

CITY OF LYNDEN  
ORDINANCE NO. 24-1685

**AN ORDINANCE OF THE CITY OF LYNDEN WHICH REPEALS LYNDEN MUNICIPAL  
CODE TITLE 9.32 “PARADES AND SPECIAL EVENTS” AND AMENDS TITLE 5.30  
TO THEN INCLUDE UPDATED REGULATIONS ON PARADES AND SPECIAL  
EVENTS**

**WHEREAS**, the Lynden City Council recognizes that local parades and events are important for building community and shaping the City’s unique identity; and

**WHEREAS**, the Council affirms that special events provide the Lynden community and its citizens with substantial public benefits, including cultural enrichment, neighborly connections, economic vitality, tourism, and enhanced local pride; and

**WHEREAS**, the Council’s goal is to encourage, support, and accommodate these events in a fair and equitable manner and fulfill the City’s responsibility to protect public health and safety; and

**WHEREAS**, the Council recognizes that parades and special events have the potential to negatively impact the community, business owners, or property owners in the proximity of the special event; and

**WHEREAS**, it is important that the City not assume liability for accidents or injuries which occur because of events that occur on public property; and

**WHEREAS**, the City Council also recognizes that LMC Title 9 regulates criminal activity in the city of which special events and parades do not coincide, thereby desiring to shift the code language regulating these events to a more appropriate location in LMC Title 5 regarding business licenses and regulations; and

**WHEREAS**, the City Council desires to update the existing language regulating these events to ensure that the administrative review and permit approval process for Special Events is efficient, clear and predictable for City staff and event organizers, and is protective of resident’s first amendment rights;

**NOW, THEREFORE**, LET IT BE ORDAINED BY THE CITY COUNCIL OF LYNDEN AS FOLLOWS:

**SECTION 1:** Chapter 9.32 of the Lynden Municipal Code, as adopted by Ordinance 1142, is hereby repealed from Title 9 in its entirety.

**SECTION 2:** Lynden Municipal Code Title 5 is amended to include Chapter 5.30 to read as follows:

## **Chapter 5.30 PARADES AND SPECIAL EVENTS**

### Sections:

#### **5.30.010 Definitions.**

In this chapter, unless a different meaning plainly is required, the following definitions shall apply:

- A. "Chief of police" means the chief of police of the city of Lynden.
- B. "City" means the city of Lynden.
- C. "Parade" means a large group of persons with or without animals or vehicles moving in a public procession or march in or upon any street, sidewalk, park, or other public place. A large group means a group of more than fifteen persons.
- D. "Special events permit" means a permit as required by this chapter.
- E. "Special event" means an event organized by any person or which will generate or invite considerable public participation and/or spectators, for a particular and limited purpose and time, including, but not limited to concerts, fun runs, fundraising walks, bike-a-thons, carnivals, shows, exhibitions, festivals, block parties, and certain community events. Special events are not limited to those events conducted on the public streets but may occur on private property.
- F. "Person" means any person, firm, partnership, association, corporation, company, or organization of any kind.
- G. "Street" or "Streets" means any public highway, sidewalk, alley, or portions thereof in the city of Lynden dedicated to public use.
- H. "Substantial impact" means creating an increase in the amount, scope, or level of need for city-provided emergency or protective services such as police, fire or medical aid and/or necessitating special traffic control measures such as barricades, traffic direction by police, or similar measures above those that would normally be required without the event and that results in actual, documented costs to the city due to the event.

#### **5.30.020 Permit—Required—Exceptions.**

- A. Permit Required: No person shall engage in, participate in, aid, form or start a special event or parade unless a permit has been obtained. Applications for permits must be obtained from city hall or the city website, be completed by the applicant, and returned electronically or to the city office designated on the permit application. For Tier 2 and Tier 3 permits, the applicant must file an "Indemnification Agreement"

in order for the permit to be issued. The “Indemnification Agreement” must be signed by the applicant and countersigned by the administrator or their designee.

**B. Special Event Permit Tiers:**

1. Tier 1: Permit required, application fee waived, no insurance documentation or indemnification agreement required. This permit is administratively approved.
  - a. A private event held entirely on private property, more than 75 participants, with no substantial impact on public property, public streets, public services, neighbors, or other community members.
  - b. Political or religious activity primarily intended for the communication or expression of ideas presumed to be protected by the First and Fourteenth Amendments of the United States Constitution.
2. Tier 2: Permit required, application fee required, public services fee may be determined. This permit is administratively approved.
  - a. A private or public event, of any size that includes the exclusive use of a public space or the closure of a neighborhood or non-arterial street. In addition to neighborhood streets a Tier 2 Permit may administratively approve the closure of neighborhood streets and the following portions of the downtown street network:
    - i. The portion of 4<sup>th</sup> Street between Judson Street Alley and Grover Street.
    - ii. The portion of 5<sup>th</sup> Street between Judson Street Alley and the alley north of Front Street on the condition that access to the alley remain open until typical close of business hours.
    - iii. The portion of 6<sup>th</sup> Street between Front Street and Judson Street Alley.
  - b. A private or public event that includes more than 75 participants, does not involve street closures, but does have a determined substantial impact on local traffic, noise, the neighborhood, or public services (Police, Public Works, etc).
  - c. An event at a facility designed for such purposes (theaters, fairgrounds, event centers, auditoriums, places of worship, etc.) that will have more than 500 participants and involve the serving or consumption of alcohol.
3. Tier 3: Permit required, application fee required, public services fee may be determined. This permit requires City Council approval.
  - a. A private or public event that uses private and/or public property, regardless of the number of participants, that includes arterial street closures and the HBD street sections not listed above in 2a (Tier 2 Events). Arterial street closures require City Council approval.

**C. Permit Exemptions: The permit requirement does not apply to the following:**

1. Funeral and wedding processions.

2. A private event on private property, involving less than 75 participants, and which has no substantial impact on the neighborhood or on public services.
3. Groups of students involved in a school sponsored, school supervised event.
4. Events conducted in a facility designed for that purpose such as theaters, fairgrounds, event centers, auditoriums, places of worship, etc. are exempt unless the event will have more than 500 participants and involve the serving or consumption of alcohol.
5. The annual Northwest Washington Fair.
6. Events separately approved by the Lynden Parks Department for use at a park property.

D. Indemnification Agreement:

The applicant must file an "Indemnification Agreement" in order to obtain a permit. An "Indemnification Agreement" section is included on the Special Event Permit Application. This section must be completed, with the appropriate signatures, prior to issuance of the permit.

E. Insurance Requirements:

1. The following insurance shall be required for special event permit approval:  
\$2,000,000 commercial general liability insurance per occurrence combined single limits.  
\$5,000,000 aggregate unless waived by City Administrator.
2. A Certificate of Insurance, listing the City as an endorsement, shall be submitted with the Special Event Application.

F. Permit requirements for recurring annual events:

Annual events are required to submit an application every year the event occurs. The application shall be submitted no less than 60 days prior to the event. Any changes to the event, and ongoing requests for public services shall be indicated in the application.

G. Fees for Public Services Required:

1. Upon approval of an application for a permit for a special event, the City Administrator or designated city office, should provide the applicant with a statement of the estimated cost of providing public services (personnel and equipment) to support the event. The applicant/sponsor of the event shall be required to prepay these estimated costs for city services and equipment ten (10) days prior to the special events. City services and equipment may include the use of police officers and public employees for traffic and crowd control, pickup and delivery of traffic control devices, picnic tables, extraordinary street sweeping, and any other needed, requested or required city service and the cost of operating the equipment to provide such services.

2. If the actual cost for city services and equipment on the date(s) of the event is less than the estimated cost, the applicant/sponsor will be refunded the difference by the city in a timely manner. If the actual cost for city services and equipment on the date(s) of the event is greater than the estimated cost, the applicant/sponsor will be billed for the difference.
3. Permit fees and fees for the use of public services and equipment may be waived in part or in full by the City if in review of the application it is found that the event is of sufficient public benefit to warrant the expenditure of city funds without reimbursement by the applicant/sponsor and would not result in the private financial gain of any individual or "for profit" entity.

### **5.30.030 Permit—Application and contents.**

- A. A person seeking issuance of a special event permit shall file a complete Special Events Permit Application electronically or to the city office designated on the application form provided by the city.
- B. Filing period. An application for a special event permit shall be filed not less than sixty days before the date on which it is proposed to conduct the parade or special event.
- C. Contents. The application for a parade or special event permit shall set forth the following information:
  1. The name, address and telephone number of the contact person seeking to conduct such special event;
  2. If the special event is proposed to be conducted for, on behalf of or by an organization, the name, address and telephone number of the headquarters of the organization and of the authorized and responsible heads of such organization;
  3. The date when the event is to be conducted, the hours when the event will begin and finish, and a detailed description of the event to be held;
  4. The location event will be held or (for parades) the route to be traveled, the starting point and the termination point;
  5. The number of persons who it is anticipated will participate in said event and the numbers and types of animals and vehicles that will be used in said event;
    - a. For any requested street closures, a description of which streets, how much of the street will be used, a plan for any necessary traffic control, street barricades requested, any officer presence needed, and a plan for cleanup and reopening after the event. A description of any temporary street assembly areas shall be included in this request.
  6. A detailed request for Public Services needed to support the event:
    - a. Equipment such as street barricades, utility needs, street sweeper, etc.

- b. Staffing such as Public Works staff, Police and/or Fire personnel and equipment.
- 7. Detailed description and the proposed location of any private support services, such as waste management, portable toilets, food vendors, etc. that may be placed to support the special event.
- 8. Indemnification Agreement
- 9. Insurance requirements as indicated in LMC 5.30.020(5)
- 10. Agent authorization. If the special event is designed to be held by and on behalf of or for any person other than the applicant, the applicant for such permit shall file with the city administration office a communication in writing from the person proposing to hold the event, authorizing the applicant to apply for the permit on his or her behalf.

#### **5.30.040 Permit—Issuance standards.**

The city administrator, or their designee, shall issue a permit as provided for under this chapter, when, from a consideration of the application and from such other information as may otherwise be obtained, they find that the following conditions exist:

- A. The conduct of the special event will not substantially interrupt the safe and orderly movement of other traffic contiguous to its location;
- B. The conduct of the special event will not require the diversion of so great a number of police officers of the city to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to the city;
- C. The conduct of such parade will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of the city other than that to be occupied by the proposed line of march and areas contiguous thereto;
- D. The concentration of persons, animals and vehicles at assembly points of the event will not unduly interfere with proper fire and police protection of or ambulance service to areas contiguous to such assembly areas;
- E. The conduct of such special event will not interfere with the movement of fire fighting equipment en route to a fire;
- F. The special event or parade is scheduled to move from its point of origin to a point of termination expeditiously and without unreasonable delays en route;
- G. The special event is not to be held for the sole purpose of advertising any product, goods or other event, and is not designed to be held purely for private profit;
- H. That the indemnification agreement required to have been submitted with the application for a permit is in proper order and has been countersigned by the administrator or their designee as required in LMC 5.32.020(A).

**5.30.050 Permit—Rejection—Notice.**

The city administrator, or their designee, shall act upon the application for a special event permit as promptly as is administratively feasible and shall notify the applicant of their decision no later than twenty-five days prior to the date upon which the event is proposed to be held. If the permit application is rejected, the applicant shall be notified of the reasons for denial.

### **5.30.060 Permit—Rejection—Appeal.**

Any person aggrieved shall have the right to appeal the denial of the permit to the city council. The appeal shall be taken within three days after notice. The city council shall act upon the appeal at its next regular or special meeting after receiving notice of appeal.

### **5.30.070 Permit—Alternate.**

The city administrator, or their designee, in denying an application for a special event permit, shall be empowered to authorize the conduct of the event on a date, at a time, at a location or over a route different from that named by the applicant. An applicant desiring to accept an alternate permit shall, within three days after notice, file a written notice of acceptance with the city administrator or their designee. An alternate permit shall conform to the requirements of and shall have the effect of a special event permit under this chapter.

### **5.30.080 Permit—Notice to officials—Contents.**

- A. Immediately upon receiving a completed application for a special event permit, the city administrator, or their designee, shall forward the application to the following personnel, or their designee, for their review prior to issuing the permit:
  - 1. The chief of police;
  - 2. The fire chief;
  - 3. The public works director;
  - 4. If the application proposes to use city park facilities, the parks director.
- B. Any requirements determined by the reviewing personnel shall be indicated on the permit approval documents. If the applicant is not able to meet the requirements, the application shall be denied.

### **5.30.085 Animal prohibition.**

- A. General Authority. At the request of the chief of police, the parks director if the special event will use city park facilities, or on their own initiative, the city administrator may condition the approval of a special event permit on the limitation or prohibition of animals from the event area during the hours of the special event. Such a condition on a special event permit approval shall require a written finding by the city administrator that the presence of animals would present an undue risk to the health and safety of persons or animals attending the event.
- B. Specific Special Event Prohibitions. Animals are prohibited from all event areas of the following event in the city: annual Raspberry Festival.
- C. Signage. Permittees for any special event for which animals are restricted or prohibited pursuant to subsections (A) or (B) herein shall post conspicuous signage in and around the event area. Said signage must clearly describe the event area



from which animals are restricted or prohibited. Sign locations and content shall be approved in advance by the city administrator or their designee.

D. Exemptions. This section does not apply to:

1. Service animals as defined in the Americans with Disabilities Act, 42 USC § 12101 et seq. or the Washington Law Against Discrimination, Chapter 49.60 RCW; or
2. Animals being used by a public officer in the performance of official duties.

#### **5.30.090 Permit—Compliance with directions—Display.**

- A. A permittee under this chapter shall comply with all permit directions and conditions and with all applicable laws and ordinances.
- B. The chair of the event, or other person heading or leading such activity shall carry the special event permit upon their person throughout the entire duration of the event.
- C. The chair of the event, or other person heading or leading such activity shall be responsible for dissemination to every person responsible for each component of a special event and/or any entry in a parade, of the pertinent law and safety regulations for participation in such activity as set forth in the special event permit.
- D. Any violations of the requirements set forth in the special event permit will be grounds for immediate revocation of the permit and termination of the event.

#### **5.30.100 Public conduct.**

- A. No person shall unreasonably hamper, obstruct, impede or interfere with any parade or event assembly or with any person, vehicle or animal participating or used in an event.
- B. No driver of a vehicle shall drive between the vehicle or persons comprising a special event or parade when such vehicles or persons are in motion.
- C. The chief of police shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a highway or part thereof constituting a part of the route of a special event or parade. The city shall post signs to such effect, and it is unlawful for any person to park or leave unattended any vehicle in violation thereof and the same may be impounded for safekeeping by the city police. No person shall be liable for parking on an unposted street.
- D. Whenever animals have been limited or prohibited from an event area pursuant to Section 5.30.085(A) or (B), no person having custody of an animal may knowingly cause or allow the animal to be in the area designated for the event during event hours, except as specified in Section 5.30.085(D).

#### **5.30.110 Violation—Penalty.**

Any person found guilty of a violation of the provisions of 5.30.100 shall be deemed guilty of a misdemeanor.

**SECTION 3:** 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 ordinance 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, and if, for any reason, this ordinance should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.

**SECTION 4:** Any ordinance or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 5:** This ordinance shall be in full force and effect five (5) days after its passage, approval and publication as provided by law.

AFFIRMATIVE VOTE \_\_\_\_\_ IN FAVOR, AND \_\_\_\_\_ AGAINST, AND SIGNED BY THE MAYOR THIS \_\_\_\_\_ DAY OF JUNE 2024.

\_\_\_\_\_  
Scott Korthuis, Mayor

ATTEST:

\_\_\_\_\_  
Pamela Brown, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Robert Carmichael, City Attorney