

**CITY OF DUVALL
WASHINGTON**

RESOLUTION NO. 16-14

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUVALL, WASHINGTON, PROVIDING FOR THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY AT AN ELECTION TO BE HELD ON NOVEMBER 8, 2016, OF AN ADVISORY VOTE ASKING WHETHER QUALIFIED VOTERS RECOMMEND THE DUVALL CITY COUNCIL PASS AN ORDINANCE PROHIBITING THE SALE, POSSESSION, AND DISCHARGE OF CONSUMER FIREWORKS AT ALL TIMES WITHIN THE DUVALL CITY LIMITS; AND ESTABLISHING AN EFFECTIVE DATE.

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 Duvall; and

WHEREAS, currently, under the Duvall Municipal Code, consumer fireworks may be sold and purchased from 12:00 noon to 11:00 p.m. on June 28th, from 9:00 a.m. to 11:00 p.m. on each day from June 29th through July 4th and from 9:00 a.m. to 9:00 p.m. on July 5th. Consumer fireworks may only be discharged between 9:00 a.m. and 11:00 p.m. on July 4th. Under current law, discharge of consumer fireworks is prohibited at all other times; and

WHEREAS, public displays of fireworks are subject to different regulations than consumer fireworks. Public displays of fireworks, such as the fireworks shows that occasionally occur during Duvall Days, are subject to strict inspection and permitting regulations set forth in Chapter 70.77 of the Revised Code of Washington; and

WHEREAS, the Duvall City Council recognizes that fireworks are a traditional way of celebrating national independence and the Fourth 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;

WHEREAS, 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; and

WHEREAS, the City Council wishes to have a more definitive representation of the public will about this issues and believes an advisory vote will give them such; and

WHEREAS, on July 5, 2016, the Council determined that it would be in the best interests of the City to allow the citizens of Duvall to advise the Council on whether to prohibit the sale, possession, and discharge of consumer fireworks within the city limits of Duvall; and

WHEREAS, the Council will consider the results of this advisory vote when determining what action, if any, should be taken with regards to regulating the sale, possession, and discharge of consumer fireworks within the city limits of Duvall.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DUVALL, WASHINGTON, DO RESOLVE AS FOLLOWS:

Section 1 Findings. The Duvall City Council finds that the interests of the City of Duvall will be best served by placing before the voters an advisory vote asking voters whether the sale, possession and discharge of consumer fireworks should be prohibited within the city limits of Duvall.

Section 2. Advisory Vote. It is hereby found and declared that the best interests of the City require the submission to the qualified electors of the City an advisory vote asking whether the sale, possession, and discharge of consumer fireworks should be prohibited within the city limits of Duvall at an election to be held on November 8, 2016. The Director of King County Elections, as ex officio supervisor of elections in King County, Washington, is hereby requested to call and conduct such election to be held within the City on such day and to submit to the qualified electors of the City for their approval or rejection an advisory vote to advise Council whether to prohibit the sale, possession or discharge of fireworks within the city limits of Duvall. This vote is advisory only, and the City Council will not be legally bound by its results, but will carefully consider the poll results in making any decision regarding fireworks.

Section 3. Official Ballot Title. The City Clerk is hereby authorized and directed to certify, no later than 4:30 p.m. on August 2, 2016, the following advisory vote to the Director of King County Elections, as ex officio supervisor of elections in King County, Washington, in substantially the following form.

CITY OF DUVALL, WASHINGTON

ADVISORY VOTE NO. 1

**SALE, POSSESSION, AND DISCHARGE OF CONSUMER
FIREWORKS WITHIN THE CITY OF DUVALL**

The Duvall 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 limits of Duvall. The prohibition of the sale, possession or discharge of consumer fireworks would not affect properly licensed and permitted public displays of fireworks.

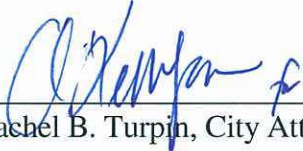
Shall the sale, possession and discharge of consumer fireworks be prohibited within the city limits of Duvall?

YES? _____
NO? _____

Section 4. Effective Date. This resolution will take effect from and after its adoption as provided by law.

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 19th DAY OF July, 2016.

Approved as to form:



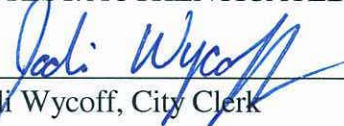
Rachel B. Turpin, City Attorney

CITY OF DUVALL



Mayor Will Hershof

ATTEST/AUTHENTICATED



Jodi Wycoff, City Clerk