

CITY OF BLACK DIAMOND
WASHINGTON
ORDINANCE NO.12-982

**AN ORDINANCE OF THE CITY OF BLACK DIAMOND,
WASHINGTON, ADOPTING THE POWER OF
INITIATIVE AND REFERENDUM FOR THE
REGISTERED VOTERS OF THE CITY; AND
ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, on the 27th day of July, 2012 the City published Resolution No. 12-823 providing notice of the intent of the City Council to adopt an ordinance providing for the exercise in their city of the powers of initiative and referendum; and

WHEREAS, Resolution No. 12-823 was first published as required by law on the 27th day of July, 2012; and

WHEREAS, the ninetieth day following the above date was the 25th day of October, 2012 and no person has filed a sufficient referendum petition pursuant to RCW 35A.02.035, as determined by RCW 35A.29.170, so as to require a public vote; and

WHEREAS, the City Council finds that it is in the best interest of the public health, safety and welfare to enact the ordinance herein set forth providing for the exercise in their city of the powers of initiative and referendum;

NOW, THEREFORE, the City Council of the City of Black Diamond, Washington, do ordain as follows:

Section 1. New Chapter Adopted (BDMC 1.28). A new Chapter 1.28 entitled "Initiative and Referendum" is hereby added to the Black Diamond Municipal Code to read as follows:

1.28.010 Power of Initiative and Referendum Adopted

The City of Black Diamond hereby adopts the power of initiative and referendum for the registered voters of the City as provided pursuant to RCW 35A.11.080 through 35A.11.100. Such powers are to be exercised as provided in the above referenced sections of the Revised Code of Washington as they now exist or may be amended from time to time and said sections are hereby incorporated in full by this reference.

1.28.020 Designation of City Clerk.

The City Clerk, or his or her designee, is hereby designated as the City Officer who may receive an initiative or referendum petition filed pursuant to this Chapter. The City Clerk is directed to maintain a copy of RCW 35A.11.080 through 35A.11.100, as now or may hereinafter be amended.

1.28.030 Rules and Regulations.

The City Clerk may adopt and publish rules and regulations governing the initiative and referendum process that are consistent with this Chapter.

Section 2. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 3. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

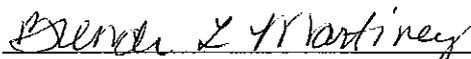
ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 1ST DAY OF NOVEMBER, 2012.

CITY OF BLACK DIAMOND



Rebecca Olness, Mayor

ATTEST/AUTHENTICATED:



Brenda L. Martinez, City Clerk

Approved as to form:

Chris D. Bacha,
Kenyon Disend PLLC

City Attorney

Filed with the City Clerk: 11/1/2012
Passed by the City Council: 11/1/2012
Ordinance No. 12-982
Date of Publication: 11/9/2012
Effective Date: 11/14/2012