

RESOLUTION NO. 1913

A RESOLUTION of the City Council of the City of Kent, Washington, providing for submission to the qualified electors of Kent at the November 3, 2015, election an advisory proposition asking whether qualified voters recommend the Kent City Council pass an ordinance prohibiting the sale, possession, and discharge of consumer fireworks at all times within the Kent city limits.

RECITALS

A. Pursuant to RCW 70.77.136, consumer fireworks are those fireworks that may be purchased at permitted fireworks stands within the city limits of Kent. Currently, pursuant to Chapter 13.05 of the Kent City Code, consumer fireworks may be sold and purchased in Kent from 12:00 noon to 11:00 p.m. on June 28th, and from 9:00 a.m. to 11:00 p.m. from June 29th through July 4th. Consumer fireworks may be possessed from 12:00 noon on June 28th through 11:00 p.m. on July 4th. Consumer Fireworks may only be discharged in Kent between the hours of 9:00 a.m. and 11:00 p.m. on July 4th.

B. Public displays of fireworks are subject to different regulations than consumer fireworks. Public displays of fireworks, such as the fireworks shows that occur during the 4th of July Splash event at Lake Meridian Park, and the tree lighting ceremony in downtown Kent, are

subject to strict inspection and permitting regulations set forth in Chapter 70.77 of the Revised Code of Washington. In Kent, public displays are limited to 4th of July ceremonies, sanctioned high school events, wedding ceremonies, cultural events, and Kent's annual tree lighting ceremony.

C. The Kent City Council recognizes that fireworks are a traditional way of celebrating national independence and the 4th of July. The Council also recognizes risks and consequences of the discharge of consumer fireworks that may be detrimental to the public health, safety, and welfare. 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.

D. The Council has, on numerous occasions, debated whether to prohibit or place further restrictions on the sale, possession, and discharge of consumer fireworks in the City to protect the public health, safety, and welfare. These debates are passionate and well balanced, and decisions are often made on close votes of the Council.

E. On July 21, 2015, the Council determined that it would be in the best interest of the City to allow the citizens of Kent to advise the Council on whether to prohibit the sale, possession, and discharge of consumer fireworks in Kent.

F. As a result, the Council adopts this resolution which will result in placing on the November 3, 2015, election ballot an advisory proposition presenting the question of whether the City Council should pass an ordinance that will prohibit the sale, possession, and discharge of consumer fireworks within Kent at all times, including the 4th of July.

G. The Council will consider the results of this advisory proposition when determining what action, if any, should be taken with regard to regulating the sale, possession, and discharge of consumer fireworks in Kent.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DOES HEREBY RESOLVE AS FOLLOWS:

RESOLUTION

SECTION 1. – *FINDINGS.* The Kent City Council finds that the interests of the City of Kent will be best served by placing before the voters an advisory proposition asking voters whether the sale, possession and discharge of consumer fireworks should be prohibited within the City of Kent.

SECTION 2. – *CALL FOR ELECTION.* The Kent City Council requests King County Elections hold an election on November 3, 2015, in the manner provided by law, for the purpose of submitting to the qualified electors of the City of Kent, an advisory proposition asking whether the sale, possession, and discharge of consumer fireworks should be prohibited within the City of Kent.

SECTION 3. – *OFFICIAL BALLOT PROPOSITION.* The Kent City Clerk is hereby directed to certify, no later than 4:30 p.m. on August 4, 2015, to King County Elections, the following advisory proposition:

CITY OF KENT

ADVISORY PROPOSITION 1
SALE, POSSESSION, AND DISCHARGE OF CONSUMER
FIREWORKS IN THE CITY OF KENT

The Kent City Council is calling for an advisory election to determine whether the sale, possession, and discharge of consumer fireworks should be prohibited in the City of Kent. The prohibition of the sale, possession or discharge of consumer fireworks would not affect properly licensed and permitted public displays of fireworks.

Shall the sale, possession and discharge of consumer fireworks be prohibited in the City of Kent?

YES.....

NO.....

SECTION 4. - *BALLOT MEASURE SUBMISSION COVER SHEET.* The Kent City Clerk is directed to file a ballot measure submission cover sheet at the same time the advisory proposition is certified in accordance with Section 3 of this resolution.

SECTION 5. - *EXPLANATORY STATEMENT.* The City Attorney is hereby directed to prepare and/or approve an explanatory statement in accordance

with RCW 29A.32.241, and shall submit the explanatory statement to King County Elections by 4:30 p.m. on August 7, 2015.

SECTION 6. – *REQUEST FOR INCLUSION IN VOTERS’ PAMPHLET AND PRO/CON COMMITTEE APPOINTMENTS.* The Kent City Council requests King County Elections include the proposition referenced herein as well as information related to the proposition in the voters’ pamphlet distributed for the November 3, 2015, election. The City Council hereby authorizes the use of City funds to pay for publication of the voters’ pamphlet and the costs of the election regarding this proposition.

In accordance with RCW 29A.32.280, arguments advocating approval and disapproval of the advisory ballot proposition shall be included in the voters’ pamphlet and shall be prepared by committees appointed by the Kent City Council. Each committee shall be composed of not more than three persons. If the City Council fails to appoint committees in accordance with RCW 29A.32.280, the county auditor shall, whenever possible, make the appointments. The committee advocating approval of the advisory proposition shall be composed of persons known to favor the ballot proposition, and the committee advocating disapproval shall be composed of persons known to oppose the ballot proposition. Statements of the committee advocating approval and the committee advocating disapproval shall be submitted to King County Elections no later than 4:30 p.m. on August 13, 2015. The rebuttal statement of each committee shall be submitted to King County Elections no later than 4:30 p.m. on August 17, 2015.

SECTION 7. – CERTIFIED COPIES OF RESOLUTION TO BE FILED. The Kent City Clerk is directed to file certified copies of this resolution with the King County Council and King County Elections.

PASSED at an open public meeting by the City Council of the City of Kent, Washington, this, the 28th day of July, 2015.

CONCURRED in by the Mayor of the City of Kent this 28th day of July, 2015.


SUZETTE COOKE, MAYOR

ATTEST:


RONALD E. MOORE, CITY CLERK

APPROVED AS TO FORM:


TOM BRUBAKER, CITY ATTORNEY

I hereby certify that this is a true and correct copy of Resolution No. 1913 passed by the City Council of the City of Kent, Washington, the ___ 28th day of JULY, 2015.


RONALD F. MOORE, CITY CLERK