Ordinance No. 2848

(Amending or Repealing Ordinances)

CFN=155 – Proclamations/Awards/Conferences
Passed 6/6/1989
Establishing Initiative and Referendum powers & creating a new Chapter 1.14 of KCC

Amended by Ord. 4034 (now Ch. 1.03)
ORDINANCE NO. 2848

AN ORDINANCE of the City of Kent, Washington, relating to initiative and referendum, establishing initiative and referendum powers in the City of Kent, creating a new Chapter 1.14 of the Kent City Code.

WHEREAS, by Resolution 1193, the City Council declared its intention to adopt for the qualified electors of the City of Kent the powers of initiative and referendum; and

WHEREAS, such Resolution and state law require ninety days after the first date of publication of the Resolution to expire prior to adoption of any ordinance providing such powers and such ninety days have expired; and

WHEREAS, no timely or sufficient referendum petition has been filed by the qualified electors of the City of Kent challenging such Resolution; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Section 1.14 is added to the Kent City Code as follows:

1.14.010. Intent. It is the intent of the City Council to adopt, pursuant to Chapter 35A RCW, the powers of initiative and referendum for the qualified electors of the City of Kent. If an initiative measure is properly presented to the Council, the Council hereby declares its intention to reserve the authority to submit also a different measure dealing with the same subject as the initiative to the qualified electors for approval or rejection at the same election.

1.14.020. Ordinances Not Subject to Initiative and Referendum. Any and all ordinances hereafter passed and adopted by the City of Kent shall not go into effect prior to thirty (30)
days from the time of final passage and the same shall be subject to referendum during the interim except the following ordinances:

A. Ordinances initiated by petition;
B. 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;
C. Ordinances providing for local improvement districts;
D. Ordinances appropriating money;
E. Ordinances providing for or approving collective bargaining;
F. Ordinances providing for the compensation of or working conditions of a city employee; and
G. Ordinances authorizing or repealing the levy of taxes;

H. Any ordinance exempted now or hereafter by state law from initiative and referendum processes; and all such excepted ordinances shall go into effect as provided by the general law or applicable sections of Title 35A RCW as now or hereafter amended.

1.14.030. Initiative Petitions. Ordinances may be initiated by petitions of electors of the City. If any individual, or group of individuals, desires to petition the Council to enact a proposed measure, that individual or group shall file in the office of the City Clerk five (5) printed or typewritten copies of the measure proposed, accompanied by the name, post office and residence address of the proposer.

1.14.040. Initiative Procedure by Clerk and City Attorney. Upon filing of the proposed initiative measure, the City Clerk shall assign a number to each such initiative petition and transmit one (1) copy of the measure proposed, bearing such number, to the City Council, the Mayor, the City Administrator, and to the City Attorney. Within fourteen (14) days after the receipt of an initiative measure, the City Attorney shall formulate therefor and transmit to the City Clerk, the City Council, the Mayor, the City Administrator, and the individual or group proposing such a measure, an initiative statement in the form of a question containing the essential features of the measure.
1.14.050. Initiative Statement. An initiative statement shall be phrased in language so that a "yes" vote will clearly be a vote in favor of the action or condition that would result from the approval of the measure, and a "no" vote will clearly be a vote in opposition to such action or condition. The statement may be distinct from the petitioner's title of the measure and shall express and give a true and impartial statement of the purpose of the measure. It shall not be intentionally an argument, nor likely to create prejudice, either for or against the measure.

1.14.060. Time for Filing Initiative Petition. Initiative petitions containing the required signatures of the registered voters of the City as provided in RCW 35A.11.100, now or as hereinafter amended, must be filed with the Clerk within ninety (90) days from the date of issuance of the initiative statement by the City Attorney. If petitioner fails to file such petition within the prescribed time limit, it shall have no validity and the petition will not be considered by the Council as an initiative petition.

1.14.070. Initiative Petition - Requirements. Every signer to a petition submitting a proposed ordinance to the City Council shall add to his or her signature signer's printed name and his or her place of residence giving street and number. The signatures need not all be appended to one paper, but one of the signers on each paper must attach thereto an affidavit stating the number of signatures thereon, that each signature thereon is a genuine signature of the person whose name it purports to be and that the statements therein made are true as he or she believes.

1.14.080. Form of Petitions for Ordinances Referred to the Voters. The form and sufficiency of the petition shall be as follows:

A. A petition may include any page or group of pages containing a statement prepared by the City Attorney along with the initiative number and shall contain the following essential elements when applicable:

1. The text or prayer of the petition shall be a concise statement of the action or relief sought by petitioners.
2. A copy of the ordinance to be referred to the electorate.

3. Numbered lines for signatures with space provided beside each signature for the printed name of the signor, the address of the signor, and the date of signing.

4. The warning statement prescribed in Section B of this section.

B. Petitions shall be printed or typed on single sheets of white paper of good quality and each sheet of petition paper having a space thereon for signatures shall contain the text or prayer of the petition and the following warning:

WARNING

Any person who signs this petition with any other than his or her true name, or who knowingly signs more than one of these petitions, or signs a petition seeking an election when he or she is not a legal voter, or signs a petition when he or she is otherwise not qualified to sign, or who makes herein any false statement, shall be guilty of a misdemeanor.

C. Each signature shall be executed in ink or indelible pencil and shall be followed by the printed name of the signor, the date of the signing, and the address of the signor as follows:

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<th>Petitioner's Signature</th>
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D. The term "signer" means any person who signs his or her own name to the petition.
E. To be sufficient a petition must contain valid signatures of qualified electors in number equal to not less than 15% of the names of persons listed as registered voters within the city on the day of the last preceding city general election or the number that may be otherwise provided by state law.

1.14.090. Process of Determining Sufficiency. Within five (5) working days after the filing of a petition, the city clerk shall begin the process of making a determination of sufficiency with reasonable promptness and shall file a certificate stating the date upon which such determination was begun, which date shall be referred to as the terminal date. Additional pages of one or more signatures may be added to the petition by filing the same with the city clerk prior to such terminal date. No signatures shall be accepted or withdrawn after such terminal date.

1.14.100. Withdrawal of Signature. Any signer of a filed petition may withdraw his or her signature by a written request for withdrawal filed with the City Clerk prior to such terminal date. Such written request shall so sufficiently describe the petition as to make identification of the person and the petition certain. The name of any person seeking to withdraw shall be signed exactly the same as contained on the petition and, after the filing of such request for withdrawal, prior to the terminal date, the signature of any person seeking such withdrawal shall be deemed withdrawn.

1.14.110. Valid Signatures. Petitions containing the required number of signatures shall be accepted as prima facie valid until their invalidity has been proved.

1.14.120. Variations of Signatures. Variations on petitions between the signatures on the petition and that on the voter’s permanent registration caused by the substitution of initials instead of first or middle names, or both, shall not invalidate the signature on the petition if the surname and handwriting are the same.
1.14.130. **Stricken Signatures.** Signatures, including the original, of any person who has signed a petition two or more times, shall be stricken.

1.14.140. **Stale Signatures.** Signatures followed by a date of signing which is more than six months prior to the date of filing of the petition or prior to the publication date of this ordinance shall be stricken.

1.14.150. **Initiative Petition - Checking by Clerk.** Within fourteen (14) days from the terminal date of filing of a petition submitting a proposed Ordinance, the City Clerk shall ascertain or cause to be ascertained and append to the petition a certificate stating whether or not it is signed by a sufficient number of registered voters, using the registration records and returns of the preceding municipal election for sources of information.

1.14.160. **Initiative Petition - Council Action.** If the petition accompanying the proposed Ordinance is signed by the registered voters in the City as required by state law, and if it contains a request that, unless passed by the City Council, the Ordinance be submitted to a vote of the people, the Council shall either:

A. Pass the proposed Ordinance without alteration within forty-five (45) days after the City Clerk's certificate that the number of signatures on the petition are sufficient; or

B. Within forty-five (45) days after the Clerk's certificate of sufficiency is attached to the petition, cause to be called a special election to be held not less than thirty (30) nor more than one hundred twenty (120) days thereafter, for submission of the proposed Ordinance without alteration, to a vote of the people unless a general election will occur within one hundred twenty (120) days, in which event submission must be made at that general election.

1.14.170. **Initiative Petition, Appeal to Court.** If a court finds the petition insufficient or if the Council refuses either to pass an initiative ordinance or order an election thereon, any taxpayer within the City may commence an action in
the Superior Court against the City for the purpose of requiring
an election to be held in the City for purposes of voting upon the
proposed ordinance if the Court finds the petition to be
sufficient.

of notice, the election, the canvass of the returns and
declaration of the results, shall be conducted in all respects as
are other City elections. Any number of proposed ordinances may
be voted on at the same election, but there shall not be more than
one special election for that purpose during any one six-month
period.

1.14.190. Initiative - Notice of Election. The City
Clerk shall cause any ordinance or proposition required to be
submitted to the voters at an election to be published in a local
newspaper. This publication shall be in addition to the notice
required in Chapter 29.27 RCW.

1.14.200. Initiative - Ballots. The ballots used for
voting upon a proposed ordinance shall be similar to those used at
a general municipal election and shall contain the words "for the
ordinance" (stating the nature of the proposed ordinance) and
"against the ordinance" (stating the nature of the proposed
ordinance).

found to be sufficient by the Clerk and the proposal or question
is to be submitted to the voters the question or proposal shall be
advertised as provided for nominees for office for code cities,
and in such cases there shall also be printed on the ballot a
concise statement not exceeding one hundred words containing the
essential features thereof expressed in such a manner as to
clearly identify the proposition to be voted upon, which statement
shall be prepared by the City Attorney. In addition to such a
statement, the City Attorney preparing the statement shall also
prepare a caption, not to exceed ten words in length, to permit
the voters readily to identify the proposition and distinguish it
from other propositions on the ballot. This caption shall be
placed on the ballot immediately before the statement, and shall
be printed in heavy black type in such a manner as to be readable at a glance. The caption and statement together shall constitute the ballot title.

1.14.220. Initiative - Effective Date - Record. If a majority of the number of votes cast thereon favor the proposed ordinance, it shall become effective immediately and shall be made a part of the record of ordinances of the city.

1.14.230. Initiative - Repeal or Amendment. Upon the adoption of an ordinance initiated by petition, the City Clerk shall write on the margin of the record thereof "ordinance by petition No. _____," or "ordinance by vote of the people," and it cannot be repealed or amended except by a vote of the people.

1.14.240. Initiative - Repeal or Amendment - Method. The Council may by means of an ordinance submit a proposition for the repeal or amendment of an ordinance initiated by petition, by submitting it to a vote of the people at any general election and if a majority of the votes cast upon the proposition favor it, the ordinance shall be repealed or amended accordingly.

A proposition of repeal or amendment must be published before the election thereon as is an ordinance initiated by petition when submitted to election.

1.14.250. Initiative - Repeal or Amendment - Record. Upon the adoption of a proposition to repeal or amend an ordinance initiated by petition, the City Clerk shall write upon the margin of the record of the ordinance "repealed (or amended) by ordinance No. _____," or "repealed (or amended) by vote of the people."

1.14.260. Referendum Petitions. A petition may be filed with the City Clerk within thirty days from the passage of a general ordinance by the Council, petitioning the Council to reconsider an ordinance which is subject to referendum, or to submit same to a vote of the people.

1.14.270. Referendum Statement. A referendum statement on a petition shall be phrased in the following language:
"Should Kent City Ordinance No. ______ relating to _____________, enacted by the Kent City Council on _____________ be repealed in its entirety? Your signature on this petition indicates your vote in favor of repeal of the attached ordinance in its entirety."

A copy of the ordinance to such referendum petition shall be attached to each referendum petition for the information of the parties requested to sign such petition.

1.14.280. Referendum - Filing Suspends Ordinance. Upon the filing of a referendum petition, which must contain valid signatures of fifteen percent (15%) of the total number of names of persons listed as registered voters within the City on the date of the last preceding City general election or as otherwise provided by state law, within thirty (30) days of the passage of an ordinance petitioning therein that such ordinance be submitted to the electorate, the Council shall reconsider an ordinance subject to referendum and upon reconsideration shall defeat it in its entirety or shall submit it to a vote of the people. The operation of an ordinance so protested against shall be suspended until the referendum petition is finally found insufficient or until the ordinance protested against has received a majority of the votes cast thereon at the election.

1.14.290. Initiative Provisions Applied to Referendum Process. All provisions applicable to the form of the petition and sufficiency of signatures required for an initiative petition as set forth herein, and to the submission to the vote of the people as set forth herein, shall apply to a referendum petition and to the ordinances sought to be defeated thereby.

1.14.300. Referendum - Effective Date - Record. If a majority of the number of votes cast thereon oppose the ordinance subject to the referendum, such ordinance shall be deemed repealed immediately.

1.14.310. Restriction On or Abandonment of Powers. The exercise of such initiative and referendum powers may be restricted or abandoned upon passage of a resolution by the
Council or by the filing of a sufficient petition with the City Clerk signed by qualified electors in number equal to not less than ten (10%) percent of the votes cast at the last general municipal election or as otherwise provided by state law. The sufficiency of the petition for restriction or abandonment shall be determined by the City Clerk and certified as to sufficiency.

The proposal for restriction of the initiative and/or referendum powers and/or the proposal for abandonment of such powers shall be voted upon at the next general municipal election if one is to be held within 180 days from the date of filing of the petition, or at a special election to be called for that purpose not less than 90 days nor more than 180 days after the passage of the resolution or the certification of sufficiency of the petition. The ballot title and statement of proposition shall be prepared by the City Attorney as provided for initiative ballots herein.

1.14.320. Ordinance Restricting or Abandoning Powers - After Election. If a majority of votes cast at the election favor restriction or abandonment, such powers of initiative or referendum shall be deemed so restricted or abandoned.

Section 2. Effective Date. This ordinance shall take effect and be in force five (5) days from and after its passage, approval and publication as provided by law.

DAN KELLEHER, MAYOR

ATTEST:

MARIE JENSEN, CITY CLERK

APPROVED AS TO FORM:

SANDRA DRISCOLL, CITY ATTORNEY
PASSED the 6 day of June, 1989.
APPROVED the 7 day of June, 1989.
PUBLISHED the 9 day of June, 1989.

I hereby certify that this is a true copy of Ordinance No. 2648, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

[Signature]
MARIE JENSEN, CITY CLERK

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