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# Resolution Cover Sheet

Thurston County Elections

This form must accompany each resolution filed with Thurston County Elections. The contact person or persons should have the authority to do so and be available to answer questions.

Name of District: City of Yelm

District Address: 106 2nd St SE Yelm, WA 98597

Date of Election: November 2, 2021

Contact Person: Kathy Linnemeyer Title: City Clerk

Contact Phone: 360.458.8816 Fax: 360.458.4348

Contact Email: kathyl@yelmwa.gov

2nd Contact Person: Michael Grayum Title: City Administrator

2nd Contact Phone: 360.458.3244

2nd Contact Email: michaelg@yelmwa.gov

Attorney for District: Dillie Law, PLLC

Attorney Phone: 360.350.0270 Attorney Fax: \_\_\_\_\_

Attorney Email Address: 2010 Caton Way SW Suite 101 Olympia, WA 98502

Type of Election (levy, bond, lid lift, etc.): Advisory Vote

Please state the pass/fail requirement for this measure (i.e. simple majority, 60% etc.) as determined by your legal counsel, together with applicable statutory references: Simple Majority

For February and April elections only:  
Does the district wish to publish a Voters' Pamphlet?  Yes  No

Signature: Kathy Linnemeyer Date: 07/23/2021  
of person filing this form

This form may be filled out and printed.

**This mandatory resolution cover sheet must accompany any resolution.**

**RESOLUTION No. 620**

**A RESOLUTION OF THE CITY OF YELM, WASHINGTON, PROVIDING FOR THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY OF YELM AT THE NOVEMBER 2, 2021 GENERAL ELECTION, AN ADVISORY PROPOSITION ASKING WHETHER QUALIFIED VOTERS RECOMMEND THE YELM CITY COUNCIL PASS AN ORDINANCE PROHIBITING THE DISCHARGE OF ALL FIREWORKS AT ALL TIMES WITHIN THE YELM CITY LIMITS**

**WHEREAS**, The City of Yelm Municipal Code 5.32.010 adopts by reference Revised Code of Washington Chapter 70.77.111 through 70.77.580, pertaining to the regulation of consumer fireworks; and

**WHEREAS**, currently, pursuant to YMC 5.32.010, fireworks may be discharged within the Yelm City Limits only between the hours of 9:00 a.m. and 11:00 p.m. on the twenty-eighth day of June to the sixth of July, and on July 4th between the hours of 9:00 a.m. and 12:00 midnight, and from 6:00 p.m. on December 31st until 1:00 a.m. on January 1st 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 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; and

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Yelm, Washington as follows:

**Section 1. Findings.** The City Council finds that the interests of the City of Yelm would be best served by placing before the voters an advisory proposition as part of the November 2, 2021 general election, asking voters whether the discharge of all fireworks should be prohibited within the City of Yelm.

**Section 2. Call for Election.** The City Council hereby requests that the Thurston County Auditor include in the local voters' pamphlet produced as part of the November 2, 2021 general election, in the manner provided by law, for the purpose of submitting to the qualified electors of the City of Yelm, Washington, an advisory proposition asking qualified voters of the City of Yelm whether the discharge of all fireworks should be prohibited within the City of Yelm.

**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 Yelm 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 days/hours of fireworks in the future.

**Section 5.** The Thurston 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 4:30pm on August 3, 2021, to certify the following advisory proposition, together with the required Resolution Cover Sheet and all required documents, to the Thurston County Auditor in substantially the following form:

CITY OF YELM  
ADVISORY PROPOSITION NO. 1  
FIREWORKS BAN

Shall the discharge of fireworks be prohibited within the City of Yelm 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 Thurston County Auditor by 4:00 p.m. on August 3, 2021.

**Section 8. Request for Inclusion in Voters' Pamphlet.** The City Council requests the Thurston County Elections include the proposition referenced herein as well as information related to the proposition in the voters' pamphlet distributed for the November 2, 2021 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 Yelm 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 Thurston County Elections no later than 4:00 p.m. on August 5, 2021. The rebuttal statement of each committee shall be submitted to Thurston County Elections no later than 4:00 p.m. on August 9, 2021.

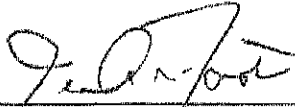
**Section 10. Certified Copies of Resolution to be filed.** The Yelm City Clerk is directed to file a certified copy of this resolution with the Thurston County Auditor.

**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 of 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.

Approved this 27<sup>th</sup> day of July, 2021

  
\_\_\_\_\_  
JW Foster, Mayor

Attest:

  
\_\_\_\_\_  
Kathy Linnermeyer, City Clerk/Community  
Services Manager