

## RESOLUTION NO. R2016-013

**A RESOLUTION** of the City Council of the City of Tumwater, Washington providing for the submission to the qualified electors of the City of Tumwater at the November 8, 2016, General Election, an advisory proposition asking whether qualified voters recommend the Tumwater City Council pass an ordinance prohibiting the sale, possession, and discharge of consumer fireworks at all times within the Tumwater city limits.

**WHEREAS**, pursuant to RCW 70.77.136, consumer fireworks are those fireworks that may be purchased at permitted fireworks stands within the City limits of Tumwater; and

**WHEREAS**, currently, pursuant to Chapter 8.30 of the Tumwater Municipal Code, consumer fireworks may be sold and purchased from 9:00 a.m. to 11:00 p.m. on July 1st through July 4th and consumer fireworks may be discharged between the hours of 3:00 p.m. and 11:00 p.m. on the 3rd and 4th of July; and

**WHEREAS**, public displays of fireworks are subject to different regulations than consumer fireworks; and

**WHEREAS**, public displays of fireworks, such as the fireworks show that occurs on the 4th of July at the Artesian Family Festival at the Tumwater Valley Municipal Golf Course, is subject to strict inspection and permitting regulations set forth in Chapter 70.77 of the Revised Code of Washington; and

**WHEREAS**, the Tumwater City Council recognizes that fireworks are a traditional way of celebrating national independence on the Fourth of July, but the Council also recognizes risks and consequences of the discharge of consumer fireworks that may be detrimental to the public health, safety and welfare; and

**WHEREAS**, the Council further recognizes that many of the risks and consequences associated with the sale, possession and discharge of consumer fireworks are not attendant to the public display of fireworks; and

**WHEREAS**, the Council has, on numerous occasions, heard and considered many divergent opinions from City residents as to whether the sale and discharge of fireworks should be totally banned within the City at all times of the year, except for public displays; and

**WHEREAS**, the Council wishes to provide an opportunity for all voters within the City to express their choice in the matter with the result of such an election to be binding upon the City Council; and

**WHEREAS**, pursuant to RCW 70.77.250(4), cities may enact ordinances that are more restrictive than state law provided an effective date is no sooner than one year from the date of adoption;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUMWATER AS FOLLOWS:**

**Section 1. Findings.** The City Council finds that the interests of the City of Tumwater would be best served by placing before the voters an advisory proposition as part of the November 8, 2016 general election, asking the voters whether the sale, possession and discharge of consumer fireworks should be prohibited within the City of Tumwater.

**Section 2. Call for Election.** The City Council hereby requests that the Thurston County Auditor include in the local voters' pamphlet produced as part of the November 8, 2016 general election, in the manner provided by law, for the purpose of submitting to the qualified voters of the City of Tumwater, Washington, an advisory proposition asking qualified electors of the City of Tumwater whether the sale, possession and discharge of consumer fireworks should be prohibited within the City of Tumwater.

**Section 3.** If a majority of the electors at such election vote yes for such a ban, the City Council, at its next regular meeting after the results of such election are certified, shall take action to amend its ordinances placing such ban in effect. The effective date of such ordinance will, in accordance with state law, be one year after its passage and publication.

**Section 4.** If a majority of the electors voting at such election vote no, the City Council shall maintain the current restrictions that are in place by virtue of the ordinances of the City of Tumwater and provisions of state law.

**Section 5.** The Thurston County Auditor, as ex officio supervisor of elections, is hereby requested to assume jurisdiction of and to call and conduct said election to be held within the City and to submit to the qualified electors of the City the proposition hereinafter set forth.

**Section 6. Official Ballot Proposition.** The City Clerk is hereby directed, no later than 4:30 p.m. on August 2, to certify the following advisory

proposition, together with the required Resolution Cover Sheet, to the Thurston County Auditor in substantially the following form:

CITY OF TUMWATER  
ADVISORY PROPOSITION NO. 1

FIREWORKS BAN

Shall the sale and discharge of fireworks be prohibited within the City of Tumwater at all times of the year with the exception of public displays and the sale, use and discharge of small trick and novelty devices?

Should this ban be enacted?

Yes .....

No .....

**Section 7. Explanatory Statement.** The explanatory statement specified in RCW 29A.32.241 shall be prepared and/or approved by the City Attorney, who shall transmit the same to the Thurston County Auditor by August 2, 2016.

**Section 8. Ratification.** Any act consistent with the authority and prior to the effective date of this Resolution is hereby ratified and affirmed.

**Section 9. Severability.** The provisions of this Resolution are declared separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this Resolution or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of the Resolution, or the validity of its application to other persons or circumstances.

**Section 10. Effective Date.** This Resolution shall become effective immediately upon adoption and signature as provided by law.

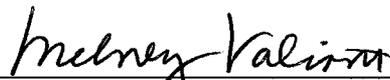
RESOLVED this 19<sup>th</sup> day of July, 2016.

CITY OF TUMWATER

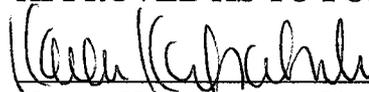


Pete Kmet, Mayor

ATTEST:

  
\_\_\_\_\_  
Melody Valiant, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Karen Kirkpatrick, City Attorney