

**CITY OF KENMORE
WASHINGTON
ORDINANCE NO. 22-0549**

AN ORDINANCE OF THE CITY OF KENMORE, WASHINGTON, ADOPTING THE POWERS OF INITIATIVE AND REFERENDUM FOR THE QUALIFIED ELECTORS OF THE CITY; ADOPTING A NEW CHAPTER 1.30 OF THE KENMORE MUNICIPAL CODE ENTITLED “INITIATIVE AND REFERENDUM” AND ESTABLISHING PROCEDURES; PROVIDING FOR SEVERABILITY AND CORRECTIONS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Kenmore is a noncharter code city, and RCW 35A.11.080 authorizes the City Council to provide for the exercise of the powers of initiative and referendum within the City; and

WHEREAS, RCW 35A.11.080 specifies that such process shall be done pursuant to RCW 35A.02.020-.035, which includes initiating the process by way of resolution; and

WHEREAS, the City Council of the City of Kenmore, Washington, passed Resolution No. 22-375 on April 11, 2022, stating its intent to adopt the powers of initiative and referendum to the voters of the City of Kenmore as provided in RCW Chapter 35A.11; and

WHEREAS, within ten (10) days of passage of Resolution No. 22-375, the City caused Resolution No. 22-375 to be published at least once in a newspaper of general circulation within the City, to wit: the *Seattle Times*; and

WHEREAS, more than 90 days have expired since the first publication of Resolution No. 22-375 and no timely or sufficient referendum petition has been filed pursuant to RCW 35A.02.035, as determined by RCW 35A.29.170, therefore the City Council is empowered to now adopt this Ordinance providing for and defining the powers of initiative and referendum for Kenmore;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF KENMORE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Adoption. The City Council adopts a new Chapter 1.30 entitled “Initiative and Referendum” to the Kenmore Municipal Code to read as follows:

Chapter 1.30

INITIATIVE AND REFERENDUM

Sections:

- 1.30.010 Powers of initiative and referendum adopted.**
- 1.30.020 Statutory procedures.**
- 1.30.030 General ordinance defined.**
- 1.30.040 Effective date of general ordinance.**
- 1.30.050 Ordinances not subject to initiative and referendum.**
- 1.30.060 Restriction on or abandonment of powers.**

1.30.010 Powers of initiative and referendum adopted.

A. The city council adopts the powers of initiative and referendum for the qualified electors of the city as provided pursuant to RCW 35A.11.080 through RCW 35A.11.100.

1.30.020 Statutory procedures

The powers of initiative and referendum adopted in KMC 1.30.010 are to be exercised as set forth in RCW 35A.11.080 through RCW 35A.11.100 as they now exist or may be amended from time to time, and which are incorporated by reference as if set forth in full.

1.30.030 General ordinance defined.

For the purposes of this chapter and this chapter only, a general ordinance is defined as an ordinance of general application throughout the city.

1.30.040 Effective date of general ordinances.

General ordinances of the city shall not go into effect before 30 days from the time of final passage and are subject to referendum during that period. This clause shall not apply to ordinances exempted by KMC 1.30.040.

1.30.050 Ordinances not subject to initiative and referendum.

A. Ordinances of the city which shall not be subject to the powers of initiative and referendum and which shall become effective five days following their passage and legal publication are as follows:

1. Ordinances initiated by petition;
2. Ordinances providing for local improvement districts;
3. Ordinances appropriating money;
4. Ordinances providing for or approving collective bargaining;
5. Ordinances providing for the compensation of or working conditions of city employees;
6. Ordinances authorizing or repealing the levy of taxes; and
7. Ordinances exempted now or hereafter by the Washington Legislature or Washington Courts from the powers of initiative and referendum, including, but not limited to:
 - a. Ordinances which are administrative in nature; and
 - b. Ordinances adopted under power(s) granted by the Washington Legislature and Washington Court to the city council, as the legislative body for the city, including but not limited to:
 - i. Zoning regulations, critical areas regulations, and comprehensive plan amendments adopted pursuant to the Growth Management Act, Chapter 36.7A RCW;
 - ii. Ordinances adopting the use and operation of automated traffic safety cameras;

- iii. Ordinances adopting annexations;
- iv. Ordinances issuing revenue bonds; and
- v. Ordinances establishing a transportation benefit district;

B. Ordinances of the city which shall not be subject to the powers of initiative and referendum and which shall become effective immediately upon their passage are as follows:

- 1. Emergency Ordinances. Ordinances necessary for immediate preservation of public peace, health, and safety or for the support of city government and its existing public institutions which contain a statement of urgency and are passed by unanimous vote of the council.

1.30.060 Restriction of or abandonment of powers.

A. The exercise of initiative and referendum powers may be restricted or abandoned as set forth in RCW 35A.11.080, which is incorporated by reference as if set forth in full.

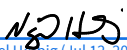
Section 2. Severability If any section, subsection, sentence, clause, phrase, or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase, or word of this ordinance.

Section 3. Corrections. Upon the approval of the city attorney, the city clerk and/or code publisher is authorized to make any necessary technical corrections to this Ordinance, including but not limited to the correction of scrivener's/clerk errors, references, Ordinance numbering, section/subsection numbers, and any reference thereto.

Section 4. Effective Date. This ordinance shall take effect and be in full force and effect five days after passage and publication of an approved summary consisting of the title.

PASSED by the City Council this 11th day of July 2022.

APPROVED:


Nigel Herbig (Jul 12, 2022 18:33 PDT)

Mayor Nigel Herbig

APPROVED AS TO FORM:


Dawn Reitan (Jul 12, 2022 13:10 PDT)

City Attorney Dawn Reitan

ATTEST/AUTHENTICATED:

Anastasiya Warhol

Anastasiya Warhol (Jul 13, 2022 08:56 PDT)

City Clerk Anastasiya Warhol

FILED WITH THE CITY CLERK: 7/4/22
PASSED BY THE CITY COUNCIL: 7/11/22
PUBLICATION DATE: 7/15/22
EFFECTIVE DATE: 7/21/22
ORDINANCE NO. 22-0549











Ordinance No. 22-0549 - Adopting Initiative and Referendum 5-31-2022

Final Audit Report

2022-07-13

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