

LMC language - review for possible deletion

• ~~Chapter 1.12 - DATUM PLANE~~

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• ~~1.12.010 - Datum plane established - Location.~~

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~~There is established a datum plane for the city. Said plane shall be a level plane ninety-five feet below the United States Geological Survey bench mark of the Lynden State Bank building on the northerly side of Front Street between Fourth and Fifth Streets, and all grades and elevations shall be recorded as a definite number of feet or feet and inches above said datum plane.~~

~~(Ord. 56 § 1, 1909).~~

Commented [MM1]: This section is obsolete and no longer needed.

• **Chapter 5.04 - ALCOHOLIC BEVERAGES**⁽¹⁾

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Sections:

• **5.04.010 - Liquor prohibited during certain days and hours.**

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No licensee shall sell, deliver, offer for sale, serve or allow to be consumed, upon the licensed premises, any liquor, nor shall he or she permit the removal of any liquor from the licensed premises in any manner whatsoever between the hours of one a.m. and six a.m., except that on New Year's Day, the hours of closing shall be two a.m.

(Ord. 1145 § A, 2002; Ord. 449 § A(part), 1967).

(Ord. No. 1335, § A, 10-20-2008)

- **5.04.020 - Definitions.**

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"Malt liquor," for the purposes of this chapter, means beer, strong beer, ale, stout and porter.

(Ord. 608 § 2, 1979).

- **5.04.030 - Sale of malt liquor.**

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Any person who sells or offers for sale kegs or other containers containing seven gallons or more of malt liquor to consumers who are not licensed under RCW 66.24 shall:

A.

Require the purchaser to sign a receipt for the beverage and provide the following:

1.

Two pieces of identification, one of which is a motor vehicle operator's license or a Washington state identification card;

2.

A sworn statement providing that the purchaser will not allow any person under the age of twenty-one to consume the beverage except as provided in RCW 66.44.270, and that the purchaser will not remove or obliterate the numbered label affixed to the container.

B.

Record the identification of the keg or container in the following manner:

1.

Record the serial number of the keg or container on the receipt;

2.

Identify the keg or container purchased by affixing a numbered label to the keg or container;

3.

Record on the receipt the identification number from the numbered label. The original copy of the receipt shall be mailed to the Lynden police department by the seller within one week of the purchase and shall be retained by the police department for a period of one year. A copy of this receipt shall be provided by the seller to the purchaser at the time of purchase. A third copy may be retained by the seller at his or her option.

(Ord. 608 § 1, 1979).

- **5.04.035 - Dancing prohibited—When.**

Commented [MM2]: This entire section needs to be rewritten to conform with RCW.

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~~Dancing, either singly, or in groups of two or more persons, is prohibited in any establishment where beer, wine or other intoxicating beverages are sold for on-premises consumption.~~

~~(Ord. 633 § B, 1981).~~

~~• **5.04.040 - Violation—Penalty.**~~

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~~Violation of any provision of this chapter is a misdemeanor and punishable by a fine of five hundred dollars and/or six months in the county jail.~~

~~(Ord. 608 § 3, 1979).~~

• **5.04.050 - Opening or consuming liquor in a public place—Penalty.**

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~~RCW 66.44.100, as presently constituted or hereinafter amended, is herewith adopted by reference.~~

~~(Ord. 1235 § A, 2005).~~

~~[5.02.110 - Violation—Penalty.](#)~~

Commented [MM3]: Just need to make sure this is consistent with current RCW

~~• **Chapter 5.32 - PUBLIC DANCES**~~

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~~Sections:~~

~~• **5.32.010 - Permit to conduct public dance required.**~~

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~~It is unlawful for any person, firm or corporation, society or group, whether as owner or agent to conduct or cause to be conducted any public dance within the city limits of the city unless a permit to do so has first been obtained from the city clerk.~~

(Ord. 633 § A(part), 1981).

• **5.32.020 - Defined.**

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"Public dance" means any dance conducted in any place in the city where dancing is allowed or permitted with or without charge, and where persons are allowed to consume alcoholic beverages of any kind either in the premises where the dancing occurs, or elsewhere on premises adjacent to the place where dancing occurs.

(Ord. 973 § A, 1995; Ord. 633 § A(part), 1981).

• **5.32.030 - Application for permit.**

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Every person, firm or corporation, group or society desiring to secure a permit authorizing a public dance to be conducted in the city shall make application with the city clerk, and the permit shall be issued by the clerk upon payment of fees as provided by this chapter; provided that, prior to issuance of a dance permit the application shall be approved by the mayor or his or her designee. The mayor or his or her designee, shall approve or deny each dance permit application based upon prior experiences with dances of the same type or in the same vicinity of the dance requested in the application or with dances conducted by the applicant. In the event a dance permit application is denied the applicant shall have a right to appeal to the city council. Any such appeal shall be conducted as an appeal of an administrative interpretation and conform to the requirements of Chapter 17.11 of the Lynden Municipal Code. The permits issued by the city clerk may be suspended at any time by the mayor, his designee, or the chief of police, for cause. The term "cause" means that the permittee shall have allowed unreasonable problems of noise, policing or traffic or other similar problems to arise associated with the dance activities. Permittees that have had their permits suspended shall not be entitled to a refund of their application fees and shall have no cause of action against the city for damages resulting from the suspension of their permit.

(Ord. 1139 § 1, 2002; Ord. 633 § A(part), 1981).

• **5.32.040 - Permit application contents.**

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The application shall contain the following information:

A.

The name and address of the person or persons who will be present at the dance and responsible for seeing that the terms and conditions of the license are complied with;

B.

The number of expected guests and the hours within which the dance is to be conducted;

C.

Whether any alcoholic beverages will be consumed on the premises;

D.

Such other information as may be required by the city clerk for proper administration of this chapter.

(Ord. 633 § A(part), 1981).

• ~~5.32.050 - Fee for permit and frequency of permit.~~

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The fee for a dance permit shall be set by resolution of the city council. Further, the city clerk shall not issue more than three single dance permits within any sixty-day period to any one person, firm or corporation, group or society, or to anyone acting on their behalf, or to any applicant desiring to hold a public dance at any place where more than six single dance permits have been issued within the last sixty days.

(Ord. 1170 § A, 2003; Ord. 826 § F, 1989; Ord. 633 § A(part), 1981).

• ~~5.32.060 - Closing hours.~~

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All dances held under a permit as issued in this chapter shall close not later than one a.m.; provided, however, any dances which are held on a Saturday shall be closed not later than midnight Saturday evening.

(Ord. 633 § A(part), 1981).

• ~~5.32.070 - Condition of permit issuance.~~

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No permit issued under this chapter shall be construed to license anyone to violate any other rules, regulations or ordinances of the city. The licensee shall be held responsible for the noise level of any noise of any kind emanating from the premises upon which the dance is being held and shall be responsible for adequate policing and other supervision of the dance premises and adjoining parking area.

(Ord. 633 § A(part), 1981).

• ~~5.32.080 - Immoral dances prohibited.~~

Commented [MM4]: Even though this refers to the permit (that goes away) Council still may wish to have some language, somewhere, regarding when such establishments must close.

Commented [MM5]:

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No immoral or indecent dance shall be given or carried on in any place licensed under the provisions of this chapter. Any dance in which any part of the torso of any male or female participant is uncovered is declared to be an immoral or indecent dance. Every such building or other place used for public dancing shall be kept in a clean, healthful and sanitary condition, and all dance halls, corridors and stairways connected therewith shall at all times be open to the public and be fully lighted.

(Ord. 633 § A(part), 1981).

- **5.32.090 - Right of inspection—Minors.**

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All peace officers of the city and of the state shall have free access to any public dances for the purposes of inspection and to enforce compliance with the provisions of this chapter. No minor shall be allowed at any public dance where liquor is available to any persons.

(Ord. 633 § A(part), 1981).

- **5.32.100 - Intoxicated and boisterous persons.**

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No person under the influence of intoxicating liquor shall be permitted to or allowed to remain at any public dance and no boisterous conduct shall be allowed on the part of any person attending any public dance.

(Ord. 633 § A(part), 1981).

Commented [MM6]: I think this goes too, but “drunk and disorderly” still not allowed.

- ~~**5.32.110 - Permit not assignable.**~~

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The permits required in this chapter shall not be assignable.

(Ord. 633 § A(part), 1981).

- ~~**5.32.120 - Violation—Penalty.**~~

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Any person or corporation found guilty of a violation of any provision of this chapter is guilty of a misdemeanor and shall be punished as set forth in Section 1.24.015.

(Ord. 633 § A(part), 1981).

• ~~Chapter 5.40 - HORSE TAXIS~~

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~~Sections:~~

• ~~5.40.010 - Definitions.~~

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~~As used in this chapter:~~

~~"Animal" refers to horses, ponies, mules, donkeys or similar animals, used to draw a horse taxi.~~

~~"Horse taxi" means a nonmotorized vehicle drawn by a horse, pony, mule, donkey or similar animal, such as a horse carriage, used for the transportation of passengers and incidental baggage for compensation upon the streets of the city, available for use by the general public.~~

~~(Ord. 1040 § A(part), 1997).~~

• ~~5.40.020 - Activities requiring license.~~

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~~No person may own, operate, use or drive a horse taxi unless the vehicle is licensed under this chapter, and no person may drive a horse taxi without a driver's license issued under this chapter, and without a city business license.~~

~~(Ord. 1040 § A(part), 1997).~~

• ~~5.40.030 - Vehicle license - Application.~~

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An applicant for a horse taxi license must submit:

- A. Proof of ownership or lessee's interest in the vehicle;
- B. The name and address of the owner of the vehicle;
- C. The make, model, year of manufacture, color and identifying insignia or number of the vehicle;
- D. A certificate of public liability insurance, naming the city as an additional insured in an amount of not less than the coverage limits required by the state of Washington for for hire vehicles. Proof of such insurance shall require the filing with the city clerk of a certificate of insurance providing the required coverage. Such policy shall provide a minimum thirty days' written notice to the city of the cancellation of the policy or change in the liability limits. The insurance liability limits in this section shall be subject to automatic increase if the minimum coverage required by state law is increased for state for-hire vehicle permits;
- E. An agreement of indemnity executed on a form supplied by the city clerk whereby the applicant agrees in writing to defend, indemnify and hold harmless the city and its employees from any and all claims, actions or damages of every kind and description which may accrue to, or be suffered by, any persons by reason of or related to the operation of such horse taxi;
- F. The schedule or schedules of rates and charges in the form required by Section 5.40.070;
- G. A plan for the proper disposal of manure and other debris related to the horse taxi operation. (Ord. 1040 § A(part), 1997).

• **~~5.40.040 - License issuance for operation of business.~~**

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~~No business license to operate a horse taxi shall be issued except by the city council, after review of the license application and inspection reports of the chief of police, or his designee. The city council may, in its discretion, approve or deny the application. Any applicant denied a license by the city council shall have the right to appeal to the Whatcom County superior court. Such appeal shall be filed no later than thirty days after the decision of the city council.~~

~~(Ord. 1040 § A(part), 1997).~~

• **~~5.40.050 - Business license expiration.~~**

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A horse taxi business license expires on December 31st of each year.

(Ord. 1075 § A(part), 1999; Ord. 1040 § A(part), 1997).

• **5.40.060 - Business license transfer.**

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A horse taxi business license is not transferable to another person or vehicle.

(Ord. 1040 § A(part), 1997).

• **5.40.070 - Rates and charges.**

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The city does not regulate the rates and charges of horse taxis except to require that they be uniform for all vehicles of the same company, that certain measures be taken before rates are changed, that they not illegally discriminate against any person or class of person, and that the rate schedule include certain items.

A.

Before putting into effect any changed rates, a licensee must file a new schedule or schedules with the city clerk or his/her designee at least fifteen days in advance of such change.

B.

If applicable, a licensee must include in the required rate schedule charges for:

C.

Waiting time, on an hourly basis;

1.

Initial drop on all trips, including the first tenth of a mile;

2.

Distance based on uniform increments of one-tenth of a mile;

3.

Each additional passenger; and

4.

Additional baggage.

5.

Any separate rates for service charged by the licensee must clearly specify when and under what conditions the respective rates will apply.

D.

E.

A licensee may by written contract establish a fare for specific transportation different than the specified rate.

F.

The fare schedule shall be posted in a conspicuous place in every vehicle.

(Ord. 1040 § A(part), 1997).

~~5.40.080 - Required records.~~

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~~Every holder of a horse taxi must keep this license and all documents showing compliance with the requirements of this chapter available for inspection by the city clerk or his or her designee at the office address shown on the license. If the holder operates only one horse taxi, the records may be kept on the holder's person or with the taxi, in which case they shall be available for inspection by any police officer of the city. Every licensee must keep the required records at least three years.~~

~~(Ord. 1040 § A(part), 1997).~~

~~5.40.090 - Business operation regulations.~~

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~~Every licensee has an affirmative and continuing obligation to insure that:~~

~~A.~~

~~All records, documents and information required under this chapter be kept current and accurate;~~

~~B.~~

~~No vehicle be operated by a driver under the influence of intoxicating liquor or drugs;~~

~~C.~~

~~Neither the licensee nor any employee engage in any unfair method of competition or deceptive practice; and~~

~~D.~~

~~The animal or animals shall be treated in a safe and humane manner in accordance with all state or local laws and receive prompt veterinary care for any illness or injury.~~

~~(Ord. 1040 § A(part), 1997).~~

~~5.40.100 - Police chief requirements.~~

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A.

Because of the relative lack of speed and maneuverability of horse taxis, the chief of police may impose special requirements on the vehicle license, including prohibiting travel on certain arterials in a congested district or narrow streets and restricting the hours of operation on certain streets. Unless the vehicle is equipped with approved lighting, the chief may prohibit operation during hours of darkness or during times of low visibility. Each vehicle shall be equipped with signs and lights as required by state law.

B.

Although a horse taxi is subject to all traffic laws applicable to vehicles when operating on the public ways, the chief may approve a specific route set forth in the application including places not normally accessible to motor vehicles.

C.

Subject to the approval of the police chief, each owner/operator shall designate and make provision for an off-street area to stand, park or discharge and load passengers, the chief of police may designate an area or areas along city streets for such purpose after consultation with the city's public works director. When areas have been so designated, horse taxis shall not stand or park in any other area not designated for such use.

(Ord. 1040 § A (part), 1997).

~~5.40.110 – Driver's license application.~~

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An applicant for a horse taxi driver's license must submit:

A statement:

A.

Of name, age and address for the past five years;

1.

Of current and last preceding place of employment;

2.

Whether previously employed or licensed as a horse taxi driver and, if so, the reasons why not now so employed;

3.

That he/she has been a licensed motor vehicle operator for at least two years;

4.

Of the ability to read and speak the English language;

5.

That he/she is not and has not for the two years preceding been addicted to the use of intoxicating liquor or drugs.

6.

Proof.

B.

That he/she holds a current, valid Washington State driver's license; and

4.

That he/she has not been convicted of an offense involving moral turpitude, or of a felony relating to the fitness or ability to operate a horse taxi within ten years, or driving under the influence of intoxicants or drugs or reckless driving within three years.

2.

(Ord. 1040 § A(part), 1997).

• ~~5.40.120 - Driver's license expiration.~~

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~~Horse taxi driver's licenses expire December 31st of each year.~~

~~(Ord. 1040 § A(part), 1997).~~

• ~~5.40.130 - Driver's license transfer.~~

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~~A horse taxi driver's license is not transferable to another person or vehicle.~~

~~(Ord. 1040 § A(part), 1997).~~

• ~~5.40.140 - Driver's license and vehicle license fees.~~

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~~The fee for vehicle license issued hereunder shall be as set forth by resolution, provided, however, that the annual fee shall be two dollars per year, with a minimum four year license. The fee for a driver's license shall be two dollars per year, with a minimum four year license, plus the cost for Washington State Identification Section inquiry, and the police department's fees for fingerprints, photo ID, local records check, and lamination of the license. The fee is not subject to proration.~~

~~(Ord. 1075 § A(part), 1999; Ord. 1040 § A(part), 1997).~~

• ~~5.40.150 - Issuance.~~

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The city clerk, upon the recommendation of the chief of police, is authorized to issue a driver's license for a horse taxi.

(Ord. 1040 § A(part), 1997).

• 5.40.160 - Display.

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Each driver must display his/her license in a conspicuous place inside the horse taxi clearly visible from the passenger compartment at all times when he or she is operating or in charge of the vehicle.

(Ord. 1040 § A(part), 1997).

• 5.40.170 - Driver's regulations.

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It is a violation and grounds for suspension or revocation of a horse taxi driver's license for any horse-drawn taxi driver to:

- A.
Commit three or more moving violations while driving a horse taxi during any twelve-month period;
- B.
Be guilty of a felony involving moral turpitude;
- C.
Be guilty of reckless driving or driving offenses while driving a horse-drawn taxi involving the use of alcohol or drugs;
- D.
Fail to deliver to the police department within twenty-four hours any property of value left in any vehicles;
- E.
Allow a person to enter or alight from the vehicle while it is in motion or pick up or discharge a passenger at any place other than the curb or pavement edge;
- F.
Allow a passenger to consume intoxicating liquor or retain an open container of liquor or to consume or use controlled substances while in the horse-drawn taxi;
- G.

Pick up any additional passengers without the express consent of the original passenger;

H.

Refuse to pick up as a passenger any person of proper deportment when the vehicle is available, or discriminate against any person because of race, religion, national origin, sex, marital status, age or mental or sensory handicap;

I.

By reason of neglect or intent to cause or allow any animal under his/her care to endure pain, suffering or injury or to fail or neglect to aid or attempt alleviation of pain, suffering or injury he/she has so caused to any animal under his/her care;

J.

Leave any animal under his/her care unattended, whether tethered or untethered, within any area of the city; and

K.

Fail to promptly collect and properly dispose of manure or other debris related to the horse taxi's operation.

(Ord. 1040 § A(part), 1997).

~~5.40.180 - Restricted parking—Horse taxi parking only.~~

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~~Other than for clearly marked and identified horse taxis it is unlawful for any person to park or to leave stationary, or to permit to be parked or left stationary, any vehicle owned by him or in his control or in his possession, upon any portions of street in such place as shall be designated by the chief of police and public works director and marked by a sign indicating that such space is restricted to parking by horse taxis only.~~

~~(Ord. 1040 § A(part), 1997).~~

~~5.36.070 - Other street vending conditions.~~

12.16.050 - Dripping petroleum products on pavement prohibited.

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~~Except for motorcycles, no owner or operator of any motor vehicle, shall leave said motor vehicle standing upon any paved street or alley in the city unless such motor vehicle is provided with a drip pan or some other contrivance to effectually prevent the dripping on the pavement of petroleum products from said machine. Motor vehicle owners will be liable for costs to repair damage to pavements.~~

~~(Ord. 154 § 3, 1914).~~

~~(Ord. No. 1541, § 6, 12-4-2017)~~

Editor's note— Ord. No. 1541, § 6, adopted Dec. 4, 2017, amended the title of § 12.16.050 to read as herein set out. The former § 12.16.050 title pertained to dripping oil or gasoline on pavement prohibited.