

**ORDINANCE NO. 929**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, ELIMINATING THE MOORAGE FEES FOR THE CITY DOCK, REPEALING GIG HARBOR MUNICIPAL CODE SECTIONS 3.28.010 AND 3.28.020.**

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WHEREAS, the City of Gig Harbor owns and operates a public dock facility, and charges moorage fees for such use; and

WHEREAS, the moorage fee for use of the public dock is extremely low (\$0.25 per foot per night); and

WHEREAS, the City has immunity from liability for unintentional injuries to the public using the City's public dock for purposes of outdoor recreation, as long as the City does not charge a fee of any kind (RCW 4.24.210); and

WHEREAS, the Washington courts have recently determined that this immunity from liability does not apply to a public dock if the municipality charges a moorage fee to the public; and

WHEREAS, the City Council believes that the immunity provided by RCW 4.24.210 outweighs the small amount of money collected by the City through moorage fees imposed in GHMC Section 3.28.010; and

WHEREAS, the City Council acknowledges that if the moorage fees are eliminated in GHMC Section 3.28.010, there is no need for GHMC Section 3.28.020, which describes the penalty for failure to pay the moorage fee at the public dock; Now, Therefore,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, ORDAINS AS FOLLOWS:

Section 1. Section 3.28.010 of the Gig Harbor Municipal Code is hereby repealed.

Section 2. Section 3.28.020 of the Gig Harbor Municipal Code is hereby repealed.

Section 3. Effective Date. This Ordinance shall take effect and be in full force five (5) days after passage and publication of an approved summary consisting of the title.

PASSED by the City Council and approved by the Mayor of the City of Gig Harbor this

9<sup>th</sup> day of June, 2003.


CITY OF GIG HARBOR

  
GRETCHEN WILBERT, MAYOR

ATTEST/AUTHENTICATED:

By:   
MOLLY TOWSLEE, City Clerk

APPROVED AS TO FORM: OFFICE OF THE CITY ATTORNEY

By:   
CAROL A. MORRIS

FILED WITH THE CITY CLERK: 4/16/03  
PASSED BY THE CITY COUNCIL: 6/9/03  
PUBLISHED: 6/18/03  
EFFECTIVE DATE: 6/23/03  
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