



**ORDINANCE NO. 3404**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, RELATING TO THE RESPONSIBILITIES OF THE CITY CLERK POSITION; AMENDING LMC 1.01.055, 2.04.074, 2.12.010, 2.12.040, 2.12.050, 2.92.030, 2.94.080B, 3.28.140, 3.104.020, 3.16.040, 3.28.110, 3.28.140, 3.44.030, 6.02.025A, 6.02.080, 7.20.090C, 9.12.140, 10.21.020, 10.21.030, 10.21.040, 10.21.050, 10.21.070, 10.21.080, 10.21.090, 10.21.100, 10.21.110, 10.21.130, 10.30.020, 10.40.165A, 12.16.020, 12.16.050A, 12.16.060, 12.16.120, 15.04.010, 15.08.010, 16.04.010, 16.05.010, 16.09.010, 16.10.010, 16.44.010, 21.42.300, AND ADDING 2.14, 2.14.010 AND 2.14.020 AND, PROVIDING FOR SEVERABILITY; ESTABLISHING AN EFFECTIVE DATE; AND PROVIDING FOR SUMMARY PUBLICATION.**

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WHEREAS, the City of Lynnwood elected the City Clerk at the time the City was established in 1959; and

WHEREAS, an economic downturn in 1971 led the City to combine the Treasurer, City Clerk and Finance Director into one position; and

WHEREAS, since that time, the demand for management of City records and public meetings for the benefit of the public and for compliance with the Open Public Meetings Act, and the need for management of prompt responses to the Washington State Public Records Act, have greatly increased, and the proper performance of these functions is critical to the success of the City in complying with those Acts; and

WHEREAS, the centralization of clerk tasks provides for improved services and greater efficiencies, collaboration with offices and departments, and the development of sustained professional services through cross training and personnel development in support of organizational excellence; and

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WHEREAS, the City will benefit from the undivided attention of the Finance Director to the financial tasks necessary for proper management of the budget, accounting, payroll, and treasury functions; and

WHEREAS, the City Council has determined that the provisions of this Ordinance are in the best interests of the public;

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

Section 1: Purpose. The purpose of this ordinance is to reestablish the position of City Clerk, to enumerate the responsibilities of the City Clerk and Finance Director and make other related corrections to the City code.

Section 2: New Chapter. A new Chapter is added to the Lynnwood Municipal Code to read as follows:

- 2.14 City Clerk
- 2.14.010 Office Established.  
There is established the office of city clerk, to be filled by and serve at the direction of the mayor.
- 2.14.020 Powers and Duties.  
The city clerk shall perform all of the duties of the city clerk as prescribed by state statutes and city ordinances. In the absence of the city clerk, a deputy city clerk shall perform the duties of the city clerk.”

Section 3: Amendments. The Sections of the Lynnwood Municipal Code listed in Attachment A, attached hereto and incorporated by this reference, are amended to read as provided in Attachment A.

Section 4. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase or word of this ordinance.

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Section 5. Effective Date: This ordinance or an approved summary thereof consisting of its title shall be published in the City’s official newspaper of record and shall take effect and be in full force five days following its publication.

PASSED this 22<sup>nd</sup> day of November, 2021.

APPROVED:

DocuSigned by:  
*Nicola Smith* 11/23/2021  
281B3CE79E884DA...  
Nicola Smith, Mayor

ATTEST/AUTHENTICATED:

APPROVED AS TO FORM:

DocuSigned by:  
*Karen Fitzthum*  
549561C7EC99433...  
Karen Fitzthum, Interim City Clerk

DocuSigned by:  
*Rosemary Larson*  
B23BAB973133428...  
Rosemary Larson, City Attorney

101 Ordinance 3404

102 Attachment A

103 **1.01.055 Revisions of ordinances.**

104 The ~~administration~~ city clerk, under the authority and direction of the mayor, has the authority when codifying  
105 ordinances into the Lynnwood Municipal Code to:

106 A. Edit and revise such ordinances for such consolidation, to the extent deemed necessary or desirable by the mayor  
107 and without changing the meaning of any such ordinances, in the following respects only:

- 108 1. Make capitalization uniform with that followed generally in the code.
- 109 2. Make chapter or section division, and subdivision designations uniform with that followed in the code.
- 110 3. Substitute for the term “this act,” or “this ordinance” or the like, where necessary, the term “section,” “part,”  
111 “code,” “chapter,” or “title” or reference to specific section or chapter numbers as the case may require.
- 112 4. Substitution for reference to a section of an “act,” the proper code section number reference.
- 113 5. Substitute for “as provided in the preceding section” and other phrases of similar import, the proper code  
114 section number references.
- 115 6. Substitute the proper calendar date for “effective date of this act,” “date of passage of this act,” and other  
116 phrases of similar import.
- 117 7. Strike out figures where merely a repetition of written words, and substitute, where deemed advisable for  
118 uniformity, written words for figures.
- 119 8. Rearrange any misplaced statutory material, incorporate any omitted ordinance material as well as correct  
120 manifest errors in spelling, and manifest clerical or typographical errors, or errors by way of additions or  
121 omissions.
- 122 9. Correct manifest errors in references, by chapter or section number, to other laws.
- 123 10. Correct manifest errors or omissions in numbering or renumbering sections of the revised code.
- 124 11. Divide long sections into two or more sections, and rearrange the order of sections to conform to such  
125 logical arrangement of subject matter as may most generally be followed in the code, when to do so will not  
126 change the meaning or effect of such sections.
- 127 12. Change the wording of section captions, if any, and provide captions to new chapters and sections.
- 128 13. Strike provisions manifestly obsolete.

129 B. Create new code titles, chapters, and sections of the Lynnwood Municipal Code, or otherwise revise the title,  
130 chapter, and sectional organization of the code, all as may be required from time to time, to effectuate the orderly  
131 and logical arrangement of the ordinances. Such new titles, chapters, and sections, and organizational revisions,  
132 shall have the same force and effect as the code originally enacted and designated as the Lynnwood Municipal Code.

133 C. All edits and revisions shall be reported to the city council at the next work session after Lynnwood Municipal  
134 Code updates occur.

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137 **2.04.074 Councilmember waiver and election not to receive compensation.**  
138 A councilmember may waive and elect not to be paid the compensation set forth in LMC 2.04.072. Notice of such  
139 waiver and election must be:

140 A. Given to the ~~finance director~~ city clerk in writing, signed by the councilmember;

141 B. Joined in by the councilmember’s spouse, if any, if the notice is for a future meeting, as required by RCW  
142 49.48.100; and

143 C. Given within 72 hours of the meeting for which compensation is waived and elected not to be paid, if the waiver  
144 and election is for per-meeting compensation.

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146 **2.12.010 Office – Established.**

147 Pursuant to RCW 35.24.142, the office of treasurer shall be combined with that of ~~finance director~~ city clerk and the  
148 combined office shall be the office of finance director.

149 **2.12.040 Powers and Duties.**

150 The finance director shall exercise all the powers vested in and perform all the duties required to be performed by  
151 the treasurer, together with those of the ~~finance director~~ clerk and also perform such other duties as the city may  
152 prescribe.

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154 **2.12.050 Bond required.**

155 The combination of offices shall be contingent upon filing a bond in the principal sum of at least \$200,000,  
156 conditioned for the faithful performance of ~~his~~ the duties including the duties of all offices of which ~~he~~ the director  
157 is made the ex-officio by law.

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159 **2.92.030 Definitions.**

160 The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

161 A. “Bid” or “proposal” means an offer to provide goods, services, professional services, or public work in response  
162 to a solicitation for bids or proposals issued by the city.

163 B. “Bidder” or “proposer” means a person, firm, partnership, corporation or other entity that formally submits a bid,  
164 proposal or offer to provide goods, services, professional services, or public work to the city in response to a  
165 solicitation for bids or proposals or request for qualifications issued by the city.

166 C. “Collusion” means a willful act to defraud others of their rights or to obtain an unfair advantage in a public  
167 contracting process.

168 D. “Contract” means a mutually binding legal relationship or any modification thereof obligating a person, firm,  
169 partnership, corporation, or other entity to provide goods, services, professional services or public work to the city,  
170 and that obligates the city to compensate the other party.

171 E. “Day” means a calendar day.

172 F. “Director” means the ~~city’s finance~~ applicable department director.

173 G. “Goods” means equipment, supplies, materials and goods, and includes both tangible and intangible personal  
174 property that is movable, subject to ownership, and has exchange value.

175 H. “Manager” means the city’s procurement manager.

176 I. “Mayor” means the mayor or the mayor’s designee.

177 J. “Personal services” means those consulting services where the work is primarily intellectual in nature, and the  
178 reports or recommendations are incidental to the required performance.

179 K. “Professional services” means those services provided by licensed or certified individuals or consulting firms  
180 associated with either the development, design or construction, or any combination thereof, of a public works  
181 project.

182 L. “Public work” means all work, construction, alteration, enlargement, repair, demolition or improvement, other  
183 than ordinary maintenance, executed at the cost of the city or that is by law a lien or charge on any property therein.

184 M. “Sealed bid” means a method for submitting a bid to provide or perform work on a contract, inclusive of  
185 electronic sealed bidding systems, and where all bids are opened at the same time.

186 N. “Services,” except for professional services, means the furnishing of labor, time or effort by a contractor.

187 O. “Waiver” means a process whereby the manager may procure without formal solicitation procedures because of  
188 the uniqueness of circumstances related to that procurement action, or a declared emergency.

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190 **2.94.080 Board of ethics – Complaints against a councilmember, member of a board or commission, or**  
191 **mayor – Advisory opinions.**  
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194 B. Specific Complaint Against the Mayor, a Councilmember, or a Member of a Board or Commission – Complaint  
195 Requirements – Preliminary and Final Determinations of Sufficiency.

196 1. Complaint Requirements – Service. Any person may submit a written complaint to the ~~finance director~~ city  
197 clerk alleging one or more violations of this code by the mayor, a councilmember, or a member of a board or  
198 commission. The complaint must:

199 a. Set forth specific facts with enough precision and detail for board counsel to make a determination of  
200 sufficiency; and

201 b. Set forth the specific section(s) and subsection(s) of this code that the complaining party believes has  
202 been violated; and

203 c. An explanation by the complaining party of the reasons why the alleged facts violate this code; and

204 d. Be signed under penalty of perjury by the person(s) submitting it in a manner consistent with Chapter  
205 9A.72 RCW; and

206 e. State each complaining person’s correct name, address at which mail may be personally delivered to the  
207 submitter, and the telephone number at which each complaining person may be contacted.

208 The ~~finance director~~ city clerk shall promptly serve or mail, by return receipt requested, a copy of the complaint  
209 to the individual(s) complained against and to board counsel. The ~~finance director~~ city clerk shall not send a  
210 copy of the complaint to board members, but shall send a notice to all board members and alternates setting  
211 forth only the name, address and any other necessary information identifying all complaining parties and the  
212 individual(s) complained against. The ~~finance director~~ city clerk shall notify all complaining parties, board  
213 members and alternates, and board counsel, of the date of completion of service or mailing of a copy of the  
214 complaint.

215 2. Board Counsel Consideration of Complaint – Preliminary Determination of Sufficiency – Investigation.  
216 Upon receipt of the complaint, board counsel shall:

217 a. Initially review the complaint to determine if it reasonably complies with the requirements of a complaint  
218 in subsection (B)(1) of this section, and shall:

219 i. Meet at least once together with all parties to hear from them on all aspects of the complaint and  
220 issues involved;

221 ii. Allow all parties to submit at meetings, or otherwise, any information they have concerning the  
222 complaint and issues involved;

223 iii. Request, as needed, clarification, explanation or submission of information necessary to properly  
224 consider the complaint;

225 iv. Promptly distribute to all parties any correspondence between board counsel and any party; and

226 v. Meet or discuss with any party, at such time or times as board counsel determines appropriate, a  
227 settlement of one or more of the complaint allegations and issues involved.

228 b. When in the discretion of board counsel it is necessary or appropriate, refer the complaint and any  
229 information gathered to the investigative third party(ies) approved by the board; provided, board counsel  
230 shall direct and control that investigation.

231 c. At the conclusion of the third party investigation, distribute to all parties all information gathered by any  
232 third party investigator, and any report, findings, or conclusions therefrom.

233 d. After distribution of information from the third party investigation, convene at least one meeting with all  
234 parties in attendance to discuss a settlement and resolution of the complaint and the issues involved, and  
235 board counsel may submit proposals for settlement of one or more issues involved and set deadlines for  
236 response by any or all parties, and further, if a settlement of one or more issues is agreed to, board counsel  
237 shall enter an appropriate administrative order of settlement.

238 e. If a settlement of one or more issues cannot be achieved, then enter an administrative order that:

239 i. Dismisses any complaint allegation which remains insufficiently stated;

240 ii. Dismisses any complaint allegation which is not supported by substantial facts;

241 iii. Identifies and sets forth the terms of any agreed settlement between the parties and board counsel;

242 iv. Identifies any complaint allegations withdrawn;

243 v. Determines the sufficiency of all other complaint allegations which are supported by substantial  
244 facts; and

245 vi. Sets forth any additional allegations, if any, from evidence which board counsel has discovered  
246 during the investigation, and such allegations shall comply with subsection (B)(1) of this section.

247 This administrative order shall be served or mailed to all parties within seven days of the date it was  
248 signed by board counsel.

249 f. Board counsel may, with the concurrence of the board, refer any complaint allegation, or any matter  
250 discovered by board counsel during the course of an investigation, to a city or county prosecutor. The board  
251 shall adopt policies and procedures to receive a recommendation for such a referral, and when appropriate  
252 to concur in such a recommendation. All proceedings involving a recommendation for a referral to a city or  
253 county prosecutor shall not be open to the public, nor shall any party, any party's representative, or any  
254 party's attorney be allowed to participate.

255 3. Complaint – Final Determination of Sufficiency – Standard. Board counsel shall make the final determination  
256 of the sufficiency of a complaint. A complaint shall be sufficient if it precisely alleges and reasonably describes  
257 acts which if true would constitute a prima facie showing of a violation of a specific provision(s) of this code.  
258 The purpose of requiring that the board counsel make a determination of sufficiency of the complaint is to  
259 ensure that the complaint is supported by identifiable facts, and to ensure that the complaint is not based on  
260 frivolous, speculative, or vague allegations.

261 4. Final Determination of Sufficiency – Administrative Order – Appeal. Ten days after the last settlement  
262 meeting, board counsel shall make and enter a determination of sufficiency in the form of a written  
263 administrative order which shall be served or mailed to each party. The administrative order shall include  
264 findings of fact and conclusions upon which board counsel made the determination of sufficiency or  
265 insufficiency. The determination of sufficiency issued by board counsel shall become final and binding 10 days  
266 after service or mailing is completed, unless it is appealed to the board. If it is not appealed, the board shall  
267 conduct a hearing as set forth in LMC [2.94.085](#). If, upon appeal, the board determines that the complaint, or a  
268 portion thereof, is sufficient or insufficient, it shall enter an appropriate administrative order, and no  
269 administrative or other legal review or appeal is available. If the board on appeal finds that the complaint, or a  
270 portion thereof, is sufficient, a hearing will be conducted as set forth in LMC [2.94.085](#).

271 5. Rights of Parties. Except as provided in subsection (B)(2)(f) of this section, each party to the complaint and  
272 the person(s) against whom the complaint was filed, and any other parties as the board may determine should be  
273 involved, shall all have the right:

274 a. To attend and participate in person or through a designated representative of a party, and an attorney,  
275 during any board counsel meetings, or board hearings;

276 b. In any board hearing on a motion or appeal, to present written and oral argument, supported by affidavits  
277 or declarations as may be appropriate, on any legal or factual issues involved in the motion or appeal before  
278 the board; and

279 c. In any board hearing on a sufficient complaint, to call witnesses, cross-examine witnesses, and to present  
280 written and oral argument on any legal or factual issues involved in the complaint before the board.

281 6. Violation of the Ethics Code – Remedies. In the event the board's administrative order determines that the  
282 individual against whom the complaint was made has violated the code, then the city council may take any of  
283 the following actions by a majority vote of the council:

284 a. Admonition. An admonition shall be a verbal nonpublic statement approved by the city council and made  
285 by the council president, or his/her designee, to the individual.

286 b. Reprimand. A reprimand shall be administered to the individual by a resolution of reprimand by the city  
287 council. The resolution shall be prepared by the city council and shall be signed by the mayor or council  
288 president. If the individual objects to the content of such resolution, he or she may file a request stating the  
289 reasons for objections with the council president and asking for a review of the content of the resolution of  
290 reprimand by the city council. The city council shall review the resolution of reprimand in light of the  
291 board's administrative order and the request for review, and may take whatever action appears appropriate  
292 under the circumstances.



293 c. Censure. A resolution of censure shall be a resolution read personally to the individual in public. The  
294 resolution shall be prepared by the city council and shall be signed by the mayor or council president. The  
295 individual shall appear at a city council meeting at a time and place directed by the city council to receive  
296 the resolution of censure. Notice shall be given at least 20 calendar days before the scheduled appearance at  
297 which time a copy of the proposed resolution of censure shall be provided to the individual. Within seven  
298 days of receipt of the notice, if the individual objects to the contents of such resolution, he or she may file a  
299 request stating the reasons for objections with the council president and asking for a review of the content  
300 of the proposed resolution of censure by the city council. Such a request will stay the administration of the  
301 censure. The city council shall review the proposed censure in light of the board’s administrative order and  
302 the request for review, and may take whatever action appears appropriate under the circumstances. The  
303 action of the city council shall be final and not subject to further review or appeal. If no such request is  
304 received, the resolution of censure shall be administered at the time and place set. It shall be read publicly,  
305 and the individual shall not make any statement in support of, or in opposition thereto, or in mitigation  
306 thereof. A censure shall be administered at the time it is scheduled whether or not the individual appears as  
307 required.

308 d. Removal – Member of Board, Commission or Committee. In the event the individual against whom the  
309 complaint was made is currently a member of a city board, commission, committee, or other multimember  
310 bodies nominated by the mayor and confirmed by the city council, the city council may, in addition to the  
311 remedies set forth in subsections (B)(6)(a), (b), or (c) of this section, and notwithstanding any other  
312 provision of the Lynnwood Municipal Code, by a majority vote remove the individual from such board,  
313 commission or committee effective immediately.

314 The action of the city council in the selection and carrying out of remedies shall be final and not subject to  
315 further review or appeal.

316 7. Proceedings Open/Closed. Proceedings by the board, when they relate to action involving a person, shall be  
317 made in executive session; however, consistent with RCW [42.30.110\(1\)\(f\)](#), upon request of the individual  
318 against whom the complaint was made, one or more hearings before the board on a motion or the hearing on a  
319 sufficient complaint shall be open to the public. The deliberations of the board shall not be open to the public;  
320 however, any final action by the board on any administrative order shall be taken at a meeting open to the  
321 public and only after proper public notice is given.

322 8. Public Records. The complaint, board counsel’s administrative order of settlement, an administrative order  
323 determining sufficiency or nonsufficiency of a complaint, and any other administrative order of the board shall  
324 be considered public records. An administrative order by board council determining that a complaint is  
325 sufficient shall contain at the beginning the following specific language:

326 NOTICE: ANY PORTION OF THIS ADMINISTRATIVE ORDER DETERMINING SUFFICIENCY  
327 OF ANY PORTION OF A COMPLAINT DOES NOT DETERMINE THE TRUTH OR FALSITY OF  
328 THE ALLEGATIONS CONTAINED IN THE COMPLAINT FILED WITH THE BOARD. BOARD  
329 COUNCIL HAS ONLY DETERMINED THAT IF CERTAIN FACTS CONTAINED IN THE  
330 COMPLAINT ARE FOUND TO BE TRUE DURING A LATER BOARD HEARING THEN A  
331 VIOLATION(S) OF THE ETHICS CODE MAY BE FOUND TO HAVE OCCURRED.

332 The city shall release copies of any written reports resulting from an investigation of a complaint and any  
333 written censures or reprimands issued by the city council, in response to public records requests consistent with  
334 Chapter [42.17](#) RCW and any other applicable public disclosure laws.

335 9. Council Action – Executive Session – Councilmember or Mayor Disqualification from Voting. Final action  
336 to decide upon remedies by the city council shall be by majority vote in a public meeting. If the proceeding  
337 involves a member of the city council, that member shall not vote on any matter involving the member. As  
338 provided in RCW [35A.12.100](#), the mayor may vote in the case of a tie, except if the action is against the mayor.  
339 Deliberations by the council may be in executive session; however, upon request of the individual against

340 whom the complaint was made, a public hearing or public meeting before the council will be held on the issue  
341 of remedies.

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345 **3.104.020 LMC Title 2 fees and charges.**

346 The fees and charges set forth in Table 3.104.020 are the city of Lynnwood fees and charges related to the  
347 provisions of LMC Title 2.

348 **Table [3.104.020](#) – LMC Title [2](#) Fees and Charges**

349 **Type of Fee**

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352 **LMC TITLE [2](#) – ADMINISTRATION AND PERSONNEL**

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354 Finance Director, Chapter [2.12](#) LMC

355

356 Public records

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358 Photocopies and printed copies Maximum per page, pursuant to RCW [42.56.120](#) 0.15

359

360 Records scanned into electronic format Maximum per page, pursuant to RCW [42.56.120](#) 0.10

361

362 Electronic files uploaded for electronic delivery Maximum per four electronic files, pursuant to  
363 RCW [42.56.120](#) 0.05

364

365 Transmission of records in an electronic format Maximum per gigabyte, pursuant to  
366 RCW [42.56.120](#) 0.10

367

368 Digital storage media, device, envelope, postage,  
369 etc. Actual cost, pursuant to RCW [42.56.120](#)

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371 Customized service charge Actual cost, pursuant to RCW [42.56.120](#)

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374 De minimis fee waiver The ~~finance director~~ city clerk may waive a de minimus fee  
375 for records in instances when operational expenses associated  
376 with collection and processing of the fee are contrary to the  
377 city's financial interests.

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380 Other

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382 Final utility bill calculation request Per request 35.00

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384 Lien recording and release Actual cost

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386 WebCheck for final bill – online Per request 30.00

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388 Police Department, Chapter [2.36](#) LMC

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390 Fingerprinting fees For 2 cards 10.00

391			
392		Each additional card	2.50
393			
394	Digital photo reproduction fee	Per request	25.00
395			
396	Electronic home monitoring program fee	Daily	30.00
397			
398	Community service fee		30.00
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400	Jail commitment extension fee		40.00
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402	Streets and Public Works Department, Chapter <a href="#">2.44</a> LMC		
403			
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405	Weekend work permit	One-time fee for the entire time	
406		the specific project is in effect, renewed	
407		every 3 weeks (no additional fee)	167.00
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411 **3.16.040 Authority to draw warrants.**

412 The ~~city clerk~~ finance director is authorized to draw warrants upon the payroll and claims funds.

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414 **3.28.110 Bond issuance on unpaid assessments.**

415 In case the improvement is made on the bond installment plan, the ~~city treasurer~~ finance director shall, at the  
 416 expiration of 30 days after the first publication of the notice to pay assessment, report to the city council the amount  
 417 collected by ~~him~~ the city upon the roll and shall specify in the report the amount remaining unpaid upon the roll. The  
 418 city council may then, or at a subsequent meeting, by ordinance, direct the mayor and ~~city clerk~~ finance director to  
 419 issue the bonds on the local improvement district established by the ordinance ordering the improvement, in an  
 420 amount equal to the amount remaining unpaid on the assessment. The ordinance shall specify the denomination of  
 421 the bonds which, except for bond numbered "one," shall be in multiples of \$100.00 each.

422 **3.28.140 Hearing examiners in local improvement district assessment proceedings.**

423 A. As authorized by RCW 35.44.070, the city council hereby provides for delegating to the hearing examiner  
 424 appointed under this section, whenever directed by majority vote of the city council, the duty of conducting public  
 425 hearings for the purpose of considering final assessment rolls and making recommendations regarding the individual  
 426 assessments upon property within local improvement districts or utility local improvement districts, and the hearing  
 427 examiner is directed to conduct such hearings and make such recommendations when thus authorized by the city  
 428 council.

429 B. All objections to the confirmation of the assessment roll shall be in writing and identify the property that is the  
 430 subject of the objection, be signed by the owners and clearly state the grounds of the objection. Objections not made  
 431 within the time and in the manner prescribed and as required by law shall be conclusively presumed to have been  
 432 waived.

433 C. The hearing examiner shall conduct the hearing to be commenced at the time and place designated by the city  
 434 council, cause an adequate record to be made of the proceedings, and make written findings, conclusions and  
 435 recommendations to the city council following the completion of such hearings, which may be continued and  
 436 recontinued as provided by law whenever deemed proper by the hearing examiner, and the city council shall either  
 437 adopt or reject the recommendations of the hearing examiner.

438 D. The recommendations of the hearing examiner shall be that the city council correct, revise, lower, change or  
439 modify the roll or any part thereof, or set aside the roll in order for the assessment to be made de novo, or that the  
440 city council adopt or correct the roll or take other action on the roll as may be found appropriate, including  
441 confirmation of the roll without change. The recommendations of the hearing examiner shall be filed with the  
442 ~~finance director~~ city clerk and all persons whose names appear on the assessment roll shall receive mailed written  
443 notification of their recommended assessments.

444 E. Any persons who shall have timely filed proper written objections to their assessments, and participated in the  
445 hearing, may appeal the decision and recommendations of the hearing examiner to the city council by filing written  
446 notice of such appeal with the ~~finance director~~ city clerk within 10 calendar days after the date of mailing of  
447 notification of the hearing examiner’s decision.

448 F. The appeal shall be based exclusively upon the record made before the hearing examiner and shall be considered  
449 by the city council at a public meeting of which notice shall be mailed to all appellants at least 10 calendar days in  
450 advance of such consideration by the city council. No new evidence may be presented. Arguments on appeal shall  
451 be either oral or written as the city council may order.

452 G. The city council shall adopt or reject the recommendations of the hearing examiner at a public meeting, after  
453 considering any appeals, and shall act by ordinance in confirming the final assessment roll.

454 H. Appeals from a decision of the city council regarding any assessment may be made to the superior court within  
455 the time and in the manner provided by law.

456 I. The procedures set forth in this section are independent of and alternative to any other hearing or review processes  
457 heretofore or hereafter established by the city, and shall govern the conduct and review of final assessment hearings  
458 conducted before hearing examiners and related proceedings when authorized by the city council.

459

460 **ADVANCE TRAVEL EXPENSE REVOLVING FUND**

461  
462

463 **3.44.030 Custodian.**

464 The ~~city clerk~~ finance director is designated and appointed as the custodian of this fund, and upon receipt of the  
465 monies transferred to him as custodian he shall immediately open a check account in a local bank in the name of the  
466 city and entitled “advance travel expense account – Lynnwood ~~city clerk~~ finance director, custodian.” (

467

468 **6.02.025 Dangerous animal – Requirements.**

469 Strict compliance with each of the following conditions is required to keep a dangerous animal in the city:

470 A. It is unlawful for a person to own a dangerous animal within the city limits unless that person has a current  
471 certificate of registration for that animal. The ~~finance director~~ Police Department or other animal control authority  
472 shall issue a certificate of registration to the owner of a dangerous animal if the owner presents sufficient evidence  
473 of:

474 1. A proper enclosure to confine the dangerous animal and the posting of the premises with a clearly visible  
475 warning that there is a dangerous animal on the premises. Additionally, the owner shall conspicuously display a  
476 sign with a warning symbol that informs children of the presence of a dangerous animal. Said sign shall be  
477 visible from the right-of-way or from the normal entrance to the owner’s property;

478 2. A surety bond issued by a surety insurer qualified under Chapter 48.28 RCW in a form acceptable to the  
479 animal control authority in the sum of at least \$250,000, as provided in Chapter 16.08 RCW, payable to any  
480 person injured by the animal;

481 3. A policy of liability insurance, such as homeowner’s insurance, issued by an insurer qualified under RCW  
482 Title 48 in the amount of \$250,000, with a deductible of no more than \$1,000, as provided in Chapter 16.08  
483 RCW, payable to any person injured by the animal, insuring the owner for any personal injuries or property  
484 damage inflicted or caused by the animal, and insuring and indemnifying the city of Lynnwood for any  
485 personal injuries or property damage inflicted or caused by the animal;

486 4. Proof of placement and current registration of a microchip that is capable of being scanned by an “AVID” or  
487 equivalent brand microchip scanner;

488 5. Consent for initial and subsequent inspections of the enclosure in which the animal is and will be kept.

489

490 **6.02.080 Public parks, beaches and/or playgrounds.**

491 Unless otherwise directed by the director of parks and recreation, it is unlawful for any person to ride, lead or  
492 otherwise permit any animal to be within or on any public park, beach or playground within the city of Lynnwood,  
493 whether owned by, leased or otherwise under the direct supervision of the city; provided, however, the director of  
494 parks and recreation is authorized to post a notice or notices of specific areas in any particular public park, beach or  
495 playground within the city of Lynn-wood where any specific type of animals may be permitted under such  
496 circumstances as may be required by the director of parks and recreation. The notices shall be placed in a  
497 conspicuous place or places at each drive-in or pedestrian access provided by the city to such public parks, beaches  
498 and/or playgrounds. In the event the director of parks and recreation so determines and posts notices as provided in  
499 this section, he shall maintain a list of the parks, beaches and/or playgrounds, shall file a copy of the same with the  
500 ~~finance director city clerk~~, and the list shall be open and available for public inspection at all business hours of the  
501 ~~finance director city clerk~~.

502 Any person who violates this section shall be guilty of a civil infraction and shall pay a monetary fine as follows:  
503 first offense, \$25.00; second offense, \$50.00. Any owner who fails to respond to a notice of civil infraction as  
504 promised or to appear at a requested hearing shall be guilty of a misdemeanor and may be punished by a fine not to  
505 exceed \$1,000 and confinement not to exceed 90 days. Any person who receives two infractions for violations of  
506 this section within one year and who subsequently violates this section shall be guilty of a misdemeanor and may,  
507 upon conviction, be punished by confinement not to exceed 90 days and a fine not to exceed \$1,000.

508

509 **7.20.090 Continuity of Government**

510 . . .

511 C. Succession of Officials and Employees. During the course of an emergency, succession of positions, by  
512 department, in the event of unavailability shall be in the following order:

513 1. Chief Elected Official.

- 514 a. Mayor;
- 515 b. Council president;
- 516 c. Council vice-president;
- 517 d. Remaining council members in order of position number on the council.

518

519 2. Lynnwood Police Department.

- 520 a. Chief of police;
- 521 b. Deputy chief of police;
- 522 c. Commander of police;
- 523 d. Sergeant of police.

524

525 3. Public Works Department.

- 526 a. Public works director;
- 527 b. Deputy public works director;

- 528 c. Engineering manager;
- 529 d. Operations and maintenance manager.
- 530
- 531 4. Development and Business Services
- 532 a. Development and Business services director.
- 533 b. Deputy Development and Business services director;
- 534 c. Community Planning Manager
- 535
- 536 5. Finance.
- 537 a. Finance director;
- 538 b. Senior manager for strategic planning;
- 539 c. ~~Purchasing and central service manager~~ Accounting Manager
- 540 6. Parks and Recreation.
- 541 a. Parks and recreation director;
- 542 b. Parks and recreation deputy director;
- 543 c. Recreation superintendent;
- 544 d. Parks superintendent.
- 545
- 546 7. Municipal Court.
- 547 a. Presiding judge;
- 548 b. Court administrator;
- 549 c. Operations supervisor;
- 550 d. Probation supervisor.
- 551
- 552 8. Information Technology.
- 553 a. IT director;
- 554 b. Systems manager;
- 555 c. Applications support manager.
- 556
- 557 9. Human Resources.
- 558 a. HR director;
- 559 b. HR manager.
- 560

561 **9.12.140 Public display of fireworks – Rules – Investigation – Permit.**

562 The fire marshal shall be authorized to adopt reasonable rules for the issuance or denial of a permit for a public  
563 display of fireworks. Following receipt of an application for a permit under RCW 70.77.260(2) for a public display  
564 of fireworks, the fire marshal shall investigate whether the character and location of the display as proposed would  
565 be hazardous to property or dangerous to any person. Based on the investigation, the fire marshal shall submit a  
566 report of findings and a recommendation for or against the issuance of the permit, together with reasons, to the  
567 ~~finance director~~ city clerk who shall forward the report to the city council. The city council shall grant the  
568 application if it meets the requirements of Chapter 70.77 RCW and this chapter.

569

570 **10.21.020 Application for letter of appointment.**

571 A. An application for a letter of appointment to provide towing services for the city of Lynnwood shall be filed by  
572 the applicant with the ~~finance director~~ city clerk. In the case of a partnership, each partner shall apply on the form  
573 prescribed. In the case of a corporation, the city may require that each of the present, and any subsequent officers,  
574 managers and stockholders holding any of the total issued and outstanding stock of the applicant corporation,  
575 complete an application form. Each application for letter of appointment shall comply with the current business  
576 license ordinance before the letter of appointment will be issued.

577 B. The filing of an application for a letter of appointment to tow upon request of the police department does not in  
578 itself authorize the towing operator to provide towing services pursuant to these regulations until a letter of  
579 appointment has been issued and signed by the ~~finance director~~ city clerk. The police department shall not call a  
580 towing business unless a permanent letter has been issued in connection with such business by the city of  
581 Lynnwood. However, nothing in this section shall prohibit the police department from calling the towing business  
582 upon the specific request of the person responsible for the vehicle, or his agent.

583 C. Nothing in this chapter shall be construed as requiring a permit to engage in towing operations within the city of  
584 Lynnwood.

585

586 **10.21.030 Application form for letter of appointment.**

587 A. The application for a letter of appointment shall be made on the form prescribed by the ~~finance director~~ city  
588 clerk. Upon request, the ~~finance director~~ city clerk shall advise the applicant of the contents of these regulations and  
589 of the standards established for the issuance of a letter of appointment.

590 B. The application form for such letter of appointment shall contain the following:

591 1. Name and residence address of the applicant;

592 2. Business name and address from which the business will be conducted;

593 3. Information pertaining to the applicant or employee of the business, pertaining to criminal and/or  
594 misdemeanor convictions, forfeitures, claims and/or judgments against them, within the past 10 years and, if  
595 affirmatively answered, further information as may be requested by the chief of police;

596 4. Location of any storage areas;

597 5. List of all vehicles to be used in connection with the business, including make, model, motor number, year,  
598 current vehicle license number and color scheme of each vehicle;

599 6. Names and addresses of all persons to be engaged as employees in the operation of the tow truck business,  
600 with description of the position of each employee;

601 7. Experience that the applicant and/or employees have had in the tow truck business;

602 8. Any other information the ~~finance director~~ city clerk or chief of police deems reasonably necessary;

603 9. Evidence of compliance with applicable state requirements for tow truck operators and tow truck permits as  
604 set forth in Chapter 46.55 RCW as amended, and applicable regulations adopted pursuant thereto.

605

606 **10.21.040 Processing of application.**

607 A. Every application for authorization to provide a towing service at the request of the police department will be  
608 processed by the ~~finance director~~ city clerk.

609 B. If the ~~finance director~~ city clerk finds that the requirements of this chapter have been satisfied by the applicant,  
610 and that the applicant is otherwise qualified, the ~~finance director~~ city clerk shall issue an appropriate letter of  
611 appointment, and so notify the applicant.

612 If the ~~finance director~~ city clerk finds that the applicant is not qualified and does not meet the requirements of this  
613 chapter, then the ~~finance director~~ city clerk shall deny such application and shall so notify the applicant of the  
614 decision, stating the reasons therefor in writing, and granting an opportunity for hearing before the city council if  
615 requested.

616

617 **10.21.050 Issuance of letter of appointment.**

618 A. No towing operator shall be called to perform a towing service at the request of the police department unless such  
619 operator has a letter of appointment, as described in this chapter, from the city.

620 B. Every letter of appointment shall be issued in the name of the applicant, and the holder thereof shall not allow any  
621 other person to use the letter of appointment. In the event of incapacity, death, receivership, bankruptcy or  
622 assignment for benefit of creditors of any appointee, the appointment shall be deemed revoked by operation of law.

623 C. A copy of the current letter of appointment shall be posted at all times in the place of business of the applicant.

624 D. The letter of appointment will only be valid for the place of business named on the application and will not apply  
625 to any other place of business.

626 E. Except as otherwise provided herein, a letter of appointment shall be valid for two years unless superseded or  
627 revoked by the ~~finance director~~ city clerk.

628 F. Each separate place of business must have a letter of appointment.

629 G. Each letter of appointment shall be signed by the applicant agreeing to the requirements of this chapter.

630

631 **10.21.070 Suspension or revocation of letter of appointment.**

632 Upon receiving evidence that any appointee has failed to comply with, or no longer complies with any requirement  
633 or provision of these rules and regulations, the ~~finance director~~ city clerk may deny, suspend, or revoke the letter of  
634 appointment. The ~~finance director~~ city clerk may not suspend or revoke the letter of appointment unless the  
635 appointee has been given notice and an opportunity to be heard before the mayor, or his designated representative;  
636 provided, that a temporary suspension of up to seven days may occur pending a hearing, if the mayor determines  
637 that good cause exists.

638 The police department shall maintain files of complaints received from any person, and shall submit copies of the  
639 complaint(s) to the ~~finance director~~ city clerk.

640

641 **10.21.080 Letter does not grant vested right.**

642 The issuance of any letter of appointment by the ~~finance director~~ city clerk shall not be construed as granting a  
643 vested right in any of the privileges so conferred. Misrepresentation of fact found to have been made by the  
644 applicant shall be sufficient cause for the denial, suspension or revocation of such letter of appointment by the  
645 mayor.

646

647 **10.21.090 Appeal.**

648 Any person aggrieved by a decision of the ~~finance director~~ city clerk denying, suspending or revoking a letter of  
649 appointment may, within 10 days of the date of such decision, appeal such decision to the city council, which shall  
650 conduct a hearing within

651 30 days of any appeal, or longer, for good cause shown by the person aggrieved. In determining an appeal, the city  
652 council shall hear and consider all pertinent evidence, and consider the criteria set forth in this chapter.

653

654 **10.21.100 Towing procedure.**

655 Police officers of the city of Lynnwood police department shall obtain towing services to remove damaged or  
656 disabled vehicles from the highway, or otherwise impound vehicles as authorized by city ordinance, with the  
657 following limitations:



658 A. If the vehicle does not constitute an obstruction to traffic, and the owner/operator of the vehicle is present at the  
659 scene and appears competent to determine disposition of the vehicle, the owner/operator may, upon request, make  
660 his own arrangements for removal. This does not affect rotational positions.

661 B. If the vehicle is to be removed from the scene, the owner/operator of the vehicle may make a specific request for  
662 a particular tow operator. The request will be honored by the officer of the police department if the requested tow  
663 operator is reasonably available and the request is otherwise reasonable in view of the circumstances of the scene.  
664 This does not affect rotational positions.

665 C. When the owner/operator of the vehicle makes no specific request, or when the owner/operator is incapacitated or  
666 is unavailable, the officer of the police department shall when practicable, obtain towing services by notifying the  
667 radio communications center and requesting tow service at the location.

668 D. The ~~finance director~~ city clerk shall specify that tow services obtained by the police department will be on a  
669 rotational basis, among designated appointees; provided, that, anytime an appointee is called by the police  
670 department for services, but the appointee for whatever reason except those set forth in LMC 10.21.110(A) through  
671 (D) does not actually tow the vehicle away from the scene, neither the city nor the vehicle owner/operator shall pay  
672 any charges to the towing operator. Such "dry runs" do not affect rotational positions.

673

674 **10.21.110 Vehicle towing operator qualifications.**

675 In addition to applicable state law requirements and requirements of this chapter as now or hereafter amended, tow  
676 truck operators appointed or hired to perform towing service pursuant to this chapter shall observe the following  
677 practices and procedures:

678 A. When called by the police department, the tow truck operator will arrive at the scene within 20 minutes for Class  
679 A or B trucks and within 30 minutes for Class C trucks.

680 B. If, for any reason, a tow truck operator on rotation is unable to dispatch a tow truck within the stated time, the tow  
681 truck operator shall so advise the police dispatch center. In the event the tow truck does not arrive at the scene  
682 within 20 minutes for Class A or B trucks and within 30 minutes for Class C trucks, the police department will  
683 contact another tow business to perform the necessary services.

684 C. A tow operator on rotation who is unable to dispatch within the time stated in subsections (A) and (B) of this  
685 section will forfeit his turn and be placed at the bottom of the rotation list as if he had responded.

686 D. Consistent refusal to respond or failure of the appointee to arrive within 20 minutes for Class A or B trucks and  
687 within 30 minutes for Class C trucks to calls from the police department for towing services may result in the  
688 suspension or revocation of the tow operator's letter of appointment or towing contract.

689 E. The tow operator shall immediately advise the police department when he receives a private call for a tow and the  
690 circumstances indicate that the tow is for a vehicle which has been involved in an accident or other such incident on  
691 the public roadway. The tow operator also shall immediately advise the police department of all traffic accidents on  
692 private property resulting in bodily injury or death when the operator has received a private call for a tow at such an  
693 accident.

694 F. The tow operator will notify the police department before moving any vehicle involved in an accident on a public  
695 highway under the jurisdiction of the Lynnwood police department, or where it appears that the driver of the vehicle  
696 to be moved is under the influence of intoxicants or drugs, or is otherwise incapacitated.

697 G. When the police department is in charge of an accident scene or other such incident, a tow operator shall not  
698 respond to such scene unless his services have been specifically requested by the police department.

699 H. The tow operator shall be available 24 hours a day for the purpose of receiving calls or arranging for the release  
700 of vehicles. Business hours will be posted conspicuously at the operator's place of business so they can be seen  
701 during business hours and nonbusiness hours.

702 I. The tow operator shall have a secure storage area for the vehicles stored by the operator at the request of the police  
703 department. All storage areas shall be fenced, lighted and secure. Lighting will be of sufficient illumination to  
704 permit visual inspection of all vehicles stored during the hours of darkness. Fences will be of sufficient strength and  
705 height to discourage entry to the storage area, except through controlled gates. Each operator will have available an  
706 enclosed garage for use and storage of vehicles containing or considered to be evidence in criminal or civil  
707 proceedings. This enclosure will have all windows, if any, barred.

708 The storage area will be located within one mile of the city limits of the city of Lynnwood; provided, that this  
709 requirement can be waived by the ~~finance director~~ city clerk if it appears that capacity of lots is not sufficient to  
710 meet the requirements of the city and so long as any lot is reasonably convenient to the residents of the city.

711 J. Tow operators will post current towing service rates in a conspicuous place at the company's place of business.  
712 All rates for the city of Lynnwood requested services shall not exceed a uniform rate approved by the city council.

713 K. If the ~~finance director's~~ city clerk's office receives written complaints from towing customers or the police  
714 department concerning appointed tow businesses alleging price gouging, overcharging, charging for services not  
715 received, and other such pricing abuses and/or any improprieties, it will cause such allegations to be investigated by  
716 the police department.

717 L. Tow operators will maintain, for three years, records on towed and released vehicles which were towed at the  
718 request of the police department. This record will include, but not be limited to:

- 719 1. An itemized receipt of charges to the claimant of the vehicle;  
720 2. An inventory sheet, or copy thereof, made out by the officer at the scene of the tow and signed by the tow  
721 truck driver.

722 Such records will be available for inspection by the police department during normal business hours.

723 M. The tow truck driver will sign an inventory sheet made out by the officer at the scene of the tow, and receive a  
724 copy upon release of vehicle from impound.

725 N. Tow operators will obtain registration as a disposer by the Department of Licensing pursuant to applicable state  
726 requirements.

727 O. Each towing operator shall carry and shall provide proof to the ~~finance director~~ city clerk of minimum insurance  
728 requirements of: \$1,000,000 for liability for bodily injury or property damage per occurrence; and \$100,000 of legal  
729 liability per occurrence, to protect against vehicle damage, including but not limited to fire and theft, from the time a  
730 vehicle comes into the custody of an operator until it is redeemed or sold.

731 The ~~finance director~~ city clerk shall be notified within 30 days of any change which leaves the tow operator without  
732 the necessary minimum coverage. A copy of the insurance policy or certificate of coverage shall be filed with the  
733 finance director. The insurer shall notify the ~~finance director~~ city clerk 30 days in advance of any cancellation if the  
734 policy is sought to be canceled.

735 P. Towing operators shall perform towing tasks completely and competently. The standard of competence shall be  
736 that quality of work which is accepted as efficient and effective within the towing industry. The chief of police will  
737 investigate all quality of work, complaints, and report his findings to the city council.

738

739 **10.21.130 Penalties.**

740 Any violation of these rules and regulations may result in the suspension, revocation or denial of the letter of  
741 appointment by the ~~finance director~~ city clerk.

742

743 **10.30.020 State statutes adopted by reference.**

744 The following statutes of the state of Washington as now existing or as they may be hereafter amended are adopted  
745 by reference:

746	RCW
747	9.46.010 Legislative declaration.
748	9.46.0201 Amusement game.
749	9.46.0205 Bingo.
750	9.46.0209 Bona fide charitable or nonprofit organization.
751	9.46.0213 Bookmaking.
752	9.46.0217 Commercial stimulant.
753	9.46.0221 Commission.
754	9.46.0225 Contest of chance.
755	9.46.0229 Fishing derby.
756	9.46.0233 Fund raising event.
757	9.46.0237 Gambling.
758	9.46.0241 Gambling device.
759	9.46.0245 Gambling information.
760	9.46.0249 Gambling premises.
761	9.46.0253 Gambling record.
762	9.46.0257 Lottery.
763	9.46.0261 Member, bona fide member.
764	9.46.0265 Player.
765	9.46.0269 Professional gambling.
766	9.46.0273 Punch boards, pull-tabs.
767	9.46.0277 Raffle.
768	9.46.0282 Social card game.
769	9.46.0285 Thing of value.
770	9.46.0289 Whoever, person.
771	9.46.0305 Dice or coin contests for music, food, or beverage payment.
772	9.46.0311 Charitable, nonprofit organizations – Authorized gambling activities.
773	9.46.0315 Raffles – No license required, when.
774	9.46.0321 Bingo, raffles, amusement games – No license required, when.
775	9.46.0325 Social card games, punch boards, pull-tabs authorized.
776	9.46.0335 Sports pools authorized.
777	9.46.0341 Golfing sweepstakes authorized.
778	9.46.0345 Bowling sweepstakes authorized.
779	9.46.0351 Social card, dice games – Use of premises of charitable, nonprofit organization.
780	9.46.0356 Promotional contest of chance authorized.
781	9.46.0361 Turkey shoots authorized.
782	9.46.110 Taxation of gambling activities – Limitations – Restrictions on punch boards and pull-tabs.
783	9.46.120 Restrictions as to management or operation personnel – Restriction as to leased premises.
784	9.46.130 Inspection and audit of premises, paraphernalia, books and records – Reports for the commission.
785	9.46.150 Injunctions – Voiding of licenses, permits, or certificates.
786	9.46.170 False or misleading entries or statements, refusal to produce records.
787	9.46.185 Causing person to violate rule or regulation.
788	9.46.190 Violations relating to fraud and deceit.
789	9.46.195 Obstruction of public servant in administration or enforcement as violation – Penalty.
790	9.46.196 Cheating – Defined.
791	9.46.1962 Cheating in the second degree.
792	9.46.198 Working in gambling activity without license as violation – Penalty.
793	9.46.200 Action for money damages due to violations – Interest – Attorneys' fees – Evidence for exoneration.
794	9.46.210 Enforcement – Commission as a law enforcement agency.
795	9.46.217 Gambling records – Penalty – Exceptions.
796	9.46.222 Professional gambling in the third degree.

- 797 9.46.225 Professional gambling – Penalties not applicable to authorized activities.
- 798 9.46.231 Gambling devices, real and personal property – Seizure and forfeiture.
- 799 9.46.235 Slot machines, antique – Defenses concerning – Presumption created.
- 800 9.46.240 Gambling information, transmitting or receiving as violation – Penalty.
- 801 9.46.250 Gambling property or premises – Common nuisances, abatement – Termination of mortgage, contract, or
- 802 leasehold interests, licenses – Enforcement.
- 803 9.46.260 Proof of possession as evidence of knowledge of its character.
- 804 9.46.270 Chapter as exclusive authority for taxation of gambling activities.
- 805 9.46.293 Fishing derbies exempted.
- 806 9.46.295 Licenses as legal authority to engage in activities for which issued – Exception.
- 807 9.46.350 Civil action to collect fees, interest, penalties, or tax – Writ of attachment – Records as evidence.
- 808 9.46.400 Wildlife raffle.
- 809 One or more copies of the above-referenced statutes shall be kept on file in the office of the ~~finance director~~ city
- 810 clerk for use and examination by the public.

811

812 **10.40.165 Alarm system monitoring companies – Verification process.**

813 A. Every alarm system monitoring company engaging in business activities in Lynnwood shall:

- 814 1. Obtain a city of Lynnwood business license from the ~~finance~~ development and business services department;
- 815 2. Upon request, provide the chief of police such information about the nature of its property alarms, burglary
- 816 alarms, robbery alarms, and panic alarms; its method of monitoring; its program for preventing false alarms;
- 817 and its method of disconnecting audible alarms, each as the chief may require by rule;
- 818 3. Maintain a current list of all subscribers, which list shall be accessible to the chief at all times. Said list shall
- 819 contain the subscribers’ names, emergency contact phone numbers, and the associated protected premises the
- 820 alarm serves;
- 821 4. Maintain a verification process with those subscribers who have an automatic alarm system to prevent false
- 822 alarms from resulting in unnecessary police dispatches; and
- 823 5. When the chief reports that there appears to have been a false alarm at a subscriber’s premises, work
- 824 cooperatively with the subscriber and the chief in order to determine the cause thereof and prevent recurrences.

825

826 **12.16.020 Petition for vacation.**

827 A. Petitions Authorized. The owners of an interest in any real estate abutting upon any street or alley desiring to

828 vacate the street or alley or any part thereof may petition the city council to make such vacation.

829 B. Elements of Petition. The vacation petition shall include a legal description of the property to be vacated prepared

830 by a licensed surveyor. This requirement may be waived for good cause by the public works director.

831 C. Filing of Petition. The petition or resolution shall be filed with the ~~finance director~~ city clerk, and the petition

832 shall be signed by the owners of more than two-thirds of the property abutting upon the part of such street or alley

833 sought to be vacated.

834 D. Council Resolution for Vacation/Council Action on Resolution or Petition. After receipt of petition for vacation,

835 or after the city council’s own motion on its own resolution for vacation, the city council shall adopt a resolution

836 fixing a time when the petition will be heard and determined, which time shall not be more than 60 days nor less

837 than 20 days after the date of the passage of the resolution.

838

839

840 **12.16.050 Notice of hearing.**

841 A. Notice to be Provided. Upon the passage of the resolution, the ~~finance director~~ city clerk shall give 20 days'  
842 notice of the pendency of the petition by a written notice posted in three of the most public places in the city, and a  
843 like notice in a conspicuous place on the street or alley sought to be vacated.

844 **12.16.060 Protest.**

845 If 50 percent of the abutting property owners file written objection to council-initiated vacation with the ~~finance~~  
846 ~~director~~ city clerk prior to the time of the hearing, the city shall be prohibited from proceeding with resolution.

847

848 **12.16.120 Posting and mailing notices – Recording ordinance.**

849 Posting and mailing of the notices provided for in this chapter shall be the responsibility of the ~~finance director~~ city  
850 clerk. As required by RCW 35.79.030, a certified copy of the ordinance vacating a street, alley, or portion thereof,  
851 shall be recorded by the ~~finance director~~ city clerk and in the office of the Snohomish County auditor.

852

853 **15.04.010 Adoption of the Uniform Plumbing Code.**

854 As amended by the provisions of this chapter and the State of Washington Building Code Council under Chapters  
855 51-56 and 51-57 WAC, the latest Edition of the Uniform Plumbing Code (UPC) less Chapters 12 and 15 published  
856 by the International Association of Plumbing and Mechanical Officials, one copy of which, along with the State of  
857 Washington Building Code Council's amendments, shall be on file with the Lynnwood ~~finance director~~ city clerk,  
858 are adopted by this reference; provided, that in the event of a conflict between the International Fire Code and the  
859 Uniform Plumbing Code, the International Fire Code shall govern.

860

861 **15.08.010 Adoption of the International Mechanical Code.**

862 As amended by this chapter and the State of Washington Building Code Council, the latest Edition of the  
863 International Mechanical Code (IMC), as published by the International Code Council, one copy of which, along  
864 with the State of Washington Building Code Council's amendments, shall be on file with the Lynnwood ~~finance~~  
865 ~~director~~ city clerk, are adopted by this reference.

866

867 **16.04.010 Adoption of the International Building Code.**

868 As amended by the provisions of this chapter and the State of Washington Building Code Council, under Chapter  
869 51-50 WAC, the latest Edition of the International Building Code, published by the International Code Council,  
870 together with Appendices E, G, and J, one copy of which, along with the State of Washington Building Code  
871 Council's amendments, shall be on file in the office of the Lynnwood ~~finance director~~ city clerk, are adopted by  
872 reference.

873

874 **16.05.010 Adoption of the International Energy Conservation Code.**

875 As amended by this chapter and the State of Washington Building Code Council, under Chapters 51-11R and 51-  
876 11C WAC, the latest Edition of the International Energy Conservation Code (IECC), as published by the  
877 International Code Council, one copy of which, along with the State of Washington Building Code Council's  
878 amendments, shall be on file with the Lynnwood ~~finance director~~ city clerk, are adopted by this reference.

879

880 **16.09.010 Adoption of the International Residential Code.**

881 As amended by this chapter and the State of Washington Building Code Council under Chapter 51-51 WAC, the  
882 latest adopted version of the International Residential Code (IRC), published by the International Code Council,  
883 except Chapters 11 and 25 through 43, one copy of which, along with the State of Washington Building Code

884 Council Amendments, shall be on file in the office of the Lynnwood ~~finance director~~ city clerk, is adopted by  
885 reference.

886

887 **16.10.010 Copies of codes on file.**

888 The city shall at all times keep on file with the ~~finance director~~ city clerk, for reference by the general public, not  
889 less than one copy of the codes and resolutions, or parts thereof, as herein adopted by reference, together with the  
890 amendments and supplements thereto herein made a part of this chapter.

891 The copies of the codes on file may be placed by the ~~finance director~~ city clerk in the custody of the office of the  
892 building official in order to make them more readily available for inspection and use by the general public.

893

894 **16.44.010 Adoption of the International Property Maintenance Code.**

895 As amended by this chapter and the State of Washington Building Code Council, the latest Edition of the  
896 International Property Maintenance Code (IPMC), as published by the International Code Council, one copy of  
897 which, along with the State of Washington Building Code Council's amendments, shall be on file with the  
898 Lynnwood ~~finance director~~ city clerk, are adopted by this reference.

899

900 **21.42.300 Home occupations.**

901 A home occupation may be permitted by issuance of a business license, pursuant to LMC Title 5, provided the  
902 business complies with this and other applicable sections of the Lynnwood Municipal Code.

903 A. Area Used. A home occupation may only be conducted in the principal building and not in an accessory building.  
904 The area devoted to the home occupation may comprise no more than 25 percent of the area of the principal  
905 building. Any extension of the home occupation to the outdoors, including, but not limited to, paving of yards for  
906 parking, outdoor storage or activity, indoor storage or activity visible from outdoors (e.g., in an open garage) is  
907 prohibited.

908 B. Access. Access to the space devoted to the home occupation shall be from within the dwelling, not internally  
909 closed off or separated from the living areas of the dwelling, and not from a separate outside entrance.

910 C. Employment. No one other than members of the resident household may perform labor or personal services on  
911 the premises.

912 D. Stock in Trade. The processing, storing, and occasional sale of handicrafts made on the premises and other small  
913 products is allowed, subject to compliance with other conditions of this title. Such stock must be incidental to the  
914 main activity permitted by the home occupation. The display or storage of goods outside the premises or in a  
915 window is prohibited.

916 E. Equipment, Use, and Activities. No equipment may be used and no activities may be conducted which would  
917 result in noise, vibration, smoke, dust, odors, heat, glare, or other conditions exceeding in duration or intensity those  
918 normally produced by a residential use. Normal residential use shall be construed as including the above impacts  
919 only on an occasional weekend or evening basis (e.g., in connection with a hobby or home/yard maintenance), and  
920 not on a daily basis. Outdoor storage of equipment, materials, or more than one vehicle related to the business is  
921 prohibited. There shall be no production, generation, or storage of any hazardous waste or substance. Those  
922 individuals who are engaged in home occupations shall make available to the fire or county health departments for  
923 review the material safety data sheets which pertain to all potentially toxic and/or flammable materials associated  
924 with the use.

925 F. Traffic. A home occupation shall not generate traffic in excess of normal residential traffic. Normal residential  
926 traffic for the purposes of regulating home occupation traffic shall be defined as 10 trips per day and one trip per  
927 hour. There shall not be more than one client on the premises at any one time. One client constitutes those arriving

928 in a single vehicle. Delivery services such as the Post Office, UPS, FedEx and similar, which make normal  
929 deliveries to residential neighborhoods, shall not be included in the assessment. Trips, whether personal or for  
930 business, by residents of the dwelling, shall also not be included. Home occupations that generate traffic or parking  
931 are limited to the hours of 7:00 a.m. to 9:00 p.m.

932 G. Certain Uses Specifically Prohibited. The following uses are specifically prohibited as home occupations:

- 933 1. Automotive repairs or detailing;
- 934 2. Small engine and major appliance repair;
- 935 3. Boarding, grooming, kenneling, or medical treatment of animals;
- 936 4. Contractors' shops (with the exception of administrative and office functions);
- 937 5. On-site sale of firewood;
- 938 6. Sheet metal fabrication;
- 939 7. Unlicensed or uncertified (by state licensing or an accrediting agency, when available) health care or other  
940 physical or personal services administered directly to the client at this location;
- 941 8. Beauty/barber shops and other similar activities having more than one station;
- 942 9. Any other use as determined by the community development director with a significant potential to violate  
943 one or more of the conditions of this section.

944 H. Signs. Any home occupation sign must meet the residential sign regulations in LMC 21.16.290. Such signs shall  
945 display only the name and address.

946 I. Exemptions. The following shall not be regulated under this section: garage sales, yard sales, bake sales, and  
947 similar as long as they do not occur more than three times per year per home.

948 J. Process.

949 1. Applications. Home occupations shall be reviewed concurrently with the business license application  
950 pursuant to LMC Title 5. Applications for home occupation related business licenses shall also include a copy  
951 of a site plan showing parking and a floor plan for the premises showing access and the square footage of the  
952 total premises and the square footage allocated to the business. All home occupation business license  
953 applications shall be acknowledged by the property owner (if other than the applicant).

954 2. Conditions. The director of the community development department may impose additional conditions to  
955 mitigate any potential adverse impacts of the home occupation to the surrounding uses.

956 3. Business License. A business license shall be obtained ~~from the city clerk's office~~ and shall be maintained. If  
957 the license is not maintained, the home occupation approval shall become null and void and a new business  
958 license application shall be required to reestablish the use.

959 4. Review, Enforcement, and Penalties.

960 a. A violation of any provision of this section shall be a civil infraction. Enforcement activities will be  
961 conducted pursuant to LMC [1.40.020](#).

962 b. A home occupation may be suspended or revoked by the director of the community development  
963 department as an administrative decision. The director may base his action on:

964 i. Lack of compliance with the conditions of the permit of the business license or its approval, or with  
965 the provisions of the development code; or

966 ii. Upon finding that the operation of the home business creates a nuisance or hazard, or has been  
967 abandoned, or was procured by mistake, fraud or deception.

968 K. Inspection. The city of Lynnwood fire ~~marshall~~ marshal and building official reserve the right to inspect a home  
969 occupation to ensure that related alterations and equipment are consistent with fire and building codes.