

ORDINANCE NO. 1586

AN ORDINANCE OF THE CITY OF LYNDEN, COUNTY OF WHATCOM, AMENDING CHAPTER 9.32 LYNDEN MUNICIPAL CODE TO ALLOW THE PROHIBITION OF ANIMALS FROM PARADES AND SPECIAL EVENTS AND PROHIBITING ANIMALS FROM THE ANNUAL RASPBERRY FESTIVAL.

WHEREAS, there are a number of annual events on streets within the downtown section of the City of Lynden which draw thousands of people causing crowding and congestion, and;

WHEREAS, experience has shown that even well-behaved pets can become distracted and anxious when exposed to large crowds, excessive noises and the consistent unpredictable motion of many people and other animals; and

WHEREAS, in the interest of protecting the health and safety of persons and animals, it is sometimes necessary to ban animals from such events;

WHEREAS, the foregoing recitals are material findings and declarations of the Lynden City Council;

NOW THEREFORE, BE IT ORDAINED as follows:

Section 1: Section 9.32.080 of the Lynden Municipal Code is amended as follows:

A. Immediately upon receiving a completed application for a special event permit, the city administrator shall forward the application to the following personnel 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. If the event is a parade, each permit shall state the following information:

1. Starting and terminating time;
2. The portions of the streets to be traversed that may be occupied by the parade;
3. Such other information as the chief of police and fire chief shall find necessary to the enforcement of this chapter;

4. The number of participating vehicles;
5. The number of participating pedestrians.

(Ord. 1141 § A (part), 2002).

Section 2: A new section of the Lynden Municipal Code in Chapter 9.32 shall be added as follows:

9.32.085 – 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 his or her 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 his or her 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.

Section 3: Section 9.32.100 of the Lynden Municipal Code is amended as follows:

9.32.100 - 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 9.32.085(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 9.32.085(D).

(Ord. 1141 § A (part), 2002).

Section 4. 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 5. Any ordinance or parts of ordinances in conflict herewith are hereby repealed.

Section 6. This ordinance shall be in full force and effect five (5) days after its passage, approval and publication as provided by law.

PASSED by the City Council this _____ day of _____, 2019 and signed by the Mayor on the _____ day of _____, 2019.

ATTEST:

MAYOR

City Clerk

APPROVED AS TO FORM:

City Attorney