

ORDINANCE NO. 984

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO THE BUILDING CODE ADVISORY BOARD, CLARIFYING THE BOARD'S AUTHORITY WITH REGARD TO CODE INTERPRETATIONS AND APPEALS OF REQUESTS FOR ALTERNATE MATERIALS/MODIFICATIONS, ESTABLISHING THE REQUIREMENTS FOR THE BOARD'S PUBLIC HEARINGS AND CLARIFYING THE EFFECT OF THE BOARD'S DECISION AND THE MANNER IN WHICH IT MAY BE JUDICIALLY APPEALED, REPEALING GIG HARBOR MUNICIPAL CODE SECTION 15.02.010 AND ADOPTING NEW SECTIONS 15.02.010, 15.02.020, 15.02.030 AND 15.02.040 TO THE GIG HARBOR MUNICIPAL CODE.

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WHEREAS, the establishment and authority of the building code advisory board is set forth in GHMC Section 15.02.010; and

WHEREAS, nothing in GHMC Section 15.02.010 describes the procedures that the board must follow when handling open public hearings on requests for interpretations or alternative materials; and

WHEREAS, nothing in GHMC Section 15.02.010 describes the effect of a decision of the board, or whether it may be appealed judicially; Now, therefore:

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

Section 1. Section 15.02.010 is hereby repealed.

Section 2. A new Section 15.02.010 is hereby added to the Gig Harbor

Municipal Code, which shall read as follows:

**15.02.010 Building Code Advisory Board established – membership.**

- A. The building code advisory board, consisting of six members who are qualified by experience and training to pass upon matters of building construction and who are not employees of the City, is established.
- B. The board shall be comprised of two state-licensed contractors, two architects, and two engineers, all of whom must be residents of the Gig Harbor community, at least two of whom are city residents.
- C. The building code advisory board shall be appointed by the mayor and approved by the city council and shall hold office for a four-year term. The terms shall not run concurrently, and the first selected board member's terms shall run for two, three, and four years, respectively. The mayor may remove any board member at his/her pleasure and discretion.
- D. All board member's terms shall expire on March 31<sup>st</sup> and all successive terms shall commence on April 1<sup>st</sup>.

Section 3. A new Section 15.02.020 is hereby added to the Gig Harbor

Municipal Code, which shall read as follows:

**15.02.020 Rules of Procedure.** The board shall adopt procedural rules governing the transaction of its business. Provisions shall be made for maintaining minutes of board meetings and records of all board decisions. The rules of the board shall provide that all board meetings and hearings shall be open to the public, as provided in the Open Public Meetings Act, chapter 42.30 RCW. The rules for board hearings on quasi-judicial decision-making shall follow the procedures set forth in chapter 19.05 GHMC.

Section 4. A new Section 15.02.030 is hereby added to the Gig Harbor

Municipal Code, which shall read as follows:

**15.02.030 Authority of Board.** The board is authorized to take the following actions:

- A. Hold open public hearings and make the final decision on appeals of administrative determinations where alternate materials or methods of construction are proposed to those required by any code adopted in GHMC Title 15;
- B. Hold open public hearings and make the final decision on interpretations of the codes adopted in GHMC Title 15; provided that the board shall have no authority to make any interpretation of any administrative provision of such codes. In addition, the board shall have no authority to handle any interpretation or appeal relating to any enforcement action; and

C. Review and make recommendations to the Gig Harbor City Council on the adoption of new codes and amendments within GHMC Title 15.

Section 5. A new Section 15.02.040 is hereby added to the Gig Harbor

Municipal Code, which shall read as follows:

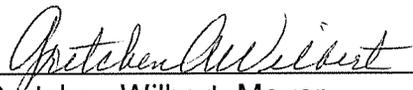
**15.02.040 Final Decision-making.** The decision of the board on the actions described in GHMC Section 15.02.030(A) and (B) above shall be final. Appeals of the board's decisions under GHMC Section 15.02.030(A) and (B) shall be filed with Pierce County Superior Court within 21 days of issuance of the final decision.

Section 6. Severability. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, clause or phrase of this Ordinance.

Section 7. 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 Council and approved by the Mayor of the City of Gig Harbor this 10<sup>th</sup> day of January, 2005.

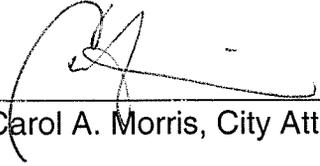
CITY OF GIG HARBOR

  
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Gretchen Wilbert, Mayor

ATTEST/AUTHENTICATED:

  
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Molly Towslee, City Clerk

APPROVED AS TO FORM:  
Office of the City Attorney



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Carol A. Morris, City Attorney

FILED WITH THE CITY CLERK: 12/8/04  
PASSED BY THE CITY COUNCIL: 1/10/05  
PUBLISHED: 1/19/05  
EFFECTIVE DATE: 1/24/05  
ORDINANCE NO: 984