar business in Lynnwood or elsewhere,  
37 and the director has reliable, objective information that approval of the application will result in unlawful  
38 business activity; or
- 39 5. If violation(s) of building, zoning, safety, fire or health laws or regulations exist or will exist on the premises  
40 of the proposed business, after receiving instruction from the city or other regulatory agency to correct such  
41 violation(s).

42 E. Following the director's approval of the application, the business license shall be issued by the city.

43 F. Upon denial of an application for a business license, the base fee for business employees specified by Chapter  
44 3.104 LMC shall be returned to the applicant with the denial decision.

45 G. An applicant denied a license, or any person objecting to the issuance of a license, may appeal the director's  
46 decision by filing a written notice of appeal with the Community Development Department. The appeal must be  
47 filed within 10 business days of the director's decision, include the appeal fee specified by Chapter 3.104 LMC, and  
48 state the factual grounds for the appeal. The hearing examiner shall set a date for the appeal hearing. The city shall  
49 notify the parties of record by mail of the time and place of the hearing, which shall be conducted as specified by  
50 LMC 1.35.200 et seq., Chapter 2.22 LMC and the rules for hearings adopted pursuant to LMC 2.22.080. (Ord. 3189  
51 § 4, 2016; Ord. 2955 § 2, 2012; Ord. 2877 § 5, 2011; Ord. 1089 § 4, 1979; Ord. 818 § 3, 1975; Ord. 449, 1968; Ord.  
52 82, 1961; Ord. 30 § 3, 1959)

53 **5.04.040 Term and renewal of license.**

54 A. Except where a different term is specified or authorized by this title, business licenses shall have a term of one  
55 year (365 days)

1 B. Unless an alternative term is specified by the director, the term of a new license shall commence on the date of  
2 issuance of the license, and the term of a renewed license shall commence on the day following the expiration of the  
3 existing license. Licenses issued by the director shall specify the dates of the term of the license.

4 C. A short-term, nonresident business license may be issued for a term of 60 consecutive days.

5 D. Within 45 days before or after the expiration of the license's term, the applicant may submit a complete  
6 application for renewal of the license, for a subsequent one-year term. Each license renewal application shall be on  
7 form prescribed by the city, and shall be accompanied by the fee(s) specified by Chapter 3.104 LMC. For  
8 applications submitted after the expiration of the license's term, the late business license application fee specified by  
9 Chapter 3.104 LMC shall apply.

10 E. Upon review of a complete license renewal application, the director shall take one of the following actions:

- 11 1. Approve the application;
- 12 2. Approve the application with conditions necessary to ensure compliance with this title;
- 13 3. Request additional information regarding the type and nature of the proposed business, or the responsible  
14 persons; or
- 15 4. Deny the application as provided by this section.

16 F. In the event the director denies a license renewal application, the director shall provide a written explanation of  
17 the reason for the denial to the applicant, with information regarding the right of appeal. The director may deny a  
18 business license application for reasons including but not limited to the reasons stated in LMC 5.04.030 for denial of  
19 an initial license application.

20 G. If an application for license renewal is not made as allowed by this section, an application for a new license shall  
21 be required. The late business license application fee specified by Chapter 3.104 LMC shall apply.

22 H. If a license expires prior to the submittal of a complete and good-faith application for renewal, the business shall  
23 be considered to be in violation of the provisions of this title. Submittal of a complete application for license renewal  
24 to the city within the timeframes allowed by this section may suspend further enforcement and/or the imposition of  
25 penalty.

26 (Ord. 3189 § 5, 2016; Ord. 2955 § 2, 2012; Ord. 30 § 4, 1959)

27 **5.04.042 Term and renewal of license during 2012.**

28 *Repealed by Ord. 3189.* (Ord. 2932 § 2, 2012; Ord. 2877 § 3, 2011)

29 **5.04.045 Revocation or suspension of business license.**

30 A. The director may revoke or suspend a business license when the business operation or the licensee meets the  
31 criteria for denial of a business license application specified by LMC 5.04.030.

32 B. Upon a determination by the director that there is a basis for revocation or suspension of a business license, the  
33 director shall notify the licensee by certified and regular mail of the director's decision to revoke or suspend the  
34 license. The written decision shall specify the basis for the director's determination, the effective date of the  
35 revocation or suspension, the corrective measures required to avoid revocation or suspension, and the procedures for  
36 appeal of the director's determination.

37 C. The decision of the director may be appealed by filing a written appeal with the community development  
38 department within 10 business days of the date of the written decision, together with the appeal fee specified by  
39 Chapter 3.104 LMC. An appeal of the director's decision shall be conducted by the hearing examiner consistent with  
40 the provisions of LMC 1.35.200 et seq., 5.04.030, Chapter 2.22 LMC, and the rules for hearings adopted pursuant to  
41 LMC 2.22.080. Upon the filing of a timely appeal, the director's decision to revoke or suspend the business license  
42 shall be stayed pending a final decision by the hearing examiner on the appeal.

43 (Ord. 3189 § 7, 2016; Ord. 2877 § 6, 2011; Ord. 1089 § 5, 1979)

44 **5.04.050 Exemptions.**

45 *Repealed by Ord. 3189.* (Ord. 1487 §§ 1, 2, 3, 1985; Ord. 30 § 5, 1959)

46 **5.04.110 Separate licenses – When required.**

47 A separate license shall be obtained for each branch, establishment or separate location in which the business,  
48 calling, profession, trade, occupation or activity licensed by this title is carried on, and for each such different  
49 business, calling, profession, trade, occupation or activity carried on or device situated in any one location, and each  
50 license shall authorize the licensee to carry on, pursue or conduct only that business, calling, profession, trade,  
51 occupation or activity, or operate the device, vehicle or thing described in such license, and only at the location or in  
52 the manner indicated therein, except as may be specifically provided in this chapter. (Ord. 818 § 4, 1975)

53 **5.04.120 Personal identification.**

54 Whenever any person is an applicant for a license to be issued by the city, and the law or a regulation of the city  
55 requires that the applicant not have been convicted of a crime, or otherwise requires that the applicant be  
56 investigated regarding the application, the chief of police shall require the applicant to submit photographs and/or

1 impressions of his fingerprints for the purpose of securing identification of the applicant, including submitting the  
2 same to any law enforcement agency or the identification section of the Washington State Patrol. (Ord. 974 § 1,  
3 1978)

4 **5.04.130 Penalty for violation of title.**

5 Unless a specific penalty is prescribed in this title, and in addition to other powers, any violation of the provisions of  
6 this title as now or hereafter amended is a misdemeanor and shall be punished by a fine not to exceed \$1,000.00or  
7 by imprisonment not to exceed 90 days, or by both such fine and imprisonment. (Ord. 1089 § 1, 1979)

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**Chapter 5.06**

**RESIDENT, NONRESIDENT, HOME OCCUPATION**

Sections:

- 5.06.010 Definitions.
- 5.06.020 License required.
- 5.06.030 Employees' fees for resident businesses.
- 5.06.040 License fees.
- 5.06.042 Fee adjustments.
- 5.06.044 *Repealed.*
- 5.06.046 *Repealed.*
- 5.06.050 Special fee assessed.
- 5.06.060 Payrolls subject to audit.
- 5.06.070 Penalty for violation.
- 5.06.080 Review.
- 5.06.090 First-time resident and home occupation business license.

**5.06.010 Definitions.**

The following definitions shall apply in construing the provisions of this chapter, except where otherwise declared or clearly apparent from the context:

- A. "Home occupation" means the operation from a dwelling of a business which is clearly incidental to the primary use of the dwelling as living quarters and which in no manner compromises the residential character of the neighborhood in which the dwelling is located.
- B. "Nonresident business" means and includes any business conducted in the city from an office outside of the city, not occupying a fixed place of operation within the city of Lynnwood, but which business performs work or carries on business within the city of Lynnwood.
- C. "Resident business" means and includes a business occupying a fixed place of operations within the city of Lynnwood and not specifically included in nonresident or home occupation classification.
- D. "Business," whether resident, nonresident or home occupation, means and includes all services and activities engaged in with the object of pecuniary gain, benefit or advantage to the persons, or to another person or class, directly or indirectly, whether part-time or full-time. For the purposes of this chapter, the following shall not be considered to be a business:
  - 1. Businesses or activities for which licenses or franchises are required by any other chapter or section of the Lynnwood Municipal Code.
  - 2. Nonbusiness activities carried on by a religious, charitable, benevolent, fraternal or social organization including:
    - a. Nonprofit, Section 501(c)(3) organizations as designated by the Internal Revenue Service.
    - b. Political, Section 527 organizations as designated by the Internal Revenue Service.
  - 3. Instructors providing public education and recreation services on behalf of a government agency.
  - 4. Insurance producers as defined by RCW 48.17.010.
- E. "Employee" means and includes any individual person employed at any business enterprise who performs any part of his duties within the city, except casual laborers not employed in the usual course of business. A sole proprietor is not an "employee." All officers, agents, dealers, franchisees, etc., of a corporation or business trust, and all but one partner of a partnership (except limited partners), are "employees" within this definition.
- F. "Engaging or engage in business" means commencing, conducting or continuing in any business.
- G. "Flea market" means and includes any person, firm or corporation, or company subleasing booths, stalls or tables within a building located within the limits of the city of Lynnwood 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. (Ord. 3189 § 9, 2016; Ord. 2862 § 1, 2010; Ord. 2111 § 1, 1996; Ord. 1906 § 2, 1992; Ord. 1297 § 1, 1982; Ord. 1260 § 1, 1982; Ord. 1259 § 1, 1982; Ord. 1089 § 11(1), 1979; Ord. 1071 § 4, 1979; Ord. 818 § 1, 1975; Ord. 30 § 1, 1959)

1 **5.06.020 License required.**

2 It is unlawful for any person, firm or corporation to conduct or operate any home occupation, resident or nonresident  
3 business in the city of Lynnwood without first obtaining a license pursuant to the provisions of this chapter. (Ord.  
4 2862 § 1, 2010; Ord. 1089 § 11(2), 1979)

5 **5.06.030 Employees' fees for resident businesses.**

6 All resident businesses shall pay at the time of making application for licenses a fee based on the number of  
7 employees of the business, except that business and activity which are specially regulated and for which license fees  
8 are prescribed otherwise than as resident business shall not be required to pay a fee for each employee.

9 Any employee so employed by a business as of January 1st of each calendar year or upon the date of application for  
10 a business license shall so be reported to the business license clerk. (Ord. 2862 § 1, 2010; Ord. 1089 § 11(1), 1979;  
11 Ord. 818 § 5, 1975)

12 **5.06.040 License fees.**

13 The license fees for businesses shall be and the same are fixed as shown in Chapter 3.104 LMC. (Ord. 2862 § 1,  
14 2010; Ord. 2656 §§ 1, 2, 2006; Ord. 2539 § 1, 2004; Ord. 2435 § 1, 2002; Ord. 2398 § 1, 2001; Ord. 2345 § 1, 2000;  
15 Ord. 2289 § 1, 1999; Ord. 1906 § 4, 1992; Ord. 1297 § 1, 1982; Ord. 1260 § 1, 1982; Ord. 1259 § 2, 1982; Ord.  
16 1089 § 11(1), 1979; Ord. 1071 § 1, 1979; Ord. 1008 § 1, 1978; Ord. 818 § 6, 1975)

17 **5.06.042 Fee adjustments.**

18 For business license renewal applications the business license fee may be adjusted at the date of renewal to account  
19 for under- or over-reporting of the number of employees during the previous year.

20 A. If at any time during the previous year the number of employees has been under-reported, an additional license  
21 fee shall be due at the time of annual renewal. Such additional license fees shall be prorated by the actual number of  
22 days the employee worked during the year.

23 B. At the time of renewal a credit may be given against that year's fee if the number of employees at the end of the  
24 previous year was less than the number reported for the previous year. Such credit shall be prorated by the number  
25 of days that each of the previously reported employees who were not employed at the end of the year did not work  
26 during the calendar year. (Ord. 2862 § 1, 2010)

27 **5.06.044 Temporary special event application time restriction.**

28 *Repealed by Ord. 1906.*

29 **5.06.046 Plot plan for temporary special event or community service event.**

30 *Repealed by Ord. 1906.*

31 **5.06.050 Special fee assessed.**

32 Each business where liquor is consumed on premises shall pay, in addition to the regular resident business license  
33 fee, a fee as shown in Chapter 3.104 LMC. (Ord. 2862 § 1, 2010; Ord. 2656 §§ 1, 2, 2006; Ord. 1071 § 5, 1979)

34 **5.06.060 Payrolls subject to audit.**

35 A. The payrolls of all resident businesses licensed within the city shall be subject to an audit by the city as to the  
36 number of employees employed by the resident business.

37 B. Each business license holder may be required, by the director or his/her designee, to file with the city copies of its  
38 quarterly reports to the State Department of Labor and Industries reporting employee hours worked. The businesses  
39 that did not file the report may be required to file an affidavit with the city reporting hours worked or the equivalent  
40 number of employees.

41 C. If, upon review of the reports as specified under subsection (B) of this section or the audits conducted under  
42 subsection (A) of this section, it is found that the year has been under-reported by 20 percent or more, there shall be  
43 a penalty applied to any additional fee owed, equal to 20 percent per annum of the additional fee, plus any  
44 accounting, legal or administrative expense incurred by the city in determining the under-reporting, the amount of  
45 the under-reporting or in collecting the tax and any penalty. (Ord. 2862 § 1, 2010; Ord. 1089 §§ 7, 11(1), 1979; Ord.  
46 449 § 4, 1968)

47 **5.06.070 Penalty for violation.**

48 Any violation of this chapter is a misdemeanor and shall be punished by a fine not to exceed \$1,000.00 or by  
49 imprisonment not to exceed 90 days or by both such fine and imprisonment. (Ord. 2862 § 1, 2010; Ord. 2698 § 1,  
50 2007; Ord. 2656 §§ 1, 2, 2006; Ord. 2345 § 1, 2000; Ord. 2289 § 4, 1999; Ord. 1089 § 11(1), 1979; Ord. 30 § 8,  
51 1959)

52 (Ord. 2862 § 1, 2010; Ord. 2345 § 1, 2000; Ord. 2289 § 2, 1999)

53 **5.06.090 First-time resident and home occupation business license.**

54 A first-time resident and/or home occupation business license fee per license issued, in the amount established by  
55 Chapter 3.104 LMC, shall accompany an application for business license. This fee shall apply to all new businesses

1 to the city of Lynnwood, whether that application is the result of sufficient change in an existing license so as to  
2 require its replacement. (Ord. 2862 § 1, 2010; Ord. 2699 § 10, 2007; Ord. 2345 § 1, 2000; Ord. 2289 § 3, 1999)

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**Chapter 5.08**

**GARBAGE COLLECTING\***

Sections:

- 5.08.010 License to conduct garbage collecting business required.
- 5.08.020 Application for license – Basis of fee.
- 5.08.030 Common carrier permit required.
- 5.08.040 Vehicle standards and inspection.
- 5.08.045 Liability insurance.
- 5.08.050 Use of unapproved vehicles.
- 5.08.060 Reasons for cancellation or revocation of license.
- 5.08.070 Authority to make and enforce regulations.
- 5.08.080 Conformance to regulations required.
- 5.08.090 Accumulation of garbage, rubbish – Service of notice.
- 5.08.100 Procedure upon failure to remove accumulated rubbish after notice.
- 5.08.110 Purpose of chapter.
- 5.08.120 Penalty for violation.
- 5.08.130 Severability.

\*For provisions regarding garbage and refuse generally, see LMC Title 7; for authority for city to set up and require use of system for collecting and disposal of garbage, see RCW 35A.21.060 and 35A.21.150.

**5.08.010 License to conduct garbage collecting business required.**

No person, association or corporation shall engage in the business of hauling or transporting garbage, refuse, cans or discarded bottles within the city of Lynnwood or in the gathering of the same within said city for disposal at some point or area outside of the city without obtaining a business license and complying with the city’s regulations applicable to the conduct of the business.

**5.08.020 Application for license – Basis of fee.**

Written application for said license on forms provided by the business license clerk shall be for a period of not more than five years. Licensee shall pay an annual license fee to be determined on the basis of the amounts shown in Chapter 3.104 LMC per residential account and per commercial account being served at July 15th of each year. For purposes of this section, residential accounts shall include units of multiple-family housing and units of mobile home parks. The annual fee is due and payable no later than August 15th of each year. A late payment fee equal to 50 percent of the annual license fee is assessed if payment of the license fee is made after the due date in any calendar year. (Ord. 2699 § 11, 2007; Ord. 2656 §§ 1, 2, 2006; Ord. 2498 § 1, 2004; Ord. 2473, 2003; Ord. 2453 § 1, 2003; Ord. 22 § 2, 1959)

**5.08.030 Common carrier permit required.**

No license shall be granted unless the applicant has the proper utilities and transportation commission common carrier permit, or other required state permit or approval, authorizing the hauling of refuse and garbage for hire in the city of Lynnwood or a portion thereof. Application shall show that state permit number and describe the area of Lynnwood to be serviced. (Ord. 22 § 3, 1959)

**5.08.040 Vehicle standards and inspection.**

Such application shall also describe the type of trucks and equipment to be used by the licensee and before issuing such license, the director’s designee shall investigate the trucks and equipment proposed to be used, and such designee shall not approve the same for use under said license unless he or she finds that the use thereof will adequately contain all garbage, refuse, etc., during such hauling, and the reasonable use thereof will protect the health and welfare of the inhabitants of the city and will not lead to the loss or distribution of garbage or refuse, etc., within such city. (Ord. 22 § 4, 1959)

**5.08.045 Liability insurance.**

Each licensee shall name the city of Lynnwood on their liability insurance policies and furnish agreement to hold the city of Lynnwood harmless for any claims involving their operations in the city. (Ord. 1089 § 2, 1979)

**5.08.050 Use of unapproved vehicles.**

No licensee shall use, to collect or haul garbage, any trucks or equipment not so approved by the director’s designee for regular use within the city or for temporary use in cases of emergency without special permission therefor being granted by said health officer or agent. (Ord. 22 § 5, 1959)

1 **5.08.060 Reasons for cancellation or revocation of license.**

2 Such license may be canceled or revoked by order of the city health officer or agent upon the willful or repeated  
3 violation of city ordinances or health regulations by the licensee after a hearing before the city health officer or agent  
4 in which charges of such violation are sustained; provided, that the licensee shall have the right of appeal to the city  
5 council. (Ord. 22 § 6, 1959)

6 **5.08.070 Authority to make and enforce regulations.**

7 The director or the director's designee shall have the authority to make and require enforcement of reasonable rules  
8 and regulations and to modify and change the same from time-to-time, regulating the manner of collecting,  
9 removing and hauling solid waste, garbage, refuse, recyclables, or like materials, within the city of Lynnwood for  
10 the purpose of safeguarding the health, safety, and welfare of the inhabitants and the visitors of such city.

11 Alternately, the city council may direct its public works director to promulgate such rules and regulations and may  
12 adopt the same by reference in accordance with the provisions of RCW 35A.12.140, as now existing or hereafter  
13 amended. (Ord. 1785 § 1, 1990; Ord. 22 § 7, 1959)

14 **5.08.080 Conformance to regulations required.**

15 Such licensee shall observe all regulations of the city of Lynnwood together with all state laws relative to public  
16 health, and shall observe and conform to any tariff schedules that may be set or approved by the utilities and  
17 transportation commission for unincorporated areas adjacent to the city of Lynnwood or tariff schedules adopted by  
18 the city council not inconsistent with the schedules and regulations set or approved by the department of public  
19 service. (Ord. 22 § 8, 1959)

20 **5.08.090 Accumulation of garbage, rubbish – Service of notice.**

21 If any person allows, permits, or maintains any accumulation of refuse, ashes, garbage, filth, cans, or rubbish to  
22 remain on property owned, controlled, or occupied by the person such that a condition detrimental to the health and  
23 welfare shall be deemed by the city code enforcement officer, or other person designated by the director to exist,  
24 then said officer or person shall cause written notice thereof to be served on said person. The notice shall be served  
25 on the person responsible for the violation, either personally or by mailing a copy of the notice by certified or  
26 registered mail, return receipt requested, to such person at their last known address. If the person responsible for the  
27 violation cannot be personally served within Snohomish County and if an address for mailed service cannot be  
28 ascertained, notice shall be served by posting a copy of the notice conspicuously on the affected property or  
29 structure. (Ord. 2284 § 2, 1999; Ord. 22 § 9, 1959)

30 **5.08.100 Procedure upon failure to remove accumulated rubbish after notice.**

31 If any person, after three days have elapsed from the service of notice as provided in LMC 5.08.090, fails to remove  
32 said accumulation of ashes, garbage, filth, cans, glass or rubbish, then the city code enforcement officer or other  
33 person designated by the director may direct any licensee under this chapter to remove such accumulated materials,  
34 and to render a statement of the charges therefor, to such owner or occupant; and such licensee may thereafter file  
35 with the director or the director's designee who may recover costs in accordance with applicable law. (Ord. 2284 §  
36 3, 1999; Ord. 22 § 10, 1959)

37 **5.08.110 Purpose of chapter.**

38 This chapter is passed to provide regulation of the business of garbage collection and to provide revenue for the  
39 operation of necessary city functions. (Ord. 22 § 11, 1959)

40 **5.08.120 Penalty for violation.**

41 The violation of any provision of this chapter shall be a misdemeanor and shall be punishable by a fine not to exceed  
42 \$1,000.00 or by imprisonment not to exceed 90 days, or both such fine and imprisonment. (Ord. 2698 § 2, 2007;  
43 Ord. 2656 §§ 1, 2, 2006; Ord. 22 § 13, 1959)

44 **5.08.130 Severability.**

45 If any section, provision or part of this chapter is adjudged invalid such adjudication shall not affect the validity of  
46 the chapter as a whole or any section, provision or part thereof not adjudged invalid. (Ord. 22 § 12, 1959)

Chapter 5.16

PAWNBROKERS

Sections:

5.16.010 Definitions.

5.16.020 Pawnbroker's license required.

5.16.021 Pawnbroker employee license required.

5.16.022 License requirements.

5.16.025 License fee.

5.16.030 Employment of unlicensed persons prohibited.

5.16.040 Hours and location of operations.

5.16.050 Receiving goods from certain people unlawful.

5.16.060 Pawnbroker Interest charges.

5.16.061 Holding of personal property and right of rescission.

5.16.080 Secondhand dealer recordkeeping requirements and penalties to apply.

**5.16.010 Definitions.**

A. "Chief of police" means the chief of police of the city of Lynnwood or his or her designee.

B. "Licensee" means any pawnbroker, pawnshop or pawnbroker employee licensed under this chapter.

C. "Pawnbroker," as used in this chapter, means every person engaged, in whole or in part, in the business of loaning money on the security of pledges of personal property, or deposits or conditional sales of personal property, or the purchase or sale of personal property.

D. "Pawnshop" means and includes every place at which the business of pawnbroker is being carried on.

E. "Person" means any individual, firm, corporation, partnership and association. (Ord. 2559 § 1, 2005; Ord. 99 § 1, 1961)

**5.16.020 Pawnbroker's license required.**

A. It is unlawful for any person to engage in the business of pawnbroker, as defined in LMC 5.16.010(C), without first procuring a license to do so, to be known as a "pawnbroker's license."

B. Any person having more than one pawnshop in the city shall be required to procure a separate license for each and every such place of business.

C. The license of a pawnbroker shall include a photograph and physical description of the licensee, including date of birth, sex, race, height and weight, and the name and address of the licensee's place of business. A current photograph must be provided upon each license renewal.

D. If the license application(s), as provided for herein, are approved, the business license clerk shall issue a license(s) to the applicant upon his executing and delivering to the city a bond to be approved by the city attorney, in the amount of \$1,000, conditioned that such licensee conduct such business in compliance with all of the laws of the city, state and the United States.

E. The licenses of pawnbroker's employees, as required by LMC 5.16.021, shall be posted in a conspicuous location in the licensee's place of business as long as the licensees are employed at the business. The licenses shall not be altered in any manner. (Ord. 2699 § 12, 2007; Ord. 2656 §§ 1, 2, 2006; Ord. 2559 § 2, 2005; Ord. 1352 § 1, 1983; Ord. 818 § 13, 1975; Ord. 99 § 2, 1961)

**5.16.021 Pawnbroker employee license required.**

A. It is unlawful for any person to be employed by a pawnbroker or pawnshop under this chapter without first having obtained a pawnbroker employee license.

B. The license of a pawnbroker employee shall include a photograph and physical description, including date of birth, sex, race, height and weight, of the employee and the name and address of the employer's place of business.

C. The license of a pawnbroker employee shall be posted in a conspicuous location in the licensee's place of business as long as the licensee is employed at the business. The license shall not be altered in any manner. (Ord. 2559 § 3, 2005)

**5.16.022 License requirements.**

Applicants seeking a pawnbroker or pawnbroker employee license under this chapter shall:

A. Be subject to an investigation by the chief of police or his/her designee who shall investigate the following:

1. Whether the applicant has any prior criminal convictions;

2. Whether any outstanding criminal violations or charges exist;

1 3. Whether any legitimate complaints exist regarding the applicant's past business practices that would have  
2 any bearing or effect on the issuance of the license;

3 4. Whether the person is prohibited by law from engaging in this type of activity;

4 5. Whether the application should otherwise be disapproved based upon public safety considerations.

5 B. Submit to fingerprinting by the chief of police and such fingerprints shall be retained in the application file, a  
6 copy of which may be forwarded to the Washington State Patrol, Identification Section, or other agency.

7 Within 30 days following receipt of the application from the licensing authority, the chief of police shall make a  
8 written recommendation on the issuance of the license to the business license clerk, who may then approve the  
9 application for such license. (Ord. 2559 § 4, 2005)

10 **5.16.025 License fee.**

11 A. The license fee for each pawnbroker shall be fixed in the sum shown in Chapter 3.104 LMC.

12 B. The license fee for each pawnbroker employee shall be fixed in the sum shown in Chapter 3.104 LMC. (Ord.  
13 2656 §§ 1, 2, 2006; Ord. 2559 § 5, 2005; Ord. 818 § 14, 1975)

14 **5.16.030 Employment of unlicensed persons prohibited.**

15 It shall be unlawful for any pawnshop or pawnbroker to employ any person who does not have a valid pawnbroker  
16 employee license issued by the city of Lynnwood pursuant to this chapter. (Ord. 2559 § 6, 2005)

17 **5.16.040 Hours and location of operations.**

18 It shall be unlawful for any pawnbroker or employee licensed under this chapter to transact any business between  
19 the hours of 9:00 p.m. and 6:00 a.m. unless special permission is given by the chief of police. All property sold, or  
20 taken in pawn, purchase, trade, or consignment by a licensee shall be done on the business premises and shall be  
21 subject to all applicable transaction restrictions. (Ord. 2559 § 7, 2005)

22 **5.16.050 Receiving goods from certain people unlawful.**

23 A. No licensee under this chapter shall receive in pledge or purchase any property from any person who is at the  
24 time of the transaction:

25 1. Under 18 years of age; or

26 2. Under the influence of alcohol; or

27 3. Under the influence of drugs; or

28 4. Attempting to pledge or sell any property which the employee knows or suspects or should suspect to be  
29 stolen; or

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31 5. Known to the licensee as having been convicted of burglary, robbery, theft, forgery, fraud or possession of or  
32 receiving stolen property within the past 10 years, whether the person is acting in his or her own behalf or as an  
33 agent of another. The chief of police shall be authorized to compile a list of qualified persons convicted of  
34 property crimes and provide such list to licensees as a reference list of persons from whom they may not  
35 receive or purchase property.

36 B. Notification by the police department given to such licensee, his agent, employee or representative that person  
37 has been convicted of burglary, robbery, theft, fraud, forgery, or possession of stolen property shall constitute  
38 sufficient notice of such convictions under the provisions of this chapter, and shall be prima facie evidence that the  
39 licensee, his agent, employee or representative has due notice thereof. (Ord. 2559 § 8, 2005)

40 **5.16.060 Pawnbroker- Interest charges.**

41 All pawnbrokers are authorized to charge and receive interest at the rate authorized by state law, from any loan on  
42 the security of personal property actually received in pledge, and every person who asks or receives a higher rate of  
43 interest or discount on any such loan is guilty of violation of this chapter. (Ord. 99 § 6, 1961)

44 **5.16.061 Holding of personal property and right of rescission.**

45 A. All pawnbrokers who purchase from a customer articles of personal property and goods are required to hold said  
46 personal property for a period of 30 days from the date of purchase before offering for sale or selling said personal  
47 property and goods.

48 B. Any person who sells personal property and goods to a pawnbroker as set forth in subsection (A) of this section  
49 shall be entitled to rescind said sale within a period of 10 days of the sale by tendering to the pawnbroker the full  
50 amount of the purchase price, plus interest charges as provided in LMC 5.16.060.

51 C. Violation of this section by any pawnbroker or pawnbroker employee is a misdemeanor. (Ord. 2559 § 9, 2005;  
52 Ord. 736 § 1, 1974)

53 **5.16.080 Secondhand dealer recordkeeping requirements and penalties to apply.**

54 All individuals, corporations, partnerships, associations and all other legal entities conducting business as a  
55 pawnbroker or a pawnshop in Lynnwood shall comply and be subjected to all rules, regulations, duties of

Lynnwood Municipal Code  
Chapter 5.16 PAWNBROKERS

1 recordkeeping and penalties as set forth in Chapter 5.82 LMC that are not in conflict herein as those sections now  
2 exist or as hereafter amended. (Ord. 1352 § 3, 1983)



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**Chapter 5.18**

**MOBILE FOOD VENDORS**

Sections:

- 5.18.010 Purpose.
- 5.18.020 Definitions.
- 5.18.030 Mobile food vendor business – License required – Exemptions.
- 5.18.040 Display of license.
- 5.18.050 Restrictions applicable to all mobile food vendors.
- 5.18.060 Director’s rules.
- 5.18.070 Mobile food vendor license – Application.
- 5.18.080 License fee.
- 5.18.090 General regulations.
- 5.18.100 Violation – Penalty.

**5.18.010 Purpose.**

The purpose of this chapter is to allow for mobile food vendors (food trucks) to conduct business within the corporate limits of the city of Lynnwood and to reasonably accommodate new businesses, enhance street vitality, and support entrepreneurship. (Ord. 3175 § 4, 2016)

**5.18.020 Definitions.**

- A. “Cart” means a mobile, nonmotorized vehicle or conveyance which is intended to be pushed, pulled or otherwise used by a mobile food vendor for the transport of food of any name, nature or description.
- B. “Mobile food preparation van” means a commercially manufactured motorized vehicle in which ready-to-eat food is cooked, wrapped, packaged, processed or portioned for service, sale or distribution.
- C. “Mobile food vendor” means a seller of food from a mobile food preparation van, truck, cart or other vehicle or conveyance, whether upon the public streets, alleys or public property or on private property.
- D. “Vending unit” means a mobile food preparation van, truck, cart, or other vehicle or conveyance, or any facility that is not on a permanent foundation that complies with the International Building Code, and which is used for the sale or delivery of food. (Ord. 3175 § 4, 2016)

**5.18.030 Mobile food vendor business – License required – Exemptions.**

No person, firm or corporation shall engage in a mobile food vendor business without having first obtained a business license from the business license clerk; provided, however, that no license shall be required of the following:

- A. Persons, firms or corporations who conduct a casual or isolated sale and who are not engaged in the business of selling the type of food involved.
- B. Associations, corporations or organizations not organized for profit, and any community fund or foundation organized and operated exclusively for religious, scientific, public or charitable purposes, no part of the earnings of which inures to the benefit of any private shareholder, owner, member or individual, and the net earnings of which are devoted exclusively to charitable, educational or recreational purposes.
- C. Persons, firms or corporations who conduct the sale of seasonal fresh fruits and vegetables that are unprepared and similar agricultural products, as exempted by RCW 36.71.090.
- D. Any “peddler,” as the term is defined in Chapter 5.20 LMC, that is licensed under that same chapter. (Ord. 3175 § 4, 2016)

**5.18.040 Display of license.**

All mobile food vendor licenses shall be prominently displayed upon all carts, vehicles or locations from which a mobile food vendor sells products. (Ord. 3175 § 4, 2016)

**5.18.050 Restrictions applicable to all mobile food vendors.**

- A. Mobile food vending on public streets and public rights-of-way within the corporate limits of the city shall not be permitted unless approved as an authorized participant in a city-approved special event, including a festival, sports tournament or similar activity as authorized under Chapter 5.30 LMC.
- B. Mobile food vending to serve local businesses’ employees at the local businesses’ location shall be permitted when authorized by the business or businesses, such as within the City Center, for the period of time that it takes to set up, serve, and close up the food service.

1 C. A mobile food vendor shall not obstruct or cause to be obstructed the passage of any pedestrian or vehicle on any  
2 public sidewalk, street, fire lane, or any other public right-of-way, including obstructions caused by customer queues  
3 or customers consuming any food sold by the mobile food vendor at or near the place where the items are being  
4 offered for sale. No items may be offered or sold, and no customers served, in any traveled portion of a public  
5 roadway.

6 D. A mobile food vendor shall not sell or deliver any food from the mobile food vendor's vending unit, if the  
7 vending unit is within 100 feet of the entrance of any business establishment which is open for business and offers  
8 similar food for sale, without the consent of said business.

9 E. If a mobile food vendor will be utilizing an external propane tank (not mounted on the mobile food preparation  
10 van), external power connections and/or tent structures, the mobile food vendor will be subject to additional review  
11 by the Lynnwood fire department.

12 F. Notwithstanding any provision of this chapter to the contrary, the director is authorized to adopt rules relating to  
13 the time, place, and manner in which a nonprofit organization may vend food in which the organization's political,  
14 religious, sociological, or ideological message is inextricably intertwined if the sale exercises the permittee's rights  
15 guaranteed by the United States or the Washington Constitution. Such rules may address the issuance and duration  
16 of permits, the size and other equipment used, their siting and location, the type of items offered for sale, advertising  
17 and posting of prices, the display of licenses, the exclusion of ineligible merchandise, the documentation to  
18 accompany applications for registration. (Ord. 3175 § 4, 2016)

19 **5.18.060 Director's rules.**

20 The director may promulgate rules to implement this chapter. The rules may address the subjects identified in this  
21 chapter and other subjects the director believes may aid in the implementation of this chapter. (Ord. 3175 § 4, 2016)

22 **5.18.070 Mobile food vendor license – Application.**

23 A. The submittal requirements for business license review shall include the following:

- 24 1. A site plan, a simple sketch of the site layout, depicting the following:
  - 25 a. Ingress and egress; and
  - 26 b. Location of the vending unit on the property on which food will be offered for sale.
- 27 2. A photograph of the vending unit, proposed signs, and any equipment.
- 28 3. Written approval by the Snohomish Health District that the food preparation and service complies with  
29 health regulations.
- 30 4. Evidence of a current state of Washington vehicle registration.
- 31 5. A written plan documenting appropriate disposal of wastewater generated by the vending unit. Grease shall  
32 be properly disposed of per adopted Washington State health regulations.
- 33 6. Documentation that the vending unit has been approved by the state of Washington Department of Labor and  
34 Industries.
- 35 7. Evidence of necessary approvals from the Lynnwood building and fire departments in the event that external  
36 combustible fuels, external power connections and/or tent structures are proposed when operating under a  
37 special event permit per Chapter 5.30 LMC.

38 B. The mobile food vendor shall comply with the standards of the state of Washington Department of Labor and  
39 Industries for electrical service to the mobile food preparation van. In no event shall the mobile food vendor locate  
40 electric lines overhead or on the ground surface in any location in which the public has access.

41 C. The mobile food vendor must obtain and provide proof of written permission from the property owner for each  
42 location at which the mobile food vendor proposes to offer food for sale. This includes written permission for the  
43 mobile food vendor's location on the site, and for the mobile food vendor's staff to use the property owner's  
44 restrooms. No portable restrooms are allowed on the site; provided, that a portable restroom may be approved for  
45 interim use if there are no permanent restrooms available from an on-site business, as long as it is located at least  
46 120 feet from an arterial street and screened. (Ord. 3175 § 4, 2016)

47 **5.18.080 License fee.**

48 Business license fees for mobile food vendors shall be in the amount stated in Chapter 3.104 LMC. The city  
49 business license will serve as evidence that the applicant has applied for and obtained a Washington State  
50 Department of Revenue business registration number. (Ord. 3175 § 4, 2016)

51 **5.18.090 General regulations.**

52 A. The mobile food vendor shall leave the site clean and vacant each day, including picking up trash and litter  
53 generated by the mobile food vendor's customers.

54 B. The use of any portion of the vending unit as living or sleeping quarters is prohibited.

1 C. All attachments to the vending unit, including but not limited to signs, lights, overhangs, and awnings, shall be  
2 maintained in such a manner as to not create a hazard to pedestrians, customers or vehicles. Flashing lights and  
3 similar displays are prohibited.

4 D. All exterior trash receptacles not intended for customer use shall be screened from public view and securely  
5 covered.

6 E. Wastewater.

7 1. The mobile food vendor shall install an appropriate grease trap in the vending unit, and shall maintain the  
8 grease trap.

9 2. Grease shall be properly disposed of per adopted Washington State health regulations. Wastewater generated  
10 by the vending unit shall be disposed of in a proper manner and documented.

11 F. One portable pop-up 10-foot-by-12-foot tent or umbrella may be used for cover for patrons, or up to three tables  
12 with beach type umbrellas. Cooking shall not take place under any tent. Umbrellas and canopies must be removed at  
13 the end of each day.

14 G. The hours of operation for mobile vending are limited to between 7:00 a.m. and 10:00 p.m.

15 H. Mobile food vendors shall not use amplification or noise-making devices and shall comply with Chapter 10.12  
16 LMC.

17 I. The owner of real property on which a mobile food vendor is located shall be responsible for overall site  
18 maintenance. The property owner shall be responsible for the mobile food vendor's compliance with the provisions  
19 of this chapter with respect to the mobile food vendor's operation on the owner's property.

20 J. Mobile food vendors may not serve alcoholic beverages.

21 K. All mobile food vendors shall comply with all laws, rules and regulations regarding food handling, and all mobile  
22 food preparation vans and motor vehicles used by mobile food vendors shall comply with all applicable laws, rules  
23 and regulations respecting such vehicles as established by the Snohomish County Health Department, the  
24 Washington State Motor Vehicle Code, and any applicable sections of the city code regarding the operation of the  
25 business. (Ord. 3175 § 4, 2016)

26 **5.18.100 Violation – Penalty.**

27 Failure to perform any act required by this chapter, or the performance of any act prohibited by this chapter, is  
28 designated as a civil infraction and may not be classified as a criminal offense. Any person, firm or corporation  
29 found to have committed an infraction under this chapter shall be assessed a monetary penalty. No penalty assessed  
30 for infractions under this chapter may exceed \$500.00 for each separate infraction. (Ord. 3175 § 4, 2016)  
31

1 **Chapter 5.20**

2 **PEDDLERS AND SALESMEN**

3 Sections:

4 5.20.010 License to peddle required – Exception.

5 5.20.020 Peddler defined.

6 5.20.030 License fees.

7 5.20.040 Application for license.

8 5.20.050 Investigation and issuance of license.

9 5.20.060 Entry on property posted against trespass.

10 5.20.070 Carrying and producing license.

11 5.20.080 Conflict with state law not intended.

12 5.20.090 Purpose of chapter.

13 5.20.100 Penalty for violations.

14 5.20.110 Severability.

15 **5.20.010 License to peddle required – Exception.**

16 It is unlawful for any person, firm or corporation to peddle any article, service or thing within the city of Lynnwood,  
17 except as otherwise provided, without first procuring a license to do so, to be known as a “peddler’s license.” Each  
18 peddler’s license shall specify articles, services or things to be peddled, and the time for which the same is to be  
19 issued. No license shall be required to peddle newspapers of general circulation within the city. (Ord. 29 § 1, 1959)

20 **5.20.020 Peddler defined.**

21 For the purpose of this chapter, “peddler” means:

22 A. Any person who goes from house to house or place to place within the city of Lynnwood selling, making offers  
23 to sell or soliciting offers to buy any goods, wares, merchandise, services or things of value at retail to persons not  
24 retailers in such commodities; or

25 B. Any person who, while offering for sale any goods, wares, merchandise, services or thing of value, stands or sits  
26 in a doorway, any unenclosed vacant lot, parcel of land or in any other place not used by such person as a permanent  
27 place of business. (Ord. 29 § 2, 1959)

28 **5.20.030 License fees.**

29 A. The license fees for each peddler and investigation fee shall be fixed as shown in Chapter 3.104 LMC.

30 B. Where the peddler so applies, he may be issued a special license to peddle on a daily basis at a fee as shown in  
31 Chapter 3.104 LMC.

32 C. All peddler applicants shall pay an investigation fee in the sum shown in Chapter 3.104 LMC. In the event that  
33 the applicant is rejected, the license fee only will be returned to the applicant; no investigation fee will be required in  
34 the case of renewals of existing licenses. (Ord. 2656 §§ 1, 2, 2006; Ord. 818 § 10, 1975; Ord. 29 § 3, 1959)

35 **5.20.040 Application for license.**

36 All applications for license hereunder shall be made to the business license clerk upon such forms as he or she may  
37 direct, setting forth the proposed duration of the license, the article or service to be sold and the purchase price  
38 thereof, the name and address of the applicant and of the manufacturer or distributor of the article or service to be  
39 sold, a statement of the past employment of the applicant for the preceding two years, a statement of similar licenses  
40 granted to the applicant by other governing bodies during the preceding two-year period, and a statement by the  
41 applicant as to previous convictions of crime in any court. (Ord. 29 § 4, 1959)

42 **5.20.050 Investigation and issuance of license.**

43 The director or director’s or designees will investigate each applicant within a reasonable time, and shall issue all  
44 licenses hereunder. However, no license shall be issued to any applicant who is discovered to have made a false  
45 material statement in his application therefor, such that the interest of public welfare and safety require that no  
46 peddler license be granted. (Ord. 29 § 5, 1959)

47 **5.20.060 Entry on property posted against trespass.**

48 It is unlawful for any person to enter into or upon any land of another or willfully to go or remain upon the land of  
49 another after having been warned by the owner or occupant thereof not to trespass thereon. For the purposes of this  
50 section, any clearly legible sign warning against said trespass which is posted prominently on said property so that it  
51 may be read from the boundary thereof shall be presumed to be sufficient warning within the meaning of this section  
52 and shall revoke any implied invitation to enter upon said land. (Ord. 29 § 6, 1959)

- 1 **5.20.070 Carrying and producing license.**  
2 Each peddler as defined in this chapter shall be required to carry his/her license upon his/her person, and shall  
3 produce the same for inspection upon the demand of the business license clerk or designee, any police officer or any  
4 customer. (Ord. 29 § 7, 1959)
- 5 **5.20.080 Conflict with state law not intended.**  
6 Nothing contained in this chapter shall be construed so as to prohibit the peddling defined and exempted by RCW  
7 36.71.090,\* or any other exemption provided by the laws of the state of Washington; provided, that person soliciting  
8 or peddling pursuant to authority of state certificate shall, before soliciting or peddling in the city of Lynnwood,  
9 show said certificate or state identification card to the business license clerk. (Ord. 1089 § 9, 1979; Ord. 29 § 8,  
10 1959)
- 11 \*Ordinance refers to Session Law of Washington.
- 12 **5.20.090 Purpose of chapter.**  
13 This chapter is declared to be enacted for the purpose of regulating the persons and acts defined above in this  
14 chapter. (Ord. 29 § 9, 1959)
- 15 **5.20.100 Penalty for violations.**  
16 Any violation of the provisions of this chapter shall be deemed a misdemeanor, and shall be punished by a fine not  
17 to exceed \$1,000.00 or imprisonment not to exceed 90 days or by both such fine and imprisonment(Ord. 2698 § 3,  
18 2007; Ord. 2656 §§ 1, 2, 2006; Ord. 29 § 11, 1959)
- 19 **5.20.110 Severability.**  
20 The provisions of this chapter are declared to be severable, and if any section, clause or provision hereof is declared  
21 to be invalid, such decision shall not affect the validity of all sections, clauses or provisions not declared to be  
22 invalid. (Ord. 29 § 10, 1959)

1	<b>Chapter 5.24</b>
2	<b>DANCING*</b>
3	<b>(Repealed by Ord. 1581)</b>
4	*See Chapter 5.25 LMC.

1 **Chapter 5.25**

2 **PUBLIC AND TEEN DANCES AND**

3 **DANCE HALLS**

4 Sections:

- 5 5.25.010 Definitions.  
6 5.25.020 License required – Fee – Renewals.  
7 5.25.030 License – Exemption and waiver of payment.  
8 5.25.040 Applications.  
9 5.25.050 Denial or nonrenewal of license.  
10 5.25.060 Security.  
11 5.25.070 Litter control – Security for cleanup.  
12 5.25.080 Loitering on premises prohibited.  
13 5.25.090 Revocation or suspension of license.  
14 5.25.100 Appeal from denial, revocation or conditions.  
15 5.25.110 Age restrictions.  
16 5.25.120 Hours of operation.  
17 5.25.130 Public dance – Readmission fee.  
18 5.25.140 Access – By police and fire officers.  
19 5.25.150 License limited to licensee and location.  
20 5.25.160 Severability.

21 **5.25.010 Definitions.**

22 For the purpose of this section and unless the context plainly requires otherwise, the following definitions are  
23 adopted:

24 A. “Public dance” means any dance that is open to the public and which:

- 25 1. Is conducted for a profit, direct or indirect; or  
26 2. Requires a monetary payment or contribution from the persons admitted.

27 The term “public dance” does not include a banquet, party or celebration conducted for invited guests which is not  
28 open to the public. Except where stated otherwise, a public dance includes a “public teen dance,” which is defined as  
29 any public dance that is open to persons under the age of 21 years. B. “Dance hall” means any place or premises  
30 where a public dance is conducted, including but not limited to all parking areas, hallways, bathrooms, and adjoining  
31 areas accessible to the public during the dance.

32 C. “Person” includes one or more natural persons, corporations, partnerships or unincorporated associations or other  
33 forms of business organization.

34 D. “Police chief” means the city of Lynnwood police chief or his or her designee.

35 E. “Security” means employees dedicated to maintaining adherence to laws and regulations of this chapter in the  
36 dance hall.

37 F. “Fire marshal” means the city of Lynnwood fire marshal or his or her designee.

38 G. “Finance director” means the city of Lynnwood finance director.

39 H. “Director” means the city of Lynnwood community development director or the director’s designee. (Ord. 2252  
40 § 1, 1999; Ord. 1581 § 1, 1987)

41 **5.25.020 License required – Fee – Renewals.**

42 A. It is unlawful for any person to conduct a public dance within the city of Lynnwood without first having obtained  
43 and being the holder of a valid and subsisting license for such activity, to be known as a public dance license. The  
44 annual fee for a public dance license is shown in Chapter 3.104 LMC; provided, that the director may issue a permit  
45 to any applicant for one dance only for a fee as shown in Chapter 3.104 LMC; provided further, that the director  
46 shall not issue more than three single dance permits within any 30-day period to any one person, or to anyone acting  
47 on their behalf or to any applicant desiring to hold a public dance at any place where more than three single dance  
48 permits have been issued within the last 30 days without the applicant first securing an annual dance permit. The  
49 term and renewal of any and all annual licenses shall be as provided in LMC 5.04.040.

50 B. All applications for permits, whether annual or single night, shall indicate the anticipated dates of proposed  
51 dances and both the hour of commencement and closing of each of the proposed dances.

1 C. The permits as provided in this chapter shall not be assignable.  
2 D. All annual dance licenses shall expire one year from issue date. Ord. 2656 §§ 1, 2, 2006; Ord. 2252 § 2, 1999;  
3 Ord. 1581 § 2, 1987)

4 **5.25.030 License – Exemption and waiver of payment.**

5 A. A license is not required if the public dance is sponsored by an educational institution accredited by the state of  
6 Washington.

7 B. A license is not required if the public dance is sponsored by a nonprofit, tax exempt organization, corporation or  
8 association recognized by the United States of America as exempt from federal income taxation pursuant to Section  
9 501(C)(1) or (3) of the Internal Revenue Code of 1954, 26 USC Section 501 as now existing or hereafter amended.

10 C. If the public dance is managed or operated by the city of Lynnwood, the license requirements of this chapter may  
11 be waived by the police chief.

12 D. Those organizations which are not required to obtain a license under this chapter shall register their intent to  
13 conduct a public or teen dance with the director within 14 days prior to each dance held, and shall include such  
14 information required for an application for a license under this chapter. Additionally, that organization shall provide  
15 proof satisfactory to the director of the organizations' exempt status. (Ord. 2252 § 3, 1999; Ord. 1581 § 3, 1987)

16 **5.25.040 Applications.**

17 A. Applications for any license pursuant to this chapter shall be submitted in writing to the director upon such forms  
18 as the director may prescribe at least 30 days prior to the first dance. If the application is submitted less than 30 days  
19 before the dance, the director may, subject to available resources, process the application, subject to an additional  
20 processing fee of 50 percent of the prescribed fee. In addition to other information requested, application forms shall  
21 contain the name and place of residence of the applicant, the address and description of the premises to be licensed  
22 and the time and date of the dance or dances to be held. All applications shall be accompanied by a certificate of  
23 insurance evidencing public liability coverage for persons and property equal to at least \$500,000 per occurrence  
24 and one million in aggregate. Such policy shall be in a form and with a company approved by the city, and name the  
25 city of Lynnwood as a named insured and provide for 30 days' notice of cancellation.

26 B. All applications shall be referred to the police chief who shall conduct an investigation as to the truth of the  
27 statements contained therein and investigate all other matters pertaining to the criteria for license approval set forth  
28 in LMC 5.25.050. The police chief shall report to the director the results of such investigation, as well as his or her  
29 other findings as to whether the criteria for obtaining a public dance license have been met.

30 C. The police chief, either at time of initial licensing, or anytime thereafter, may recommend such conditions as he  
31 or she finds necessary to adequately protect the public health, safety and general welfare, including the condition  
32 that the licensee employ an off-duty police officer to enforce the laws of the state of Washington and city ordinances  
33 during any dance.

34 D. In addition, the applicant shall be responsible for any special costs, plus 15 percent administrative fee. For  
35 example, if two police officers at \$25.00 per hour are required for two hours, then the applicant would pay, in  
36 addition to the application fee, \$115.00 (\$25.00 x 2 hours x 2 officers + 15 percent). (Ord. 2252 § 4, 1999; Ord.  
37 1581 § 4, 1987)

38 **5.25.050 Denial or nonrenewal of license.**

39 A. The director shall deny or prohibit the renewal of a license if one or more of the following conditions exists:

40 1. The applicant is not in compliance with any state, county or city law or ordinance applicable to the premises  
41 or operator, or has failed to pay any penalties, fines, or assessments levied pursuant to this chapter, provided, a  
42 dance license shall not be withheld if the licensee is in compliance with a court or administrative order  
43 concerning payment of penalties, fines, or assessments.

44 2. The applicant or any of the applicant's officers, directors, partners, operators, employees or other person  
45 involved in the operation of the dance or dance hall have committed any act, which, if committed by a licensee,  
46 would be grounds for suspension or revocation of a license or permit.

47 3. The applicant has been convicted within the last five years of a felony involving a crime of violence (as  
48 defined in RCW 9A.1010(2) as now exists or hereafter amended) upon a juvenile or any felony under Chapters  
49 9A.44, 9A.88 or 69.50 RCW; or

50 4. Within the last two years the applicant has been refused a license or had a license revoked under the  
51 provisions of this chapter.

52 B. Any applicant denied a license may reapply and be granted a license if the applicant can show that the basis for  
53 such denial no longer exists.

54 C. When the director refuses to grant a license, or grants a license with conditions, he or she shall notify the  
55 applicant in writing of the same and shall inform the applicant of his/her right to appeal pursuant to LMC 5.25.100.  
56 (Ord. 2252 § 5, 1999; Ord. 1581 § 5, 1987)



1 **5.25.060 Security.**

2 A. It shall be the obligations of every person licensed under this chapter to insure that an adequate number of  
3 qualified security personnel are employed and present at a teen dance, during and following each dance, as is  
4 necessary to maintain order and insure compliance with the laws of the state of Washington and ordinances of the  
5 city of Lynnwood.

6 B. The police chief will review the security provisions of the establishment and may, at his discretion, require the  
7 augmentation of security personnel to include hiring off-duty police officers. (Ord. 2252 § 6, 1999; Ord. 1581 § 6,  
8 1987)

9 **5.25.070 Litter control – Security for cleanup.**

10 A. Prior to issuance of any public dance license, other than for an annual license for a fixed business premises, a  
11 cash security deposit in the amount of \$200.00 shall be submitted to the director or the director’s designee as  
12 security for the cleanup of all litter resulting from any public dance authorized by the license. In the event the  
13 licensee fails to clean up all litter on any public or private property which results from any public dance conducted  
14 by the licensee within 24 hours of the end of the dance, the city may cause such litter to be cleaned up and pay the  
15 costs of the cleanup out of the security funds. Litter resulting from the public dance shall be limited to that occurring  
16 within a one-block radius of the location of the dance unless clearly identified to the dance. In the event the cost of  
17 the cleanup exceeds the amount of funds on deposit, the licensee shall pay such excess costs.

18 B. Upon termination of all activities authorized by a public dance license and cleanup of all litter resulting from such  
19 an activity, the remainder of all funds deposited as security for litter cleanup shall be refunded to the licensee,  
20 without interest. (Ord. 2699 § 13, 2007; Ord. 2656 §§ 1, 2, 2006; Ord. 2252 § 7, 1999; Ord. 1581 § 7, 1987)

21 **5.25.080 Loitering on premises prohibited.**

22 It shall be the obligation of each person issued a license under this chapter to prevent loitering of all persons on the  
23 premises of the dance hall, including parking lot and driveway areas used by patrons of the dance hall. “Loitering”  
24 shall not include walking between the entrance to the public dance and parked vehicles, nor shall it include the act of  
25 waiting in line to gain admission to the dance. (Ord. 1581 § 8, 1987)

26 **5.25.090 Revocation or suspension of license.**

27 A. The director may suspend or revoke any license issued pursuant to this chapter where one or more of the  
28 following conditions exists:

- 29 1. The license was procured by fraud or false representation of material fact in the application or in any report  
30 or record required to be filed with the finance director;
- 31 2. The building, structure, equipment or location of the business or dance for which the license was issued does  
32 not comply with the requirements or fails to meet the standards of the applicable health, zoning, building, fire  
33 and safety laws and ordinances of the state of Washington, Snohomish County, and the city of Lynnwood, or  
34 the requirements of this chapter;
- 35 3. The applicant or any of the applicant’s officers, directors, partners, operators, employees or other person  
36 involved in the operation of a teen dance has been convicted within the last five years of a felony involving a  
37 crime of violence (as defined in RCW 9A.101(3) upon a juvenile as now exists or hereafter amended) or any  
38 felony under Chapters 9A.44, 9A.64, 9A.88 or 69.50 RCW; or
- 39 4. The licensee or his or her employee, agent, partner, director, officer or manager has knowingly allowed or  
40 permitted:
  - 41 a. A felony involving a crime of violence (as defined in RCW 9A.101(3) as now exists or hereafter  
42 amended) or any felony under Chapters 9A.44, 9A.64, 9A.88 or 69.50 RCW to occur in or upon the dance  
43 hall premises;
  - 44 b. Any act of or solicitation for sexual intercourse, sodomy, oral copulation, or masturbation to be  
45 committed in or upon the dance hall premises; or
  - 46 c. The possession or consumption of liquor by persons under the age of 21 years; or
  - 47 d. The giving or supplying of liquor to any person under the age of 21 years; or
  - 48 e. The use by any person in or upon the dance hall premises of marijuana, cocaine or any other controlled  
49 substance (as defined in RCW 69.50.101 as now exists or as hereafter amended) not prescribed by a  
50 licensed physician for use by the person possessing or using the substance; or
  - 51 f. Has knowingly failed to remove from such premises, any person who appears to be under the influence  
52 of, or affected by the use of alcohol or any controlled substance, or whose conduct poses a danger to the  
53 safety of others present; or
  - 54 g. A crime involving prostitution, lewd conduct, or assault on a juvenile to occur in or upon the teen dance  
55 hall premises; or
  - 56 h. The possession of any weapon in or upon the premises; or

1 Violation of any condition placed upon a license issued pursuant to this chapter; or  
2 Violation of any other applicable law or ordinance, which the police chief or his or her designee finds  
3 constitutes an unreasonable interference with surrounding land use or is otherwise unreasonably  
4 detrimental to the public welfare;  
5 The building, structure, equipment or location of the business for which the license was issued does not  
6 comply with the requirements or fails to meet the standards of the applicable health, zoning, building, fire  
7 and safety laws and ordinances of the state of Washington, Snohomish County, and the city of Lynnwood,  
8 or the requirements of this chapter;  
9 The licensee or any owner or agent thereof has committed any act which is a ground for denial of a  
10 license.

11 B. Upon a determination by the director that there is a basis for revocation or suspension of a license, the director  
12 shall notify the licensee by certified and regular mail of the director's decision to revoke or suspend the license. The  
13 written decision shall specify the basis for the director's determination, the effective date of the revocation or  
14 suspension, the corrective measures required to avoid revocation or suspension, and the procedures for appeal of the  
15 director's determination.

16 C. The decision of the director may be appealed by filing a written appeal in accordance with LMC 5.25.100A and  
17 B. Upon the filing of a timely appeal, the director's decision to revoke or suspend the license shall be stayed  
18 pending a final decision by the hearing examiner on the appeal.

19 . (Ord. 2252 § 8, 1999; Ord. 1581 § 9, 1987)

20 **5.25.100 Appeal from denial, revocation or conditions.**

21 A. When the director refuses to grant a license, revokes or suspends a license previously issued, or grants a license  
22 with conditions, the director shall notify the applicant in writing of the same and shall inform the applicant of his  
23 right to an appeal to the hearing examiner. The appeal must be filed within 10 business days of the director's  
24 decision by filing a written notice of appeal which contains a statement of the reasons for the appeal to the director  
25 and an appeal fee as specified in Chapter 3.104 LMC.

26 B. If the applicant timely files a notice of appeal and appeal fee, the applicant shall be afforded an appeal hearing  
27 before the hearing examiner in accordance with LMC 1.35.200 et seq, at which time the applicant shall be afforded  
28 an opportunity to show that the conditions imposed are without merit or that the reasons for denial of the license do  
29 not justify the denial. After the hearing the hearing examiner shall determine whether the applicant has shown  
30 reason to revise the conditions or to issue the license, or to reverse the decision to revoke or suspend the license.

31 (Ord. 2252 § 9, 1999; Ord. 1581 § 10, 1987)

32 **5.25.110 Age restrictions.**

33 A. No person conducting a public dance or maintaining a public dance hall shall allow persons under the age of 18  
34 years to enter or remain in the dance hall without a parent or legal guardian present or under the age of 16 years to  
35 enter or remain in a teen dance hall without a parent or legal guardian present.

36 B. No person conducting a "teen dance" as defined in this chapter shall allow persons over the age of 20 years to  
37 enter or remain in the teen dance hall as defined, except for parent or legal guardian.

38 C. It is the responsibility of the person conducting and/or operating a public dance to require identification showing  
39 the age and photograph of each person admitted, such as but not limited to a valid Washington State driver's license  
40 or photo identification card.

41 D.. Every person who knowingly or recklessly allows a person to enter or remain in violation of this section shall be  
42 guilty of a misdemeanor, punishable as prescribed in LMC 10.02.080.

43 E. Any person who affirmatively misrepresents his or her age to obtain admission to or permission to remain in any  
44 public dance in violation of this chapter shall be guilty of a misdemeanor, punishable as prescribed in LMC  
45 10.02.080. (Ord. 2252 § 9, 1999; Ord. 1581 § 11, 1987)

46 **5.25.120 Hours of operation.**

47 No public dance shall be conducted, operated or otherwise open to the public past the hour of 2:00 a.m. and shall not  
48 open before the hour of 8:00 a.m. (Ord. 2252 § 9, 1999; Ord. 1581 § 12, 1987)

49 No teen public dance shall be conducted, operated or otherwise open to the public past the hour of 12:00 midnight  
50 on any school night, nor past the hour of 2:00 a.m. on any other day, and shall not open before 8:00 a.m. For the  
51 purpose of this section, the term "school night" means any night preceding a day upon which public schools within  
52 the city of Lynnwood are scheduled to operate as of the time of commencement of the dance.

53 **5.25.130 Public dance – Readmission fee.**

54 No person conducting or operating a dance or dance hall shall permit any person, other than an employee, to leave  
55 the dance or dance hall and return unless that person pays a readmission fee equal to the original price of admission.  
56 (Ord. 1581 § 13, 1987)

- 1 **5.25.140 Access – By police and fire officers.**
- 2 All police officers of the city of Lynnwood and/or the police chief and the fire marshal shall have free access to
- 3 public dances and dance halls when a dance is being conducted, for the purpose of inspection and to enforce
- 4 compliance with the provisions of this chapter and other applicable city, county and state health, zoning, building,
- 5 fire and safety ordinances and laws. (Ord. 1581 § 14, 1987)
- 6 **5.25.150 License limited to licensee and location.**
- 7 Any license issued under the provisions of this chapter shall apply to a single licensee and to a single location only
- 8 and shall not be transferable to other locations or to other persons. (Ord. 1581 § 15, 1987)
- 9 **5.25.160 Severability.**
- 10 If any section, subsection, sentence, clause, phrase or word of this chapter should be held to be invalid or
- 11 unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect
- 12 the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this chapter.
- 13 (Ord. 1581 § 16, 1987)

Lynnwood Municipal Code  
Chapter 5.26 LICENSING OF TEEN PUBLIC DANCE

1 (Ord. 2253 § 3, 1999)  
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1

**Chapter 5.28**

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**CIRCUSES AND CARNIVALS\***

Lynnwood Municipal Code  
(Repealed by Ord. 1906)

1 (Repealed by Ord. 1906)

2 \*See Chapter 5.30 LMC.

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**Chapter 5.28**

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**CIRCUSES AND CARNIVALS\***

1 (Repealed by Ord. 1906)

2 \*See Chapter 5.30 LMC.



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**Chapter 5.30**  
**SPECIAL EVENTS**

Sections:

- 5.30.010 Purpose.
- 5.30.020 Definitions.
- 5.30.030 General provisions applicable to all special events.
- 5.30.040 Permits and administration.
- 5.30.050 Permit decision.
- 5.30.060 Appeal of permit decision.
- 5.30.070 Exercise of police power.
- 5.30.080 Violation – Penalties.

**5.30.010 Purpose.**

The purpose of this chapter is to accommodate and allow for individual, occasional, or seasonal activities and events desired by members of the community and to: (A) ensure special events and activities do not unduly impact or threaten the public’s health, safety and welfare; (B) protect and preserve public infrastructure and city resources; (C) prevent unplanned disruption of public services; (D) mitigate impacts to the extent feasible; (E) allow for the exercise of protected free speech; and (F) facilitate business events of a singular or infrequent nature. (Ord. 3128 § 4 (Exh. A), 2015)

**5.30.020 Definitions.**

- A. “Carnival” means a type of special event involving amusement rides or games to which members of the public are invited.
- B. “Circus” means a type of special event conducted by any organization whose general occupation is that of exhibiting exotic animals, feats of horsemanship, animal stunts, and aerobatics, for admission to which a fee is charged.
- C. “Emergency response plan” means a plan detailing the expected actions of event management and/or public safety agencies in the event or threat of an emergency.
- D. “Fire marshal” means the city of Lynnwood fire marshal or his/her designee.
- E. “Market” means a single or reoccurring special event intended to facilitate the purchase and sale of food, beverages, crafts, flowers, etc., produced, harvested, and/or manufactured by the vendor. Markets consist of multiple vendors co-locating under the direction of a central entity responsible for promotion, sanitation, permitting/licensing, utilities, and coordination with affected property owners, regulatory agencies, and service providers. Reoccurring markets are typically conducted on a weekly or monthly basis during one or more seasons per year.
- F. “Parade” means a type of special event involving an organized procession or march of more than 25 persons or things that temporarily disrupts the general public’s normal use of public streets or sidewalks.
- G. “Person” means an individual, corporation, partnership, incorporated or unincorporated association, organization, or other entity or group of persons, however organized.
- H. “Private” or “private event” means an event where persons are specifically and individually invited. It does not include an event where tickets, invitations, or announcements are available to the public. Events conducted entirely within a building are exempt from the need to obtain a permit under this section.
- I. “Public” or “public event” means a special event open to the public, and includes an event where tickets, invitations, or announcements are available to the public. Events conducted entirely within a building are exempt from the need to obtain a permit under this section.
- J. “Run” or “race” means a type of special event involving any race, contest or event, whether of a competitive or a noncompetitive nature, involving a procession of persons, whether afoot or upon any vehicle or device propelled by the human body, including but not limited to marathons, fun runs, walkathons, and bicycle races.
- K. “Security” means employees, or other hired personnel, dedicated to maintaining order and ensuring compliance with the laws of the state of Washington and ordinances of the city of Lynnwood.
- L. “Site” has the same meaning as set forth in Chapter 21.02 LMC as now or hereafter amended, and in addition in the case of undeveloped property, a land area under common ownership, whether the land area is comprised of one lot, a combination of contiguous lots, or contiguous fractions of lots.

1 M. "Special event" means an activity or occurrence of limited duration such as a fair, show, festival, party, parade,  
2 carnival, circus, rodeo, promotion, entertainment, fireworks display, market, or tent sale that: a) has the potential to  
3 impact public streets, sidewalks, utilities, or public services; or b) disrupts or precludes the normal or intended use of  
4 property and results in considerable impact upon nearby properties. Activities associated with construction and  
5 repair are not considered to be or regulated as special events. Special events may occur upon private property or  
6 public property, or within the public right-of-way. Events conducted entirely within a building are exempt from the  
7 need to obtain a permit under this section. Special events include commercial special events, community special  
8 events, and expressive special events as further defined below:

- 9 1. "Commercial special event" means an activity or occurrence sponsored and operated by one or more  
10 businesses that is conducted primarily for the exchange of goods or services for financial gain. Commercial  
11 special events typically occur upon private property. Examples of commercial special events include parking  
12 lot sales and tent sales, promotional events, sidewalk sales, etc.  
13 2. "Community special event" means an activity or occurrence sponsored and operated by one or more  
14 nonprofit, or public, or business entities that is conducted primarily for the public's entertainment, celebration,  
15 fundraising, education, or recreation. Community special events may include the conducting of commerce, and  
16 typically involve the use of public parks and/or rights-of-way. Examples of community special events include  
17 community fairs, parades, concerts free to the general public, farmers' markets, run or race, religious outreach  
18 events, etc.  
19 3. "Expressive special event" means an activity or occurrence where the sole or principal purpose is the  
20 expression, dissemination, or communication of political or religious opinion, views or ideas, and for which no  
21 fee or donation is charged or required as a condition of participation or attendance. Examples of expressive  
22 special events include: political rallies, marches, public speeches, and political demonstrations. For purposes of  
23 this chapter, expressive activity does not include sports events, including a run or race, fundraising events, or  
24 events conducted for the principal purpose of entertainment.

25 N. "Tent" means temporary membrane structures and shelters such as pop-up canopies, sails, etc., as defined in the  
26 current editions of the fire and building codes, as amended in LMC Title 9, and adopted by the city. (Ord. 3128 § 4  
27 (Exh. A), 2015)

28 **5.30.030 General provisions applicable to all special events.**

29 A. Permit Required. Any person desiring to conduct or operate a special event within the city of Lynnwood shall  
30 first obtain a special event permit from the city. It shall be unlawful for any person to sponsor or conduct an event or  
31 activity requiring a special event permit without a valid special event permit. Penalties for violation of the terms of  
32 this chapter shall be as specified by this chapter.

33 B. Consistency with Permit and Law. A special event shall be conducted: as described by the special event permit;  
34 in accordance with the terms and conditions of the permit; and in accordance with applicable law.

35 C. Tents. The use of tents shall conform to the International Fire and Building Codes, as amended and adopted by  
36 the city, and other provisions of LMC Title 9, including requirements related to wind, snow, and seismic forces.

37 D. Public and Personal Safety. The configuration and operation of special events shall conform to applicable laws  
38 and regulations, including provisions relating to emergency ingress and egress, barrier-free facilities, fire prevention,  
39 health and sanitation, and the operation of vehicles and equipment.

40 E. Solid Waste. Receptacles for garbage and recyclable materials shall be provided as specified by the director or the  
41 director's designee and in conformance with Chapter 70.93 RCW. Solid waste containers shall be closed/covered at  
42 the conclusion of each day of activity associated with the special event. The site of special event, and adjoining  
43 properties, shall be maintained free of litter associated with the special event.

44 F. Business Licenses and Taxes. As required by applicable law, special event businesses/vendors shall have city of  
45 Lynnwood business licenses and record, report and remit taxes.

46 G. Exemptions. The following activities and occurrences shall comply with applicable laws and regulations, but are  
47 exempt from the permit requirements of this chapter:

- 48 1. Scheduled events utilizing reserved public park and recreation facilities, in accordance with the intended use  
49 of the facility, and with park rules and policies.  
50 2. A privately scheduled, non-reoccurring event upon private property in a residential zone with up to 100  
51 persons attending.  
52 3. Funeral and wedding processions.  
53 4. The temporary sale of seasonal goods when regulated by other statutes, such as fireworks stands, Christmas  
54 tree sales, and peddling of farm produce.  
55 5. Neighborhood block parties.  
56 6. Expressive special events not needing a special event permit.

7. Events taking place entirely within commercial and other nonresidential buildings.

H. Signs.

1. With a special event permit application, applicants may request and the director may authorize the use of temporary on-site (on-premises) and off-site (off-premises) signs as allowed by this chapter.
2. Special event signs shall not be detrimental to the public health, safety or welfare, nor injurious to property or improvements in the vicinity of the sign. Signs shall not obstruct visibility for motorists and pedestrians, nor impede access to buildings or property. The installation of signs upon public property shall be subject to inspection by the building official and/or city engineer.
3. The applicant shall be responsible for installation, maintenance, and removal of all signs.
4. Signs for special events shall conform to the provisions of Table 5.30.030(H).

**Table 5.30.030(H)**

	Maximum Allowed per Special Community Event	Maximum Allowed per Special Commercial Event
All signs		
Balloon or other inflatable sign	Not permitted	Not permitted
Duration of display after event	2 days	1 day
Size of banner	As approved by the director.	As approved by the director.
Size of portable sign	12 square feet	12 square feet
Banner	1 per frontage, 7 days prior to event. 2 per frontage or entrance, 24 hours prior to event.	1 per frontage, 7 days prior to event. 2 per frontage or entrance, 24 hours prior to event.
On-site signs		
Portable sign	2 per frontage or entrance on day(s) of event.	2 per frontage or entrance on day(s) of event.
Off-site signs		
Banner	5 banners may be displayed 3 weeks prior to event.	2 banners may be displayed 3 days prior to event.
Portable sign	5 portable signs for directional purposes.	5 portable signs for directional purposes.
Over-road banner	As authorized by the public works director.	—

I. Duration and Frequency. Unless alternative times are authorized by the director, time limitations for outdoor special events shall conform to Table 5.30.030(I).

**Table 5.30.030(I)**

	Number of Days
Maximum duration of a special event, excluding set-up and take-down	14
Maximum number of days of special event per site per year	60 + 5 individual days for nonprofit fundraising only
Minimum number of days between commercial special events on same site	5

J. An applicant may request and the director may approve a special event permit for reoccurring special events of an identical nature to be conducted during a calendar year. (Ord. 3128 § 4 (Exh. A), 2015)

**5.30.040 Permits and administration.**

- A. The director or the director's designee is authorized to prepare and maintain necessary application forms, and may issue written administrative policies and procedures as needed for the implementation of this chapter.
- B. Applications for special events shall be submitted to the director or the director's designee a minimum of 21 days prior to the event. The director shall have the authority to adjust this time requirement.

1 C. Applications for special events shall include written authorization of the property owner. For special events  
2 proposed upon city-owned property, the approval of a special event permit application shall constitute city  
3 authorization to conduct the event upon the property described in the permit application.

4 D. As specified by the director, information required for a complete special event permit application shall include all  
5 information necessary to review and issue a decision on the application. Based on the specific event, these may  
6 include:

- 7 1. The name, address, and contact information for the individuals responsible for organization and management  
8 of the event.
- 9 2. A full and complete description of the proposed special event.
- 10 3. The dates and times of the special event, the estimated number of persons expected to attend per day and the  
11 number of persons expected to operate the activity on a daily basis. The dates and times needed for set-up and  
12 removal of event facilities shall be specified.
- 13 4. The location of the principal place(s) of business of such person(s), firm(s) or corporation(s).
- 14 5. The name, addresses, and contact information for the owner(s) of the event property. Written authorization  
15 of the owner(s) of the event property.
- 16 6. If any tents, canopies, inflatable objects or membrane structures are desired for use in connection with the  
17 activity, an event site plan as described in subsection (D)(8) of this section shall be provided, noting the  
18 number, size and location(s) desired thereof.
- 19 7. The number, type, location, size, manner of placement, materials and description of proposed on-site and off-  
20 site signs.
- 21 8. A site plan of the special event, drawn to scale, indicating the location of permanent and temporary  
22 structures, activity areas, on-site and off-site parking spaces to be used for the event, parking for regular and  
23 concurrent land uses at the event site, surrounding streets and driveways, property lines, fire lanes, fire  
24 hydrants, restrooms, building exits, and staging and support areas.
- 25 9. An estimate of parking demand generated by the event concurrent with regular, ongoing land uses on site or  
26 vicinity.
- 27 10. Planned street closures, use of barricades, etc.
- 28 11. Provisions for appropriate infrastructure, including: restrooms; solid waste disposal and removal; potable  
29 water; electric power; on-site first aid; and compliance with health district and WSLCB regulations regarding  
30 food and beverages.
- 31 12. Live or recorded entertainment and/or the use of public address and/or amplified music.
- 32 13. Use of exterior lighting.
- 33 14. A security plan and emergency response plan.
- 34 15. A city of Lynnwood business license number when a business license is required by this title. If a business  
35 license is required but has not yet been issued, a copy of the application for a city of Lynnwood business  
36 license.
- 37 16. Such other and further information as any city department processing the application deems necessary in  
38 the interest of the public health, safety and welfare to enable it to review the application.

39 E. As a required element of the special event permit application, the applicant and property owner shall hold the city  
40 of Lynnwood harmless from any liability arising from the permitted activity and agree to abide by any conditions  
41 imposed upon the permit, the provisions of this chapter and all applicable law.

42 F. Application fee(s) for commercial special event, community special event, city-sponsored special event, and  
43 expression special event permits are as specified by Chapter 3.104 LMC.

44 G. Repeating Special Event. The director may accept and consider a special event permit application for multiple but  
45 identical special events to be conducted during a period of up to 12 consecutive months. For identical repeating  
46 events that do not require staff review or inspection, the director may waive the application fee for repeating special  
47 events.

48 H. Suspension and Revocation.

- 49 1. In instances that the event does not comply with the provisions of this chapter, the terms and conditions of  
50 the approved permit, or other applicable law, the director may suspend or revoke an approved special event  
51 permit with the issuance of written findings.
- 52 2. When necessary to prevent serious injury to persons, property or the public peace, health, safety or welfare,  
53 the fire marshal, building official, director or chief of police or designee may suspend or revoke an approved  
54 special event permit effective immediately. The city official shall deliver written notice of suspension or  
55 revocation to the permit applicant/event manager. (Ord. 3128 § 4 (Exh. A), 2015)

1 **5.30.050 Permit decision.**

2 A. Following consultation with affected departments, the director may approve, conditionally approve, or deny an  
3 application for a special event permit based upon the provisions of this chapter. When an application is conditionally  
4 approved or denied, the director shall provide written explanation of the grounds for the conditions of approval or  
5 denial, and the applicant's right of appeal.

6 B. Decision Criteria. In reviewing an application for a special event permit, the director or the director's designee  
7 shall consult with other departments and agencies and shall approve the application if the following criteria are  
8 satisfied:

9 1. The application conforms to the requirements of this chapter and administrative requirements specified in  
10 writing by the director.

11 2. Means of ingress and egress to the site and nearby properties are maintained.

12 3. Adequate parking is provided for the event and concurrent, regular activities on site or in the vicinity.  
13 Parking may be located on site, upon nearby streets, or off site through written agreement.

14 4. Adequate and appropriate measures are planned to mitigate or prevent adverse impacts including, but not  
15 limited to:

16 a. Traffic congestion.

17 b. Insufficient supply of parking.

18 c. Excessive or harmful fumes, odor, smoke, or other air emissions.

19 d. Excessive or harmful noise, sound, or vibration.

20 e. Excessive or harmful light, reflection, or glare.

21 f. Unlawful activity or behavior by individuals or groups.

22 g. Other conditions detrimental to the health, safety, and welfare of the public.

23 5. Adequate and appropriate means of ensuring the safe movement, assemblage, and dispersion of people. Such  
24 measures may include the use of safety guardrails, fences, ropes, barricades, etc.

25 6. Adequate and appropriate restroom facilities.

26 C. As a condition of approval of a special event permit application, the director or the director's designee may  
27 require a monetary deposit in order to ensure cost recovery for city services necessitated by the special event.  
28 Examples of such city expenses include special staffing for public safety, inspections during nonbusiness hours, use  
29 of city-owned equipment or utilities, and administrative overhead. For unlawful special events conducted without  
30 permit approval, the city's authority to ensure cost recovery shall be identical to that provided herein.

31 D. As a condition of approval of a special event permit application, the director shall require a monetary deposit in  
32 order to ensure the terms of the special event permit are satisfied, such as requirements for site restoration, solid  
33 waste collection and removal, and event security.

34 E. As a condition of approval of a special event permit application, the director may require a certificate of  
35 comprehensive general liability insurance with coverage in the amount specified by the director or the director's  
36 designee, naming the city as an insured party, and naming each rider on such policy. (Ord. 3128 § 4 (Exh. A), 2015)

37 **5.30.060 Appeal of permit decision.**

38 Decisions of the director are appealable.

39 An appeal of the director's decision related to application of this chapter may be filed with the director or the  
40 director's designee within 10 business days of the director's decision. Such appeal shall be filed and processed in  
41 accordance with the appeal provisions for business licenses as provided by Chapter 5.04 LMC. The appeal filing fee  
42 shall be as specified by the fee schedule (Chapter 3.104 LMC). (Ord. 3128 § 4 (Exh. A), 2015)

43 **5.30.070 Exercise of police power.**

44 This chapter is enacted as an exercise of the city's police powers and shall not be construed to impose any duty  
45 owed by the city to any permittee under this chapter or to any member of the public, nor shall any permit be  
46 construed as waiver of any violation of the laws of the city. (Ord. 3128 § 4 (Exh. A), 2015)

47 **5.30.080 Violation – Penalties.**

48 A. It shall be a misdemeanor for any person, firm, corporation, organization or association to violate any of the  
49 provisions of this chapter or the conditions imposed upon any permit issued hereunder, which shall be punishable by  
50 a fine not to exceed \$1,000 or imprisonment not to exceed 90 days. Each day, or part thereof, during which any such  
51 violations occur or are continued, shall constitute a separate offense.

52 B. In addition, permits issued hereunder shall be subject to suspension or revocation as provided herein, and civil  
53 abatement proceedings.

54 C. In addition, or alternatively, any person violating the provisions of this chapter or the conditions of any permit  
55 issued hereunder shall also subject the permittee to a daily civil penalty in the amount specified by Chapter 1.01  
56 LMC. (Ord. 3128 § 4 (Exh. A), 2015)

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**Chapter 5.32**

2

**PARADES**

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**(Repealed by Ord. 3128)**

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**Chapter 5.34**

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**CIRCUSES AND CARNIVALS**

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**(Repealed by Ord. 3128)**

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**Chapter 5.40**

**TAXICABS AND FOR-HIRE VEHICLES**

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- 5.40.020 Definitions.
- 5.40.030 Scope.
- 5.40.040 Licenses required.
- 5.40.050 Fees.

Article II. Taxicab Owner License

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- 5.40.070 Owners, partners, and principals – Investigation.
- 5.40.080 Standards for license denial.
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- 5.40.190 License expiration and renewal.
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- 5.40.300 Passenger relations standards.
- 5.40.310 Soliciting and cruising standards.

Article V. Entry Standards

- 5.40.320 Director’s reports.
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Article VI. Enforcement

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- 5.40.350 Suspension or revocation.
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- 5.40.380 Renewal of license, registration or permit – Late penalty.
- 5.40.390 Plates, tags, etc. property of city.



**Article I. General Provisions**

**5.40.010 Purpose.**

This chapter is an exercise of the city of Lynnwood’s power to license for-hire vehicles, taxicabs, and for-hire drivers and for regulation and revenue. Some of its regulatory purposes are to increase the safety, reliability, cost-effectiveness, and the economic viability and stability of privately operated for-hire vehicle and taxicab services within the city of Lynnwood. This chapter provides for regulation of taxicabs pursuant to Chapter 81.72 RCW. (Ord. 2387 § 3, 2001)

**5.40.020 Definitions.**

For the purposes of this chapter and unless the context plainly requires otherwise, the following definitions apply:

A. “Approved mechanic” means a mechanic on a list maintained by the director. The list shall contain the name of each mechanic that has applied to the finance director for inclusion and who (1) has met all requirements of the National Institute for Automotive Service Excellence, (2) has been awarded a certificate in evidence of competence satisfactory to the director, (3) does not own, lease or drive a taxicab or for-hire vehicle, and (4) has no financial interest including any employment interest, in any taxicab or for-hire vehicle or in any company that owns or leases taxicabs or for-hire vehicles. An “approved mechanical facility” means a garage or repair facility that employs approved mechanics and authorized emission specialists certified by the Washington Department of Ecology.

B. “Cabulance” means a for-hire vehicle designed and used to transport a person confined to a wheelchair or persons otherwise physically restricted.

C. “Certificate of safety” means a document from an approved mechanic certifying that a particular vehicle meets all vehicle safety standards set forth in this chapter and in regulations adopted pursuant to this chapter.

D. “Committed a violation” means that a licensee has been issued a notice of violation and either has not contested the violation or did contest the violation but lost.

E. “Contract rate” means the rate specified in a written contract signed by both parties before the dispatch of a taxicab or for-hire vehicle for the services identified in the contract. Contracts for package delivery may be made on an oral basis.

F. “Department” means the community development department of the city of Lynnwood, or any department that succeeds to that of the community development department’s duties under this chapter.

G. “Director” means the City of Lynnwood community development director or the director’s designee.

H. “Finance director” means the finance director of the city of Lynnwood.

I. “For-hire driver” means any person in physical control of a taxicab or for-hire vehicle, who is required to be licensed under this chapter. The term includes a lease driver, owner/operator, or employee who drives taxicabs or for-hire vehicles.

J. “For-hire vehicle” means any motor vehicle used for the transportation of passengers for compensation, except:

1. Taxicabs as defined in this chapter;
2. School buses operating exclusively under a contract to a school district;
3. Ride-sharing vehicles under Chapter 46.74 RCW;
4. Limousine carriers licensed under Chapter 81.90 RCW;
5. Vehicles used by nonprofit transportation providers solely for elderly or handicapped persons and their attendants under Chapter 81.66 RCW;
6. Vehicles used by auto transportation companies licensed under Chapter 81.68 RCW;
7. Vehicles used to provide courtesy transportation at no charge to and from parking lots, hotels, and rental offices; and
8. Charter party carriers and excursion service carriers licensed under Chapter 81.70 RCW;
9. Ambulances licensed under Chapter 18.73 RCW.

K. “Handicapped person” means any person who, by reason of illness, injury, age, congenital malfunction, or other permanent or temporary incapacity or disability, is unable without special facilities or special planning or design to use mass transportation facilities and services as efficiently as persons who are not so affected. Handicapped persons include ambulatory persons whose capacities are hindered by sensory disabilities such as blindness or deafness, such mental disabilities as mental retardation or emotional illness, and physical disabilities that still permit the person to walk comfortably, or a combination of these disabilities. It also includes a semi-ambulatory person who requires such special aids to travel as canes, crutches, walkers, respirators, or human assistance, and a nonambulatory person who must use wheelchairs or wheelchair-like equipment to travel.

L. “Knowingly permit” means (1) to know of an action or condition that violates this chapter or any regulation promulgated pursuant to this chapter, and (2) to fail to take reasonable steps to cure the violation and to prevent

1 future violations. There is a rebuttable presumption that a person knows a fact, action or condition of which a  
2 reasonable person in the same position would have knowledge.

3 M. "Lease driver" means a for-hire driver who is an independent contractor/sole proprietor who has leased a taxicab  
4 or for-hire vehicle from a taxicab or for-hire vehicle owner or taxicab owner.

5 N. "Lessor" means an owner of a taxicab or for-hire vehicle who leases to a lease driver.

6 O. "Licensee" means any person or entity licensed under this chapter, including for-hire drivers, and taxicab or for-  
7 hire vehicle owners.

8 P. "Motor vehicle" means every motorized vehicle by or upon which any person may be transported or carried upon  
9 a public street, highway or alley; provided, that vehicles used exclusively upon stationary rail tracks or propelled by  
10 use of overhead electric wires are not considered motor vehicles for purposes of this chapter.

11 Q. "Operating in the city of Lynnwood" means owning, leasing, advertising, driving, occupying or otherwise using a  
12 taxicab or for-hire vehicle that at any time transports any passenger or item for compensation from or to a point  
13 within the geographical confines of the city of Lynnwood. The vehicle is considered to be operating during the  
14 administering of inspections at the city's designated inspection facility. The term does not include being in control  
15 of a vehicle that is physically inoperable.

16 R. "Owner" means the person whose lawful right of possession of a taxicab or for-hire vehicle has most recently  
17 been recorded with the State Department of Motor Vehicles.

18 S. "Senior citizen" means any person, 60 years or older, with a valid identification confirming that person's age.

19 T. "Special rate" means discounted rates for senior citizens and handicapped persons.

20 U. "Taxicab" means every motor vehicle:

- 21 1. That is held out to the public as providing transportation to passengers or articles for hire;
- 22 2. Where the route traveled or destination is controlled by the customer;
- 23 3. That carries signs or indicia of a taxicab, including the words "taxi," "taxicab," or "cab"; and
- 24 4. Where the fare is based on an amount recorded and indicated on a taximeter, or by a special contract rate  
25 permitted under this chapter.

26 V. "Taximeter" means any instrument or device by which the charge for hire of a passenger carrying vehicle is  
27 measured or calculated either for the distance traveled by such vehicle or for waiting time, or for both, and upon  
28 which such calculated charges shall be indicated by means of figures. (Ord. 2387 § 3, 2001)

29 **5.40.030 Scope.**

30 This chapter applies to all taxicabs, all for-hire vehicles and all for-hire drivers operating within the city of  
31 Lynnwood. (Ord. 2387 § 3, 2001)

32 **5.40.040 Licenses required.**

33 It is unlawful to own, lease, drive or otherwise operate within the city of Lynnwood any taxicab or for-hire vehicle  
34 within the scope of this chapter, unless:

- 35 A. The for-hire driver has a valid license issued under this chapter;
- 36 B. The for-hire vehicle or taxicab has a valid license issued under this chapter;
- 37 C. The owner or owners of a taxicab or for-hire vehicle business have a valid license issued under this chapter. (Ord.  
38 2387 § 3, 2001)

39 **5.40.050 Fees.**

40 The license fees and costs are fixed in the amount shown in Chapter 3.104 LMC and shall be payable annually in  
41 advance. (Ord. 2656 §§ 1, 2, 2006; Ord. 2387 § 3, 2001)

42 **Article II. Taxicab Owner License**

43 **5.40.060 License application.**

44 A. Any business or individual desiring to operate as a taxicab owner within the city of Lynnwood shall file with the  
45 director a signed and notarized taxicab owner application, on forms approved by the director. The application shall  
46 include the following information:

- 47 1. The applicant taxicab owner's name, business street address and post office box address (if any), email  
48 address, business phone number where the taxicab owner's representative can generally be reached between  
49 9:00 a.m. and 5:00 p.m. on all nonholiday weekdays, and Federal Communications Commission-licensed  
50 frequencies used for dispatch or response, if any;
- 51 2. The form of business entity under which the owner will operate (e.g., corporation, partnership, cooperative  
52 owner);
  - 53 a. If the applicant taxicab owner is individually owned, the full name, business address (or home address if  
54 no business address), telephone number and date of birth of the owner; or
  - 55 b. If the applicant taxicab owner is a corporation, partnership or other business entity, the names, home  
56 and business addresses, and telephone numbers, and the date of birth of all officers, directors, general and

1 managing partners, registered agents, and of all other persons vested with authority to manage or direct the  
2 affairs of the legal entity or to bind the legal entity in dealings with third parties, and the entity's true legal  
3 name, state of incorporation or registration with the Secretary of State of the state of Washington (if any)  
4 and state of Washington business license number, and any other information that the director may  
5 reasonably require;

6 3. The color scheme the applicant taxicab owner proposes to require for each owned taxicab;

7 4. The name, address, phone number and date of birth of the taxicab owner's representative;

8 5. The taxicab number (assigned by the city) for each vehicle owned by the applicant;

9 6. The special or contract rates that will be charged by taxicabs owned by the taxicab owner; and

10 7. Any other information required by regulations adopted pursuant to this chapter.

11 B. All applications submitted to the director must be accompanied by the license fee set forth in LMC 5.40.050.

12 C. The taxicab owner applicant or licensee must inform the director in writing within seven days if any of the  
13 information provided pursuant to subsection (A) of this section changes, ceases to be true or is superseded in any  
14 way by new information. (Ord. 2387 § 3, 2001)

15 **5.40.070 Owners, partners, and principals – Investigation.**

16 All applicants for a taxicab or for-hire vehicle owner license must consent to be fingerprinted for a criminal  
17 background check. Each applicant shall pay the costs of the fingerprinting in addition to the license fee. (Ord. 2387  
18 § 3, 2001)

19 **5.40.080 Standards for license denial.**

20 A. The operation of a business in the city of Lynnwood is a privilege, not a right. The taxicab owner's ability to  
21 satisfy stated criteria for a taxicab owner license does not create a right to a taxicab owner license.

22 B. The director shall deny any taxicab owner license application if the director determines that:

23 1. The application has a material false or misleading statement or omission;

24 2. The application is incomplete; or

25 3. Within three years prior to the date of application, the applicant, or any owner, officer, director, managing  
26 partner, general partner or principal of the applicant, has had a conviction, bail forfeiture, or other final adverse  
27 finding or disposition for crimes reasonably related to the applicant's ability to operate a taxicab, including but  
28 not limited to fraud, theft, robbery, extortion, embezzlement, racketeering, assault, sex offenses, violations of  
29 the Uniform Controlled Substances Act, prostitution, alcohol, driving or traffic-related offenses, gambling or  
30 income tax evasion.

31 C. The director may deny any taxicab owner license application if the director determines that:

32 1. Within five years prior to the date of application, the applicant, or any owner, officer, director, managing  
33 partner, general partner or principal of the applicant, has had a conviction, bail forfeiture, or other final adverse  
34 finding or disposition for crimes reasonably related to the applicant's ability to operate a taxicab, including but  
35 not limited to, fraud, theft, robbery, extortion, embezzlement, racketeering, assault, sex offenses, violations of  
36 the Uniform Controlled Substances Act, prostitution, alcohol, driving or traffic-related offenses, gambling or  
37 income tax evasion; and

38 2. Has exhibited past conduct, as evidenced by a criminal conviction, bail forfeiture or other final adverse  
39 finding or disposition (including a civil suit or administrative proceeding) in operating a taxicab, business or  
40 vehicle that would lead the director to reasonably conclude that the applicant will not fulfill the taxicab owner  
41 responsibilities and requirements set forth in this chapter. (Ord. 2387 § 3, 2001)

42 **5.40.090 Approval of color scheme.**

43 The director shall have final approval over the taxicab owner's color scheme, in order to ensure that there is no risk  
44 of confusion between the colors of different taxicab owners. (Ord. 2387 § 3, 2001)

45 **5.40.100 Operating responsibilities.**

46 A. In addition to meeting the license application requirements set forth in LMC 5.40.060, the taxicab owner must:

47 1. Maintain a business office that:

48 a. Is open and personally staffed all business days between 9:00 a.m. and 5:00 p.m.;

49 b. Has a business telephone number that is listed in the white and yellow pages of the telephone book and  
50 can be answered during all hours of operation;

51 c. Has a mailing address where the taxicab owner representative will accept mail; and

52 d. Stores all records that this chapter requires the taxicab owner to maintain;

53 2. Ensure that each owned taxicab is insured as required in LMC 5.40.130(C)(5) and (6) and 5.40.160(D);

54 3. Ensure that each owned taxicab maintains the taxicab owner's color scheme and identification;

55 4. Maintain on file at the taxicab owner's place of business proof of insurance required by LMC 5.40.130(C)(5)  
56 and (6) and 5.40.160(D);

- 1 5. Accept on behalf of any driver of an owned taxicab all correspondence from the city to that driver;
- 2 6. Deliver to the for-hire driver of an owner taxicab any correspondence from the city to that owner or driver as
- 3 soon as reasonably possible after the taxicab owner receives such correspondence;
- 4 7. Collect and store for at least two years trip sheet records for all owned taxicabs, including daily logs, as
- 5 prescribed by the city, of taxicabs in service, together with the driver's name, taxicab number and summary of
- 6 trip sheet totals;
- 7 8. Collect annually, and provide to the director on request the following service information:
- 8 a. Number of service requests (trips);
- 9 b. Average number of taxicabs operating during the year;
- 10 c. Average number of operating hours per week per taxicab;
- 11 d. Total paid trip miles for the past year per taxicab; and
- 12 e. Number of complaints received regarding:
- 13 i. Driver conduct sorted by driving behavior, communication, personal dress or hygiene;
- 14 ii. Vehicle condition sorted by appearance, mechanical or safety;
- 15 iii. Service response; and
- 16 iv. Lack of driver knowledge of route or requested destination;
- 17 9. Maintain a log of, and forward to the director upon request, each oral or written customer complaint that the
- 18 taxicab owner receives about the taxicab owner or about an owner, lessee or driver of an owned taxicab. Where
- 19 applicable, the taxicab owner should include a notice of the action taken by the taxicab owner to resolve the
- 20 complaint and the disposition;
- 21 10. Notify the director within two working days of the taxicab owner having knowledge of the following:
- 22 a. A conviction, bail forfeiture or other final adverse finding or disposition received by the driver or the
- 23 owner of an owned taxicab for any criminal offense or traffic violation that occurs during or arises out of
- 24 the driver's operation of the taxicab;
- 25 b. A conviction, bail forfeiture or other final adverse finding or disposition received by the driver or the
- 26 owner of an owned taxicab for any other criminal offense directly bearing on the driver's fitness to operate
- 27 a taxicab or the owner's fitness to own a taxicab, including but not limited to the crimes of fraud, theft,
- 28 robbery, extortion, embezzlement, racketeering, assault, sex offenses, violations of the Uniform Controlled
- 29 Substances Act, prostitution, alcohol, driving or traffic-related offenses, gambling or income tax evasion;
- 30 c. A vehicle accident required to be reported to the state of Washington involving any owned taxicab;
- 31 d. Any restriction, suspension or revocation of a state of Washington driver's license issued to a driver of
- 32 an owned taxicab; or
- 33 e. Any matter listed in LMC 5.40.080(B) and (C);
- 34 11. Permit the director to carry out inspections without notice of all taxicab records required to be kept under
- 35 this chapter, and all owned taxicabs; and
- 36 12. Pay all penalties imposed by the director that are either not contested or are upheld after review.
- 37 B. The taxicab owner licensee must inform the director in writing within seven days if any of the information
- 38 provided pursuant to subsection (A) of this section changes, ceases to be true or is superseded in any way by new
- 39 information.
- 40 C. Failure to meet the requirements of this section (LMC 5.40.100) is a violation of this chapter. (Ord. 2387 § 3,
- 41 2001)

42 **5.40.110 Transfers in the interest of a taxicab owner.**

43 A taxicab owner license is not transferable, except an interest in a business entity holding a taxicab owner license  
44 may be transferred, after the new owner or principal has (1) submitted an application pursuant to LMC 5.40.060, (2)  
45 met the standards and requirements for an owner, and (3) secured written approval of the director. (Ord. 2387 § 3,  
46 2001)

47 **5.40.120 License renewals.**

48 A taxicab owner license is valid for no more than one year and expires on July 31st. No taxicab owner license may  
49 be renewed unless the renewal fee has been paid and all outstanding penalties assessed against the taxicab owner  
50 and the for-hire drivers of the owner's taxicabs have been paid to the director. The director shall not renew the  
51 taxicab owner license unless the director determines that the taxicab owner's continued operation is in the public  
52 interest. All denials of renewal applications must be set forth in writing, together with the reasons for denial. The  
53 written denial shall be delivered either personally or by certified mail to the address provided by the applicant on the  
54 license renewal application. (Ord. 2387 § 3, 2001)

**Article III. Taxicab and  
For-Hire Vehicle Licenses**

**5.40.130 License application.**

A. A taxicab owner shall file with the director a signed and notarized taxicab license application, on forms approved by the director, for each taxicab the owner owns. The application shall include the information specified in subsection (C) of this section.

B. A for-hire vehicle owner shall file with the director a signed and notarized for-hire vehicle license application on forms provided by the director for each for-hire vehicle the owner owns. The application shall include the information specified in subsection (C) of this section.

C. The taxicab or for-hire vehicle license application shall include the following information:

1. Ownership type:

a. If the owner is an individual, the owner's full name, home address, home and business telephone number and date of birth (which shall be at least 18 years prior to the date of application); or

b. If the owner is a corporation, partnership or other legal entity, the full names, home and business addresses, and telephone numbers and date of birth (which must be at least 18 years before the date of application) for the corporation's or entity's officers, directors, general and managing partners, registered agents, and each person vested with authority to manage or direct the affairs of the legal entity or to bind the legal entity in dealings with third parties; the corporation's, partnership's or entity's true legal name, state of incorporation or partnership registration (if any), business address and telephone and facsimile numbers and state of Washington business license number, and any other information that the director may reasonably require;

2. Vehicle information, including the taxicab or for-hire vehicle number assigned by any regulatory agency, the make, model, year, vehicle identification number, Washington State vehicle license plate number, and any other vehicle information that the director may reasonably require;

3. Information as requested by the director pertaining to any driver's, for-hire vehicle or taxicab license suspension, denial, nonrenewal or revocation, imposed in connection with a taxicab or for-hire vehicle owned or leased by the owner within the last three years;

4. Criminal history, as requested by the director, of the owner, or if the owner is a business entity, of each person specified in subsection (C)(1)(b) of this section;

5. Certificate of insurance or bond proving compliance with Chapter 46.72 RCW, as now or hereafter amended, for each taxicab or for-hire vehicle for which a license is sought. The certificate shall:

a. Be issued by a company authorized to carry on an insurance business in the state of Washington;

b. Name the city of Lynnwood as a certificate holder; and

c. Provide that the insurer will notify the director, in writing, of any cancellation at least 30 days before that cancellation takes effect;

6. Certificate of underinsured motorist coverage indicating minimum coverage as required by RCW 46.72.040 as now or hereafter amended or a certificate of self-insurance issued pursuant to RCW 46.29.630;

7. State of Washington for-hire certificate;

8. State of Washington vehicle registration;

9. A valid certificate of safety issued by an approved mechanic for the vehicle within the last license year.

Attached to this certificate of safety must be a certification stating that the taxicab or for-hire vehicle has passed an emissions test conducted by an authorized emissions specialist who has been certified by the Washington Department of Ecology. The safety certificate and emission certification remain valid, if the vehicle is sold, until the next renewal date;

10. A completed and satisfactory equipment inspection by the city of Lynnwood as required in LMC 5.40.160(F);

11. Any other information or documents reasonably required by the director; and

12. The above application and information must also be completed and supplied for each annual license renewal. (Ord. 2387 § 3, 2001)

**5.40.140 Owners – Investigation.**

All applicants for a taxicab or for-hire vehicle license must consent to be fingerprinted for a criminal background check. Each applicant shall pay the costs of the fingerprinting in addition to the license fee. (Ord. 2387 § 3, 2001)

**5.40.150 Standards for license denial.**

A. The director shall deny any taxicab or for-hire vehicle owner license application if the director determines that:

1. The applicant has failed to submit a complete, satisfactory application pursuant to LMC 5.40.130;

- 1 2. The applicant has made any material false or misleading statement or omission in the application for a  
2 license;
- 3 3. The applicant fails to meet one or more of the applicant or vehicle requirements of a taxicab or for-hire  
4 vehicle owner licensee pursuant to LMC 5.40.160; or
- 5 4. Within three years prior to the date of application, the applicant, or if the applicant is a business entity any  
6 officer, director, general partner, managing partner or principal of the applicant, has had a conviction, bail  
7 forfeiture or other final adverse finding or disposition for crimes reasonably related to the applicant's ability to  
8 operate a taxicab, including but not limited to fraud, theft, robbery, extortion, embezzlement, racketeering,  
9 assault, sex offenses, violations of the Uniform Controlled Substances Act, prostitution, alcohol, driving or  
10 traffic-related offenses, gambling or income tax evasion.

11 B. The director may deny any taxicab or for-hire vehicle owner license application if the director determines that:

- 12 1. Within five years prior to the date of application, the applicant or, if the applicant is a business entity, any  
13 officer, director, general partner, managing partner or principal of the applicant, has had a conviction, bail  
14 forfeiture, or other final adverse finding or disposition involving crimes reasonably related to the applicant's  
15 ability to operate a taxicab or for-hire business, including but not limited to the crimes of fraud, theft, robbery,  
16 extortion, embezzlement, racketeering, assault, sex crimes, violations of the Uniform Controlled Substances  
17 Act, prostitution, alcohol, driving or traffic-related offenses, gambling or income tax evasion.
- 18 2. Within two years prior to the date of application, the applicant, or if the applicant is a business entity, any  
19 officer, director, general partner, managing partner or principal of the applicant, has been found, either through  
20 a criminal conviction, bail forfeiture or other final adverse finding or disposition (including in a civil suit or  
21 administrative proceeding) to have exhibited past conduct in driving or operating a vehicle or operating a  
22 taxicab or for-hire business which would lead the director to reasonably conclude that the applicant will not  
23 comply with the provisions of the chapter related to vehicle requirements and the safe operation of the vehicle;
- 24 3. Within two years prior to the date of application, the applicant, or if the applicant is a business entity, any  
25 officer, director, general partner, managing partner or principal of the applicant, has engaged in the business of  
26 operating any taxicab or for-hire vehicle within the city of Lynnwood without a current valid license from the  
27 city of Lynnwood;
- 28 4. Within 12 months prior to the date of application, the applicant has violated or caused or knowingly  
29 permitted a driver to violate any ordinance or regulation pertaining to the operation of taxicabs of Snohomish or  
30 King County, or any city within those counties, if such violation would constitute grounds for license  
31 revocation or denial if occurring within the city; or
- 32 5. Within 12 months prior to the date of application, the applicant has had its city of Lynnwood taxicab or for-  
33 hire vehicle license revoked. (Ord. 2387 § 3, 2001)

34 **5.40.160 Vehicle operating requirements.**

35 No taxicab or for-hire vehicle licensed by the city may lawfully operate within the city of Lynnwood unless the  
36 following minimum vehicle requirements are met:

- 37 A. All applicable licenses specified in LMC 5.40.040 are in force for the taxicab or for-hire vehicle;
- 38 B. For taxicabs only, and subject to LMC 5.40.100(A)(3), the vehicle complies with the approved color scheme of  
39 the taxicab owner;
- 40 C. Vehicle age requirements:
  - 41 1. The vehicle's model year shall be no more than 10 years prior to December 31st of each year.
- 42 D. The vehicle has insurance as required by LMC 5.40.130(C)(5) and (6); provided, that if an insurance policy is  
43 canceled, or a vehicle is deleted from the policy, proof of a new policy including the vehicle must be filed with the  
44 director before the vehicle is canceled or deleted from the previous policy;
- 45 E. An approved mechanic has issued a valid certificate of safety for the vehicle within the last license year. Attached  
46 to this certificate of safety must be a certification stating that the taxicab or for-hire vehicle has passed an emissions  
47 test conducted by an authorized emissions specialist who has been certified by the Washington Department of  
48 Ecology. The safety certificate and emission certification remain valid, if the vehicle is sold, until the next renewal  
49 date;
  - 50 1. The certificate of safety required in the city of Lynnwood shall be performed by an approved mechanic as  
51 defined in this chapter. Such inspection shall ensure the mechanical and structural integrity of the vehicle and  
52 shall include:
    - 53 a. Adequate braking system including emergency or auxiliary as per the manufacturer's allowable  
54 tolerance;
    - 55 b. Adequate suspension system to prevent excessive motion when the vehicle is in operation;
    - 56 c. Adequate steering system as per the manufacturer's allowable tolerance;

- 1 d. Exhaust system that is free of leaks, defects, or tampering and that meets state of Washington motor
- 2 vehicle emissions standards;
- 3 e. No fluid leaks, including but not limited to motor oil, antifreeze, transmission fluid and brake fluid;
- 4 f. Air conditioning system free of CFC leaks, if the vehicle has such system;
- 5 g. No excessive noise;
- 6 h. Mechanically sound; and
- 7 i. Front end aligned;
- 8 F. The taxicab or for-hire vehicle has passed an equipment inspection by the city of Lynnwood at least once in the
- 9 past license year, or more often if required by the director because of previous violations. The licensee shall pay the
- 10 cost of the inspection for each vehicle. The director may, in his or her discretion, accept an inspection of the vehicle
- 11 performed for another jurisdiction upon presentation by the licensee of proof of such inspection;
- 12 G. The taxicab or for-hire vehicle displays a taxicab vehicle license plate with a current year decal issued by the
- 13 director;
- 14 H. All rates, including discounts or special rates, and all taxicab numbers and letters are displayed in the manner
- 15 prescribed by rule or regulation promulgated pursuant to this chapter and prescribed by the director;
- 16 I. The vehicle contains a map of Lynnwood and the region (provided by the owner or driver) published within the
- 17 past two years, which will be displayed to any passenger upon request;
- 18 J. The taxicab is equipped with a properly sealed, working and accurate taximeter pursuant to the requirements of
- 19 LMC 5.40.290;
- 20 K. The taxicab or for-hire vehicle is equipped with a consumer information board, the size, material, and placement
- 21 of which is prescribed by the director by rule. Such board shall include, at a minimum, the taxicab or for-hire vehicle
- 22 name and number, the driver's license number, the taxi hotline number and consumer survey and complaint cards;
- 23 L. The taxicab contains no scanner or other type of receiver that is capable of monitoring another taxicab owner's
- 24 assigned frequency;
- 25 M. The taxicab is equipped and operated so that it can be contacted by two-way radio communication in response to
- 26 a telephone or other request for service by a prospective passenger; and
- 27 N. Any other documents or information reasonably required by the director. (Ord. 2387 § 3, 2001)
- 28 **5.40.170 Owner responsibilities.**
- 29 A. The owner of a taxicab or for-hire vehicle must ensure the taxicab or for-hire vehicle is being operated only by a
- 30 driver who holds a valid for-hire driver's license;
- 31 B. The taxicab or for-hire vehicle owner must maintain a business address and a mailing address where the owner
- 32 can accept mail, and a business telephone in working order that can be answered at least 9:00 a.m. to 5:00 p.m.
- 33 Monday through Friday, and during all hours of operation. The taxicab owner's office or dispatch center may suffice
- 34 for this requirement;
- 35 C. The taxicab or for-hire vehicle owner must notify the director within three working days of learning of the
- 36 following occurrences:
  - 37 1. Any conviction, bail forfeiture or other final adverse finding or disposition received by the taxicab driver or
  - 38 for-hire vehicle driver, for any criminal offense that occurs during, or arises out of, the driver's operation of a
  - 39 taxicab or for-hire vehicle;
  - 40 2. Any conviction, bail forfeiture or other final adverse finding or disposition received by the taxicab or for-hire
  - 41 vehicle driver for any criminal offense involving the crimes of fraud, theft, robbery, extortion, embezzlement,
  - 42 racketeering, burglary, assault, sex offenses, violations of the Uniform Controlled Substances Act, prostitution,
  - 43 alcohol, driving or traffic-related offenses, gambling, or income tax evasion or any related offense;
  - 44 3. Any vehicle accident required to be reported to the state of Washington involving any taxicab operated by
  - 45 the taxicab driver or for-hire vehicle operated by the for-hire driver; or
  - 46 4. Any restriction, suspension or revocation of the taxicab or for-hire vehicle driver's motor vehicle driver's
  - 47 license;
- 48 D. The taxicab or for-hire vehicle owner must maintain daily trip sheet records as prescribed by the director by rule
- 49 for all licensed vehicles. A taxicab owner must insure that all original daily trip sheets are given to the taxicab
- 50 owner's representative at least weekly. The for-hire vehicle owner must keep daily trip sheets for a minimum of two
- 51 years:
  - 52 1. Number of service requests (trips) during the last year; and
  - 53 2. Average operating hours per week per vehicle for the last year;
- 54 E. The taxicab or for-hire vehicle's owner and driver permits the director or the director's designee to inspect the
- 55 vehicle without notice, upon request;

1 F. The owner of a taxicab or for-hire vehicle must ensure that the for-hire driver complies with operating and  
2 conduct standards per LMC 5.40.270 and 5.40.280; and  
3 G. The taxicab or for-hire vehicle owner shall comply with all other rules reasonably required by the director. (Ord.  
4 2387 § 3, 2001)

5 **5.40.180 License transfer.**

6 A for-hire vehicle or taxicab license may be transferred. No transfer of a for-hire vehicle or taxicab license can take  
7 effect until all outstanding penalties assessed against the owner or any driver of the for-hire vehicle or taxicab are  
8 paid in full to the director. The proposed transferee must submit a for-hire vehicle or taxicab license application  
9 according to the standards set forth for a new license. The standards for denial set forth in LMC 5.40.150 apply to  
10 proposed transfers. Transfers shall not become effective, and the proposed transferee may not operate the taxicab or  
11 for-hire vehicle, until the proposed transferee receives the taxicab or for-hire vehicle license. (Ord. 2387 § 3, 2001)

12 **5.40.190 License expiration and renewal.**

13 A. All taxicab and for-hire licenses shall expire July 31st each year of the year following issuance of the license.  
14 B. Each taxicab or for-hire vehicle owner must renew the for-hire vehicle or taxicab license every year. No for-hire  
15 vehicle or taxicab license may be renewed unless all outstanding penalties assessed against the owner or the for-hire  
16 driver of the taxicab or for-hire vehicle are paid in full to the director.  
17 C. The director shall deny any renewal application if grounds exist for the director to deny a license pursuant to  
18 LMC 5.40.150(A). If no such grounds exist, the director shall examine all department records on the for-hire vehicle  
19 or taxicab and may deny the renewal if grounds exist that would justify denial under LMC 5.40.150(B). (Ord. 2387  
20 § 3, 2001)

21 **5.40.200 Destruction, replacement, retirement or inactivity of a taxicab or for-hire vehicle.**

22 A. The taxicab owner shall notify the director in writing within five working days whenever a taxicab is destroyed,  
23 rendered permanently inoperable, sold or is taken out of service by the owner for any reason.  
24 B. A for-hire vehicle owner shall notify the director in writing within five working days whenever a for-hire vehicle  
25 is destroyed, rendered permanently inoperable, sold or is taken out of service by the owner for any reason.  
26 C. Any vehicle that, for a period of at least 60 days, is not legally operated as a taxicab or for-hire vehicle, shall be  
27 considered retired, and the license for each retired vehicle shall be deemed abandoned and void. The licensee shall  
28 immediately surrender the taxicab license plate and year decal, or for-hire vehicle license plate and year decal, for  
29 each such vehicle to the director. Abandoned licenses may not be transferred or reinstated by any means without the  
30 director's prior written permission. The director, in considering whether to grant such permission shall consider the  
31 following nonexclusive factors:

- 32 1. The licensee must submit a written request for an extension of time that states the specific reason additional  
33 time is required, identifies a plan and timetable for placing the taxicab or for-hire vehicle in service within the  
34 shortest possible time, and attaches all documents substantiating the factual information contained in the  
35 request;
- 36 2. The plan and timetable submitted must reflect a reasonable approach for placing a taxicab or for-hire vehicle  
37 in service within the shortest possible time frame;
- 38 3. If the director determines that the request for an extension of time should be granted, the director may grant  
39 the licensee no more than 30 additional calendar days (in addition to the original 60 days) to place the taxicab  
40 or for-hire vehicle back into service;
- 41 4. No extensions will be granted to any licensee who is unable to meet the basic operational costs, including  
42 liability insurance, regulatory fees, and normal maintenance and repairs of operating a taxicab or for-hire  
43 vehicle; and
- 44 5. No more than one extension will be granted for each vehicle license during its license year (August 1st  
45 through July 31st). (Ord. 2387 § 3, 2001)

46 **5.40.210 Owner surrender of vehicle license.**

47 It is unlawful to operate a taxicab or for-hire vehicle whose license has been suspended or revoked. The taxicab  
48 owner and taxicab driver are jointly and severally responsible for immediately surrendering the vehicle license plate  
49 or decal and taxicab vehicle license to the director. The for-hire vehicle owner and for-hire vehicle driver(s) are  
50 jointly and severally responsible for immediately surrendering the vehicle license plate or decal and for-hire vehicle  
51 license to the director. (Ord. 2387 § 3, 2001)

52 **Article IV. For-Hire Driver Licenses**

53 **5.40.220 License application.**

54 A. A for-hire driver must complete, sign, swear to and file with the director a for-hire driver license application on  
55 forms provided by the director to include the following information:

- 56 1. Name, aliases, residence and business address, residence and business telephone numbers;



2. Place and date of birth (which shall be at least 21 years prior to the date of application), height, weight, color of hair and eyes;
3. Social Security number and Washington State driver's license number. The applicant must present his/her Washington State driver's license at time of renewal;
4. Proof that the applicant is a United States citizen or has documentation, as required by the United States Department of Justice Immigration and Naturalization Service, that the applicant is authorized to work in the United States;
5. The applicant's criminal history for the last five years;
6. Information indicating whether or not the applicant has ever had a for-hire or driver's license suspended, revoked, or denied and for what cause;
7. A signed statement authorizing the director to obtain a current copy of the applicant's driving record from the Washington State Department of Licensing; and
8. Such other information as may be reasonably required by regulation promulgated under this chapter; and
9. The above application and information must also be completed on all annual renewals.

B. A physician's certification signed not more than six months prior to the date of initial application that certifies the applicant's fitness as a for-hire driver must be filed prior to issuance of the for-hire driver's license.

C. All applications for for-hire driver's licenses become void if the applicant, for any reason other than delay caused by the city, fails or neglects to complete the application process or obtain a license within 60 days of submitting an application. (Ord. 2387 § 3, 2001)

**5.40.230 Criminal background check.**

All applicants for a for-hire driver's license must consent to be fingerprinted for a criminal background check. (Ord. 2387 § 3, 2001)

**5.40.240 Physician's certification.**

A. A medical examination and certification shall be required upon initial application, and every two years thereafter, on the anniversary date of the license; provided, however, the director may at any time require any for-hire licensee or applicant to be reexamined if it appears that the licensee has become physically or mentally unfit to be a for-hire driver;

B. The required medical certification and examination shall be performed by a physician licensed to practice in Washington State under Chapter 18.71 RCW and completed following that physician's physical examination of the applicant;

C. The scope of the certificate form and the examination shall be prescribed by the director. (Ord. 2387 § 3, 2001)

**5.40.250 Standards for license denial.**

A. The director shall deny any for-hire driver license application if the director determines that the applicant:

1. Has made any material misstatement or omission in the application for a license;
2. Fails to meet any of the qualifications of a for-hire driver contained in LMC 5.40.220;
3. Has had a bail forfeiture, conviction, or other final adverse finding or disposition for crimes pertaining to hit-and-run, driving under the influence of alcohol or controlled substances, or any other crime committed while operating a vehicle, within three years prior to the date of application;
4. Is required to register as a sex offender pursuant to RCW 9A.44.130.

B. The director may deny any for-hire driver license application if the director determines that the applicant:

1. Has had a conviction, bail forfeiture, or other final adverse finding or disposition for crimes reasonably related to the applicant's ability to operate a vehicle including but not limited to fraud, theft, robbery, extortion, embezzlement, racketeering, assault, sex offense, violations of the Uniform Controlled Substances Act, alcohol, prostitution, gambling, or income tax evasion; provided, that such conviction, bail forfeiture or adverse finding or disposition was within five years prior to the date of application; or
2. Has been found, either through a criminal conviction, bail forfeiture or other final adverse finding or disposition (including in a civil suit or administrative proceeding), to have exhibited past conduct in driving or operating a vehicle or for-hire vehicle that causes the director reasonably to conclude that the applicant will not comply with the provisions of the chapter related to driver/operator conduct and the safe operation of the vehicle. (Ord. 2387 § 3, 2001)

**5.40.260 License expiration and renewal.**

A. All for-hire driver's license shall expire July 31st of each year.

B. Each for-hire driver must renew the for-hire driver's license every year.

C. The director shall deny any renewal application if grounds exist for the director to deny a license pursuant to LMC 5.40.250(A). If no such grounds exist, the director shall examine all department records on the for-hire vehicle

1 or taxicab and may deny the renewal if grounds exist that would justify denial under LMC 5.40.250(B). (Ord. 2387  
2 § 3, 2001)

3 **5.40.270 Operating standards.**

4 A. A for-hire driver shall not operate a taxicab or for-hire vehicle without first obtaining and maintaining a valid for-  
5 hire driver's license.

6 B. No for-hire driver whose license has been revoked by the director shall apply for a new license for one year from  
7 the effective date of such revocation without permission from the director.

8 C. A for-hire driver, before starting each shift, shall check the lights, brakes, tires, steering, seat belts, taximeter seal,  
9 and other vehicle equipment to see that they are working properly.

10 D. A for-hire driver, before starting each shift, shall ensure that the state for-hire certificate, the county or city  
11 taxicab or for-hire vehicle license, vehicle registration and proof of insurance card are in the vehicle.

12 E. A for-hire driver shall not operate a taxicab or for-hire vehicle unless the interior and the exterior of the taxicab or  
13 the for-hire vehicle are clean and in good repair.

14 F. A for-hire driver shall not transport more passengers than the number of seat belts available nor more luggage  
15 than the taxicab capacity will safely and legally allow.

16 G. A for-hire driver shall allow the director or director's designee to inspect the taxicab or for-hire vehicle without  
17 notice at any reasonable time or place. (Ord. 2387 § 3, 2001)

18 **5.40.280 Conduct standards.**

19 A. A for-hire driver shall not:

20 1. Drink any alcoholic beverage while on duty or less than eight hours prior to going on duty;

21 2. Shall not possess an open or unsealed container of any alcoholic beverage while in the for-hire vehicle or  
22 taxicab;

23 3. Ingest any illegal drug while on duty or less than eight hours prior to going on duty; or

24 4. Ingest any legal drug which carries with it a warning not to drive a vehicle after taking the drug while on  
25 duty or less than eight hours prior to going on duty.

26 B. A for-hire driver shall, at the end of each trip, check the vehicle for any article that is left behind by passenger(s).  
27 Such articles found in taxicabs are to be reported as found property to the taxicab owner, and such property is to be  
28 returned to the taxicab owner's representative at the end of the shift or sooner if possible.

29 C. A for-hire driver shall have in the driver's possession a valid for-hire driver's license and valid Washington State  
30 driver's license at any time the for-hire driver is operating the taxicab or for-hire vehicle; such for-hire license shall  
31 be displayed as prescribed by the director.

32 D. A for-hire driver shall comply with any written notice of violation issued by the director, including notices  
33 suspending or revoking a vehicle license, and notices requiring repair;

34 E. A for-hire driver shall not operate a taxicab or for-hire vehicle when such taxicab or for-hire vehicle license has  
35 been suspended or revoked by the director or by order of any jurisdiction's official responsible for implementing  
36 taxicabs or for-hire vehicle regulations or ordinances.

37 F. A for-hire driver shall immediately surrender the vehicle license plate and year decal to the director upon written  
38 notice that the vehicle license has been suspended, not renewed or revoked.

39 G. A for-hire driver shall not be in control of a taxicab or for-hire vehicle for more than 12 hours spread over a total  
40 of 15 hours in any 24-hour period. Thereafter, such for-hire driver shall not drive any taxicab until 10 consecutive  
41 hours have elapsed.

42 H. A for-hire driver shall not drive, be in control of or operate a taxicab or for-hire vehicle where the required  
43 customer information board is not displayed or does not contain all required information.

44 I. A for-hire driver shall operate the taxicab or for-hire vehicle with due regard for the safety, comfort and  
45 convenience of passengers.

46 J. A for-hire driver shall not solicit for prostitution nor allow the vehicle to be used for such unlawful purpose.

47 K. A for-hire driver shall not knowingly permit the taxicab or for-hire vehicle to be used for the illegal solicitation,  
48 transportation, or sale, or any other activity related to illegal drugs.

49 L. A for-hire driver shall deposit all refuse appropriately and shall under no circumstances litter.

50 M. A for-hire driver shall not use offensive language, expressions, or gestures to any person while driving,  
51 operating, picking up customers, or in control of a taxicab or for-hire vehicle.

52 N. A for-hire driver shall, upon request by the director, a passenger, or a police officer, provide the city-issued for-  
53 hire license and Washington State driver's license for inspection.

54 O. A for-hire driver must not have been convicted of a crime for which he/she is required to register as a sex  
55 offender pursuant to RCW 9A.44.130. (Ord. 2387 § 3, 2001)

1 **5.40.290 Taxicab meter/rates standards.**

2 A. No license shall be issued for a taxicab until the taximeter attached thereto has been inspected and found to be in  
3 accordance with the standards of RCW 19.94.195 and Chapter 16-662 WAC, which incorporates by reference the  
4 specifications of National Institute of Standards and Technology Handbook 44, Specifications, Tolerances, and  
5 Other Technical Requirements of Weighing and Measuring Devices (as hereinafter amended).

6 B. A for-hire driver shall not operate any taxicab that does not have a currently inspected and sealed taximeter in  
7 good working order; provided, however, that the director may waive this requirement for cabulances; provided, that  
8 the cabulance has an approved rate card on file with the city and the rate card is displayed as may be required by the  
9 director.

10 C. A for-hire driver must activate the taximeter at the beginning of each trip and deactivate the taximeter upon  
11 completion of the trip. Beginning of a trip means the point where the passenger is seated and the forward motion of  
12 the vehicle begins.

13 D. A for-hire driver shall assure that the meter reading is visible from a normal passenger position at all times;

14 E. A for-hire driver shall not operate a taxicab or for-hire vehicle that does not have the rate posted as prescribed by  
15 the director.

16 F. A for-hire driver shall not ask, demand or collect any rate or fare other than as specified on the meter, required by  
17 ordinance, or pursuant to special rates or contract rates on file with the director.

18 G. A for-hire driver shall complete daily trip sheets, as prescribed by the director, and shall show all trips in an  
19 accurate and legible manner as each trip occurs. Daily trip sheets shall include the following information:

- 20 1. Driver's name and for-hire license number;
- 21 2. Owner's name and vehicle name and number;
- 22 3. Vehicle for-hire license number;
- 23 4. Beginning and ending odometer reading;
- 24 5. Beginning and ending time of each shift worked;
- 25 6. Date, time, place of origin, and dismissal of each trip;
- 26 7. Fare collected;
- 27 8. Number of passengers;
- 28 9. "No shows"; and
- 29 10. Contract rates or special rates.

30 H. A for-hire driver shall allow the director or the director's designee to inspect the daily trip sheet at any time,  
31 without notice.

32 I. A taxicab driver shall turn in completed trip sheets to the taxicab owner at least weekly. (Ord. 2387 § 3, 2001)

33 **5.40.300 Passenger relations standards.**

34 A. A taxicab driver shall wear the uniform adopted by the owner, if any.

35 B. A for-hire driver shall provide customers with professional and courteous service at all times.

36 C. A for-hire driver shall not refuse a request for service because of the driver's position in line at a taxicab zone; a  
37 passenger may select any taxicab in line.

38 D. A for-hire driver shall at all times assist a passenger by placing luggage or packages (under 50 pounds) in and out  
39 of the taxicab or for-hire vehicle.

40 E. A for-hire driver shall not refuse to transport in the taxicab or for-hire vehicle any passenger, regardless of race,  
41 color or creed, or any passenger's wheelchair which can be folded and placed in either the passenger, driver or trunk  
42 compartment of the taxicab or for-hire vehicle, or a service dog or guide dog to assist the disabled or handicapped,  
43 groceries, packages or luggage when accompanied by a passenger.

44 F. Upon request, a for-hire driver shall provide each passenger a receipt upon payment of the fare. The receipt shall  
45 accurately show the date and time, place of pickup and delivery, the amount of the fare, the taxicab name, number  
46 and owner, and the printed name and for-hire driver license number of the for-hire driver.

47 G. A for-hire driver shall use the most direct available route on all trips unless the passenger specifically requests to  
48 change the route.

49 H. A for-hire driver shall not permit any person or pet to ride in the taxicab or for-hire vehicle unless that person or  
50 pet accompanies, or is in the vehicle at the request of, a fare-paying individual. This requirement shall not apply to  
51 unformed driver trainees.

52 I. A for-hire driver shall not refuse to transport any person except when:

- 53 1. The for-hire driver has already been dispatched on another call;
- 54 2. The passenger is acting in a disorderly or threatening manner, or otherwise causes the for-hire driver to  
55 reasonably believe that the for-hire driver's health or safety, or that of others, may be endangered; or
- 56 3. The passenger cannot, upon request, show ability to pay the fare.

1 J. A for-hire driver shall not smoke while the taxicab or for-hire vehicle is occupied without the consent of all  
2 passengers.

3 K. A for-hire driver shall be able to provide a reasonable amount of change, and if correct change is not available,  
4 no additional charge will be made to the passenger in attempting to secure the change.

5 L. A for-hire driver shall not make any discriminatory charges to any person, or make any rebate or in any manner  
6 reduce the charge to any person unless such is in conformity with the discounts or surcharges contained in the filed  
7 rates. (Ord. 2387 § 3, 2001)

8 **5.40.310 Soliciting and cruising standards.**

9 A. A for-hire driver may solicit passengers only from the driver's seat or standing immediately adjacent to the  
10 taxicab or for-hire vehicle (within 12 feet), and only when the vehicle is safely and legally parked.

11 B. A for-hire driver shall not use any other person to solicit passengers.

12 C. A for-hire driver shall not hold out the for-hire vehicle or taxicab for designated destinations. (Ord. 2387 § 3,  
13 2001)

14 **Article V. Entry Standards**

15 **5.40.320 Director's reports.**

16 When requested by the Lynnwood city council, the director or director's designee shall file a report with the  
17 Lynnwood city council based upon data collected on trip sheets or through taximeter readings. The report may  
18 include but not be limited to the following:

19 A. Number of taxicabs licensed in Lynnwood during the reported period and during the preceding year;

20 B. Number of drivers licensed in Lynnwood during the reporting period and during the preceding year;

21 C. Number and nature of complaints;

22 D. Results of any survey of taxicab response times and any changes in response times from previous reporting  
23 periods;

24 E. Results of meter readings;

25 F. Any other information deemed appropriate by the director. (Ord. 2387 § 3, 2001)

26 **5.40.330 Rates.**

27 A. The rates for taxicabs licensed to operate in Lynnwood shall be established by the Lynnwood city council.

28 B. In reviewing rates the council may take into account, among other things, and with the objective of prescribing a  
29 just and reasonable rate, the following factors:

30 1. The information in a report prepared by the director or the director's designee pursuant to LMC 5.40.320;

31 2. The public's need for adequate taxi service at the lowest level of charges consistent with the provision,  
32 maintenance and continuation of such service;

33 3. The rates of other licensees operating in similar areas;

34 4. The effect of such rates upon transportation of passengers by other modes of transportation;

35 5. The owner's need for revenue of a level that, under honest, efficient and economical management, is  
36 sufficient to cover the cost (including all operating expenses, depreciation accruals, rents, license fees and taxes  
37 of every kind) of providing adequate taxi service, plus an amount equal to such percentage of the cost as is  
38 reasonable necessary for the replacement of deteriorated taxicabs and a reasonable profit to the owner; and

39 6. Consistency of rates with those charged by other jurisdictions.

40 C. No taxicab shall have more than one rate on its meter.

41 D. Except for special or contact rates as provided for in this chapter or any per trip fee established by the city and set  
42 forth in any operating agreement or tariff, it shall be unlawful for anyone operating a taxicab licensed by the city of  
43 Lynnwood to advertise, charge, demand or receive any greater or lesser rate than the following:

44 1. Taxicab.

45 a. To be determined by the taximeter:

46 i. Upon activation of the taximeter, \$2.50;

47 ii. For each succeeding one mile, \$2.10; \$0.21 for each one-tenth mile or fraction thereof;

48 iii. For each minute of waiting time or fraction thereof, \$0.60 (\$36.00 per hour);

49 iv. \$0.50 for each additional passenger carried for the entire trip; and

50 v. No charge for extras.

51 b. Waiting time shall include the time when the taxicab is not in motion, beginning with the arrival at the  
52 place to which it has been called, or the time consumed while standing at the directive of the passenger.

53 No charge shall be made for time lost for inefficiency of the taxicab or its operator or time consumed by  
54 premature response to a call. The above charges shall be for one person.

1 c. Limitation on assessment of wait time charges. The charge for waiting time on a taximeter shall not be  
2 utilized when the taxicab is traveling at a speed at which the fare assessed by the rate per mile exceeds the  
3 fare that would be assessed by the wait time charge.

4 d. The per-mile rates set forth herein will be automatically updated each year, as of 8:00 a.m. on the  
5 second Monday of June, based on the following table. (Fuel price is for regular unleaded gasoline as  
6 reported by the American Automobile Association's Daily Fuel Gauge Report). In order to allow time for  
7 meter inspections t

8 o be completed, rate adjustment, if necessary, will be phased in between the second Tuesday in June and  
9 August 1st.

Gas Price	Per Mile	Per Fraction of Mile
\$2.39 and below	\$2.00	\$0.20 for each 1/10th of a mile of fraction thereof
\$2.40 – 3.29	\$2.10	\$0.21 for each 1/10th of a mile of fraction thereof
\$3.30 – 4.19	\$2.20	\$0.22 for each 1/10th of a mile of fraction thereof
\$4.20 – 4.99	\$2.30	\$0.23 for each 1/10th of a mile of fraction thereof
\$5.00 and over	\$2.40	\$0.24 for each 1/10th of a mile of fraction thereof

10  
11 e. The charges herein set forth shall be binding upon the owners and drivers of such taxicabs and any  
12 collection of fares in excess of said rates shall be deemed to be a violation of this chapter.

13 E. Special Rates and Contract Rates.

- 14 1. Special rates as defined in this chapter shall be calculated as a percentage of the meter rate;
- 15 2. The special rates must be filed with the director on forms furnished by the director;
- 16 3. All special rates or contract rates shall be filed once a year at the time of application by the taxicab owner's  
17 representative or by the owner of a for-hire vehicle which is not a taxicab;
- 18 4. Licensees may change the special rates filed no more than once a year; and
- 19 5. Contract rates set during the license year shall be filed within two weeks of securing such contract and before  
20 implementing the contract rate.

21 F. Every for-hire vehicle licensee shall file all rates and charges with the director. All rates and charges, including  
22 any adopted senior citizen discount rate or special rates, i.e., Sea-Tac Airport, shall be conspicuously displayed in  
23 the interior of the for-hire vehicle so as to be readily discernible to the passenger. The director will prescribe the  
24 manner of such posting.

25 G. The rates specified in this section shall not apply to transportation of persons provided pursuant to a written  
26 contract which establishes a fare at a different rate for specified transportation and has been previously filed with the  
27 director; provided, that no contract may include any provision the effect of which is to, directly or indirectly, require  
28 exclusive use of the transportation services of the contracting taxicab or for-hire vehicle.

29 H. It is unlawful under the Americans with Disabilities Act to charge a special service vehicle rate which is different  
30 for the taxicab rates adopted in subsection (D) of this section, except in those instances where the transportation of  
31 disabled persons is pursuant to a written contract as specified in subsection (G) of this section. (Ord. 2600 § 1, 2005;  
32 Ord. 2387 § 3, 2001)

33 **Article VI. Enforcement**

34 **5.40.340 Penalties.**

35 A. Violations of LMC 5.40.040 shall be a misdemeanor and upon conviction shall be punished by a fine up to  
36 \$1,000 and/or imprisonment not to exceed 90 days.

37 B. All violations of this chapter may be enforced pursuant to the provisions of Chapters 1.40 and 1.45 LMC.

38 C. A taxicab or for-hire vehicle owner is jointly and severally liable with the taxicab or for-hire vehicle driver for  
39 any violation of this chapter while operating a taxicab or for-hire vehicle belonging to that owner. The director is not  
40 required to pursue action against the driver as a prerequisite to pursuing action against the owner. (Ord. 2698 § 5,  
41 2007; Ord. 2656 §§ 1, 2, 2006; Ord. 2387 § 3, 2001)

42 **5.40.350 Suspension or revocation.**

43 A. Summary Suspension or Revocation. Notwithstanding any other provision of this chapter, the director may  
44 summarily suspend or revoke a license issued under this chapter prior to any hearing if the director determines that

1 grounds for license suspension or revocation exist and that summary suspension or revocation is necessary to  
2 prevent a clear, substantial and imminent hazard to life, safety, or property;  
3 B. Revocation and Suspension Standards.

4 1. Taxicab and For-Hire Vehicle Owner License.

5 a. The director shall revoke a taxicab or for-hire vehicle owner license if:

- 6 i. The licensee, or any officer, director, general partner, managing partner or principal of the licensee,  
7 has had a conviction, bail forfeiture or final adverse finding or disposition for the crimes of fraud, theft,  
8 robbery, extortion, embezzlement, racketeering, assault, sex offenses, violations of the Uniform  
9 Controlled Substances Act, prostitution, alcohol, driving or traffic-related offenses, gambling or  
10 income tax evasion;  
11 ii. The licensee has had the license suspended twice within a one-year period for lack of a current,  
12 valid insurance policy;  
13 iii. The licensee's state of Washington for-hire certificate has been revoked; or

14 b. The director may revoke or suspend a taxicab or for-hire vehicle owner license if:

- 15 i. The licensee, or any officer, director, general partner, managing partner or principal of the licensee,  
16 receives a bail forfeiture or conviction or other adverse finding or disposition involving crimes  
17 reasonably related to the applicant's ability to operate a taxicab or for-hire business, including but not  
18 limited to fraud, theft, robbery, extortion, embezzlement, racketeering, assault, sex offenses, violations  
19 of the Uniform Controlled Substances Act, prostitution, alcohol, driving or traffic-related offenses,  
20 gambling, or income tax evasion;

21 2. For-Hire Driver's Licenses.

22 a. The director shall revoke a for-hire driver's license if:

- 23 i. The for-hire driver receives a conviction, bail forfeiture, or other final adverse finding or disposition  
24 for crimes pertaining to hit-and-run, or for crimes pertaining to driving under the influence of alcohol  
25 or controlled substances;  
26 ii. The for-hire driver's Washington State driver's license expires or is revoked; or

27 b. The director may revoke or suspend a for-hire driver's license if:

- 28 i. The for-hire driver is found to be in possession of illegal drugs or an open container of alcohol while  
29 in control of or while operating any vehicle;  
30 ii. The for-hire driver has received a conviction, bail forfeiture, or other final adverse finding or  
31 disposition involving crimes pertaining to fraud, theft, robbery, extortion, embezzlement, racketeering,  
32 assault, sex offenses, violations of the Uniform Controlled Substances Act, prostitution, alcohol,  
33 driving or traffic-related offenses, gambling or other crimes;

34 C. Effect of Notice of Suspension or Revocation:

35 1. Summary Suspension or Revocation. Whenever any license is summarily suspended or revoked, the  
36 suspension or revocation is effective upon issuance of the notice. Such notice may be appealed pursuant to the  
37 procedures of LMC 5.40.360. If a timely appeal is not filed by the licensee, the notice of summary suspension  
38 or revocation shall be final. Such summary suspension shall extend until any administrative or judicial appeal is  
39 finally concluded in the licensee's favor, until the license expires, or until evidence satisfactory to the director  
40 is produced showing that the violation is cured, whichever occurs first. Summary revocations shall extend until  
41 the end of the annual license period or until any administrative or judicial appeal is finally concluded in the  
42 licensee's favor, whichever occurs first;

43 2. Suspension or Revocation. If the licensee does not file a timely appeal pursuant to LMC 5.40.360, the notice  
44 of suspension or revocation shall be final. Suspensions or revocations become effective upon the date any  
45 notice of suspension or revocation or order on appeal affirming such notice becomes final. Unless a time period  
46 is specified in a particular section of this chapter, suspensions shall extend until the license expires or until  
47 evidence satisfactory to the director is produced showing that the violation is cured, whichever occurs first.  
48 Revocations shall extend until the end of the annual license period;

49 3. Except in the case of a summary suspension or revocation as provided in subsection (C)(1) of this section,  
50 whenever a timely appeal is filed pursuant to section LMC 5.40.360, a licensee may continue to engage in the  
51 activity for which the license is required, pending a final decision on appeal. (Ord. 2387 § 3, 2001)

52 **5.40.360 Notice and hearing for denials, violations, suspensions and revocations.**

53 A. For each violation, and for each denial, suspension or revocation, the director shall give written notice to the  
54 affected licensee. If the affected licensee is a taxicab driver, the director shall at the same time give written notice of  
55 violations to the taxicab owner. All notices directed to a taxicab driver or taxicab owner may be served by personal  
56 delivery to, or by first-class mail addressed to, the taxicab owner.

1 B. Any notice of denial, violation, suspension or revocation shall state that the driver or owner is entitled to a  
2 hearing to respond to the notice and introduce any evidence to refute or mitigate the violation. Upon written request  
3 filed within 10 days after the date of the notice of denial, violation, suspension or revocation, the director shall set a  
4 hearing date and time to be held as soon as possible and not more than 14 days from the date of the request.

5 C. The hearing shall be held by the director or the director's designee; provided, that the designee may not be a  
6 person who directly supervises the inspector who issued the notice of denial, violation, suspension or revocation.

7 D. The hearing shall be informal, but shall be recorded by electronic means provided by the director. Within 20 days  
8 of the hearing, or within 20 days of the date of the notice if no hearing is requested, the director shall issue a written  
9 ruling including factual findings and the director's conclusion, with supporting reasons, affirming, modifying or  
10 reversing the notice. The decision shall be mailed by first class mail to each affected licensee at the address listed on  
11 the application, or in any supplemental materials.

12 E. If the director's decision imposes or affirms a denial, suspension or revocation, any affected licensee may appeal  
13 the entire decision to the hearing examiner by filing a notice of appeal with the director within 10 days after the date  
14 of mailing of the decision.

15 F. If a timely notice of appeal is filed pursuant to subsection (E) of this section, a hearing shall be scheduled and  
16 conducted by the hearing examiner according to the LMC 1.35.200 et seq. At the hearing, the department shall have  
17 the burden of proving by a preponderance of the evidence that the alleged violation occurred. (Ord. 2387 § 3, 2001)

#### 18 **Article VII. Miscellaneous Provisions**

##### 19 **5.40.370 Passenger complaint process.**

20 A. Upon receiving a written complaint involving the conduct of the for-hire driver, the route of transportation, the  
21 rate charged for the transportation, passenger injury or property damage not arising from a vehicle accident, or other  
22 incident, the director shall:

- 23 1. Issue a notice of complaint to the for-hire driver and vehicle owner, and company, if applicable, advising  
24 such person of the allegation(s) made in the complaint;
- 25 2. Require the for-hire driver, vehicle owner, and the taxicab owner if applicable, to respond, in writing, to the  
26 allegation(s) in the notice of complaint within 10 days of receipt of the notice of complaint;
- 27 3. Investigate the allegation(s) in the written complaint and the response submitted by the for-hire driver,  
28 vehicle owner, and taxicab owner, if applicable; and
- 29 4. Make a finding as to the validity of the allegation(s) in the written complaint. If it is found to be a valid  
30 complaint, the director shall issue a notice of violation pursuant to LMC 5.40.360.

31 B. Failure to respond in writing within 10 days to a notice of complaint shall constitute a waiver of the for-hire  
32 driver's, vehicle owner's, and owner's, if applicable, right to contest the allegation(s) in the written complaint and  
33 shall be conclusive evidence that the allegation(s) are valid. (Ord. 2387 § 3, 2001)

##### 34 **5.40.380 Renewal of license, registration or permit – Late penalty.**

35 A late penalty of 150 percent of the fee payable on original application shall be charged on all applications for  
36 renewal of a for-hire vehicle business license received after September 15th of each year. (Ord. 2387 § 3, 2001)

##### 37 **5.40.390 Plates, tags, etc. property of city.**

38 All taxicab or for-hire vehicle license plates and year decals shall remain the property of the city of Lynnwood.  
39 (Ord. 2387 § 3, 2001)

1	<b>Chapter 5.42</b>
2	<b>FOR-HIRE VEHICLES</b>
3	<b>(Repealed by Ord. 2387)</b>



1 **Chapter 5.45**

2 **EMERGENCY CARE, FIRST AID AND AMBULANCE SERVICES**

3 Sections:

4 5.45.010 Licensing.

5 5.45.020 Registration.

6 5.45.030 Registration – State licensing required.

7 5.45.040 Unlicensed operators – Notification of state.

8 5.45.050 Penalty.

9 **5.45.010 Licensing.**

10 No person, firm, partnership, corporation, association or other entity shall operate an ambulance or first aid vehicle,  
11 or as an ambulance operator or director, or a first aid vehicle operator or director, or provide emergency medical  
12 care or service all as defined by RCW 18.73.030 as now or hereafter amended in the city of Lynnwood, without  
13 being properly licensed by and without meeting the regulations of the Secretary of the State Department of Social  
14 and Health Services. (Ord. 1279 § 2, 1982)

15 **5.45.020 Registration.**

16 No person, firm, partnership, corporation, association or other entity shall operate an ambulance or first aid vehicle,  
17 or as an ambulance operator or director, or a first aid vehicle operator or director, or provide emergency medical  
18 care or service, as provided in LMC 5.45.010, without registering with the business license clerk of the city of  
19 Lynnwood on an annual basis. The business license clerk shall charge an annual registration fee as shown in Chapter  
20 3.104 LMC. (Ord. 2656 §§ 1, 2, 2006; Ord. 1279 § 3, 1982)

21 **5.45.030 Registration – State licensing required.**

22 For the purposes of the ordinance codified in this chapter, the Lynnwood business license clerk shall register only  
23 those permits or entities which are currently properly licensed with the Secretary of the State Department of Social  
24 and Health Services. (Ord. 1279 § 4, 1982)

25 **5.45.040 Unlicensed operators – Notification of state.**

26 Upon determining that any person or entity is operating as provided in LMC 5.45.010 without being properly  
27 licensed by the Secretary of the State Department of Social and Health Services, the business license clerk shall  
28 immediately advise the Secretary of such operation. (Ord. 1279 § 5, 1982)

29 **5.45.050 Penalty.**

30 Any person, firm, business, partnership, corporation, association or other entity which operates as provided in LMC  
31 5.45.010 without registering with the Lynnwood business license clerk, pursuant to LMC 5.45.020, shall be guilty  
32 of a criminal misdemeanor punishable by a fine up to \$500.00 and/or imprisonment not to exceed 90 days. (Ord.  
33 2698 § 6, 2007; Ord. 2656 §§ 1, 2, 2006; Ord. 1279 § 6, 1982)

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**Chapter 5.46**

2

**CABULANCES**

3

**(Repealed by Ord. 2387)**

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**Chapter 5.48**  
**CATV SYSTEM**

**Sections:**

- 5.48.010 Definitions.
- 5.48.020 Franchise required.
- 5.48.030 Application.
- 5.48.040 Rate approval required.
- 5.48.050 Fee provisions.
- 5.48.060 Rights of franchise holders.
- 5.48.070 Installation of cables.
- 5.48.080 Avoidance of traffic obstructions.
- 5.48.090 Filing of plans.
- 5.48.100 Safety of any future systems.
- 5.48.110 Changes of grade.
- 5.48.120 Furnishing of cable services.
- 5.48.130 Educational television channels.
- 5.48.140 Conformance to codes.
- 5.48.150 Conformance to federal and state regulations.
- 5.48.160 Liability of city or others.
- 5.48.170 Liability insurance.
- 5.48.180 Safety of employees.
- 5.48.190 Surety bond required.
- 5.48.200 Assignment of franchise.
- 5.48.210 Revocation of franchise.
- 5.48.220 Failure to provide service.
- 5.48.230 Savings clause.
- 5.48.240 Limits of franchise.

**5.48.010 Definitions.**

- A. A community antenna television system is defined as a facility utilizing a receiving antenna or antennas, connecting wire, cable or relay facilities and associated equipment for the reception by subscribing members of the public of the television and radio signals of one or more broadcast stations, and of locally originated programming.
- B. "Person" includes one or more persons of either sex, corporations, partnerships, associations, or any other entity capable of having an action at law brought against such entity.
- C. "Franchise holder" means any person who has a current franchise from the city council to install, operate and maintain a community antenna television system.
- D. "City" means the city of Lynnwood, Washington.
- E. "City council" means the city council of Lynnwood, Washington. (Ord. 501 § 1, 1969)

**5.48.020 Franchise required.**

It is unlawful for any person to operate or maintain a community antenna television system, or any part thereof, making use of the public rights-of-way of the city unless that person shall have first secured a franchise therefor in the manner provided in this chapter. (Ord. 501 § 2, 1969)

**5.48.030 Application.**

- A. Any person desiring to secure a franchise to operate and maintain a community antenna television system shall apply therefor in writing to the business license clerk.
- B. The application shall be in writing and shall state the name of the applicant, and if the applicant is a corporation or partnership, the names of its officers or partners, and the application shall also state in detail the information called for by the standards and criteria governing the granting of a franchise as set forth in subsection (D) of this section.
- C. Upon filing an application with the business license clerk as provided herein, the applicant shall pay a nonrefundable application fee as shown in Chapter 3.104 LMC.
- D. The standards and criteria governing the issuance of a franchise are as follows:
  - 1. The experience, qualifications and financial responsibility of the applicant;

2. The staff, equipment and facilities available to the applicant for the service;
3. The capability of the applicant to serve the inhabitants of the proposed service area with signals of the highest quality which the state of the art will allow;
4. The rates contemplated to be charged by franchise holder for monthly service and initial installation;
5. The extent, type, variety and range of service and programming contemplated to be rendered by the franchise holder;
6. The specific area for which application for franchise is being made. (Ord. 2656 §§ 1, 2, 2006; Ord. 501 § 3, 1969)

**5.48.040 Rate approval required.**

A. A franchise granted by the city council upon application thereof shall be deemed to constitute a franchise to provide television cable service within the city.

B. Such franchise shall remain in force until revoked as elsewhere set forth in this chapter, but in no event shall such franchise be in effect for any period greater than 20 years from the date of issuance without a renewal thereof. At the termination of the franchise by expiration or revocation, unless the franchise is renewed at the end of its time, the franchise holder shall at its own cost and expense remove all construction and installations hereby authorized and shall place all portions of streets and other property that have been disturbed in as good condition as the abutting portions thereof.

C. The franchise shall be granted upon approval of the initial rates and charges to be made by the franchise holder for installation and service rendered by it to its customers, as contained in the original application or any amendment thereof. No rates or charges for such purposes shall be changed by franchise holder from that approved in the franchise until they shall have been approved by the city council. (Ord. 501 § 4, 1969)

**5.48.050 Fee provisions.**

The annual franchise fees for such person shall be payable quarterly at the rate shown in Chapter 3.104 LMC and shall be paid within 20 days after the end of each calendar quarter. All franchise holders shall make available to the city, upon request, the franchise holder's books and customer list for verification of permit fees. Franchise fees shall be in lieu of other business license fees of the city. (Ord. 2656 §§ 1, 2, 2006; Ord. 501 § 5, 1969)

**5.48.060 Rights of franchise holders.**

A franchise holder shall have the privilege, right, and authority to:

A. Construct, install, maintain and operate a coaxial cable subscriber system for television, radio and other audiovisual electrical signal distribution, using the streets, alleys, public highways and public places of the city, with the necessary manholes and other appurtenances therefor;

B. Install, maintain and operate, antenna towers, lines, cable, necessary wiring and other apparatus for the purpose of receiving, amplifying, and distributing television, electronic, electrical and radio signals, audio and video to persons, business establishments and public places in the city;

C. Charge its customers both a connection or installation fee to bring the service to their properties, and a monthly fee for their continued use of the service. (Ord. 501 § 6, 1969)

**5.48.070 Installation of cables.**

Distribution and service lines may be placed on existing poles for overhead service except when the power and telephone companies have placed their facilities underground. (Ord. 501 § 7, 1969)

**5.48.080 Avoidance of traffic obstructions.**

A franchise holder's facilities shall be so located and so installed as not to interfere with traffic over streets, avenues, alleys, highways, bridges, easements and other public places so as to permit reasonable egress from and ingress to abutting property. A franchise holder shall not break up, excavate or block any street or alley or public thoroughfare without prior approval from the city engineer. When any portion of a street is excavated by a franchise holder in the location, relocation, replacement or repair of any of its facilities, the portion of the street so excavated shall within a reasonable time and as early as the city engineer deems practicable after the excavation be replaced by the franchise holder at its expense and in as good a condition as it was at the time of such excavation, all being in accordance with the applicable rules and regulations of the city. (Ord. 501 § 8, 1969)

**5.48.090 Filing of plans.**

Before a franchise holder shall lay underground or install overhead the coaxial cable along any street, avenue, alley, highway or other public place within the present or future corporate limits of the city, the franchise holder shall file with the city engineer a map showing the proposed location, height and depth thereof in such street, avenue, alley, easement, highway or other public place by surveyed measurements. If the location proposed does not interfere with the existing or contemplated sewers, water pipes or other public utilities, or violate ordinances of the city, the engineer shall approve the map, and the same thereafter be considered the official location of the coaxial cable or conduits, but if the proposed location would interfere with existing or contemplated sewers, water pipes or other

1 public utilities or violate any ordinance of the city, the engineer shall furnish the franchise holder with data so that  
2 an acceptable map of location of such conduits or cables may be filed. The city shall not be held liable for any  
3 disturbance of franchise holder's installations, resulting from any future altering, repairing or installation of streets  
4 or sewer or water installations. (Ord. 501 § 9, 1969)

5 **5.48.100 Safety of any future systems.**

6 The city reserves the right to determine that any system is constructed and maintained in a safe condition, and if an  
7 unsafe condition is found to exist, to require the franchise holder to make necessary repairs and alterations forthwith,  
8 and if the franchise holder fails to make necessary repairs and alterations, the city may make them or have them  
9 made and collect all cost and expense thereof from the franchise holder, including all costs of collection, including  
10 reasonable attorney's fees and court costs. (Ord. 501 § 10, 1969)

11 **5.48.110 Changes of grade.**

12 Whenever the prosecuting of any public work by the city involves the establishment or change of any street grade  
13 (established or otherwise), or sewer, water pipe or other public facility or utility and crosses or requires change of  
14 conduit, cable or apparatus located in any street, avenue, alley, highway or other public place under and by virtue of  
15 any ordinance, the same shall be changed by the franchise holder at its own expense after reasonable notice in  
16 writing of not less than 15 days to make the changes from the city engineer. (Ord. 501 § 11, 1969)

17 **5.48.120 Furnishing of cable services.**

18 At all times during the term of any franchise issued pursuant to this chapter, the franchise holder shall promptly and  
19 without discrimination furnish services upon request to persons and business establishments of the city in  
20 conformance with reasonable rules and regulations of the franchise holder and in conformance with an approved  
21 schedule of service extensions within the franchised area. Service shall include television and radio signals of the  
22 highest quality which the state of the art at the time of installation will practically allow at the time. The franchise  
23 holder shall acquire, construct, maintain, equip and operate all necessary facilities for the reception, transmission  
24 and distribution and sale of television and radio signals for the benefit and convenience of the city's inhabitants, and  
25 shall make improvements to the system during its life as technological improvements to the art become available.  
26 (Ord. 501 § 12, 1969)

27 **5.48.130 Educational television channels.**

28 A franchise holder shall provide available broadcast educational channels as part of its service in accordance with a  
29 plan and schedule filed with the city at the time of application. (Ord. 501 § 13, 1969)

30 **5.48.140 Conformance to codes.**

31 A franchise holder shall comply with the National Electric Code, N.C.T.A. minimum technical standards, and all  
32 rules and regulations now in force or which may hereafter be put into force with respect to proper installation,  
33 construction and maintenance of lines, cables, wiring and other apparatus authorized hereunder to be installed. (Ord.  
34 501 § 14, 1969)

35 **5.48.150 Conformance to federal and state regulations.**

36 A franchise holder shall at all times comply with all applicable rules and regulations of the Federal Communications  
37 Commission and the Washington State Public Utilities and Transportation Commission which apply now and may  
38 hereafter be adopted. In the event of amendment or adoption of laws or regulations by those agencies, the city  
39 reserves the right to amend this chapter accordingly and any franchises issued hereunder. (Ord. 501 § 15, 1969)

40 **5.48.160 Liability of city or others.**

41 A franchise holder shall at all times protect and hold harmless the city, from all claims, actions, suits, liability loss,  
42 expense or damage of every kind and description, including court costs and attorneys' fees, which may accrue to or  
43 be suffered or claimed by any person or persons, or the city itself, arising out of the ownership, construction or  
44 copyright, property right, or other intangible, or patent of any article or system used in the construction or use of the  
45 system. (Ord. 501 § 16, 1969)

46 **5.48.170 Liability insurance.**

47 A franchise holder shall maintain in full force and effect during the life of any franchise issued pursuant to this  
48 chapter, public liability insurance in a solvent surety company authorized to do business in the state of Washington  
49 in the following amounts:

- 50 A. Two hundred fifty thousand dollars (\$250,000) for property damage to any one person;
- 51 B. Five hundred thousand dollars (\$500,000) for property damage in any one accident;
- 52 C. Two hundred fifty thousand dollars (\$250,000) for personal injury to any one person;
- 53 D. Five hundred thousand dollars (\$500,000) for personal injury in any one accident.

54 A certification of the policy or policies, authenticated by the insurance carrier or carriers shall be filed with the  
55 city and likewise certification of renewals shall be filed showing the above coverage for the duration of the franchise.  
56 (Ord. 501 § 17, 1969)

1 **5.48.180 Safety of employees.**

2 A franchise holder shall carry workman's compensation insurance, and comply with all the workmen's insurance  
3 and safety laws of the state of Washington and amendments thereto. (Ord. 501 § 18, 1969)

4 **5.48.190 Surety bond required.**

5 A franchise holder shall post a surety bond in the face amount of \$100,000 with one or more sufficient sureties  
6 satisfactory to the city attorney, which bond may be reduced to the amount of \$15,000 after completion of the initial  
7 construction phase, to wit, when service is available to substantially all residents of the city which request such  
8 services. The bond shall remain in effect at all times during the construction period of any franchise issued pursuant  
9 to this chapter. This bond shall insure and guarantee the faithful performance by the franchise holder of all the terms,  
10 conditions and requirements of this chapter and franchise thereunder, including, but not limited to, any and all  
11 construction of franchise holder, its agents or subcontractors, specifically including but not limited in the conditions  
12 that the applicant will indemnify and save the city harmless from all claims, actions, or damages of every kind and  
13 description which may accrue to, or be suffered by, any person by reason of any construction or any opening in any  
14 street, alley, avenue or other public place made by franchise holder and that franchise holder will replace and restore  
15 such street, alley, avenue, planting, or other public or private property to as good a state or condition as at the time  
16 of the commencement of the work, and providing a recovery on the bond in case of failure to perform any of the  
17 terms and conditions of this chapter or franchise granted hereunder. (Ord. 2699 § 16, 2007; Ord. 2656 §§ 1, 2, 2006;  
18 Ord. 734 § 1, 1974; Ord. 632 § 1, 1971; Ord. 501 § 19, 1969)

19 **5.48.200 Assignment of franchise.**

20 Except for a mortgage to secure a loan or loans to construct the system, the franchise holder shall not sell, transfer,  
21 assign, merge, consolidate, or sublet its system and the privilege granted herein without first securing approval of  
22 the city council as to the qualifications, as outlined in LMC 5.48.030(D), of the purchasers, transferee, assignee or  
23 sublessee; provided, however, that the franchise holder may sell, transfer, assign, merge, consolidate or sublet its  
24 system to an affiliated or subsidiary corporation without obtaining such approval. (Ord. 501 § 20, 1969)

25 **5.48.210 Revocation of franchise.**

26 Such franchises as issued shall be subject to revocation at any time by the city upon a finding by the city council that  
27 the franchise fees provided herein have not been paid; that the capability of such franchise holder has been so  
28 diminished that it is no longer able to offer proper service; that the service provided by the franchise holder is not  
29 adequate as set forth herein above; that the franchise holder has acted in derogation of the ordinance of the city or  
30 the laws of the state of Washington, or laws or regulations of the United States or its agencies; or that the activities  
31 of the franchise holder under the franchise for any reason are unlawful or transgress established rights of others.  
32 Such revocation shall be made only after a public hearing upon the matter has been held, and reasonable notice of  
33 the hearing having been given the franchise holder in writing at least 30 days prior to the hearing directed to the  
34 address stated by the franchise holder in his application.

35 Such revocation shall be subject to a de novo review by the Snohomish County superior court, provided suit is filed  
36 by the aggrieved parties within 30 days of the final determination by the council and any final determination by the  
37 city council shall be held in abeyance for 30 days pending and until decision of the Snohomish County superior  
38 court thereon if suit is filed in accordance herewith. (Ord. 501 § 21, 1969)

39 **5.48.220 Failure to provide service.**

40 If any franchise holder fails to place firm orders for equipment to commence construction of the community antenna  
41 television system within six months from the date of issuance of the franchise holder's franchise or fails to begin  
42 operation, consisting of the transmission of electronic signals to subscribers, within a period of one year from the  
43 date of issuance of the franchise, the franchise shall be forfeited, nullified, cease and be of no further force or  
44 validity; provided, however, that upon good cause being shown therefor, an extension of time within which  
45 franchise holder is to begin operation may be granted by the city council. The failure to obtain necessary approvals  
46 from the Federal Communications Commission shall constitute good cause within the meaning of this section. (Ord.  
47 501 § 22, 1969)

48 **5.48.230 Savings clause.**

49 If any section, sentence, clause or phrase of this chapter should be held to be invalid or illegal, the validity or  
50 illegality thereof shall not affect the validity or legality of any other section, sentence, clause or phrase of this  
51 chapter, it being the intent of the city council that the remaining portions have legal effect without regard to any  
52 invalid provision. (Ord. 501 § 23, 1969)

53 **5.48.240 Limits of franchise.**

54 A franchise holder shall indemnify and save the city harmless and defend at its cost any and all claims by persons  
55 for alleged violations of copyrights resulting from the franchise holder's activities or any and all claims by persons

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1 resulting from the granting of the right to operate a community antenna television system within the city to the  
2 franchise holder.  
3 This chapter and the service provided hereunder is subject to, and this chapter shall be deemed to be amended by,  
4 any regulations promulgated by the Federal Communications Commission and/or any state utility regulatory  
5 authority governing community antenna television. (Ord. 501 § 24, 1969)

1 Chapter 5.49

2 ESCORT BUREAUS, SERVICES

3 AND ESCORTS\*

4 Sections:

5 5.49.010 Definitions.

6 5.49.020 License required – Escort bureau or introductory service and managers thereof.

7 5.49.030 License and licensed employer required – Escort or escort bureau runner.

8 5.49.040 Application for escort bureau or introductory service license.

9 5.49.050 Applicant investigation.

10 5.49.060 Denial or approval of application – Notification.

11 5.49.070 License terms and fees.

12 5.49.080 Duties of an escort bureau or introductory service duties.

13 5.49.090 Advertising restrictions.

14 5.49.100 Duties of an escort.

15 5.49.110 Unlawful activities.

16 5.49.120 Violations and penalties.

17 5.49.130 Suspension or revocation of license.

18 5.49.140 Notice procedures for suspension or revocation of license.

19 5.49.160 Conflicts with other licensing regulations.

20 5.49.170 Exemptions.

21 \*Ordinance No. 1817 assigned Chapter 5.51 LMC to Escort Bureaus in conflict with Ordinance No. 1832. Ordinance No. 1817 is  
22 codified as Chapter 5.49 LMC.

23 **5.49.010 Definitions.**

24 As used in this chapter, the following words, terms or phrases set forth below shall have the following meanings:

25 A. "Escort" is any person, whether self-employed, or employed by or under contract with an escort bureau or  
26 introductory service who, on any occasion, for pecuniary compensation or any other consideration of any kind  
27 whatsoever, escorts or accompanies others to, from or about social affairs, entertainments, places of public  
28 assembly, or places of amusement, or who may consort with others, for hire or reward, about any place of public or  
29 private resort, or within any private quarters.

30 B. "Escort bureau" is any business or agency which, on any occasion, for monetary compensation furnishes, or  
31 offers to furnish, escorts or persons who accompany others to, from, or about social affairs, entertainments, places of  
32 public assembly, or places of amusement, or who may consort with others, for hire or reward, about any place of  
33 public or private resort, or within any private quarters.

34 C. "Escort bureau runner" or "runner" is any third person, not an escort, who for a salary, fee, hire, reward, profit, or  
35 any other consideration of any kind whatsoever, acts as an agent for an introductory service or an escort bureau, an  
36 escort, or an escort patron, by contacting or meeting with escort patrons, escorts, or escort bureaus at any location  
37 other than an escort bureau's established office, regardless of whether said person is employed by such escort bureau  
38 or by another business, or is an independent contractor, or is self-employed.

39 D. "Escort patron" or "patron" is any person who, on any occasion, contracts with, or employs, or for monetary  
40 consideration or any other consideration of any kind whatsoever, hires or utilizes the services of an escort bureau,  
41 escort, or introductory service.

42 E. "Introductory service" is a service offered or performed by any person for monetary compensation or any  
43 consideration of any kind whatsoever, the principal purpose of which is to introduce persons to patrons or aid  
44 individuals to become socially acquainted or to otherwise assist individuals to meet for social purposes or which  
45 services generally known by the offering or performing party to be used by the recipient thereof for the purpose of  
46 obtaining information about others to be used for social purposes.

47 F. Sexual Conduct.

48 1. "Sexual conduct" includes any or all of the following:

49 a. "Sexual contact," which has the same meaning as provided in RCW 9A.44.100(2)(a), as now existing or  
50 hereafter amended.



1 b. "Sexual intercourse," which has the same meaning as provided in RCW 9A.44.010 (1)(a) through  
2 (1)(c), as now existing or hereafter amended.

3 c. "Sexual stimulation," which means to excite or arouse the prurient interest of any party, or to offer or  
4 solicit acts of sexual contact or sexual intercourse.

5 2. The aforesaid definitions of "sexual conduct" apply regardless of the sex of any party. (Ord. 1817 § 3, 1991)

6 **5.49.020 License required – Escort bureau or introductory service and managers thereof.**

7 It is unlawful for any person to conduct, manage, operate, maintain, or carry on any escort bureau or introductory  
8 service within the city of Lynnwood unless licensed as an "escort bureau" or "introductory service," or "escort  
9 bureau or introductory service manager," pursuant to this chapter. A separate license and application is required for  
10 each location within the city of Lynnwood maintained by each escort bureau or introductory service and for each  
11 fictitious, assumed, or trade name under which the bureau or service operates. A manager of an escort bureau or  
12 introductory service who is an owner of the establishment shall not be required to obtain a separate manager's  
13 license so long as he has obtained an "escort bureau" or "introductory service" license. (Ord. 1817 § 4, 1991)

14 **5.49.030 License and licensed employer required – Escort or escort bureau runner.**

15 A. It is unlawful for any person to work or perform services as an escort or escort bureau runner unless such person  
16 has attained the age of 18 years; is not suffering from any contagious or communicable disease; is licensed as an  
17 escort or runner pursuant to this chapter; and is employed by, or under contract with, an escort bureau or  
18 introductory service which is licensed as provided in this chapter.

19 B. Self-employed escorts shall be licensed and regulated as an escort bureau or introductory service and shall not be  
20 required to obtain a separate escort license; provided, that any self-employed escort shall be subject to all other  
21 provisions of this chapter regulating escorts. A partnership consisting of any escorts shall be licensed and regulated  
22 as an escort bureau or introductory service. Any escorts who are partners in such licensed partnership shall not be  
23 required to obtain a separate escort license; provided, that all such escorts shall be subject to all other provisions of  
24 this chapter regulating escorts. (Ord. 1817 § 5, 1991)

25 **5.49.040 Application for escort bureau or introductory service license.**

26 A. Any person seeking to obtain or renew an "escort bureau" or "introductory service" license shall first file an  
27 application with the business license clerk on a form provided by the community development department All such  
28 license applications shall be submitted in the true name(s) of the person(s) proposing to conduct or engage in such  
29 business or services. It shall be signed by all such person(s), including any partner(s), and notarized or certified as  
30 true under penalty of perjury. All such applications shall require the following information:

31 1. The name, residence address, home telephone number, date and place of birth, social security number, and  
32 federal employer's identification number of the applicant(s) and any partner(s) with whom the applicant(s) will  
33 conduct the business for which the license is sought;

34 2. The business name, address, and telephone number of the establishment which the applicant(s) intend(s) to  
35 operate, with a copy of the deed, lease, or other document pursuant to which such premises are occupied;

36 3. The names, residence addresses, residence telephone numbers, social security numbers and dates of birth of  
37 any corporate officers and directors;

38 4. The names, residence addresses, residence telephone numbers, social security numbers, and dates of birth of  
39 all independent contractors and employees including escorts, who are or are intended to be, employed by or  
40 under contract with the applicant(s), along with statements signed by medical doctors licensed by the state of  
41 Washington dated within seven days of the application certifying that all escorts who are, or who are intended  
42 to be, employed by or under contract with the applicant(s) are not suffering from a contagious or communicable  
43 disease;

44 5. The name of the custodian of the business records at the business location;

45 6. The addresses of the applicant(s) and any partner(s) for the five years immediately prior to the date of  
46 application;

47 7. The applicant(s) shall present documentation that the applicant(s) and all partner(s), if any, as well as all  
48 employees or independent contractors, including escorts, who are, or who are intended to be, employed or  
49 under contract with the applicant(s), have attained the age of 18 years. Any of the following shall be accepted  
50 as documentation of age:

51 a. A motor vehicle operator's license issued by any state bearing the applicant's photograph and date of  
52 birth;

53 b. A state issued identification card bearing the applicant's photograph and date of birth;

54 c. An official passport issued by the United States of America;

55 d. An immigration card issued by the United States of America; and

56 e. Any other picture identification issued by a governmental entity;

1 8. A description of any similar business history of the applicant(s) and partner(s), including a statement whether  
2 such applicant(s), in previously operating in this or another city, county or state, had a business license revoked  
3 or suspended. If so, the reason for such revocation or suspension, as well as the activity or occupation subjected  
4 to such suspension or revocation shall be given;

5 9. A description of the business, occupation or employment of the applicant(s) and any partner(s) for the three  
6 years immediately preceding the date of application;

7 10. Copies of contracts to be used with escorts and patrons and a complete description of the exact nature of the  
8 business;

9 11. The applicant(s) and any partners shall provide two 2-inch-by-2-inch, black-and-white photographs taken  
10 within six months of the date of application, showing only the full face of each applicant, at the applicant's  
11 expense. Each applicant shall also provide his fingerprints. A license, when issued, shall have affixed to it the  
12 applicant's photograph and right thumbprint;

13 12. If the applicant is a corporation, a copy of the corporation's articles of incorporation and a certified copy of  
14 all minutes or resolutions authorizing the applicant to apply for the license shall be provided;

15 13. A written plan detailing the methods and means by which the applicant will promote the health and safety  
16 of escorts and patrons; preclude the escort or any person who is introduced to a patron by an introductory  
17 service from charging the patron additional fees; and insuring that all patrons have attained the age of 18 years;  
18 and

19 14. Authorization for the city, its agents, and employees to seek information to confirm any statement set forth  
20 in the application.

21 B. An applicant for an "escort," "escort bureau runner," or "escort bureau or introductory service manager" license  
22 or an applicant for renewal of any such license, shall first file an application with the business license clerk on a  
23 form provided by the community development department. All such license applications shall be submitted in the  
24 true name of the person seeking to engage in such occupation or provide such services and notarized or certified as  
25 true under penalty of perjury. All such applications shall require the following information:

26 1. The name(s), residence address, home telephone number, date and place of birth, and social security number  
27 of the applicant;

28 2. The business name, address, telephone number, and name of the owner and manager of the escort bureau or  
29 introductory service by which the applicant will be employed or with which the applicant has a contract, along  
30 with a copy of the applicant's employment or independent contract with such escort bureau or introductory  
31 service;

32 3. The addresses of the applicant for the five years immediately prior to the date of application;

33 4. Documentation that the applicant has attained the age of 18 years. Any of the documents listed in subsection  
34 (A)(7) of this section shall be accepted as documentation of age;

35 5. A description of any similar occupational history of the applicant, along with a statement whether the  
36 applicant has previously had a business license revoked or suspended. If so, the reason for such revocation or  
37 suspension, as well as the activity or occupation subjected to such action shall be given;

38 6. A description of the applicant's business, occupation, or employment for the three years immediately  
39 preceding the date of application;

40 7. Two 2-inch-by-2-inch, black-and-white photographs taken within six months of the date of application,  
41 showing only the full face of the applicant, at the applicant's expense. The applicant shall also provide his  
42 fingerprints. A license, when issued, shall have affixed to it the applicant's photograph and right thumbprint;

43 8. A statement signed by a doctor of medicine licensed by the state of Washington dated within seven days of  
44 the date of application certifying that the applicant is not suffering from any contagious or communicable  
45 disease; and

46 9. Authorization for the city, its agents, and employees to seek information to confirm any statement set forth in  
47 the application.

48 C. A failure to provide information required by subsections (A) and (B) of this section shall constitute an incomplete  
49 application and shall not be processed. (Ord. 1817 § 6, 1991)

50 **5.49.050 Applicant investigation.**

51 A. Upon the filing of an application for, or renewal of, an "escort bureau" or "introductory service" license, the  
52 business license clerk shall forward copies to the Lynnwood police chief, the director, the building official and the  
53 fire chief.

54 1. Within 30 days of the date of such application, the police department shall investigate the statements set  
55 forth in the application and report to the business license clerk whether or not the information received by it  
56 confirms the information in the application.

1 2. Within 30 days of the date of such application, the director shall inspect the proposed establishment and  
2 report to the business license clerk whether the location of the proposed establishment is in conformity with the  
3 regulations of the zoning code.

4 3. Within 30 days of the date of such application, the building official shall inspect the proposed establishment  
5 and report to the business license clerk whether it complies with the regulations of the building code.

6 4. Within 30 days of the date of such application, the fire chief shall examine the proposed establishment and  
7 report to the business license clerk whether it complies with the regulations of the fire prevention code.

8 B. Upon the filing of an application for, or renewal of, an “escort,” “escort bureau runner,” or “escort bureau or  
9 introductory service manager” license, the business license clerk shall forward copies to the Lynnwood police chief,  
10 who shall, within 30 days, investigate the statements set forth in such application and report to the business license  
11 clerk whether or not the information received by the department confirms such statements. (Ord. 2957 § 31, 2012;  
12 Ord. 1817 § 7, 1991)

13 **5.49.060 Denial or approval of application – Notification.**

14 A. After completion of an investigation of an application for, or renewal of, a license required by this chapter, the  
15 business license clerk shall, within seven working days, but no more than 37 days from the date of such application,  
16 issue the applicable license or licenses, if the director or the director’s designee finds that:

17 1. Any business for which a license is required will be conducted in a building, structure, and location which  
18 complies with the requirements and meets the standards of the applicable health, zoning, building, fire and  
19 safety laws of the city of Lynnwood, as well as the requirements of this chapter;

20 2. The applicant(s), or his employee, agent, partner, director, officer, or manager has not knowingly made any  
21 false, misleading, or fraudulent statement of material fact in the application for a license, or in any report or  
22 record required to be filed with the city of Lynnwood;

23 3. The applicant(s) and any employees, independent contractors, agents, managers, partners, directors or  
24 officers of the applicant have attained the age of 18 years;

25 4. From the information supplied to the business license clerk, it appears that the applicant(s) and escort(s) do  
26 not pose a threat to the health of others; and

27 5. Any corporate applicant has filed articles of incorporation with the Washington Secretary of State and that its  
28 board of directors has authorized the filing of the application.

29 B. Upon denial or refusal to renew any license authorized by this chapter, the director or the director’s designee shall  
30 notify the applicant(s) in writing. The applicant(s) whose application for license or renewal thereof has been denied,  
31 has the rights of appeal set forth in LMC 5.49.140(C). (Ord. 1817 § 8, 1991)

32 **5.49.070 License terms and fees.**

33 A. The fee for an “escort bureau” or “introductory service” license required by this chapter shall be as shown in  
34 Chapter 3.104 LMC. The fee is not refundable.

35 B. The fee for an “escort” or “escort bureau runner” license required by this chapter shall be as shown in Chapter  
36 3.104 LMC. The fee is not refundable.

37 C. The fee for an “escort bureau or introductory service manager” license shall be as shown in Chapter 3.104 LMC.  
38 The fee is not refundable.

39 D. All licenses issued pursuant to this chapter, shall be granted for one year from the date of issue, unless renewed.  
40 All license fees shall be payable on an annual basis. An application for renewal of any license required by this  
41 chapter may be submitted each calendar year per the requirements of LMC 5.04.040. (Ord. 2656 §§ 1, 2, 2006; Ord.  
42 1817 § 9, 1991)

43 **5.49.080 Duties of an escort bureau or introductory service.**

44 A. An escort bureau or introductory service shall provide to each patron a written contract and receipt of payment  
45 for services. The contract shall clearly state the type of services to be performed, the length of time such services  
46 shall be performed, the total amount of money such services shall cost a patron, and any special terms or conditions  
47 relating to the services to be performed.

48 B. An escort bureau or introductory service shall maintain an open office, as defined in subsection (C) of this  
49 section, at the licensed location introduced to patrons. The address and phone number of that office shall be included  
50 in all rooms or booths where the patron may meet with the escort or a person may be introduced to a patron, but  
51 shall not be provided at the open office or at any other location by the escort bureau or introductory service.

52 C. An open office is an office at the location from which business is transacted by the licensed escort bureau or  
53 introductory service and which meets the following requirements:

54 1. The office shall be accessible to business invitees, business license officials, and law enforcement officers  
55 during all hours that escorts are working or persons are being introduced to patrons and that the office be  
56 staffed during all such hours.

1 2. The office shall be managed by the owner or a management employee of the owner who is licensed pursuant  
2 to this chapter having authority to bind the bureau or service to escort and patron contracts, and to adjust patron  
3 and consumer complaints.

4 3. All telephone lines and numbers listed to the escort bureau or introductory service, or advertised as escort  
5 bureau or introductory service numbers, shall terminate at the open office and at no other location.

6 4. An index of all employees, independent contractors, escorts, and runners shall be kept in the open office,  
7 along with copies of the statements required by this chapter, certifying that all escorts are free from contagious  
8 or communicable disease.

9 5. All business records required to be kept by the Lynnwood Municipal Code shall be kept in the open office.  
10 Those records shall include records of escort calls and referrals, stating the date and time of referral, the name  
11 of the escort sent and whether or not the referral resulted in an escort service, the destinations at which the  
12 escort services were performed, and the total fee received from the patron, if any; as well as blank copies of all  
13 patron contracts.

14 6. An escort bureau or introductory service shall prominently display its license, the license of its manager, if  
15 any, and the licenses of its escorts in the open office. It shall post a list of fees for services and shall not charge  
16 any fee in excess of the posted list. The escort bureau or introductory service shall also provide each escort with  
17 an identification card, containing the escort's picture, name, and right thumbprint.

18 7. An escort bureau or introductory service, in terms of licensing consequences, is responsible and liable for the  
19 acts of all of its employees and independent contractors, including, but not limited to, telephone receptionists,  
20 escorts, and escort bureau runners, while the escort is with the patron.

21 8. An escort bureau or introductory service shall commence business from an open office within 30 days after  
22 issuance of the license. In the event that an escort bureau or introductory service licensee shall not commence  
23 business in an open office within 30 days after issuance of a license, or shall discontinue business or close the  
24 open office for a period of 30 days without specific approval of the director or director's designee, such license  
25 shall terminate automatically.

26 9. Any person, firm, or corporation licensed as an escort bureau or introductory service shall notify the director  
27 or the director's designee within three days of changing his residence address or the address of the escort bureau  
28 or introductory service. If business is discontinued at the licensed location without specific approval of the  
29 director or the director's designee, such license shall terminate automatically. (Ord. 1817 § 10, 1991)

30 **5.49.090 Advertising restrictions.**

31 A. Any publication, dissemination, or display, whether by hire, contract, or otherwise, by any escort, runner, escort  
32 bureau or introductory service, or owner/manager, or employee or independent contractor of any such bureau or  
33 service, directly or indirectly, in any newspaper, magazine or other publication or by any radio, television, telephone  
34 or pictorial display, publication or other advertising media, which contains any statement which is known or through  
35 the exercise of reasonable care, would suggest to a reasonable, prudent person that sexual conduct is offered or  
36 provided, is prohibited.

37 B. Any word, phrase, or combination of words used in any advertisement which implies that the escort, runner, or  
38 escort bureau or introductory service offers or provides sexually oriented acts or operates in a sexually oriented  
39 manner, or which gives the public a basis to believe that sexual conduct is offered or provided, is prohibited.

40 C. It is unlawful to advertise or hold out to the public the availability of an escort or escort bureau without obtaining  
41 a license therefor, whether the actual business or services of the escort, runner, escort bureau, or introductory  
42 service, is performed or not.

43 D. Any photograph, picture, drawing, sketch, pictorial representation, verbal or written description, used in any  
44 escort, escort bureau, runner, or introductory service advertisement in any advertising media showing or depicting  
45 an escort, or representation of an escort in an unclothed state, or attired in clothing which shows the human male or  
46 female genitals, pubic area, or buttocks with less than a full opaque covering, or showing the female breast with less  
47 than a full opaque covering of any portion thereof below the top of the areola, or the depiction of covered male  
48 genitals in a discernibly turgid state, is prohibited and shall be presumed to be advertising the availability of sexual  
49 conduct. (Ord. 1817 § 11, 1991)

50 **5.49.100 Duties of an escort.**

51 A. While serving as an escort, carry an identification card issued by the escort bureau or introductory service with  
52 whom he has a contractual or employment relationship.

53 B. Notify the business license clerk within three days of changing his residence or business address. (Ord. 1817 §  
54 12, 1991)

1 **5.49.110 Unlawful activities.**

2 A. It shall be unlawful for any introductory service or escort bureau or runner or escort to provide, or serve as, an  
3 escort for any person who is under the age of 18 years, or to introduce to any patron any person under the age of 18  
4 years.

5 B. It shall be unlawful for any escort to, or for any escort bureau or introductory service to provide an escort who, on  
6 any occasion, perform(s) work or services as an escort while unclothed or in such less than opaque and complete  
7 attire, costume, or clothing, so as to expose to view any portion of the female breast below the top of the areola or  
8 any portion of the male or female pubic region, anus, buttocks, vulva or genitals.

9 C. It shall be unlawful for any escort, escort bureau, introductory service, or manager or runner thereof, required to  
10 be licensed by the provisions of this chapter, to do or allow any of the following activities by any escort while  
11 serving as an escort:

- 12 1. Engaging in, permitting, promoting, or soliciting prostitution or sexual conduct;
- 13 2. Committing a firearm offense under Chapter 9.41 RCW, as now existing or hereafter amended;
- 14 3. Committing an obscenity or pornography or indecent exposure offense under Chapters 9.68 or 9A.88 RCW,  
15 as now existing or hereafter amended;
- 16 4. Committing an offense of sexual exploitation of children or a sexual offense under Chapters 9.68A or 9A.44  
17 RCW, as now existing or hereafter amended; or
- 18 5. Committing a drug offense under Chapter 10.44 LMC or Chapters 69.41, 69.50, or 69.52 RCW, as now  
19 existing or hereafter amended. (Ord. 1817 § 13, 1991)

20 **5.49.120 Violations and penalties.**

21 A. Any violation of any of the provisions of this chapter shall be a gross misdemeanor, subject to a fine up to \$5,000  
22 and/or imprisonment of up to one year. Each day that any such violation continues shall be a separate offense.

23 B. Any person violating any of the provisions of this chapter shall also be subject to license suspension or revocation  
24 as set forth in LMC 5.49.130. (Ord. 2698 § 7, 2007; Ord. 2656 §§ 1, 2, 2006; Ord. 1817 § 14, 1991)

25 **5.49.130 Suspension or revocation of license.**

26 A. The director or the director's designee shall suspend any license required by this chapter for a period of 30 days  
27 upon the licensee's first violation of this chapter.

28 B. The director or the director's designee shall suspend any license required by this chapter for a period of 90 days  
29 upon the licensee's second violation of this chapter.

30 C. The director or the director's designee shall revoke any license required by this chapter upon the licensee's third  
31 violation of this chapter within three years. The period of any revocation shall be one year.

32 D. Notwithstanding the provisions of subsection (A) of this section, the director or the director's designee shall  
33 revoke any license required by this chapter upon the licensee's first violation of LMC 5.49.110(A) or (C). The  
34 period of any such revocation shall be one year. If any licensee has his or her license subsequently revoked pursuant  
35 to this subsection within three years of a prior revocation for violating LMC 5.49.110(A) or (C), the period of  
36 revocation shall be three years.

37 E. Notwithstanding the provisions of LMC 5.49.060, the director or the director's designee shall deny, or deny the  
38 renewal of, any license required by this chapter, or revoke any such license if the licensee has made any false or  
39 misleading statements or misrepresentations to the city in order to induce or prevent action by the city. (Ord. 1817 §  
40 13, 1991)

41 **5.49.140 Revocation or suspension of license – Hearing and rights of appeal.**

42 A. Whenever the director has determined that a license required by this chapter shall be suspended or revoked, the  
43 director or director's designee shall issue a notice of suspension or notice of revocation to the licensee.

44 B The notice shall be sent to the licensee by certified and regular mail. The written decision shall specify the basis  
45 for the director's determination along with the name of the person involved, dates and description of violation of this  
46 chapter, description of action proposed to be taken by the city, the effective date of the revocation or suspension and  
47 the procedures for appeal of the director's determination as stated in subsection (C) of this section.

48 C. The decision of the director may be appealed by filing a written appeal with the Community Development  
49 Department. The appeal must be filed within 10 business days of the director's decision, include the appeal fee  
50 specified by Chapter 3.104 LMC, and state the factual grounds for the appeal. The hearing examiner shall set a date  
51 for the appeal hearing. The city shall notify the parties of record by mail of the time and place of the hearing, which  
52 shall be conducted as specified by LMC 1.35.200 et seq., Chapter 2.22 LMC and the rules for hearings adopted  
53 pursuant to LMC 2.22.080. Upon the filing of a timely appeal, the director's decision to revoke or suspend the  
54 business license shall be stayed pending a final decision by the hearing examiner on the appeal. (Ord. 1817 § 16,  
55 1991)

- 1 **5.49.160 Conflicts with other licensing regulations.**  
2 A. In the event that there is any conflict between the provisions of this chapter and general business license  
3 regulations contained in the Lynnwood Municipal Code, the provisions of this chapter shall control.  
4 B. Notwithstanding any other provisions of the Lynnwood Municipal Code, escort bureau or introductory service  
5 licenses shall not be issued for any such business which seeks to locate in any single or multiple-family residential  
6 zone in the city of Lynnwood. (Ord. 1817 § 18, 1991)
- 7 **5.49.170 Exemptions.**  
8 Professions, employments and businesses licensed by the state of Washington or Snohomish County pursuant to a  
9 specific statute or ordinance, and all employees of any business so licensed, which perform an escort or escort  
10 bureau function as a service merely incidental to the primary function of such profession, employment or business  
11 and do not hold themselves out to the public as an escort or escort bureau, are exempt from the licensing  
12 requirements of this chapter; provided, however, that any employment agency which provides escorts as defined  
13 herein, shall obtain a license as required by this chapter. (Ord. 1817 § 19, 1991)

Chapter 5.50

ADULT ENTERTAINMENT

Sections:

- 5.50.010 Definitions.
- 5.50.020 Application of other provisions.
- 5.50.030 License required – Premises.
- 5.50.040 License required – Managers and entertainers.
- 5.50.050 Fees.
- 5.50.060 Application for license – Premises.
- 5.50.070 Application for license – Managers and entertainers.
- 5.50.080 Applicant investigation.
- 5.50.090 Application denial or approval – Notification.
- 5.50.100 Employee conduct.
- 5.50.105 Conduct prohibited.
- 5.50.110 Premises requirements.
- 5.50.120 Premises – Manager on premises required.
- 5.50.130 Premises – Hours of operation.
- 5.50.140 Premises – Age restrictions.
- 5.50.150 Additional prohibitions.
- 5.50.160 Exemptions.
- 5.50.170 License – Posting and display.
- 5.50.180 License – Unlawful to advertise without.
- 5.50.190 Enforcement.
- 5.50.200 Procedures for enforcement.

**5.50.010 Definitions.**

For the purposes of this chapter and unless the context plainly requires otherwise, the following definitions are adopted:

A. “Adult entertainment” means:

- 1. An exhibition, performance or dance of any type conducted in a premises where such exhibition, performance or dance involves a person who is unclothed or in such costume, attire or clothing as to expose any portion of the female breast below the top of the areola or any portion of the pubic region, anus, buttocks, vulva or genitals, or wearing any device or covering exposed to view which simulates the appearance of any portion of the female breast below the top of the areola or any portion of the pubic region, anus, buttocks, vulva or genitals, or human made genitals in a discernibly turgid state, even if completely and opaquely covered; or
- 2. Any exhibition, performance or dance of any type conducted in a premises where such exhibition, performance or dance is distinguished or characterized by a predominant emphasis on the depiction, description, simulation or relation to the following specified sexual activities:
  - a. Human genitals in a state of sexual stimulation or arousal;
  - b. Acts of human masturbation, sexual intercourse or sodomy; or
  - c. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breast; or
- 3. Any exhibition, performance or dance which is intended to sexually stimulate any member of the public and which is conducted on a regular basis or as a substantial part of the premises activity. This includes, but is not limited to, any such exhibition, performance or dance performed for, arranged with or engaged in with fewer than all members of the public on the premises at that time, whether separate consideration paid, either directly, or indirectly, for such performance, exhibition or dance and which is commonly referred to as table dancing, couch dancing, taxi dancing, lap dancing, private dancing or straddle dancing.

B. “Adult entertainment premises” means any premises to which the public, patrons or members are invited or admitted and wherein an entertainer provides adult entertainment to a member of the public, a patron, or a member; but does not include that portion of an establishment licensed or required to be licensed as a “panorama” or “peepshow” under the provisions of Chapter 5.62 LMC.

C. “Employee” means any and all persons, including managers, entertainers and independent contractors, who work in or at or render any services directly related to, the operation of an adult entertainment premises.

1 D. "Entertainer" means any person who on any occasion provides adult entertainment within an adult entertainment  
2 premises as defined in this section, whether or not a fee is charged or accepted for entertainment, or whether or not  
3 the entertainer is paid.

4 E. "Entertainment" means any exhibition or dance of any type, pantomime, modeling or any other performance.

5 F. "Manager" means any person who manages, directs, administers, or is in charge of, the affairs and/or conduct of  
6 any portion of any activity involving adult entertainment occurring at any adult entertainment premises.

7 G. "Operator" means any person operating, conducting or maintaining an adult entertainment business.

8 H. "Person" means any individual, partnership, corporation, trust, incorporated or unincorporated association,  
9 marital community, joint venture, governmental entity, or other entity or group of persons however organized.

10 I. "Public place" means any area generally visible to public view and includes streets, sidewalks, bridges, alleys,  
11 plazas, parks, driveways, parking lots, and automobiles whether moving or not.

12 J. "Working days" means Monday through Friday, except holidays observed by the city of Lynnwood. (Ord. 2026 §  
13 1, 1995; Ord. 1826 § 10, 1991; Ord. 1817 § 1, 1991; Ord. 1754 § 1, 1990; Ord. 1749 § 3, 1990)

14 **5.50.020 Application of other provisions.**

15 The licenses provided for in this chapter are subject to the general provisions of the Lynnwood Municipal Code set  
16 forth in Chapter 5.04 LMC as now or hereafter amended. In the event of a conflict between the provisions of  
17 Chapter 5.04 LMC and this chapter, the provisions of this chapter shall control. (Ord. 1749 § 2, 1990)

18 **5.50.030 License required – Premises.**

19 A. It is unlawful for any person to operate or maintain an adult entertainment premises in the city of Lynnwood  
20 unless the owner, operator or lessee thereof has obtained from the director or the director's designee a license to do  
21 so, to be designated an "adult entertainment premises license."

22 B. It is unlawful for any entertainer, employee or manager to knowingly perform any service or entertainment  
23 directly related to the operation of an unlicensed adult entertainment premises.

24 C. It is unlawful for any operator, manager, or employee of a licensed adult entertainment premises to knowingly  
25 permit any violation of this chapter. (Ord. 1826 § 9, 1991; Ord. 1749 § 4, 1990)

26 **5.50.040 License required – Managers and entertainers.**

27 It shall be unlawful for any person on any occasion to work or perform as an entertainer or manager at an adult  
28 entertainment premises without having first obtained from the business license clerk a license to do so, to be  
29 designated an "adult entertainer's license" or an "adult entertainment manager's license," respectively. (Ord. 1749 §  
30 5, 1990)

31 **5.50.050 Fees.**

32 The license year for all fees required under this chapter shall be for one calendar year. All license fees shall be  
33 payable on an annual basis as shown in Chapter 3.104 LMC for the following:

34 A. Adult entertainment premises license;

35 B. Adult entertainer's license;

36 C. Adult entertainment manager's license. (Ord. 2656 §§ 1, 2, 2006; Ord. 1754 § 2, 1990; Ord. 1749 § 6, 1990)

37 **5.50.060 Application for license – Premises.**

38 All applications for an adult entertainment premises license shall be submitted in the name of the person proposing  
39 to conduct such adult entertainment on the premises and shall be signed by such person and notarized or certified as  
40 true under penalty of perjury. All applications shall be submitted on a form supplied by the business license clerk,  
41 and shall require the following information:

42 A. The name, residence address, home telephone number, date and place of birth, and social security number of the  
43 applicant;

44 B. The business name, address and telephone number of the establishment;

45 C. The names, residence addresses, residence telephone numbers, social security numbers and dates of births of any  
46 partners, corporate officers and directors;

47 D. Addresses of the applicant for the five years immediately prior to the date of application;

48 E. A description of the adult entertainment or similar business history of the applicant; whether such person or  
49 entity, in previously operating in this or another city, county or state, has had a business license revoked or  
50 suspended, the reason therefor, and the activity or occupation subjected to such action, suspension or revocation;

51 F. A description of the business, occupation, or employment of the applicant for the three years immediately  
52 preceding the date of application;

53 G. Copies of any ownership documents, sale or purchase documents, or lease documents pertaining to the premises  
54 sufficient to allow the city to identify anyone with a property interest in the premises;

55 H. Authorization for the city, its agents and employees to seek information to confirm any statements set forth in the  
56 application; and



1 I. A failure to provide information required by this subsection will constitute an incomplete application and will not  
2 be processed. (Ord. 1826 §§ 1, 2, 1991; Ord. 1749 § 7, 1990)

3 **5.50.070 Application for license – Managers and entertainers.**

4 All applications for an adult entertainment manager’s license or adult entertainer’s license shall be signed by the  
5 applicant and notarized or certified as true under penalty of perjury. All applications shall be submitted on a form  
6 supplied by the business license clerk, and shall require the following information:

7 A. The applicant’s name, home address, home telephone number, date and place of birth, social security number and  
8 any stage names or nicknames used in entertaining;

9 B. The name and address of each business at which the applicant intends to work as a manager or entertainer;

10 C. The applicant shall present documentation that he or she has attained the age of 18 years. Any of the following  
11 shall be accepted as documentation of age:

12 1. A motor vehicle operator’s license issued by any state bearing the applicant’s photograph and date of birth;

13 2. A state-issued identification card bearing the applicant’s photograph and date of birth;

14 3. An official passport issued by the United States of America;

15 4. An immigration card issued by the United States of America; or

16 5. Any other picture identification issued by a governmental entity;

17 D. The applicant shall provide two 2-inch-by-2-inch, black-and-white photographs of the applicant, taken within six  
18 months of the date of the application, showing only the full face of such applicants. The two 2-inch-by-2-inch,  
19 black-and-white photographs shall be provided at the applicant’s expense. The license, when issued, shall have  
20 affixed to it such photograph of the applicant; and

21 E. Failure to provide information required by this subsection will constitute an incomplete application and will not  
22 be processed. (Ord. 1749 § 7, 1990)

23 **5.50.080 Applicant investigation.**

24 Upon filing of an application for a license required by this chapter, the business license clerk shall forward copies to  
25 the police department, the director, the building official and the fire chief; and within 30 days of the date of the  
26 application:

27 A. The police department shall investigate the statements set forth in the application and report to the business  
28 license clerk whether or not the information received by the police department confirms the information in the  
29 application; provided, that in the event of an application for an adult entertainer’s license or an adult entertainment  
30 manager’s license, such investigation shall be complete within three working days of the date of the application.

31 B. The director shall inspect the proposed establishment and report to the business license clerk whether the location  
32 of the proposed establishment is in conformity with the regulations of the zoning code.

33 C. The building official shall inspect the proposed establishment and report to the business license clerk whether it  
34 complies with the regulations of the building code.

35 D. The fire chief will examine the proposed establishment and report to the business license clerk whether it  
36 complies with the regulations of the fire prevention code. (Ord. 2957 § 31, 2012; Ord. 1754 § 3, 1990; Ord. 1749 §  
37 8, 1990)

38 **5.50.090 Application denial or approval – Notification.**

39 A. After an investigation, the director shall, within seven working days, but in no event no more than 37 days from  
40 the date of the application, issue the applicable license or licenses for adult entertainment premises authorized by  
41 this chapter if the director finds that:

42 1. The business for which a license is required herein will be conducted in a building, structure and location  
43 which complies with the requirements and meets the standards of the applicable health, zoning, building, fire  
44 and safety laws of the city, as well as the requirements of this chapter;

45 2. The applicant, his or her employee, agent, partner, director, officer or manager has not knowingly made any  
46 false, misleading or fraudulent statement of material fact in the application for a license, or in any report or  
47 record required to be filed with the city; and

48 3. The applicant and all employees, agents, partners, directors, officers or managers of the applicant have  
49 attained the age of 18 years.

50 B. The director shall, within three working days after the date of an application for an adult entertainment manager’s  
51 license or an adult entertainer’s license issue the applicable license or licenses authorized by this chapter, if the  
52 director finds that:

53 1. The applicant has not knowingly made any false, misleading or fraudulent statement of material fact in the  
54 application for a license, or in any report or record required to be filed with the city; and

55 2. The applicant has attained the age of 18 years.

1 C. Upon denial of any applicable license authorized by this chapter, the applicant has the right of appeal to the  
2 hearing examiner as set forth in Chapter 5.04 LMC(Ord. 1754 § 4, 1990; Ord. 1749 § 9, 1990)

3 **5.50.100 Employee conduct.**

4 The following standards of conduct upon the premises must be adhered to by employees of any adult entertainment  
5 premises:

6 A. 1. No employee or entertainer shall be unclothed or in such less than opaque and complete attire, costume or  
7 clothing so as to expose to view any portion of the breast below the top of the areola or any portion of the pubic  
8 region, anus, buttocks, vulva or genitals, except upon a stage at least 18 inches above the immediate floor level and  
9 removed at least six feet from the nearest patron.

10 2. All adult entertainment shall occur upon a stage at least 18 inches above the immediate floor level and be  
11 removed at least six feet from the nearest patron.

12 B. Except as provided in subsection (A) of this section and LMC 5.50.160, no employee or entertainer shall perform  
13 acts of or acts which simulate:

14 1. Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual acts which  
15 are prohibited by law;

16 2. The touching, caressing or fondling of the breasts, buttocks or genitals; or

17 3. The displaying of the pubic region, anus, vulva or genitals.

18 C. No employee or entertainer mingling with the patrons shall be unclothed or in less than opaque and complete  
19 attire, costume or clothing as described in subsection (A)(1) of this section.

20 D. No employee or entertainer shall knowingly permit any person upon the premises to touch, caress or fondle the  
21 breasts, buttocks, anus or genitals of any other person.

22 E. No employee or entertainer shall touch, caress or fondle the breasts, buttocks, anus or genitals of any other  
23 person.

24 F. No employee or entertainer shall wear or use any device or covering exposed to view which simulates the breast  
25 below the top of the areola, vulva or genitals, anus, buttocks, or any portion of the pubic region.

26 G. No employee or entertainer shall use artificial devices or inanimate objects to depict any of the prohibited  
27 activities described in the subsection.

28 H. No entertainer of any adult entertainment premises shall be visible from any public place during the hours of his  
29 or her employment, or apparent hours of his or her employment, on the premises.

30 I. No entertainer shall solicit, demand or receive any payment or gratuity from any patron for any act prohibited by  
31 this chapter.

32 J. No entertainer or manager shall solicit, demand, accept, or receive directly or indirectly any gratuity or other  
33 payment or consideration from a patron, customer, or member of the public. Only the listed and specified fixed fee  
34 or charge shall be charged for specified entertainment. (Ord. 1926 § 3, 1991; Ord. 1975 § 1, 1993; Ord. 1826 § 4,  
35 1991; Ord. 1749 § 10, 1990)

36 **5.50.105 Conduct prohibited.**

37 A. It is unlawful for any patron or customer to enter upon any stage during any time an entertainer is performing.

38 B. It is unlawful for any patron or customer, or member of the public to hand, pay, or give any gratuity or other  
39 payment or consideration to an entertainer or manager.

40 C. Violation of this section is a misdemeanor. (Ord. 1975 § 2, 1993; Ord. 1826 § 5, 1991)

41 **5.50.110 Premises requirements.**

42 At any adult entertainment premises, the following are required:

43 A. Neither the performance nor any photograph, drawing, sketch or other pictorial or graphic representation thereof  
44 displaying any portion of the breasts below the top of the areola or any portion of the pubic hair, buttocks, genitals  
45 and/or anus may be visible outside of the adult entertainment premises.

46 B. Sufficient lighting shall be provided and equally distributed in and about the parts of the premises which are open  
47 to and used by the public so that all objects are plainly visible at all times so that on any part of the premises which  
48 are open to and used by the public, a program, menu, or list printed in eight-point type will be readable.

49 C. A sign not less than two feet by two feet, with bold face print not less than 24 point, shall be conspicuously  
50 displayed in the common area of the premises, visible from the main entry, and shall read as follows:

51 This adult entertainment establishment is regulated by the City of Lynnwood. Entertainers  
52 are:

53 1. Not permitted to engage in any type of sexual conduct;

54 2. Not permitted to be unclothed or in such less than opaque and complete attire, costume or  
55 clothing so as to expose to view any portion of the breasts below the top of the areola, any  
56 portion of the pubic region, buttocks, genitals or vulva and/or anus except upon a stage at

1 least 18 inches from the immediate floor level and removed at least six feet from the nearest  
2 patron; and

3 3. Not permitted to solicit, demand, receive, accept, or collect any gratuity or payment directly  
4 or indirectly from a patron, customer, or member of the public.

5 D. The entire interior portion of the premises wherein adult entertainment is provided shall be visible from all  
6 common areas of the premises. Visibility shall not be blocked or obscured by doors, curtains, drapes, or any other  
7 obstruction.

8 E. There shall be posted and conspicuously displayed in the common areas of each place offering adult  
9 entertainment a list of any and all entertainment provided on the premises. Such lists shall further indicate the  
10 specific fixed fee or a specific fixed charge in dollar amounts for each entertainment listed. (Ord. 1975 §§ 3, 4, 5,  
11 1993; Ord. 1826 §§ 6, 7, 1991; Ord. 1749 § 11, 1990)

12 **5.50.120 Premises – Manager on premises required.**

13 A. A licensed manager shall be on duty at an adult entertainment premises at all times adult entertainment is being  
14 provided. The name of the manager on duty shall be prominently posted during business hours.

15 B. It shall be the responsibility of the manager to verify that any person who provides adult entertainment within the  
16 premises possesses a current and valid entertainer's license posted in the manner required by this chapter. (Ord.  
17 1749 § 17, 1990)

18 **5.50.130 Premises – Hours of operation.**

19 It is unlawful for any business or operation licensed as an adult entertainment premises to remain open to the public,  
20 or to conduct or operate business, whether for adult entertainment or otherwise, between the hours of 2:00 a.m. and  
21 10:00 a.m. (Ord. 1749 § 14, 1990)

22 **5.50.140 Premises – Age restrictions.**

23 A. It is unlawful for any person under the age of 18 years to be in or upon any premises for which an adult  
24 entertainment premises license is required.

25 B. It is unlawful for any owner, operator, manager, or other person in charge of a premises for which an adult  
26 entertainment premises license is required, to knowingly permit or allow any person under the age of 18 years to be  
27 in or upon such premises. (Ord. 1826 §§ 3, 4, 1991; Ord. 1749 § 15, 1990)

28 **5.50.150 Additional prohibitions.**

29 A. No person shall touch, caress or fondle the breasts, buttocks, anus or genitals of any employee, entertainer or  
30 manager while on the adult entertainment premises.

31 B. Liquor, as now defined by Chapter 66.04 RCW, or as hereafter amended, shall not be distributed or consumed by  
32 any person on the premises unless the premises are licensed to serve the same by the Washington State Liquor  
33 Control Board.

34 C. Controlled substances as now defined by Chapter 69.50 RCW, or as hereafter amended, shall not be distributed or  
35 consumed by any person on the premises unless in accordance with a valid prescription issued by a practitioner  
36 licensed by the state of Washington.

37 D. It shall be unlawful for any person on any occasion to conduct or perform any adult entertainment for any  
38 compensation or gratuity of any kind whatsoever, whether direct or indirect, except in a licensed adult entertainment  
39 premises. (Ord. 1876 § 1, 1992; Ord. 1749 § 13, 1990)

40 **5.50.160 Exemptions.**

41 A. This chapter shall not be construed to prohibit:

- 42 1. Plays, operas, musicals, or other dramatic works that are not obscene;
- 43 2. Classes, seminars and lectures held for serious scientific or educational purposes that are not obscene;
- 44 3. Exhibitions, performances, expressions or dances that are not obscene; or
- 45 4. Athletic games or contests traditionally conducted so as to expose to view any portion of the male breast  
46 below the top of the areola (e.g., boxing or wrestling matches).

47 B. For purposes of this chapter, an activity is "obscene" if:

- 48 1. Taken as a whole by an average person applying contemporary community standards the activity appeals to a  
49 prurient interest in sex;
- 50 2. The activity depicts patently offensive representations, as measured against community standards, of:
  - 51 a. Ultimate sexual acts, normal or perverted, actual or simulated; or
  - 52 b. Masturbation, fellation, cunnilingus, bestiality, excretory functions, or lewd exhibition of the genitals or  
53 genital area; or violent or destructive sexual acts, including but not limited to human or animal mutilation,  
54 dismemberment, rape or torture; and
- 55 3. The activity taken as a whole lacks serious literary, artistic, political or scientific value. (Ord. 1826 § 8, 1991;  
56 Ord. 1749 § 12, 1990)

1 **5.50.170 License – Posting and display.**

2 A. Every adult entertainer shall post his or her license in his or her work area so it is readily available for inspection  
3 by city authorities responsible for enforcement of this chapter.

4 B. Every person, corporation, partnership or association licensed under this chapter as an adult entertainment  
5 premises or adult entertainment manager shall post such license in a conspicuous place and manner on the licensed  
6 premises. (Ord. 1749 § 16, 1990)

7 **5.50.180 License – Unlawful to advertise without.**

8 It is unlawful to advertise the services of any establishment or employee as herein defined not licensed according to  
9 the provisions of this chapter. (Ord. 1749 § 18, 1990)

10 **5.50.190 Enforcement.**

11 A. Any violation of the provisions of this chapter as now or hereafter amended shall be a gross misdemeanor, and  
12 shall be subject to a fine not to exceed \$5,000, or imprisonment for a term not to exceed one year, or both such fine  
13 and imprisonment. Each day such violation continues shall be considered an additional and separate offense.

14 B. Notwithstanding any other provisions of this chapter, any violation of this chapter as now or hereafter amended  
15 by an operator, manager, employee or entertainer shall be subject to license suspension or revocation as follows:

16 1. Suspension. The director shall suspend the license of any person licensed as an operator, manager or  
17 entertainer for a period of 15 days upon determination by the director of a first violation of this chapter by the  
18 licensee.

19 2. Suspension. The director shall suspend the license of any person licensed as an operator, manager or  
20 entertainer for a period of 45 days upon determination by the director of a second violation of this chapter by  
21 the licensee.

22 3. Revocation. The director shall revoke the license of any person licensed as an operator, manager or  
23 entertainer upon determination by the director of a third violation of this chapter within three years. The period  
24 of revocation shall be one year. (Ord. 2032 § 1, 1995; Ord. 1826 § 11, 1991; Ord. 1749 § 19, 1990)

25 **5.50.200 Procedures for enforcement.**

26 A. Whenever the director determines that any violation of this chapter has occurred, the director or director's  
27 designees shall issue a notice of violation and suspension or revocation ("notice") to the licensee.

28 B. The notice shall be sent to the licensee by certified and regular mail. The written decision shall specify the basis  
29 for the director's determination along with the name of the person involved, dates and description of violation of this  
30 chapter, description of action proposed to be taken by the city, the effective date of the revocation or suspension and  
31 the procedures for appeal of the director's determination as stated in subsection (C) of this section.

32 C. The decision of the director may be appealed by filing a written appeal with the Community Development  
33 Department. The appeal must be filed within 10 business days of the director's decision, include the appeal fee  
34 specified by Chapter 3.104 LMC, and state the factual grounds for the appeal. The hearing examiner shall set a date  
35 for the appeal hearing. The city shall notify the parties of record by mail of the time and place of the hearing, which  
36 shall be conducted as specified by LMC 1.35.200 et seq., Chapter 2.22 LMC and the rules for hearings adopted  
37 pursuant to LMC 2.22.080. Upon the filing of a timely appeal, the director's decision to revoke or suspend the  
38 business license shall be stayed pending a final decision by the hearing examiner on the appeal.

39 Ord. 2032 § 2, 1995; Ord. 1749 § 20, 1990)

Chapter 5.51

PUBLIC BATHHOUSES

Sections:

- 5.51.010 Definitions.
- 5.51.020 Exemptions.
- 5.51.030 Public bathhouse license and insurance required.
- 5.51.040 Fees.
- 5.51.050 Application for and renewal of public bathhouse license.
- 5.51.060 Duties of public official.
- 5.51.070 Attending a patron undergoing a bath as treatment – Prohibitions.
- 5.51.080 Director to issue license.
- 5.51.090 Liquor, controlled substances – Prohibited – Exceptions.
- 5.51.100 Hours.
- 5.51.110 Conduct restricted to licensed business.
- 5.51.120 Required records.
- 5.51.130 Prohibited activities.
- 5.51.140 Dress regulations.
- 5.51.150 Workers.
- 5.51.160 Unlawful to permit violations.
- 5.51.170 Unlawful to admit certain persons.
- 5.51.180 Unlawful to advertise without license.
- 5.51.190 Suspension and/or revocation of license
- 5.51.210 Term of license.
- 5.51.220 Violation and penalty.

**5.51.010 Definitions.**

A. For the purpose of this chapter, the following terms, words and phrases shall have the following meanings:

- 1. “Public bathhouse” means any place not exempted from the provisions of this chapter where baths or facilities for baths of any kind whatsoever, are given or furnished.
- 2. “Bath(s)” includes, but is not limited to, the following: Finnish baths; Russian baths; sauna baths; Swedish baths; Turkish baths; baths by hot air, steam, vapor, hot or cold water, or electric cabinet; hot tub; jacuzzi; and whirlpool.
- 3. “Person” means any individual, firm, partnership, association, corporation, company or organization of any kind.
- 4. “Authorized health care practitioner” has the same meaning as set forth in RCW 18.74.010(7) as now existing or hereafter amended; provided, that the administration of bath treatments is within the scope of such person’s state license. One copy of RCW 18.74.010 shall be on file with the city.
- 5. “Worker” means employee or independent contractor whose personal labor is the essence of the contract.

B. All references herein to the masculine gender shall include the feminine, and the feminine, the masculine; all references to the singular shall include the plural, and the plural, the singular. (Ord. 1834 § 2, 1991)

**5.51.020 Exemptions.**

The provisions of this chapter shall not apply to:

A. Baths given in any licensed:

- 1. Hospital, nursing or convalescent home;
- 2. Business establishment of an authorized health care practitioner; or
- 3. Business establishment of a massage practitioner licensed by the city of Lynnwood, when the administration of bath treatments is within the scope of his required state license;

B. Ordinary tub or shower baths where an attendant is not required;

C. Baths given or furnished on the premises of a single- or multiple-family residence when:

- 1. No fee or other consideration is charged; and
- 2. Such baths are given by a licensed nurse, physical therapist, occupational therapist, or massage practitioner who is giving a bath treatment pursuant to a written prescription from an authorized health care practitioner;

D. Facilities for baths furnished as an incidental part of:

1. The operation of a hotel, as the same is defined in LMC 5.70.010, or lodging house;
2. A municipal recreation center; or
3. A private social or athletic club not open to the public generally. (Ord. 1834 § 3, 1991)

**5.51.030 Public bathhouse license and insurance required.**

It shall be unlawful to conduct, operate, or maintain a public bathhouse unless such establishment is licensed as herein provided and is covered by a liability insurance policy in a minimum amount of \$300,000. The licensee shall notify the director or the director's designee in writing, of any cancellation of said insurance policy within three days of receiving notice that the required policy has been cancelled. Failure to so notify the director or the director's designee shall be grounds for license suspension or revocation. (Ord. 1834 § 4, 1991)

**5.51.040 Fees.**

The fee for a public bathhouse license shall be as shown in Chapter 3.104 LMC, plus an additional fee for each worker therein. Upon initial application for a public bathhouse license, the applicant shall also pay a nonrefundable investigation fee as shown in Chapter 3.104 LMC. (Ord. 2656 §§ 1, 2, 2006; Ord. 1834 § 5, 1991)

**5.51.050 Application for and renewal of public bathhouse license.**

No license or renewal of license to conduct a public bathhouse shall be issued or renewed except upon written application to the business license clerk which shall be signed and sworn to by the person who intends to conduct, operate or maintain a public bathhouse. Such application shall contain the following information:

- A. The true name, home address, telephone number, and the age of the applicant, and the ages of any partners of the applicant or, if the applicant is a corporation, the ages of its officers and directors.
- B. The business name, business address and telephone number of the establishment.
- C. Whether the applicant is a sole proprietorship, partnership, or corporation. If a partnership, the application shall set forth the names, addresses, and telephone numbers of all persons whether general or limited partners sharing in the profits of the business and the respective ownership share of each. If a corporation, it shall set forth the name, residence, address, and telephone number of each of its officers and directors. It shall set forth all persons having an interest in the real or personal property at the premises.
- D. Residence addresses of the applicant, and if a corporation, its officers and directors, or if a partnership, its partners, for the last five years.
- E. The principal business of the applicant and his partners, if any; and, if the applicant is a corporation, the principal business enterprises of such corporation.
- F. Two 2-inch-by-2-inch, black-and-white photographs of the applicant, or if a partnership or corporation, of the party signing the application, taken within six months of the date of the application, showing only the full face of such applicant. Such photographs shall be provided at the applicant's expense. The license, when issued, shall have affixed to it one of such photographs, and the applicant's fingerprint(s). Such license shall be posted and displayed at all times in a conspicuous place in the establishment where the license is enjoyed and it shall not be tampered with in any manner.
- G. The applicant, or if the applicant is a partnership or corporation, the party signing the application, shall also submit to fingerprinting by the Lynnwood police department and such fingerprints shall be retained in the application file, a copy of which shall be forwarded to the Federal Bureau of Investigation Identification Bureau.
- H. All assumed names or aliases which have been or are being used by any person whose name appears on the application.

I. Proof of liability insurance covered in the minimum amount required by this chapter. Failure to provide such proof shall constitute an incomplete application and shall not be processed. (Ord. 1834 § 6, 1991)

**5.51.060 Duties of public official.**

Upon the filing of an application for or renewal of a license to conduct a public bathhouse, the business license clerk shall forward copies to the police department, the director, the building official, the fire chief, the public works director; and within 60 days after receipt of a copy of the application:

- A. The police department shall investigate the statements set forth in the application and report to the business license clerk whether or not the information received by the police department confirms the information in the application.
- B. The director or the director's designee shall inspect the proposed establishment and report to the business license clerk whether the location of the establishment is in conformity with the regulations of the zoning code.
- C. The fire chief will examine the establishment and report to the business license clerk whether it complies with the regulations of LMC Title 9.
- D. The public works director and building official shall inspect the establishment and report to the business license clerk whether it complies with all applicable provisions of LMC Titles 13, 15 and 16 and that all water and sewer charges for the premises have been paid. (Ord. 2957 § 31, 2012; Ord. 1834 § 7, 1991)

1 **5.51.070 Attending a patron undergoing a bath as treatment – Prohibitions.**

2 It is unlawful for any person other than an authorized health care practitioner or a person licensed by the city of  
3 Lynnwood, as a massage practitioner to administer to or perform services for a patron of a public bathhouse while  
4 such patron is taking a bath. It is unlawful for the owner, agent, manager, or person in charge of a public bathhouse  
5 to permit any other persons to so attend a patron while a patron is taking a bath. (Ord. 1834 § 8, 1991)

6 **5.51.080 Director to issue license.**

7 If, from the information supplied to the director, it appears that the application and the premises are fit and proper,  
8 that the statements contained in the application are true, and that the applicant has complied with all the  
9 requirements of Lynnwood Municipal Code, the director shall issue a public bathhouse license to the applicant,  
10 otherwise the application shall be denied pursuant to the provisions of LMC 5.04.030. (Ord. 1834 § 9, 1991)

11 **5.51.090 Liquor, controlled substances – Prohibited – Exceptions.**

12 A. Liquor, as that term is defined by the Washington State Alcoholic Beverage Control Act, shall not be distributed  
13 or consumed on any premises under regulation by this chapter, unless the premises are licensed to serve the same by  
14 the Washington State Liquor Control Board.

15 B. Controlled substances, as defined by the Washington State Uniform Controlled Substances Act, shall not be  
16 distributed or consumed on any premises under regulation by this chapter. (Ord. 1834 § 10, 1991)

17 **5.51.100 Hours.**

18 All public bathhouses shall be closed, and all services performed therein discontinued, between the hours of 12:00  
19 midnight and 8:00 a.m. (Ord. 1834 § 11, 1991)

20 **5.51.110 Conduct restricted to licensed business.**

21 It is unlawful for the owner, proprietor, worker, manager, agent or person in charge of any premises licensed  
22 hereunder to conduct, within the premises, any other business than the one licensed hereunder. For the purposes of  
23 this section, any business activity which is conducted off the premises but uses the licensed premises as a point of  
24 meeting or for telephone contact to make arrangements shall be deemed to be conducted within the premises. (Ord.  
25 1834 § 12, 1991)

26 **5.51.120 Required records.**

27 A list of fees must be posted in a prominent place at the licensed establishment. All business transactions with  
28 customers must be conducted in accordance with the posted list of fees. Daily records must be kept of the number of  
29 customers, the time that customers were on the licensed premises, and the amount of money paid by the customers,  
30 including any gratuities. Such records shall be open to inspection on the licensee's premises by officers of the city of  
31 Lynnwood during business hours, for the purpose of ascertaining compliance with the provisions of this section.  
32 (Ord. 1834 § 13, 1991)

33 **5.51.130 Prohibited activities.**

34 It is unlawful for any owner, proprietor, manager, worker, or agent of any public bathhouse to participate in, or  
35 knowingly permit or promote, acts of sodomy, fornication, prostitution, cunnilingus, or fellatio upon the premises, or  
36 to intentionally touch or manipulate the genitals of a customer in any manner. (Ord. 1834 § 14, 1991)

37 **5.51.140 Dress regulations.**

38 Each public bathhouse worker, owner, proprietor, manager, agent, or person in charge of the establishment shall at  
39 all times be and remain fully clothed in a manner sufficient to prevent the exposure of any portion of the female  
40 breasts below the top of the areola or any portion of the male or female pubic region, anus, buttocks, vulva or  
41 genitals of such person. Failure to be so clothed constitutes a misdemeanor. (Ord. 1834 § 15, 1991)

42 **5.51.150 Workers.**

43 It is unlawful for any owner, proprietor, manager, agent, or person in charge of any facility regulated by this chapter  
44 to have as workers in such establishment any persons under the age of 18 years. (Ord. 1834 § 16, 1991)

45 **5.51.160 Unlawful to permit violations.**

46 It is unlawful for the owner, proprietor, agent, manager or person in charge to knowingly permit or allow any person  
47 to violate any sentence, section or clause of this chapter while said person is upon the premises licensed hereunder.  
48 (Ord. 1834 § 17, 1991)

49 **5.51.170 Unlawful to admit certain persons.**

50 It is unlawful for the owner, proprietor, manager or person in charge of any facility regulated by this chapter, or any  
51 worker or agent of such establishment, to admit anyone under the age of 18 years and permit them to remain in or  
52 about such premises, unless such person under the age of 18 years is accompanied by his or her parent or legal  
53 guardian, or to knowingly harbor, admit, receive or permit to be or remain in or about such premises any prostitute,  
54 lewd or dissolute person, or any drunk or boisterous person, or any person under the influence of any controlled  
55 substance. (Ord. 1834 § 18, 1991)

1 **5.51.180 Unlawful to advertise without license.**

2 It is unlawful to advertise any establishment regulated by this chapter which is not licensed according to the  
3 provisions of this chapter. (Ord. 1834 § 19, 1991)

4 **5.51.190 Suspension and/or revocation of license.**

5 A. Suspension and Revocation Schedule.

6 1. The director shall suspend any public bathhouse license for a period of 15 days upon the licensee's first  
7 violation of this chapter.

8 2. The director shall suspend any public bathhouse license for a period of 45 days upon the licensee's second  
9 violation of this chapter.

10 3. The director shall revoke any public bathhouse license upon the licensee's third violation of this chapter  
11 within three years. The period of any such revocation shall be one year.

12 4. The director shall suspend a public bathhouse license upon receipt of notice that the licensee's required  
13 insurance has been cancelled until satisfactory proof of insurance is presented to the director.

14 5. Notwithstanding the provisions of LMC 5.51.080, the director shall deny the renewal of any public  
15 bathhouse license or revoke any such license if a licensee has:

16 a. Made any false or misleading statements on the application for license or misrepresentations to the city  
17 in order to induce or prevent action by the city;

18 b. In connection with the licensee's operation of a bathhouse:

19 i. Engaged in an act of prostitution, or has promoted, or permitted prostitution on the licensee's  
20 premises;

21 ii. Used, or distributed controlled substances on the premises of a public bathhouse;

22 c. Failed or refused to qualify for or obtain any license required by the city of Lynnwood or the state of  
23 Washington in connection with the licensee's operation of a public bathhouse.

24 B. Notice Procedures for Suspension or Revocation and Hearing and Rights of Appeal.

25 1. Whenever the director has determined that a public bathhouse license shall be suspended or revoked, the  
26 director or the director's designee shall issue a "notice of suspension" or "notice of revocation" to the licensee.

27 2. The notice shall be sent to the licensee by certified and regular mail. The written decision shall specify the  
28 basis for the director's determination along with the name of the person involved, dates and description of  
29 violation of this chapter, description of action proposed to be taken by the city, the effective date of the  
30 revocation or suspension and the procedures for appeal of the director's determination as stated in subsection  
31 (C) of this section.

32 3. The decision of the director may be appealed by filing a written appeal with the Community Development  
33 Department. The appeal must be filed within 10 business days of the director's decision, include the appeal fee  
34 specified by Chapter 3.104 LMC, and state the factual grounds for the appeal. The hearing examiner shall set a  
35 date for the appeal hearing. The city shall notify the parties of record by mail of the time and place of the  
36 hearing, which shall be conducted as specified by LMC 1.35.200 et seq., Chapter 2.22 LMC and the rules for  
37 hearings adopted pursuant to LMC 2.22.080. Upon the filing of a timely appeal, the director's decision to  
38 revoke or suspend the business license shall be stayed pending a final decision by the hearing examiner on the  
39 appeal.  
40

41 (Ord. 1834 § 20, 1991)

42 (Ord. 1834 § 21, 1991)

43 **5.51.210 Term of license.**

44 (Ord. 1834 § 22, 1991)

45 All licenses issued pursuant to this chapter, shall be granted for one year from the date of issue, unless renewed. All  
46 license fees shall be payable on an annual basis. An application for renewal of any license required by this chapter  
47 may be submitted each calendar year per the requirements of LMC 5.04.040.

48 **5.51.220 Violation and penalty.**

49 The violation of any provision of this chapter shall be a misdemeanor and shall be punishable by a fine not to exceed  
50 \$1,000.00 or by imprisonment not to exceed 90 days, or both such fine and imprisonment  
51

52 (Ord. 2698 § 8, 2007; Ord. 2656 §§ 1, 2, 2006; Ord. 1834 § 23, 1991)  
53  
54  
55



Chapter 5.53

PRACTICE OF MASSAGE

Sections:

- 5.53.010 Definitions.
- 5.53.020 Massage practitioner's premises
- 5.53.030 Exemptions.
- 5.53.040 *Repealed.*
- 5.53.050 *Repealed.*
- 5.53.055 Business license required
- 5.53.060 Proof of state licensing required.
- 5.53.070 *Repealed.*
- 5.53.080 *Repealed.*
- 5.53.085 *Repealed.*
- 5.53.090 *Repealed.*
- 5.53.100 *Repealed.*
- 5.53.110 Violation and penalty.

**5.53.010 Definitions.**

A. For the purpose of this chapter, the following terms, words and phrases shall have the following meanings:

1. "Massage," "massage treatment" or "massage therapy" means the external manipulation or pressure of soft tissue of the body of another including, but not limited to, rubbing, kneading, hitting or any other manipulation whether manually or by the use of equipment, machinery, or appliances, with or without the aids of superficial heat, cold, water, lubricants or salts. Massage does not include diagnosis or attempts to adjust or manipulate any articulations of the body or spine or mobilization of these articulations by the use of a thrusting force.
2. "Massage practitioner" means any person giving massages or massage treatments.
3. "Person" means any individual, firm, partnership, association, corporation, company or organization of any kind.
4. "Authorized health care practitioner" has the same meaning as set forth in RCW 18.74.010 (7), i.e., a physician, osteopathic physician, chiropractor, naturopath, podiatrist or dentist licensed by the state of Washington; provided, that massage treatments are within the scope of his state license.

B. All references herein in the masculine gender shall include the feminine gender, and the feminine the masculine. All references to the singular shall include the plural, and the plural the singular. (Ord. 1833 § 2, 1991)

**5.53.020 Massage practitioner's premises.**

It shall be unlawful for any person to practice massage unless:

- A. The massage is given on the licensee's business premises or on premises which are exempt from the provisions of this chapter. (Ord. 2696 § 1, 2007; Ord. 1833 § 3, 1991)

**5.53.030 Exemptions.**

The provisions of this chapter shall not apply to:

- A. Authorized health care practitioners or their employees;
- B. Massages given in a private residence when no fee, compensation, or any other consideration is charged or paid, directly or indirectly, for such services;
- C. Massage treatments given in a private residence by a massage practitioner who is administering such treatments pursuant to a written prescription from an authorized health care practitioner;
- D. Athletic coaches or trainers giving massages while affiliated with public or private educational institutions or athletic organizations;
- E. Students enrolled in schools of massage performing therein such practices of massage as are incidental to their course of study;
- F. Massage treatments given in any licensed hospital, licensed nursing or convalescent home; or
- G. Licensed beauty operators and barbers who perform only such acts of massage as are customarily given in beauty salons and barber shops for purposes of beautification only. (Ord. 1833 § 4, 1991)

- 1 **5.53.040 Fees.**  
2 *Repealed by Ord. 2696. (Ord. 2656 §§ 1, 2, 2006; Ord. 1833 § 5, 1991)*
- 3 **5.53.050 Application for and renewal of massage practitioner’s license.**  
4 *Repealed by Ord. 2696. (Ord. 1833 § 7, 1991)*
- 5 **5.53.055 Business license required.**  
6 It shall be unlawful for any massage practitioner to engage in business in the city of Lynnwood without securing and  
7 holding a valid business license issued by the Lynnwood city clerk pursuant to the business licensing procedures set  
8 forth in Chapter 5.04 LMC and this chapter.  
9
- 10 **5.53.060 Proof of state licensing required.**  
11 Before issuing a business license to a massage practitioner, the director or the director’s designee shall require  
12 satisfactory proof that such company or agency possesses a valid state license issued pursuant to Chapter 18.108  
13 RCW, as now existing or hereafter amended, revised, recodified, or re-enacted. Revocation or suspension of the  
14 state license shall constitute grounds for revocation or suspension of the licensee’s city of Lynnwood business  
15 license.
- 16 **5.53.070 Duties of public officials.**  
17 *Repealed by Ord. 2696. (Ord. 1833 § 9, 1991)*
- 18 **5.53.080 Issuance of license or renewal of license.**  
19 *Repealed by Ord. 2696. (Ord. 1833 § 10, 1991)*
- 20 **5.53.085 Term of license.**  
21 *Repealed by Ord. 2696. (Ord. 1833 § 11, 1991)*
- 22 **5.53.090 Suspension and/or revocation of license.**  
23 *Repealed by Ord. 2696. (Ord. 1833 § 12, 1991)*
- 24 **5.53.100 Suspension or revocation of license – Hearing.**  
25 *Repealed by Ord. 2696. (Ord. 1833 § 13, 1991)*
- 26 **5.53.110 Violation and penalty.**  
27 The violation of any provision of this chapter shall be a misdemeanor and shall be punishable by a fine not to exceed  
28 \$1,000.00 or by imprisonment not to exceed 90 days, or both such fine and imprisonment  
29  
30 (Ord. 2656 §§ 1, 2, 2006; Ord. 1833 § 14, 1991)

Chapter 5.54

PRIVATE SECURITY GUARDS, PRIVATE SECURITY COMPANIES, PRIVATE DETECTIVES AND  
PRIVATE DETECTIVE AGENCIES

Sections:

5.54.010 Definitions.

5.54.020 Business license required – Private security companies and private detective agencies.

5.54.030 Proof of state license required.

5.54.040 Violation – Penalty.

**5.54.010 Definitions.**

A. For the purposes of this chapter, the term “private security company,” has the same meaning as provided by Chapter 43.101 RCW, as now existing or hereafter revised, amended, recodified, or re-enacted.

B. For the purposes of this chapter, the term “private detective agency” shall have the same meaning as set forth in Chapter 43.101 RCW, as now existing or hereafter revised, amended, recodified, or re-enacted. (Ord. 1864 § 3, 1991; Ord. 795, 1975)

**5.54.020 Business license required – Private security companies and private detective agencies.**

A. It shall be unlawful for any security company or private detective agency to engage in business in the city of Lynnwood without securing and holding a valid business license issued by the business license clerk pursuant to the business licensing procedures set forth in Chapter 5.04 LMC, and paying all fees prescribed herein.

B. The fee for a private security company or a private detective agency business license shall be as follows:

1. If a nonresident business, as defined by LMC 5.06.010, a fee as shown in Chapter 3.104 LMC;

2. If a resident business, as defined by LMC 5.06.010: an annual fees as shown in Chapter 3.104 LMC, plus a fee for each employee of the resident business per year. (Ord. 2656 §§ 1, 2, 2006; Ord. 2539 § 1, 2004; Ord. 1864 § 4, 1991; Ord. 795, 1975)

**5.54.030 Proof of state license required.**

Before issuing a business license to a private security company or private detective agency, the director or the director’s designee shall require satisfactory proof that such company or agency possesses a valid state license issued pursuant to Chapter 18.165 RCW or Chapter 18.170 RCW, as now existing or hereafter amended, revised, recodified, or re-enacted. Revocation or suspension of the state license shall constitute grounds for revocation or suspension of the licensee’s city of Lynnwood business license. (Ord. 1864 § 5, 1991; Ord. 1071 § 7, 1979; Ord. 795, 1975)

**5.54.040 Violation – Penalty.**

A. The violation of any provision of this chapter shall be a misdemeanor and shall be punishable by a fine not to exceed \$1,000.00 or by imprisonment not to exceed 90 days, or both such fine and imprisonment

B. In addition, any violation of the provisions of this chapter by a licensee hereunder shall be grounds for suspension or revocation of the licensee’s city of Lynnwood business license, pursuant to the procedures provided by Chapter 5.04 LMC. (Ord. 2698 § 9, 2007; Ord. 2656 §§ 1, 2, 2006; Ord. 1864 § 6, 1991; Ord. 1071 § 8, 1979; Ord. 795, 1975)

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**Chapter 5.55**  
**DAY SPAS**

Sections:

- 5.55.010 Definitions.
- 5.55.020 Exemptions.
- 5.55.030 Public body scrub facility license and insurance required.
- 5.55.031 License for body scrub managers.
- 5.55.032 License for body scrub attendants.
- 5.55.035 Business registration.
- 5.55.040 Fees.
- 5.55.050 Public body scrub facility license application and renewal.
- 5.55.070 Attending a patron undergoing a body scrub as treatment – Prohibitions.
- 5.55.080 Director to issue license.
- 5.55.085 Standards for denial of application for license.
- 5.55.090 Liquor, controlled substances – Prohibited – Exceptions.
- 5.55.100 Hours.
- 5.55.115 Standards of conduct/operation.
- 5.55.160 Unlawful to permit violations.
- 5.55.180 Unlawful to advertise without license.
- 5.55.190 Suspension and/or revocation of license.
- 5.55.210 Term of license.
- 5.55.220 Violation and penalty.

**5.55.010 Definitions.**

- A. For the purpose of this chapter, the following terms, words and phrases shall have the following meanings:
  - 1. “Authorized health care practitioner” has the same meaning as set forth in RCW 18.74.010(7) as now existing or hereafter amended; provided, that the administration of bath treatments is within the scope of such person’s state license.
  - 2. “Body scrub(s)” shall include, but is not limited to, a personal service involving washing, scrubbing, exfoliating or in any other manner coming into substantial personal contact with a client/customer.
  - 3. “Body scrub attendant” means any person who administers or performs services to patrons of a public body scrub or who supervises the work of such persons. The term does not include a person who performs only custodial or janitorial work.
  - 4. “Day spa” means any place not exempted from the provisions of this chapter where body scrubs or facilities for body scrubs of any kind whatsoever are given or furnished.
  - 5. “Genitals” means the genitals, pubic area, anus or perineum of any person, or the vulva or breasts of a female.
  - 6. “Manager” means any person who manages, directs, administers, or is in charge of, the affairs and/or conduct of any portion of any activity involving public body scrubs occurring at any place offering such services.
  - 7. “Person” means any individual, firm, partnership, association, corporation, company, or organization of any kind.
  - 8. “Public body scrub facility” shall include all facilities where body scrubs are provided.

B. All references herein to the masculine gender shall include the feminine, and the feminine the masculine; all references to the singular shall include the plural, and the plural the singular. (Ord. 2580 § 1, 2005)

**5.55.020 Exemptions.**

The provisions of this chapter shall not apply to:

- A. Body scrubs given in any licensed:
  - 1. Hospital, nursing or convalescent home; or
  - 2. Business establishment of an authorized health care practitioner;
- B. Ordinary tub or shower baths where an attendant is not required;
- C. Body scrubs given or furnished on the premises of a single- or multiple-family residence when:
  - 1. No fee or other consideration is charged; and

- 1           2. Such body scrubs are given by a licensed nurse, physical therapist, or occupational therapist who is giving a  
2 bath treatment pursuant to a written prescription from an authorized health care practitioner; or  
3 D. Facilities for body scrubs furnished as an incidental part of:  
4           1. The operation of a hotel, as the same is defined in LMC 5.70.010, or lodging house;  
5           2. A municipal recreation center; or  
6           3. A private social or athletic club not open to the public generally. (Ord. 2580 § 1, 2005)

7 **5.55.030 Public body scrub facility license and insurance required.**

8 It shall be unlawful to conduct, operate, or maintain a public body scrub facility unless such establishment is  
9 licensed as herein provided and is covered by a liability insurance policy in a minimum amount of \$300,000. The  
10 licensee shall notify the director in writing of any cancellation of said insurance policy within three days of  
11 receiving notice that the required policy has been canceled. Failure to so notify the director shall be grounds for  
12 license suspension or revocation. (Ord. 2580 § 1, 2005)

13 **5.55.031 License for body scrub managers.**

14 It is unlawful for any person to manage a public body scrub facility without first applying and receiving from the  
15 city a body scrub facility manager license. (Ord. 2580 § 1, 2005)

16 **5.55.032 License for body scrub attendants.**

17 It is unlawful for any person to be a body scrub attendant without first applying and receiving from the city a body  
18 scrub attendant license. (Ord. 2580 § 1, 2005)

19 **5.55.035 Business registration.**

20 Unless otherwise specified, the general business registration provisions contained in Chapter 5.04 LMC shall apply  
21 to this chapter, in addition to the provisions hereof. (Ord. 2580 § 1, 2005)

22 **5.55.040 Fees.**

23 The fee for a public body scrub facility license shall be as shown in Chapter 3.104 LMC. Upon initial application for  
24 a public body scrub facility license, the applicant and employees overseeing and attending to the body scrubs shall  
25 also pay a nonrefundable investigation fee. The initial investigation will include fingerprinting. Annual license  
26 renewal fee for the applicant and employees overseeing and attending to the body scrubs will be as shown in  
27 Chapter 3.104 LMC which provides for an investigation in accordance with the procedures of the city and  
28 Lynnwood police department. (Ord. 2656 §§ 1, 2, 2006; Ord. 2580 § 1, 2005)

29 **5.55.050 Public body scrub facility license application and renewal.**

30 A. Public Body Scrub Business. All applications for a public body scrub business license or license renewal shall be  
31 submitted in the name of the person or entity proposing to conduct body scrubs as defined herein on the business  
32 premises, shall be signed by such person or his or her legally authorized agent, and notarized or certified as true  
33 under penalty of perjury. All applications shall be submitted on a form supplied by the director or designee. Such  
34 application shall contain the following information:

- 35           1. The true name, residence address, residence telephone number, date and place of birth, driver's license  
36 number and tax identification number if the applicant is a corporation or other entity;  
37           2. The business name, business address, and telephone number of the establishment;  
38           3. The names, addresses, telephone numbers of any partners, corporate officers, or shareholders who own 10  
39 percent or more of the business, or other persons who have a substantial interest or management responsibilities  
40 in connection with the business, specifying the interest or management responsibility of each. For the purpose  
41 of this subsection "substantial interest" shall mean ownership of 10 percent or more of the business, or any  
42 other kind of contribution to the business of the same or greater size;  
43           4. Two two-inch-by-two-inch black and white photographs of the applicant, or if a partnership or corporation,  
44 of the party signing the application, taken within six months of the date of the application, showing only the full  
45 face of such applicant. Such photographs shall be provided at the applicant's expense. The license, when  
46 issued, shall have affixed to it one of such photographs. Such license shall be posted and displayed at all times  
47 in a conspicuous place in the establishment where the license is enjoyed and it shall not be tampered with in  
48 any manner;  
49           5. The applicant, or if the applicant is a partnership or corporation, the party signing the application, shall also  
50 submit to fingerprinting by the Lynnwood police department and such fingerprints shall be retained in the  
51 application file, a copy of which shall be forwarded to the Federal Bureau of Investigation Identification  
52 Bureau;  
53           6. All assumed names or aliases which have been or are being used by any person whose name appears on the  
54 application; and  
55           7. Proof of liability insurance coverage in the minimum amount required by this chapter. Failure to provide  
56 such proof shall constitute an incomplete application and shall not be processed.

1 B. Body Scrub Manager and Attendant. All applications for a manager or attendant's license or license renewal shall  
2 be signed by the applicant and notarized or certified to be true under penalty of perjury. All applications shall be  
3 submitted on a form supplied by the director or designee. Such application shall contain, at a minimum, the  
4 following information:

- 5 1. The applicant's name, residence address, residence telephone number, date and place of birth and driver's  
6 license number;
- 7 2. A letter dated no more than 30 days prior to the submission of the application, from the owner of the  
8 business indicating intent to employ the applicant on a specified date;
- 9 3. Written proof that the applicant is 18 years of age or older. Written proof shall mean the following:  
10 a. A current motor vehicle operator's license by any state bearing the applicant's photograph and date of  
11 birth; or  
12 b. A valid identification card issued by the state of Washington which bears the applicant's photograph  
13 and date of birth; or  
14 c. A current passport.
- 15 4. The mailing address and street address of all places within the city of Lynnwood at which the body scrub  
16 manager or attendant will provide services. The body scrub manager or attendant shall notify the director or  
17 designee, in writing, of any changes in, or additions to, the locations of such services within 14 days of any  
18 such change or addition.

19 C. Background Checks. All applications submitted pursuant to this chapter will be subject to a background check in  
20 accordance with the procedures of the city and Lynnwood police department. (Ord. 2580 § 1, 2005)

21 **5.55.070 Attending a patron undergoing a body scrub as treatment – Prohibitions.**

22 It is unlawful for any person other than an authorized health care practitioner or a person licensed by the city of  
23 Lynnwood as a body scrub manager or attendant to administer to or perform services for a patron of a public body  
24 scrub facility. It is unlawful for the owner, agent, manager, or person in charge of a public body scrub facility to  
25 permit any other persons to attend a patron while a patron is obtaining the services of a body scrub facility. (Ord.  
26 2580 § 1, 2005)

27 **5.55.080 Director to issue license.**

28 If, from the information supplied to the director, it appears that the application and the premises are fit and proper,  
29 that the statements contained in the application are true, and that the applicant has complied with all the  
30 requirements of the Lynnwood Municipal Code, the director shall issue a public body scrub license to the applicant,  
31 otherwise the application shall be denied pursuant to the provisions of this chapter. LMC 5.04.030. (Ord. 2580 § 1,  
32 2005)

33 **5.55.085 Standards for denial of application for license.**

34 A. Public Body Scrub License. The director or designee may deny any public body scrub license request if he  
35 determines that the proposed business does not fully comply with applicable federal, state and/or local laws,  
36 ordinances or regulations, including but not limited to building, fire, police, public works, zoning and land use codes  
37 and health codes. The director or designee may further deny any public body scrub license request if he determines  
38 that the applicant has:

- 39 1. Made any material misstatement in the application for a license; or
- 40 2. Proposed a place of business or operates a business which fails to comply with all applicable requirements of  
41 the code including without limitation the zoning, building, health and fire codes and all other applicable local,  
42 state, or federal laws, rules and regulations; or
- 43 3. Had any convictions which have a direct connection with the licensed activity including, but not limited to,  
44 theft, prostitution, promoting or permitting prostitution, sexual offenses, consumer fraud, massage practitioner,  
45 massage manager and/or public bathhouse manager/attendant violation or obscenity, within five years prior to  
46 the date of application; or
- 47 4. Had a body scrub or similar license denied, revoked or suspended by the city, or any other jurisdiction within  
48 five years prior to the date of such application.

49 B. Body Scrub Manager/Attendant License. The director or designee may deny any body scrub attendant license  
50 applied for under the provisions of this chapter if the director or designee determines that the applicant has:

- 51 1. Made any material misstatement in the application for a license; or
- 52 2. Not complied with the operating requirements set out in LMC 5.55.115 or any other requirements of this  
53 chapter; or
- 54 3. Had any convictions which have a direct connection with the licensed activity including, but not limited to,  
55 theft, prostitution, sexual offenses, consumer fraud, massage practitioner, massage manager and/or body scrub  
56 manager/attendant violation, or obscenity, within five years prior to the date of application; or

1 4. Had a body scrub manager or attendant or similar license denied, revoked or suspended by the city or any  
2 other jurisdiction within five years prior to the date of such application. (Ord. 2580 § 1, 2005)

3 **5.55.090 Liquor, controlled substances – Prohibited – Exceptions.**

4 A. Liquor, as that term is defined by the Washington State Alcoholic Beverage Control Act, shall not be distributed  
5 or consumed on any premises under regulation by this chapter, unless the premises are licensed to serve the same by  
6 the Washington State Liquor Control Board.

7 B. Controlled substances, as defined by the Washington State Uniform Controlled Substances Act, shall not be  
8 distributed or consumed on any premises under regulation by this chapter. (Ord. 2580 § 1, 2005)

9 **5.55.100 Hours.**

10 All public body scrub facilities shall be closed, and all services performed therein discontinued, between the hours  
11 of 12:00 midnight and 8:00 a.m. (Ord. 2580 § 1, 2005)

12 **5.55.115 Standards of conduct/operation.**

13 A. Owner/Manager Requirements. The following standards of conduct and operation shall be adhered to by the  
14 owner, proprietor, manager, attendant, or person in charge of any public body scrub facility:

- 15 1. Any person who is employed to be a body scrub attendant must be at least 18 years of age.
- 16 2. Public body scrub facility must have a manager on the premises at all times during the hours of business,  
17 and/or during the presence of patrons.
- 18 3. Any person who is employed by a public body scrub facility must present documentation that he or she has  
19 attained the age of 18 years when an inspection pursuant to this chapter is conducted. Proper documentation  
20 shall be described in LMC 5.55.050.
- 21 4. Provide that all doors in such premises, excluding doors in the office and storage rooms, unless such doors  
22 provide access to service areas, are so equipped that they may not be fastened shut so as to prevent reasonable  
23 access by such authorities who announce their authority to enter prior to inspection.

24 B. All Licensees. The following standards of conduct and operation shall be adhered to by all licensees:

- 25 1. All licensees shall comply with all applicable federal, state and local laws, including all safety and sanitation  
26 requirements and the city's building, fire, and zoning codes;
- 27 2. All licensees shall allow any police officer, fire official, building official, the director or designee, or the  
28 representative for the Snohomish County health department entry to the premises during the hours the public  
29 bathhouse is open for business, upon presentation of proper identification, for purposes of inspecting the  
30 premises;
- 31 3. Maintain business receipts showing the date of services(s) given, the type of service(s) rendered and the  
32 name and city license number of the employee rendering the service(s). The business receipts shall be retained  
33 for a period of three years after the date of service(s), and shall be open to inspection on the licensee's premises  
34 by officers of the city of Lynnwood during business hours, for the purpose of ascertaining compliance with the  
35 provisions of this section.
- 36 4. Post in a prominent place a list of all services offered with a brief description of what the service entails  
37 along with the costs of such service(s). All business transactions with the customers must be conducted in  
38 accordance with said posted list; and
- 39 5. Not distribute or consume any alcoholic beverages and/or controlled substances on licensed premises.

40 C. Minors. It shall be unlawful for the owner, manager, body scrub attendant or any employee or agent to admit  
41 anyone under the age of 18 years and permit them to remain in or about such premises, unless such person under the  
42 age of 18 years is accompanied by his or her parent or legal guardian.

43 D. Employees. It shall be unlawful for the owner, agent, manager or person in charge of this facility regulated by  
44 this chapter to have employees under the age of 18 years.

45 E. Prohibited Activities. It shall be unlawful for any owner, proprietor, manager, employee or agent of any facility to  
46 intentionally touch or manipulate the genitals of a customer in any manner, and such activity shall be grounds for  
47 revocation of the business license, as well as the employee license, whether the owner knew of, or encouraged the  
48 act, or whether the customer requested or acquiesced in the act.

49 F. Dress Regulations. It shall be unlawful for any public body scrub facility owner, manager, attendant or any  
50 employee or agent to disrobe, or to be partially disrobed in the presence of another.

51 G. Supervision/Inspection. The owner or manager shall have the premises supervised at all times when open for  
52 business. Rooms and stalls used for the purpose of body scrubs or where an attendant is provided or present shall be  
53 constructed in such a manner as to permit inspection. (Ord. 2580 § 1, 2005)

1 **5.55.160 Unlawful to permit violations.**

2 It is unlawful for the owner, proprietor, agent, manager or person in charge to knowingly permit or allow any person  
3 to violate any sentence, section or clause of this chapter while said person is upon the premises licensed hereunder.  
4 (Ord. 2580 § 1, 2005)

5 **5.55.180 Unlawful to advertise without license.**

6 It is unlawful to advertise any establishment regulated by this chapter which is not licensed according to the  
7 provisions of this chapter. (Ord. 2580 § 1, 2005)

8 **5.55.190 Suspension and/or revocation of license.**

9 A. Suspension and Revocation Schedule.

- 10 1. The director shall suspend any body scrub facility license for a period of 15 days upon the licensee's first  
11 violation of this chapter.  
12 2. The director shall suspend any body scrub facility license for a period of 45 days upon the licensee's second  
13 violation of this chapter.  
14 3. The director shall revoke any body scrub facility license upon the licensee's third violation of this chapter  
15 within three years. The period of any such revocation shall be one year.  
16 4. The director shall suspend a body scrub facility license upon receipt of notice that the licensee's required  
17 insurance has been canceled until satisfactory proof of insurance is presented to the director.  
18 5. Notwithstanding the provisions of LMC 5.55.080, the director shall deny the renewal of any body scrub  
19 facility license or revoke any such license if a licensee has:  
20 a. Made any false or misleading statements on the application for license or misrepresentations to the city  
21 in order to induce or prevent action by the city;  
22 b. In connection with the licensee's operation of a body scrub facility:  
23 i. Engaged in an act of prostitution, or has promoted or permitted prostitution on the licensee's  
24 premises;  
25 ii. Used or distributed controlled substances on the premises of a body scrub facility;  
26 c. Failed or refused to qualify for or obtain any license required by the city of Lynnwood or the state of  
27 Washington in connection with the licensee's operation of a body scrub facility.

28 B. Notice Procedures for Suspension or Revocation and Hearing and Right to Appeal

- 29 1. Whenever the director has determined that a body scrub facility license shall be suspended or revoked, the  
30 director or director's designee shall issue a notice of suspension or notice of revocation to the licensee.  
31 2. The notice shall be sent to the licensee by certified and regular mail. The written decision shall specify the  
32 basis for the director's determination along with the name of the person involved, dates and description of  
33 violation of this chapter, description of action proposed to be taken by the city, the effective date of the  
34 revocation or suspension and the procedures for appeal of the director's determination as stated in subsection  
35 (C) of this section.  
36 3. The decision of the director may be appealed by filing a written appeal with the Community Development  
37 Department. The appeal must be filed within 10 business days of the director's decision, include the appeal fee  
38 specified by Chapter 3.104 LMC, and state the factual grounds for the appeal. The hearing examiner shall set a  
39 date for the appeal hearing. The city shall notify the parties of record by mail of the time and place of the  
40 hearing, which shall be conducted as specified by LMC 1.35.200 et seq., Chapter 2.22 LMC and the rules for  
41 hearings adopted pursuant to LMC 2.22.080. Upon the filing of a timely appeal, the director's decision to  
42 revoke or suspend the business license shall be stayed pending a final decision by the hearing examiner on the  
43 appeal.  
44

45 .(Ord. 2580 § 1, 2005)

46 **5.55.210 Term of license.**

47 All licenses issued pursuant to this chapter, shall be granted for one year from the date of issue, unless renewed. All  
48 license fees shall be payable on an annual basis. An application for renewal of any license required by this chapter  
49 may be submitted each calendar year per the requirements of LMC 5.04.040.(Ord. 2580 § 1, 2005)

50 **5.55.220 Violation and penalty.**

51 The violation of any provision of this chapter shall be a misdemeanor and shall be punishable by a fine not to exceed  
52 \$1,000.00 or by imprisonment not to exceed 90 days, or both such fine and imprisonment.  
53

54 (Ord. 2698 § 10, 2007; Ord. 2656 §§ 1, 2, 2006; Ord. 2580 § 1, 2005)



1

**Chapter 5.56**

2

**PRIVATE DETECTIVE BUSINESSES, DETECTIVE AGENCIES AND PRIVATE GUARDS**

3

**(Repealed by Ord. 1864)**

Chapter 5.60

AMUSEMENT CENTERS

Sections:

5.60.010 License required.

5.60.020 License fee.

5.60.030 Definitions.

5.60.040 License issuance.

5.60.050 Owner's and operator's fee.

5.60.060 Operator's license.

5.60.070 Amusement devices – License required.

5.60.080 Amusement devices – License fees.

5.60.085 Master's license fee.

5.60.090 *Repealed.*

5.60.100 Violation – Penalty.

**5.60.010 License required.**

It is unlawful for any person, firm or corporation to conduct or operate an amusement arcade, penny arcade, shooting gallery, or other commercial amusement place in the city of Lynnwood without first obtaining a license pursuant to the provisions of this title.

(Ord. 1223 § 1, 1981; Ord. 818 § 15(1), 1975)

**5.60.020 License fee.**

The license fee for each amusement center shall be fixed in the sum shown in Chapter 3.104 LMC. (Ord. 2656 §§ 1, 2, 2006; Ord. 1223 § 1, 1981; Ord. 818 § 15(2), 1975)

(Ord. 1236 § 2, 1982)

**5.60.030 Definitions.**

For the purposes of this chapter, the following word or words shall have the meaning as hereinafter set forth:

A. "Amusement center" includes any place or business in which there are 14 or more amusement devices for purposes of play, use or operation.

B. "Amusement device" means any machine or device requiring the deposit or payment of money or other things of value and which is based on skill and is played or operated only for amusement and entertainment of the player, but shall not mean or include any machine or device used exclusively for the vending of merchandise. Amusement device shall include, but not be limited to the following: billiard tables, pool tables, flipper machines, juke boxes, shuffleboards, stationary rides, video machines.

C. "Operator" means any person, firm or corporation whose business establishment has amusement device(s) for purpose of play, use or operation. (Ord. 1236 § 1, 1982; Ord. 1223 § 2, 1981; Ord. 818 § 16(1), 1975)

**5.60.040 License issuance.**

A. An amusement device license shall be required for any operator who owns, or any person, firm or corporation renting or placing with another for use or play, any amusement device.

B. An amusement device license shall be issued for each number of amusement devices placed for operation in a business. Such license shall be transferable from one amusement device to another within that business; provided, the total number of devices placed for operation shall not at any time exceed the number of amusement device licenses issued to that business. (Ord. 1223 § 2, 1981; Ord. 818 § 16(2), 1975)

**5.60.050 Owner's and operator's fee.**

The license fee on amusement devices established and imposed in this chapter is a fee on the business of the owner of such device who operates such devices or allows their operation in the city of Lynnwood and is a fee to the extent that business is exercised in the city of Lynnwood. This section specifically prescribes a fee on owners of such devices, where the owner leases or rents such devices for use in the city of Lynnwood. This section should not be construed to impose a fee on persons or entities who pay rent or lease for rental purposes such amusement devices. (Ord. 1223 § 2, 1981; Ord. 818 § 16(3), 1975)

**5.60.060 Operator's license.**

An operator's license shall be required for any person, firm or corporation to be or become an operator, except for those which are required to obtain an amusement center license. (Ord. 1223 § 2, 1981; Ord. 818 § 16(4), 1975)

- 1 **5.60.070 Amusement devices – License required.**  
2 Any place of business in which there is displayed, exhibited or exposed, or permitted to be displayed, exhibited or  
3 exposed, for purposes of play, use, or operation, any amusement device, shall comply with licensing provisions  
4 pursuant to this title. (Ord. 1223 § 2, 1981; Ord. 818 § 16(5), 1975)
- 5 **5.60.080 Amusement devices – License fees.**  
6 The license fees for amusement devices, and the operation thereof, shall be fixed as shown in Chapter 3.104 LMC  
7 for the following:  
8 A. Operator’s license;  
9 B. Amusement license device:  
10 1. For each device requiring over \$0.10 to operate or more than \$0.10 per hour to use;  
11 2. For each device requiring \$0.10 or less. (Ord. 2656 §§ 1, 2, 2006; Ord. 1292 § 1, 1982; Ord. 1223 § 2, 1981;  
12 Ord. 818 § 16(6), 1975)
- 13 **5.60.085 Master’s license fee.**  
14 Any person, firm or corporation who leases or rents to or places with others for use of play any amusement device  
15 shall be required to pay a master license fee as shown in Chapter 3.104 LMC. (Ord. 2656 §§ 1, 2, 2006; Ord. 1223 §  
16 4, 1981)
- 17 **5.60.090 Hours of operation.**  
18 *Repealed.*
- 19 **5.60.100 Violation – Penalty.**  
20 The violation of any provision of this chapter shall be a misdemeanor and shall be punishable by a fine not to exceed  
21 \$1,000.00 or by imprisonment not to exceed 90 days, or both such fine and imprisonment. (Ord. 2698 § 11, 2007;  
22 Ord. 2656 §§ 1, 2, 2006; Ord. 901 § 2, 1977)

Chapter 5.62

PANORAMS, PREVIEWS, PICTURE ARCADES, PEEP SHOWS

Sections:

- 5.62.010 Definitions.
- 5.62.020 Panoram premises license required.
- 5.62.030 Panoram manager's license required.
- 5.62.040 Panoram device license required.
- 5.62.050 License fees – Terms – Assignment – Renewals.
- 5.62.060 License application – Report by city departments.
- 5.62.070 Licensing – Compliance with other city ordinances.
- 5.62.080 Inspections.
- 5.62.090 Issuance of licenses.
- 5.62.100 Suspension or revocation of licenses.
- 5.62.105 Hearing and procedures.
- 5.62.110 Premises regulations.
- 5.62.115 Unlawful acts.
- 5.62.120 Access or use by persons under 18 prohibited.
- 5.62.130 Civil remedies.
- 5.62.140 Code violations, penalties and enforcement.
- 5.62.150 Conflicting sections or provisions.
- 5.62.160 Severability.
- 5.62.170 Purpose.

**5.62.010 Definitions.**

As used in this chapter, the following words and phrases shall have the following meanings unless the context clearly requires otherwise:

- A. "Business license clerk" means city employees or agents the community development director shall designate to administer this chapter, or any designee thereof.
- B. "Panoram," "preview," "picture arcade," or "peep show," means any type of device which, for payment of a fee, membership fee, or other charge, is used to exhibit, project, illuminate, or display a photographed, video-taped, or magnetically reproduced image, picture, view, live entertainment, or other graphic display. All such devices are denominated in this chapter by the terms "panoram" or "panoram device." The terms panoram and panoram device as used in this chapter do not include games which employ pictures, views or video displays, or gambling devices regulated by the state or by Chapter 5.60 LMC.
- C. "Panoram manager" means any person who manages, directs, administers, or is in charge of the affairs and/or the conduct of any panoram premises.
- D. "Panoram premises" means any premises on which any panoram device is located and to which members of the public are admitted. The term panoram premises as used in this chapter does not include movie or motion picture theater auditoriums capable of seating more than five people.
- E. "Panoram station" means the portion of any panoram premises on which a panoram device is located and from which the panoram picture, view, or graphic display is to be viewed. (Ord. 1845 § 1, 1991; Ord. 1520 § 2, 1986)

**5.62.020 Panoram premises license required.**

- A. It is unlawful to display, exhibit, expose or maintain upon any premises to which members of the public are admitted any panoram device without a valid and current license for such premises, to be designated a "panoram premises license."
- B. A separate license is required for each panoram premises and the same shall at all times be conspicuously posted and maintained therein.
- C. The business license clerk shall prescribe the form of such license, number the same, and shall indicate thereon the number of panoram devices which may be operated thereunder, and the location of the licensed panoram premises. (Ord. 1520 § 3, 1986)

**5.62.030 Panoram manager's license required.**

A licensed manager shall be on the premises of a panoram premises at all times that the panoram premises is open for business. No person shall work as manager at a panoram premises without first having obtained a manager's license from the director or director's designee pursuant to this chapter. (Ord. 1520 § 4, 1986)

1 **5.62.040 Panoram device license required.**

2 A. It is unlawful to exhibit or display for public use any panoram upon any panoram premises without first having  
3 obtained a license for each such panoram device, to be designated a "panoram device license."

4 B. A panoram device license shall be issued for panoram devices placed for operation in a business. Such license  
5 shall be transferable from one panoram device to another within that business; provided, the total number of devices  
6 placed for operation shall not at any time exceed the number of panoram device licenses issued to that business. A  
7 current panoram device license shall be securely attached to each machine and shall not be transferable outside of  
8 the business.

9 C. The current panoram license shall be posted in a conspicuous place at the business location and shall not be  
10 transferable nor assignable.

11 D. The business license clerk shall prescribe the form of such license and number the same. (Ord. 1520 § 5, 1986)

12 **5.62.050 License fees – Terms – Assignment – Renewals.**

13 A. All licenses issued pursuant to this chapter, shall be granted for one year from the date of issue, unless renewed.  
14 All license fees shall be payable on an annual basis. An application for renewal of any license required by this  
15 chapter may be submitted each calendar year per the requirements of LMC 5.04.040.

16 B. Annual license fees shall be as shown in Chapter 3.104 LMC for the following:

- 17 1. Panoram premises license;
- 18 2. Panoram device license;
- 19 3. Panoram manager's license;
- 20 4. Master license.

21 C. Licenses issued under this chapter may not be assigned nor transferred to other operators, premises, or devices  
22 located in such other premises.

23 D. Applications for renewal of licenses shall be processed per LMC 5.04.040.E. The master license fee is payable by  
24 any person, firm, or corporation (herein "lessor") who leases or rents to or places with others for use of play any  
25 panoram device, provided, this fee is only applicable when the lessor does not obtain a panoram premises license.  
26 (Ord. 2656 §§ 1, 2, 2006; Ord. 1976 §§ 1, 2, 1993; Ord. 1520 § 6, 1986)

27 **5.62.060 License application – Report by city departments.**

28 A. Any person seeking a panoram premises, panoram manager's or panoram device license shall file a written  
29 application with the business license clerk on a form provided by the business license clerk for that purpose. All  
30 applications for a panoram premises license shall be submitted in the name of the person or entity proposing to  
31 conduct such business, and shall be signed by such person, or his agent, and notarized or certified as true under  
32 penalty of perjury under the laws of the state of Washington. All applications for a panoram premises license shall  
33 be submitted on a form supplied by the business license clerk, which form shall require the following information:

- 34 1. The name, home address, home telephone number, date and place of birth, and Social Security number of the  
35 applicant, if the applicant is an individual;
- 36 2. The business name, address and telephone number of the establishment; and
- 37 3. The names, addresses, telephone numbers, and social security numbers of any partners, corporate officers  
38 and directors, managers, persons holding an ownership or leasehold interest in the panoram premises, and  
39 persons holding any other significant interest in the panoram premises similar to that of an owner or  
40 leaseholder, specifying the interest or management responsibility of each. For the purpose of this subsection,  
41 "significant interest" shall mean an interest similar to that of an owner or leaseholder with responsibility for  
42 management of the panoram business.

43 B. All applications for a panoram device license shall be submitted on a form supplied by the business license clerk,  
44 and shall be submitted in the name of the person or entity owning the panoram devices, and shall be signed by such  
45 person or his agent, and notarized or certified as true under penalty of perjury under the laws of the state of  
46 Washington. The form shall require the following information:

- 47 1. The business name, address and telephone number of the location of the panoram devices;
- 48 2. The name, address, and telephone number of the owner of the panoram devices;
- 49 3. A description of each of the panoram devices located at the business; and
- 50 4. The name and address of the owner of the business where the panoram devices are located.

51 C. All applications for a manager's license shall be signed by the applicant, and notarized or certified to be true  
52 under penalty of perjury under the laws of the state of Washington. All applications shall be submitted on a form  
53 supplied by the business license clerk, which shall require the following information:

- 54 1. The applicant's name, home address, home telephone number, date and place of birth, and Social Security  
55 number.

1 2. Every application for a manager's license must submit to fingerprinting by the police department, and shall  
2 submit with his application, in duplicate, a full face photograph of the applicant, the photographs to be of the  
3 size of one inch square. One photograph shall become a part of the applicant's license, if issued, and one  
4 photograph shall be filed with the city business license clerk.

5 3. With the application, the applicant shall present documentation that he or she has attained the age of 18  
6 years. Any of the following shall be accepted as documentation of age:

7 a. A motor vehicle operator's license issued by any state bearing the applicant's photograph and date of  
8 birth; or

9 b. An identification card bearing the applicant's photograph and date of birth issued by the state of  
10 Washington.

11 4. Upon receipt of the fully completed application, the investigation by the police department, and the license  
12 fee, if the applicant is 18 years of age or older, the business license clerk may issue the license promptly.

13 D. If any person or entity acquires, subsequent to the issuance of a panoram premises license, a significant interest,  
14 as defined in subsection (A)(3) of this section, in the licensed premises, notice of such acquisition shall be provided  
15 in writing to the business license clerk within three city of Lynnwood business days after acquiring such interest.  
16 The information required to be provided in such notice shall be that information required pursuant to subsection  
17 (A)(3) of this section.

18 E. The business license clerk, upon presentation of such panoram premises, panoram device and manager's  
19 applications, and before acting upon the same, shall refer such application to the city of Lynnwood police  
20 department, which shall make a full investigation as to the truth of the statements contained therein, and to any other  
21 city or county department or division that is appropriate under the circumstances, including, but not limited to, the  
22 fire, building, planning, public works, and licensing departments and divisions, and the Snohomish County health  
23 department. (Ord. 1845 §§ 2, 3, 4, 1991; Ord. 1520 § 7, 1986)

24 **5.62.070 Licensing – Compliance with other city ordinances.**

25 All other city approval and permit issuance, other than those specifically set forth herein, including but not limited to  
26 fire, building and zoning, are separate from the licensing process set forth in this chapter. The granting of any  
27 license or the providing of any approval, pursuant to this chapter, shall not be deemed to be an approval of any city  
28 permit or approval not specifically set forth in this chapter. (Ord. 1520 § 8, 1986)

29 **5.62.080 Inspections.**

30 A. Applicants for any license authorized to be issued under this chapter shall allow the premises and the devices  
31 sought to be licensed to be inspected in accordance with the provisions of this section by authorized agents or  
32 personnel of the Lynnwood police, fire, planning, licensing, building, and public works departments and divisions  
33 and by authorized inspectors from the Snohomish County health department, for the purpose of determining whether  
34 such premises and devices comply with this chapter.

35 B. Licensees operating premises and devices licensed under this chapter shall hold those areas of the premises which  
36 are accessible to the public, and the devices therein, open for routine regulatory inspection by the city during normal  
37 business hours, for the purpose of determining whether the licensed premises and devices comply with the  
38 requirements of this chapter. This section shall not restrict nor limit the right of entry otherwise vested in any city,  
39 county, state, or federal law enforcement agency, the Lynnwood fire department, or its other departments and  
40 divisions. (Ord. 1845 § 5, 1991; Ord. 1520 § 9, 1986)

41 **5.62.090 Issuance of licenses.**

42 A. After an investigation, the director or director's designee shall issue the applicable license or licenses authorized  
43 by this chapter, if the director or director's designee finds that:

44 1. The applicant complies with all the requirements of this chapter;

45 2. The applicant, his or her employee, agent, partner, director, officer, stockholder or manager has not made  
46 any false, misleading or fraudulent statement of fact in the application for a license, or in any report or record  
47 required to be filed with the business license clerk; and

48 3. The applicant, and all employees, agents, partners, directors, officers or managers of the applicant, have  
49 attained the age of 18 years.

50 B. The license application shall be approved or disapproved within 30 days from the date of filing a completed  
51 application which complies with the requirements of this chapter, unless the applicant agrees to an extension of the  
52 time period in writing.

53 C. If, after investigation, the director or director's designee determines that the application for, or renewal of, any  
54 license authorized to be issued pursuant to this chapter should be denied, the director or director's designee shall,  
55 notify the applicant pursuant to the notice of denial provisions set forth in LMC 5.04.030. (Ord. 1845 §§ 6, 7, 1991;  
56 Ord. 1520 § 10, 1986)

1 **5.62.100 Suspension or revocation of licenses.**

2 A. Authority to Suspend or Revoke.

3 1. Upon the giving of 15 days' notice, the director or director's designee may suspend or revoke any license  
4 issued pursuant to this chapter for a period of time not to exceed one year where one or more of the following  
5 conditions exist:

6 a. The license was procured by fraud or false representation of fact in the application or in any report or  
7 record required to be filed with the clerk.

8 b. The building, structure, equipment, operation or location of the business for which the license was  
9 issued does not comply with the requirements or fails to meet the standards of this chapter or does not  
10 comply with or fails to meet the standards of other applicable health, zoning, building, fire, or safety laws  
11 of the state of Washington or the city of Lynnwood.

12 c. The licensee, his or her employee, agent, partner, director, officer or manager has violated or knowingly  
13 permitted violation of any provisions of this chapter.

14 2. If the clerk finds that any of the conditions set forth in this section exist and such conditions constitute an  
15 immediate threat of serious injury or damage to any person or property, the clerk may immediately suspend or  
16 revoke any license issued hereunder without prior notice and opportunity to be heard so long as a hearing in  
17 accordance with LMC 5.62.105 is thereafter provided.

18 B. Notice Procedures and Hearing and Right to Appeal

19 1. Whenever the director has determined that a license required by this chapter shall be suspended or revoked,  
20 the director or director's designee shall issue a notice of suspension or notice of revocation to the licensee.

21  
22 2. The notice shall be sent to the licensee by certified and regular mail. The written decision shall specify the basis  
23 for the director's determination along with the name of the person involved, dates and description of violation of this  
24 chapter, description of action proposed to be taken by the city, the effective date of the revocation or suspension and  
25 the procedures for appeal of the director's determination as stated in subsection (C) of this section.

26 3. The decision of the director may be appealed by filing a written appeal with the Community Development  
27 Department. The appeal must be filed within 10 business days of the director's decision, include the appeal fee  
28 specified by Chapter 3.104 LMC, and state the factual grounds for the appeal. The hearing examiner shall set a  
29 date for the appeal hearing. The city shall notify the parties of record by mail of the time and place of the  
30 hearing, which shall be conducted as specified by LMC 1.35.200 et seq., Chapter 2.22 LMC and the rules for  
31 hearings adopted pursuant to LMC 2.22.080. Upon the filing of a timely appeal, the director's decision to  
32 revoke or suspend the business license shall be stayed pending a final decision by the hearing examiner on the  
33 appeal. (Ord. 1845 § 8, 1991; Ord. 1520 § 11, 1986)

34 (Ord. 1845 § 9, 1991)

35 **5.62.110 Premises regulations.**

36 All panoram premises shall conform to the following requirements:

37 A. Premises Requirements.

38 1. The entire interior of the panoram premises shall be arranged in such a manner that the interior of every  
39 panoram station, booth, or stall is visible from a continuous main aisle, at least six feet wide, and in such a  
40 manner that the entire back of any person viewing a panoram device is visible when observed from the  
41 continuous main aisle. The panoram station, booth, or stall shall at no time be obscured by any curtain, door or  
42 other enclosure, nor shall it contain any chair, stool, or other seating device.

43 2. In the event that subsection (A)(1) of this section is declared invalid or unconstitutional by a court of  
44 competent jurisdiction, then all panoram premises shall conform to the following requirements:

45 a. The entire interior of the panoram premises shall be arranged in such a manner that the interior of every  
46 panoram station, booth or stall is visible from a continuous main aisle at least six feet wide. The view from  
47 the continuous main aisle of any person inside a station, booth, or stall shall not be obstructed except by a  
48 door, curtain, or other screening device of no greater dimension than permitted in this section, and in no  
49 event may the view from the continuous main aisle into the booth, station, or stall be constructed or  
50 designed in such a way as to prevent the determination of the number of persons therein.

51 b. Line of Sight. A line of sight unobstructed by any door, curtain, or other screening device shall be  
52 provided from a point beginning 60 inches in front of and 66 inches above the center of the entrance to the  
53 booth, station, or stall, to a line two inches above the entire bottom of the back wall of the booth, station,  
54 or stall.

55 c. Booth Doors – Minimum Height from Floor. The bottom of any door, curtain, or screening device shall  
56 be not less than 24 inches above the floor of the panoram booth, station, or stall.

1 d. Seating. No panoram booth, station, or stall having a door, curtain or other screening device at its  
2 entrance shall contain any chair or other seating surface unless it has at a location between 66 inches and  
3 78 inches above the floor, an opening 12 inches in height and at least 24 inches in width providing an  
4 unobstructed view through either open space or clear and clean window glass to the side and back walls of  
5 the station, booth, or stall. Any chair or other seating surface more than 18 inches in either length or width  
6 shall not be higher than the bottom of the door, curtain, or other screening device. The cumulative width of  
7 the legs or support for each such chair or seating surface shall not obstruct more than five horizontal  
8 inches of the sight line required by this section and there shall be no more than one such chair or seating  
9 device in any panoram station, booth, or stall.

10 B. Doors to areas on the premises which are available for use by persons other than the licensee or his employees  
11 shall not be locked during business hours.

12 C. Illumination shall be maintained which is equally distributed in all parts of the premises available for use by the  
13 public at all times when the premises are open or when any member of the public is permitted to enter and remain  
14 there. Such illumination shall not be less than 10 foot-candles at floor level. Illumination within each panoram  
15 booth, station, or stall must be sufficient to allow the determination of the number of persons therein by viewing  
16 from the continuous main aisle required by this section.

17 D. The entire floor area of a panoram booth, station, or stall must be level with the continuous main aisle. No steps  
18 or risers are allowed in any such booth or stall.

19 E. 1. The licensee shall permanently post in a conspicuous place and maintain on the interior and exterior of each  
20 booth, station, or stall on the panoram premises a sign stating:

21 Occupancy of this booth is at all times limited to only one person. Violators are subject to  
22 criminal prosecution under the Lynnwood Municipal Code.

23 2. Each such sign shall be on a contrasting background and be no smaller than three-quarters inch in height.

24 F. The licensee shall not operate or maintain any warning system or device of any kind whatsoever for the purpose  
25 of warning customers or patrons or any other persons occupying panoram booth, stations, or stalls located on the  
26 licensee's premises that police officers or other city, state, or federal agents or personnel are approaching or have  
27 entered the licensee's premises.

28 G. A licensed panoram manager shall be on the premises at all times that the panoram premises are open to the  
29 public for business.

30 H. Panoram station, booth, or stall partitions shall be constructed of wood, or other solid and opaque material. No  
31 openings in such partitions for ventilation or other purposes shall extend higher than 12 inches from the floor or  
32 lower than 84 inches from the floor. (Ord. 1976 § 3, 1993; Ord. 1845 § 10, 1991; Ord. 1520 § 12, 1986)

33 **5.62.115 Unlawful acts.**

34 A. It is unlawful for any person to occupy a panoram booth, station, or stall at the same time it is occupied by any  
35 other person.

36 B. It is unlawful to put any chair, stool, or seating surface in any panoram station, booth, or stall or to stand or kneel  
37 on any chair, stool, or seating surface that has been placed therein.

38 C. It is unlawful for any licensee, employee, agent, worker, or other person in charge of the licensee's premises to  
39 warn, or aid and abet the warning of, customers or patrons or any other persons occupying panoram booths, stations,  
40 or stalls on the licensee's premises that police officers or other city, county, state, or federal agents or personnel are  
41 approaching or have entered the licensee's premises. (Ord. 1845 § 11, 1991)

42 **5.62.120 Access or use by persons under 18 prohibited.**

43 It is unlawful for anyone under the age of 18 years to be in or upon any panoram premises, or to use any panoram  
44 device upon any panoram premises, and it is unlawful for any operator or owner of a panoram device, or for any  
45 manager or other person in charge of any panoram premises, to permit or allow anyone under 18 years of age to be  
46 upon such premises, or to use any such device. (Ord. 1520 § 13, 1986)

47 **5.62.130 Civil remedies.**

48 The violation of or failure to comply with any of the provisions of this chapter is declared to be unlawful and a  
49 public nuisance. The city may seek legal or equitable relief to enjoin any act or practice which constitutes or will  
50 constitute a violation of any regulation herein adopted. (Ord. 1520 § 14, 1986)

51 **5.62.140 Code violations, penalties and enforcement.**

52 A. The violation of any provision of this chapter shall constitute a misdemeanor punishable by a fine of up to \$1,000  
53 or imprisonment up to 90 days or by both such fine and imprisonment.

54 B. The remedies provided herein for violations of or failure to comply with provisions of this chapter, shall be  
55 cumulative and shall be in addition to any other remedy provided by law.



1 C. Each day or part of a day during which any provision of this chapter is violated, continued, or permitted shall  
2 constitute a separate offense. (Ord. 2698 § 12, 2007; Ord. 2656 §§ 1, 2, 2006; Ord. 1845 § 12, 1991; Ord. 1520 § 15,  
3 1986)

4 **5.62.150 Conflicting sections or provisions.**

5 In the event there is a conflict or inconsistency between the sections and provisions set forth in this chapter, and  
6 those set forth elsewhere in the Lynnwood Municipal Code, the sections and provisions of this chapter shall govern  
7 and supersede those set forth elsewhere. (Ord. 1520 § 16, 1986)

8 **5.62.160 Severability.**

9 If any provision of this chapter shall be declared unconstitutional or invalid by any court of competent jurisdiction, it  
10 shall be conclusively presumed that this chapter would have been enacted without the provision so held  
11 unconstitutional or invalid, and the remainder of this chapter shall not be affected as a result of said part being held  
12 unconstitutional or invalid. (Ord. 1520 § 17, 1986)

13 **5.62.170 Purpose.**

14 It is expressly the purpose of this chapter to provide for and promote the health, safety, and welfare of the general  
15 public, and not to create or otherwise establish or designate any particular class or group of persons who will or  
16 should be especially protected or benefited by the terms of this chapter.

17 It is the specific intent of this chapter that no provision nor any term used in this chapter is intended to impose any  
18 duty whatsoever upon the city or any of its officers or employees, for whom the implementation or enforcement of  
19 this chapter shall be discretionary and not mandatory.

20 Nothing contained in this chapter is intended to be, nor shall be construed, to create or form the basis for any  
21 liability on the part of the city, or its officers, employees, or agents, for any injury or damage resulting from the  
22 failure of an applicant/licensee to comply with the provisions of this chapter, or by reason or in consequence of any  
23 inspection, notice, order, certificate, permission or approval authorized or issued or done in connection with the  
24 implementation or enforcement pursuant to this chapter, or by reason of any action or inaction on the part of the city  
25 related in any manner to the enforcement of this chapter by its officers, employees or agents. (Ord. 1520 § 18, 1986)

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**Chapter 5.63**

**VENDING MACHINES**

Sections:

- 5.63.010 Definitions.
- 5.63.020 Operator’s license required.
- 5.63.030 Vending machine license required.
- 5.63.040 License fee.
- 5.63.060 Violation – Penalty.
- 5.63.070 Enforcement.

**5.63.010 Definitions.**

- A. “Operator” means any person, firm or corporation who leases or rents to or places with others any vending machine.
- B. “Vending machines” means any device or machine requiring the deposit of money or other things of value and used exclusively for the vending of merchandise.
- C. “Retailer” means any person, firm, association, company, partnership, or corporation who operates a store, stand, booth, concession, or other place at which sales are made to purchasers. (Ord. 1678 § 1, 1989; Ord. 818 § 17(1), 1975)

**5.63.020 Operator’s license required.**

An operator’s license shall be required for any person to be or become an operator. (Ord. 818 § 17(2), 1975)

**5.63.030 Vending machine license required.**

- A. A vending machine license shall be required for any operator renting or placing with another for use or for any person exhibiting for use any vending machine.
- B. Each vending machine license shall be issued for a particular machine. (Ord. 818 § 17(3), 1975)

**5.63.040 License fee.**

- A. It shall be unlawful for any retailer within the city of Lynnwood to have or permit vending machines which do not bear evidence that they have been licensed for use at that location by the city of Lynnwood.
- B. An operator license fee is hereby fixed as shown in Chapter 3.104 LMC.
- C. A vending machine license fee is hereby fixed as shown in Chapter 3.104 LMC.  
(Ord. 2656 §§ 1, 2, 2006; Ord. 1678 § 1, 1989; Ord. 818 § 17(4), 1975)  
(Ord. 1678 § 2, 1989)

**5.63.060 Violation – Penalty.**

The penalty for the violation of this chapter shall be a fine of up to \$300.00; provided, that each day this chapter is violated shall constitute a separate violation hereof. (Ord. 2698 § 13, 2007; Ord. 2656 §§ 1, 2, 2006; Ord. 1678 § 2, 1989)

**5.63.070 Enforcement.**

- A. The licensing authority and/or law enforcement personnel are authorized and directed to enforce the terms and provisions of this title.  
(Ord. 1678 § 2, 1989)



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**Chapter 5.70**

**LICENSES FOR CERTAIN BUSINESSES**

Sections:

- 5.70.010 Definitions.
- 5.70.020 License required.
- 5.70.030 License fees.
- 5.70.040 Penalty.

**5.70.010 Definitions.**

“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.

“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. (Ord. 2831 § 1, 2010; Ord. 1906 § 5, 1992; Ord. 818 §§ 20, 21(2), 22, 1975)

**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. (Ord. 2831 § 2, 2010; Ord. 818 §§ 19, 20, 21, 22, 24, 26, 1975)

**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. (Ord. 2831 § 3, 2010; Ord. 2656 §§ 1, 2, 2006; Ord. 1906 § 5, 1992; Ord. 818 §§ 19, 20, 21(3), 22, 24, 26, 1975)

**5.70.040 Penalty.**

See Chapter 3.104 LMC. (Ord. 2656 §§ 1, 2, 2006)

Chapter 5.81

AUCTIONS AND AUCTIONEERS

Sections:

- 5.81.010 License – Required.
- 5.81.020 License – Business premises.
- 5.81.030 License – Individual auctioneer.
- 5.81.050 License fees – Waiver.
- 5.81.060 Auctioneer limited to one each week.
- 5.81.070 Misrepresentation – Prohibited.
- 5.81.080 Business hours.
- 5.81.090 By-bidders – Prohibited.
- 5.81.100 Noise-making – Prohibited.
- 5.81.110 Violation – Penalty.

**5.81.010 License – Required.**

It is unlawful for any person, firm, or corporation to sell or offer to sell in the city of Lynnwood, any goods, wares, merchandise, or services at auction without first obtaining a license pursuant to the provisions of this title. (Ord. 1278 § 1, 1972; Ord. 818 § 23(1), 1975)

**5.81.020 License – Business premises.**

The owner of every site upon which an auction is to be conducted shall pay a license fee as shown in Chapter 3.104 LMC which shall be valid for one calendar day specified in the license; provided a site may be licensed for a calendar year for a fee as shown in Chapter 3.104 LMC, all of which fee must be paid in full prior to exercise of the authority granted under the license. A schedule of dates of auctions must be provided at the time of application for an annual license. City officials must be notified in writing 48 hours in advance of a change in the scheduled dates. (Ord. 2656 §§ 1, 2, 2006; Ord. 1278 § 1, 1982; Ord. 818 § 23(2), 1975)

**5.81.030 License – Individual auctioneer.**

Each person who shall act as an auctioneer shall produce and file a copy of their state auctioneer’s license with the office of the business license clerk of the city of Lynnwood and obtain a general business license pursuant to Chapter 5.04 LMC. (Ord. 1486 § 1, 1985; Ord. 1278 § 1, 1982; Ord. 818 § 23(2), 1975)

**5.81.050 License fees – Waiver.**

A bona fide charitable organization may obtain a waiver of the fees specified above upon a showing to the city that no person, firm, or corporation will receive any profits from the proposed auction; provided, that such waiver will not be extended to the same organization more than one time in any one calendar year, not to exceed three days. (Ord. 1278 § 1, 1982)

**5.81.060 Auctioneer limited to one each week.**

No person shall act as an auctioneer of any goods, wares, merchandise, or services at auction more than once each week. (Ord. 1278 § 2, 1982)

**5.81.070 Misrepresentation – Prohibited.**

No auctioneer shall misrepresent the quality, kind or value of any article at any auction sale. (Ord. 1278 § 2, 1982)

**5.81.080 Business hours.**

No auction shall be held between the hours of 12:00 midnight and 8:00 a.m. the following morning, and none of the above-mentioned articles shall be given away, disposed of or offered to any person as a gift, premium, bonus or inducement to purchase any other article of commodity. (Ord. 1278 § 2, 1982)

**5.81.090 By-bidders – Prohibited.**

No person shall act as a by-bidder, or what is commonly known as a “capper,” a “booster,” or a “schiller,” at any auction or offer to make any false bid to buy or pretend to buy any such article sold or offered for sale at any public auction sale. (Ord. 1278 § 2, 1982)

**5.81.100 Noise-making – Prohibited.**

No auctioneer shall ring any bell, blow any horn, or use any noisy instrument or cause any such things to be done for the purpose of giving notice of any public sale or auction. (Ord. 1278 § 2, 1982)

**5.81.110 Violation – Penalty.**

Any person, firm or corporation who violates any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of up to \$1,000.00. or by imprisonment not

Lynnwood Municipal Code  
Chapter 5.81 AUCTIONS AND AUCTIONEERS

1 to exceed 90 days, or both such fine and imprisonment. (Ord. 2698 § 14, 2007; Ord. 2656 §§ 1, 2, 2006; Ord. 1278 §  
2 3, 1982)  
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Chapter 5.82

SECONDHAND DEALERS

Sections:

- 5.82.010 Definitions.
- 5.82.020 License requirements – Fees.
- 5.82.022 Employment of unlicensed persons prohibited.
- 5.82.025 Secondhand dealer employee’s license required.
- 5.82.030 License – Application – Investigation and issuance conditions.
- 5.82.040 License – Change location of business.
- 5.82.050 Recordkeeping – Information required – Dealer responsibility.
- 5.82.060 Recordkeeping – Inspection authorized when.
- 5.82.070 Transcript of transactions – False reports.
- 5.82.080 Holding period for certain items – Exchanges with certain persons prohibited.
- 5.82.084 Hours and location of operations.
- 5.82.085 Separation of property on “police hold.”
- 5.82.090 Violation deemed misdemeanor – Penalty.
- 5.82.100 Obligation to supply true and current information.

**5.82.010 Definitions.**

- A. “Chief of police” means the chief of police of the city of Lynnwood or his or her designee.
- B. “Licensee” means any secondhand dealer or secondhand dealer employee licensed under this chapter.
- C. “Person” means any individual, firm, corporation, partnership and association.
- D. “Secondhand dealer” means any person, firm, corporation or partnership that within the city of Lynnwood as a business engages in the purchase, sale, trade, barter, exchange or receipt of consignment sale, or otherwise transferring for value any of the following secondhand goods or items:

- 1. Jewelry;
- 2. Precious stones or gems;
- 3. Precious metals, including coins and/or melted metals;
- 4. Televisions, phonographs, stereos, radios, hi-fi sets, and other video, recording, or receiving equipment and/or consoles and photographic equipment;
- 5. Any firearms as defined in LMC 10.52.050;
- 6. All serial numbered items; and
- 7. Computers, computer components, keyboards, printers, compact disc players, compact discs, and video arcade game cartridges.

Provided, however, that: (a) a duly franchised appliance, furniture, auto parts and accessory dealer, service stations, auctions, wrecking yards and junk dealers, and any jewelry store dealing primarily in firsthand goods shall be exempted from the provisions of this chapter as long as such business holds a valid and subsisting license for such designated activity in compliance with the city of Lynnwood; and (b) activities carried on by charitable, nonprofit, religious, benevolent, or fraternal associations, organizations or corporations shall be exempted from the provisions of this chapter. (Ord. 2560 § 1, 2005; Ord. 1982 § 1, 1993; Ord. 1353 § 1, 1983; Ord. 1049 § 1, 1979; Ord. 975 § 1, 1978)

**5.82.020 License requirements – Fees.**

- A. It is unlawful for any person to engage in the business of secondhand dealer, as defined in LMC 5.82.010, without first procuring a license to do so, to be known as a secondhand dealer’s license. The fee for such secondhand dealer’s license shall be fixed in the sum shown in Chapter 3.104 LMC.
- B. Any person having more than one place of business where secondhand dealer goods are bought, sold, traded, consigned, bartered or exchanged shall be required to procure a separate license for each and every such place of business.
- C. The license of a secondhand dealer shall include a photograph and physical description, including date of birth, sex, race, height and weight, of the licensee and the name and address of the licensee’s place of business. A current photograph must be provided upon each license renewal.
- D. If the license application(s), as provided for herein, are approved, the director or director’s designee shall issue a license(s) to the applicant upon his/her executing and delivering to the city a bond to be approved by the city

1 attorney, in the amount of \$1,000, conditioned that such licensee conduct such business in compliance with all the  
2 laws of the city, state and the United States.

3 E. The license of a secondhand dealer employee shall be posted in a conspicuous location in the licensee's place of  
4 business as long as the licensee is employed at the business. The license shall not be altered in any manner. (Ord.  
5 2699 § 17, 2007; Ord. 2656 §§ 1, 2, 2006; Ord. 2560 § 2, 2005; Ord. 975 § 2, 1978)

6 **5.82.022 Employment of unlicensed persons prohibited.**

7 It shall be unlawful for any secondhand dealer licensee to employ any person who does not have a valid secondhand  
8 dealer employee license issued by the city of Lynnwood pursuant to this chapter. (Ord. 2560 § 3, 2005)

9 **5.82.025 Secondhand dealer employee's license required.**

10 A. It is unlawful for any person to be employed by a secondhand dealer under this chapter without first having  
11 obtained a secondhand dealer employee license. Employees not involved in the receipt of property are exempt from  
12 the secondhand dealer employee license requirements of this section.

13 B. The license of a secondhand dealer employee shall include a photograph and physical description, including date  
14 of birth, sex, race, height and weight of the employee, and the name and address of the employer's place of business.

15 C. The license of a secondhand dealer employee shall be posted in a conspicuous location in the licensee's place of  
16 business as long as the licensee is employed at the business. The license shall not be altered in any manner.

17 D. It is unlawful for any person to engage in the business of secondhand dealer employee, as defined in this section,  
18 without first procuring a license to do so, to be known as a secondhand dealer employee license. The fee for such  
19 secondhand dealer employee's license shall be fixed in the sum shown in Chapter 3.104 LMC. (Ord. 2656 §§ 1, 2,  
20 2006; Ord. 2560 § 4, 2005)

21 **5.82.030 License – Application – Investigation and issuance conditions.**

22 Applicants seeking a license as a secondhand dealer or secondhand dealer employee under this chapter shall:

23 A. Be subject to an investigation by the police department who shall investigate the following:

- 24 1. Whether the applicant has any prior criminal convictions;
- 25 2. Whether any outstanding criminal violations or charges exist;
- 26 3. Whether any legitimate complaints exist regarding the applicant's past business practices that would have  
27 any bearing or effect on the issuance of the license;
- 28 4. Whether the person is prohibited by law from engaging in this type of activity; and
- 29 5. Whether the application should otherwise be disapproved based upon public safety considerations.

30 B. Submit to fingerprinting by the police department and such fingerprints shall be retained in the application file, a  
31 copy of which may be forwarded to the Washington State Patrol, Identification Section, or other agency.

32 Within 30 days following receipt of the application from the licensing authority, the chief of police shall make a  
33 written recommendation on the issuance of the license to the director, who may then approve the application for  
34 such license. (Ord. 2560 § 5, 2005; Ord. 975 § 3, 1978)

35 **5.82.040 License – Change location of business.**

36 A secondhand dealer's license shall not be transferable from one person to another, but such licensee may, upon  
37 written application to the city clerk, have such license transferred to a new location in the city. Such application shall  
38 likewise be referred to the police department for recommendation and approval and the change of address shall  
39 thereupon be noted on the license, together with the date of such change. In case of sale of such business, application  
40 must be made by the proposed purchaser for such license as provided for in LMC 5.82.030. (Ord. 975 § 4, 1978)

41 **5.82.050 Recordkeeping – Information required – Dealer responsibility.**

42 A. It shall be the duty of every secondhand dealer to maintain, at his place of business, a legible record written in the  
43 English language, at the time of such exchange, purchase or sale, pawn or pledge, barter or consignment, a record  
44 thereof containing the following, among others:

- 45 1. The date of the transaction;
- 46 2. The name of the person or employee conducting the same;
- 47 3. The name, date of birth, correct current address and telephone number and the general description of the  
48 person with whom the transaction is made. The description shall include the sex, race, height and weight of  
49 such person;
- 50 4. The name and street and house number of the owner of the property bought or exchanged;
- 51 5. The description of the property bought, pawned or pledged, exchanged or traded, or consigned, including all  
52 serial numbers and identifying marks, which, in the case of watches, shall contain the name of the maker and  
53 number of both the works and the case; and in the case of jewelry, shall contain the description of the size,  
54 color, style, manufacturer's name, type, size and number of stones, and of all letters and marks inscribed  
55 thereon; and in the case of audio or video recordings, the title of every item shall be included in the description;
- 56 6. The price paid or the amount loaned for each item purchased or exchanged;



- 1 7. The names, addresses, and telephone numbers of all persons witnessing the transaction;
- 2 8. The type and identifying number of identification used by the person with whom the transaction was made,
- 3 which shall consist of one of the forms of identification listed in subsection (C)(2) of this section;
- 4 9. The number of any pawn ticket issued;
- 5 10. The signature of the person selling or pledging the property; and
- 6 11. The nature of the transaction, a number identifying the transaction, the store identification as designated by
- 7 the applicable law enforcement agency or the name and address of the business, and the name of the person or
- 8 employee conducting the transaction, and the location of the property.

9 B. It is unlawful for any secondhand dealer, his agent, employee or representative of such secondhand dealer to fail,  
10 neglect, or refuse to make entry of any material matter in this record, as required by this chapter, or to make any  
11 false entry therein, or to obliterate, destroy or remove from his place of business any such record.

12 C. Any person who purchases, sells, trades, barter, exchanges, pawns or pledges, or consigns for sale, or otherwise  
13 transfers for value, any property set forth in LMC 5.82.010 to or with a secondhand dealer shall:

- 14 1. Sign the record required to be kept by such dealer with the person's true name and shall include the person's  
15 correct, current address;
- 16 2. Produce identification of the person, which shall include one of the following:
  - 17 a. Driver's license or identification card of any state or province of Canada, or "identocard" issued by the
  - 18 Washington State Department of Licensing pursuant to RCW 46.20.117;
  - 19 b. United States active military identification;
  - 20 c. Passport; or
  - 21 d. Merchant Marine identification card issued by the United States Coast Guard.
- 22 3. Give a thumbprint on forms acceptable to the Lynnwood police department.

23 D. It shall be the duty of every secondhand dealer, agent, employee, or representative to require identification as set  
24 forth in subsection (C) of this section and to verify the correctness and legibility of the signature of the person  
25 involved in comparing the same to the required identification, and further, to obtain a thumbprint on forms  
26 acceptable to the Lynnwood police department.

27 E. Licensees who accept property in pawn, purchase, trade, or consignment in the course of business shall submit  
28 the records of all such transactions created pursuant to subsection (A) of this section to the police department within  
29 three business days.

- 30 1. The categories of property shall be:
  - 31 a. Guns;
  - 32 b. Tools;
  - 33 c. Jewelry;
  - 34 d. Office equipment (including cell phones, pagers, etc.)
  - 35 e. Musical instruments;
  - 36 f. Stereo equipment;
  - 37 g. Televisions and video recorders or playback devices;
  - 38 h. Cameras, including video cameras;
  - 39 i. Electronic games;
  - 40 j. Audio recordings;
  - 41 k. Computer equipment;
  - 42 l. Sports equipment;
  - 43 m. Precious stones or gems;
  - 44 n. Coins;
  - 45 o. Scrap metal;
  - 46 p. Video media (tapes, DVDs, etc.);
  - 47 q. Motor vehicles;
  - 48 r. Clothing; and
  - 49 s. Miscellaneous.

50 F. It shall be the duty of every licensee to personally complete the information on the transaction form and attempt  
51 to verify its accuracy. The licensee shall not allow the person with whom the transaction is made to complete the  
52 form, except so that they may affix their thumbprint, and sign their name.

- 53 1. Every licensee shall make a transaction record of all property accepted regardless of whether a serial number  
54 can be found on it. When no serial number is found, the licensee must include a detailed description of the  
55 property on the transaction form. If the serial number of property brought in has obviously been altered or  
56 removed, the licensee shall obtain all the identifying information possible about the property and the person in

1 possession of it, to include information on the vehicle they arrived in, if applicable, and shall immediately  
2 notify the police department. (Ord. 2560 § 6, 2005; Ord. 1982 § 2, 1993; Ord. 975 § 5, 1978)

3 **5.82.060 Recordkeeping – Inspection authorized when.**

4 All books, writing and other records of any secondhand dealer pertaining to the purchase, sale, exchange, barter,  
5 consignment, pawn or pledge or receipt of any goods, wares, merchandise or other articles or things of value shall at  
6 all reasonable times be open for inspection by the chief of police, which inspection shall include all storage areas  
7 and all articles or things received, purchased or exchanged and stored with said secondhand dealer. (Ord. 2560 § 7,  
8 2005; Ord. 975 § 8, 1978)

9 **5.82.070 Transcript of transactions – False reports.**

10 A. It shall be the duty of every secondhand dealer to report to the chief of police or designee prior to 12:00 noon of  
11 every third day unless such day is a Sunday or legal holiday, then the first business day thereafter, on forms  
12 approved by the city, a full, true and correct transcript of the record of all transactions had during the preceding three  
13 days. This information shall also be transmitted no less than once per week electronically to an online database  
14 approved by the chief of police. It shall be further the duty of such secondhand dealer, having good cause to believe  
15 that any property in his possession has previously been lost or stolen, to promptly report such facts, together with all  
16 pertinent evidence, to the police department, together with the name of the previous owner, if known, and the date  
17 and name of the person from whom the same was received by such secondhand dealer.

18 B. Every secondhand dealer, or his agent, employee or representative who fails, neglects or refuses to make such  
19 report, or who falsely reports any material to the police department shall be guilty of a violation of this chapter.  
20 (Ord. 2560 § 8, 2005; Ord. 1353 § 2, 1983; Ord. 975 § 8, 1978)

21 **5.82.080 Holding period for certain items – Exchanges with certain persons prohibited.**

22 A. It is unlawful for a secondhand dealer, his agent, employee or representative, to remove any goods, articles or  
23 things purchased by him or left with him from his store or place of business until the expiration of 30 days after the  
24 same was purchased or received unless said articles or things have, within said time period, been inspected and  
25 approved for release by the police department.

26 B. No licensee under this chapter shall receive in pledge or purchase any property from any person who is at the  
27 time of the transaction:

- 28 1. Under 18 years of age; or
- 29 2. Under the influence of alcohol; or
- 30 3. Under the influence of drugs; or
- 31 4. Attempting to pledge or sell any property which the employee knows or suspects or should suspect to be  
32 stolen; or
- 33 5. From any habitual drunkard or from any person addicted to the use of a narcotic drug, or from any person  
34 who is known to be a thief or receiver of stolen goods, or from any person who he has reason to suspect or  
35 believe to be such; or
- 36 6. Known to the licensee as having been convicted of burglary, robbery, theft, fraud, forgery or possession of or  
37 receiving stolen property within the past 10 years whether the person is acting in his or her own behalf or as an  
38 agent of another. The chief of police shall be authorized to provide licensees a list of convicted felons from  
39 whom they may not receive or purchase property.

40 Notification by the police department given to such licensee, his agent, employee or representative that a person has  
41 been convicted of burglary, robbery, theft, fraud, forgery, or possession of stolen property shall constitute sufficient  
42 notice of such convictions under the provision of this chapter, and shall be prima facie evidence that the licensee, his  
43 agent, employee or representative, has due notice thereof. (Ord. 2560 § 9, 2005; Ord. 1353 § 3, 1983; Ord. 975 § 6,  
44 1978)

45 **5.82.084 Hours and location of operations.**

46 It shall be unlawful for any secondhand dealer or employee licensed under this chapter to transact any business  
47 between the hours of 9:00 p.m. and 6:00 a.m. unless special written permission is given by the chief of police. All  
48 property sold, or taken in pawn, purchase, trade, or consignment by a licensee shall be done on the business  
49 premises and shall be subject to all applicable transaction restrictions. (Ord. 2560 § 10, 2005)

50 **5.82.085 Separation of property on “police hold.”**

51 Every licensee shall set aside an area on his premises which allows for a clear separation of property under “police  
52 hold.” It shall be unlawful for any licensee to place or to knowingly allow property which has been subjected to a  
53 written or oral police hold to be placed among nonheld property. Upon notification by any law enforcement officer  
54 that an item of property taken in pawn, purchase, trade, or consignment is suspected of being stolen, the licensee  
55 shall immediately, upon the officer’s request, surrender the described piece of property to the law enforcement  
56 officer. (Ord. 2560 § 11, 2005)

- 1 **5.82.090 Violation deemed misdemeanor – Penalty.**  
2 A. Any firm, person or corporation violating by omission or commission any provisions of this chapter shall, upon  
3 conviction, be guilty of a misdemeanor and be punished by a fine of up to \$1,000 or imprisonment not to exceed 90  
4 days or by both such fine and imprisonment.  
5 B. In addition to any criminal penalty for a violation of this section, the business license of the secondhand dealer or  
6 employee who is found guilty, pleads guilty or forfeits bail for a violation of this chapter or any crime involving  
7 theft, dishonesty or moral turpitude shall be revoked for a period of one year.  
8 C. In addition to any criminal penalty for a violation of this section, any firm, person or corporation violating by  
9 omission or commission any provisions of this chapter shall be subject to all civil enforcement provisions authorized  
10 by the Lynnwood Municipal Code except as precluded by law. (Ord. 2698 § 15, 2007; Ord. 2656 §§ 1, 2, 2006; Ord.  
11 2560 § 12, 2005; Ord. 1982 § 4, 1993; Ord. 1353 § 4, 1983; Ord. 975 § 9, 1978)
- 12 **5.82.100 Obligation to supply true and current information.**  
13 Any person who shall offer property for pawn, purchase, trade or consignment to a pawnshop or secondhand dealer  
14 shall, upon the request of the licensee, supply true and current information for the transaction record. The person  
15 offering the property shall be responsible for verifying the information on the transaction record and it shall be  
16 unlawful for any person to affix their signature to the transaction record if they know the information on the record  
17 is not true and current. (Ord. 2560 § 13, 2005)

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**Chapter 5.87**

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**CLOSING-OUT SALES – SALES OF DISTRESSED MERCHANDISE**

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**(Repealed by Ord. 1972)**

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**Chapter 5.92**  
**LIVING QUARTERS FOR HOMELESS MOTHERS**

**(Repealed by Ord. 3233)**



On the, 24<sup>TH</sup> day of April, 2017 the City Council of the City of Lynnwood, Washington, passed ordinance 3253. A summary of the content of these ordinance, consisting of the title, provides as follows:

**ORDINANCE NO. 3253**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, RELATING TO LICENSING AND DEPARTMENTAL AUTHORITY FOR REGULATION OF BUSINESSES, AMENDING LMC 3.104.050, AMENDING TITLE 5 LMC; REPEALING CHAPTERS 5.26, 5.52, AND 5.66 LMC, AND PROVIDING FOR AN EFFECTIVE DATE, SEVERABILITY AND SUMMARY PUBLICATION**

The full text of these ordinances will be mailed upon request.

DATED this 27<sup>th</sup> day of April, 2017.

  
\_\_\_\_\_  
Debbie Karber, Deputy City Clerk

# Everett Daily Herald

## Affidavit of Publication

State of Washington }  
County of Snohomish } ss

Dicy Sheppard being first duly sworn, upon oath deposes and says: that he/she is the legal representative of the Everett Daily Herald a daily newspaper. The said newspaper is a legal newspaper by order of the superior court in the county in which it is published and is now and has been for more than six months prior to the date of the first publication of the Notice hereinafter referred to, published in the English language continually as a daily newspaper in Snohomish County, Washington and is and always has been printed in whole or part in the Everett Daily Herald and is of general circulation in said County, and is a legal newspaper, in accordance with the Chapter 99 of the Laws of 1921, as amended by Chapter 213, Laws of 1941, and approved as a legal newspaper by order of the Superior Court of Snohomish County, State of Washington, by order dated June 16, 1941, and that the annexed is a true copy of EDH754740 3253, 3254, 3255 as it was published in the regular and entire issue of said paper and not as a supplement form thereof for a period of 1 issue(s), such publication commencing on 04/27/2017 and ending on 04/27/2017 and that said newspaper was regularly distributed to its subscribers during all of said period.

**LYNNWOOD**  
WASHINGTON

CITY OF LYNNWOOD

On the, 24th day of April, 2017 the City Council of the City of Lynnwood, Washington, passed ordinances 3253, 3254 and 3255. A summary of the content of these ordinances, consisting of the title, provides as follows:

ORDINANCE NO 3253  
AN ORDINANCE of the CITY COUNCIL OF THE City of Lynnwood, Washington, relating to LICENSING AND DEPARTMENTAL AUTHORITY FOR REGULATION OF BUSINESSES, AMENDING LMC 3.104.050, amending title 5 lmc; Repealing chapters 5.26, 5.52, and 5.66 LMC, and PROVIDING FOR AN EFFECTIVE DATE, SEVERABILITY AND SUMMARY PUBLICATION

ORDINANCE NO 3254  
AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON RELATING TO CLASSIFICATION FOR CITY EMPLOYEES; AMENDING ORDINANCE NUMBER 3242; AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION

ORDINANCE NO 3255  
AN ORDINANCE of the CITY COUNCIL OF THE City of Lynnwood, Washington, RELATING TO THE CITY'S COMMUTE TRIP REDUCTION PLAN; REPEALING Exhibit B to OrdINANCE No. 2741; ADOPTING A NEW COMMUTE TRIP REDUCIION PLAN FOR THE CITY; AMENDING CHAPTER 11.14 OF THE lynnwood municipal code; AND PROVIDING FOR AN EFFECTIVE DATE, SEVERABILITY AND SUMMARY PUBLICATION

The full text of these ordinances will be mailed upon request.  
DATED this 27th day of April, 2017.  
Debbie Karber, Deputy City Clerk  
Published: April 27, 2017. EDH754740

The amount of the fee for such publication is \$51.16.

Dicy Sheppard

Subscribed and sworn before me on this

27 day of April,  
2017.

Debra Ann Grigg

DEBRA ANN GRIGG  
Notary Public  
State of Washington  
My Commission Expires  
October 31, 2017

Notary Public in and for the State of Washington.



**LYNNWOOD**  
WASHINGTON

## **CERTIFICATE**

I, the undersigned, Debra Karber, the duly appointed Deputy City Clerk of the City of Lynnwood, Washington, hereby certify that the Ordinance hereto attached is a full, true and correct copy of Ordinance No. 3253 of the City of Lynnwood, Washington, entitled as follows:

### **ORDINANCE NO. 3253**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, RELATING TO LICENSING AND DEPARTMENTAL AUTHORITY FOR REGULATION OF BUSINESSES, AMENDING LMC 3.104.050, AMENDING TITLE 5 LMC; REPEALING CHAPTERS 5.26, 5.52, AND 5.66 LMC, AND PROVIDING FOR AN EFFECTIVE DATE, SEVERABILITY AND SUMMARY PUBLICATION.**

That said ordinance was passed by the Council on April 24, 2017 of said City and was published and posted according to law; that said ordinance was duly published in the official newspaper of said City on April 27, 2017.

*D. Karber*

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Debra Karber, Deputy City Clerk