

**CITY OF COVINGTON**

**RESOLUTION NO. 2019-09**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COVINGTON, WASHINGTON, PROVIDING FOR THE SUBMISSION TO THE QUALIFIED VOTERS OF THE CITY AT AN ELECTION TO BE HELD ON NOVEMBER 5, 2019, AN ADVISORY PROPOSITION ASKING WHETHER QUALIFIED VOTERS RECOMMEND THE COVINGTON CITY COUNCIL PASS AN ORDINANCE PROHIBITING THE SALE, POSSESSION, AND DISCHARGE OF CONSUMER FIREWORKS AT ALL TIMES WITHIN THE COVINGTON CITY LIMITS; SETTING FORTH THE TEXT OF ADVISORY PROPOSITION 1; DIRECTING CITY OFFICIALS TO TAKE NECESSARY ACTIONS; AND PROVIDING FOR OTHER PROPERLY RELATED MATTERS.**

WHEREAS, pursuant to RCW 70.77.136, consumer fireworks are those fireworks that may be purchased at permitted fireworks stands within the Covington City limits; and

WHEREAS, currently, under the Covington Municipal Code, consumer fireworks may be sold and purchased from 12:00 noon until 11:00 p.m. on June 28<sup>th</sup> and from 9:00 a.m. until 11:00 p.m. on each day from June 29<sup>th</sup> through July 4<sup>th</sup>. Consumer fireworks may only be discharged between 9:00 a.m. and midnight on July 4<sup>th</sup> and from 6:00 p.m. on December 31<sup>st</sup> through 1:00 a.m. on January 1<sup>st</sup> of the following year; and

WHEREAS, the Covington City Council ("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; and

WHEREAS, the Council wishes to determine the will of the public on this issue by placing an advisory proposition on the November 5, 2019 election ballot presenting the question of whether the Council should pass an ordinance that will prohibit the sale, possession, and discharge of consumer fireworks within Covington; and

WHEREAS, the Council will consider the results of this advisory proposition when determining what action, if any, should be taken with regards to regulating the sale, possession, and discharge of consumer fireworks in Covington;

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF COVINGTON, WASHINGTON, DOES HEREBY RESOLVE AS FOLLOWS:**

**Section 1. Findings.** The Covington City Council finds that the interests of the City of Covington 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 Covington.

**Section 2. Calling of Election.** The Council requests that the Director of Elections of King County, as *ex officio* Supervisor of Elections in King County ("Director of Elections"), call and conduct an election in the City, in the manner provided by law, to be held on November 5, 2019, for the purpose of submitting to the voters of the City an advisory proposition to advise the Council whether to prohibit the sale, possession, and discharge of consumer fireworks within the Covington City limits. This vote is advisory only, and the Council will not be legally bound by its results but will carefully consider the results in making any decision regarding fireworks.

**Section 3. Ballot Proposition.** The City Clerk is authorized and directed to certify, no later than August 6, 2019, to the Director of Elections, a copy of this resolution and the following advisory proposition to be submitted to the qualified voters at that election, in substantially the following form:

**CITY OF  
COVINGTON, WASHINGTON  
ADVISORY PROPOSITION 1  
SALE, POSSESSION, AND DISCHARGE OF CONSUMER  
FIREWORKS IN THE CITY OF COVINGTON**

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

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

YES .....

NO .....

For purposes of receiving notice of the exact language of the ballot proposition required by RCW 29A.36.080, the Council hereby designates the City Clerk as the individual to whom such notice should be provided. The City Clerk, in consultation with the City Attorney, is authorized to approve changes to the ballot title, if any, deemed necessary by the Director of Elections.

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

The proper City officials are authorized to perform such duties as are necessary or required by law to submit this advisory proposition to Covington voters at the November 5, 2019 election.

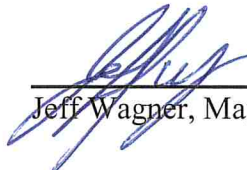
**Section 4. Voters' Pamphlet.** The Council finds and declares it to be in the best interests of the City to have information regarding this advisory proposition included in local voters' pamphlets, and authorizes the appropriate costs thereof to be charged to and paid by the City, and further authorizes and directs the City Attorney and City Clerk to provide such information to the Director of Elections and to take such other actions as may be necessary or appropriate to that end.

**Section 5. Severability.** If any provision of this resolution shall be declared by any court of competent jurisdiction to be invalid, then such provision shall be null and void and shall be severable from the remaining provisions and shall in no way affect the validity of the other provisions.

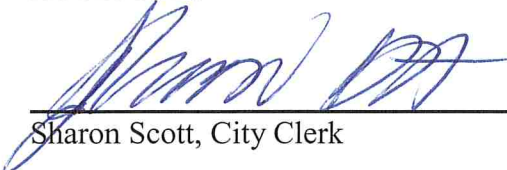
**Section 7. Effective Date.** This resolution shall be effective immediately after its adoption in the manner provided by law.

**Section 8. Ratification of Prior Acts.** Any action taken consistent with the authority and prior to the effective date of this resolution is hereby ratified, approved, and confirmed.

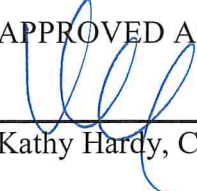
**PASSED** in open and regular session of the City of Covington on this 23rd day of July 2019.

  
\_\_\_\_\_  
Jeff Wagner, Mayor

ATTESTED:

  
\_\_\_\_\_  
Sharon Scott, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Kathy Hardy, City Attorney

CERTIFICATION

I, the undersigned, City Clerk of the City of Covington, hereby certify as follows:

1. The foregoing Resolution No. 2019-09 ("Resolution") is a full, true, and correct copy of the Resolution passed at a regular meeting of the City Council on July 23, 2019; and
2. A quorum of the members of the City Council was present throughout the meeting and enough members of the City Council present voted in the proper manner for the adoption of the Resolution.

IN WITNESS WHEREOF, I have hereunto set my hand this 23rd day of July 2019.

CITY OF COVINGTON

  
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Sharon Scott, City Clerk