

**CITY OF MAPLE VALLEY, WASHINGTON**

**RESOLUTION NO. R-15-1050**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MAPLE VALLEY, WASHINGTON, REQUESTING THAT THE KING COUNTY DIRECTOR OF ELECTIONS HOLD A SPECIAL ELECTION ON NOVEMBER 3, 2015 FOR THE PURPOSE OF PLACING AN ADVISORY PROPOSITION ON THE BALLOT ASKING WHETHER QUALIFIED VOTERS RECOMMEND THE MAPLE VALLEY CITY COUNCIL PASS AN ORDINANCE PROHIBITING THE SALE, POSSESSION, AND DISCHARGE OF CONSUMER FIREWORKS AT ALL TIMES WITHIN THE MAPLE VALLEY CITY LIMITS; FURTHER REQUESTING PUBLICATION OF A LOCAL VOTERS' PAMPHLET FOR SUCH BALLOT PROPOSITION; AND PROVIDING FOR OTHER MATTERS RELATING THERETO.**

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 Maple Valley; and

WHEREAS, currently, pursuant to Chapter 8.10 of the Maple Valley Municipal Code, consumer fireworks may be sold and purchased in Maple Valley from 12:00 noon to 10:00 p.m. on June 28<sup>th</sup> and from 9:00 a.m. to 11:00 p.m. June 29<sup>th</sup> through July 4<sup>th</sup> and consumer fireworks may be discharged between the hours of 9:00 a.m. and 11:00 p.m. on the fourth day of July; and

WHEREAS, currently, pursuant to Chapter 8.10 of the Maple Valley Municipal Code, the sale of consumer fireworks shall also be allowed on the 31<sup>st</sup> day of December between the hours of 9:00 a.m. to 11:00 p.m. and consumer fireworks may be discharged between the hours of 6:00 p.m. on December 31<sup>st</sup> and 1:00 a.m. on January 1<sup>st</sup> of the subsequent year; and

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

WHEREAS, the Maple Valley City Council recognizes that fireworks are a traditional way of celebrating national independence on the Fourth of July and New Year's, 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, debated whether to prohibit or place restrictions on the sale, possession and discharge of consumer fireworks in the City to protect the public health, safety and welfare; and

WHEREAS, on July 27, 2015, the Council determined that it would be in the best interest of the City to allow the citizens of Maple Valley to advise the Council on whether to prohibit the sale, possession, and discharge of consumer fireworks in Maple Valley; and

WHEREAS, this resolution, if adopted, 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 (attached hereto as Exhibit A) that would prohibit the sale, possession and discharge of consumer fireworks within Maple Valley at all times;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MAPLE VALLEY, WASHINGTON, AS FOLLOWS:**

**Section 1. Findings.** The City Council finds that the interests of the City of Maple Valley would be best served by placing before the voters an advisory proposition as part of the November 3, 2015 general election, asking the voters whether the sale, possession and discharge of consumer fireworks should be prohibited within the City of Maple Valley.

**Section 2. Call for Election.** The City Council hereby requests that the King County Director of Elections hold a special election on November 3, 2015, in the manner provided by law, for the purpose of submitting to the qualified voters of the City of Maple Valley, Washington, an advisory proposition asking qualified electors of the City of Maple Valley whether the sale, possession, and discharge of consumer fireworks should be prohibited within the City of Maple Valley.

**Section 3. Official Ballot Proposition.** The Maple Valley City Clerk is hereby directed to certify, no later than 4:30 p.m. on August 4, 2015, to King County Director of Elections, the following advisory proposition:

CITY OF MAPLE VALLEY

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

The Maple Valley City Council is calling for an advisory election to determine whether the sale, possession, and discharge of consumer fireworks should be prohibited within the City of Maple Valley. 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 Maple Valley?

Yes .....

No .....

**Section 4. Ballot Measure Submission Cover Sheet.** The Maple Valley 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 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 King County Elections by 4:30 p.m. on August 7, 2015.

**Section 6. Request for Inclusion in Local Voters' Pamphlet and Pro/Con Committee Appointments.** The Maple Valley City Council hereby requests that the Director of Elections prepare and distribute a local voters' pamphlet providing information on the foregoing advisory ballot proposition. The Maple Valley City Council also requests that the Director of Elections include the full text of the attached draft Ordinance (attached hereto as Exhibit A) within the voters' pamphlet. The City Council hereby authorizes the use of City funds to pay for publication of the local voters' pamphlet, the cost of the advisory ballot proposition and the cost of including the full text of the draft ordinance (Exhibit A) within the voters' pamphlet.


In accordance with RCW 29A.32.280, the arguments advocating approval and disapproval of the ballot measure shall be included in the voters' pamphlet and shall be prepared by committees appointed by the Maple Valley City Council. Each committee shall be appointed by August 7, 2015 and shall submit appointment forms to King County Elections no later than 4:30 p.m. August 7, 2015. Each committee shall be composed of not more than three persons. If the City Council fails to appoint committees by August 7, 2015, the King County Director of Elections shall do so pursuant to RCW 29A.32.280. The committee advocating approval 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. Filing of Certified Copies.** The City Clerk is directed to file certified copies of this Resolution with the King County Council and King County Elections.


PASSED BY THE CITY COUNCIL OF THE CITY OF MAPLE VALLEY, WASHINGTON, AT A SPECIAL MEETING THEREOF THIS 3<sup>RD</sup> DAY OF AUGUST, 2015.

  
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William T. Allison, Mayor

ATTEST:

  
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Shauna Lee-Rice, City Clerk

APPROVED AS TO FORM:



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Patricia Taraday, City Attorney

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**CITY OF MAPLE VALLEY, WASHINGTON**

**ORDINANCE O-15-**

**AN ORDINANCE OF THE CITY OF MAPLE VALLEY, WASHINGTON, REPEALING CHAPTER 8.05 ENTITLED “FIREWORKS”; AMENDING CHAPTER 8.10 ENTITLED “FIREWORKS PERMITS” TO BAN USE AND SALE OF FIREWORKS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, after review and discussion, the City Council has determined it appropriate to amend Chapter 8.10 of the Maple Valley Municipal Code (“MVCC”), Fireworks Permits, to ban the sale and use of fireworks in the City of Maple Valley, with exceptions for duly authorized public displays and duly authorized use by religious organizations or private organizations or persons for religious or other specific purposes on an approved date and in an approved location, as provided in RCW 70.77.311(2); and

**WHEREAS**, in order to ensure consistency with the new language in Chapter 8.10 MVMC, Chapter 8.05 MVMC regarding the use of fireworks on public property shall be repealed; and

**WHEREAS**, Section 8.10.050 MVMC regarding local fireworks sales permits and Section 8.10.150 MVMC regarding reckless discharge of fireworks shall be repealed where they are inconsistent with the ban of sale and use of fireworks in the City of Maple Valley; and

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MAPLE VALLEY, WASHINGTON, DO ORDAIN AS FOLLOWS:**

**Section 1.** Repealer. The following is hereby repealed:

A. Chapter 8.05 MVMC, entitled Fireworks.

**Section 2.** Section 8.10.040 of the MVMC, entitled “Sale and discharge of fireworks,” is hereby amended to read as follows (new text is shown in underline; deleted text is shown in ~~strike-through~~):

~~A. Except as may be provided in RCW 70.77.311, no fireworks shall be sold within the municipal City limits except that consumer fireworks may be sold from 12:00 noon to 11:00 p.m. on June 28th and from 9:00 a.m. to 11:00 p.m. June 29th through July 4th. No~~

~~fireworks may be discharged at any time except that consumer fireworks may be discharged between the hours of 9:00 a.m. and 11:00 p.m. on the fourth day of July.~~

~~B. The sale of consumer fireworks shall also be allowed on the 31st of December between the hours of 9:00 a.m. to 11:00 p.m. Consumer fireworks may be discharged between the hours of 6:00 p.m. on December 31st and 1:00 a.m. on January 1st of the subsequent year.~~

~~C. It shall be unlawful for any person to engage in the retail/wholesale sale of any fireworks within the City without first having obtained a permit hereinafter set forth.~~

~~D. This section does not prohibit the sale or discharge of fireworks pursuant to a public display permit, as is allowed under RCW 70.77.290.~~

It is unlawful for any person to sell, possess, use, transfer, discharge, ignite or explode any fireworks within the city; provided that this prohibition shall not apply to the following activities, when authorized by a state license and city permit:

A. Duly authorized public displays, as provided in RCW 70.77.290; and

B. Duly authorized use by religious organizations or private organizations or persons, as provided in RCW 70.77.311(2), if:

1. Purchased from a licensed manufacturer, importer, or wholesaler;
2. For use on prescribed dates and locations; and
3. For religious purposes.

**Section 3.** Repealer. The following are hereby repealed:

A. Section 8.10.050, entitled “Local fireworks sales permits.”

B. Section 8.10.150, entitled “Reckless discharge or use prohibited.”

**Section 4.** Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

**Section 5.** Effective Date. In accordance with RCW 70.77.250(4), this ordinance shall take effect one year after final passage of this ordinance.

**ADOPTED BY THE CITY COUNCIL AT A SPECIAL MEETING  
THEREOF ON THIS 29TH DAY OF JUNE 2015.**

CITY OF MAPLE VALLEY

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William T. Allison, Mayor

ATTEST/AUTHENTICATED:

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Shaunna Lee-Rice, City Clerk

APPROVED AS TO FORM:

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Patricia Taraday, City Attorney

DATE OF PUBLICATION:

EFFECTIVE DATE: