



ORDINANCE NO. 3343

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, RELATING TO THE LICENSING AND REGULATION OF BUSINESSES; AMENDING TITLE 5 OF THE LYNNWOOD MUNICIPAL CODE; AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE, AND SUMMARY PUBLICATION

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WHEREAS, many of the provisions of Title 5 LMC were enacted in 1959 as part of the City's first municipal code, are outdated, are redundant, or no longer provide effective and efficient regulations for businesses and the licensing of businesses; and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, the City is preparing to partner with the Business Licensing Service division of the state Department of Revenue (BLS) to create a streamlined process for review and issuance of certain business license applications, in order to more efficiently and effectively serve persons and entities seeking to do business in the City; and

WHEREAS, in order to properly implement the partnership between the City and BLS for the streamlined business license system, it is necessary to make amendments to Chapters 5.04 and 5.06 of the City code, as stated in this Ordinance; and

WHEREAS, BLS has reviewed and provided comments to the City on the proposed amendments to the City code, and the City has incorporated the BLS comments into this Ordinance; and

WHEREAS, the City anticipates that it will commence the streamlined business license system in partnership with BLS on approximately November 14, 2019; and

1 WHEREAS, the provisions of this Ordinance do not relate to comprehensive plans or
2 development regulations, and therefore notification of State agencies as specified by RCW
3 36.70A.106 and WAC 365-196-630 is not required; and
4

5 WHEREAS, the provisions of this Ordinance are procedural in nature and are exempt from
6 SEPA threshold determination and EIS requirements as specified by to WAC 197-11-800(19); and
7

8 WHEREAS, the Lynnwood City Council reviewed the provisions of this Ordinance at a
9 Council work session held on September 16, 2019; and
10

11 WHEREAS, the City Council has determined that the provisions of this Ordinance are in
12 the interest of the public's health, safety and general welfare;
13

14 NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, DO
15 ORDAIN AS FOLLOWS:
16

17 Section 1. Amendment. Title 5 of the Lynnwood Municipal Code, entitled "BUSINESS
18 REGULATIONS AND LICENSES," is amended to read as provided in **Exhibit A** to this Ordinance.
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20 Section 2. Severability. If any section, subsection, sentence, clause, phrase or word of this
21 Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction,
22 such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of
23 any other section, subsection, sentence, clause, phrase or word of this Ordinance.
24

25 Section 3. Effective Date. This Ordinance shall take effect and be in full force on **November 14,**
26 **2019**, which date is more than five days following passage and publication of this Ordinance.
27

28 Section 4. Summary Publication. Publication of this Ordinance shall be by summary publication
29 consisting of the ordinance title.
30

31 PASSED BY THE CITY COUNCIL the 23rd day of September 2019.
32

33 APPROVED:

34 
35 _____
36 Nicola Smith, Mayor
37

38 ATTEST/AUTHENTICATED:

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40 _____
41 Sonja Springer, Finance Director
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39 APPROVED AS TO FORM:

40 
41 _____
42  Rosemary Larson, City Attorney
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1 PASSED BY THE CITY COUNCIL: 09/23/2019
2 PUBLISHED: 09/27/2019
3 EFFECTIVE DATE: 11/14/2019
4 ORDINANCE NUMBER: 3343

1 **EXHIBIT A**

2
3 **TITLE 5**
4 **BUSINESS REGULATIONS AND LICENSES**

5
6 **Chapters:**

- 7 **5.04 Business Generally**
8 **5.06 Resident, Nonresident, Home Occupation**
9 **5.08 Garbage Collecting**
10 **5.16 Pawnbrokers**
11 **5.18 Mobile Food Vendors**
12 **5.20 Peddlers and Salesmen**
13 **5.30 Special Events**
14 **5.50 Adult Entertainment**
15 **5.53 Practice of Massage**
16 **5.55 Day Spas**
17 **5.62 Panorams, Previews, Picture Arcades, Peep Shows**
18 **5.82 Secondhand Dealers**

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20
21 *For provisions regarding certain business activities and practices prohibited outright, see LMC Title 10; for
22 powers of code cities to license, for the purpose of regulation and revenue, every kind of business
23 authorized by law and to fix penalties for violation of ordinances, see RCW 35A.11.020 and 35.24.290(7).

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27 **Chapter 5.04**
28 **BUSINESS GENERALLY**

29 **Sections:**

- 30 **5.04.002 Purpose of chapter.**
31 **5.04.005 Applicability.**
32 **5.04.010 Administrative authority - Definitions.**
33 **5.04.020 License to conduct business and compliance with applicable law.**
34 **5.04.030 Application for license – Decision of the director – Appeal.**
35 **5.04.035 Business license posting.**
36 **5.04.040 Term and renewal of license.**
37 **5.04.045 Revocation or suspension of business license.**

38 **5.04.050 Exemptions.**

39 **5.04.110 Separate licenses – When required.**

40 **5.04.120 Personal identification.**

41 **5.04.130 Penalty for violation of title.**

42 **5.04.002 Purpose of chapter.**

43 This chapter is declared to be enacted for the purpose of regulating and controlling businesses, and for
44 the purpose of providing revenue for the city of Lynnwood (“Lynnwood” or “city”).

45 **5.04.005 Applicability.**

46 A. Without affecting the validity and requirements of any other provisions in this chapter or any other title
47 or chapter relating to business regulations, the provisions of this chapter shall apply to all persons who
48 propose to, or carry on business and all businesses in Lynnwood.

49 B. In addition to complying with the requirements of this chapter, persons, businesses or business
50 activities that are governed specifically by other chapters in this Title shall comply with the requirements in
51 those other chapters prior to and while engaging in or carrying on business in the City, as applicable.

52 **5.04.010 Administrative authority - Definitions.**

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

56 B. As necessary, the director may designate employees of the community development department or
57 other city department to implement or enforce the provisions of this title. Enforcement of this title shall be
58 based upon the authority and regulations set out in this title and in Chapters 1.01 and 1.40 LMC.

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

61 1. “Director” means the Lynnwood community development director or the director’s designee.

62 2. “Department” means the community development department of Lynnwood, or any department
63 that succeeds to the community development department’s duties under this title.

64 3. “Business license clerk” means city employees or agents the community development director
65 shall designate to administer this title, or any designee thereof.

66 4. "Business Licensing Service" or "BLS" both mean the office within the Washington State
67 Department of Revenue providing business licensing services to the City of Lynnwood.

68 5. "Person," "firm," "business" or "corporation" are terms that may be used interchangeably in this
69 chapter and mean any individual, receiver, assignee, trustee in bankruptcy, estate, joint venture,
70 joint stock company, club, partnership, business trust, corporation, limited liability company,
71 solicitor, canvasser, association or any group of individuals acting as a unit whether mutual,
72 cooperative, fraternal, nonprofit or otherwise.

73 6. "Regulatory Business Licenses" are business licenses which require higher levels of scrutiny
74 during initial approvals and renewals due to the nature of the business,

75 7. "Business," whether resident, nonresident or home occupation, means and includes all services
76 and activities engaged in with the object of pecuniary gain, benefit or advantage to the persons, or
77 to another person or class, directly or indirectly, whether part-time or full-time.

78 8. "Engaging or engage in business" means commencing, conducting or continuing in any
79 business, and also the exercise of corporate or franchise powers, as well as liquidating a business
80 when the liquidators thereof hold themselves out to the public as conducting such business.

81 a. This subsection (8) sets forth examples of activities that constitute engaging in
82 business in the city and establishes safe harbors for certain of those activities so that a
83 person who meets the criteria may engage in de minimus business activities in the city
84 without having to pay a business license fee. The activities listed in this section are
85 illustrative only and are not intended to narrow the definition of "engaging in business" in
86 subsection (8) above. If any activity is not listed, whether it constitutes engaging in
87 business in the city shall be determined by considering all the facts and circumstances
88 and applicable law.

89 b. Without being all inclusive, any one of the following activities conducted within the city
90 by a person, or its employee, agent, representative, independent contractor, broker or
91 another acting on its behalf constitutes engaging in business and requires a person to
92 register and obtain a business license.

93 1. Owning, renting, leasing, maintaining, or having the right to use, or using,
94 tangible personal property, intangible personal property, or real property
95 permanently or temporarily located in the city.

96 2. Owning, renting, leasing, using, or maintaining, an office, place of business, or
97 other establishment in the city.

98 3. Soliciting sales.

- 99 4. Making repairs or providing maintenance or service to real or tangible personal
100 property, including warranty work and property maintenance.
- 101 5. Providing technical assistance or service, including quality control, product
102 inspections, warranty work, or similar services on or in connection with tangible
103 personal property sold by the person or on its behalf.
- 104 6. Providing technical assistance or service, including quality control, product
105 inspections, warranty work, or similar services on or in connection with tangible
106 personal property sold by the person or on its behalf.
- 107 7. Installing, constructing, or supervising installation or construction of, real or
108 tangible personal property.
- 109 8. Soliciting, negotiating, or approving franchise, license, or other similar
110 agreements.
- 111 9. Collecting current or delinquent accounts.
- 112 10. Picking up and transporting tangible personal property, solid waste,
113 construction debris, or excavated materials.
- 114 11. Providing disinfecting and pest control services, employment and labor pool
115 services, home nursing care, janitorial services, appraising, landscape
116 architectural services, security system services, surveying, and real estate
117 services including the listing of homes and managing real property.
- 118 12. Rendering professional services such as those provided by accountants,
119 architects, attorneys, auctioneers, consultants, engineers, professional athletes,
120 barbers, baseball clubs and other sports organizations, chemists, consultants,
121 psychologists, court reporters, dentists, doctors, detectives, laboratory operators,
122 teachers, or veterinarians.
- 123 13. Meeting customers or potential customers, even when no sales or orders are
124 solicited at the meetings.
- 125 14. Training or recruiting agents, representatives, independent contractors,
126 brokers or others, domiciled or operating on a job in the city, acting on its behalf,
127 or for customers or potential customers.
- 128 15. Investigating, resolving, or otherwise assisting in resolving customer
129 complaints.
- 130 16. In-store stocking or manipulating products or goods, sold to and owned by a
131 customer, regardless of where sale and delivery of the goods took place.

132 17. Delivering goods in vehicles owned, rented, leased, used, or maintained by
133 the person or another acting on its behalf.

134 c. If a person, or its employees, agent, representative, independent contractor, broker or
135 another acting on the person's behalf, engages in no other activities in or within the city
136 but the following, it need not register and obtain a business license.

- 137 1. Meeting with suppliers of goods and services as a customer.
- 138 2. Meeting with government representatives in their official capacity, other
139 than those performing contracting or purchasing functions.
- 140 3. Attending meetings, such as board meetings, retreats, seminars, and
141 conferences, or other meetings wherein the person does not provide training in
142 connection with tangible personal property sold by the person or on its behalf.
143 This provision does not apply to any board of director member or attendee
144 engaging in business such as a member of a board of directors who attends a
145 board meeting.
- 146 4. Renting tangible or intangible property as a customer when the property
147 is not used in the city.
- 148 5. Attending, but not participating in a "trade show" or "multiple vendor
149 events." Persons participating at a trade show shall review the city's trade show
150 or multiple vendor event ordinances.
- 151 6. Conducting advertising through the mail.
- 152 7. Soliciting sales by phone from a location outside the city.

153 d. A seller located outside the city merely delivering goods into the city by means of
154 common carrier is not required to register and obtain a business license, provided that it
155 engages in no other business activities in the city. Such activities do not include those in
156 subsection 8.c.

157 e. The city expressly intends that engaging in business include any activity sufficient to
158 establish nexus for purposes of applying the license fee under the law and the
159 constitutions of the United States and the State of Washington. Nexus is presumed to
160 continue as long as the taxpayer benefits from the activity that constituted the original
161 nexus generating contact or subsequent contacts.

162 9. "Flea market" means and includes any person, firm or corporation, or company subleasing
163 booths, stalls or tables within a building located within the limits of the city of Lynnwood for the
164 purposes of placing before the public for sale, on a temporary basis, used goods, new wares or
165 merchandise, with the exception of secondhand items subject to Chapter 5.82 regulating
166 secondhand dealers.

167 **5.04.020 License to conduct business and compliance with applicable law.**

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

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

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

176 D. A business license does not confer any right or approval to alter a building, portion of building, or site.
177 The business must apply for and obtain all land use, building and fire permits from the city prior to
178 undertaking any such work.

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

184 F. In instances when the name of the business is changed without the need for a change to the business'
185 Unified-Business Identifier as determined by the Washington State Department of Revenue, and without a
186 change in business ownership or location, the business owner shall notify the city of the name change
187 within thirty (30) business days of making the change except that for name changes for a business with a
188 license that was processed under chapter 5.06 of this code, the business owner shall notify the Business
189 Licensing Service, which will convey the name change to the City.

190 **5.04.030 Application for license – Decision of the director – Appeal.**

191 A. No license required under this chapter shall be issued except upon application made on forms
192 prescribed by the city or as may be required for licenses administered through the Business Licensing
193 Service. Each application for license, in addition to other requirements, shall indicate:

194 1. The physical address, mailing address, email address and phone numbers for the proposed
195 business or occupation;

196 2. The type and nature of the proposed business or occupation which the applicant intends to
197 operate on said premises;

198 3. The identity of the person or persons holding an ownership interest in the business, and those
199 responsible for operation of the business, such as agents and officers of the corporation, business
200 owner, or primary business manager. Telephone and email contact information shall be provided
201 for each person identified as well as the name and contact information of the owner if the property
202 is not owned by the business; and

203 4. Completion of Supplemental Application forms appropriate to the specific business.

204 B. Each license application shall be accompanied by the license fee specified by Chapters 3.104 LMC
205 and 5.06 LMC, in addition to any other fees required by this code

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

208 1. Approve the application; or

209 2. Approve the application with conditions necessary to ensure compliance with this title; or

210 3. Request additional information regarding the type and nature of the proposed business, or the
211 responsible persons; or

212 4. Deny the application as provided by this section.

213 D. In the event the director denies a business license application, the director shall provide a written
214 explanation of the reason for the denial to the applicant, with information regarding the right of appeal.

215 The director may deny a business license application for reasons including but not limited to:

216 1. If the applicant fails to submit a complete application or additional information requested by the
217 director;

218 2. If the application represents business practices that would cause any person to violate any
219 federal, state or local law or regulation;

220 3. If the application contains misleading or inaccurate information;

221 4. If the applicant, corporate officer, or other responsible party has previously had his/her business
222 license denied or revoked in Lynnwood or elsewhere within the past two years or if there is
223 objective information that approval of the application will result in unlawful business activity; or

224 5. If uncorrected violation(s) of building, zoning, safety, fire or health laws or regulations are known
225 to exist based upon prior inspections conducted by the City, or such violations will exist based on
226 the business proposed in the license application.

227 E. Following the director's approval of the application, the business license shall be issued by the city, or
228 its designee.

229 F. Upon denial of an application for a business license, the fee for business employees specified by
230 Chapter 3.104 LMC shall be returned to the applicant with the denial decision. The application fee is
231 nonrefundable and shall be retained to cover the costs of review.

232 G. An applicant who is denied a license, or any person objecting to the issuance of a license, may appeal
233 the director's decision by filing a written notice of appeal with the community development department.
234 The appeal must be filed within ten (10) business days of the director's decision, include the appeal fee
235 specified by Chapter 3.104 LMC, and state the factual grounds for the appeal. The hearing examiner shall
236 set a date for the appeal hearing. The city shall notify the parties of record by mail of the time and place of
237 the hearing, which shall be conducted as specified by LMC 1.35.200 et seq., Chapter 2.22 LMC and the
238 rules for hearings adopted pursuant to LMC 2.22.080.

239 **5.04.035 Business license posting.**

240 The business license issued under this chapter shall be posted in a conspicuous location at the place of
241 business.

242 **5.04.040 Term and renewal of license.**

243 A. Except where a different term is specified or authorized by this title, business licenses shall have a
244 term of one year (365 days) from the date of issuance.

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

249 C. A short-term, business license may be issued for a term of sixty (60) consecutive days.

250 D. The licensee shall submit a complete application for renewal of a license administered through BLS up
251 to 60 days before the expiration of the license, and shall submit a complete application for renewal of a
252 license administered directly through the city up to 45 days before the expiration of the license. Each
253 license renewal application shall be on the form prescribed by the city or the city's designee, and shall be

254 accompanied by the fee(s) specified by Chapter 3.104 LMC in addition to any other fees required by this
255 code. The applicant shall clearly describe any changes to the nature, operation or scale of the business
256 since approval or previous renewal.

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

- 259 1. Approve the application;
- 260 2. Approve the application with conditions necessary to ensure compliance with this title;
- 261 3. Request additional information regarding the type and nature of the proposed business, or the
262 responsible persons; or
- 263 4. Deny the application for cause as provided by this section.

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

268 G. If an application for license renewal is not made as required by this section or by Chapter 5.06 for
269 licenses processed under this chapter, an application for a new license shall be required. The late
270 business license application fee specified by Chapter 3.104 LMC shall apply.

271 H. If a license expires prior to the submittal of a complete and good-faith application for renewal, the
272 business shall be considered to be in violation of the provisions of this title.

273 **5.04.045 Revocation or suspension of business license.**

274 A. The director may revoke or suspend a business license when the business operation or the licensee
275 meets the criteria for denial of a business license application specified by LMC 5.04.030. The business
276 license may also be suspended if operations are found to be in violation of the conditions of approval, or
277 based upon evidence of violations of the Lynnwood Municipal Code or other criminal activity, and the
278 proponent is unable to rectify the violations after reasonable notice by the City.

279 B. Upon a determination by the director that there is a basis for revocation or suspension of a business
280 license, the director shall notify the licensee by certified and regular mail of the director's decision to
281 revoke or suspend the license. The written decision shall specify the basis for the director's

282 determination, the effective date of the revocation or suspension, the corrective measures required to
283 avoid revocation or suspension, and the procedures for appeal of the director's determination.

284 C. The decision of the director may be appealed by filing a written appeal with the community
285 development department within ten (10) business days of the date of the written decision, together with
286 the appeal fee specified by Chapter 3.104 LMC. An appeal of the director's decision shall be conducted
287 by the hearing examiner consistent with the provisions of LMC 1.35.200 et seq., LMC 5.04.030, Chapter
288 2.22 LMC, and the rules for hearings adopted pursuant to LMC 2.22.080. Upon the filing of a timely
289 appeal, the director's decision to revoke or suspend the business license shall be stayed pending a final
290 decision by the hearing examiner on the appeal.

291 D. Once a business license has been revoked the license holders shall be barred from reopening any
292 business in the City for a period of two (2) years from the date of revocation.

293 **5.04.050 Exemptions.**

294 To the extent set forth in this section, the following persons and businesses shall be exempt from the
295 registration, license and/or license fee requirements of this Chapter and Chapter 5.06:

296 A. Any person or business whose annual value of products, gross proceeds of sales, or gross income of
297 the business in the city is equal to or less than \$2,000, and who does not maintain a place of business in
298 the city, shall be exempt from the general business license requirements and fees of this Chapter and
299 Chapter 5.06. This exemption does not apply to any regulatory license requirements or activities that
300 require a specialized license or permit under other Chapters of the city code.

301 B. For the purposes of this title, the following entities or businesses may claim exemption from the
302 business license fee under this Chapter and Chapter 5.06, but if exempt under this subsection such
303 entities or businesses shall still apply for a business license under this Chapter and Chapter 5.06. For
304 entities or businesses making an initial application to Business Licensing Services for a new business
305 license, the fee shall be paid at the filing of the initial application, and the fee will be refunded by Business
306 Licensing Services or the city if it is determined that the entity or business meets the criteria for
307 exemption:

308 1. Businesses or activities for which license or franchises are required by any other chapter or section of
309 the Lynnwood Municipal Code.

310 2. Nonbusiness activities carried on by religious, charitable, benevolent, fraternal or social organization
311 including:

- 312 a. Nonprofit, Section 501(c)3 organizations as designated by the Internal Revenue Service.
- 313 b. Political, Section 527 organizations as designated by the Internal Revenue Service.
- 314 Federal, State or local governmental entities;
- 315 3. Business operations consisting solely of the delivery of goods to a customer or client;
- 316 4. Instructors who provide public education and recreational services on behalf of a government agency.
- 317 5. Public Schools.
- 318 6. Insurance providers as defined by RCW 48.17.010
- 319 7. Condo/Homeowner Associations.
- 320 8. Extra building on same property (i.e. storage or warehouse).

321 **5.04.110 Separate licenses – When required.**

322 A separate license shall be obtained for each branch, establishment or separate location in which the
323 business, calling, profession, trade, occupation or activity licensed by this title is carried on, and for each
324 such different business, calling, profession, trade, occupation or activity carried on or device situated in
325 any one location, and each license shall authorize the licensee to carry on, pursue or conduct only that
326 business, calling, profession, trade, occupation or activity, or operate the device, vehicle or thing
327 described in such license, and only at the location or in the manner indicated therein, except as may be
328 specifically provided in this chapter.

329 **5.04.120 Personal identification.**

330 Whenever any person is an applicant for a license to be issued by the city, and the law or a regulation of
331 the city requires that the applicant be investigated regarding the application, the chief of police shall
332 require the applicant to submit photographs and/or impressions of his fingerprints for the purpose of
333 securing identification of the applicant, including submitting the same to any law enforcement agency or
334 the identification section of the Washington State Patrol.

335 **5.04.130 Penalty for violation of title.**

336 Unless a specific penalty is prescribed in this title, and in addition to other powers, any violation of the
337 provisions of this title as now or hereafter amended is a misdemeanor and shall be punished by a fine not
338 to exceed \$1,000 or by imprisonment not to exceed ninety (90) days, or by both such fine and
339 imprisonment.

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**Chapter 5.06
RESIDENT, NONRESIDENT, HOME OCCUPATION**

344 Sections:

- 345 5.06.010 Definitions.
- 346 5.06.020 License required.
- 347 5.06.025 License application.
- 348 5.06.030 Employees' fees for resident businesses.
- 349 5.06.040 License fees.
- 350 5.06.042 Fee adjustments.
- 351 5.06.043 Renewals.
- 352 5.06.050 Special fee assessed.
- 353 5.06.060 Payrolls subject to audit.
- 354 5.06.090 First-time resident and home occupation business license.

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356 **5.06.010 Definitions.**

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

359 A. "Home occupation" means the operation from a dwelling of a business which is clearly incidental to the
360 primary use of the dwelling as living quarters and which in no manner compromises the residential
361 character of the neighborhood in which the dwelling is located.

362 B. "Nonresident business" means and includes any business conducted in the city from an office outside
363 of the city, not occupying a fixed place of operation within the city of Lynnwood, but which business
364 performs work or carries on business within the city of Lynnwood.

365 C. "Resident business" means and includes a business occupying a fixed place of operations within the
366 city of Lynnwood and not specifically included in nonresident or home occupation classification.

367 D. "Employee" means and includes any individual person employed at any business enterprise who
368 performs any part of his duties within the city, except casual laborers not employed in the usual course of
369 business. A sole proprietor is not an "employee." All officers, agents, dealers, franchisees, etc., of a
370 corporation or business trust, and all but one partner of a partnership (except limited partners), are
371 "employees" within this definition.

372 **5.06.020 License required.**

373 Except as otherwise provided in this Title, it is unlawful for any person, firm or corporation to conduct or
374 operate any home occupation, resident or nonresident business in the city of Lynnwood without first
375 obtaining a license pursuant to the provisions of this chapter.

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5.06.025 License Application.

Application for the general license required by this chapter is made through the Business Licensing Service. The application must include all information required for each license requested on the application, and all fees due for all licenses under this code, as well as the application handling fee required by RCW 19.02.075

5.06.030 Employees' fees for resident businesses.

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

Any employee so employed by a business as of January 1st of each calendar year or upon the date of application or renewal for a business license must so be reported to the business license clerk or designee as appropriate, as part of the application for or renewal of the license.

5.06.040 License fees.

The city's license fees for businesses shall be and the same are fixed as shown in Chapter 3.104 LMC.

5.06.042 Fee adjustments.

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

A. If at any time during the previous year the number of employees exceeds the estimate submitted with the initial application, an additional license fee shall be collected by the city, in conjunction with approving the annual renewal. Such additional license fees shall be prorated by the actual number of days the additional employee(s) worked during the year.

B. At the time of renewal, if the city determines the number of employees at the end of the previous year was less than the number reported estimated for the previous year, the city may issue a refund of the excess fees collected. Such refund shall be prorated by the number of days that each of the previously reported employees who were not employed at the end of the year did not work during the calendar year.

5.06.043 License renewal – Penalties

A. Each license issued under this chapter must be renewed on or before the expiration date established by the Business Licensing Service in order to continue conducting business in the city.

B. Renewal of the license is done through the Business Licensing Service and must include all information required for each license being renewed, and all fees due for all licenses under this code, as well as the renewal handling fee required by RCW 19.02.075.

C. The license term and respective fee amount due may be prorated to allow synchronizing the license expiration date with the expiration assigned to the business license account established by the Business

412 Licensing Service.

413 D. Any business owner who fails to renew the license by the expiration date shall incur the late renewal
414 penalty required by RCW 19.02.085. Any business owner who submits a late license renewal application
415 must include all information required for each license being renewed, and all fees due for all licenses
416 under this code, as well as the renewal handling fee required by RCW 19.02.075.

417 E. Failure to renew the license within 120 days after the expiration date shall result in the cancellation of
418 the license and shall require application for a license as provided in this chapter in order to continue to
419 conduct business in the city.

420 **5.06.050 Special fee assessed.**

421 For each business where liquor is consumed on premises, the licensee shall pay to the city, a special fee
422 in addition to the regular resident business license fee collected through the Business Licensing Service,
423 which is as shown in Chapter 3.104 LMC.

424 **5.06.060 Payrolls subject to audit.**

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

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

431 C. If, upon review of the reports as specified under subsection (B) of this section or the audits conducted
432 under subsection (A) of this section, it is found that the year has been under-reported by 20 percent or
433 more, there shall be a penalty applied to any additional fee owed, equal to 20 percent per annum of the
434 additional fee, plus any accounting, legal or administrative expense incurred by the city in determining the
435 under-reporting, the amount of the under-reporting or in collecting the tax and any penalty.

436 **5.06.090 First-time resident and home occupation business license.**

437 A first-time resident and/or home occupation business license fee per license issued, in the amount
438 established by Chapter 3.104 LMC, shall accompany an application for business license. This fee shall
439 apply to all new businesses to the city of Lynnwood, whether that application is the result of sufficient
440 change in an existing license so as to require its replacement.

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**Chapter 5.08
GARBAGE COLLECTING**

445 Sections:

446 **5.08.010 License to conduct garbage collecting business required.**

- 447 **5.08.020 Application for license – Basis of fee.**
- 448 **5.08.030 Common carrier permit required.**
- 449 **5.08.045 Liability insurance.**
- 450 **5.08.070 Authority to make and enforce regulations.**
- 451 **5.08.080 Conformance to regulations required.**

452 For provisions regarding garbage and refuse generally, see LMC Title 7; for authority for city to
453 set up and require use of system for collecting and disposal of garbage.

454 **5.08.010 License to conduct garbage collecting business required.**

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

459 **5.08.020 Application for license – Basis of fee.**

460 Each garbage collection business licensee shall pay an annual license fee to be determined on the basis
461 of the amounts shown in Chapter 3.104 LMC per residential account and per commercial account being
462 served at July 15th of each year. For purposes of this section, residential accounts shall include units of
463 multiple-family housing and units of mobile home parks. The annual fee is due and payable no later than
464 August 15th of each year. A late payment fee equal to 50 percent of the annual license fee is assessed if
465 payment of the license fee is made after the due date in any calendar year. The licenses required under
466 this chapter are separate from the license required under Chapter 5.06 LMC.

467 **5.08.030 Common carrier permit required.**

468 No license shall be granted unless the applicant has the proper Utilities and Transportation Commission
469 common carrier permit, or other required state permit or approval, authorizing the hauling of refuse and
470 garbage for hire in Lynnwood or a portion thereof. Application shall show that state permit number and
471 describe the area of Lynnwood to be serviced.

472 **5.08.045 Liability insurance.**

473 Each licensee shall name Lynnwood on their liability insurance policies and furnish agreement to hold
474 Lynnwood harmless for any claims involving their operations in the city.

475 **5.08.070 Authority to make and enforce regulations.**

476 The director or the director’s designee shall have the authority to make and require enforcement of
477 reasonable rules and regulations and to modify and change the same from time to time, regulating the
478 manner of collecting, removing and hauling solid waste, garbage, refuse, recyclables, or like materials,

479 within Lynnwood for the purpose of safeguarding the health, safety, and welfare of the inhabitants and the
480 visitors of such city. Alternately, the city council may direct its public works director to promulgate such
481 rules and regulations and may adopt the same by reference in accordance with the provisions of RCW
482 35A.12.140, as now existing or hereafter amended.

483 **5.08.080 Conformance to regulations required.**

484 Such licensee shall observe all regulations of Lynnwood together with all state laws relative to public
485 health, and shall observe and conform to any tariff schedules that may be set or approved by the Utilities
486 and Transportation Commission for unincorporated areas adjacent to Lynnwood or tariff schedules
487 adopted by the city council not inconsistent with the schedules and regulations set or approved by the
488 department of public service.

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**Chapter 5.16
PAWNBROKERS**

492 Sections:

493 **5.16.010 Definitions.**

494 **5.16.020 Pawnbroker's license required.**

495 **5.16.021 Pawnbroker employee license required.**

496 **5.16.022 License requirements.**

497 **5.16.025 License fee.**

498 **5.16.030 Employment of unlicensed persons prohibited.**

499 **5.16.050 Receiving goods from certain people unlawful.**

500 **5.16.060 Pawnbroker – Interest charges.**

501 **5.16.061 Holding of personal property and right of rescission.**

502 **5.16.080 Secondhand dealer recordkeeping requirements and penalties to apply.**

503 **5.16.010 Definitions.**

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

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

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

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

510 **5.16.020 Pawnbroker's license required.**

511 A. It is unlawful for any person to engage in the business of pawnbroker, as defined in LMC 5.16.010 (C),
512 without first procuring a license to do so, to be known as a "pawnbroker's license." The licenses required
513 under this chapter are separate from the licenses required under Chapter 5.06 LMC.

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

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

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

523 E. The licenses of pawnbroker's employees, as required by LMC 5.16.021, shall be posted in a
524 conspicuous location in the licensee's place of business as long as the licensees are employed at the
525 business. The licenses shall not be altered in any manner.

526 **5.16.021 Pawnbroker employee license required.**

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

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

532 C. The license of a pawnbroker employee shall be posted in a conspicuous location in the licensee's
533 place of business as long as the licensee is employed at the business. The license shall not be altered in
534 any manner.

535 **5.16.022 License requirements.**

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

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

- 539 1. Whether the applicant has any prior criminal convictions;
- 540 2. Whether any outstanding criminal violations or charges exist;
- 541 3. Whether any legitimate complaints exist regarding the applicant's past business practices that
542 would have any bearing or effect on the issuance of the license;
- 543 4. Whether the person is prohibited by law from engaging in this type of activity;
- 544 5. Whether the application should otherwise be disapproved based upon public safety
545 considerations.

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

549 Within thirty (30) days following receipt of the application from the licensing authority, the chief of police
550 shall make a written recommendation on the issuance of the license to the business license clerk, who
551 may then approve the application for such license.

552 **5.16.025 License fee.**

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

554 B. The license fee for each pawnbroker employee shall be fixed in the sum shown in Chapter 3.104 LMC.

555 **5.16.030 Employment of unlicensed persons prohibited.**

556 It shall be unlawful for any pawnshop or pawnbroker to employ any person who does not have a valid
557 pawnbroker employee license issued by Lynnwood pursuant to this chapter.

558 **5.16.050 Receiving goods from certain people unlawful.**

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

- 561 1. Under eighteen (18) years of age; or
- 562 2. Under the influence of alcohol; or
- 563 3. Under the influence of drugs; or

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

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

571 B. Notification by the police department given to such licensee, his agent, employee or representative that
572 person has been convicted of burglary, robbery, theft, fraud, forgery, or possession of stolen property
573 shall constitute sufficient notice of such convictions under the provisions of this chapter, and shall be
574 prima facie evidence that the licensee, his agent, employee or representative has due notice thereof.

575 **5.16.060 Pawnbroker – Interest charges.**

576 All pawnbrokers are authorized to charge and receive interest at the rate authorized by state law, from
577 any loan on the security of personal property actually received in pledge, and every person who asks or
578 receives a higher rate of interest or discount on any such loan is guilty of violation of this chapter.

579 **5.16.061 Holding of personal property and right of rescission.**

580 A. All pawnbrokers who purchase from a customer articles of personal property and goods are required to
581 hold said personal property for a period of thirty (30) days from the date of purchase before offering for
582 sale or selling said personal property and goods.

583 B. Any person who sells personal property and goods to a pawnbroker as set forth in subsection (A) of
584 this section shall be entitled to rescind said sale within a period of ten (10) days of the sale by tendering
585 to the pawnbroker the full amount of the purchase price, plus interest charges as provided in LMC
586 5.16.060.

587 C. Violation of this section by any pawnbroker or pawnbroker employee is a misdemeanor.

588 **5.16.080 Secondhand dealer recordkeeping requirements and penalties to apply.**

589 All individuals, corporations, partnerships, associations and all other legal entities conducting business as
590 a pawnbroker or a pawnshop in Lynnwood shall comply and be subjected to all rules, regulations, duties
591 of recordkeeping and penalties as set forth in Chapter 5.82 LMC that are not in conflict herein as those
592 sections now exist or as hereafter amended.

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**Chapter 5.18
MOBILE FOOD VENDORS**

597 Sections:

598 **5.18.010 Purpose.**

599 **5.18.020 Definitions.**

600 **5.18.030 Mobile food vendor business – License required – Exemptions.**

601 **5.18.040 Display of license.**

602 **5.18.050 Restrictions applicable to all mobile food vendors.**

603 **5.18.060 Director’s rules.**

604 **5.18.070 Mobile food vendor license – Application.**

605 **5.18.080 License fee.**

606 **5.18.090 General regulations.**

607 **5.18.010 Purpose.**

608 The purpose of this chapter is to allow for mobile food vendors (food trucks) to conduct business within
609 the corporate limits of the Lynnwood and to reasonably accommodate new businesses, enhance street
610 vitality, and support entrepreneurship.

611 **5.18.020 Definitions.**

612 A. “Cart” means a mobile, nonmotorized vehicle or conveyance which is intended to be pushed, pulled or
613 otherwise used by a mobile food vendor for the transport of food of any name, nature or description.

614 B. “Mobile food preparation van” means a commercially manufactured motorized vehicle in which ready-
615 to-eat food is cooked, wrapped, packaged, processed or portioned for service, sale or distribution.

616 C. “Mobile food vendor” means a seller of food from a mobile food preparation van, truck, cart or other
617 vehicle or conveyance, whether upon the public streets, alleys or public property or on private property.

618 D. “Vending unit” means a mobile food preparation van, truck, cart, or other vehicle or conveyance, or any
619 facility that is not on a permanent foundation that complies with the International Building Code, and
620 which is used for the sale or delivery of food.

621 **5.18.030 Mobile food vendor business – License required – Exemptions.**

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

625 A. Persons, firms or corporations who conduct a casual or isolated sale and who are not engaged in the
626 business of selling the type of food involved.

627 B. Associations, corporations or organizations not organized for profit, and any community fund or
628 foundation organized and operated exclusively for religious, scientific, public or charitable purposes, no
629 part of the earnings of which ensures to the benefit of any private shareholder, owner, member or
630 individual, and the net earnings of which are devoted exclusively to charitable, educational or recreational
631 purposes.

632 C. Persons, firms or corporations who conduct the sale of seasonal fresh fruits and vegetables that are
633 unprepared and similar agricultural products, as exempted by RCW 36.71.090.

634 D. Any "peddler," as the term is defined in Chapter 5.20 LMC, that is licensed under that same chapter.

635 E. Any mobile food vendor operating at a Special Event approved by the city under Chapter 5.30 or an
636 event sponsored by or held in conjunction with the city.

637 F. The license required under this chapter is separate from the license required under Chapter 5.06
638 LMC.

639 **5.18.040 Display of license.**

640 All mobile food vendor licenses shall be prominently displayed upon all carts, vehicles or locations from
641 which a mobile food vendor sells products.

642 **5.18.050 Restrictions applicable to all mobile food vendors.**

643 A. Mobile food vending on public streets and public right-of-ways within the corporate limits of the city
644 shall not be permitted unless approved as an authorized participant in a city-approved special event,
645 including a festival, sports tournament or similar activity as authorized under Chapter 5.30 LMC.

646 B. Mobile food vending to serve local businesses' employees at the local businesses' location shall be
647 permitted when authorized by the business or businesses, such as within the City Center, for the period
648 of time that it takes to set up, serve, and close up the food service.

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

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

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

660 F. Notwithstanding any provision of this chapter to the contrary, the director is authorized to adopt rules
661 relating to the time, place, and manner in which a nonprofit organization may vend food in which the
662 organization's political, religious, sociological, or ideological message is inextricably intertwined if the sale
663 exercises the permittee's rights guaranteed by the United States or the Washington Constitution. Such
664 rules may address the issuance and duration of permits, the size and other equipment used, their siting
665 and location, the type of items offered for sale, advertising and posting of prices, the display of licenses,
666 the exclusion of ineligible merchandise, the documentation to accompany applications for registration.

667 **5.18.060 Director's rules.**

668 The director may promulgate rules to implement this chapter. The rules may address the subjects
669 identified in this chapter and other subjects the director believes may aid in the implementation of this
670 chapter.

671 **5.18.070 Mobile food vendor license – Application.**

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

673 1. A site plan, a simple sketch of the site layout, depicting the following:

674 a. Ingress and egress; and

675 b. Location of the vending unit on the property on which food will be offered for sale.

676 2. A photograph of the vending unit, proposed signs, and any equipment.

677 3. Written approval by the Snohomish health district that the food preparation and service comply
678 with health regulations.

679 4. Evidence of a current state of Washington vehicle registration.

680 5. A written plan documenting appropriate disposal of wastewater generated by the vending unit.
681 Grease shall be properly disposed of per adopted Washington State health regulations.

682 6. Documentation that the vending unit has been approved by the state of Washington Department
683 of Labor and Industries.

684 7. Evidence of necessary approvals from the Lynnwood building and fire departments in the event
685 that external combustible fuels, external power connections and/or tent structures are proposed
686 when operating under a special event permit per Chapter 5.30 LMC.

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

691 C. The mobile food vendor must obtain and provide proof of written permission from the property owner
692 for each location at which the mobile food vendor proposes to offer food for sale. This includes written
693 permission for the mobile food vendor's location on the site, and for the mobile food vendor's staff to use
694 the property owner's restrooms. No portable restrooms are allowed on the site; provided, that a portable
695 restroom may be approved for interim use if there are no permanent restrooms available from an on-site
696 business, as long as it is located at least 120 feet from an arterial street and screened.

697 **5.18.080 License fee.**

698 Business license fees for mobile food vendors shall be in the amount stated in Chapter 3.104 LMC. The
699 city business license will serve as evidence that the applicant has applied for and obtained a Washington
700 State Department of Revenue business registration number.

701 **5.18.090 General regulations.**

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

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

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

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

710 E. Wastewater.

- 711 1. The mobile food vendor shall install an appropriate grease trap in the vending unit, and shall
712 maintain the grease trap.
- 713 2. Grease shall be properly disposed of per adopted Washington State health regulations.
714 Wastewater generated by the vending unit shall be disposed of in a proper manner and
715 documented.
- 716 F. One portable pop-up 10-foot-by-12-foot tent or umbrella may be used for cover for patrons, or up to
717 three tables with beach type umbrellas. Cooking shall not take place under any tent. Umbrellas and
718 canopies must be removed at the end of each day.
- 719 G. The hours of operation for mobile vending are limited to between 7:00 a.m. and 10:00 p.m.
- 720 H. Mobile food vendors shall not use amplification or noise-making devices and shall comply with Chapter
721 10.12 LMC.
- 722 I. The owner of the real property on which a mobile food vendor is located shall be responsible for overall
723 site maintenance. The property owner shall be responsible for the mobile food vendor's compliance with
724 the provisions of this chapter with respect to the mobile food vendor's operation on the owner's property.
- 725 J. Mobile food vendors may not serve alcoholic beverages.
- 726 K. All mobile food vendors shall comply with all laws, rules and regulations regarding food handling, and
727 all mobile food preparation vans and motor vehicles used by mobile food vendors shall comply with all
728 applicable laws, rules and regulations respecting such vehicles as established by the Snohomish County
729 health department, the Washington State Motor Vehicle Code, and any applicable sections of the city
730 code regarding the operation of the business.

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Chapter 5.20 PEDDLERS AND SALESMEN

735 Sections:

736 **5.20.010 License to peddle required – Exception.**

737 **5.20.020 Peddler defined.**

738 **5.20.030 License fees.**

739 **5.20.040 Application for license.**

740 **5.20.050 Investigation and issuance of license.**

741 **5.20.060 Entry on property posted against trespass.**

742 **5.20.070 Carrying and producing license.**

743 **5.20.080 Conflict with state law not intended.**

744 **5.20.010 License to peddle required – Exception.**

745 It is unlawful for any person, firm or corporation to peddle any article, service or thing within the city of
746 Lynnwood (“Lynnwood”), except as otherwise provided, without first procuring a license to do so, to be
747 known as a “peddler’s license.” Each peddler’s license shall specify articles, services or things to be
748 peddled, and the time for which the same is to be issued. No license shall be required to peddle
749 merchandise for a charitable organization including but not limited to schools, nonprofit organizations
750 such as the scouts, or religious institutions located within the City.

751 The licenses required under this chapter are separate from the license required under Chapter 5.06 LMC.

752 **5.20.020 Peddler defined.**

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

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

757 B. Any person who, while offering for sale any goods, wares, merchandise, services or thing of value,
758 stands or sits in a doorway, any unenclosed vacant lot, parcel of land or in any other place not used by
759 such person as a permanent place of business.

760 **5.20.030 License fees.**

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

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

764 C. All peddler applicants shall pay an investigation fee in the sum shown in Chapter 3.104 LMC. In the
765 event that the applicant is rejected, the license fee only will be returned to the applicant; no investigation
766 fee will be required in the case of renewals of existing licenses.

767 **5.20.040 Application for license.**

768 All applications for license hereunder shall be made to the business license clerk upon such forms as he
769 or she may direct, setting forth the proposed duration of the license, the article or service to be sold and

770 the purchase price thereof, the name and address of the applicant and of the manufacturer or distributor
771 of the article or service to be sold, a statement of the past employment of the applicant for the preceding
772 two (2) years, a statement of similar licenses granted to the applicant by other governing bodies during
773 the preceding two-year period, and a statement by the applicant as to previous convictions of crime in any
774 court.

775 **5.20.050 Investigation and issuance of license.**

776 The director or director's designee will investigate each applicant within a reasonable time, and shall
777 issue all licenses hereunder. However, no license shall be issued to any applicant who is discovered to
778 have made a false material statement in his application therefor, such that the interest of public welfare
779 and safety require that no peddler license be granted.

780 **5.20.060 Entry on property posted against trespass.**

781 It is unlawful for any person to enter into or upon any land of another or willfully to go or remain upon the
782 land of another after having been warned by the owner or occupant thereof not to trespass thereon. For
783 the purposes of this section, any clearly legible sign warning against said trespass which is posted
784 prominently on said property so that it may be read from the boundary thereof shall be presumed to be
785 sufficient warning within the meaning of this section and shall revoke any implied invitation to enter upon
786 said land.

787 **5.20.070 Carrying and producing license.**

788 Each peddler as defined in this chapter shall be required to carry his/her license upon his/her person, and
789 shall produce the same for inspection upon the demand of the business license clerk or designee, any
790 police officer or any customer.

791 **5.20.080 Conflict with state law not intended.**

792 Nothing contained in this chapter shall be construed so as to prohibit the peddling defined and exempted
793 by RCW 36.71.090,* or any other exemption provided by the laws of the state of Washington; provided,
794 that any person soliciting or peddling pursuant to authority of state certificate shall, before soliciting or
795 peddling in Lynnwood, show said certificate or state identification card to the business license clerk.

796 *Ordinance refers to Session Law of Washington.

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Chapter 5.30 SPECIAL EVENTS

801 Sections:

802 **5.30.010 Purpose.**

803 **5.30.020 Definitions.**

804 **5.30.030 General provisions applicable to all special events.**

805 **5.30.040 Permits and administration.**

806 **5.30.050 Permit decision.**

807 **5.30.010 Purpose.**

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

814 **5.30.020 Definitions.**

815 A. "Carnival" means a type of special event involving amusement rides or games to which members of the
816 public are invited.

817 B. "Circus" means a type of special event conducted by any organization whose general occupation is
818 that of exhibiting exotic animals, feats of horsemanship, animal stunts, and aerobatics, for admission to
819 which a fee is charged.

820 C. "Emergency response plan" means a plan detailing the expected actions of event management and/or
821 public safety agencies in the event or threat of an emergency.

822 D. "Fire marshal" means the city of Lynnwood ("Lynnwood") fire marshal or his/her designee.

823 E. "Market" means a single or reoccurring special event intended to facilitate the purchase and sale of
824 food, beverages, crafts, flowers, etc., produced, harvested, and/or manufactured by the vendor. Markets
825 consist of multiple vendors co-locating under the direction of a central entity responsible for promotion,
826 sanitation, permitting/licensing, utilities, and coordination with affected property owners, regulatory
827 agencies, and service providers. Reoccurring markets are typically conducted on a weekly or monthly
828 basis during one or more seasons per year.

829 F. "Parade" means a type of special event involving an organized procession or march of more than
830 twenty-five (25) persons or things that temporarily disrupts the general public's normal use of public
831 streets or sidewalks.

832 G. "Private" or "private event" means an event where persons are specifically and individually invited. It
833 does not include an event where tickets, invitations, or announcements are available to the public. Events
834 conducted entirely within a building are exempt from the need to obtain a permit under this section.

835 H. "Public" or "public event" means a special event open to the public, and includes an event where
836 tickets, invitations, or announcements are available to the public. Events conducted entirely within a
837 building are exempt from the need to obtain a permit under this section.

838 I. "Run" or "race" means a type of special event involving any race, contest or event, whether of a
839 competitive or a noncompetitive nature, involving a procession of persons, whether afoot or upon any
840 vehicle or device propelled by the human body, including but not limited to marathons, fun runs,
841 walkathons, and bicycle races.

842 J. "Security" means employees, or other hired personnel, dedicated to maintaining order and ensuring
843 compliance with the laws of the state of Washington and ordinances of Lynnwood.

844 K. "Site" has the same meaning as set forth in Chapter 21.02 LMC as now or hereafter amended, and in
845 addition in the case of undeveloped property, a land area under common ownership, whether the land
846 area is comprised of one lot, a combination of contiguous lots, or contiguous fractions of lots.

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

856 1. "Commercial special event" means an activity or occurrence sponsored and operated by one or
857 more businesses that is conducted primarily for the exchange of goods or services for financial
858 gain. Commercial special events typically occur upon private property. Examples of commercial
859 special events include parking lot sales and tent sales, promotional events, sidewalk sales, etc.

860 2. "Community special event" means an activity or occurrence sponsored and operated by one or
861 more nonprofit, or public, or business entities that is conducted primarily for the public's
862 entertainment, celebration, fundraising, education, or recreation. Community special events may
863 include the conducting of commerce, and typically involve the use of public parks and/or rights-of-
864 way. Examples of community special events include community fairs, parades, concerts free to the
865 general public, farmers' markets, runs or races, religious outreach events, etc.

866 3. "Expressive special event" means an activity or occurrence where the sole or principal purpose is
867 the expression, dissemination, or communication of political or religious opinion, views or ideas,
868 and for which no fee or donation is charged or required as a condition of participation or
869 attendance. Examples of expressive special events include: political rallies, marches, public
870 speeches, and political demonstrations. For purposes of this chapter, expressive activity does not
871 include sports events, including a run or race, fundraising events, or events conducted for the
872 principal purpose of entertainment.

873 M. "Tent" means temporary membrane structures and shelters such as pop-up canopies, sails, etc., as
874 defined in the current editions of the fire and building codes, as amended in LMC Title 9, and adopted by
875 the city.

876 **5.30.030 General provisions applicable to all special events.**

877 A. Permit Required. Any person desiring to conduct or operate a special event within Lynnwood shall first
878 obtain a special event permit from the city. It shall be unlawful for any person to sponsor or conduct an
879 event or activity requiring a special event permit without a valid special event permit. Penalties for
880 violation of the terms of this chapter shall be as specified by this chapter. The permits and any related
881 fees required under this chapter are separate from the license required under chapter 5.06 LMC.

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

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

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

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

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

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

900 1. Scheduled events utilizing reserved public park and recreation facilities, in accordance with the
901 intended use of the facility, and with park rules and policies.

902 2. A privately scheduled, non-reoccurring event upon private property in a residential zone with up
903 to 100 persons attending.

904 3. Funeral and wedding processions.

905 4. The temporary sale of seasonal goods when regulated by other statutes, such as Christmas tree
906 sales and peddling of farm produce.

907 5. Neighborhood block parties.

908 6. Expressive special events not needing a special event permit.

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

910 H. Signs.

911 1. With a special event permit application, applicants may request, and the director may authorize
912 the use of temporary on-site (on-premises) and off-site (off-premises) signs as allowed by this
913 chapter.

914 2. Special event signs shall not be detrimental to the public health, safety or welfare, nor injurious to
915 property or improvements in the vicinity of the sign. Signs shall not obstruct visibility for motorists
916 and pedestrians, nor impede access to buildings or property. The installation of signs upon public
917 property shall be subject to inspection by the building official and/or city engineer.

918 3. The applicant shall be responsible for installation, maintenance, and removal of all signs.

919 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.	–

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922 I. Duration and Frequency. Unless alternative times are authorized by the director, time limitations for
 923 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

924 J. An applicant may request, and the director may approve a special event permit for reoccurring special
 925 events of an identical nature to be conducted during a calendar year.

926 **5.30.040 Permits and administration.**

927 A. The director or the director's designee is authorized to prepare and maintain necessary application
 928 forms, and may issue written administrative policies and procedures as needed for the implementation of
 929 this chapter.

930 B. Applications for special events shall be submitted to the director or the director's designee a minimum
 931 of twenty-one (21) days prior to the event. The director shall have the authority to adjust this time
 932 requirement.

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

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

- 939 1. The name, address, and contact information for the individuals responsible for organization and
940 management of the event.
- 941 2. A full and complete description of the proposed special event.
- 942 3. The dates and times of the special event, the estimated number of persons expected to attend
943 per day and the number of persons expected to operate the activity on a daily basis. The dates and
944 times needed for set-up and removal of event facilities shall be specified.
- 945 4. The location of the principal place(s) of business of such person(s), firm(s) or corporation(s).
- 946 5. The name, addresses, and contact information for the owner(s) of the event property. Written
947 authorization of the owner(s) of the event property.
- 948 6. If any tents, canopies, inflatable objects or membrane structures are desired for use in
949 connection with the activity, an event site plan as described in subsection (D)(8) of this section shall
950 be provided, noting the number, size and location(s) desired thereof.
- 951 7. The number, type, location, size, manner of placement, materials and description of proposed
952 on-site and off-site signs.
- 953 8. A site plan of the special event, drawn to scale, indicating the location of permanent and
954 temporary structures, activity areas, on-site and off-site parking spaces to be used for the event,
955 parking for regular and concurrent land uses at the event site, surrounding streets and driveways,
956 property lines, fire lanes, fire hydrants, restrooms, building exits, and staging and support areas.
- 957 9. An estimate of parking demand generated by the event concurrent with regular, ongoing land
958 uses on site or vicinity.
- 959 10. Planned street closures, use of barricades, etc.
- 960 11. Provisions for appropriate infrastructure, including: restrooms; solid waste disposal and
961 removal; potable water; electric power; on-site first aid; and compliance with health district and
962 WSLCB regulations regarding food and beverages.
- 963 12. Live or recorded entertainment and/or the use of public address and/or amplified music.
- 964 13. Use of exterior lighting.
- 965 14. A security plan and emergency response plan.

966 15. A Lynnwood business license number when a business license is required by this title. If a
967 business license is required but has not yet been issued, a copy of the application for Lynnwood
968 business license.

969 16. Such other and further information as any city department processing the application deems
970 necessary in the interest of the public health, safety and welfare to enable it to review the
971 application.

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

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

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

981 H. Suspension and Revocation.

982 1. In instances that the event does not comply with the provisions of this chapter, the terms and
983 conditions of the approved permit, or other applicable law, the director may suspend or revoke an
984 approved special event permit with the issuance of written findings.

985 2. When necessary to prevent serious injury to persons, property or the public peace, health, safety
986 or welfare, the fire marshal, building official, director or chief of police or designee may suspend or
987 revoke an approved special event permit effective immediately. The city official shall deliver written
988 notice of suspension or revocation to the permit applicant/event manager.

989 **5.30.050 Permit decision.**

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

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

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

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

1000 3. Adequate parking is provided for the event and concurrent, regular activities on site or in the
1001 vicinity. Parking may be located on site, upon nearby streets, or off site through written agreement.

1002 4. Adequate and appropriate measures are planned to mitigate or prevent adverse impacts
1003 including, but not limited to:

1004 a. Traffic congestion.

1005 b. Insufficient supply of parking.

1006 c. Excessive or harmful fumes, odor, smoke, or other air emissions.

1007 d. Excessive or harmful noise, sound, or vibration.

1008 e. Excessive or harmful light, reflection, or glare.

1009 f. Unlawful activity or behavior by individuals or groups.

1010 g. Other conditions detrimental to the health, safety, and welfare of the public.

1011 5. Adequate and appropriate means of ensuring the safe movement, assemblage, and dispersion of
1012 people. Such measures may include the use of safety guardrails, fences, ropes, barricades, etc.

1013 6. Adequate and appropriate restroom facilities.

1014 C. As a condition of approval of a special event permit application, the director or the director's designee
1015 may require a monetary deposit in order to ensure cost recovery for city services necessitated by the
1016 special event. Examples of such city expenses include special staffing for public safety, inspections
1017 during nonbusiness hours, use of city-owned equipment or utilities, and administrative overhead. For
1018 unlawful special events conducted without permit approval, the city's authority to ensure cost recovery
1019 shall be identical to that provided herein.

1020 D. As a condition of approval of a special event permit application, the director shall require a monetary
1021 deposit in order to ensure the terms of the special event permit are satisfied, such as requirements for
1022 site restoration, solid waste collection and removal, and event security.

1023 E. As a condition of approval of a special event permit application, the director may require a certificate of
1024 comprehensive general liability insurance with coverage in the amount specified by the director or the
1025 director's designee, naming the city as an insured party, and naming each rider on such policy.

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Chapter 5.50 ADULT ENTERTAINMENT

1030 Sections:

1031 **5.50.010 Definitions.**

1032 **5.50.020 Application of other provisions.**

1033 **5.50.030 License required – Premises.**

1034 **5.50.040 License required – Managers and entertainers.**

1035 **5.50.050 Fees.**

1036 **5.50.060 Application for license – Premises.**

1037 **5.50.070 Application for license – Managers and entertainers.**

1038 **5.50.080 Applicant investigation.**

1039 **5.50.090 Application denial or approval – Notification.**

1040 **5.50.100 Employee conduct.**

1041 **5.50.105 Conduct prohibited.**

1042 **5.50.110 Premises requirements.**

1043 **5.50.120 Premises – Manager on premises required.**

1044 **5.50.130 Premises – Hours of operation.**

1045 **5.50.140 Premises – Age restrictions.**

1046 **5.50.150 Additional prohibitions.**

1047 **5.50.160 Exemptions.**

1048 **5.50.170 License – Posting and display.**

1049 **5.50.180 License – Unlawful to advertise without.**

1050 **5.50.190 Enforcement.**

1051 **5.50.200 Procedures for enforcement.**

1052 **5.50.010 Definitions.**

1053 For the purposes of this chapter and unless the context plainly requires otherwise, the following
1054 definitions are adopted:

1055 A. "Adult entertainment" means:

1056 1. An exhibition, performance or dance of any type conducted in a premises where such exhibition,
1057 performance or dance involves a person who is unclothed or in such costume, attire or clothing as
1058 to expose any portion of the female breast below the top of the areola or any portion of the pubic
1059 region, anus, buttocks, vulva or genitals, or wearing any device or covering exposed to view which
1060 simulates the appearance of any portion of the female breast below the top of the areola or any
1061 portion of the pubic region, anus, buttocks, vulva or genitals, or human made genitals in a
1062 discernibly turgid state, even if completely and opaquely covered; or

1063 2. Any exhibition, performance or dance of any type conducted in a premise where such exhibition,
1064 performance or dance is distinguished or characterized by a predominant emphasis on the
1065 depiction, description, simulation or relation to the following specified sexual activities:

1066 a. Human genitals in a state of sexual stimulation or arousal;

1067 b. Acts of human masturbation, sexual intercourse or sodomy; or

1068 c. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breast;
1069 or

1070 3. Any exhibition, performance or dance which is intended to sexually stimulate any member of the
1071 public and which is conducted on a regular basis or as a substantial part of the premises activity.
1072 This includes, but is not limited to, any such exhibition, performance or dance performed for,
1073 arranged with or engaged in with fewer than all members of the public on the premises at that time,
1074 whether separate consideration paid, either directly, or indirectly, for such performance, exhibition
1075 or dance and which is commonly referred to as table dancing, couch dancing, taxi dancing, lap
1076 dancing, private dancing or straddle dancing.

1077 B. "Adult entertainment premises" means any premises to which the public, patrons or members are
1078 invited or admitted and wherein an entertainer provides adult entertainment to a member of the public, a
1079 patron, or a member; but does not include that portion of an establishment licensed or required to be
1080 licensed as a "panorama" or "peep show" under the provisions of Chapter 5.62 LMC.

1081 C. "Employee" means any and all persons, including managers, entertainers and independent
1082 contractors, who work in or at or render any services directly related to, the operation of an adult
1083 entertainment premises.

1084 D. "Entertainer" means any person who on any occasion provides adult entertainment within an adult
1085 entertainment premises as defined in this section, whether or not a fee is charged or accepted for
1086 entertainment, or whether or not the entertainer is paid.

1087 E. "Entertainment" means any exhibition or dance of any type, pantomime, modeling or any other
1088 performance.

1089 F. "Manager" means any person who manages, directs, administers, or is in charge of the affairs and/or
1090 conduct of any portion of any activity involving adult entertainment occurring at any adult entertainment
1091 premises.

1092 G. "Operator" means any person operating, conducting or maintaining an adult entertainment business.

1093 H. "Public place" means any area generally visible to public view and includes streets, sidewalks,
1094 bridges, alleys, plazas, parks, driveways, parking lots, and automobiles whether moving or not.

1095 I. "Working days" means Monday through Friday, except holidays observed by the city of Lynnwood
1096 ("Lynnwood").

1097 **5.50.020 Application of other provisions.**

1098 The licenses provided for in this chapter are subject to the general provisions of the Lynnwood Municipal
1099 Code set forth in Chapter 5.04 LMC as now or hereafter amended. In the event of a conflict between the
1100 provisions of Chapter 5.04 LMC and this chapter, the provisions of this chapter shall control. The
1101 licenses required under this chapter are separate from the license required under Chapter 5.06 LMC.

1102 **5.50.030 License required – Premises.**

1103 A. It is unlawful for any person to operate or maintain an adult entertainment premises in Lynnwood
1104 unless the owner, operator or lessee thereof has obtained from the director or the director's designee a
1105 license to do so, to be designated an "adult entertainment premises license."

1106 B. It is unlawful for any entertainer, employee or manager to knowingly perform any service or
1107 entertainment directly related to the operation of an unlicensed adult entertainment premises.

1108 C. It is unlawful for any operator, manager, or employee of a licensed adult entertainment premises to
1109 knowingly permit any violation of this chapter.

1110 **5.50.040 License required – Managers and entertainers.**

1111 It shall be unlawful for any person on any occasion to work or perform as an entertainer or manager at an
1112 adult entertainment premises without having first obtained from the business license clerk a license to do
1113 so, to be designated an “adult entertainer’s license” or an “adult entertainment manager’s license,”
1114 respectively.

1115 **5.50.050 Fees.**

1116 The license year for all fees required under this chapter shall be for one (1) calendar year. All license fees
1117 shall be payable on an annual basis as shown in Chapter 3.104 LMC for the following:

1118 A. Adult entertainment premises license;

1119 B. Adult entertainer’s license;

1120 C. Adult entertainment manager’s license.

1121 **5.50.060 Application for license – Premises.**

1122 All applications for an adult entertainment premises license shall be submitted in the name of the person
1123 proposing to conduct such adult entertainment on the premises and shall be signed by such person and
1124 notarized or certified as true under penalty of perjury. All applications shall be submitted on a form
1125 supplied by the business license clerk, and shall require the following information:

1126 A. The name, residence address, home telephone number, date and place of birth, and social security
1127 number of the applicant;

1128 B. The business name, address and telephone number of the establishment;

1129 C. The names, residence addresses, residence telephone numbers, social security numbers and dates of
1130 births of any partners, corporate officers and directors;

1131 D. Addresses of the applicant for the five (5) years immediately prior to the date of application;

1132 E. A description of the adult entertainment or similar business history of the applicant; whether such
1133 person or entity, in previously operating in this or another city, county or state, has had a business license
1134 revoked or suspended, the reason therefor, and the activity or occupation subjected to such action,
1135 suspension or revocation;

1136 F. A description of the business, occupation, or employment of the applicant for the three (3) years
1137 immediately preceding the date of application;

- 1138 G. Copies of any ownership documents, sale or purchase documents, or lease documents pertaining to
1139 the premises sufficient to allow the city to identify anyone with a property interest in the premises;
- 1140 H. Authorization for the city, its agents and employees to seek information to confirm any statements set
1141 forth in the application; and
- 1142 I. A failure to provide information required by this section will constitute an incomplete application and will
1143 not be processed.

1144 **5.50.070 Application for license – Managers and entertainers.**

1145 All applications for an adult entertainment manager's license or adult entertainer's license shall be signed
1146 by the applicant and notarized or certified as true under penalty of perjury. All applications shall be
1147 submitted on a form supplied by the business license clerk, and shall require the following information:

1148 A. The applicant's name, home address, home telephone number, date and place of birth, social security
1149 number and any stage names or nicknames used in entertaining;

1150 B. The name and address of each business at which the applicant intends to work as a manager or
1151 entertainer;

1152 C. The applicant shall present documentation that he or she has attained the age of eighteen (18) years.
1153 Any of the following shall be accepted as documentation of age:

1154 1. A motor vehicle operator's license issued by any state bearing the applicant's photograph and
1155 date of birth;

1156 2. A state-issued identification card bearing the applicant's photograph and date of birth;

1157 3. An official passport issued by the United States of America;

1158 4. An immigration card issued by the United States of America; or

1159 5. Any other picture identification issued by a governmental entity;

1160 D. The applicant shall provide two (2) two-inch-by-two-inch, black-and-white photographs of the applicant,
1161 taken within six (6) months of the date of the application, showing only the full face of such applicants.

1162 The two (2) two-inch-by-two-inch, black-and-white photographs shall be provided at the applicant's
1163 expense. The license, when issued, shall have affixed to it such photograph of the applicant; and

1164 E. Failure to provide information required by this section will constitute an incomplete application and will
1165 not be processed.

1166 **5.50.080 Applicant investigation.**

1167 Upon filing of an application for a license required by this chapter, the business license clerk shall forward
1168 copies to the police department, the director, the building official and the fire chief, and within thirty (30)
1169 days of the date of the application:

1170 A. The police department shall investigate the statements set forth in the application and report to the
1171 business license clerk whether or not the information received by the police department confirms the
1172 information in the application; provided, that in the event of an application for an adult entertainer's
1173 license or an adult entertainment manager's license, such investigation shall be complete within three (3)
1174 working days of the date of the application.

1175 B. The director shall inspect the proposed establishment and report to the business license clerk whether
1176 the location of the proposed establishment is in conformity with the regulations of the zoning code.

1177 C. The building official shall inspect the proposed establishment and report to the business license clerk
1178 whether it complies with the regulations of the building code.

1179 D. The fire chief will examine the proposed establishment and report to the business license clerk
1180 whether it complies with the regulations of the fire prevention code.

1181 **5.50.090 Application denial or approval – Notification.**

1182 A. After an investigation, the director shall, within seven (7) working days, but in no event more than
1183 thirty-seven (37) days from the date of the application, issue the applicable license or licenses for adult
1184 entertainment premises authorized by this chapter if the director finds that:

1185 1. The business for which a license is required herein will be conducted in a building, structure and
1186 location which complies with the requirements and meets the standards of the applicable health,
1187 zoning, building, fire and safety laws of the city, as well as the requirements of this chapter;

1188 2. The applicant, his or her employee, agent, partner, director, officer or manager has not knowingly
1189 made any false, misleading or fraudulent statement of material fact in the application for a license,
1190 or in any report or record required to be filed with the city; and

1191 3. The applicant and all employees, agents, partners, directors, officers or managers of the
1192 applicant have attained the age of eighteen (18) years.

1193 B. The director shall, within three (3) working days after the date of an application for an adult
1194 entertainment manager's license or an adult entertainer's license, issue the applicable license or licenses
1195 authorized by this chapter, if the director finds that:

1196 1. The applicant has not knowingly made any false, misleading or fraudulent statement of material
1197 fact in the application for a license, or in any report or record required to be filed with the city; and

1198 2. The applicant has attained the age of eighteen (18) years.

1199 C. Upon denial of any applicable license authorized by this chapter, the applicant has the right of appeal
1200 to the hearing examiner as set forth in Chapter 5.04 LMC.

1201 **5.50.100 Employee conduct.**

1202 The following standards of conduct upon the premises must be adhered to by employees of any adult
1203 entertainment premises:

1204 A. 1. No employee or entertainer shall be unclothed or in such less than opaque and complete attire,
1205 costume or clothing so as to expose to view any portion of the breast below the top of the areola or any
1206 portion of the pubic region, anus, buttocks, vulva or genitals, except upon a stage at least 18 inches
1207 above the immediate floor level and removed at least six feet from the nearest patron.

1208 2. All adult entertainment shall occur upon a stage at least eighteen (18) inches above the
1209 immediate floor level and be removed at least six (6) feet from the nearest patron.

1210 B. Except as provided in subsection (A) of this section and LMC 5.50.160, no employee or entertainer
1211 shall perform acts of or acts which simulate:

1212 1. Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual
1213 acts which are prohibited by law;

1214 2. The touching, caressing or fondling of the breasts, buttocks or genitals; or

1215 3. The displaying of the pubic region, anus, vulva or genitals.

1216 C. No employee or entertainer mingling with the patrons shall be unclothed or in less than opaque and
1217 complete attire, costume or clothing as described in subsection (A)(1) of this section.

1218 D. No employee or entertainer shall knowingly permit any person upon the premises to touch, caress or
1219 fondle the breasts, buttocks, anus or genitals of any other person.

1220 E. No employee or entertainer shall touch, caress or fondle the breasts, buttocks, anus or genitals of any
1221 other person.

1222 F. No employee or entertainer shall wear or use any device or covering exposed to view which simulates
1223 the breast below the top of the areola, vulva or genitals, anus, buttocks, or any portion of the pubic region.

1224 G. No employee or entertainer shall use artificial devices or inanimate objects to depict any of the
1225 prohibited activities described in this section.

1226 H. No entertainer of any adult entertainment premises shall be visible from any public place during the
1227 hours of his or her employment, or apparent hours of his or her employment, on the premises.

1228 I. No entertainer shall solicit, demand or receive any payment or gratuity from any patron for any act
1229 prohibited by this chapter.

1230 J. No entertainer or manager shall solicit, demand, accept, or receive directly or indirectly any gratuity or
1231 other payment or consideration from a patron, customer, or member of the public. Only the listed and
1232 specified fixed fee or charge shall be charged for specified entertainment.

1233 **5.50.105 Conduct prohibited.**

1234 A. It is unlawful for any patron or customer to enter upon any stage during any time an entertainer is
1235 performing.

1236 B. It is unlawful for any patron or customer, or member of the public to hand, pay, or give any gratuity or
1237 other payment or consideration to an entertainer or manager.

1238 C. Violation of this section is a misdemeanor.

1239 **5.50.110 Premises requirements.**

1240 At any adult entertainment premises, the following are required:

1241 A. Neither the performance nor any photograph, drawing, sketch or other pictorial or graphic
1242 representation thereof displaying any portion of the breasts below the top of the areola or any portion of
1243 the pubic hair, buttocks, genitals and/or anus may be visible outside of the adult entertainment premises.

1244 B. Sufficient lighting shall be provided and equally distributed in and about the parts of the premises
1245 which are open to and used by the public so that all objects are plainly visible at all times so that on any
1246 part of the premises which are open to and used by the public, a program, menu, or list printed in eight-
1247 point type will be readable.

1248 C. A sign not less than two-feet-by-two-feet, with bold face print not less than 24-point, shall be
1249 conspicuously displayed in the common area of the premises, visible from the main entry, and shall read
1250 as follows:

1251 This adult entertainment establishment is regulated by the City of Lynnwood.

1252 Entertainers are:

1253 1. Not permitted to engage in any type of sexual conduct;

1254 2. Not permitted to be unclothed or in such less than opaque and complete attire,
1255 costume or clothing so as to expose to view any portion of the breasts below the top of the
1256 areola, any portion of the pubic region, buttocks, genitals or vulva and/or anus except upon
1257 a stage at least 18 inches from the immediate floor level and removed at least six feet from
1258 the nearest patron; and

1259 3. Not permitted to solicit, demand, receive, accept, or collect any gratuity or
1260 payment directly or indirectly from a patron, customer, or member of the public.

1261 D. The entire interior portion of the premises wherein adult entertainment is provided shall be visible from
1262 all common areas of the premises. Visibility shall not be blocked or obscured by doors, curtains, drapes,
1263 or any other obstruction.

1264 E. There shall be posted and conspicuously displayed in the common areas of each place offering adult
1265 entertainment a list of any and all entertainment provided on the premises. Such lists shall further indicate
1266 the specific fixed fee or a specific fixed charge in dollar amounts for each entertainment listed.

1267 **5.50.120 Premises – Manager on premises required.**

1268 A. A licensed manager shall be on duty at an adult entertainment premises at all times adult
1269 entertainment is being provided. The name of the manager on duty shall be prominently posted during
1270 business hours.

1271 B. It shall be the responsibility of the manager to verify that any person who provides adult entertainment
1272 within the premises possesses a current and valid entertainer's license posted in the manner required by
1273 this chapter.

1274 **5.50.130 Premises – Hours of operation.**

1275 It is unlawful for any business or operation licensed as an adult entertainment premises to remain open to
1276 the public, or to conduct or operate business, whether for adult entertainment or otherwise, between the
1277 hours of 2:00 a.m. and 10:00 a.m.

1278 **5.50.140 Premises – Age restrictions.**

1279 A. It is unlawful for any person under the age of eighteen (18) years to be in or upon any premises for
1280 which an adult entertainment premises license is required.

1281 B. It is unlawful for any owner, operator, manager, or other person in charge of a premises for which an
1282 adult entertainment premises license is required, to knowingly permit or allow any person under the age
1283 of eighteen (18) years to be in or upon such premises.

1284 **5.50.150 Additional prohibitions.**

1285 A. No person shall touch, caress or fondle the breasts, buttocks, anus or genitals of any employee,
1286 entertainer or manager while on the adult entertainment premises.

1287 B. Liquor, as now defined by Chapter 66.04 RCW, or as hereafter amended, shall not be distributed or
1288 consumed by any person on the premises unless the premises are licensed to serve the same by the
1289 Washington State Liquor Control Board.

1290 C. Controlled substances as now defined by Chapter 69.50 RCW, or as hereafter amended, shall not be
1291 distributed or consumed by any person on the premises unless in accordance with a valid prescription
1292 issued by a practitioner licensed by the state of Washington.

1293 D. It shall be unlawful for any person on any occasion to conduct or perform any adult entertainment for
1294 any compensation or gratuity of any kind whatsoever, whether direct or indirect, except in a licensed adult
1295 entertainment premises.

1296 **5.50.160 Exemptions.**

1297 A. This chapter shall not be construed to prohibit:

1298 1. Plays, operas, musicals, or other dramatic works that are not obscene;

1299 2. Classes, seminars and lectures held for serious scientific or educational purposes that are not
1300 obscene;

1301 3. Exhibitions, performances, expressions or dances that are not obscene; or

1302 4. Athletic games or contests traditionally conducted so as to expose to view any portion of the
1303 male breast below the top of the areola (e.g., boxing or wrestling matches).

1304 B. For purposes of this chapter, an activity is "obscene" if:

- 1305 1. Taken as a whole by an average person applying contemporary community standards the activity
1306 appeals to a prurient interest in sex;
- 1307 2. The activity depicts patently offensive representations, as measured against community
1308 standards, of:
- 1309 a. Ultimate sexual acts, normal or perverted, actual or simulated; or
- 1310 b. Masturbation, fellation, cunnilingus, bestiality, excretory functions, or lewd exhibition of the
1311 genitals or genital area; or violent or destructive sexual acts, including but not limited to human
1312 or animal mutilation, dismemberment, rape or torture; and
- 1313 3. The activity taken as a whole lacks serious literary, artistic, political or scientific value.

1314 **5.50.170 License – Posting and display.**

1315 A. Every adult entertainer shall post his or her license in his or her work area, so it is readily available for
1316 inspection by city authorities responsible for enforcement of this chapter.

1317 B. Every person, corporation, partnership or association licensed under this chapter as an adult
1318 entertainment premises or adult entertainment manager shall post such license in a conspicuous place
1319 and manner on the licensed premises.

1320 **5.50.180 License – Unlawful to advertise without.**

1321 It is unlawful to advertise the services of any establishment or employee as herein defined not licensed
1322 according to the provisions of this chapter.

1323 **5.50.190 Enforcement.**

1324 A. Any violation of the provisions of this chapter as now or hereafter amended shall be a gross
1325 misdemeanor, and shall be subject to a fine not to exceed \$5,000, or imprisonment for a term not to
1326 exceed one (1) year, or both such fine and imprisonment. Each day such violation continues shall be
1327 considered an additional and separate offense.

1328 B. Notwithstanding any other provisions of this chapter, any violation of this chapter as now or hereafter
1329 amended by an operator, manager, employee or entertainer shall be subject to license suspension or
1330 revocation as follows:

1331 1. Suspension. The director shall suspend the license of any person licensed as an operator,
1332 manager or entertainer for a period of fifteen (15) days upon determination by the director of a first
1333 violation of this chapter by the licensee.

1334 2. Suspension. The director shall suspend the license of any person licensed as an operator,
1335 manager or entertainer for a period of forty-five (45) days upon determination by the director of a
1336 second violation of this chapter by the licensee.

1337 3. Revocation. The director shall revoke the license of any person licensed as an operator,
1338 manager or entertainer upon determination by the director of a third violation of this chapter within
1339 three (3) years. The period of revocation shall be two years.

1340 **5.50.200 Procedures for enforcement.**

1341 A. Whenever the director determines that any violation of this chapter has occurred, the director or
1342 director's designee shall issue a notice of violation and suspension or revocation ("notice") to the
1343 licensee.

1344 B. The notice shall be sent to the licensee by certified and regular mail. The written decision shall specify
1345 the basis for the director's determination along with the name of the person involved, dates and
1346 description of violation of this chapter, description of action proposed to be taken by the city, the effective
1347 date of the revocation or suspension and the procedures for appeal of the director's determination as
1348 stated in subsection (C) of this section.

1349 C. The decision of the director may be appealed by filing a written appeal with the community
1350 development department. The appeal must be filed within ten (10) business days of the director's
1351 decision, include the appeal fee specified by Chapter 3.104 LMC, and state the factual grounds for the
1352 appeal. The hearing examiner shall set a date for the appeal hearing. The city shall notify the parties of
1353 record by mail of the time and place of the hearing, which shall be conducted as specified by LMC
1354 1.35.200 et seq., Chapter 2.22 LMC and the rules for hearings adopted pursuant to LMC 2.22.080. Upon
1355 the filing of a timely appeal, the director's decision to revoke or suspend the business license shall be
1356 stayed pending a final decision by the hearing examiner on the appeal.

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**Chapter 5.53
PRACTICE OF MASSAGE**

1361 Sections:

1362 **5.53.010 Definitions.**

1363 **5.53.020 Massage practitioner's premises.**

1364 **5.53.030 Exemptions.**

1365 **5.53.040 Repealed.**

1366 **5.53.050 Repealed.**

1367 **5.53.055 Business license required.**

1368 **5.53.060 Proof of state licensing required.**

1369 **5.53.010 Definitions.**

1370 A. For the purpose of this chapter, the following terms, words and phrases shall have the following
1371 meanings:

1372 1. "Massage," "massage treatment" or "massage therapy" means the external manipulation or
1373 pressure of soft tissue of the body of another including, but not limited to, rubbing, kneading, hitting
1374 or any other manipulation whether manually or by the use of equipment, machinery, or appliances,
1375 with or without the aids of superficial heat, cold, water, lubricants or salts. Massage does not
1376 include diagnosis or attempts to adjust or manipulate any articulations of the body or spine or
1377 mobilization of these articulations by the use of a thrusting force.

1378 2. "Massage practitioner" means any person giving massages or massage treatments.

1379 3. "Person" means any individual, firm, partnership, association, corporation, company or
1380 organization of any kind.

1381 4. "Authorized health care practitioner" has the same meaning as set forth in RCW 18.74.010(7),
1382 i.e., a physician, osteopathic physician, chiropractor, naturopath, podiatrist or dentist licensed by
1383 the state of Washington; provided, that massage treatments are within the scope of his state
1384 license.

1385 B. All references herein in the masculine gender shall include the feminine gender, and the feminine the
1386 masculine. All references to the singular shall include the plural, and the plural the singular.

1387 **5.53.020 Massage practitioner's premises.**

1388 It shall be unlawful for any person to practice massage unless:

1389 A. The massage is given on the licensee's business premises or on premises which are exempt from the
1390 provisions of this chapter.

1391 **5.53.030 Exemptions.**

1392 The provisions of this chapter shall not apply to:

1393 A. Authorized health care practitioners or their employees;

- 1394 B. Massages given in a private residence when no fee, compensation, or any other consideration is
1395 charged or paid, directly or indirectly, for such services;
- 1396 C. Massage treatments given in a private residence by a massage practitioner who is administering such
1397 treatments pursuant to a written prescription from an authorized health care practitioner;
- 1398 D. Athletic coaches or trainers giving massages while affiliated with public or private educational
1399 institutions or athletic organizations;
- 1400 E. Students enrolled in schools of massage performing therein such practices of massage as are
1401 incidental to their course of study;
- 1402 F. Massage treatments given in any licensed hospital, licensed nursing or convalescent home; or
- 1403 G. Licensed beauty operators and barbers who perform only such acts of massage as are customarily
1404 given in beauty salons and barber shops for purposes of beautification only.

1405 **5.53.040 Fees.**

1406 *Repealed by Ord. 2696.*

1407 **5.53.050 Application for and renewal of massage practitioner's license.**

1408 *Repealed by Ord. 2696.*

1409 **5.53.055 Business license required.**

1410 It shall be unlawful for any massage practitioner to engage in business in the city of Lynnwood
1411 ("Lynnwood") without securing and holding a valid business license issued by the business license clerk
1412 pursuant to the business licensing procedures set forth in Chapter 5.04 LMC and this chapter.

1413 **5.53.060 Proof of state licensing required.**

1414 Before issuing a business license to a massage practitioner, the director or the director's designee shall
1415 require satisfactory proof that such company or agency possesses a valid state license issued pursuant
1416 to Chapter 18.108 RCW, as now existing or hereafter amended, revised, re-codified, or re-enacted.
1417 Revocation or suspension of the state license shall constitute grounds for revocation or suspension of the
1418 licensee's Lynnwood business license.

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Chapter 5.55
DAY SPAS

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1423 Sections:

- 1424 **5.55.010** Definitions.
- 1425 **5.55.020** Exemptions.
- 1426 **5.55.030** Public body scrub facility license and insurance required.
- 1427 **5.55.031** License for body scrub managers.
- 1428 **5.55.032** License for body scrub attendants.
- 1429 **5.55.035** Business registration.
- 1430 **5.55.040** Fees.
- 1431 **5.55.050** Public body scrub facility license application and renewal.
- 1432 **5.55.070** Attending a patron undergoing a body scrub as treatment – Prohibitions.
- 1433 **5.55.080** Director to issue license.
- 1434 **5.55.085** Standards for denial of application for license.
- 1435 **5.55.090** Liquor, controlled substances – Prohibited – Exceptions.
- 1436 **5.55.100** Hours.
- 1437 **5.55.115** Standards of conduct/operation.
- 1438 **5.55.160** Unlawful to permit violations.
- 1439 **5.55.180** Unlawful to advertise without license.
- 1440 **5.55.190** Suspension and/or revocation of license.
- 1441 **5.55.200** *Repealed.*
- 1442 **5.55.210** Term of license.

1443 **5.55.010** Definitions.

1444 A. For the purpose of this chapter, the following terms, words and phrases shall have the following
1445 meanings:

1446 1. "Authorized health care practitioner" has the same meaning as set forth in RCW 18.74.010(7) as
1447 now existing or hereafter amended; provided, that the administration of bath treatments is within the
1448 scope of such person's state license.

1449 2. "Body scrub(s)" shall include, but is not limited to, a personal service involving washing,
1450 scrubbing, exfoliating or in any other manner coming into substantial personal contact with a
1451 client/customer.

1452 3. "Body scrub attendant" means any person who administers or performs services to patrons of a
1453 public body scrub or who supervises the work of such persons. The term does not include a person
1454 who performs only custodial or janitorial work.

1455 4. "Day spa" means any place not exempted from the provisions of this chapter where body scrubs
1456 or facilities for body scrubs of any kind whatsoever are given or furnished.

1457 5. "Genitals" means the genitals, pubic area, anus or perineum of any person, or the vulva or
1458 breasts of a female.

1459 6. "Manager" means any person who manages, directs, administers, or is in charge of, the affairs
1460 and/or conduct of any portion of any activity involving public body scrubs occurring at any place
1461 offering such services.

1462 7. "Public body scrub facility" shall include all facilities where body scrubs are provided.

1463 B. All references herein to the masculine gender shall include the feminine, and the feminine the
1464 masculine; all references to the singular shall include the plural, and the plural the singular

1465 **5.55.020 Exemptions.**

1466 The provisions of this chapter shall not apply to:

1467 A. Body scrubs given in any licensed:

1468 1. Hospital, nursing or convalescent home; or

1469 2. Business establishment of an authorized health care practitioner;

1470 B. Ordinary tub or shower baths where an attendant is not required;

1471 C. Body scrubs given or furnished on the premises of a single- or multiple-family residence when:

1472 1. No fee or other consideration is charged; and

1473 2. Such body scrubs are given by a licensed nurse, physical therapist, or occupational therapist
1474 who is giving a bath treatment pursuant to a written prescription from an authorized health care
1475 practitioner; or

1476 D. Facilities for body scrubs furnished as an incidental part of:

- 1477 1. The operation of a hotel or lodging house. For purposes of this section, "hotel" means and
1478 includes hotels, motels, rooming houses, lodging houses, apartments, or any other space, building
1479 or buildings used for human habitation containing more than three rooms intended or designed to
1480 be used or which may be used for sleeping or living quarters by tourists, temporary guests, or any
1481 person or persons, which are rented, hired out, or leased for compensation as a business;
- 1482 2. A municipal recreation center; or
- 1483 3. A private social or athletic club not open to the public generally.

1484 **5.55.030 Public body scrub facility license and insurance required.**

1485 It shall be unlawful to conduct, operate, or maintain a public body scrub facility unless such establishment
1486 is licensed as herein provided and is covered by a liability insurance policy in a minimum amount of
1487 \$300,000. The licensee shall notify the director in writing of any cancellation of said insurance policy
1488 within three (3) days of receiving notice that the required policy has been canceled. Failure to so notify
1489 the director shall be grounds for license suspension or revocation.

1490 **5.55.031 License for body scrub managers.**

1491 It is unlawful for any person to manage a public body scrub facility without first applying and receiving
1492 from the city of Lynnwood ("Lynnwood") a body scrub facility manager license.

1493 **5.55.032 License for body scrub attendants.**

1494 It is unlawful for any person to be a body scrub attendant without first applying and receiving from
1495 Lynnwood a body scrub attendant license.

1496 **5.55.035 Business registration.**

1497 Unless otherwise specified, the general business registration provisions contained in Chapter 5.04 LMC
1498 shall apply to this chapter, in addition to the provisions hereof.

1499 **5.55.040 Fees.**

1500 The fee for a public body scrub facility license shall be as shown in Chapter 3.104 LMC. Upon initial
1501 application for a public body scrub facility license, the applicant and employees overseeing and attending
1502 to the body scrubs shall also pay a nonrefundable investigation fee. The initial investigation will include
1503 fingerprinting conducted by the Lynnwood police department. Annual license renewal fee for the applicant
1504 and employees overseeing and attending to the body scrubs will be as shown in Chapter 3.104 LMC
1505 which provides for an investigation in accordance with the procedures of the city and Lynnwood police
1506 department.

1507 **5.55.050 Public body scrub facility license application and renewal.**

1508 A. Public Body Scrub Business. All applications for a public body scrub business license or license
1509 renewal shall be submitted in the name of the person or entity proposing to conduct body scrubs as
1510 defined herein on the business premises, shall be signed by such person or his or her legally authorized
1511 agent, and notarized or certified as true under penalty of perjury. All applications shall be submitted on a
1512 form supplied by the director or designee. Such application shall contain the following information:

1513 1. The true name, residence address, residence telephone number, date and place of birth, driver's
1514 license number and tax identification number if the applicant is a corporation or other entity;

1515 2. The business name, business address, and telephone number of the establishment;

1516 3. The names, addresses, telephone numbers of any partners, corporate officers, or shareholders
1517 who own 10 percent (10%) or more of the business, or other persons who have a substantial
1518 interest or management responsibilities in connection with the business, specifying the interest or
1519 management responsibility of each. For the purpose of this subsection, "substantial interest" shall
1520 mean ownership of 10 percent (10%) or more of the business, or any other kind of contribution to
1521 the business of the same or greater size;

1522 4. Two (2) two-inch-by-two-inch black and white photographs of the applicant, or if a partnership or
1523 corporation, of the party signing the application, taken within six (6) months of the date of the
1524 application, showing only the full face of such applicant. Such photographs shall be provided at the
1525 applicant's expense. The license, when issued, shall have affixed to it one of such photographs.
1526 Such license shall be posted and displayed at all times in a conspicuous place in the establishment
1527 where the license is enjoyed and it shall not be tampered with in any manner;

1528 5. The applicant, or if the applicant is a partnership or corporation, the party signing the application,
1529 shall also submit to fingerprinting by the Lynnwood police department and such fingerprints shall be
1530 retained in the Lynnwood police department application file, a copy of which shall be forwarded to
1531 the Federal Bureau of Investigation Identification Bureau;

1532 6. All assumed names or aliases which have been or are being used by any person whose name
1533 appears on the application; and

1534 7. Proof of liability insurance coverage in the minimum amount required by this chapter. Failure to
1535 provide such proof shall constitute an incomplete application and shall not be processed.

1536 8. The licenses required under this chapter are separate from the licenses required under Chapter
1537 5.06 LMC.

1538 B. Body Scrub Manager and Attendant. All applications for a manager or attendant's license or license
1539 renewal shall be signed by the applicant and notarized or certified to be true under penalty of perjury. All
1540 applications shall be submitted on a form supplied by the director or designee. Such application shall
1541 contain, at a minimum, the following information:

1542 1. The applicant's name, residence address, residence telephone number, date and place of birth
1543 and driver's license number;

1544 2. A letter dated no more than thirty (30) days prior to the submission of the application, from the
1545 owner of the business indicating intent to employ the applicant on a specified date;

1546 3. Written proof that the applicant is eighteen (18) years of age or older. Written proof shall mean
1547 the following:

1548 a. A current motor vehicle operator's license by any state bearing the applicant's photograph
1549 and date of birth; or

1550 b. A valid identification card issued by the state of Washington which bears the applicant's
1551 photograph and date of birth; or

1552 c. A current passport;

1553 4. The mailing address and street address of all places within Lynnwood at which the body scrub
1554 manager or attendant will provide services. The body scrub manager or attendant shall notify the
1555 director or designee, in writing, of any changes in, or additions to, the locations of such services
1556 within fourteen (14) days of any such change or addition.

1557 C. Background Checks. All applications submitted pursuant to this chapter will be subject to a background
1558 check in accordance with the procedures of the city and Lynnwood police department.

1559 **5.55.070 Attending a patron undergoing a body scrub as treatment – Prohibitions.**

1560 It is unlawful for any person other than an authorized health care practitioner or a person licensed by
1561 Lynnwood as a body scrub manager or attendant to administer to or perform services for a patron of a
1562 public body scrub facility. It is unlawful for the owner, agent, manager, or person in charge of a public
1563 body scrub facility to permit any other persons to attend a patron while a patron is obtaining the services
1564 of a body scrub facility.

1565 **5.55.080 Director to issue license.**

1566 If, from the information supplied to the director, it appears that the application and the premises are fit and
1567 proper, that the statements contained in the application are true, and that the applicant has complied with
1568 all the requirements of the Lynnwood Municipal Code, the director shall issue a public body scrub license
1569 to the applicant, otherwise the application shall be denied pursuant to the provisions of this chapter and
1570 LMC 5.04.030.

1571 **5.55.085 Standards for denial of application for license.**

1572 A. Public Body Scrub License. The director or designee may deny any public body scrub license request
1573 if he determines that the proposed business does not fully comply with applicable federal, state and/or
1574 local laws, ordinances or regulations, including but not limited to building, fire, police, public works, zoning
1575 and land use codes and health codes. The director or designee may further deny any public body scrub
1576 license request if he determines that the applicant has:

1577 1. Made any material misstatement in the application for a license; or

1578 2. Proposed a place of business or operates a business which fails to comply with all applicable
1579 requirements of the code including without limitation the zoning, building, health and fire codes and
1580 all other applicable local, state, or federal laws, rules and regulations; or

1581 3. Had any convictions which have a direct connection with the licensed activity including, but not
1582 limited to, theft, prostitution, promoting or permitting prostitution, sexual offenses, consumer fraud,
1583 massage practitioner, massage manager and/or public bathhouse manager/attendant violation or
1584 obscenity, within five years prior to the date of application; or

1585 4. Had a body scrub or similar license denied, revoked or suspended by the city, or any other
1586 jurisdiction within five (5) years prior to the date of such application.

1587 B. Body Scrub Manager/Attendant License. The director or designee may deny any body scrub attendant
1588 license applied for under the provisions of this chapter if the director or designee determines that the
1589 applicant has:

1590 1. Made any material misstatement in the application for a license; or

1591 2. Not complied with the operating requirements set out in LMC 5.55.115 or any other requirements
1592 of this chapter; or

1593 3. Had any convictions which have a direct connection with the licensed activity including, but not
1594 limited to, theft, prostitution, sexual offenses, consumer fraud, massage practitioner, massage
1595 manager and/or body scrub manager/attendant violation, or obscenity, within five (5) years prior to
1596 the date of application; or

1597 4. Had a body scrub manager or attendant or similar license denied, revoked or suspended by the
1598 city or any other jurisdiction within five (5) years prior to the date of such application.

1599 **5.55.090 Liquor, controlled substances – Prohibited – Exceptions.**

1600 A. Liquor, as that term is defined by the Washington State Alcoholic Beverage Control Act, shall not be
1601 distributed or consumed on any premises under regulation by this chapter, unless the premises are
1602 licensed to serve the same by the Washington State Liquor Control Board.

1603 B. Controlled substances, as defined by the Washington State Uniform Controlled Substances Act, shall
1604 not be distributed or consumed on any premises under regulation by this chapter.

1605 **5.55.100 Hours.**

1606 All public body scrub facilities shall be closed, and all services performed therein discontinued, between
1607 the hours of 12:00 midnight and 8:00 a.m.

1608 **5.55.115 Standards of conduct/operation.**

1609 A. Owner/Manager Requirements. The following standards of conduct and operation shall be adhered to
1610 by the owner, proprietor, manager, attendant, or person in charge of any public body scrub facility:

1611 1. Any person who is employed to be a body scrub attendant must be at least eighteen (18) years
1612 of age.

1613 2. Public body scrub facility must have a manager on the premises at all times during the hours of
1614 business, and/or during the presence of patrons.

1615 3. Any person who is employed by a public body scrub facility must present documentation that he
1616 or she has attained the age of eighteen (18) years when an inspection pursuant to this chapter is
1617 conducted. Proper documentation shall be described in LMC 5.55.050.

1618 4. Provide that all doors in such premises, excluding doors in the office and storage rooms, unless
1619 such doors provide access to service areas, are so equipped that they may not be fastened shut so
1620 as to prevent reasonable access by such authorities who announce their authority to enter prior to
1621 inspection.

1622 B. All Licensees. The following standards of conduct and operation shall be adhered to by all licensees:

1623 1. All licensees shall comply with all applicable federal, state and local laws, including all safety and
1624 sanitation requirements and the city's building, fire, and zoning codes;

1625 2. All licensees shall allow any police officer, fire official, building official, the director or designee, or
1626 the representative for the Snohomish County health department entry to the premises during the
1627 hours the public bathhouse is open for business, upon presentation of proper identification, for
1628 purposes of inspecting the premises;

1629 3. Maintain business receipts showing the date of service(s) given, the type of service(s) rendered
1630 and the name and city license number of the employee rendering the service(s). The business
1631 receipts shall be retained for a period of three (3) years after the date of service(s), and shall be
1632 open to inspection on the licensee's premises by officers of Lynnwood during business hours, for
1633 the purpose of ascertaining compliance with the provisions of this section;

1634 4. Post in a prominent place a list of all services offered with a brief description of what the service
1635 entails along with the costs of such service(s). All business transactions with the customers must be
1636 conducted in accordance with said posted list; and

1637 5. Not distribute or consume any alcoholic beverages and/or controlled substances on licensed
1638 premises.

1639 C. Minors. It shall be unlawful for the owner, manager, body scrub attendant or any employee or agent to
1640 admit anyone under the age of eighteen (18) years and permit them to remain in or about such premises,
1641 unless such person under the age of eighteen (18) years is accompanied by his or her parent or legal
1642 guardian.

1643 D. Employees. It shall be unlawful for the owner, agent, manager or person in charge of this facility
1644 regulated by this chapter to have employees under the age of eighteen (18) years.

1645 E. Prohibited Activities. It shall be unlawful for any owner, proprietor, manager, employee or agent of any
1646 facility to intentionally touch or manipulate the genitals of a customer in any manner, and such activity
1647 shall be grounds for revocation of the business license, as well as the employee license, whether the
1648 owner knew of or encouraged the act, or whether the customer requested or acquiesced in the act.

1649 F. Dress Regulations. It shall be unlawful for any public body scrub facility owner, manager, attendant or
1650 any employee or agent to disrobe or to be partially disrobed in the presence of another.

1651 G. Supervision/Inspection. The owner or manager shall have the premises supervised at all times when
1652 open for business. Rooms and stalls used for the purpose of body scrubs or where an attendant is
1653 provided or present shall be constructed in such a manner as to permit inspection.

1654 **5.55.160 Unlawful to permit violations.**

1655 It is unlawful for the owner, proprietor, agent, manager or person in charge to knowingly permit or allow
1656 any person to violate any sentence, section or clause of this chapter while said person is upon the
1657 premises licensed hereunder.

1658 **5.55.180 Unlawful to advertise without license.**

1659 It is unlawful to advertise any establishment regulated by this chapter which is not licensed according to
1660 the provisions of this chapter.

1661 **5.55.190 Suspension and/or revocation of license.**

1662 A. Suspension and Revocation Schedule.

1663 1. The director shall suspend any body scrub facility license for a period of fifteen (15) days upon
1664 the licensee's first violation of this chapter.

1665 2. The director shall suspend any body scrub facility license for a period of forty-five (45) days upon
1666 the licensee's second violation of this chapter.

1667 3. The director shall revoke any body scrub facility license upon the licensee's third violation of this
1668 chapter within three (3) years. The period of any such revocation shall be one (1) year.

1669 4. The director shall suspend a body scrub facility license upon receipt of notice that the licensee's
1670 required insurance has been canceled until satisfactory proof of insurance is presented to the
1671 director.

1672 5. Notwithstanding the provisions of LMC 5.55.080, the director shall deny the renewal of any body
1673 scrub facility license or revoke any such license if a licensee has:

1674 a. Made any false or misleading statements on the application for license or misrepresentations
1675 to the city in order to induce or prevent action by the city;

1676 b. In connection with the licensee's operation of a body scrub facility:

1677 i. Engaged in an act of prostitution, or has promoted or permitted prostitution on the
1678 licensee's premises;

1679 ii. Used or distributed controlled substances on the premises of a body scrub facility;
1680 c. Failed or refused to qualify for or obtain any license required by Lynnwood or the state of
1681 Washington in connection with the licensee's operation of a body scrub facility.

1682 B. Notice Procedures for Suspension or Revocation and Hearing and Right to Appeal.

1683 1. Whenever the director has determined that a body scrub facility license shall be suspended or
1684 revoked, the director or director's designee shall issue a notice of suspension or notice of
1685 revocation to the licensee.

1686 2. The notice shall be sent to the licensee by certified and regular mail. The written decision shall
1687 specify the basis for the director's determination along with the name of the person involved, dates
1688 and description of violation of this chapter, description of action proposed to be taken by the city,
1689 the effective date of the revocation or suspension and the procedures for appeal of the director's
1690 determination as stated in subsection (B)(3) of this section.

1691 3. The decision of the director may be appealed by filing a written appeal with the community
1692 development department. The appeal must be filed within ten (10) business days of the director's
1693 decision, include the appeal fee specified by Chapter 3.104 LMC, and state the factual grounds for
1694 the appeal. The hearing examiner shall set a date for the appeal hearing. The city shall notify the
1695 parties of record by mail of the time and place of the hearing, which shall be conducted as specified
1696 by LMC 1.35.200 et seq., Chapter 2.22 LMC and the rules for hearings adopted pursuant to LMC
1697 2.22.080. Upon the filing of a timely appeal, the director's decision to revoke or suspend the
1698 business license shall be stayed pending a final decision by the hearing examiner on the appeal.

1699 **5.55.200 Suspension or revocation of license – Hearing.**

1700 **5.55.210 Term of license.**

1701 All licenses issued pursuant to this chapter shall be granted for one (1) year from the date of issue, unless
1702 renewed. All license fees shall be payable on an annual basis. An application for renewal of any license
1703 required by this chapter may be submitted each calendar year per the requirements of LMC 5.04.040.

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Chapter 5.62
PANORAMS, PREVIEWS, PICTURE ARCADES, PEEP SHOWS

1709 Sections:

- 1710 **5.62.010 Definitions.**
- 1711 **5.62.020 Panoram premises license required.**
- 1712 **5.62.030 Panoram manager's license required.**
- 1713 **5.62.040 Panoram device license required.**
- 1714 **5.62.050 License fees – Terms – Assignment – Renewals.**
- 1715 **5.62.060 License application – Report by city departments.**
- 1716 **5.62.070 Licensing – Compliance with other city ordinances.**
- 1717 **5.62.080 Inspections.**
- 1718 **5.62.090 Issuance of licenses.**
- 1719 **5.62.100 Suspension or revocation of licenses.**
- 1720 **5.62.105 *Repealed.***
- 1721 **5.62.110 Premises regulations.**
- 1722 **5.62.115 Unlawful acts.**
- 1723 **5.62.120 Access or use by persons under 18 prohibited.**
- 1724 **5.62.130 Civil remedies.**
- 1725 **5.62.140 Code violations, penalties and enforcement.**
- 1726 **5.62.150 Conflicting sections or provisions.**
- 1727 **5.62.170 Purpose.**

1728 **5.62.010 Definitions.**

1729 As used in this chapter, the following words and phrases shall have the following meanings unless the
 1730 context clearly requires otherwise:

1731 A. "Business license clerk" means city employees or agents the community development director shall
 1732 designate to administer this chapter, or any designee thereof.

1733 B. "Panoram," "preview," "picture arcade," or "peep show" means any type of device which, for payment of
 1734 a fee, membership fee, or other charge, is used to exhibit, project, illuminate, or display a photographed,
 1735 videotaped, or magnetically reproduced image, picture, view, live entertainment, or other graphic display.
 1736 All such devices are denominated in this chapter by the terms "panoram" or "panoram device." The terms
 1737 "panoram" and "panoram device" as used in this chapter do not include games which employ pictures,
 1738 views or video displays, or gambling devices regulated by the state.

1739 C. "Panoram manager" means any person who manages, directs, administers, or is in charge of the
 1740 affairs and/or the conduct of any panoram premises.

1741 D. "Panoram premises" means any premises on which any panoram device is located and to which
1742 members of the public are admitted. The term "panoram premises" as used in this chapter does not
1743 include movie or motion picture theater auditoriums capable of seating more than five people.

1744 E. "Panoram station" means the portion of any panoram premises on which a panoram device is located
1745 and from which the panoram picture, view, or graphic display is to be viewed.

1746 **5.62.020 Panoram premises license required.**

1747 A. It is unlawful to display, exhibit, expose or maintain upon any premises to which members of the public
1748 are admitted any panoram device without a valid and current license for such premises, to be designated
1749 a "panoram premises license."

1750 B. A separate license is required for each panoram premises and the same shall at all times be
1751 conspicuously posted and maintained therein.

1752 C. The business license clerk shall prescribe the form of such license, number the same, and shall
1753 indicate thereon the number of panoram devices which may be operated thereunder, and the location of
1754 the licensed panoram premises.

1755 **5.62.030 Panoram manager's license required.**

1756 A licensed manager shall be on the premises of a panoram premises at all times that the panoram
1757 premises is open for business. No person shall work as manager at a panoram premises without first
1758 having obtained a manager's license from the director or director's designee pursuant to this chapter.

1759 **5.62.040 Panoram device license required.**

1760 A. It is unlawful to exhibit or display for public use any panoram upon any panoram premises without first
1761 having obtained a license for each such panoram device, to be designated a "panoram device license."

1762 B. A panoram device license shall be issued for panoram devices placed for operation in a business.
1763 Such license shall be transferable from one panoram device to another within that business; provided, the
1764 total number of devices placed for operation shall not at any time exceed the number of panoram device
1765 licenses issued to that business. A current panoram device license shall be securely attached to each
1766 machine and shall not be transferable outside of the business.

1767 C. The current panoram license shall be posted in a conspicuous place at the business location and shall
1768 not be transferable nor assignable.

1769 D. The business license clerk shall prescribe the form of such license and number the same.

1770 **5.62.050 License fees – Terms – Assignment – Renewals.**

1771 A. All licenses issued pursuant to this chapter shall be granted for one (1) year from the date of issue,
1772 unless renewed. All license fees shall be payable on an annual basis. An application for renewal of any
1773 license required by this chapter may be submitted each calendar year per the requirements of LMC
1774 5.04.040. The licenses required under this chapter are separate from the license required under Chapter
1775 5.06 LMC.

1776 B. Annual license fees shall be as shown in Chapter 3.104 LMC for the following:

1777 1. Panoram premises license;

1778 2. Panoram device license;

1779 3. Panoram manager's license;

1780 4. Master license.

1781 C. Licenses issued under this chapter may not be assigned nor transferred to other operators, premises,
1782 or devices located in such other premises.

1783 D. Applications for renewal of licenses shall be processed per LMC 5.04.040.

1784 E. The master license fee is payable by any person, firm, or corporation (herein "lessor") who leases or
1785 rents to or places with others for use of play any panoram device; provided, this fee is only applicable
1786 when the lessor does not obtain a panoram premises license.

1787 **5.62.060 License application – Report by city departments.**

1788 A. Any person seeking a panoram premises, panoram manager's or panoram device license shall file a
1789 written application with the business license clerk on a form provided by the business license clerk for that
1790 purpose. All applications for a panoram premises license shall be submitted in the name of the person or
1791 entity proposing to conduct such business, and shall be signed by such person, or his agent, and
1792 notarized or certified as true under penalty of perjury under the laws of the state of Washington. All
1793 applications for a panoram premises license shall be submitted on a form supplied by the business
1794 license clerk, which form shall require the following information:

1795 1. The name, home address, home telephone number, date and place of birth, and social security
1796 number of the applicant, if the applicant is an individual;

1797 2. The business name, address and telephone number of the establishment; and

1798 3. The names, addresses, telephone numbers, and social security numbers of any partners,
1799 corporate officers and directors, managers, persons holding an ownership or leasehold interest in
1800 the panoram premises, and persons holding any other significant interest in the panoram premises
1801 similar to that of an owner or leaseholder, specifying the interest or management responsibility of
1802 each. For the purpose of this subsection, "significant interest" shall mean an interest similar to that
1803 of an owner or leaseholder with responsibility for management of the panoram business.

1804 B. All applications for a panoram device license shall be submitted on a form supplied by the business
1805 license clerk, and shall be submitted in the name of the person or entity owning the panoram devices, and
1806 shall be signed by such person or his agent, and notarized or certified as true under penalty of perjury
1807 under the laws of the state of Washington. The form shall require the following information:

1808 1. The business name, address and telephone number of the location of the panoram devices;

1809 2. The name, address, and telephone number of the owner of the panoram devices;

1810 3. A description of each of the panoram devices located at the business; and

1811 4. The name and address of the owner of the business where the panoram devices are located.

1812 C. All applications for a manager's license shall be signed by the applicant, and notarized or certified to
1813 be true under penalty of perjury under the laws of the state of Washington. All applications shall be
1814 submitted on a form supplied by the business license clerk, which shall require the following information:

1815 1. The applicant's name, home address, home telephone number, date and place of birth, and
1816 social security number.

1817 2. Every application for a manager's license must submit to fingerprinting by the Lynnwood police
1818 department, and shall submit with his application, in duplicate, a full-face photograph of the
1819 applicant, the photographs to be of the size of one-inch square. One (1) photograph shall become a
1820 part of the applicant's license, if issued, and one (1) photograph shall be filed with the city business
1821 license clerk.

1822 3. With the application, the applicant shall present documentation that he or she has attained the
1823 age of eighteen (18) years. Any of the following shall be accepted as documentation of age:

1824 a. A motor vehicle operator's license issued by any state bearing the applicant's photograph
1825 and date of birth; or

1826 b. An identification card bearing the applicant's photograph and date of birth issued by the state
1827 of Washington.

1828 4. Upon receipt of the fully completed application, the investigation by the Lynnwood police
1829 department, and the license fee, if the applicant is eighteen (18) years of age or older, the business
1830 license clerk may issue the license promptly.

1831 D. If any person or entity acquires, subsequent to the issuance of a panoram premises license, a
1832 significant interest, as defined in subsection (A)(3) of this section, in the licensed premises, notice of such
1833 acquisition shall be provided in writing to the business license clerk within three (3) Lynnwood business
1834 days after acquiring such interest. The information required to be provided in such notice shall be that
1835 information required pursuant to subsection (A)(3) of this section.

1836 E. The business license clerk, upon presentation of such panoram premises, panoram device and
1837 manager's applications, and before acting upon the same, shall refer such application to the Lynnwood
1838 police department, which shall make a full investigation as to the truth of the statements contained
1839 therein, and to any other city or county department or division that is appropriate under the
1840 circumstances, including, but not limited to, the fire, building, planning, public works, and licensing
1841 departments and divisions, and the Snohomish County health department.

1842 **5.62.070 Licensing – Compliance with other city ordinances.**

1843 All other city approval and permit issuance, other than those specifically set forth herein, including but not
1844 limited to fire, building and zoning, are separate from the licensing process set forth in this chapter. The
1845 granting of any license or the providing of any approval, pursuant to this chapter, shall not be deemed to
1846 be an approval of any city permit or approval not specifically set forth in this chapter.

1847 **5.62.080 Inspections.**

1848 A. Applicants for any license authorized to be issued under this chapter shall allow the premises and the
1849 devices sought to be licensed to be inspected in accordance with the provisions of this section by
1850 authorized agents or personnel of the Lynnwood police, fire, planning, licensing, building, and public
1851 works departments and divisions and by authorized inspectors from the Snohomish County health
1852 department, for the purpose of determining whether such premises and devices comply with this chapter.

1853 B. Licensees operating premises and devices licensed under this chapter shall hold those areas of the
1854 premises which are accessible to the public, and the devices therein, open for routine regulatory
1855 inspection by the city during normal business hours, for the purpose of determining whether the licensed
1856 premises and devices comply with the requirements of this chapter. This section shall not restrict nor limit

1857 the right of entry otherwise vested in any city, county, state, or federal law enforcement agency, the
1858 Lynnwood fire department, or its other departments and divisions.

1859 **5.62.090 Issuance of licenses.**

1860 A. After an investigation, the director or director's designee shall issue the applicable license or licenses
1861 authorized by this chapter, if the director or director's designee finds that:

1862 1. The applicant complies with all the requirements of this chapter;

1863 2. The applicant, his or her employee, agent, partner, director, officer, stockholder or manager has
1864 not made any false, misleading or fraudulent statement of fact in the application for a license, or in
1865 any report or record required to be filed with the business license clerk; and

1866 3. The applicant, and all employees, agents, partners, directors, officers or managers of the
1867 applicant, have attained the age of eighteen (18) years.

1868 B. The license application shall be approved or disapproved within thirty (30) days from the date of filing a
1869 completed application which complies with the requirements of this chapter, unless the applicant agrees
1870 to an extension of the time period in writing.

1871 C. If, after investigation, the director or director's designee determines that the application for, or renewal
1872 of, any license authorized to be issued pursuant to this chapter should be denied, the director or director's
1873 designee shall, notify the applicant pursuant to the notice of denial provisions set forth in LMC 5.04.030.

1874 **5.62.100 Suspension or revocation of licenses.**

1875 A. Authority to Suspend or Revoke.

1876 1. Upon the giving of fifteen (15) days' notice, the director or director's designee may suspend or
1877 revoke any license issued pursuant to this chapter for a period of time not to exceed one year
1878 where one or more of the following conditions exist:

1879 a. The license was procured by fraud or false representation of fact in the application or in any
1880 report or record required to be filed with the clerk.

1881 b. The building, structure, equipment, operation or location of the business for which the license
1882 was issued does not comply with the requirements or fails to meet the standards of this chapter
1883 or does not comply with or fails to meet the standards of other applicable health, zoning,
1884 building, fire, or safety laws of the state of Washington or Lynnwood.

1885 c. The licensee, his or her employee, agent, partner, director, officer or manager has violated or
1886 knowingly permitted violation of any provisions of this chapter.

1887 2. If the business license clerk finds that any of the conditions set forth in this section exist and such
1888 conditions constitute an immediate threat of serious injury or damage to any person or property, the
1889 business license clerk may immediately suspend or revoke any license issued hereunder without
1890 prior notice and opportunity to be heard so long as a hearing in accordance with subsection (B) of
1891 this section is thereafter provided.

1892 B. Notice Procedures and Hearing and Right to Appeal.

1893 1. Whenever the director has determined that a license required by this chapter shall be suspended
1894 or revoked, the director or director's designee shall issue a notice of suspension or notice of
1895 revocation to the licensee.

1896 2. The notice shall be sent to the licensee by certified and regular mail. The written decision shall
1897 specify the basis for the director's determination along with the name of the person involved, dates
1898 and description of violation of this chapter, description of action proposed to be taken by the city,
1899 the effective date of the revocation or suspension and the procedures for appeal of the director's
1900 determination as stated in subsection (B)(3) of this section.

1901 3. The decision of the director may be appealed by filing a written appeal with the community
1902 development department. The appeal must be filed within ten (10) business days of the director's
1903 decision, include the appeal fee specified by Chapter 3.104 LMC, and state the factual grounds for
1904 the appeal. The hearing examiner shall set a date for the appeal hearing. The city shall notify the
1905 parties of record by mail of the time and place of the hearing, which shall be conducted as specified
1906 by LMC 1.35.200 et seq., Chapter 2.22 LMC and the rules for hearings adopted pursuant to LMC
1907 2.22.080. Upon the filing of a timely appeal, the director's decision to revoke or suspend the
1908 business license shall be stayed pending a final decision by the hearing examiner on the appeal.

1909 **5.62.105 Hearing and procedures.**

1910 *Repealed by Ord. 3253.*

1911 **5.62.110 Premises regulations.**

1912 All panoram premises shall conform to the following requirements:

1913 A. Premises Requirements.

1914 1. The entire interior of the panoram premises shall be arranged in such a manner that the interior
1915 of every panoram station, booth, or stall is visible from a continuous main aisle, at least six feet
1916 wide, and in such a manner that the entire back of any person viewing a panoram device is visible
1917 when observed from the continuous main aisle. The panoram station, booth, or stall shall at no time
1918 be obscured by any curtain, door or other enclosure, nor shall it contain any chair, stool, or other
1919 seating device.

1920 2. In the event that subsection (A)(1) of this section is declared invalid or unconstitutional by a court
1921 of competent jurisdiction, then all panoram premises shall conform to the following requirements:

1922 a. The entire interior of the panoram premises shall be arranged in such a manner that the
1923 interior of every panoram station, booth or stall is visible from a continuous main aisle at least
1924 six (6) feet wide. The view from the continuous main aisle of any person inside a station, booth,
1925 or stall shall not be obstructed except by a door, curtain, or other screening device of no greater
1926 dimension than permitted in this section, and in no event, may the view from the continuous
1927 main aisle into the booth, station, or stall be constructed or designed in such a way as to
1928 prevent the determination of the number of persons therein.

1929 b. Line of Sight. A line of sight unobstructed by any door, curtain, or other screening device
1930 shall be provided from a point beginning sixty (60) inches in front of and sixty-six (66) inches
1931 above the center of the entrance to the booth, station, or stall, to a line two (2) inches above the
1932 entire bottom of the back wall of the booth, station, or stall.

1933 c. Booth Doors – Minimum Height from Floor. The bottom of any door, curtain, or screening
1934 device shall be not less than twenty-four (24) inches above the floor of the panoram booth,
1935 station, or stall.

1936 d. Seating. No panoram booth, station, or stall having a door, curtain or other screening device
1937 at its entrance shall contain any chair or other seating surface unless it has at a location
1938 between sixty-six (66) inches and seventy-eight (78) inches above the floor, an opening twelve
1939 (12) inches in height and at least twenty-four (24) inches in width providing an unobstructed
1940 view through either open space or clear and clean window glass to the side and back walls of
1941 the station, booth, or stall. Any chair or other seating surface more than eighteen (18) inches in
1942 either length or width shall not be higher than the bottom of the door, curtain, or other screening
1943 device. The cumulative width of the legs or support for each such chair or seating surface shall
1944 not obstruct more than five (5) horizontal inches of the sight line required by this section and

1945 there shall be no more than one (1) such chair or seating device in any panoram station, booth,
1946 or stall.

1947 B. Doors to areas on the premises which are available for use by persons other than the licensee or his
1948 employees shall not be locked during business hours.

1949 C. Illumination shall be maintained which is equally distributed in all parts of the premises available for
1950 use by the public at all times when the premises are open or when any member of the public is permitted
1951 to enter and remain there. Such illumination shall not be less than ten (10) foot-candles at floor level.
1952 Illumination within each panoram booth, station, or stall must be sufficient to allow the determination of
1953 the number of persons therein by viewing from the continuous main aisle required by this section.

1954 D. The entire floor area of a panoram booth, station, or stall must be level with the continuous main aisle.
1955 No steps or risers are allowed in any such booth or stall.

1956 E. 1. The licensee shall permanently post in a conspicuous place and maintain on the interior and exterior
1957 of each booth, station, or stall on the panoram premises a sign stating:

1958 Occupancy of this booth is at all times limited to only one (1) person. Violators are
1959 subject to criminal prosecution under the Lynnwood Municipal Code.

1960 2. Each such sign shall be on a contrasting background and be no smaller than three-quarters (3/4)
1961 inch in height.

1962 F. The licensee shall not operate or maintain any warning system or device of any kind whatsoever for
1963 the purpose of warning customers or patrons or any other persons occupying panoram booth, stations, or
1964 stalls located on the licensee's premises that police officers or other city, state, or federal agents or
1965 personnel are approaching or have entered the licensee's premises.

1966 G. A licensed panoram manager shall be on the premises at all times that the panoram premises are
1967 open to the public for business.

1968 H. Panoram station, booth, or stall partitions shall be constructed of wood, or other solid and opaque
1969 material. No openings in such partitions for ventilation or other purposes shall extend higher than twelve
1970 (12) inches from the floor or lower than eighty-four (84) inches from the floor.

1971 **5.62.115 Unlawful acts.**

1972 A. It is unlawful for any person to occupy a panoram booth, station, or stall at the same time it is occupied
1973 by any other person.

1974 B. It is unlawful to put any chair, stool, or seating surface in any panoram station, booth, or stall or to
1975 stand or kneel on any chair, stool, or seating surface that has been placed therein.

1976 C. It is unlawful for any licensee, employee, agent, worker, or other person in charge of the licensee's
1977 premises to warn, or aid and abet the warning of, customers or patrons or any other persons occupying
1978 panoram booths, stations, or stalls on the licensee's premises that police officers or other city, county,
1979 state, or federal agents or personnel are approaching or have entered the licensee's premises.

1980 **5.62.120 Access or use by persons under eighteen (18) prohibited.**

1981 It is unlawful for anyone under the age of eighteen (18) years to be in or upon any panoram premises, or
1982 to use any panoram device upon any panoram premises, and it is unlawful for any operator or owner of a
1983 panoram device, or for any manager or other person in charge of any panoram premises, to permit or
1984 allow anyone under eighteen (18) years of age to be upon such premises, or to use any such device.

1985 **5.62.130 Civil remedies.**

1986 The violation of or failure to comply with any of the provisions of this chapter is declared to be unlawful
1987 and a public nuisance. The city may seek legal or equitable relief to enjoin any act or practice which
1988 constitutes or will constitute a violation of any regulation herein adopted.

1989 **5.62.140 Code violations, penalties and enforcement.**

1990 A. The violation of any provision of this chapter shall constitute a misdemeanor punishable by a fine of up
1991 to \$1,000 or imprisonment up to ninety (90) days or by both such fine and imprisonment.

1992 B. The remedies provided herein for violations of or failure to comply with provisions of this chapter, shall
1993 be cumulative and shall be in addition to any other remedy provided by law.

1994 C. Each day or part of a day during which any provision of this chapter is violated, continued, or permitted
1995 shall constitute a separate offense.

1996 **5.62.150 Conflicting sections or provisions.**

1997 In the event there is a conflict or inconsistency between the sections and provisions set forth in this
1998 chapter and those set forth elsewhere in the Lynnwood Municipal Code, the sections and provisions of
1999 this chapter shall govern and supersede those set forth elsewhere.

2000 **5.62.170 Purpose.**

2001 It is expressly the purpose of this chapter to provide for and promote the health, safety, and welfare of the
2002 general public, and not to create or otherwise establish or designate any particular class or group of
2003 persons who will or should be especially protected or benefited by the terms of this chapter.

2004 It is the specific intent of this chapter that no provision nor any term used in this chapter is intended to
2005 impose any duty whatsoever upon the city or any of its officers or employees, for whom the
2006 implementation or enforcement of this chapter shall be discretionary and not mandatory.

2007 Nothing contained in this chapter is intended to be, nor shall be construed, to create or form the basis for
2008 any liability on the part of the city, or its officers, employees, or agents, for any injury or damage resulting
2009 from the failure of an applicant/licensee to comply with the provisions of this chapter, or by reason or in
2010 consequence of any inspection, notice, order, certificate, permission or approval authorized or issued or
2011 done in connection with the implementation or enforcement pursuant to this chapter, or by reason of any
2012 action or inaction on the part of the city related in any manner to the enforcement of this chapter by its
2013 officers, employees or agents.

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Chapter 5.82 SECONDHAND DEALERS

2018 Sections:

2019 **5.82.010 Definitions.**

2020 **5.82.020 License requirements – Fees.**

2021 **5.82.022 Employment of unlicensed persons prohibited.**

2022 **5.82.025 Secondhand dealer employee’s license required.**

2023 **5.82.030 License – Application – Investigation and issuance conditions.**

2024 **5.82.040 License – Change location of business.**

2025 **5.82.050 Recordkeeping – Information required – Dealer responsibility.**

2026 **5.82.060 Recordkeeping – Inspection authorized when.**

2027 **5.82.070 Transcript of transactions – False reports.**

2028 **5.82.080 Holding period for certain items – Exchanges with certain persons prohibited.**

2029 **5.82.084 Hours and location of operations.**

2030 **5.82.085 Separation of property on “police hold.”**

2031 **5.82.090 Violation deemed misdemeanor – Penalty.**

2032 **5.82.100 Obligation to supply true and current information.**

2033 **5.82.010 Definitions.**

2034 A. “Chief of police” means the chief of police of the city of Lynnwood or his or her designee.

2035 B. "Licensee" means any secondhand dealer or secondhand dealer employee licensed under this
2036 chapter.

2037 C. "Secondhand dealer" means any person, firm, corporation or partnership that within the city of
2038 Lynnwood ("Lynnwood") as a business engages in the purchase, sale, trade, barter, exchange or receipt
2039 of consignment sale, or otherwise transferring for value any of the following secondhand goods or items:

2040 1. Jewelry;

2041 2. Precious stones or gems;

2042 3. Precious metals, including coins and/or melted metals;

2043 4. Televisions, phonographs, stereos, radios, hi-fi sets, and other video, recording, or receiving
2044 equipment and/or consoles and photographic equipment;

2045 5. Any firearms as defined in LMC 10.52.050;

2046 6. All serial numbered items; and

2047 7. Computers, computer components, keyboards, printers, compact disc players, compact discs,
2048 and video arcade game cartridges.

2049 Provided, however, that: (a) a duly franchised appliance, furniture, auto parts and accessory dealer,
2050 service stations, auctions, wrecking yards and junk dealers, and any jewelry store dealing primarily in
2051 firsthand goods shall be exempted from the provisions of this chapter as long as such business holds a
2052 valid and subsisting license for such designated activity in compliance with Lynnwood; and (b) activities
2053 carried on by charitable, nonprofit, religious, benevolent, or fraternal associations, organizations or
2054 corporations shall be exempted from the provisions of this chapter.

2055 **5.82.020 License requirements – Fees.**

2056 A. It is unlawful for any person to engage in the business of secondhand dealer, as defined in LMC
2057 5.82.010, without first procuring a license to do so, to be known as a secondhand dealer's license. The
2058 fee for such secondhand dealer's license shall be fixed in the sum shown in Chapter 3.104 LMC. Any
2059 specific licenses required under this chapter are separate from the business license required under 5.06
2060 LMC.

2061 B. Any person having more than one (1) place of business where secondhand dealer goods are bought,
2062 sold, traded, consigned, bartered or exchanged shall be required to procure a separate license for each
2063 and every such place of business.

2064 C. The license of a secondhand dealer shall include a photograph and physical description, including date
2065 of birth, sex, race, height and weight, of the licensee and the name and address of the licensee's place of
2066 business. A current photograph must be provided upon each license renewal.

2067 D. If the license application(s), as provided for herein, are approved, the director or director's designee
2068 shall issue a license(s) to the applicant upon his/her executing and delivering to the city a bond to be
2069 approved by the city attorney, in the amount of \$1,000, conditioned that such licensee conducts such
2070 business in compliance with all the laws of the city, state and the United States.

2071 E. The license of a secondhand dealer employee shall be posted in a conspicuous location in the
2072 licensee's place of business as long as the licensee is employed at the business. The license shall not be
2073 altered in any manner.

2074 **5.82.022 Employment of unlicensed persons prohibited.**

2075 It shall be unlawful for any secondhand dealer licensee to employ any person who does not have a valid
2076 secondhand dealer employee license issued by Lynnwood pursuant to this chapter.

2077 **5.82.025 Secondhand dealer employee's license required.**

2078 A. It is unlawful for any person to be employed by a secondhand dealer under this chapter without first
2079 having obtained a secondhand dealer employee license. Employees not involved in the receipt of
2080 property are exempt from the secondhand dealer employee license requirements of this section.

2081 B. The license of a secondhand dealer employee shall include a photograph and physical description,
2082 including date of birth, sex, race, height and weight of the employee, and the name and address of the
2083 employer's place of business.

2084 C. The license of a secondhand dealer employee shall be posted in a conspicuous location in the
2085 licensee's place of business as long as the licensee is employed at the business. The license shall not be
2086 altered in any manner.

2087 D. It is unlawful for any person to engage in the business of secondhand dealer employee, as defined in
2088 this section, without first procuring a license to do so, to be known as a secondhand dealer employee
2089 license. The fee for such secondhand dealer employee's license shall be fixed in the sum shown in
2090 Chapter 3.104 LMC.

2091 **5.82.030 License – Application – Investigation and issuance conditions.**

2092 Applicants seeking a license as a secondhand dealer or secondhand dealer employee under this chapter
2093 shall:

2094 A. Be subject to an investigation by the Lynnwood police department who shall investigate the following:

2095 1. Whether the applicant has any prior criminal convictions;

2096 2. Whether any outstanding criminal violations or charges exist;

2097 3. Whether any legitimate complaints exist regarding the applicant's past business practices that
2098 would have any bearing or effect on the issuance of the license;

2099 4. Whether the person is prohibited by law from engaging in this type of activity; and

2100 5. Whether the application should otherwise be disapproved based upon public safety
2101 considerations.

2102 B. Submit to fingerprinting by the police department and such fingerprints shall be retained in the
2103 Lynnwood police department application file, a copy of which may be forwarded to the Washington State
2104 Patrol, Identification Section, or other agency.

2105 Within thirty (30) days following receipt of the application from the licensing authority, the chief of police
2106 shall make a written recommendation on the issuance of the license to the director, who may then
2107 approve the application for such license.

2108 **5.82.040 License – Change location of business.**

2109 A secondhand dealer's license shall not be transferable from one person to another, but such licensee
2110 may, upon written application to the business license clerk, have such license transferred to a new
2111 location in the city. Such application shall likewise be referred to the police department for
2112 recommendation and approval and the change of address shall thereupon be noted on the license,
2113 together with the date of such change. In case of sale of such business, application must be made by the
2114 proposed purchaser for such license as provided for in LMC 5.82.030.

2115 **5.82.050 Recordkeeping – Information required – Dealer responsibility.**

2116 A. It shall be the duty of every secondhand dealer to maintain, at his place of business, a legible record
2117 written in the English language, at the time of such exchange, purchase or sale, pawn or pledge, barter or
2118 consignment, a record thereof containing the following, among others:

- 2119 1. The date of the transaction;
- 2120 2. The name of the person or employee conducting the same;
- 2121 3. The name, date of birth, correct current address and telephone number and the general
2122 description of the person with whom the transaction is made. The description shall include the sex,
2123 race, height and weight of such person;
- 2124 4. The name and street and house number of the owner of the property bought or exchanged;
- 2125 5. The description of the property bought, pawned or pledged, exchanged or traded, or consigned,
2126 including all serial numbers and identifying marks, which, in the case of watches, shall contain the
2127 name of the maker and number of both the works and the case; and in the case of jewelry, shall
2128 contain the description of the size, color, style, manufacturer's name, type, size and number of
2129 stones, and of all letters and marks inscribed thereon; and in the case of audio or video recordings,
2130 the title of every item shall be included in the description;
- 2131 6. The price paid, or the amount loaned for each item purchased or exchanged;
- 2132 7. The names, addresses, and telephone numbers of all persons witnessing the transaction;
- 2133 8. The type and identifying number of identification used by the person with whom the transaction
2134 was made, which shall consist of one of the forms of identification listed in subsection (C)(2) of this
2135 section;
- 2136 9. The number of any pawn ticket issued;
- 2137 10. The signature of the person selling or pledging the property; and
- 2138 11. The nature of the transaction, a number identifying the transaction, the store identification as
2139 designated by the applicable law enforcement agency or the name and address of the business,
2140 and the name of the person or employee conducting the transaction, and the location of the
2141 property.
- 2142 B. It is unlawful for any secondhand dealer, his agent, employee or representative of such secondhand
2143 dealer to fail, neglect, or refuse to make entry of any material matter in this record, as required by this
2144 chapter, or to make any false entry therein, or to obliterate, destroy or remove from his place of business
2145 any such record.

2146 C. Any person who purchases, sells, trades, barter, exchanges, pawns or pledges, or consigns for sale,
2147 or otherwise transfers for value, any property set forth in LMC 5.82.010 to or with a secondhand dealer
2148 shall:

2149 1. Sign the record required to be kept by such dealer with the person's true name and shall include
2150 the person's correct, current address;

2151 2. Produce identification of the person, which shall include one of the following:

2152 a. Driver's license or identification card of any state or province of Canada, or "identocard"
2153 issued by the Washington State Department of Licensing pursuant to RCW 46.20.117;

2154 b. United States active military identification;

2155 c. Passport; or

2156 d. Merchant Marine identification card issued by the United States Coast Guard;

2157 3. Give a thumbprint on forms acceptable to the Lynnwood police department.

2158 D. It shall be the duty of every secondhand dealer, agent, employee, or representative to require
2159 identification as set forth in subsection (C) of this section and to verify the correctness and legibility of the
2160 signature of the person involved in comparing the same to the required identification, and further, to
2161 obtain a thumbprint on forms acceptable to the Lynnwood police department.

2162 E. Licensees who accept property in pawn, purchase, trade, or consignment in the course of business
2163 shall submit the records of all such transactions created pursuant to subsection (A) of this section to the
2164 Lynnwood police department within three (3) business days.

2165 1. The categories of property shall be:

2166 a. Guns;

2167 b. Tools;

2168 c. Jewelry;

2169 d. Office equipment (including cell phones, pagers, etc.);

2170 e. Musical instruments;

- 2171 f. Stereo equipment;
- 2172 g. Televisions and video recorders or playback devices;
- 2173 h. Cameras, including video cameras;
- 2174 i. Electronic games;
- 2175 j. Audio recordings;
- 2176 k. Computer equipment;
- 2177 l. Sports equipment;
- 2178 m. Precious stones or gems;
- 2179 n. Coins;
- 2180 o. Scrap metal;
- 2181 p. Video media (tapes, DVDs, etc.);
- 2182 q. Motor vehicles;
- 2183 r. Clothing; and
- 2184 s. Miscellaneous.

2185 F. It shall be the duty of every licensee to personally complete the information on the transaction form and
2186 attempt to verify its accuracy. The licensee shall not allow the person with whom the transaction is made
2187 to complete the form, except so that they may affix their thumbprint, and sign their name.

2188 1. Every licensee shall make a transaction record of all property accepted regardless of whether a
2189 serial number can be found on it. When no serial number is found, the licensee must include a
2190 detailed description of the property on the transaction form. If the serial number of property brought
2191 in has obviously been altered or removed, the licensee shall obtain all the identifying information
2192 possible about the property and the person in possession of it, to include information on the vehicle
2193 they arrived in, if applicable, and shall immediately notify the Lynnwood police department.

2194 **5.82.060 Recordkeeping – Inspection authorized when.**

2195 All books, writing and other records of any secondhand dealer pertaining to the purchase, sale,
2196 exchange, barter, consignment, pawn or pledge or receipt of any goods, wares, merchandise or other
2197 articles or things of value shall at all reasonable times be open for inspection by the chief of police, which
2198 inspection shall include all storage areas and all articles or things received, purchased or exchanged and
2199 stored with said secondhand dealer.

2200 **5.82.070 Transcript of transactions – False reports.**

2201 A. It shall be the duty of every secondhand dealer to report to the chief of police or designee prior to
2202 12:00 noon of every third day unless such day is a Sunday or legal holiday, then the first business day
2203 thereafter, on forms approved by the city, a full, true and correct transcript of the record of all transactions
2204 had during the preceding three (3) days. This information shall also be transmitted no less than once per
2205 week electronically to an online database approved by the chief of police. It shall be further the duty of
2206 such secondhand dealer, having good cause to believe that any property in his possession has previously
2207 been lost or stolen, to promptly report such facts, together with all pertinent evidence, to the Lynnwood
2208 police department, together with the name of the previous owner, if known, and the date and name of the
2209 person from whom the same was received by such secondhand dealer.

2210 B. Every secondhand dealer or his agent, employee or representative who fails, neglects or refuses to
2211 make such report or who falsely reports any material to the Lynnwood police department shall be guilty of
2212 a violation of this chapter.

2213 **5.82.080 Holding period for certain items – Exchanges with certain persons prohibited.**

2214 A. It is unlawful for a secondhand dealer, his agent, employee or representative to remove any goods,
2215 articles or things purchased by him or left with him from his store or place of business until the expiration
2216 of thirty (30) days after the same was purchased or received unless said articles or things have, within
2217 said time period, been inspected and approved for release by the Lynnwood police department.

2218 B. No licensee under this chapter shall receive in pledge or purchase any property from any person who
2219 is at the time of the transaction:

2220 1. Under eighteen (18) years of age; or

2221 2. Under the influence of alcohol; or

2222 3. Under the influence of drugs; or

2223 4. Attempting to pledge or sell any property which the employee knows or suspects or should
2224 suspect to be stolen; or

2225 5. From any habitual drunkard or from any person addicted to the use of a narcotic drug, or from
2226 any person who is known to be a thief or receiver of stolen goods, or from any person who he has
2227 reason to suspect or believe to be such; or

2228 6. Known to the licensee as having been convicted of burglary, robbery, theft, fraud, forgery or
2229 possession of or receiving stolen property within the past ten (10) years whether the person is
2230 acting in his or her own behalf or as an agent of another. The chief of police shall be authorized to
2231 provide licensees a list of convicted felons from whom they may not receive or purchase property.

2232 Notification by the Lynnwood police department given to such licensee, his agent, employee or
2233 representative that a person has been convicted of burglary, robbery, theft, fraud, forgery, or possession
2234 of stolen property shall constitute sufficient notice of such convictions under the provision of this chapter,
2235 and shall be prima facie evidence that the licensee, his agent, employee or representative has due notice
2236 thereof.

2237 **5.82.084 Hours and location of operations.**

2238 It shall be unlawful for any secondhand dealer or employee licensed under this chapter to transact any
2239 business between the hours of 9:00 p.m. and 6:00 a.m. unless special written permission is given by the
2240 chief of police. All property sold or taken in pawn, purchase, trade, or consignment by a licensee shall be
2241 done on the business premises and shall be subject to all applicable transaction restrictions.

2242 **5.82.085 Separation of property on "police hold."**

2243 Every licensee shall set aside an area on his premises which allows for a clear separation of property
2244 under "police hold." It shall be unlawful for any licensee to place or to knowingly allow property which has
2245 been subjected to a written or oral police hold to be placed among non-held property. Upon notification by
2246 any law enforcement officer that an item of property taken in pawn, purchase, trade, or consignment is
2247 suspected of being stolen, the licensee shall immediately, upon the officer's request, surrender the
2248 described piece of property to the law enforcement officer.

2249 **5.82.090 Violation deemed misdemeanor – Penalty.**

2250 A. Any firm, person or corporation violating by omission or commission any provisions of this chapter
2251 shall, upon conviction, be guilty of a misdemeanor and be punished by a fine of up to \$1,000 or
2252 imprisonment not to exceed ninety (90) days or by both such fine and imprisonment.

2253 B. In addition to any criminal penalty for a violation of this chapter, the business license of the
2254 secondhand dealer or employee who is found guilty, pleads guilty or forfeits bail for a violation of this
2255 chapter or any crime involving theft, dishonesty or moral turpitude shall be revoked for a period of one (1)
2256 year.

2257 C. In addition to any criminal penalty for a violation of this chapter, any firm, person or corporation
2258 violating by omission or commission any provisions of this chapter shall be subject to all civil enforcement
2259 provisions authorized by the Lynnwood Municipal Code except as precluded by law.

2260 **5.82.100 Obligation to supply true and current information.**

2261 Any person who shall offer property for pawn, purchase, trade or consignment to a pawnshop or
2262 secondhand dealer shall, upon the request of the licensee, supply true and current information for the
2263 transaction record. The person offering the property shall be responsible for verifying the information on
2264 the transaction record and it shall be unlawful for any person to affix their signature to the transaction
2265 record if they know the information on the record is not true and current.

2266




On the 23rd day of September 2019 the City Council of the City of Lynnwood, Washington, passed ordinance 3343. A summary of the content of this ordinance, consisting of the title, provides as follows:

ORDINANCE NO 3343

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, RELATING TO THE LICENSING AND REGULATION OF BUSINESSES; AMENDING TITLE 5 OF THE LYNNWOOD MUNICIPAL CODE; AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE, AND SUMMARY PUBLICATION.

The full text of this ordinance will be mailed upon request.

DATED this 27th day of September 2019



Debbie Karber, Deputy City Clerk

Everett Daily Herald

Affidavit of Publication

State of Washington }
County of Snohomish } ss

Leanna Hartell 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 EDH875300 ORDINANCES 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 09/27/2019 and ending on 09/27/2019 and that said newspaper was regularly distributed to its subscribers during all of said period.

The amount of the fee for such publication is \$49.05.

Leanna Hartell

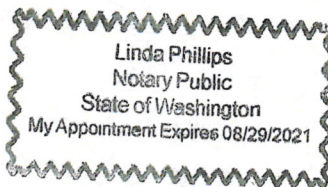
Subscribed and sworn before me on this

27th day of September
2019.

Linda Phillips

Notary Public in and for the State of Washington.

City of Lynnwood - LEGAL ADS | 14127890
DEBBIE KARBBER





CITY OF LYNNWOOD, WASHINGTON

On the 23rd day of September 2019 the City Council of the City of Lynnwood, Washington, passed ordinance 3342, 3343 and 3344. A summary of the content of these ordinances, consisting of the title, provides as follows:

ORDINANCE NO. 3342

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, RELATING TO NOTICE POSTING PLACES; AMENDING CHAPTER 1.12 OF THE LYNNWOOD MUNICIPAL CODE; AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

ORDINANCE NO. 3343

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, RELATING TO THE LICENSING AND REGULATION OF BUSINESSES; AMENDING TITLE 5 OF THE LYNNWOOD MUNICIPAL CODE; AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE, AND SUMMARY PUBLICATION.

ORDINANCE NO. 3344

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, RELATING TO THE CITY'S FEE SCHEDULE; AMENDING THE LYNNWOOD MUNICIPAL CODE 3.104.050; AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE, AND SUMMARY PUBLICATION.

The full text of these ordinances will be mailed upon request.
DATED this 27TH day of September 2019

Published: September 27, 2019. Debbie Karber, Deputy City Clerk
EDH875300