

CITY OF ORTING
WASHINGTON

ORIGINAL

RESOLUTION NO. 2019-15

**A RESOLUTION OF THE CITY OF ORTING,
WASHINGTON, PROVIDING FOR THE SUBMISSION TO
THE QUALIFIED ELECTORS OF THE CITY OF ORTING
AT THE NOVEMBER 5, 2019 GENERAL ELECTION, AN
ADVISORY PROPOSITION ASKING WHETHER
QUALIFIED VOTERS RECOMMEND THE ORTING CITY
COUNCIL PASS AN ORDINANCE PROHIBITING THE
DISCHARGE OF ALL FIREWORKS AT ALL TIMES
WITHIN THE ORTING CITY LIMITS**

WHEREAS, the City of Orting at Orting Municipal Code 5-7-1 adopts by reference Revised Code of Washington Chapter 70.77, pertaining to the regulation of consumer fireworks; and

WHEREAS, currently, pursuant to OMC 5-7-1, fireworks may be discharged within the city limits only from one minute after twelve o'clock (12:01) A.M. to eleven fifty nine o'clock (11:59) P.M. on July 4 of each year, and from six o'clock (6:00) P.M. on December 31 to one o'clock (1:00) A.M. on January 1 of the subsequent year; and

WHEREAS, public displays of fireworks are subject to different regulations than other fireworks, including strict inspection and permitting regulations set forth in Chapter 70.77 RCW; and

WHEREAS, the City Council recognizes that fireworks are a traditional way of celebrating national independence on the Fourth of July, but the City Council also recognizes risks and consequences of the discharge of fireworks including adverse impacts to public health, safety and welfare; and

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

WHEREAS, the City Council has heard and considered many divergent opinions from City residents as to whether the discharge of fireworks should be totally banned within the City at all times of the year, except for public displays of fireworks as defined at Chapter 70.77 RCW; and

WHEREAS, the City Council desires 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 not 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 the effective date of such an ordinance is no sooner than one year from the date of adoption;

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

Section 1. Findings. The City Council finds that the interests of the City of Orting would be best served by placing before the voters an advisory proposition as part of the November 5, 2019 general election, asking the voters whether the discharge of all fireworks should be prohibited within the City of Orting.

Section 2. Call for Election. The City Council hereby requests that the Pierce County Auditor include in the local voters' pamphlet produced as part of the November 5, 2019 general election, in the manner provided by law, for the purpose of submitting to the qualified electors of the City of Orting, Washington, an advisory proposition asking qualified voters of the City of Orting whether the discharge of all fireworks should be prohibited within the City of Orting.

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, may take action to amend its ordinances placing such a ban in effect. The effective date of such an ordinance, if adopted, will be one year after its passage and publication.

Section 4. If a majority of electors voting at such election vote no, the City Council may maintain the current restrictions that are in place by virtue of the existing ordinances of the City of Orting and provisions in state law. The call for this election and its results do not prohibit the City Council from exploring an ordinance reducing sales and/or discharge hours of fireworks in the future.

Section 5. The Pierce 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 6, 2019, to certify the following advisory proposition, together with the required Resolution Cover Sheet and all required documents, to the Pierce County Auditor in substantially the following form:

CITY OF ORTING
ADVISORY PROPOSITION NO. 1

FIREWORKS BAN

Shall the discharge of fireworks be prohibited within the City of Orting at all times of the year with the exception of properly licensed and permitted public displays?

Should this ban be enacted?

Yes

No

Section 7. Explanatory Statement. The explanatory statement attached hereto as Exhibit A and adopted herein by this reference is hereby approved and the City Clerk is authorized to transmit Exhibit A to the Pierce County Auditor by 4:30 p.m. on August 6, 2019.

Section 8. Request for Inclusion in Voters' Pamphlet. The City Council requests the Pierce County Elections include the proposition referenced herein as well as information related to the proposition in the voters' pamphlet distributed for the November 5, 2019 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.

Section 9. Pro/Con Committee Appointments. 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 Orting City Council. Each committee shall be composed of not more than three persons. 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 by the committee advocating approval and the committee advocating disapproval shall be submitted to Pierce County Elections no later than 4:30 p.m. on August 8, 2019. The rebuttal statement of each committee shall be submitted to Pierce County Elections no later than 4:30 p.m. on August 12, 2019.

Section 10. Certified Copies of Resolution to be Filed. The Orting City Clerk is directed to file a certified copy of this resolution with the Pierce County Auditor.

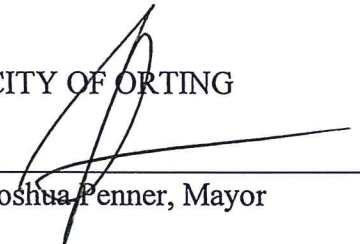
Section 11. Severability. If any section, sentence, clause or phrase of this resolution shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase.

Section 12. Corrections. The City Clerk and the codifiers of this resolution are authorized to make necessary clerical corrections to this resolution including, but not limited to, the correction of scrivener's errors, references, numbering, section/subsection numbers and any references thereto.

Section 13. Effective date. This Resolution shall become effective immediately upon adoption and signature as provided by law.

**RESOLVED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF
ON THE 10TH DAY OF JULY, 2019.**

CITY OF PORTING



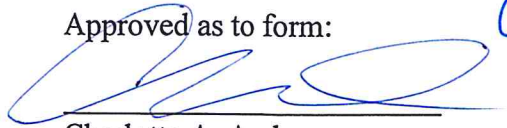
Joshua Penner, Mayor

ATTEST/AUTHENTICATED:



Jane Montgomery, City Clerk, CMC

Approved as to form:



Charlotte A. Archer
Inslee, Best, Doezie & Ryder, P.S.
City Attorney

RESOLUTION NO. 2019-15
EXHIBIT A

CITY OF ORTING
ADVISORY PROPOSITION NO. 1

FIREWORKS BAN
EXPLANATORY STATEMENT

Under state law and the Orting Municipal Code, it is legal to discharge consumer fireworks in conjunction with the Fourth of July and New Year's holidays. State law and local regulations also allow persons licensed by the state and city to sell fireworks during those times. A city may elect to prohibit the sale and discharge of fireworks at all times, but such a ban cannot be effective until one year after its adoption.

This is a non-binding advisory measure to give voters in Orting the opportunity to express their position on whether the discharge of fireworks should be prohibited within Orting's city limits. A "yes" vote supports banning the discharge of all fireworks in Orting, except for permitted public displays. A "no" vote supports leaving the law as it is.

While the City Council will consider the election results in formulating its fireworks regulations, the results will not automatically change the law. This measure is an advisory vote.