

JUL 21 2017

**RESOLUTION NO. 843**

**A RESOLUTION OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, PROVIDING FOR SUBMISSION TO THE QUALIFIED ELECTORS OF UNIVERSITY PLACE AT THE NOVEMBER 7, 2017 ELECTION AN ADVISORY PROPOSITION ASKING WHETHER QUALIFIED VOTERS RECOMMEND THE UNIVERSITY PLACE COUNCIL PASS AN ORDINANCE PROHIBITING THE SALE, POSSESSION, AND DISCHARGE OF CONSUMER FIREWORKS AT ALL TIMES WITHIN THE UNIVERSITY PLACE CITY LIMITS**

WHEREAS, State law defines consumer fireworks as fireworks that may be purchased at permitted fireworks stands within the city limits of University Place; and

WHEREAS, currently, consumer fireworks may be sold and purchased in University Place as set forth in pursuant to Chapter 9.20 of the University Place Municipal Code; and

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

WHEREAS, the Council recognizes that fireworks are a traditional way of celebrating national independence and the Fourth of July. The Council also recognizes the risks and consequences of the discharge of consumer fireworks that may be detrimental to the public health, safety, and welfare. The Council further acknowledges 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 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; and

WHEREAS, on July 17, 2017, the University Place City Council determined that the interests of the residents of the City of University Place 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 University Place; and

WHEREAS, adoption of this Resolution will result in placing on the November 7, 2017 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 University Place at all times, including the Fourth of July; and

WHEREAS, while the results of the advisory proposition are not binding on the Council, the Council will consider the results when determining what action, if any, should be taken with regard to regulating the sale, possession, and discharge of consumer fireworks;

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

**Section 1. Incorporation.** The above recitals are hereby incorporated herein as if set forth in full.

**Section 2. Call for Election.** The University Place City Council requests that Pierce County Elections hold an election on November 7, 2017, in the manner provided by law, for the purpose of submitting to the qualified electors of the City of University Place, an advisory proposition asking whether the sale, possession, and discharge of consumer fireworks should be prohibited within the City of University Place.

**Section 3. Official Ballot Proposition.** The University Place City Clerk is hereby directed to certify, no later than August 1, 2017, to Pierce County Elections, the following advisory proposition:

CITY OF UNIVERSITY PLACE

PROHIBITION OF SALE, POSSESSION, AND DISCHARGE OF CONSUMER FIREWORKS

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

Should the sale, possession and discharge of consumer fireworks be prohibited in the City of University Place?

YES.....

NO.....

**Section 4. Ballot Measure Submission Cover Sheet.** The University Place City Clerk is directed to file a ballot measure submission cover sheet at the same time the advisory proposition is certified in accordance with 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 Pierce County Elections no later than 4:30 p.m. on August 1, 2017.

**Section 6. Request for Inclusion in Voters' Pamphlet and Pro/Con Committee Appointments.** The University Place City Council requests that Pierce County Elections include the proposition referenced herein as well as information related to the proposition in the voters' pamphlet distributed for the November 7, 2017 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.

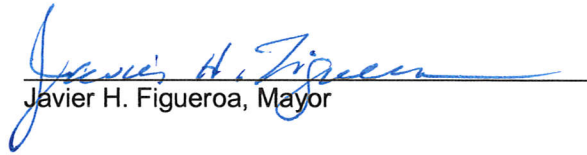
An ad hoc committee of the City Council, consisting of the Mayor, Mayor Pro Tem and Chair of the Finance Committee, is formed to appoint committees to prepare arguments advocating approval and disapproval of the advisory ballot proposition for inclusion included in the voters' pamphlet. If the ad hoc committee fails to make these appointments no later than August 1, 2017, 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.

**Section 7. Certified Copies of Resolution to be Filed.** The University Place City Clerk is directed to file certified copies of this Resolution with the Pierce County Council and the Pierce County Elections.

**Section 8. Supplemental Grant of Authority.** The City Council directs the proper officials of the City to take any other and further actions deemed necessary to implement the policies and determinations of the Council consistent with the language of this Resolution. Any actions taken consistent with the authority granted by, but before the effective date of this Resolution, is ratified, approved and confirmed.

**Section 9. Effective Date.** This Resolution shall take effect immediately upon its adoption.

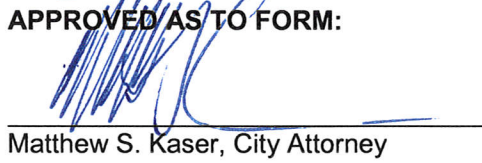
ADOPTED BY THE CITY COUNCIL AT AN OPEN PUBLIC MEETING ON JULY 17, 2017.

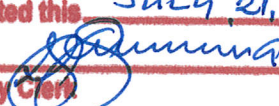
  
Javier H. Figueroa, Mayor

ATTEST:

  
Emelita Genetia, City Clerk

APPROVED AS TO FORM:

  
Matthew S. Kaser, City Attorney

I, Emelita J. Genetia, City Clerk of the City of University Place, Washington, do hereby certify that this is a true and correct copy of RESOLUTION NO. 843  
Approved by the City Council at its meeting of JULY 17, 2017  
Dated this JULY 21, 2017  
  
City Clerk