

Ordinance No. 1625

AN ORDINANCE OF THE CITY OF LYNDEN AMENDING CHAPTER 1.12 AND 14.16.050 OF THE LYNDEN MUNICIPAL CODE REGARDING DATUM PLANE AND DRIPPING OF PETROLEUM

WHEREAS, the City is responsible for enacting regulations that protect the health, safety and general welfare of the citizens of Lynden; and

WHEREAS, the City of Lynden finds it necessary to amend regulations from time to time ensure orderly review of codes within the City.

WHEREAS, from time-to-time certain chapters of the Lynden Municipal Code need updating to provide clarification and to reflect changes that have been identified as outdated.

WHEREAS, **LMC Section 1.12 states: 1.12 - Datum Plane**

1.12.010 - Datum plane established—Location.

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 benchmark 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).

WHEREAS, **LMC Section 12.16.050 states: 12.16.050 - Dripping petroleum products on pavement prohibited.**

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).

WHEREAS, the City has identified the above noted sections of code to be outdated and has determined that they should be removed from the Lynden Municipal Code.

WHEREAS, the amendments to Chapters 1.12 and 12.16.050 are procedural and are exempt from SEPA review under WAC 197-11-800 (20); and

WHEREAS, the proposed amendments were reviewed and discussed with the Community Development Committee; and

WHEREAS, the proposed amendments were introduced to the Lynden City Council on July 6, 2021 and a date for a public hearing was set; and

WHEREAS, on July 19, 2021, the Lynden City Council held a public hearing to accept public testimony on the proposed amendments and to consider the matters of record to that date; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LYNDEN, WASHINGTON, HEREBY ORDAINS AS FOLLOWS:

Section 1: LMC 1.12 – Datum Plane – to be deleted in its entirety as follows:

~~1.12.010 – Datum plane established—Location.~~

~~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 benchmark 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).~~

Section 2: LMC Section 12.16.050 – Dripping Petroleum products on pavement prohibited; to be deleted in its entirety as follows:

~~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).~~

Section 3 Severability. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Council hereby declares that it would have passed this code and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases has been declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.

Section 4 Effective Date. This ordinance shall be in full force and effect from and after its passage by the City Council and approval by the Mayor, otherwise as provided by law, five days after the date of its publication.

PASSED by the City Council this _____ day of July 2021. Signed by the Mayor on this _____ day of _____, 2021.

SCOTT KORTHUIS, MAYOR

ATTEST:

PAM BROWN, CITY CLERK

APPROVED TO AS FORM:

ROBERT CARMICHAEL, CITY ATTORNEY