

RESOLUTION NO. 1344 (2016)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOTHELL, WASHINGTON PROVIDING FOR REPEAL OF RESOLUTION 1330 (2015) AND SUBMISSION TO THE QUALIFIED ELECTORS OF BOTHELL AT THE NOVEMBER 8, 2016 ELECTION AN ADVISORY PROPOSITION ASKING WHETHER QUALIFIED VOTERS RECOMMEND THE BOTHELL CITY COUNCIL PASS AN ORDINANCE PROHIBITING THE SALE, POSSESSION AND DISCHARGE OF CONSUMER FIREWORKS AT ALL TIMES WITHIN THE BOTHELL 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 Bothell; and

WHEREAS, currently, pursuant to Chapter 8.37 of the Bothell Municipal Code, consumer fireworks (commonly referred to as safe and sane) may be sold and purchased in Bothell from 12:00 noon until 11:00 p.m. on the first day of July, 9:00 a.m. until 11:00 p.m. on the second and third days of July, and from 9:00 a.m. until 9:00 p.m. on the fourth day of July; and

WHEREAS, currently pursuant to Chapter 8.37 of Bothell Municipal Code, consumer fireworks may only be ignited and discharged in Bothell on July 4<sup>th</sup> between the hours of 9:00 a.m. and 11:00 p.m.; and

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

WHEREAS, the Bothell 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 related to 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 and discharge of consumer fireworks are not associated with 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 October 6, 2015, the Council determined that it would be in the best interest of the City to allow the citizens of Bothell to express their opinion on whether to prohibit the sale, possession and discharge of consumer fireworks in Bothell; and

WHEREAS, this resolution, if adopted, will result in placing on the November 8, 2016 general election ballot an advisory proposition presenting the question of whether the City Council should pass an ordinance that would prohibit the sale, possession and discharge of consumer fireworks within Bothell at all times; and

WHEREAS, on January 19, 2016 Council directed staff to bring back the 2016 general election advisory ballot measure language for further discussion; and

WHEREAS, with the publication of King County’s 2016 Jurisdiction Manual, and Snohomish County’s Election Information Guide, two general election process dates were corrected

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

Section 1. Repeal. Resolution 1330 (2015) is hereby repealed.

Section 2. Findings. The City Council finds that the interests of the City of Bothell 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 Bothell.

Section 3. Call for Election. The City Council hereby requests that the King and Snohomish County Director of Elections hold an election on November 8, 2016, in the manner provided by law, for the purpose of submitting to the qualified voters of the City of Bothell, Washington, an advisory proposition asking qualified electors of the City of Bothell whether the sale, possession, and discharge of consumer fireworks should be prohibited within the City of Bothell.

Section 4. Official Ballot Proposition. The Bothell City Clerk is hereby directed to certify, no later than 4:30 p.m. on August 2, 2016, to the King County and Snohomish County Director of Elections, the following advisory proposition:

CITY OF BOTHELL

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

The Bothell 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 Bothell. 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 (commonly referred to as safe and sane) fireworks be prohibited in the City of Bothell?

Yes . . . . .

No . . . . .

Section 5. Ballot Measure Submission Cover Sheet. The Bothell 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 4 of this Resolution.

Section 6. 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 and Snohomish County Elections by 4:30 p.m. on August 2, 2016.

Section 7. Request for Inclusion in Local Voters' Pamphlet and Pro/Con Committee Appointments. The Bothell 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 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 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 Bothell City Council. Each committee shall be appointed by August 2, 2016 and shall submit appointment forms to King and Snohomish County Elections no later than 4:30 p.m. that same day. Each committee shall be composed of not more than three persons. If the City Council fails to appoint committees by August 2, 2016 the 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 County Elections no later than 4:30 p.m. on August 11, 2016. The rebuttal statement of each committee shall be submitted to County Elections no later than 4:30 p.m. on August 15, 2016.

Section 8. Filing of Certified Copies. The City Clerk is directed to file certified copies of this Resolution with the King and Snohomish County Councils and King and Snohomish County Elections.

Section 9. The City Clerk is authorized to make necessary corrections to this resolution including, but not limited to, the correction of scrivener's/clerical errors, references, resolution numbering, section/subsection numbers and any references thereto.

PASSED this 5<sup>th</sup> day of April, 2016.

APPROVED:

  
\_\_\_\_\_  
ANDREW J. RHEAUME  
MAYOR

ATTEST/AUTHENTICATED:

  
\_\_\_\_\_  
LAURA HATHAWAY  
CITY CLERK

FILED WITH THE CITY CLERK: March 29, 2016  
PASSED BY THE CITY COUNCIL: April 5, 2016  
RESOLUTION NO.: 1344 (2016)