

483	Adds § 13.20.070, local improvement district (13.20)	512	Rezone (Special)
484	Rezone (Special)	513	Budget emergency (Special)
485	Annexation (Special)	514	Budget emergency (Special)
486	Declaration of intent to join Pierce County fire protection district No. 5 (Special)	515	Creates ULID No. 2 (Special)
487	Adopts plan for expansion of sewerage system and provides for special election on bond issuance (Special)	516	Bond issuance (Special)
488	Adds § 15.18.010, 15.18.020, 15.18.030, 15.18.040, 15.18.050, 15.18.060, 15.18.070, 15.18.080 and 15.18.090, civil penalty system for violation of technical building codes (15.18)	517	Street vacation (Special)
489	Office of land use hearing examiner (17.10)	518	Declaration of intent to join Pierce County Library District (Special)
490	Adds § 15.06.015, 15.06.025, 15.06.035, 15.06.040, 15.06.050 and 15.06.060, and repeals 15.06.010, 15.06.020 and 15.06.030, Uniform Building Code (15.06)	519	Rezone (Special)
491	Adds § 15.08.015, 15.08.025, 15.08.035 and 15.08.050 and repeals 15.08.010, Uniform Plumbing Code (15.08)	520	Street vacation (Special)
492	Adds § 15.10.010, 15.10.020, 15.10.030 and 15.10.040, Uniform Mechanical Code (15.10)	521	Amends § 14.10.050, storm drainage utility rates (14.10)
493	Adds § 15.12.020, 15.12.030, 15.12.040, 15.12.060, 15.12.070, 15.12.080, 15.12.090, 15.12.100, 15.12.110 and 15.12.120, amends § 15.12.050, and repeals 15.12.010, Uniform Fire Code (15.12)	522	Bond issuance (Special)
494	Initiates process of potential annexation into Pierce County fire protection district No. 5 (Special)	523	Budget adoption (Special)
495	Special election on sewer bond issuance (Special)	524	Budget emergency (Special)
496	Adopts Gig Harbor comprehensive plan and environmental impact statement (Not codified)	525	Tax levy (Special)
497	Rezone (Special)	526	Adds Ch. 15.02 and § 15.06.037, 15.06.055, 15.08.030, 15.08.040, 15.10.035 and 15.10.038, and amends § 13.28.270, 15.12.060(H), 15.18.010, 15.18.030(F), 15.18.050, 15.18.070 and 17.92.010, building code and building advisory board (13.28, 15.02, 15.06, 15.08, 15.10, 15.12, 15.18, 17.102)
498	Repeals and replaces Ch. 13.04 and repeals 13.02.140 and 13.02.150, water rates and service (13.04)	527	Amends § 13.32.010 and 13.32.020, sewer rates (13.32)
499	Repeals and replaces Ch. 13.32, sewer rates and service (13.32)	528	Budget emergency (Special)
500	Budget adoption (Special)	529	Repeals and replaces Title 9, public peace, morals and welfare (9.01, 9.04, 9.06, 9.08, 9.10, 9.12, 9.14, 9.16, 9.18, 9.20, 9.22, 9.26, 9.28, 9.30, 9.32, 9.34, 9.36)
501	Tax levy (Special)	530	Rezone (Special)
502	Amends § 4 of Ord. 447, salary of municipal court judge (Not codified)	531	Amends § Ord. 515, ULID No. 2 (Special)
503	Adds Ch. 3.06, repeals and replaces Chs. 3.08 and 3.10, and repeals Chs. 3.28, 3.40 and 3.44, funds (3.06, 3.08, 3.10)	532	Repeals and replaces Ch. 17.80, signage (17.80)
504	Amends § 17.64.020, zoning (Repealed by 573)	533	Transfer of funds (Special)
505	Rezone (Special)	534	Transfer of funds (Special)
506	Repeals and replaces Ch. 15.04, building code; repeals Ch. 17.07 (15.04)	535	Adds Ch. 3.30, drug enforcement fund (3.30)
507	Amends § 10.04.010, traffic code (10.04)	536	Amends § 9.26.010, assault (9.26)
508	Amends § 13.32.010, sewer rates and charges (13.32)	537	Adds Ch. 17.62; amends § 17.16.070, 17.20.050(c), 17.24.090, 17.32.050, 17.36.050 and 17.44.040, zoning (17.32, 17.62)
509	Rezone (Special)	538	Amends § 13.32.060, sewer connection fees (13.32)
510	Adds Ch. 2.22, civil service system for police officers; repeals Ch. 2.24 (2.22)	539	Annexation (Special)
511	Rezone (Special)	540	Adds Ch. 17.58, zoning (17.58)
		541	Amends § 2.44.040, employee benefit plan (2.44)
		542	1989 budget (Special)
		543	Annexation (Special)
		544	Tax levy (Special)
		545	Appropriations (Special)
		546	Amends Ch. 18.04, environmental review (SEPA) (18.04)
		547	Amends § 13.04.010 and 13.04.020, water service charges (13.04)
		548	Adds § 13.32.015 and 13.32.070; amends § 13.32.010 and 13.32.020, sewer rates and charges (13.32)
		549	Amends § 3.16.060, business and occupation tax (3.16)

ORDINANCE NO. 483

AN ORDINANCE of the City of Gig Harbor, Washington, adding a new section 13.20.070, Foreclosure of Delinquent Assessments to the Gig Harbor Municipal Code.

WHEREAS, RCW 35.50.030 requires foreclosure proceedings be initiated by a city in the event of certain delinquent local improvement assessment payments, but allows the city to establish a date by ordinance by which proceedings must be initiated,

NOW, THEREFORE, the City Council of the City of Gig Harbor **DO ORDAIN** as follows:

Section 1. A new section 13.20.070 of the Gig Harbor Municipal Code is hereby enacted to read as follows:

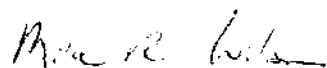
13.20.070 Foreclosure of delinquent assessments. If, on the first day of January, in any year, two installments of any local improvement assessment are delinquent, or if the final installment thereof has been delinquent for more than one year, the city attorney is authorized to commence foreclosure proceedings on the delinquent assessment or delinquent installments by an appropriate action on behalf of the city in Pierce County Superior Court. The foreclosure proceeding shall be in accordance with the provisions of RCW Ch. 35.50, as now exists or as may hereafter be amended. Such foreclosure proceedings shall be commenced on or before September 1, 1986, and thereafter on or before June 1 of each succeeding year.

Section 2. 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.

PASSED at a regular meeting of the City Council held on the 9th day of June, 1986.


Don McCarty, Mayor

ATTEST:



Michael R. Wilson
City Administrator/Clerk

Filed with city clerk: 5/23/86
Passed by city council: 6/9/86
Date published: 6/18/86
Date effective: 6/23/86

ORDINANCE NO. 484

AN ORDINANCE amending the title map adopted by Title 17 establishing land use classifications in the City of Gig Harbor: Amending the Zoning map adopted by said ordinance by providing a change of zone from R-1 (single family residential) to the R-3 (multi-family residential) for certain property described herein, and declaring the effective date of this ordinance.

WHEREAS, procedures for change in the zoning thereof have been duly taken and had in accordance with the provisions of Title 17 of the Gig Harbor Municipal Code, and;

WHEREAS, the City of Gig Harbor has, during their last area-wide zoning, designated the site R-1, and;

WHEREAS, the city has determined that conditions affecting the use of the property have substantially changed since the property was given its present zoning classification. Those changes include the development and increased occupancy of the "Woods" commercial complex and the location and development of the fire station to the west, and;

WHEREAS, the city finds that providing low to moderate income senior citizen housing is in the public interest, and;

WHEREAS, the R-3 classification bears a reasonable relationship to surrounding properties, and;

WHEREAS, the R-3 classification would be consistent with both the existing and pending comprehensive plans, and;

WHEREAS, the Planning Commission has recommended such change, and;

WHEREAS, the City Council has found the same to be and for good and proper reasons that affect the public welfare,

NOW, THEREFORE, the City Council of the City of Gig Harbor **DO ORDAIN** as follows:

Section 1.

That the following described real property situated in the City of Gig Harbor, County of Pierce, State of Washington, to wit:

The Westerly 350' of the South 1/2 of the North 1/2 and the North 1/2 of the South 1/2 of lots 5 and 6 in Section 8, Township 21 North, Range 2 East of the Willamette Meridian, except there from Wichersham County Road situated in Pierce County, Washington.

The same is hereby rezoned and classified R-3 (multi-family residential), rather than R-1 (single family residential).

Section 2.

The subsequent site plan approval SP-86-01 (Gig Harbor Retirement Center) allowing construction of a building housing 36 units for the elderly shall run and be binding upon the property. A copy of the approved site plan shall be attached to this ordinance rezoning this lot.

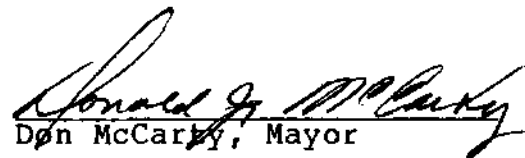
If the subsequent site plan is not implemented (property developed) within three years subsequent to council action on the rezone, the zoning shall resort back to the R-1 designation.

Section 3.

That the official zoning map of the City of Gig Harbor located in Title 17 of the Gig Harbor Municipal Code, be and the same is hereby amended to reflect such change in zoning of such area. That the City Clerk shall make this classification change on the city's official zoning map and certify said change in accordance with the terms of Title 17 of the Gig Harbor Municipal Code.

Section 4. This ordinance shall be published in the official newspaper of the City, and take effect and be in full force five (5) days after the date of publication.

PASSED at a regular meeting of the City Council held on the 23rd day of June, 1986.


Don McCarty, Mayor

ATTEST:



Michael R. Wilson
City Administrator/Clerk

Filed with city clerk: 6/5/86
Passed by city council: 6/23/86
Date published: 7/2/86
Date effective: 7/7/86

ORDINANCE NO. 485

AN ORDINANCE annexing to an incorporating within the City of Gig Harbor, Washington, certain unincorporated territory lying contiguous to the City of Gig Harbor.

WHEREAS, it has been determined that the best interest and general welfare of the City of Gig Harbor would be served by the annexation of the following described property:

That portion of government lot 6 (abandoned Gig Harbor military reserve) lying easterly of the east line of Tacoma Lake Cushman power line, in Section 7, Township 21 North, range 2 East, W.M., records of Pierce County.

WHEREAS, the City Council of the City of Gig Harbor has determined that the city will require the assumption of existing city indebtedness by the area to be annexed, and;

WHEREAS, Notice of Intention to annex was filed with the Boundary Review Board of Pierce County, Washington and pursuant to RCW 36.93.100, the case did not go before the Boundary Review Board because it met the requirement of size and assessed valuation, and;

WHEREAS, the City Council on October 14, 1985, fixed Monday, November 25, 1985 and January 27, 1986 at the hour of 7:00 p.m. in the City Hall of the City of Gig Harbor, as the times and place at which all interested persons should appear and voice their approval or disapproval of said annexation of said unincorporated territory, and;

WHEREAS, notice of said hearings were given as provided by law by publication thereof, and;

WHEREAS, at said hearings no one objected to the R-1 zoning or said annexation,


NOW, THEREFORE, the City Council of the City of Gig Harbor **DO ORDAIN** as follows:

Section 1. The same is hereby zoned R-1 and annexed into and incorporated within the City of Gig Harbor, Washington.

Section 2. Pursuant to the terms of the Annexation Petition, all property within this territory annexed hereby shall be assessed and taxed at the same rate and on the same basis as property within the City, including assessment or taxes in payment of any bonds issued or debts contracted prior to or existing at the date of annexation.


Section 3. This ordinance shall become effective upon its passage and publication as provided by law.

PASSED by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the council held on this 14th day of July, 1986.



Don McCarty, Mayor

ATTEST:



Michael R. Wilson
City Administrator/Clerk

Filed with city clerk: 1/8/86
Passed by city council: 7/14/86
Date published: 7/23/86
Date effective: 7/28/86

ORDINANCE NO. 486

AN ORDINANCE of the City of Gig Harbor, Pierce County, Washington, stating the intent of the City Council to annex to and join Pierce County Fire Protection District No. 5 in accordance with RCW 52.04.061 through .101 to provide for the basic fire and life protection needs within the City.

WHEREAS, the City Council of the City of Gig Harbor finds that it is essential and necessary for the protection of the health, life and property of the residents of the City and that it is in the public interest of the residents of the City that the City annex to and become a part of Pierce County Fire Protection District No. 5 in accordance with RCW 52.04.061 through .101, and

WHEREAS, the City qualifies to annex to Pierce County Fire Protection District No. 5 since the City is contiguous to the District and the City presently has a population of less than 100,000 persons, and

WHEREAS, the City of Gig Harbor does not presently maintain its own fire department but is served by Pierce County Fire Protection District No. 5 which provides fire and emergency medical service protection to the City,

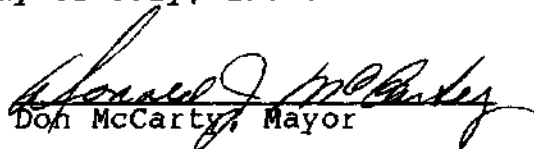
NOW, THEREFORE, the City Council of the City of Gig Harbor **DO ORDAIN** as follows:

Section 1. It is hereby declared to be the intent of the City Council as the legislative authority of the City to join Pierce County Fire Protection District No. 5 and to be annexed to such District in accordance with RCW 52.04.061 through .101, and

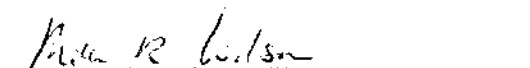
The City Clerk is hereby authorized and directed to notify the Board of Commissioners of Pierce County Fire Protection District No. 5 of its above stated intention and to request its concurrence in the annexation.

Section 2. This ordinance shall be in full force and effect five days after passage, approval and publication.

PASSED by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the council held on this 28th day of July, 1986.


Don McCarty, Mayor

ATTEST:



Michael R. Wilson
City Administrator/Clerk

Filed with city clerk: 7/10/86
Passed by city council: 7/28/86
Date published: 8/6/86
Date effective: 8/13/86

RECEIVED

ORDINANCE NO. 487

JUL 31 1986

RICHARD A. GRECO

PIERCE COUNTY AUDITOR

AN ORDINANCE of the City of Gig Harbor, Washington, specifying and adopting a plan for the expansion of the city's sewerage treatment plant and the estimated cost for construction thereof; providing for the holding of a special election on September 16, 1986, for the submission to the qualified electors of the city the proposition of whether or not this plan shall be ratified and whether or not the city shall issue its general obligation bonds in the principal sum not to exceed \$1,300,000 to pay part of the cost of carrying out this plan; and declaring an emergency.

WHEREAS, the City of Gig Harbor, Washington, presently operates a sewerage treatment plant (the "System"); and

WHEREAS, the city has operated the treatment plant at performance levels that have not been in compliance with the State Department of Ecology; and

WHEREAS, the Department of Ecology has issued an order to the city requiring additions, betterments and extensions of the System in order to bring the treatment plant back into compliance and operational no later than April 1, 1988; and

WHEREAS, this Council has determined part of the money necessary to expand and improve the sewerage treatment plant be provided by the issuance and sale of general obligation bonds of the city in the principal sum not to exceed \$1,300,000; and

WHEREAS, the Constitution and Laws of the State of Washington require that the question of whether or not such general obligation bonds may be issued for such purposes must be submitted to the qualified electors of the city for their ratification or rejection;

NOW, THEREFORE, the City Council of the City of Gig Harbor DO ORDAIN as follows:

Section 1. It is hereby found and declared that the public health, welfare and safety of the people of the City of Gig Harbor, Washington, would be positively improved by the additions, betterments, or alterations to the System or extensions thereof specified in Section 2 hereof.

Section 2. The City shall purchase, acquire, or construct the following described plan of additions, betterments or alterations to the System or extensions thereof: Engineering and pre-design plans have been developed to bring the sewerage treatment plant back into compliance with the Department of Ecology standards. These plans include the

acquisition of all materials, equipment and facilities as may be necessary and incidental to the construction and installation for the facility expansion and enhancement. The foregoing are hereinafter referred to as the "Project".

Engineering and pre-design plans for the Project are on file in the office of the City Administrator or Public Works Director and are available for inspection. The City Council hereby reserves the right to amend and substitute the particular portions of the Project in its discretion.

In carrying out the Project, the city shall construct and install all equipment and appurtenances necessary to the proper operation of the System and shall acquire by purchase or condemnation, gift or grant, or lease, all property, both real and personal, or any interest therein, and all rights-of-way, franchises and easements which may be found necessary to acquire, construct and install the Project, which are all as more particularly set forth in engineering and pre-design plans prepared by URS Company, consulting engineers for the city.

It is hereby further provided that the Project shall be subject to such changes as to details of pipe size and location, or any other details of the Project which do not affect the service to be provided and compliance with applicable statutes and regulations promulgated by the Department of Ecology, as shall be authorized by the City Council either prior to or during the course of construction.

Section 3. The engineering and pre-design plans for the purchase, acquisition and construction of the Project prepared by URS Company, are hereby approved and adopted. The estimated cost of constructing the expansion and improvement set forth in the above referenced pre-design report is hereby declared to be as near as may be the sum of \$2,250,000. The city estimates that approximately 33% of the total cost (\$730,000) will be provided from state grants and 12% of the total cost (\$270,000) will be provided from other moneys of the city. The balance of said costs, (55% of the total cost) not provided from other sources, will be provided from the proceeds of sale of the hereinafter described bonds.

Section 4. The city does hereby propose and adopt as an integral part of the plan for the Project that for the purpose of providing part of the funds necessary to carry out this plan, the city shall issue and sell its general obligation bonds in the principal sum not to exceed \$1,300,000.

These bonds shall mature within twenty years from the date of issue as authorized by law, and shall be issued insofar as possible within the additional limitation of indebtedness permitted cities for sewer improvements by the Constitution and Laws of the State of Washington. Both the principal and interest shall be payable out of annual levies of taxes to be made without limitation as to rate or amount. The exact date, form, terms and maturities of the bonds shall be hereafter fixed by the ordinance of the city.

The general obligation bonds shall be sold in such amounts and at such time(s) as deemed necessary and advisable by the City Council. The exact date, form, terms, maturities and conditions of sale of the bonds shall be as hereafter fixed by the City Council.

Section 5. It is hereby found and declared that an emergency exists requiring the submission to the qualified electors of the city at a special election to be held in the city on the 16th day of September, 1986, of the proposition of whether or not general obligation bonds should be issued. Such proposition to be submitted to the qualified electors shall be as follows:

PROPOSITION

**Sewerage Treatment Plant
General Obligation Bonds**

Shall the city issue and sell its general obligation bonds to pay part of the costs for expanding and improving the sewerage treatment plant in the principal sum not to exceed \$1,300,000, such bonds to mature within twenty years from the date of issue payable both principal and interest out of annual tax levies to be made upon all the taxable property within the city without limitation as to rate or amount?

Bonds, YES

Bonds, NO

The Pierce County Auditor is hereby requested to also find the existence of an emergency and to call and conduct a special election on the prescribed date and to submit to the qualified electors of the city the above-stated proposition.

Section 6. Because the statutes of the State of Washington require that this ordinance be certified to the Pierce County Auditor not less than 45 days prior to the election date, it

G.O. Bond Ordinance
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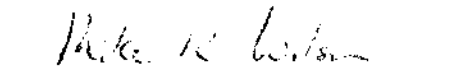
is hereby found and declared that an emergency exists and that this ordinance shall be in full force and effect immediately upon its passage, approval and publication as required by law.

Section 7. The Project to be purchased, acquired, and constructed from the proceeds of the bonds is hereby estimated to have a useful life of not less than twenty years.

PASSED by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the council held on this 28th day of July, 1986.


Don McCarty, Mayor

ATTEST:


Michael R. Wilson
City Administrator/Clerk

Filed with city clerk: 7/7/86
Passed by city council: 7/28/86
Date published: 8/6/86
Date effective: 8/13/86

ORDINANCE NO. 487

AN ORDINANCE of the City of Gig Harbor, Washington, specifying and adopting a plan for the expansion of the city's sewerage treatment plant and the estimated cost for construction thereof; providing for the holding of a special election on September 16, 1986, for the submission to the qualified electors of the city the proposition of whether or not this plan shall be ratified and whether or not the city shall issue its general obligation bonds in the principal sum not to exceed \$1,300,000 to pay part of the cost of carrying out this plan; and declaring an emergency.

WHEREAS, the City of Gig Harbor, Washington, presently operates a sewerage treatment plant (the "System"); and

WHEREAS, the city has operated the treatment plant at performance levels that have not been in compliance with the State Department of Ecology; and

WHEREAS, the Department of Ecology has issued an order to the city requiring additions, betterments and extensions of the System in order to bring the treatment plant back into compliance and operational no later than April 1, 1988; and

WHEREAS, this Council has determined part of the money necessary to expand and improve the sewerage treatment plant be provided by the issuance and sale of general obligation bonds of the city in the principal sum not to exceed \$1,300,000; and

WHEREAS, the Constitution and Laws of the State of Washington require that the question of whether or not such general obligation bonds may be issued for such purposes must be submitted to the qualified electors of the city for their ratification or rejection;

NOW, THEREFORE, the City Council of the City of Gig Harbor **DO ORDAIN** as follows:

Section 1. It is hereby found and declared that the public health, welfare and safety of the people of the City of Gig Harbor, Washington, would be positively improved by the additions, betterments, or alterations to the System or extensions thereof specified in Section 2 hereof.

Section 2. The City shall purchase, acquire, or construct the following described plan of additions, betterments or alterations to the System or extensions thereof: Engineering and pre-design plans have been developed to bring the sewerage treatment plant back into compliance with the Department of Ecology standards. These plans include the

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acquisition of all materials, equipment and facilities as may be necessary and incidental to the construction and installation for the facility expansion and enhancement. The foregoing are hereinafter referred to as the "Project".

Engineering and pre-design plans for the Project are on file in the office of the City Administrator or Public Works Director and are available for inspection. The City Council hereby reserves the right to amend and substitute the particular portions of the Project in its discretion.

In carrying out the Project, the city shall construct and install all equipment and appurtenances necessary to the proper operation of the System and shall acquire by purchase or condemnation, gift or grant, or lease, all property, both real and personal, or any interest therein, and all rights-of-way, franchises and easements which may be found necessary to acquire, construct and install the Project, which are all as more particularly set forth in engineering and pre-design plans prepared by URS Company, consulting engineers for the city.

It is hereby further provided that the Project shall be subject to such changes as to details of pipe size and location, or any other details of the Project which do not affect the service to be provided and compliance with applicable statutes and regulations promulgated by the Department of Ecology, as shall be authorized by the City Council either prior to or during the course of construction.

Section 3. The engineering and pre-design plans for the purchase, acquisition and construction of the Project prepared by URS Company, are hereby approved and adopted. The estimated cost of constructing the expansion and improvement set forth in the above referenced pre-design report is hereby declared to be as near as may be the sum of \$2,250,000. The city estimates that approximately 33% of the total cost (\$730,000) will be provided from state grants and 12% of the total cost (\$270,000) will be provided from other moneys of the city. The balance of said costs, (55% of the total cost) not provided from other sources, will be provided from the proceeds of sale of the hereinafter described bonds.

Section 4. The city does hereby propose and adopt as an integral part of the plan for the Project that for the purpose of providing part of the funds necessary to carry out this plan, the city shall issue and sell its general obligation bonds in the principal sum not to exceed \$1,300,000.

These bonds shall mature within twenty years from the date of issue as authorized by law, and shall be issued insofar as possible within the additional limitation of indebtedness permitted cities for sewer improvements by the Constitution and Laws of the State of Washington. Both the principal and interest shall be payable out of annual levies of taxes to be made without limitation as to rate or amount. The exact date, form, terms and maturities of the bonds shall be hereafter fixed by the ordinance of the city.

The general obligation bonds shall be sold in such amounts and at such time(s) as deemed necessary and advisable by the City Council. The exact date, form, terms, maturities and conditions of sale of the bonds shall be as hereafter fixed by the City Council.

Section 5. It is hereby found and declared that an emergency exists requiring the submission to the qualified electors of the city at a special election to be held in the city on the 16th day of September, 1986, of the proposition of whether or not general obligation bonds should be issued. Such proposition to be submitted to the qualified electors shall be as follows:

PROPOSITION

**Sewerage Treatment Plant
General Obligation Bonds**

Shall the city issue and sell its general obligation bonds to pay part of the costs for expanding and improving the sewerage treatment plant in the principal sum not to exceed \$1,300,000, such bonds to mature within twenty years from the date of issue payable both principal and interest out of annual tax levies to be made upon all the taxable property within the city without limitation as to rate or amount?

Bonds, YES

Bonds, NO

The Pierce County Auditor is hereby requested to also find the existence of an emergency and to call and conduct a special election on the prescribed date and to submit to the qualified electors of the city the above-stated proposition.

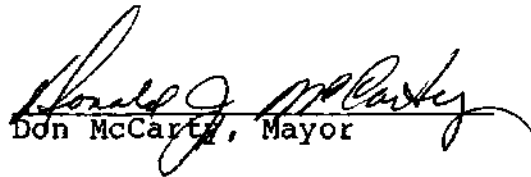
Section 6. Because the statutes of the State of Washington require that this ordinance be certified to the Pierce County Auditor not less than 45 days prior to the election date, it

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is hereby found and declared that an emergency exists and that this ordinance shall be in full force and effect immediately upon its passage, approval and publication as required by law.

Section 7. The Project to be purchased, acquired, and constructed from the proceeds of the bonds is hereby estimated to have a useful life of not less than twenty years.

PASSED by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the council held on this 28th day of July, 1986.


Don McCarty, Mayor

ATTEST:



Michael R. Wilson
City Administrator/Clerk

Filed with city clerk: 7/7/86
Passed by city council: 7/28/86
Date published: 8/6/86
Date effective: 8/13/86

ORDINANCE NO. 488

AN ORDINANCE of the Gig Harbor City Council adding a Civil Penalty Section to the Gig Harbor Municipal Code for enforcement of building and related code violations.

WHEREAS, the Gig Harbor City Council has found that the adoption of a Civil Penalty System for violations of Chapters 15.06, 15.08, 15.10 and 15.12 of the Gig Harbor Municipal Code and the Uniform Building, Plumbing, Mechanical and Fire Codes is necessary and appropriate in order to attain effective and prompt code enforcement.

WHEREAS, it is in the public interest of the citizens of Gig Harbor and necessary and appropriate to protect the health, safety, and welfare of said citizens by adopting a Civil Penalty System,

NOW, THEREFORE, the City Council of the City of Gig Harbor **DO ORDAIN** as follows:

Section 1. A new Section 15.18.010 of the Gig Harbor Municipal Code is hereby enacted to read as follows:

15.18.010 Cumulative civil penalty incurred when.

Any person, firm, or corporation which violates the provisions of Chapters 15.06, 15.08, 15.10 or 15.12 of this title, or violates the provisions of the Uniform Building Code, Uniform Mechanical Code, Uniform Plumbing Code, or Uniform Fire Code adopted by reference therein, shall incur a cumulative civil penalty in the amount of fifty (\$50) dollars per day from the date set for correction thereof, pursuant to this chapter, until the violation is corrected; except for the following violations where prior notice of correction is not required, violations shall be assessed pursuant to the following schedule:

Schedule A

Section 3.101, UFC (Unlawful Continuance of Hazard); Section 3.102, UFC (Failure to Comply with Order or Notice); Section 3.103, UFC (Unlawful Use with Tag Affixed); and Section 3.104, UFC (Unlawful Removal of Tag) assessed at one hundred (\$100) dollars per violation.

Schedule B

Section 12.103(b), UFC (Overcrowding); and Section 25.114(c), UFC (Overcrowding) assessed at two hundred-fifty (\$250) dollars per violation.

Section 2. A new Section 15.18.020 of the Gig Harbor Municipal Code is hereby enacted to read as follows:

15.18.020 Notice of Violation -- Authority to issue.

Whenever the building official determines that a continuing violation of the chapters mentioned in Section 15.18.010 is occurring, the building official is authorized to issue a notice of violation directed to the person(s) permitting, committing or causing such violation.

Section 3. A new Section 15.18.030 of the Gig Harbor Municipal Code is hereby enacted to read as follows:

15.18.030 Notice of Violation -- Contents.

The notice of violation shall contain:

- A. The name and address of the person(s) to whom the notice of violation is directed;
- B. The street address when available or a legal description sufficient for identification of the building, structure, premises or land upon or within which the violation is occurring;
- C. A concise description of the nature of the violation;
- D. A statement of the action required to be taken as determined by the building official and a date for correction which shall be not less than three weeks from the date of service of the notice of violation unless the building official has determined the violation to be immediately hazardous;

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- E. A statement that a cumulative civil penalty in the amount of fifty (\$50) dollars per day shall be assessed against the person to whom the notice of violation is directed for each and every day following the date set for correction on which the violation continues; and
- F. A statement that the building official's determination of violation may be appealed to the Hearing Examiner by filing with the building department written notice of appeal within ten days of service of the notice of violation and that the per diem civil penalty shall not accrue during the pendency of such administrative appeal.

Section 4. A new Section 15.18.040 of the Gig Harbor Municipal Code is hereby enacted to read as follows:

15.18.040 Notice of Violation -- Service.

The notice of violation shall be served upon person(s) to whom it is directed either personally in the manner provided for personal service of notices of complaint in municipal court or by mailing a copy of the notice of violation by certified mail, postage prepaid, return receipt requested, to such person at his last known address. Proof of personal service shall be made at the time of service by a written declaration under penalty of perjury executed by the person effecting service, declaring time, date and the manner by which service was made.

Section 5. A new Section 15.18.050 of the Gig Harbor Municipal Code is hereby enacted to read as follows:

15.18.050 Appeal procedure.

A notice of violation issued pursuant to this section constitutes a determination from which an administrative appeal may be taken by the filing of a notice of appeal with the building department within ten days of service of the notice of violation. Such appeals shall be heard by the Hearing Examiner. The cumulative civil penalty provided for in this chapter shall not accrue during the pendency of an administrative appeal.

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Section 6. A new section 15.18.060 of the Gig Harbor Municipal Code is hereby enacted to read as follows:

15.18.060 Date for correction of violation may be extended.

For good cause shown, the building official may extend the date for correction in the notice of violation; provided, that such an extension shall not affect or extend the time within which an administrative appeal must be commenced.

Section 7. A new Section 15.18.070 of the Gig Harbor Municipal Code is hereby enacted to read as follows:

15.18.070 Collection of civil penalty.

- A. The civil penalty constitutes a personal obligation of the person(s) to whom the notice of violation is directed. The City attorney on behalf of the city is authorized to collect the civil penalty by use of appropriate legal remedies, the seeking or granting of which shall neither stay nor terminate the accrual of additional per diem penalties so long as the violation continues.
- B. If after any order duly issued by the building official has become final, the person to whom such order is directed fails, neglects, or refuses to pay a civil penalty assessed under such order, the City Administrator may direct the City Attorney to:
1. Institute any appropriate action to collect a civil penalty assessed under this title; and/or
 2. Abate the land use or health violation using the procedures of this chapter; and/or
 3. Pursue any other appropriate remedy at law or equity under this chapter.
- C. Enforcement of any notice and order of the building official issued pursuant to this chapter shall be stayed during the pendency of any appeal under this chapter except when the building official determines that the violation will cause immediate and irreparable harm and so states in the notice and order issued.

Section 8. A new Section 15.18.080 of the Gig Harbor Municipal Code is hereby enacted to read as follows:

15.18.080 Compromise, settlement and disposition of suits.

The City Administrator and the city attorney are authorized to enter into negotiations with the parties or their legal representatives named in a lawsuit for the collection of civil penalties to negotiate a settlement, compromise or otherwise dispose of a lawsuit when to do so will be in the best interests of the city.

Section 9. A new Section 15.18.090 of the Gig Harbor Municipal Code is hereby enacted to read as follows:

15.18.090 Enforcement Process.

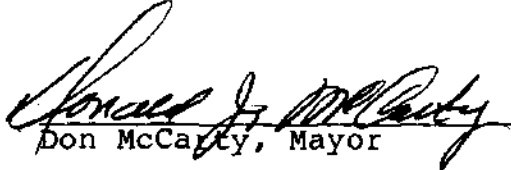
It is intended by the city council that the enforcement of this new chapter 15.18 be consistent with the Department Enforcement Process.

Section 11. Validity. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Gig Harbor City Council hereby declares that it would have passed this ordinance, and each subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

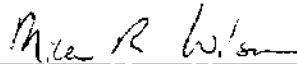
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Page Six

Section 12. This ordinance shall be and is hereby declared to be in full force and effect five days after approval and official publication of this ordinance.

PASSED by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the council held on this 11th day of August, 1986.


Don McCarty, Mayor

ATTEST:



Michael R. Wilson
City Administrator/Clerk

Filed with city clerk: 7/24/86
Passed by city council: 8/11/86
Date published: 8/27/86
Date effective: 9/2/86

ORDINANCE NO. 489

AN ORDINANCE of the City of Gig Harbor, Washington, creating office of Hearing Examiner; establishing qualification for the position; providing for the appointment of a suitable person to the position; defining the duties of the position; providing basic procedures for hearings before the Examiner; providing for review and or appeal of Examiner's decision; providing for appeals from City Council actions following the review of decisions of the Examiner; and repealing any conflicting ordinances.

The City Council of the City of Gig Harbor, Washington, DO **ORDAIN** as follows:

Section 1. **TITLE.** This Ordinance shall be hereinafter known as the "Land Use Hearing Examiner Ordinance" or "Hearing Examiner", may be cited as such, will be hereinafter referred to as "This Ordinance" and the same shall be and constitute a new section of Chapter 17 of the Gig Harbor Municipal Code.

Section 2. **GENERAL OBJECTIVES.** It is the general objective of this Ordinance to:

1. Provide a single, efficient, integrated land use regulatory hearing system.
2. Render land use regulatory decisions and recommendations to the City Council.
3. Provide a greater degree of due process in land use regulatory hearings.
4. Separate the land use policy formulation and the land use policy administration processes.

Section 3. **CREATION OF LAND USE HEARING EXAMINER.** The office of the Land Use Hearing Examiner, hereinafter referred to as Examiner, is hereby created. The Examiner shall interpret, review, and implement land use regulations as provided in this Ordinance and other ordinances. The term Examiner shall likewise include the Examiner Pro-tem.

Section 4. **APPOINTMENT AND TERMS.** The Hearing Examiner and Examiner Pro-tem shall be appointed by the mayor and confirmed by the City Council.

Section 5. **COMPENSATION.** The Examiner and Examiner Pro-tem may, at the discretion of the City Council, be classified as permanent part-time employees, or the City may contract with the Examiner and Examiner Pro-tem for the performance of duties described herein. The compensation to be paid the

Hearing Examiner Ordinance
Page Two

Examiner and Examiner Pro-tem shall be that established in the Annual City Budget.

Section 6. QUALIFICATIONS. The Examiner and Examiner Pro-tem shall be appointed solely with regard to their qualifications for the duties of the office which shall include, but not be limited to persons with appropriate educational experience, such as an Urban Planner, with at least five years experience, persons who have extensive experience in planning work in a responsible capacity, persons with legal experience, particularly where that experience is in the area of land use management or administrative law.

Section 7. EXAMINER PRO-TEM -- QUALIFICATION AND DUTIES. The Examiner Pro-tem shall, in the event of the absence or the inability of the Examiner to act, have all the duties and powers of the Examiner.

Section 8. HEARING EXAMINER -- CONFLICT OF INTEREST AND FREEDOM FROM IMPROPER INFLUENCE. The Examiner shall not conduct or participate in any hearing or decision in which the Examiner has a direct or indirect personal interest which might exert such influence upon the Examiner that might interfere with his or her decision making process. Any actual or potential conflict of interest shall be disclosed to the parties immediately upon discovery of such conflict. The hearing shall then be conducted by the Examiner Pro-Tem.

Participants in the land use regulatory process have the right, insofar as possible, to have the Examiner free from personal interest or pre-hearing contacts on land use regulatory matters considered by him or her. It is recognized that there is a countervailing public right to free access to public officials on any matter. If such personal or pre-hearing interest contact impairs the Examiner's ability to act on the matter, such person shall so state and shall abstain therefrom to the end that the proceeding is fair and has the appearance of fairness.

Section 9. FREEDOM FROM IMPROPER INFLUENCE. No Council member, City official, or any other person shall attempt to interfere with, or improperly influence the Examiner in the performance of his or her designated duties.

Section 10. DUTIES OF THE EXAMINER.

1. Applications. The Examiner shall receive and examine available information, conduct public hearings, prepare a record thereof, and enter findings of fact and conclusions based upon those facts, which conclusions

shall represent the final action on the application, unless appeal, as hereinbelow specified, for the following types of applications:

- a) Conditional Use Permits
- b) Variances
- d) Appeals of Administrative Short Plats
- d) Appeals from administrative determination of the city's land use regulation codes;
- e) Application for any other land use regulatory permits which may be required by ordinance

The Examiner shall receive and examine available information, conduct public hearings, prepare a record thereof and enter findings of fact and conclusions based upon those facts, together with a recommendation to the City Council, for the following applications:

- a) Rezones
- b) Preliminary Plats
- c) Planned Unit Developments
- d) Site plans
- e) Shoreline Permits

The Examiner shall also conduct public hearings when required under the provisions of the State Environmental Policy Act; conduct public hearings relative to possible revocation of any conditional use permit; conduct such other hearings as the Council may from time to time deem appropriate.

2. Recommendation or Decision.

- a) The Examiner's recommendation or decision may be to grant or deny the application, or the Examiner may recommend or require of the applicant such conditions, modifications and restrictions as the Examiner finds necessary to make the application compatible with its environment and carry out the objectives and goals of the Comprehensive Plan, the Zoning Code; the subdivision code, and other codes and ordinances of the City of Gig Harbor. Conditions, modifications and restrictions which may be imposed are, but are not limited to additional setbacks, screenings in the form of landscaping and fencing, covenants, public works type improvements, easements and dedications of additional road rights-of-ways; performance bonds may be required to insure compliance with conditions, modifications and restrictions.
- b) In regard to applications for rezone, preliminary plat approval, and P.U.D.'s the Examiner's findings and conclusions shall be submitted to the City Council, which shall have the final authority to act on such applications. The hearing by the Examiner shall constitute the hearing by the City Council.

Section 11. APPLICATIONS. Applications for all matters to be heard by the Examiner shall be presented to the Department of Community Development. When it is found an application meets the filing requirements of the Department of Community Development it shall be accepted. The department shall be responsible for assigning a date of public hearing for each application which date shall not be more than 45 days after the applicant has complied with all requirements and furnished all necessary data to the Department of Community Development.

Section 12. REPORT BY DEPARTMENT OF COMMUNITY DEVELOPMENT. When such application has been set for public hearing, the Department of Community Development shall coordinate and assemble the comments and recommendations of other City departments and governmental agencies having an interest in the subject application and shall prepare a report summarizing the factors involved and the Department of Community Development findings and supportive recommendations. At least seven (7) calendar days prior to the scheduled hearing, the report shall be filed with the Examiner and copies thereof shall be mailed to the applicant and shall be made available for use by an interested party for the cost of reproduction.

Section 13. PUBLIC HEARING. Before rendering a decision or recommendation on any application, the Examiner shall hold at least one public hearing thereon.

Notice of the time and place of the public hearing shall be given as provided in the ordinance governing the application. If none is specifically set forth, such notice shall be given at least ten (10) days prior to such hearing.

The Examiner shall have the power to prescribe rules and regulations for the conduct of hearings under this Ordinance and also to administer oaths, and preserve order.

Section 14. EXAMINER'S DECISION AND RECOMMENDATION -- FINDINGS REQUIRED. When the Examiner renders a decision or recommendation, the Examiner shall make and enter written findings from the record and conclusions therefrom which support such decision, which decision shall be rendered on the tenth (10) day following the conclusion of the hearing. The copy of such decision including findings and conclusions shall be transmitted by certified mail, return receipt requested, to the applicant and other parties of record requesting the same.

In the case of applications requiring council approval the examiner shall file a decision with the City Council at the expiration of the period provided for a re-hearing or on the tenth (10) day following the conclusion of a re-hearing, if one is conducted.

Section 15. RECONSIDERATION. Any aggrieved person feeling that the decision of the Examiner is based on erroneous procedures, errors of law or fact, error in judgment, or the discovery of new evidence which could not be reasonably available at the prior hearing, may make a written request for reconsideration by the Examiner within ten (10) days of the date the decision is rendered. This request shall set forth the specific errors or new information relied upon by such appellant, and the Examiner may, after review of the record, take further action as he or she deems proper.

Section 16. APPEAL OF EXAMINER'S DECISION. Any party who feels aggrieved by the Examiner's decision may submit an appeal in writing to the Department of Community Development within fourteen (14) days from the date the final decision of the Examiner is rendered, requesting a review of such decision.

Such appeal shall be upon the record, established and made at the hearing held by the Examiner. Whenever a decision of the Examiner is reviewed by the City Council pursuant to this section, other parties of record may submit written memoranda in support of their positions. In addition, the Council shall allow each side no more than fifteen minutes of oral presentation. However, no new evidence or testimony shall be presented to the Council during such oral presentation. The City Council shall accept, modify or reject any findings or conclusions, or remand the decisions of the Examiner for further hearing; provided that any decision of the City Council shall be based on the record of the hearing conducted by the Examiner; however, the Council may publicly request additional information of the appellant and the Examiner at its discretion.

Upon such written appeal being filed within the time period allotted and upon payment of fees as required, a review shall be held by the City Council. Such review shall be held in accordance with appeal procedures adopted by the City Council by resolution. If the Examiner has recommended approval of the proposal, such recommendation shall be considered by the City Council at the same time as the consideration of the appeal.

Further action by the examiner shall be within 30 days of the reconsideration request.

Section 17. COUNCIL ACTION. Any application requiring action by the City Council shall be taken by the adoption of a resolution or ordinance by the Council. When taking any such final action, the Council shall make and enter findings of fact from the record and conclusions therefrom which support is action. The City Council may adopt all or portions of the Examiner's findings and conclusions.

In the case of an ordinance for rezone of property, the ordinance shall not be placed on the Council's agenda until all conditions, restrictions, or modifications which may have been stipulated by the Council have been accomplished or provisions for compliance made to the satisfaction of the Council.

The action of the Council, approving, modifying, or rejecting a decision of the Examiner, shall be final and conclusive, unless within twenty (20) days from the date of the Council action an aggrieved party or person applies for a writ of certiorari to the Superior Court of Washington for Pierce County, for the purpose of review of the action taken.

Section 18. SEVERABILITY. The provisions of this Ordinance are hereby declared to be severable. If any word, phrase, clause, sentence, paragraph, section, or part in or of this Ordinance, or the application thereof to any person or circumstance, is declared invalid, the remaining provisions and the application of such provisions to other persons or circumstances shall not be affected thereby, but shall remain in full force and effect, the Mayor and City Council hereby declaring that they would have ordained the remaining provisions of this Ordinance without the word, phrase, clause, sentence, paragraph, section, or part, or the application thereof, so held invalid.

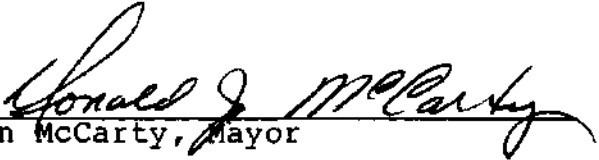
Section 19. COMPUTATION OF TIME. Computation of any period of time prescribed or allowed by these rules shall begin with the first day following that on which the act or event initiating such period of time shall have occurred. When the last day of the period so computed is a Saturday, Sunday, or national or state holiday, the period shall run until the end of the next following business day.

Section 20. REPEALING CONFLICTING ORDINANCES. Any and all ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 21. This Ordinance shall take effect and be in full force five (5) days from and after its passage, approval and publication as provided by law.

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Page Seven

PASSED at a regular meeting of the City Council held on the
11th day of August, 1986.


Don McCarty, Mayor

ATTEST:



Michael R. Wilson
City Administrator

Filed with the city clerk: 6/17/86
Passed by the city council: 8/11/86
Date Published: 8/27/86
Date effective: 9/2/86

ORDINANCE NO. 490

AN ORDINANCE of the City of Gig Harbor regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings or structures in the City of Gig Harbor; providing for the issuance of permits and collection of fees therefore; repealing Ordinance No. 337 of the City of Gig Harbor and all other ordinances and parts of the ordinance in conflict herewith.

WHEREAS, the City is authorized and enabled by RCW 19.27.040 to amend the State Building Code, including the Uniform Building Code, so long as minimum performance standards and objectives of the State Code are satisfied; and,

WHEREAS, it is in the public interest of the citizens of Gig Harbor and necessary and appropriate to protect the health, safety and welfare of said citizens by adopting the 1985 Uniform Building Code, together with Appendices Chp. 7, 32 and 70, the 1985 Edition of the Uniform Building Code Standards and the "Uniform Code for Abatement of Dangerous Buildings", 1985 edition;

NOW, THEREFORE, the City Council of the City of Gig Harbor **DO ORDAIN** as follows:

Section 1. Sections 15.06.010, 15.06.020, and 15.06.030 of the Gig Harbor Municipal Code are hereby repealed.

Section 2. A new section 15.06.015 of the Gig Harbor Municipal Code is hereby enacted to read as follows:

Section 15.06.015 Uniform Building Code Adopted. That certain documents, one (1) copy of which is on file in the office of the City Administrator/Clerk and the City of Gig Harbor being marked and designated as "Uniform Building Code", including Appendices Chapter 7, 32, and 70, the 1985 edition, the "Uniform Building Code Standards", 1985 edition and the "uniform Code for Abatement of Dangerous Buildings", 1985 edition, published by the International Conference of Building Officials, be and the same is hereby adopted as the code of the City of Gig Harbor for regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings or structures in the City of Gig Harbor providing for issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, conditions and terms of such "Uniform Building code"

1985 edition, the "Uniform Building Code Standards", 1985 edition and the "Uniform Code for Abatement of Dangerous Buildings", 1985 edition, published by the International Conference of Building Officials, on file in the office of the City Administrator are hereby referred to, adopted and made a part hereof as if fully set out in this ordinance.

Section 3. A new section 15.06.025 of the Gig Harbor Municipal Code is hereby enacted to read as follows:

Section 15.06.025 Plans and Specifications. Subsection (b) of Section 302 of the Uniform Building Code is hereby amended to read as follows:

(b) Plans and Specifications. Plans, engineering calculations, diagrams and other data shall be submitted in one or more sets with each application for a permit. Plans, computations and specifications shall be stamped and signed by an engineer or architect licensed by the State of Washington to practice as such.

EXCEPTIONS:

(1) The building official may waive the submission of plans calculations, etc., if he finds that the nature of the work applied for is such that reviewing of plans is not necessary to obtain compliance with this code.

(2) Single family and common wall dwelling or apartment house that consists of four or fewer dwelling units that do not exceed two stories in height and that are less than five thousand square feet in total area. The building official may require that portions of the work applied for be designed and engineering calculations be submitted to verify compliance with this code.

Section 4. A new section 15.06.035 of the Gig Harbor Municipal Code is hereby enacted to read as follows:

Section 15.06.035 Permit Fees. Subsection (a) of Section 304 of the Uniform Building Code is hereby amended to read as follows:

Building Permit Fees.

A fee for each permit shall be paid to the City of Gig Harbor in the amount set forth in Table No. 3-A, as amended, of this Code.

The determination of value or valuation under any of the provisions of this Code shall be made by the building official utilizing the most current publication of the Building Valuation Worksheet, based upon data compiled by the International Conference of Building Officials and published in the Building Standards as a building cost reference. Said valuation standards shall be posted in the Building Department.

The valuation to be used in computing the permit and plan review fees shall be the total value of all construction work for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire extinguishing systems, and any other permanent work or permanent equipment.

TABLE NO. 3 A - BUILDING PERMIT FEES

Total Valuation	Fee
\$1.00 to \$500.00	\$15.00
\$501.00 to \$2,000.00	\$15.00 for the first \$500.00 plus \$2.00 for each additional \$100.00 or fraction thereof, to and including \$2,000.00
\$2,001.00 to \$25,000.00	\$45.00 for the first \$2,000.00 plus \$9.00 for each additional \$1,000.00 or fraction thereof, to and including \$25,000.00
\$25,001.00 to \$50,000.00	\$252.00 for the first \$25,000.00 plus \$6.50 for each additional \$1,000.00 or fraction thereof, to and including \$50,000.00
\$50,001.00 to \$100,000.00	\$414.50 for the first \$50,000.00 plus \$4.50 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00
\$10,001.00 to \$500,000.00	\$639.50 for the first \$100,000.00 plus \$3.50 for each additional \$1,000.00 or fraction thereof, to and including \$500,000.
\$500,001.00 to \$1,000,000.00	\$2039.50 for the first \$500,000.00 plus \$3.00 for each additional \$1,000.00 or fraction thereof, to and including \$1 mil.
\$1,000,001.00 and up	\$3539.50 for the first \$1,000,000.00 plus \$2.00 for each additional \$1,000.00 or fraction thereof.

Other Inspections and Fees:

1. Inspections outside of normal business hours \$30.00 per hour (minimum charge-two hours)
2. Reinspection fee assessed under provisions of Section 305(g). \$30.00 each
3. Inspections for which no fee is specifically indicated \$30.00 per hour (minimum charge-one-half hour)
4. Additional plan review required by changes, additions or revisions to approved plans \$30.00 per hour (minimum charge-one-half hour)
5. Application fee to the Board of Appeals . . . \$50.00

Section 5. A new section 15.06.40 of the Gig Harbor Municipal Code is hereby enacted to read as follows:

Section 15.06.040 Special Provisions. Section 1202 subsection (b) of the Uniform Building Code as adopted in section 15.06.015 of the Gig Harbor Municipal Code is hereby amended to read as follows:

(b) **Special Provisions.** Group R, Division 1 Occupancies more than two stories in height or having more than 3,000 square feet of floor area above the first story shall be not less than one-hour fire-resistive construction throughout except as provided in Section 1705(b)2.

Residential structures containing four or fewer dwelling units shall be provided with one-hour fire-resistive occupancy separations between units.

Storage or laundry rooms that are within Group R, Division 1 Occupancies that are used in common by tenants shall be separated from the rest of the building by not less than one-hour fire-resistive occupancy separation.

Every apartment house three stories or more in height or containing more than 15 dwelling units and every hotel three stories or more in height or containing 20 or more guest rooms shall have an approved fire alarm system as specified in the Fire Code.

EXCEPTION: An alarm system need not be installed in buildings not over two stories in height when all individual dwelling units and contiguous attic and crawl spaces are separated from each other and from public or common areas by at least one-hour fire-

resistive occupancy separations and each individual dwelling unit has an exit direct to a yard or public way.

For Group R, Division 1 Occupancies with a Group B, Division 1 parking garage in the basement or first floor, see Section 702(a).

For attic space partitions and draft stops, see Section 2516(f).

Section 6. A new section 15.06.050 of the Gig Harbor Municipal Code is hereby enacted to read as follows:

Section 15.06.050 Violations. Section 205 of the Uniform Building Code, 1985 Edition is hereby amended to read as follows:

VIOLATIONS

Section 205. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure or cause or permit the same to be done in violation of this code.

Section 7. A new section 15.06.060 of the Gig Harbor Municipal Code is hereby enacted to read as follows:

Section 15.06.060 Expiration.

Subsection (d) of Section 303 of the Uniform Building Code, 1982 Edition is hereby amended to read as follows:

(d) Expiration. Every permit issued by the building official under the provisions of this code shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within 180 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days, or if the building or work authorized by such permit has not been completed and a final inspection has not been given and a certificate of occupancy issued within one year from the date of such permit. Before such work can be recommenced, a new permit shall be first obtained so to do, and the fee therefor shall be one half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications

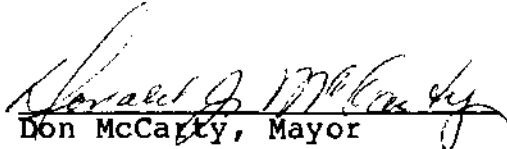
for such work and substantial construction as determined by the building official has taken place; and provided further that such suspension, abandonment or construction time period has not exceeded one year.

Any permittee holding an unexpired permit may apply for an extension of the time within which he may commence work under that permit when he is unable to commence work within the time required by this section for good and satisfactory reasons. The building official may extend the time for action by the permittee for a period not exceeding 180 days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than once. In order to renew action on a permit after expiration, the permittee shall pay a new full permit fee.


Section 8. Validity. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Gig Harbor City Council hereby declares that it would have passed this ordinance, and each subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 9. This ordinance shall be and is hereby declared to be in full force and effect five days after approval and official publication of this ordinance.

PASSED by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the council held on this 25th day of August, 1986.


Don McCarty, Mayor

ATTEST:



Michael R. Wilson
City Administrator/Clerk

Filed with city clerk: 5/22/86
Passed by city council: 8/25/86
Date published: 9/3/86
Date effective: 9/8/86

ORDINANCE NO. 491

AN ORDINANCE of the City of Gig Harbor to be known as the Plumbing Code, regulating the construction, installation, maintenance or use of any plumbing system in the City of Gig Harbor; providing for the issuance of permits and collection of fees therefor; amending Chapter 15.06 and 15.08 of the Gig Harbor Municipal Code, and adopting the 1985 Edition of the Uniform Plumbing Code, as amended.

WHEREAS, the Gig Harbor City Council, by Ordinance #337, enacted Chapter 15.08, Gig Harbor Municipal Code, Uniform Plumbing Code and adopted the 1979 Edition of the Uniform Plumbing Code, as amended, applicable to the incorporated area of Gig Harbor; and

WHEREAS, the City is authorized and enabled by RCW 19.27.040 to amend the State Building Code, including the Uniform Plumbing Code, so long as minimum performance standards and objectives of the State Code are satisfied; and,

WHEREAS, it is in the public interest of the citizens of Gig Harbor and necessary and appropriate to protect the health, safety, and welfare of said citizens by adopting the 1985 Edition of the Uniform Plumbing Code and Uniform Plumbing Code Standards, together with the appendices A, B, C, D, and H, and the Installation Standard IS 20-82 for CPVC solvent cemented hot and cold water distribution systems adopted and published jointly by the International Association of Plumbing and Mechanical Officials and the International Conference of Building Officials,

NOW, THEREFORE, the City Council of the City of Gig Harbor **DO ORDAIN** as follows:

Section 1. Section 15.08.010 of the Gig Harbor Municipal Code is hereby repealed.

Section 2. A new section 15.08.015 of the Gig Harbor Municipal Code is hereby enacted to read as follows:

Section 15.08.015 Uniform Plumbing Code Adopted. That certain documents, one (1) copy of which is on file in the office of the City Administrator/Clerk and the City of Gig Harbor being marked and designated as "Uniform Plumbing Code, including appendices A, B, C, D, H, and the Installation Standard IS 20-82 for CPVC solvent cemented hot and cold water distribution systems, and the 1985 Edition of the Uniform Plumbing Code Standards published jointly by the International Association of Plumbing and Mechanical Officials and the International

Conference of Building Officials, be and the same is hereby adopted as the code of the City of Gig Harbor for regulating the installation, maintenance or use of any plumbing system in the City of Gig Harbor providing for issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, conditions and terms of such Uniform Plumbing Code and Uniform Plumbing Code Standards, together with the appendices A, B, C, D, H, and the Installation Standard IS 20-82 for CPVC solvent cemented hot and cold water distribution systems adopted and published jointly by the International Conference of Building Officials, on file in the office of the City of Gig Harbor are hereby referred to adopted and made a part thereof as if fully set out in this ordinance.

Section 3. A new section 15.08.025 of the Gig Harbor Municipal Code is hereby enacted to read as follows:

Section 15.08.025 Violations. That Section 20.3 of the Administration part of the Uniform Plumbing Code, are hereby amended as follows:

VIOLATIONS

Section 20.3. A. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use or maintain any plumbing systems or equipment or cause or permit the same to be done in violation of this Code.

B. The issuance of granting of a permit or approval of plans and specifications shall not be deemed or construed to be a permit for, or an approval of, any violation of any of the provisions of this Code. No permit presuming to give authority to violate or cancel the provisions of this Code shall be valid, except insofar as the work or use which it authorized is lawful.

C. The issuance or granting of a permit or approval of plans shall not prevent the Administrative Authority from thereafter requiring the correction of errors in said plans and specifications or from preventing construction operations being carried on thereunder when in violation of this Code or of any other ordinance or from revoking any certificate of approval when issued in error.

D. Every permit issued by the Administrative Authority under the provisions of this Code shall expire by limitation and become null and void, if the work authorized by such permit is not commenced within 180 days from date of issuance of such permit, or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of one hundred eighty (180) days. Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefore shall be one-half the amount required for a new permit for such work, provided no changes have been made, or will be made in the original plans and specifications for such work; and provided, further, that such suspension or abandonment has not exceeded one (1) year.

Section 4. A new section 15.08.035 of the Gig Harbor Municipal Code is hereby enacted to read as follows:

Section 15.08.035 Cost of Permit.

The schedule of fees as found in Section 20.7 of the Uniform Plumbing Code, 1986 Edition is hereby amended to read as follows:

SCHEDULE OF FEES

For issuing each permit.	\$ 15.00
In addition --	
For each plumbing fixture or trap or set of fixtures on one trap (including water, drainage piping and backflow protection therefor)	\$ 4.00
For each building sewer and each trailer park sewer.	\$ 25.00
Rainwater systems -- per drain (inside building)	\$ 4.00
For each cesspool.	\$ 25.00
For each private sewage disposal system.	\$ 30.00
For each water heater and/or vent.	\$ 5.00
For each gas piping system of one (1) to four (4) outlets.	\$ 4.00
For each gas piping system of five (5) or more, per outlet.	\$.50
For each industrial waste pre-treatment interceptor, including its trap and vent, excepting kitchen type grease interceptors functioning as fixture traps.	\$ 4.00
For installation, alteration or repair of water piping and/or water treating equipment.	\$ 4.00

Plumbing Code
Page Four

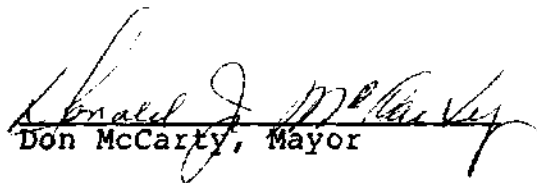
For repair or alteration of drainage or vent piping.	\$ 4.00
For each lawn sprinkler system on any one meter, including backflow protection devices therefor \$	4.00
For vacuum breakers or backflow protective devices on tanks, vats, etc. or for installation on unprotected plumbing fixtures, including necessary water piping -- one (1) to four (4).	\$ 4.00
Five (5) or more, each	\$.50
Water piping	\$ 2.00

Section 5. A new section 15.08.050 of the Gig Harbor Municipal Code is hereby enacted to read as follows:


Section 15.08.050 Validity. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 6. This ordinance shall be and is hereby declared to be in full force and effect, five days after approval of this ordinance.

PASSED by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the council held on this 25th day of August, 1986.


Don McCarty, Mayor

ATTEST:



Michael R. Wilson
City Administrator/Clerk

Filed with city clerk: 5/22/86
Passed by city council: 8/25/86
Date published: 9/3/86
Date effective: 9/8/86

ORDINANCE NO. 492

AN ORDINANCE of the City of Gig Harbor to be known as the Mechanical Code, regulating the construction, installation, maintenance and demolition of heating, ventilating, comfort cooling and refrigeration systems in the City of Gig Harbor; providing for the issuance of permits; providing penalties for the violation; adopting by reference a Uniform Mechanical Code, together with amendments thereto; amending Chapter 15.06 of the Gig Harbor Municipal Code, and adopting the 1985 Edition of the Uniform Mechanical Code, as amended.

WHEREAS, the Gig Harbor City Council, by Ordinance #337, enacted Chapter 15.06, Gig Harbor Municipal Code, Uniform Mechanical Code, and adopted the 1979 Edition of the Uniform Mechanical Code, as amended, applicable to the incorporated area of Gig Harbor; and

WHEREAS, the City is authorized and enabled by RCW 19.27.040 to amend the State Building Code, including the Uniform Mechanical Code, so long as minimum performance standards and objectives of the State Code are satisfied; and,

WHEREAS, it is in the public interest of the citizens of Gig Harbor and necessary and appropriate to protect the health, safety and welfare of said citizens by adopting the 1985 Edition of the Uniform Mechanical Code, adopted and published jointly by the International Association of Plumbing and Mechanical Officials, and the International Conference of Building Officials,

NOW, THEREFORE, the City Council of the City of Gig Harbor **DO ORDAIN** as follows:

Section 1. A new section 15.10.010 of the Gig Harbor Mechanical Code is hereby enacted to read as follows:

Section 15.10.010 Uniform Mechanical Code Adopted.

That certain documents, one (1) copy of which is on file in the office of the City Administrator/Clerk and the City of Gig Harbor being marked and designated as "Uniform Mechanical Code", 1985 Edition published jointly by the International Association of Plumbing and Mechanical Officials, and the International Conference of Building Officials, be and the same is hereby adopted as the code of the City of Gig Harbor for regulating the construction, installation, maintenance and demolition of heating, ventilating, comfort cooling and refrigeration systems in the City of Gig Harbor; providing for issuance of permits and collection of fees therefore, and each and all of the regulations, provisions, conditions and terms of such "Uniform

Mechanical Code", 1985 Edition, published jointly by the International Association of Plumbing and Mechanical Officials, and the International Conference of Building Officials, on file in the office of the City Administrator are hereby referred to, and made a part hereof as if fully set out in this ordinance.

Section 2. A new Section 15.10.020 of the Gig Harbor Municipal Code is hereby enacted to read as follows:

Section 15.10.020 Conflict with State Energy Code.

In the case of conflict between the duct insulation requirements of Section 1005 of this code and the duct insulation requirements of Chapter 51-12 WAC, the provisions of Chapter 51-12 WAC shall govern.

Section 3. A new section 15.10.030 of the Gig Harbor Municipal Code is hereby enacted to read as follows:

Section 15.10.030 Violations. Section 204 of the 1985 Edition of the Uniform Mechanical Code is hereby amended to read as follows:

VIOLATIONS

Section 204. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use or maintain any mechanical systems or equipment or cause or permit the same to be done in violation of this Code.

Section 4. A new section 15.10.040 of the Gig Harbor Municipal Code is hereby enacted to read as follows:

Section 15.10.040 Validity. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 3. Section 2.101 subsection (b), 2.202, 3.101, 10.207 subsection (d), 10.207 subsection (e), 10.207 subsection (g), 10.208, 10.301 subsection (c), and Section 1 TESTING subsection (b) of Appendix III-A of the Uniform Fire Code and as adopted in section 15.12.020 of the Gig Harbor Municipal Code are hereby repealed.

Section 4. A new section 15.12.030 of the Gig Harbor Municipal Code is hereby enacted to read as follows:

15.12.030 Conflicts with Other Codes.

In case of conflict between the Fire Code and any other City code, the Fire Code shall govern over all such Codes, with the exception of the Building Code.

Section 5. A new section 15.12.040 of the Gig Harbor Municipal Code is hereby enacted to read as follows:

15.12.040 Definitions.

The following are additional definitions and abbreviations to those found in Article 9 of the Uniform Fire Code.

- (A) A.W.W.A. - shall mean the American Water Works Association.
- (B) Building Valuation Data - shall mean the Building Standards monthly publication issued by the International Conference of Building Officials.
- (C) Commercial Areas - shall mean any development with buildings other than dwellings or industrial structures. Questions arising in the administration of this regulation, concerning whether a development is commercial shall be resolved by reference to the Occupancy Tables contained in the Uniform Fire Code.
- (D) "Corporation Council" as used in the Uniform Fire Code, shall mean the City Attorney for Gig Harbor.
- (E) "Dead-end main" means a water main over fifty feet long and not being fed from both ends at the time of installation.
- (F) Draft Hydrant - shall mean a mechanical device designed for the removal of water by a fire pumper by applying a negative pressure without going through the normal domestic water system.
- (G) Expanding Water System - shall mean an approved, expanding water system which is undertaking new construction (definition follows) to provide water service to additional service connections. Any expanding water system shall install facilities sized to meet the necessary minimum design criteria

- for area being served. The expanding system shall show by plans submitted by a registered professional engineer how fire flow, if required, is to be provided and said plan shall be approved by the Gig Harbor Public Works Department and the Gig Harbor Fire Marshal.
- (H) "Fire Chief", "Chief", or "Chief of the Fire Prevention Bureau" as used in the Uniform Fire Code, shall mean the Fire Marshal of Gig Harbor.
- (I) "Fire flow" means the flow of water required for fire fighting at a specific building or within a specific area.
- (J) "Fire Marshal" means the City of Gig Harbor Fire Marshal or his appointee.
- (K) "Flush-type hydrant" means a hydrant installed entirely below grade.
- (L) G.P.M. - shall mean gallons per minute.
- (M) "Hydrant". Hydrants shall have a minimum of two, two-and-one-half-inch hose outlets, and one, four-inch inner-diameter pumper port outlet. All outlet ports shall be approved by the Fire Department. Special purpose adapters may be used with approval of the Fire Department.
- (N) Industrial Area - shall mean manufacturing operations (as outlined in Chapter 4, NFPA LSC #101, 1981 Edition; warehouses, cold storage, freight terminals, truck and marine terminals, bulk oil storage, hangars, grain elevators; and unusual structures that are not classified) conducted in buildings of conventional design suitable for various types of manufacture.
- (O) "Inspector" of the Fire Department, or Bureau of Fire Prevention, shall mean personnel designated and assigned to perform the fire inspection functions and assigned to perform the fire inspection functions by the Fire Marshal of Gig Harbor.
- (P) I.S.O. - shall mean Insurance Services Office Pamphlet entitled "Guide for Determination of Required Fire Flow," 1974 Edition.
- (Q) "Office of Fire Prevention and Arson Control" as used in the Uniform Fire Code and as amended herein, shall mean that office as recognized by the Fire Marshal to be able to perform the necessary functions of arson control.
- (R) "Private hydrant" means a fire hydrant situated and maintained to provide water for fire-fighting purposes with restrictions as to use. The location may be such that it is not readily accessible for immediate use by the Fire Department for other than certain private property.

- (S) "Public hydrant" means a fire hydrant so situated and maintained as to provide water for fire-fighting purposes without restriction as to use for the purpose. The location is such that it is accessible for immediate use of the Fire Department at all times.
- (T) "Standby Firemen", "fire watch" and "fire guard" as used in the Uniform Fire Code as herein amended shall mean one or more experienced firemen or other qualified persons, as required and approved by the Gig Harbor Fire Marshal. They shall be uniformed and have available the necessary fire protection equipment. Also see Section 25.117 of the Uniform Fire Code.
- (U) Substantial Alteration - shall mean any alteration, remodeling or structural change to a structure, which change shall cost 40% or more of the building valuation within a twelve (12) month period; provided that if the cost of said change is less than \$50,000.00, said alteration shall not be considered a substantial alteration. Building valuation shall be determined by the "Building Valuation Data".
- (V) Transmission Main - shall mean a main used to transport water from a source to storage, source to source, source or storage to water main.
- (W) "Water authority" and "purveyor" means the City of Gig Harbor Public Works Department, a water district or other body legally supplying water in the area and approved by the City of Gig Harbor.
- (X) Water Main - shall mean the piping used to deliver domestic water and water intended for fire protection.
- (Y) Yard System - shall mean any extension from a transmission main and/or water main onto a development site. Such system is defined in NFPA Pamphlet #24, Private Fire Service Main.

Section 6. Section 14.12.050 of the Gig Harbor Municipal Code is hereby amended to read as follows:

15.12.050 Definitions.

The following definitions are amendments to those found in the Uniform Fire Code.

- (A) Single Family Dwellings (are) any buildings which contains not more than (two) one dwelling unit(s).

(B) FIRE DEPARTMENT shall mean the Department of Planning and Community Development. Except where referencing or pertaining to suppression or extinguishing of fires at which time "Fire Department" means the fire authority normally responsible for the fire protection in the area.

Section 7. A new section 15.12.060 is hereby enacted to read as follows:

15.12.060 New sections to the Uniform Fire Code, 1985 Edition are hereby added as follows:

1. Section 2.202 of the Uniform Fire Code.
 - (a) The Fire Marshal should investigate promptly the cause, origin, and circumstances of each and every fire occurring within the City of Gig Harbor boundaries and involving loss of life or injury to person or destruction to or damage of property. If the Fire Marshal has reasonable cause to believe that arson or criminal activity is connected with the fire, then the Fire Marshal will report his findings to the Gig Harbor Police Department. The Gig Harbor Police Department shall take primary responsibility for the investigation, may take immediate possession and charge of all physical evidence relating to the fire, and shall investigate the fire. If in the exercise of judgment and discretion, the Gig Harbor Police Department believes that, after preliminary investigation, there is insufficient evidence to indicate arson or criminal activity in connection with the fire, the Gig Harbor Police Department may decline further investigation of the fire. The Fire Marshal shall assist the Gig Harbor Police Department throughout the investigation.
 - (b) The Gig Harbor Fire Marshal or in his absence the Gig Harbor Police Chief, is authorized to request assistance by other approved inspection agencies in making fire investigations if after preliminary investigation, the Fire Marshal has reasonable cause to believe that arson or criminal activity is connected with the fire, or if a fatality is involved.

2. Sub-Section 10.207(d) of the Uniform Fire Code.
 - (d) Access Surface and Gradients. All developments shall be served by access roadways

with all-weather driving surface; plans to be approved by the Gig Harbor Public Works Director. Driveways which serve one (1) single family residence and are less than one hundred fifty (150) feet long are exempt from this provision.

3. Section 10.207(e) of the Uniform Fire Code.
(e) Width. The minimum cleared vehicular roadway, driveway, or street, width shall be twelve (12) feet from shoulder to shoulder for one single family residence, fifteen (15) feet from shoulder to shoulder for one way traffic in other developments, and twenty-four (24) feet minimum driving surface for all two-way traffic.
4. Section 10.207(g) of the Uniform Fire Code.
(g) Turning Radius. A minimum turning radius of forty-five (45) feet shall be provided for lanes, streets, driveways, and cul-de-sacs, the latter which are in excess of one hundred fifty (150) feet. (See Appendix A.)
5. Section 10.208 of the Uniform Fire Code.
(b) Private Road Identification. All private roads, recognized as a part of the addressing system of the City, shall be marked with road signs constructed and installed in accordance with Gig Harbor City Road Sign Standards. Costs of signs and their installation shall be the responsibility of the property owner and/or developer.
6. Section 10.301 of the Uniform Fire Code.
(c) Water Supply.
(1) An approved water supply capable of supplying required fire flow for fire protection shall be provided to all premises upon which buildings or portions of buildings are hereafter constructed. When any portion of the building protected is in excess of 150 feet from a water supply on a public street or private road, there shall be provided, when required by the Fire Marshal, on-site fire

hydrants and mains capable of supplying the required fire flow. Water supply may consist of reservoirs, pressure tanks, elevated tanks, water mains or other fixed system capable of supplying the required fire flow.

(2) Fire flow for all new construction, new subdivisions of land, substantial alterations or additions to existing commercial or industrial projects, multiple dwelling occupancies, mobile home parks, and RV parks, shall be in accordance with I.S.O. Standards; except: that for dwellings, the requirement shall be 750 Gallons Per Minute at 20 p.s.i. for a period of forty-five (45) minutes.

(3) Industrial and Commercial Area Requirements. The requirements stated in this section apply to all commercial and industrial areas:

(I)

TABLE 3

<u>MINIMUM DURATION FOR REQUIRED FIRE FLOW</u>	
<u>*Gallons Per Minute</u>	<u>Hours</u>
1,000	One (1)
1,250	One and one-half (1½)
2,000	Two (2)

* Gallons Per Minute are derived from the I.S.O. Guide

(II) When the required fire flow exceeds 2,500 GPM, the fire hydrants shall be served on the property by a looped main capable of supplying the required flow.

(4) Installation requirements.

(I) New or replace water mains (water main repair excluded) shall be a minimum of eight (8") inches in diameter for dead-ends, and six (6") inches for circulating mains, provided that for deadend cul-de-sacs, an eight (8") inch main need only extend to the last required fire hydrant and normal domestic mains may be installed thereafter to the remaining residences. Hydrant leads less than fifty (50') feet in length shall be a minimum of six (6") inches in diameter. A deadend main which extends across a street only for the purpose of serving a hydrant shall be of a size capable of providing the required fire flow, but it shall not be less than (6") inches in diameter. All mains shall have hydrants and/or tees and valves installed to conform with this regulation, except that no hydrants, tees or valves shall be required along transmission mains. Any service connection

made to a transmission main may require that a hydrant or hydrants be installed, pursuant to Table IX, Fire Hydrant Spacing.

(II) Standard hydrants shall have not less than five (5") inch main valve openings (MVO) with two two-and-one-half (2½") inch outlet ports and one four (4") inch steamer outlet. All two and one-half (2½") inch outlet ports and the steamer port outlet shall have National Standard Threads that correspond with and meet the approval of Pierce County Fire District #5. Hydrants shall meet the current A.W.W.A. Standards (IOWA or equal).

(III) There shall be an auxiliary gate valve installed to permit the repair and replacement of the hydrants without disruption of water service.

(IV) Hydrants shall stand plumb and be set to the finished grade. The bottom of the lowest outlet of the hydrant shall be no less than eighteen (18") inches above the finished grade, and the bottom of the ground flange shall be a minimum of one (1") inch above finished grade. There shall be thirty-six (36") inches of clear area about the hydrant for operation of a hydrant wrench on the outlets and on the control valve. The pumper port shall face the street. Where the street cannot be clearly defined or recognized, the port shall face the most likely route of approach and the location of the fire truck while pumping, as determined by the Gig Harbor Fire Marshal.

(V) Hydrants shall not be obstructed by any structure or vegetation, or have the visibility impaired for a distance of fifty (50') feet in the direction of vehicular approach to the hydrant.

(VI) Hydrants are to be accessible for fire department pumpers.

(VII) Fire hydrants located in areas subject to regular private, commercial or industrial motor vehicle traffic shall be protected against vehicle damage by curbs, space separation, grade-level changes, guard posts, or other means acceptable to the Fire Marshal.

(VIII) All hydrants shall be subject to testing and inspection by the fire department, subject to reasonable notice and scheduling with the water authority.

(IX) Fire Hydrant Spacing. The following table specifies the maximum permissible spacing between hydrants:

TABLE IX

<u>Type of Development</u>	<u>Hydrant Spacing**</u>
Subdivisions and Short Sub-division - Limited to Single Family Dwellings	600 feet
Multiple Dwelling - Low Density Twelve or Less Units Per Acre	500 feet
Commercial and Multiple Dwelling High Density - More than Twelve Units Per Acre	400 feet
Industrial, Hospitals, Shopping Centers, Schools, Areas of More Than 20 Commercial Establishments	300 feet

** Spacing shall be measured by the pathway required for the fire department to lay the fire hose. This spacing shall be determined by the Gig Harbor Fire Marshal. Where possible hydrants shall be located at street intersections, except that in no event shall any hydrant be more than three hundred (300') feet from the center of the frontage of any lot except on dead-end cul-de-sacs with dwellings only. When the deadend cul-de-sac exceeds six hundred (600') feet from the center of the intersection to the end of the cul-de-sac, a hydrant shall be located at the intersection and additional hydrant(s) will be required. The hydrant(s) shall be located three hundred (300') feet from the center of the frontage from the last lot on the cul-de-sac, and shall comply with the maximum spacing requirements listed above.

- (A) Commercial building requirements.
- (i) All new commercial buildings and substantial alterations or additions to existing buildings shall be provided with water mains and fire hydrants capable of supplying the required fire flow. Hydrants and mains shall be operational when building construction commences.
 - (ii) Change of occupancy from a lower to a higher classification per the Uniform Building Code shall require that the existing building be provided with water

mains and fire hydrants capable of supplying the required fire flow per this ordinance.

(iii) Commercial buildings and additions so located that a portion is more than one hundred fifty (150') feet from a street property line as measured by vehicular travel shall have mains extended to them, with fire hydrants, capable of supplying the required fire flow.

(iv) Commercial buildings with a ground floor area of over twenty thousand square feet or a group of buildings with a required fire flow of more than three thousand gallons per minute shall require fire hydrants located around the buildings or group of buildings as determined by the Fire Marshal. Other buildings may have fire hydrants located only on one side, but the required number of hydrants shall be located within one hundred fifty (150') feet of all portions of the building.

(v) The number of fire hydrants required shall be determined on an average of three hundred (300') feet, computed on an imaginary perimeter that is parallel to and fifty (50') feet from the building or group of buildings. The number of fire hydrants required shall be increased by one for each story over two stories and basement. See table in paragraph (B) of this section for minimum number of hydrants.

(vi) The fire marshal shall determine the location of fire hydrants depending on utility, topography and building location. Hydrants shall be a minimum of fifty (50') feet out from the building except when it is impractical due to topography or property lines.

(B) Fire flow criteria. Required fire flows determined by the fire marshal shall be based on criteria set forth in the Guide for Determination of Required Fire Flow, 1974 Edition, published by the Insurance Service Office. Such required fire flow shall be for a minimum of two hours of continuous flow, with a minimum number of fire hydrants per the following table:

REQUIRED FIRE FLOW PER I.S.O. GUIDE						
(GPM)	500- 1250	1251- 2500	2501- 3750	3751- 5000	5001- 6250	6251- 7500
Minimum						
No. of	1	2	3	4	5	6
Hydrants						

EXCEPTIONS: a. This requirement shall not apply to those projects which have previously received approval (and conform to the standards in effect at the time of installation) for adequacy of water or water supply in regards to fire flow from the City of Gig Harbor as of the effective date of the ordinance codified in this section.

b. This requirement shall not apply to those projects where it has been documented to be impractical due to topography, property lines or other site conditions and when alternate methods of protection are provided as approved by the Fire Marshal.

(C) Building construction classifications. The Insurance Service Guide, published by the Insurance Services Offices, and the Uniform Building Code as adopted by the Gig Harbor City Council, which provide classification of all buildings by types of construction, as shown below, shall be used in calculating fire flow.

Insurance Service Guide	Uniform Building Code
Fire-resistive	IF.R-IIF.R.
Noncombustible	II N-II lhr.
Ordinary	III 1 hr.-III N-IV H.T.-V lhr.
Wood frameVN

(X) The location of hydrants shall be determined by the Gig Harbor Fire Marshal.

(XI) The location of all water mains, fire hydrants, and valves to be installed shall be properly and accurately marked on identifiable plans or drawings, which shall be prepared by a registered professional engineer. Two copies of all plans or drawings shall be furnished to the Gig Harbor Fire Marshal and Public Works Director prior to installation.

(XII) After construction is completed, two copies of the "As Built" drawings shall be filed with the Gig Harbor Fire Marshal and Public Works Director, as well as test results showing the amount of fire flow at each hydrant at 20 p.s.i.

(XIII) Maintenance of Hydrants:

(A) Pierce County Fire District #5 will, after notifying the purveyor, test hydrants for flow capability with proper notification to the purveyor.

(B) The Gig Harbor Public Works Department will maintain exterior working parts of hydrants above ground, including keeping brush and other physical obstructions from blocking access to, operation of hydrants. Exception: Private hydrants shall be maintained and kept accessible by the property owner.

(C) Pierce County District #5 will check operation of hydrants and notify the water authority of any malfunction or leaking which will require correction.

(5) Procedures for Compliance. The following shall be required for site plan, subdivisions, short subdivisions, commercial and industrial area, all water systems, and all other areas which must comply with this regulation:

(I) Requirements for formal subdivisions:

(A) Upon submittal of site plan or preliminary plat, the applicant shall submit to the Gig Harbor Fire Marshal, a letter from the water authority addressing its willingness and ability to satisfy the requirements of this regulation.

(B) Prior to final plat approval, the following shall be required:

(1) Water system plans and specifications which comply with these regulations must be designed and stamped by a registered professional engineer. Said plans shall be signed by the purveyor and must be approved by, and filed with the Gig Harbor Fire Marshal and the Gig Harbor Public Works Department.

(2) Water system plans shall be approved in writing by the Gig Harbor Fire Marshal and Gig Harbor Public Works Director.

(3) The approved water system shall be installed prior to final plat approval; however, this requirement may be waived if

a bond or other security is posted and approved prior to said plat approval. The form of security, if other than a bond, shall be approved by the Gig Harbor City Attorney. The bond or security shall be in an amount sufficient to pay for the approved water system as determined by the Director of Public Works after consultation with the engineer who designed the system and the water authority who will supply the water. The bond amount shall be not less than 125% of the estimated cost of improvement. The bond or other security shall be issued to the City of Gig Harbor and shall be approved by the Gig Harbor Public Works Director. Prior to said approval, the water authority (if other than the City of Gig Harbor) shall submit a letter to the Gig Harbor Public Works Director stating its commitment to install the water system in the event the system is not installed by the applicant. (4) Two (2) copies of the "as built" drawings shall be filed with the Gig Harbor Fire Marshal and Public Works Director, as well as test results showing the amount of fire flow at each hydrant at 20 p.s.i.

(C) When the distribution system is installed, said installation must be under the direction of a registered professional engineer who shall certify that the construction of the system is in accordance with the approved design. In the event a bond is posted, installation of the system must be completed and operable, in accordance with this regulation, prior to occupancy or any other use of any structure.

(II) Requirements of short subdivisions and commercial and industrial areas. (site plan)

(A) Prior to approval of plat/site plan, the applicant shall submit to the Gig Harbor Fire Marshal a letter from the water authority if other than the City of Gig Harbor, addressing its willingness and ability to satisfy the requirements of this regulation. Water system plans and specifications which comply with these regulations must be designed and stamped by a registered professional

engineer. Said plans shall be signed by the water authority and shall be filed with the Gig Harbor Fire Marshal and Gig Harbor Public Works Director.

(B) Water system plans shall be approved in writing by the Gig Harbor Fire Marshal and Gig Harbor Public Works Director.

(C) The approved water system must be installed prior to the issuance of a building permit; provided that this requirement may be waived if a bond or other security is posted and approved prior to said issuance. The form of security, if other than a bond, shall be approved by the Gig Harbor City Attorney. The amount of the bond or security shall be determined by the water authority supplying the water. The bond or other security shall be issued to the City of Gig Harbor and shall be approved by the Gig Harbor Public Works Director. Prior to said approval, the water authority (if other than the City of Gig Harbor) shall submit a letter to the Gig Harbor Public Works Director stating its commitment to install the water system in the event the system is not installed by the applicant.

(D) After the system is installed, two (2) copies of the "as built" drawings shall be filed with the Gig Harbor Fire Marshal and Public Works Director, as well as test results showing the amount of fire flow at each hydrant at 20 p.s.i.

(III) Requirements for Water System, Water Storage and Comprehensive Water System Plans.

(A) Prior to approval of new developments, water system plans and specifications subject to these regulations, must be designed and stamped by a registered professional engineer. Said plans shall be signed by the water authority and shall be filed with the Gig Harbor Fire Marshal and Gig Harbor Public Works Director.

(B) Water storage and water system plans shall be approved in writing by the Gig Harbor Fire Marshal and Gig Harbor Public Works Director.

(C) Prior to final approval, two (2) copies of "as built" drawings shall be filed with the Gig Harbor Fire Marshal and Gig Harbor Public Works Director, as well as test results showing the amount of fire flow at each hydrant at 20 p.s.i., as required by this ordinance.

(IV) Water authority responsibility.

(A) Water authorities shall not be required to exercise police or regulatory powers toward the enforcement of this chapter. The only role of water authorities shall be to provide information, such as:

(1) The water authority may be requested by the Gig Harbor Fire Marshal to indicate in writing its capability to provide water service, consistent with the standards contained in this chapter, to any building permit, subdivision, or short subdivision, site plan applicant, or to the City.

(2) The water authority will notify the Pierce County Fire District #5 in writing when a water system installed pursuant to this chapter is available for use.

(3) All purveyors shall continuously supply water at or above the minimum flow requirements at all times specified herein; provided that the purveyor need not comply with these requirements in the event of vandalism, acts of God, loss of power, temporary shut down for repairs and/or replacement.

(B) Enforcement responsibility, for determining whether or not to approve a building permit, subdivision, or short subdivision application, based on information provided by the water authority, shall belong solely to the Gig Harbor Fire Marshal.

(V) Minimum Flow Variance for Water Purveyor. In the event a subdivision, short subdivision or commercial or industrial area is unable to provide adequate water flow due to the unavailability of an adequate water supply, the development may be allowed to proceed pursuant to this variance. The applicant shall submit the following:

(A) A letter to the Gig Harbor Fire Marshal from the water authority indicating the reason the water company is unable to provide the fire flows in accordance with this ordinance.

(B) A plan designed by a registered professional engineer must be submitted to the Fire Marshal which shows the system improvement necessary to increase the water flows, and shall be in accordance with the current water system plan for the purveyor, approved by the Department of Social and

Health Services for the service area, and it shall comply with this regulation in the time period specified herein. The system improvements or expansion shall be designed so that the water supply for the remainder of the supplier's service will not be detrimentally affected.

(C) A letter from the water purveyor stating that at the very minimum, the purveyor will comply with the following schedule:

<u>Type of Development</u>	<u>Percent of Compliance with Required Fire Flow GPM</u>	<u>Time When Applicable Percent Must Be Satisfied</u>
Family Dwelling	50% of GPM	Prior to Issuance of Building Permit
	100% of GPM	Within 5 Years After Issuance of Building Permit
Commercial or Industrial	75% of GPM	Prior to Issuance of Building Permit
	100% of GPM	Within 5 Years After Issuance of Building Permit

(D) The letter from the purveyor shall specify dates when aspects of the plan must be satisfied and that said purveyor will notify the Gig Harbor Fire Marshal as to when these dates occur and what progress has been made.

(E) The letter shall include a breakdown of the necessary costs for the system improvements and must include the purveyor's sources for the funds necessary to implement said system.

Based on the information supplied and any other available information, including the water supplier's past history for reliability, the Gig Harbor Fire Marshal shall approve or disapprove the applicant's request to proceed under this variance.

A variance shall not be granted unless the Fire Marshal finds that adequate fire protection will be provided for the development through the use of fire protection measures in excess of the minimum requirements

of this code per the following schedule:

Single Family and Duplex	Provide an automatic fire sprinkler system per the Uniform Building Code (NFPA 13-D, or similar system as approved by the Gig Harbor Fire Marshal may be used as an approved alternative system)
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All other development	Provide an automatic fire sprinkler system per the Uniform Building Code.
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Alternate fire protection shall be submitted to the Board of Appeals for approval, or be approved by the Gig Harbor City Council during site plan review. Alternate fire protection shall include one or any combination of the following:

- 1) Fire-resistive construction
- 2) Two (2) hour area separation walls
- 3) One (1) hour exterior fire walls with parapets
- 4) A letter signed by the chief or assistant chief of Fire District #5 stating that a sufficient number of tanker trucks are available under normal circumstances to provide minimum fire suppression for the development.

The above listed alternate fire protection measures shall not be considered if they were used in the original calculations to determine required fire flow per the ISO Guide or if they were required by other sections of this code or the Uniform Building Code.

The Gig Harbor Fire Marshal's decision shall be made in writing and shall briefly explain the primary basis for the decision.

(F) If at the end of five years, the purveyor shows intent to comply in accordance with the approved plan but development in the area has not been as expected so that the purveyor is not in full compliance, an extension of time may be granted a water purveyor based on unforeseen circumstances and approval by the Gig Harbor Fire Marshal and the Public Works Director. The extension of time shall not exceed five years.

7. Section 1, TESTING, subsection (b) of Appendix III-A of the Uniform Fire Code.
(b) The test established by this regulation, when required, shall be conducted by a person qualified to perform the full testing procedure for the particular system or device being tested. The owner shall bear the cost of such tests.

8. Section 3.101 of the Uniform Fire Code: Enforcement, Violations, Penalties and Appeals.
(I) No final plat for subdivisions shall be approved by any City of Gig Harbor official until receipt of verification from the Gig Harbor Fire Marshal that the provisions of this regulation have been satisfied. No building permit shall be issued for short subdivisions or commercial and industrial structures until the Building Department has received verification from the Gig Harbor Fire Marshal that the provisions of this regulation have been satisfied.
(II) In the event a water purveyor has violated the terms of this regulations, the Gig Harbor Fire Marshal shall issue a Violation Notice to the purveyor.

(III) In addition to the above, the Gig Harbor Fire Marshal and/or the Building Official shall issue cease and desist orders whenever any person, firm or corporation is taking any action which is in violation of this regulation. Such Cease and Desist Order shall not cause any interruption of domestic service provided by a water purveyor. Such Order shall specify each violation and shall state that a hearing may be requested by the affected party by sending a written request for the hearing to the Board of Appeals within ten (10) days of receipt of the said Order.

(IV) Penalties. Any person who shall violate any of the provisions of the code hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order within the time fixed herein, shall severally for each and every violation and noncompliance, respectively, be guilty of an infraction, and subject to a penalty not to exceed THREE HUNDRED AND NO/100 DOLLARS (\$300.00) as provided in Gig Harbor Code 1.16.010(4). The imposition of a penalty for any such violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense.

(V) Appeals. Decisions or orders of the Gig Harbor Fire Marshal made pursuant to the authority granted herein may be appealed by an aggrieved party to the Board of Appeals (as established by Gig Harbor City Code) by making a written request for a hearing to such Board within ten (10) days of the receipt of such written order or decision. The board of Appeals shall hold a hearing within thrity (30) days and may uphold, modify, or reverse the decision of the Gig Harbor Fire Marshal. Decisions of the Board of Appeals may be appealed to the Gig Harbor City Council within ten (10) days of receipt of the Board's final order, pursuant to the provisions of Gig Harbor City Code. All issues which are on appeal are stayed until final

resolution by the Board of Appeals to the City Council. No plat shall be approved, no building permit shall be issued nor development continued during this stayed appeal period unless such is authorized by the authority before which the appeal is pending.

Section 8. A new Section 15.12.070 of the Gig Harbor Municipal Code is hereby enacted to read as follows:

15.12.070 Establishment of Limits of Districts in Which Storage of Flammable or Combustible Liquids in Outside Above-ground Tanks is to be Prohibited.

The limits referred to in Section 79.501 of the Uniform Fire Code, in which storage of flammable or combustible liquids in outside aboveground tanks is prohibited, are hereby established and shall apply to all areas in which the Uniform Fire Code is in force; provided, however, that the Office of the Fire Marshal may issue a special permit for such storage, where there appears in its judgement to be no undue danger to persons or property and where such storage would not be in conflict with other Gig Harbor City Codes.

Section 9. A new Section 15.12.080 of the Gig Harbor Municipal Code is hereby enacted to read as follows:

15.12.080 Establishment of Limits in which Bulk Storage or Liquefied Petroleum Gases is to be Restricted.

The limits referred to in Section 82.105(a) of the Uniform Fire Code, in which bulk storage of liquefied petroleum gas is restricted, are hereby established and shall apply to all areas in which the Uniform Fire Code is in force; provided, however, that the Office of the Fire Marshal may issue a special permit for such storage, where there appears in its judgement to be no undue danger to persons or property and where such storage would not be in conflict with other Gig Harbor City Codes.

Section 10. A new Section 15.12.090 of the Gig Harbor Municipal Code is hereby enacted to read as follows:

15.12.090 Establishment of Limits of Districts in Which Storage of Explosives and Blasting Agents is to be Prohibited.

The limits referred to in Section 77.106(b) of the Uniform Fire Code, in which storage of explosives and blasting agents is prohibited, are hereby established

and shall apply to all areas in which the Uniform Fire Code is in force; provided, however, that the Office of the Fire Marshal may issue a special permit for such storage, where there appears in its judgement to be no undue danger to persons or property and where such storage would not be in conflict with other Gig Harbor City Codes.

Section 11. A new Section 15.12.100 of the Gig Harbor Municipal Code is hereby enacted to read as follows:

15.12.100 NFPA Codes Adopted by Reference.

Section 2.303(b) Of the Uniform Fire Code.

Whenever this code is inapplicable for any reason to any situation involving the protection of persons and property from hazards of fire and explosions, the materials, methods of construction, installations, practices, or operations necessary to provide such protections, shall, to a reasonable degree, be in accordance with nationally recognized and accepted standards, principals and tests, and generally recognized and well established methods of fire prevention and control, as set forth in publications by recognized national authorities and the 1985 Edition of the National Fire Protection Association Volumes 1 through 16 which are adopted by reference as a part of this code as if set forth in full herein.

Section 12. A new Section 15.12.110 of the Gig Harbor Municipal Code is hereby enacted to read as follows:

15.12.110 Violations.

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure or cause or permit the same to be done in violation of this code.

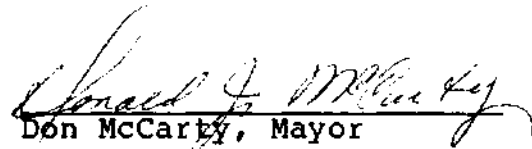
Section 13. A new Section 15.12.120 of the Gig Harbor Municipal Code is hereby enacted to read as follows:

15.12.120 Validity. If any section, sentence, clause or phrase of this ordinance should be 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, sentence, clause or phrase of this ordinance.


Fire Code
Page Twenty-One

Section 14. This ordinance shall be and is hereby declared to be in full force and effect five days after approval and official publication as required by law.

PASSED by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the council held on this 25th day of August, 1986.


Don McCarthy, Mayor

ATTEST:

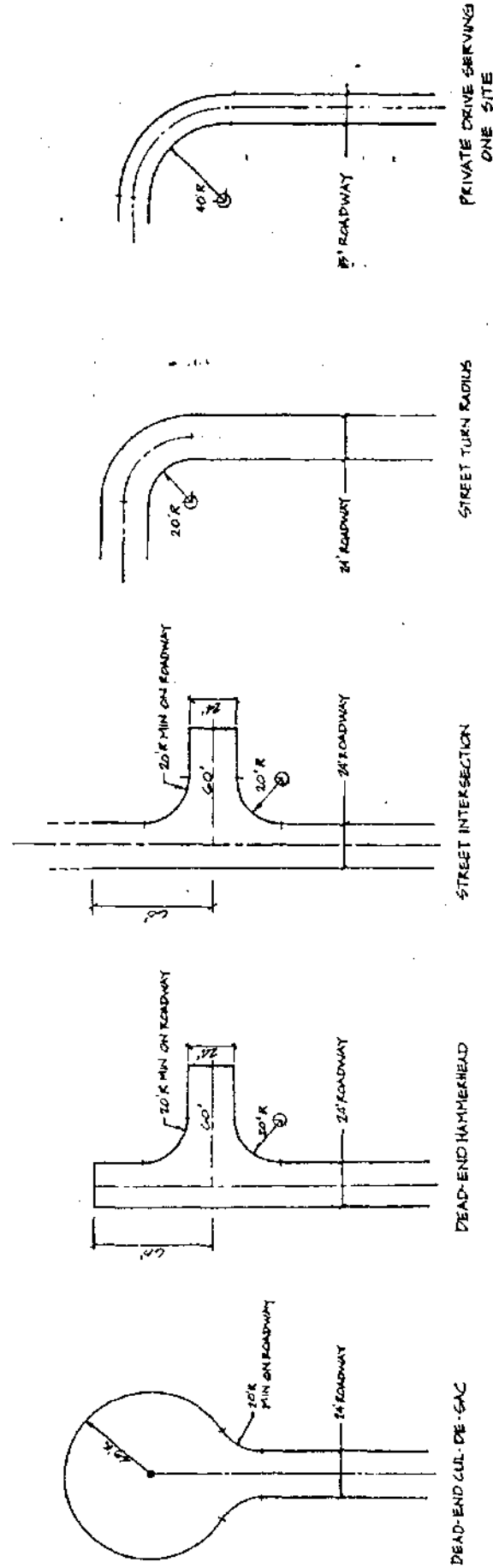


Michael R. Wilson
City Administrator/Clerk

Filed with city clerk: 5/22/86
Passed by city council: 8/25/86
Date published: 9/3/86
Date effective: 9/8/86

A P P E N D I X "A"

MINIMUM ROADWAY WIDTHS TURNING RADII



NOTES:

45' RADIUS ROADWAY SECTION
IF PAVED, 40' RADIUS PAVEMENT SECTION
WITH 5' GRAVEL SHOULDER.

SCALE 1" = 50'

0008.06001
LCI/naa
09/05/86

ORDINANCE NO. 494

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, INITIATING THE PROCESS WHICH WILL RESULT IN A SPECIAL ELECTION TO DETERMINE WHETHER THE CITY SHALL BE ANNEXED INTO PIERCE COUNTY FIRE PROTECTION DISTRICT NO. 5 BY DECLARING THE REQUIRED INTENT TO JOIN THE FIRE DISTRICT AND BY FINDING THAT SUCH ANNEXATION IS IN THE PUBLIC INTEREST.

WHEREAS, sections 52.04.061 through 52.04.081 of the Revised Code of Washington provide a process for the annexation of the City into Pierce County Fire Protection District No. 5 (Fire District), and

WHEREAS, to provide adequate fire protection services in the City of Gig Harbor at a cost effective rate, it is in the City's interest to annex to the Fire District, NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. The City does hereby initiate the process of potential annexation of the City into Pierce County Fire Protection District No. 5 by stating its intent to join the Fire District and by finding that the public interest will be served by doing so.


Section 2. The City Clerk is directed to transmit this ordinance to the Fire District and, if the Fire District concurs, to take the further steps outlined in the RCW cited above to place this question before the voters at the earliest possible election.

Section 3. 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.

APPROVED:


MAYOR, DON MC CARTY

ATTEST/AUTHENTICATED:


MIKE WILSON
CITY CLERK/CITY ADMINISTRATOR

FILED WITH THE CITY CLERK: September 8, 1986
PASSED BY THE CITY COUNCIL: September 15, 1986
PUBLISHED: September 17, 1986
EFFECTIVE DATE: September 22, 1986
ORDINANCE NO. 494

ORDINANCE NO. 495

RECEIVED

SEP 19 1986

RICHARD A. GRECO
PIERCE COUNTY AUDITOR

AN ORDINANCE of the City of Gig Harbor, Washington, for the holding of an election on November 4, 1986, for the submission to the qualified electors of the city the proposition of whether or not the city shall issue its general obligation bonds in the principal sum not to exceed \$1,300,000 to pay part of the cost of improving and expanding the city's sewerage treatment plant; and declaring an emergency.

WHEREAS, this Council has determined part of the money necessary to expand and improve the sewerage treatment plant be provided by the issuance and sale of general obligation bonds of the city in the principal sum not to exceed \$1,300,000; and

WHEREAS, the Constitution and Laws of the State of Washington require that the question of whether or not such general obligation bonds may be issued for such purposes must be submitted to the qualified electors of the city for their ratification or rejection;

NOW, THEREFORE, the City Council of the City of Gig Harbor DO ORDAIN as follows:

Section 1. It is hereby found and declared that an emergency exists requiring the submission to the qualified electors of the city at the general election to be held in the city on the 4th day of November, 1986, of the proposition of whether or not general obligation bonds should be issued to pay part of the cost for improvements to and expansion of the city's sewerage treatment plant. Such proposition to be submitted to the qualified electors shall be as follows:

PROPOSITION

Sewerage Treatment Plant
General Obligation Bonds

Shall the city issue and sell its general obligation bonds to pay part of the costs for expanding and improving the sewerage treatment plant in the principal sum not to exceed \$1,300,000, such bonds to mature within twenty years from the date of issue payable both principal and interest out of annual tax levies to be made upon all the taxable property within the city without limitation as to rate or amount?

Bonds, YES

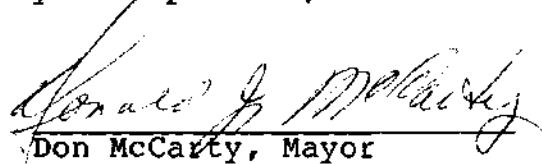
Bonds, NO

G.O. Bond Ordinance
Page Two


The Pierce County Auditor is hereby requested to call and conduct an election on the prescribed date and to submit to the qualified electors of the city the above-stated proposition.

Section 2. Because the statutes of the State of Washington require that this ordinance be certified to the Pierce County Auditor not less than 45 days prior to the election date, it is hereby found and declared that an emergency exists and that this ordinance shall be in full force and effect immediately upon its adoption.

PASSED by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a special meeting of the council held on this 17th day of September, 1986.


Don McCarty, Mayor

ATTEST:



Michael R. Wilson
City Administrator/Clerk

Filed with city clerk: 9/17/86
Passed by city council: 9/17/86
Date published: 9/24/86
Date effective: 10/1/86

ORDINANCE NO. 496

AN ORDINANCE of the City of Gig Harbor, Washington, specifying and adopting a Comprehensive Plan for anticipating and influencing the orderly development of land and building uses of the city and its environs.

WHEREAS, the basic elements of city planning have existed for many years in Gig Harbor but they have never been unified into a comprehensive and long-range plan for the city's future growth and development; and,

WHEREAS, the city's past growth has been guided by a series of separate and sometimes unrelated plans, policies and ordinances which have been prepared and adopted for specific purposes in response to the city's needs as they emerged over time; and,

WHEREAS, the specific goals of the Comprehensive Plan are:

1. identify the existing and potential roles the city may elect to assume within the city and surrounding area;
2. determine the social, physical and economic implications involved within each role;
3. determine which role and attendant social, physical and economic relationships are most advantageous to the city; and
4. develop the public programs and policies necessary to achieve the conditions most desired by the city; and,

WHEREAS, the City Council and Planning Commission of the City of Gig Harbor, for the past 16 months have conducted numerous public hearings and meetings during the development of the City of Gig Harbor Comprehensive Plan and Environmental Impact Statement; and

WHEREAS, pursuant to the provisions of Section 35A.63.070 of the Revised Code of Washington, the Planning Commission of the City of Gig Harbor has held public hearings on the above matter on February 4 and 18, 1986, March 4, 1986 and April 1, 1986; and

WHEREAS, pursuant to the provisions of Section 35A.63.072 of the Revised Code of Washington, the City Council of the City of Gig Harbor has held public hearings on the above matter on September 22, 1986 and October 13, 1986; and

Comprehensive Plan Ordinance
Page Two

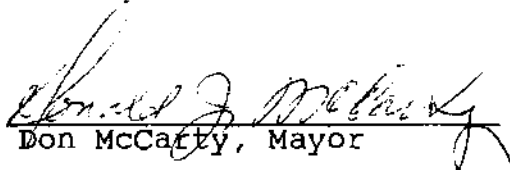
WHEREAS, the Planning Commission of the City of Gig Harbor certified the Final Environmental Impact Statement as being complete in accordance with the Washington State Environmental Quality Act Quidelines and the State Environmental Policy Act and recommended adoption of the Gig Harbor Comprehensive Plan;

NOW, THEREFORE, the City Council of the City of Gig Harbor DO ORDAIN as follows:


Section 1. That the City Council of the City of Gig Harbor does and it hereby adopts the Gig Harbor Comprehensive Plan and Environmental Impact Statement.

Section 2. That said Comprehensive Plan having deleted therefrom any and all references whatsoever to the Environmental Impact Statement being in any way a part or portion of said Comprehensive Plan, it being the intent of this Council to have said Environmental Impact Statement separate and distinct from the plan itself and in no way to have said Environmental Impact Statement amend, revise, limit or otherwise affect the Comprehensive Plan document itself or the application of said plan to future land-use decisions.

PASSED by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the council held on this 13th day of October, 1986.


Don McCarty, Mayor

ATTEST:



Michael R. Wilson
City Administrator/Clerk

Filed with city clerk: 10/10/86
Passed by city council: 10/13/86
Date published: 11/5/86
Date effective: 11/10/86

ORDINANCE NO. 497

AN ORDINANCE the City of Gig Harbor, Washington, amending the title map adopted by Title 17 establishing land use classifications in the City of Gig Harbor: Amending the zoning map adopted by said ordinance by providing a change of zone on certain real property commonly known as the Gig Harbor Business Park rezone, file number RZ-86-03, from B-1 (local retail) to C-1 (commercial) for certain property described herein; authorizing execution of a concomitant zoning agreement and establishing an effective date of this ordinance.

WHEREAS, procedures for change in the zoning thereof have been duly taken and had in accordance with the provisions of Title 17 of the Gig Harbor Municipal Code, and;

WHEREAS, the City of Gig Harbor has, during their last area-wide zoning, designated the site B-1, and;

WHEREAS, the city has determined that conditions affecting the use of the property have substantially changed since the property was given its present zoning classification. Those changes include the proposed re-alignment of the Olympic Village interchange, and;

WHEREAS, the city finds that providing a business park is in the public interest, and;

WHEREAS, the C-1 classification bears a reasonable relationship to surrounding properties, and;

WHEREAS, the C-1 classification would be consistent with both the existing and pending comprehensive plans, and;

WHEREAS, the Planning Commission has recommended such change, and;

WHEREAS, the City Council has found that a concomitant zoning agreement is necessary in connection with the rezone of the property described in this ordinance to protect the public health, safety, and general community welfare,

NOW, THEREFORE, the City Council of the City of Gig Harbor DO ORDAIN as follows:

Section 1. That the following described real property situated in the City of Gig Harbor, County of Pierce, State of Washington, to wit:

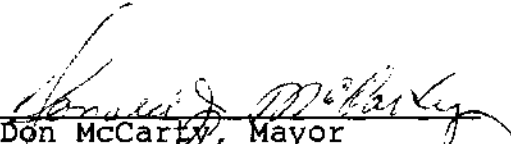
Lots 2 and 3 of Gig Harbor short plat as recorded under Pierce County Auditor's fee No. 8008250209. The legal description of the property rezoned is set forth on Exhibit A attached hereto and incorporated herein by this reference as if set forth in full.

Section 2. That the official zoning map of the City of Gig Harbor located in Title 17 of the Gig Harbor Municipal Code, be and the same is hereby amended to reflect such change in zoning of such area. That the city clerk shall make this classification change on the city's official zoning map and certify said change in accordance with the terms of Title 17 of the Gig Harbor Municipal Code.


Section 3. The Mayor is hereby authorized to execute and the city clerk to attest to that certain document entitled "Concomitant Zoning Agreement for Gig Harbor Business Park Rezone." The city clerk is further directed to record said concomitant zoning agreement with the Pierce County Auditor as a covenant running with the land. The cost of said recordation shall be paid by the owner in accord with the terms of the Concomitant Zoning Agreement.

Section 4. This ordinance shall be published in the official newspaper of the city and take effect and be in full force five (5) days after the date of publication.

PASSED by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the council held on this 27th day of October, 1986.


Don McCarty, Mayor

ATTEST:


Michael R. Wilson
City Administrator/Clerk

Filed with city clerk: 10/21/86
Passed by city council: 10/27/86
Date published: 11/5/86
Date effective: 11/10/86

ORDINANCE NO. 498

AN ORDINANCE of the City of Gig Harbor, Washington, relating to the Municipal Water System: repealing Ordinance #471, fixing rates for water services; repealing sections 10(b) and 10(c), Ordinance 369, providing discontinuance of water service and water shut off for nonpayment of bills; and providing a new rate schedule for water services, special charges, and establishing new delinquency account collection, service termination and penalty provisions.

WHEREAS, the Gig Harbor City Council has determined the present water service rate structure is inequitable and not based on the actual cost of service utilized by the utility customer, and

WHEREAS, the Gig Harbor City Council has determined that a new rate design which provides the consumer with a proper signal of what consumption is costing will be in the best interest of the utility and customer; rates which are based upon consumption levels would be a more equitable method of collection for costs incurred than the present method; and a new cost of service rate schedule should be phased in order to reduce adverse effects on customers, and

WHEREAS, the Gig Harbor City Council has determined that the present special charges for the water utility are also inequitable and not consistent with the actual cost of the special service and such service charges need to be modified to reduce inequity to existing customers, and

WHEREAS, the Gig Harbor City Council has determined that the present method of enforcement of delinquent accounts is not effective and needs to be revised to establish a consistent and fair approach to enforce collection of such accounts,

NOW, THEREFORE, the City Council of the City of Gig Harbor DO ORDAIN as follows:

Section 1. Ordinance #471, codified as chapter 13.04 of the Gig Harbor Municipal Code and sections 10(b) and 10(c), Ordinance #369, codified as 13.02.140 and 13.02.150 of the Gig Harbor Municipal Code are hereby repealed.

Water Ordinance
Page Two

Section 2. A new section 13.04.010 of the Gig Harbor Municipal Code is hereby enacted to read as follows:

13.04.010 Water Rates. The monthly water service rates shall be set at the following amounts:

<u>Customer Class</u>	<u>Customer Base Charge</u>	<u>Commodity Charge</u>
Residential	\$5.00/meter/mo.	All ccf- \$0.76/ccf
Multi-residential 5/8" & 3/4" meter	\$8.50/meter/mo.	All ccf- 0.76/ccf
1"	14.50	0.76 ccf
1-1/2"	28.30	0.76/ccf
2"	45.30	0.76/ccf
3"	85.00	0.76/ccf
4"	141.60	0.76/ccf
Commercial/Schools 5/8" & 3/4" meter	\$6.00/meter/mo.	All ccf- 0.65/ccf
1"	10.00	0.65/ccf
1-1/2"	20.00	0.65/ccf
2"	32.00	0.65/ccf
3"	60.00	0.65/ccf
4"	100.00	0.65/ccf

Section 3. A new section 13.04.020 of the Gig Harbor Municipal Code is hereby enacted to read as follows:

13.04.020 Nonmetered residential uses. Until a water meter has been installed to measure water consumed by a residential unit or a multiple residential building, the water service charge applicable to such unmetered unit shall be fourteen dollars and eighty-eight cents (\$14.88) per month per unit.

Section 4. A new section 13.04.030 of the Gig Harbor Municipal Code is hereby enacted to read as follows:

13.04.030 Outside Water Service. Water service extended outside the city limits shall be charged at 1.5 times the city rates established in sections 2 and 3.

Water Ordinance
Page Three

Section 5. A new section 13.04.040 of the Gig Harbor Municipal Code is hereby enacted to read as follows:

13.04.040 Utility taxes by state and city excluded.
The water use charges listed in sections 2, 3, and 4 above do not include state and city utility taxes.

Section 6. A new section 13.04.050 of the Gig Harbor Municipal Code is hereby enacted to read as follows:

13.04.050 Billings-Delinquencies-Liens. A.
Billing shall commence on the first available date, which date shall be the same as the sewer billing date. Billings shall be issued thereafter on a bi-monthly basis and sent to the record owner of the premises. New users shall pay a pro rata charge on the first available billing date.
B. Water service charges shall be deemed delinquent if not paid within thirty days following the billing date. Interest at the rate of eight percent (8%) per annum shall be charged on all delinquent service charges. In the event any billing for water service or other service charge has not been paid within sixty (60) days of billing, the city utility department shall mail a first delinquency/shut off notice to the property owner and occupant if the record owner does not reside at the premises. The delinquency/shut off notice shall provide the following: 1) Payment for service is overdue and the total amount due and a statutory lien will be imposed; 2) service will be suspended unless payment in full is made to the city within ten (10) days; 3) address and telephone number of the utility department, stating that the owner or occupant may contact the department if a dispute exists as to liability for the billing or the validity of the lien; and 4) the city will charge a turn-on fee before service is resumed. The customer shall be charged ten dollars (\$10.00) for this first notice. If the customer has not settled the account within the time provided in the notice, a second notice which indicates service shall be discontinued by the city the next day shall be posted by the city utility department at a reasonably visible location at the property site. The customer shall be charged fifteen dollars (\$15.00) for this second notice. If the property owner has not settled the account within the time provided under the second notice,

Water Ordinance
Page Four

the city utility department shall shut off service. C. The city, as provided by law, shall have a lien against the premises to which water service was furnished and may enforce such lien by shutting off service until all charges and interest thereon then due are paid. Additionally, the city shall have the option to enforce the delinquent utility charges pursuant to other methods allowable by law. If the water service is shut off, it may be turned on again by the city after full payment is made for all charges to date, plus notice charges, interest and turn on charge.

Section 7. A new section 13.04.060 of the Gig Harbor Municipal Code is hereby enacted to read as follows:

13.04.060 Discontinuance of water service. Should the owner of any premises desire to discontinue the use of water supplied any premises, he shall give the city notice in writing and pay in full all outstanding water charges on his account at the utility department. The water shall then be shut off. Upon proper application and payment of \$15.00 turn-on charge, water service shall be turned on again. Future water charges shall not cease without the notice prescribed in this section.

Section 8. A new section 13.04.070 of the Gig Harbor Municipal Code is hereby enacted to read as follows:

13.04.070 Special Charges. The city shall impose the following special service charges:

<u>Service</u>	<u>Charge</u>
Meter installation:	
3/4" meter	\$300.00
1" meter	350.00
Over 1" meter	(Time & materials, plus (10% administrative fee
Street crossings:	
improved streets	\$10.00 per foot
unimproved streets	1.00 per foot
Unauthorized use	\$500.00
Water Main Extension	(
Street repairs	(Time & materials, plus
Fire hydrant installation	(10% administrative fee
Tap-in service	(

Section 9. A new section 13.04.080 of the Gig Harbor Municipal Code is hereby enacted to read as follows:

13.04.080 Water System Hook-Up Charge. The city shall charge the following fees to connect to the water utility system:

<u>Meter Size</u>	<u>Capacity Factor(s)</u>	<u>Hook-up Fee</u>
3/4"	1.0	\$ 970.00
1"	1.67	1,620.00
1-1/2"	3.33	3,230.00
2"	5.33	5,179.00
Over 2"		Negotiable

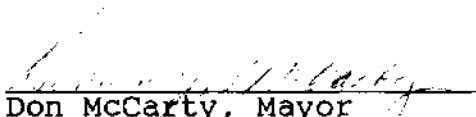
Any remodel and/or use change shall pay the difference between the new use and/or size of the previous use and/or size. No refund shall be allowed for use and/or size reduction.

Water system hook-up outside the city limits shall be charged at 1.5 times the city rates.

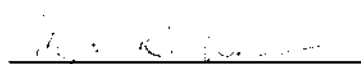
There shall be an automatic hook-up charge adjustment each year based on the Engineering News Index construction costs factor.

Section 10. Effective date. This ordinance shall take effect and be in full force on January 1, 1987.

PASSED by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the council held on this 24th day of November, 1986.


Don McCarty, Mayor

ATTEST:


Michael R. Wilson
City Administrator/Clerk

Filed with city clerk: 11/5/86
Passed by city council: 11/24/86
Date published: 12/17/86
Date effective: 1/1/87

ORDINANCE NO. 499

AN ORDINANCE of the City of Gig Harbor, Washington, relating to the Municipal Sewer System: repealing Ordinance #472, fixing rates for sewer service and hook-up charges; and providing a new rate schedule for sewer services and hook-up charges, and establishing new delinquency account collection, service termination and penalty provisions.

WHEREAS, the Gig Harbor City Council has determined the present sewer service rate structure is inequitable and not based on the actual cost of service utilized by the utility customer, and

WHEREAS, the Gig Harbor City Council has determined that a new rate design which provides the consumer with a proper signal of what volume is costing will be in the best interest of the utility and customer; rates which are based upon volume levels would be a more equitable method of collection for costs incurred than the present method; and a new cost of service rate schedule should be phased in order to reduce adverse effects on customers, and

WHEREAS, the Gig Harbor City Council has determined that the present special charges for the sewer utility are also inequitable and not consistent with the actual cost of the special service and such service charges need to be modified to reduce inequity to existing customers, and

WHEREAS, the Gig Harbor City Council has determined that the present method of enforcement of delinquent accounts is not effective and needs to be revised to establish a consistent and fair approach to enforce collection of such accounts,

NOW, THEREFORE, the City Council of the City of Gig Harbor DO ORDAIN as follows:

Section 1. Ordinance #472, codified as chapter 13.32 of the Gig Harbor Municipal Code, is hereby repealed.

Section 2. A new section 13.32.010 of the Gig Harbor Municipal Code is hereby enacted to read as follows:

13.32.010 Sewer Rates. The monthly sewer service rates shall be set at the following amounts:

<u>Customer Class</u>	<u>Customer Base Charge</u>	<u>Commodity Charge</u>
Residential	\$3.85/month	All ccf \$1.50/ccf
Multi-residential	\$2.15/month/living unit	\$1.50/ccf
Commercial	\$6.00/month/billing unit	\$1.50/ccf
Schools	\$7.30/month/billing unit	\$1.50/ccf

The commodity charge shall be based upon using the four winter months (December through March) as a maximum base usage for billing purposes for the entire year.

Section 3. A new section 13.32.020 of the Gig Harbor Municipal Code is hereby enacted to read as follows:

13.32.020 Non-metered uses. Until a water meter has been installed to measure water flow by a residential unit, multi-residential building, or commercial facility, the sewer service charge each unmetered unit/ facility shall be as follows:

<u>Non-metered Customer Class</u>	<u>Monthly Charge</u>
Residential	\$15.85/unit
Multi-residential	\$14.15/living unit
Commercial	\$27.45/billing unit

Section 4. A new section 13.32.030 of the Gig Harbor Municipal Code is hereby enacted to read as follows:

13.32.030 Outside Sewer Service. Sewer service extended outside the city limits shall be charged at 1.5 times the city rates established in sections 2 and 3.

Section 5. A new section 13.32.040 of the Gig Harbor Municipal Code is hereby enacted to read as follows:

13.32.040 Utility taxes by state and city excluded. The sewer use charges listed in sections 2, 3, and 4 above do not include state and city utility taxes.

Section 6. A new section 13.32.050 of the Gig Harbor Municipal Code is hereby enacted to read as follows:

13.32.050 Billings-Delinquencies-Liens. The billing process, delinquent account enforcement and lien provisions used for sewer service accounts shall be as provided under the Water System Ordinance No. 498, section 5, "Billings-Delinquencies-Liens".

Section 7. A new section 13.32.060 of the Gig Harbor Municipal Code is hereby enacted to read as follows:

13.32.060 Hook-up Charges. The city shall impose the following hook-up charges:

- a) Inside the city's sewer utility local improvement district (ULID) - \$555/equivalent residential unit (ERU).
- b) Outside the city's sewer utility local improvement district (ULID) - \$1,375/equivalent residential unit (ERU).

The method/formula for determining the basic hook-up charge adjustment shall be: (basic hook-up charge/ERU) (Number of ERU's) = Total hook-up charge. The below assignment of equivalent residential units (ERU) to classes of service shall be used. The ERU assignment shall be applied on a proportionate basis.

There shall be an automatic hook-up charge adjustment each year based on the Engineering News Index construction costs factor.

Sewer Ordinance
Page Four

Class of Service

ERU Assignment

Residential

- | | |
|--|---|
| 1. Single family dwelling | 1 ERU |
| 2. Multi-family dwelling | 1 ERU per dwelling |
| 3. Trailer courts, | |
| a) permanent mobile home parks | 1 ERU per rental space provided sewer service |
| b) transient RV parks | 0.33 ERU per RV site provided sewer service |
| 4. Bed & Breakfast | 1 ERU, plus 1 ERU per 5 rental rooms |
| 5. Home Business (residential primary use) | 1 ERU |

Non-Residential


- | | |
|---|-----------------------------------|
| 6. High schools, Jr. High schools & Community College | 1 ERU per 24 students |
| 7. Elementary schools, Pre-schools, Day Care | 1 ERU per 54 students |
| 8. Churches | 1 ERU per 150 seats |
| - if parsonage | 1 ERU additional |
| - if weekday child care or church school | 1 ERU per 54 students, additional |
| 9. Hospitals-general | 1 ERU per bed |
| 10. Convalescent/rest homes | 1 ERU per 2 beds |
| 11. Hotels, Motels | 1 ERU per 2 rooms |
| - if Quality Restaurant | 1 ERU per 8 seats, additional |
| 12. Quality Restaurants | 1 ERU per 8 seats |
| 13. Fast Food | 1 ERU per 9 seats |
| 14. Tavern | 1 ERU per 15 seats |
| 15. Service stations (w/o car wash) | 2 ERUS |
| 16. Car Wash - Wand | 1.5 ERUS per stall |
| - Rollover | 7.0 ERUS |
| - Tunnel | 20 ERUS |
| 17. Laundromats | 1 ERU per machine |
| 18. Commercial | 1 ERU per 1600 sq. ft. |
| (Commercial shall include all classes not otherwise included on this table) | or less of interior floor space |

Sewer Ordinance
Page Five

19. Light industrial waste with
- a) 30 lbs to 200 lbs of S.S. per day, or
 - b) 30 lbs to 200 lbs of B.O.D. per day, and
 - c) less than 10,000 gallons per day
20. Heavy industrial waste with more than
- a) 200 lbs of BOD per day, or
 - b) 200 lbs of S.S. per day, or
 - c) 10,000 gallons or more per day
- Based on projected Average Monthly Flows during Peak Season - 700 cu. ft.
If projected flows are unknown then basis is same as Class 16.
- Same as Class 17


Where seating is on benches or pews the number of seats shall be computed on the basis of one seat for each 18 inches of bench or pew length.

Section 8. Effective date. This ordinance shall take effect and be in full force on January 1, 1987. PASSED by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the council held on this 24th day of November, 1986.



Don McCarty, Mayor

ATTEST:



Michael R. Wilson
City Administrator/Clerk

Filed with city clerk: 11/14/86
Passed by city council: 11/24/86
Date published: 12/17/86
Date effective: 1/1/87

ORDINANCE NO. 500

AN ORDINANCE adopting the budget for the City of Gig Harbor, Washington, for the 1987 fiscal year.

WHEREAS, the mayor of the City of Gig Harbor, Washington, completed and placed on file with the city administrator/clerk a proposed budget and estimate of the amount of the moneys required to meet the public expenses, bond retirement and interest, reserve funds and expenses of government of said city for the 1987 fiscal year, and a notice was published that the Gig Harbor City Council would meet on November 10 and 24, 1986 at 7:00 p.m., in the council chambers in the city hall for the purpose of making and adopting a budget for 1987 and giving taxpayers an opportunity to be heard on the budget; and

WHEREAS, the said city council did meet at the established time and place and did consider the matter of the 1987 proposed budget; and

WHEREAS, the 1987 proposed budget does not exceed the lawful limit of taxation allowed by law to be levied on the property within the City of Gig Harbor for the purposes set forth in the budget, and the estimated expenditures set forth in the budget being all necessary to carry on the government of Gig Harbor for 1987 and being sufficient to meet the various needs of Gig Harbor during 1987.

NOW, THEREFORE, the City Council of the City of Gig Harbor DO ORDAIN as follows:

Section 1. The budget for the City of Gig Harbor, Washington, for the year 1987 is hereby adopted in its final form and content as set forth in the document entitled City of Gig Harbor 1987 Budget, three (3) copies of which are on file in the office of the city administrator/clerk.

Section 2. Estimated resources, including fund balances or working capital for each separate fund of the City of Gig Harbor, and aggregate totals (net of transactions between funds) for all funds combined, for the year 1987 are set forth in summary form below, and are hereby appropriated for expenditure during the year 1987 as set forth below:

1987 Budget Ordinance
Page Two

<u>Fund</u>	<u>Department</u>	<u>Amount</u>
Gen. Govt. (001)		
	Legislative	\$ 6,100
	Municipal Court	75,094
	Administration/Finance	110,494
	Legal Services	18,000
	Police	323,218
	Planning and Community Devel.	96,755
	Parks and Recreation	49,187
	Building	13,500
	Non-departmental	544,750
	Ending Fund Balance	92,629
	Total Gen. Govt. Fund	<u>\$1,329,727</u>
Street Operating Fund (101)		400,632
G.O. Fire - Debt Service (200)		15,198
G.O. Sewer - Debt Service (201)		69,088
G.O. P.W. Bldg. - Debt Service (202)		30,075
G.O. Sewer Bond Redemption (203)		60,000
Gen. Govt. Cap. Asset Fund (301)		108,000
Equip. Res. (302)		6,000
Water Cap. Asset Fund (420)		147,000
Water Operating Fund (401)		442,309
Sewer Operating Fund (402)		408,170
Storm Drainage Operating Fund (411)		222,421
Sewer Cap. Asset Fund (410)		2,296,214
Utility Reserve (407)		133,785
Storm Drainage Redemption (412)		17,775
Advanced Refunding Bond Redemp. (413)		301,900
Trust - LID Guaranty (601)		2,780
Trust Fund - Misc. (Performance Pay) (602)		2,000
Total All Funds		<u>\$5,993,074</u>

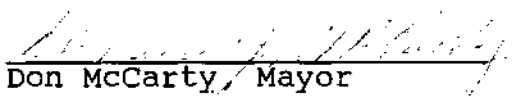
Section 3. Attachment "A" is adopted as the 1987 personnel salary schedule.

Section 4. The city administrator/clerk is directed to transmit a certified copy of the 1987 budget hereby adopted to the Division of Municipal Corporations in the Office of the State Auditor and to the Association of Washington Cities.

Section 5. This ordinance shall be in force and take effect five (5) days after its publication according to law.


1987 Budget Ordinance
Page Three

PASSED by the City Council of the City of Gig Harbor,
Washington, and approved by its Mayor at a regular
meeting of the council held on this 24th day of
November, 1986.



Don McCarty, Mayor

ATTEST:



Michael R. Wilson
City Administrator/Clerk

Filed with city clerk: 11/20/86
Passed by city council: 11/24/86
Date published: 12/17/86
Date effective: 12/22/86

ATTACHMENT "A"

1987 SALARY SCHEDULE

<u>POSITION</u>	<u>RANGE</u>	
	<u>Minimum</u>	<u>Maximum</u>
City Administrator	\$ 3,055	\$ 3,816
Public Works Director	2,800	3,470
Chief of Police	2,535	3,170
Planning Director	2,255	2,820
Public Works Supervisor	2,145	2,786
Finance Officer	2,190	2,735
Sewer Plant Supervisor	2,065	2,585
Sewer Plant Operator	1,880	2,350
Fire Marshal/ Building Official	1,970	2,460
Police Sergeant	2,110	2,640
Public Works Foreman	1,940	2,425
Equipment Operator	1,850	2,310
Maintenance Worker	1,760	2,200
Police Officer	1,920	2,400
Laborer	1,470	1,835
Asst. City Clerk	1,390	1,740
Court Clerk	1,390	1,740
Police Clerk	1,250	1,565
Utility Clerk	1,330	1,665
Receptionist	1,070	1,340

ORDINANCE NO. 501

AN ORDINANCE of the City of Gig Harbor, Washington, levying the General Property Taxes for the City of Gig Harbor for the fiscal year commencing January 1, 1987.

WHEREAS, the City Council of the City of Gig Harbor has considered the city's anticipated financial requirements for 1987, and the amounts necessary and available to be raised by ad valorem taxes on real and personal property, and

WHEREAS, it is the duty of the City Council to certify to the board of county commissioners/council estimates of the amounts to be raised by taxation on the assessed valuation of property in the city,

NOW, THEREFORE, the City Council of the City of Gig Harbor DO ORDAIN as follows:

Section 1. The ad valorem tax general levies required to raise estimated revenues for the City of Gig Harbor for the ensuing year commencing January 1, 1987, shall be levied upon the value of real and personal property which has been set at an assessed valuation of \$ 139,536,834. Taxes levied upon this value shall be:

- a) approximately \$2.1309 per \$1,000 assessed valuation, producing estimated revenue of \$297,334 for general government; and
- b) approximately \$0.25 per \$1,000 assessed valuation, producing estimated revenue of \$34,884 for emergency medical services.

Section 2. The ad valorem tax excess levies required to raise estimated revenues for the City of Gig Harbor for the ensuing year commencing January 1, 1987, shall be levied upon the value of real and personal property which has been set at an assessed valuation of \$ 137,819,633. Taxes levied upon this value shall be:

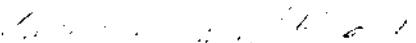
- a) approximately \$0.265 per \$1,000 assessed valuation, producing an estimated amount of \$36,488 for sewer general obligation; and
- b) approximately \$0.058 per \$1,000 assessed valuation, producing an estimated amount of \$7,966 for fire protection facilities general obligation.

General Property Tax Ordinance
Page Two

Section 3. This ordinance shall be certified by the city clerk to the clerk of the board of county commissioners/council and taxes hereby levied shall be collected and paid to the Finance Officer of the City of Gig Harbor at the time and in a manner provided by the laws of the State of Washington for the collection of taxes.

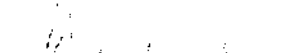
Section 4. This ordinance shall be published in the official newspaper of the city, and shall take effect and be in full force five (5) days after the date of publication.

PASSED by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the council held on this 8th day of December, 1986.



Don McCarty, Mayor

ATTEST:



Michael R. Wilson
City Administrator/Clerk

Filed with city clerk: 10/20/86
Passed by city council: 12/08/86
Date published: 12/17/86
Date effective: 12/22/86

ORDINANCE NO. 502

AN ORDINANCE ESTABLISHING COMPENSATION FOR THE MUNICIPAL COURT JUDGE.

WHEREAS, the present compensation level of the municipal court judge was established by ordinance in June, 1984, and

WHEREAS, such compensation level should be adjusted and it is the desire of the City Council of the City of Gig Harbor to set such salary by contract rather than by ordinance,

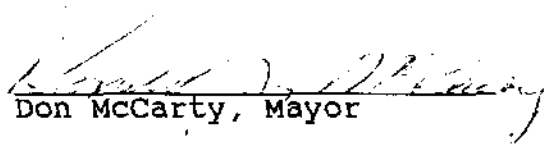
NOW, THEREFORE, the City Council of the City of Gig Harbor DO ORDAIN as follows:

Section 1. Section 4 of Ordinance #447 of the City of Gig Harbor Municipal Code is hereby amended to read as follows:


"The salary of the judge of the Municipal Court of the City of Gig Harbor shall be [\$600.00 a month] as established by contract."

Section 2. This ordinance shall be in full force and effect five days after passage, approval, and publication.

PASSED by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the council held on this 22nd day of December, 1986.


Don McCarty, Mayor

ATTEST:


Michael R. Wilson
City Administrator/Clerk

Filed with city clerk: 12/3/86
Passed by city council: 12/22/86
Date published: 1/7/87
Date effective: 1/12/87

ORDINANCE NO. 503

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, REPEALING VARIOUS ANTIQUATED CITY FUNDS AND CREATING NEW FUNDS WITH THE TREASURY OF THE CITY OF GIG HARBOR.

WHEREAS, the city no longer appropriates monies to nor uses various city funds, and

WHEREAS, it would be beneficial for auditing purposes to eliminate such funds from the treasury of the City of Gig Harbor, and

WHEREAS, it is necessary in order to maintain proper budgeting, accounting, record-keeping and auditing to create new funds,

NOW, THEREFORE, the City Council of the City of Gig Harbor DO ORDAIN as follows:

Section 1. Chapter 3.08 of the Gig Harbor Municipal Code, "City Hall Sinking Fund - Water Improvement Fund", is hereby repealed.

Section 2. Chapter 3.10 of the Gig Harbor Municipal Code, "Water System Improvements Fund", is hereby repealed.

Section 3. Chapter 3.28 of the Gig Harbor Municipal Code, "Repair and Demolition Fund", is hereby repealed.

Section 4. Chapter 3.40 of the Gig Harbor Municipal Code, "Utility Fund", is hereby repealed.

Section 5. Chapter 3.44 of the Gig Harbor Municipal Code, "Miscellaneous Funds" is hereby repealed.

Section 6. A new chapter 3.06 of the Gig Harbor Municipal Code is hereby enacted to read as follows:

"3.06 General Government Capital Assets Fund Created. There is created in the treasury of the City of Gig Harbor a special fund to be designated as the "general government capital assets fund". Such special fund is created for the purpose of funding replacement and new equipment, vehicles and capital facilities utilized under the city's general government operations."

Treasury Ordinance
Page Two

Section 7. A new chapter 3.08 of the Gig Harbor
Municipal Code is hereby enacted to read as follows:

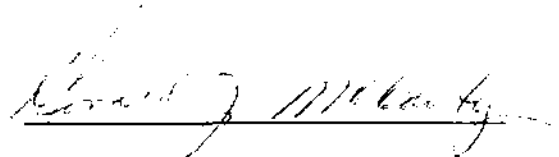
"3.08 Water Capital Assets Fund Created. There is hereby created in the treasury of the City of Gig Harbor a special fund to be designated as the "water capital assets fund". Such special fund is created for the purpose of funding replacement and new equipment, vehicles, and capital facilities utilized under the city's water utility operations."

Section 8. A new chapter 3.10 of the Gig Harbor
Municipal Code is hereby enacted to read as follows:

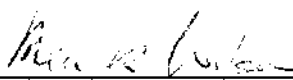
"3.10 Sewer Capital Assets Fund Created. There is hereby created in the treasury of the City of Gig Harbor a special fund to be designated as the "sewer capital assets fund". Such special fund is created for the purpose of funding replacement and new equipment, vehicles, and capital facilities utilized in the city's sewer utility operations."

Section 9. This ordinance shall take effect and be in full force five (5) days after its publication.

PASSED by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the council held on this 22nd day of December, 1986.


Don McCarty, Mayor

ATTEST:


Michael R. Wilson
City Administrator/Clerk

Filed with city clerk: 12/4/86
Passed by city council: 12/22/86
Date published: 12/23/86
Date effective: 12/28/86

[denotes deletions
_ denotes additions

ORDINANCE NO. 504

AN ORDINANCE RELATING TO CONDITIONAL USE PERMITS:
AMENDING SECTION 17.64.020 A. AND C. OF THE GIG HARBOR
MUNICIPAL CODE.

NOW, THEREFORE, the City Council of the City of Gig
Harbor DO ORDAIN as follows:

Section 1. Section 17.64.020 of the Gig Harbor
Municipal Code is hereby amended to read as follows:

[A. The use conforms generally to the objectives
of the comprehensive plan and the intent of this
title;]

A. Is the use required by public need?

B. Such uses will not be detrimental in any way
to nearby affected properties or their occupants;
and

[C. Such uses meet the overall density and floor
area (bulk) restrictions of the district in which
they are proposed.]

C. Will the use, if permitted, under all the
circumstances and conditions of this particular
case, materially affect adversely the health or
safety of persons residing or working in the
vicinity, or be materially detrimental to the
public welfare or injurious to property or
improvements in the neighborhood?

Section 2. A new provision of Section 17.64.020 is
hereby enacted to read as follows:

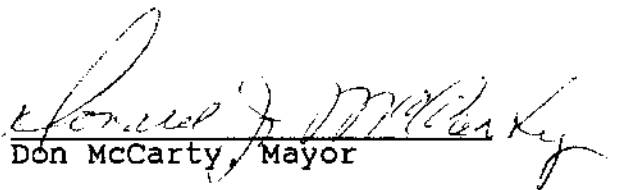
17.64.020

D. Will the use be contrary to the character or
performance standards established for the district
in which it is to be located?

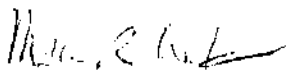
Section 3. This Ordinance shall take effect five (5)
days after its passage and publication as provided by
law.

Conditional Use Ordinance Amendment
Page Two

PASSED by the City Council of the City of Gig Harbor,
Washington, and approved by its Mayor at a regular
meeting of the council held on this 12th day of
January, 1987.


Don McCarty, Mayor

ATTEST:



Michael R. Wilson
City Administrator/Clerk

Filed with city clerk: 12/3/86
Passed by city council: 1/12/87
Date published: 1/21/87
Date effective: 1/26/87

ORDINANCE NO. 505

AN ORDINANCE of the City of Gig Harbor, Washington, amending the title map adopted by Title 17 establishing land use classifications in the City of Gig Harbor; Amending the zoning map adopted by said ordinance by providing a change of zone on certain real property commonly known as the Brocato/Hogan rezone, file number RZ-86-04, from W-1 (waterfront) to RB-1 (professional office) for certain property described herein; authorizing execution of a concomitant zoning agreement and establishing an effective date of this ordinance.

WHEREAS, procedures for change in the zoning of the site commonly known as Brocato/Hogan have been duly taken and had in accordance with the provisions of Title 17 of the Gig Harbor Municipal Code, and;

WHEREAS, the City of Gig Harbor has, during their last area-wide zoning, designated the site W-1, and;

WHEREAS, the city has determined that conditions affecting the use of the property have substantially changed since the property was given its present zoning classification. Those changes include the property being developed and improvements sited prior to the adoption of the waterfront zone and the inability of the existing zone to satisfy the intent of the W-1 district or the Shoreline Master Program, and;

WHEREAS, the city finds that providing a professional office and maintaining the architectural character of the structure is in the public interest, and;

WHEREAS, the RB-1 classification bears a reasonable relationship to surrounding properties, and;

WHEREAS, the RB-1 classification would be consistent with the existing comprehensive plans, and;

WHEREAS, the Planning Commission has recommended such change, and;

WHEREAS, the City Council has found that a concomitant zoning agreement is necessary in connection with the rezone of the property described in this ordinance to protect the public health, safety, and general community welfare,

NOW, THEREFORE, the City Council of the City of Gig Harbor DO ORDAIN as follows:

Brocato/Hogan Rezone Ordinance
Page Two

Section 1. That the following described real property situated in the City of Gig Harbor, County of Pierce, State of Washington, to wit:

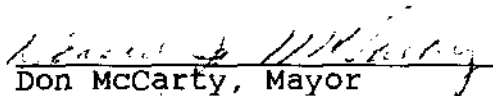
The southwesterly 120 feet of Lot 5, Block Two, Town of Millville, according to the Plat recorded in Volume 2 of Plats, Page 23, records of Pierce County; situate in the County of Pierce, State of Washington.

The official zoning map of the City of Gig Harbor located in Title 17 of the Gig Harbor Municipal Code, be and the same is hereby amended to reflect such change in zoning of such area. The city clerk shall make this classification change on the city's official zoning map and certify said change in accordance with the terms of Title 17 of the Gig Harbor Municipal Code.


Section 2. The Mayor is hereby authorized to execute and the city clerk to attest to that certain document entitle "Agreement Concomitant to Rezone of Property located at 3425 Harborview Drive, Gig Harbor, Washington". The city clerk is further directed to record said concomitant zoning agreement with the Pierce County Auditor as a covenant running with the land. The cost of said recordation shall be paid by the owner in accord with the terms of the Concomitant Zoning Agreement.

Section 3. This ordinance shall be published in the official newspaper of the city and take effect and be in full force five (5) days after the date of publication.

PASSED by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the council held on this 26th day of January, 1987


Don McCarty, Mayor

ATTEST:


Michael R. Wilson
City Administrator/Clerk

Filed with city clerk: 12/22/86
Passed by city council: 1/27/87
Date published: 2/4/87
Date effective: 2/9/87

ORDINANCE NO. 506

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON,
REPEALING CHAPTER 15.04 AND CHAPTER 17.07 AND ENACTING A
NEW CHAPTER 15.04 OF THE GIG HARBOR MUNICIPAL CODE.

WHEREAS, the Gig Harbor City Council, by Ordinance #187,
enacted Chapter 15.04, Gig Harbor Municipal Code as the
flood hazard construction standards applicable to the
incorporated area of Gig Harbor; and

WHEREAS, the legislature of the State of Washington has
in RCW 35A.11 and 86.16 delegated the responsibility to
cities to adopt regulations designed to promote the
public health, safety, and general welfare of its
citizenry;

NOW, THEREFORE, the City Council of the City of Gig
Harbor DO ORDAIN as follows:

Section 1. Chapter 15.04 and Chapter 17.07 of the Gig
Harbor Municipal Code are hereby repealed.

Section 2. A new section 15.04.010 of the Gig Harbor
Municipal Code is hereby enacted to read as follows:

15.04.010 Findings of Fact.

1. The flood hazard areas of the City of Gig Harbor are subject to periodic inundation which results in loss of life and property, health, and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
2. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to the flood loss.

Section 3. A new section 15.04.020 of the Gig Harbor
Municipal Code is hereby enacted to read as follows:

15.04.020 Statement of Purpose.

It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

1. To protect human life and health;
2. To minimize expenditure of public money and costly flood control projects;
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. To minimize prolonged business interruptions;
5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard;
6. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
7. To ensure that potential buyers are notified that property is in an area of special flood hazard; and,
8. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

Section 4. A new section 15.04.030 of the Gig Harbor Municipal Code is hereby enacted to read as follows:

15.04.030 Methods of Reducing Flood Losses.

In order to accomplish its purposes, this ordinance includes methods and provisions for:

1. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
2. Requiring that uses vulnerable to floods, including facilities which serve such uses, be

- protected against flood damage at the time of initial construction;
3. Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
 4. Controlling filling, grading, dredging, and other development which may increase flood damage; and
 5. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or may increase flood hazards in other areas.

Section 5. A new section 15.04.040 of the Gig Harbor Municipal Code is hereby enacted to read as follows:

15.04.040 Definitions.

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

"APPEAL" means a request for a review of the Building Official's interpretation of any provision of this ordinance or a request for a variance.

"AREA OF SHALLOW FLOODING" means a designated AO or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and, velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.

"AREA OF SPECIAL FLOOD HAZARD" means the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V.

"BASE FLOOD" means the flood having a one percent chance of being equalled or exceeded in any given year. Also referred to as the "100-year flood." Designation on maps always includes the letters A or V.

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"DEVELOPMENT" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

"FLOOD" or "FLOODING" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters and/or
2. The unusual and rapid accumulation of runoff of surface waters from any source.

"FLOOD INSURANCE RATE MAP (FIRM)" means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

"FLOOD INSURANCE STUDY" means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

"FLOODWAY" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

"LOWEST FLOOR" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance found at section 15.04.070 B 1(b).

"MANUFACTURED HOME" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use

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with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

"MANUFACTURED HOME PARK OR SUBDIVISION" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"NEW CONSTRUCTION" means structures for which the "start of construction" commenced on or after the effective date of this ordinance.

"START OF CONSTRUCTION" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundation or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

"STRUCTURE" means a walled and roofed building including a gas or liquid storage tank that is principally above ground.

"SUBSTANTIAL IMPROVEMENT" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

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1. before the improvement or repair is started, or
2. if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

1. any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or
2. any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

"VARIANCE" means a grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance.

Section 6. A new section 15.04.050 of the Gig Harbor Municipal Code is hereby enacted to read as follows:

15.04.050 General Provisions.

- A. Lands to Which this Ordinance Applies.
This ordinance shall apply to all areas of special flood hazards within the jurisdiction of the City of Gig Harbor.
- B. Basis for Establishing the Areas of Special Flood Hazard.
The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for the City of Gig Harbor," dated March 2, 1981, with accompanying Flood Insurance Maps is hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study is on file at Gig Harbor City Hall, 3105 Judson Street, Gig Harbor, Washington.

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C. Penalties for Noncompliance.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Failure to comply with any of the provisions of this ordinance (including violations of conditions and safeguards established in connection with conditions) shall constitute a violation of this ordinance. Any person who violates this ordinance or fails to comply with any of its requirements shall incur a cumulative civil penalty in the amount of fifty dollars (\$50.00) per day from the date set for correction thereof, as prescribed in chapter 15.18 of the Gig Harbor Municipal Code. Nothing herein contained shall prevent the City of Gig Harbor from taking such other lawful action as is necessary to prevent or remedy any violation.

D. Abrogation and Greater Restrictions.

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

E. Interpretation.

In the interpretation and application of this ordinance, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and,
3. Deemed neither to limit nor repeal any other powers granted under State statutes.

F. Warning and Disclaimer of Liability.

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards

or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Gig Harbor, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

Section 7. A new section 15.04.060 of the Gig Harbor Municipal Code is hereby enacted to read as follows:

15.04.060 Administration.

A. Establishment of Development Permit.

1. Development Permit Required.

A development permit shall be obtained before construction or development begins within any area of special flood hazard established in section 15.04.050 (B). The permit shall be for all structures including manufactured homes, as set forth in the "DEFINITIONS", and for all development including fill and other activities, also as set forth in the "DEFINITIONS".

2. Application for Development Permit.

Application for a development permit shall be made on forms furnished by the Building Official and may include but not be limited to; plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

- a. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
- b. Elevation in relation to mean sea level to which any structure has been floodproofed;

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- c. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in section 15.04.070 B(2) and,
 - d. Description of the extent to which a watercourse will be altered or relocated as a result of proposed development.
- B. Designation of the Building Official.
The Building Official is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.
- C. Duties and Responsibilities of the Building Official.
Duties of the Building Official shall include, but not be limited to:
- 1. Permit Review.
 - a. Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
 - b. Review all development permits to determine that all necessary permits have been obtained from those Federal, State, or local governmental agencies from which prior approval is required.
 - 2. Use of Other Base Flood Data.
When base flood elevation data has not been provided in accordance with section 15.04.050 (B), BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the Building Official shall obtain, review, and reasonably utilize any base flood elevation data available from a federal, State or other source, in order to administer section 15.04.070 (B) SPECIFIC STANDARDS.
 - 3. Information to be Obtained and Maintained.
 - a. Where base flood elevation data is provided through the Flood Insurance Study or required as in section 15.04.060 C(2) obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including

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- basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
- b. For all new or substantially improved floodproofed structures:
 - i. verify and record the actual elevation (in relation to mean sea level), and
 - ii. maintain the floodproofing certifications required in section 15.04.060 A 2.(C).
 - c. Maintain for public inspection all records pertaining to the provisions of this ordinance.
4. Alteration of Watercourses.
- a. Notify adjacent communities and the Washington State Department of Ecology's Floodplain Management Section prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
 - b. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
5. Interpretation of FIRM Boundaries.
Make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in section 15.04.060 (D).
- D. Variance Procedure.
1. Appeal Board.
 - a. The Hearing Examiner shall hear and decide appeals and requests for variances from the requirements of this ordinance.
 - b. The Hearing Examiner shall hear and decide appeals when it is alleged there

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- is an error in any requirement, decision, or determination made by the Building Official in the enforcement or administration of this ordinance.
- c. Those aggrieved by the decision of the Hearing Examiner, or any taxpayer, may appeal such decision to the Gig Harbor City Council.
 - d. In passing upon such applications, the Hearing Examiner shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:
 - i the danger that materials may be swept onto other lands to the injury of others;
 - ii the danger to life and property due to flooding or erosion damage;
 - iii the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - iv the importance of the services provide by the proposed facility to the community;
 - v the necessity to the facility of a waterfront location, where applicable;
 - vi the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - vii the relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
 - viii the relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
 - ix the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - x the expected heights, velocity, duration, rate of rise, and sediment transport of the flood

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- waters and the effects of wave action, if applicable, expected at the site; and,
 - xi the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
 - e. Upon consideration of the factors of section 15.04.060 D 1(d) and the purposes of this ordinance, the Hearing Examiner may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
 - f. The Building Official shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.
 - 2. Conditions for Variances.
 - a. Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (i-xi) in section 15.04.060 D 1(d) have been fully considered. As the lot size increases the technical justification required for issuing the variance increases.
 - b. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in this section.
 - c. Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.

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- d. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- e. Variances shall only be issued upon:
 - i a showing of good and sufficient cause;
 - ii a determination that failure to grant the variance would result in exceptional hardship to the applicant;
 - iii a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in section 15.04.060 D 1(d), or conflict with existing local laws or ordinances.
- f. Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.
- g. Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry-floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except 15.04.070 D 2(a), and otherwise complies with sections 15.04.070 A(1) and 15.04.070 A(2) of the GENERAL STANDARDS.

- h. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

Section 8. A new section 15.04.070 of the Gig Harbor Municipal Code is hereby enacted to read as follows:

15.04.070 Provisions for Flood Hazard Reduction.

- A. General Standards.
In all areas of special flood hazards, the following standards are required:
 - 1. Anchoring.
 - a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
 - b. All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).
 - 2. Construction Materials and Methods.
 - a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
 - b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
 - c. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise

elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

3. Utilities.

- a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and
- c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

4. Subdivision Proposals.

- a. All subdivision proposals shall be consistent with the need to minimize flood damage;
- b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and,
- d. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or 5 acres (whichever is less).

5. Review of Building Permits.

Where elevation data is not available either through the Flood Insurance Study or from another authoritative source (section 15.04.060 C(2)), applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

B. Specific Standards.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in section 15.04.050 B, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD or section 15.04.060 C(2), Use of Other Base Flood Data, the following provisions are required:

1. Residential Construction.

- a. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation.
- b. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
 - i A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - ii The bottom of all openings shall be no higher than one foot above grade.
 - iii Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

2. Nonresidential Construction.

New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall;

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- a. be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
 - b. have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
 - c. be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in section 15.04.060 C 3(b).
 - d. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in section 15.04.070 B 1(b).
 - e. Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g. a building constructed to the base flood level will be rated as one foot below that level).
3. Manufactured Homes.
All manufactured homes to be placed or substantially improved within Zones A1-30, AH, and AE shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of subsection 15.04.070 B(3).

C. Encroachments.

The cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one foot at any point.

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Section 9. A new section 15.04.080 of the Gig Harbor Municipal Code is hereby enacted to read as follows:

15.04.080 Excavation, grading, fill-- Permit required.

The building inspector shall require the issuance of a permit for any excavation, grading, fill or construction in the community.

Section 10. A new section 15.04.090 of the Gig Harbor Municipal Code is hereby enacted to read as follows:

15.04.090 Mudslide hazard.

The building inspector shall require review of each permit application to determine whether the proposed site and improvements will be reasonably safe from mudslides. If a proposed site and improvements are in a location that may have mudslide hazards, a further review must be made by persons qualified in geology and soils engineering; and the proposed new construction, substantial improvement, or grading must (a) be adequately protected against mudslide damage, and (b) not aggravate the existing hazard.

Section 11. A new section 15.04.100 of the Gig Harbor Municipal Code is hereby enacted to read as follows:

15.04.100 Validity.

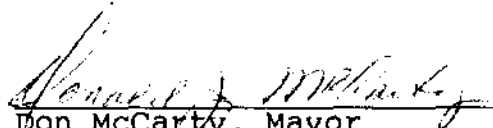
If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 12. The City Clerk is hereby directed to maintain not less than one (1) copy of this ordinance on file in the office of the City Clerk for use and examination by the public pursuant to RCW 35A12.140.


Section 13. This ordinance shall be and is hereby declared to be in full force and effect on April 1, 1987, after publication of the attached summary which is hereby approved.

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PASSED by the City Council of the City of Gig Harbor,
Washington, and approved by its Mayor at a regular
meeting of the council held on this 23rd day of
March, 1987.


Don McCarty, Mayor

ATTEST:



Michael R. Wilson
City Administrator/Clerk

Filed with city clerk: 3/3/87
Passed by city council: 3/23/87
Date published: 3/24/87
Date effective: 4/1/87

ORDINANCE NO. 507

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, AMENDING SECTION 10.04.010(B) OF THE GIG HARBOR MUNICIPAL CODE TO ADOPT RCW 46.61.688, ENTITLED "SAFETY BELTS, USE REQUIRED - PENALTIES - EXEMPTIONS," BY REFERENCE; AND DELETE THE ADOPTION BY REFERENCE OF RCW 46.90; AND SETTING AN EFFECTIVE DATE.

WHEREAS, the Gig Harbor City Council finds that the mandatory seat belt requirements contained in RCW 46.61.688 further the public's health, safety and welfare, and

WHEREAS, the Gig Harbor City Council finds that adoption by reference of RCW 46.90, the Model Traffic Ordinance, should be deleted from Section 10.04.010, because it is adopted in Section 10.04.005,

NOW, THEREFORE, the City Council of the City of Gig Harbor DO ORDAIN as follows:

Section 1. Section 10.04.010 of the Gig Harbor Municipal Code is hereby amended to read as follows:

- B. The following state statutes, including all future amendments, are adopted as part of this code as if set forth in full:

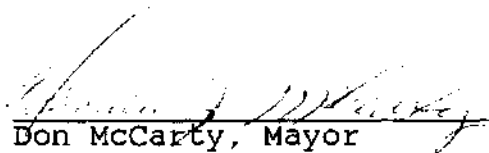
RCW 46.20.308(1)(2) and (3)
RCW 46.61.506
RCW 46.61.688

Section 2. The City Clerk is hereby directed to record an authenticated copy of RCW 46.61.688 with this ordinance and to maintain not less than one (1) copy of RCW 46.61.688 on file in the office of the City Clerk for use and examination by the public pursuant to RCW 35A.12.140.


Section 3. This ordinance shall take effect and be in full force five (5) days after publication of the attached summary which is hereby approved.

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PASSED by the City Council of the City of Gig Harbor,
Washington, and approved by its Mayor at a regular
meeting of the council held on this 23rd day of March,
1987.


Don McCarty, Mayor

ATTEST:



Michael R. Wilson
City Administrator/Clerk

Filed with city clerk: 3/5/87
Passed by city council: 3/23/87
Date published: 4/1/87
Date effective: 4/6/87

ORDINANCE NO. 508

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON,
RELATING TO THE MUNICIPAL SEWER SYSTEM: MODIFYING THE
PERIOD FOR CALCULATING THE MAXIMUM BASE USAGE FOR SEWER
BILLING PURPOSES.

WHEREAS, the city bills utility customers on a
bi-monthly basis for sewer services, the sewer commodity
charge is to be based upon using a four month winter
average, and the four month winter period is different
depending upon when a customer is billed,

NOW, THEREFORE, the City Council of the City of Gig
Harbor, Washington, DO ORDAIN as follows:

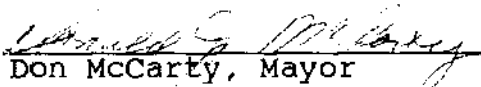
Section 1. Section 13.32.010 of the Gig Harbor
Municipal Code is hereby amended to read as follows (new
language is underlined):

" . . .
The commodity charge shall be based upon using the
four winter months (November through February or
December through March depending upon the
customer's billing cycle) as a maximum base usage
for billing puposes for the entire year."


Section 2. The City Clerk is hereby directed to
maintain not less than one (1) copy of this ordinance on
file in the office of the City Clerk for use and
examination by the public pursuant to RCW 35A.12.140.

Section 3. This ordinance shall be and is hereby
declared to be in full force and effect five days after
official publication of the attached summary which is
hereby approved.

PASSED by the City Council of the City of Gig Harbor,
Washington, and approved by its Mayor at a regular
meeting of the council held on this 25th day of May, 1987.


Don McCarty, Mayor

ATTEST:


Michael R. Wilson
City Administrator/Clerk

Filed with city clerk: 5/4/87
Passed by city council: 5/25/87
Date published: 6/17/87
Date effective: 6/22/87

ORDINANCE NO. 509

AN ORDINANCE AMENDING THE TITLE MAP ADOPTED BY TITLE 17 ESTABLISHING LAND USE CLASSIFICATIONS AND DISTRICTS IN THE CITY OF GIG HARBOR, WASHINGTON: AMENDING THE AGREEMENT FOR SPECIFIC USES OF LAND UPON CONDITION ADOPTED OCTOBER 9, 1978, ALLOWING COURTS AND ASSOCIATED ADMINISTRATIVE OFFICES AS A CONDITIONAL USE TO SAID AGREEMENT FOR CERTAIN PROPERTY DESCRIBED HEREIN, AND DECLARING THE EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, the City of Gig Harbor rezoned the subject property from R-1 (single family zoning) to a contract B-2 (local retail) including limitations of use of said land within the classification now contained in the City of Gig Harbor Code, Section 17.36.020; and that said requirements as to development of said tract are reasonable and substantially related to the public good in respect to improvement of the area while at the same time neutralizing any prospective negative impact of the proposed property usage upon the surrounding area, and;

WHEREAS, procedures for change in the zoning thereof have duly taken and had in accordance with provision of Title 17 of the Gig Harbor Municipal Code, and;

WHEREAS, including courts and associated administrative offices as a conditional use within the terms of the original contract bears a reasonable relationship to surrounding properties which currently allow public service uses as a conditional use, and;

WHEREAS, including courts and associated administrative offices as a conditional use within the terms of the original contract would be consistent with the comprehensive plan, and;

WHEREAS, courts and associated administrative offices are public facilities that are related to the public good, and;

WHEREAS, the hearing examiner has recommended such change, and;

WHEREAS, the City Council has found the same to be and for good and proper reasons that affect the public welfare;

NOW, THEREFORE, the City Council of the City of Gig Harbor, Washington, DO ORDAIN as follows:

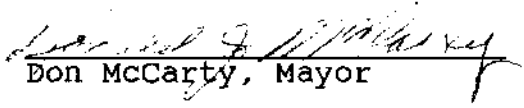
Contract Rezone Amendment Ordinance - The Woods
Page Two

Section 1. That portion of Government Lot 7, of the Abandoned Military Reservation, in Section 8, Township 21 North, Range 2 East of the Willamette Meridian, lying Easterly of a line parallel to and 30 feet Easterly from the FR-3 line of State Route 16 Narrows Bridge to Olympic Drive, EXCEPT, the North 275 feet thereof; all within the City of Gig Harbor, County of Pierce, State of Washington; and comprising approximately 5 acres; be and the same is hereby rezoned to allow courts and associated administrative offices as a conditional use.

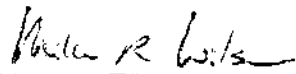
Section 2. That the official contract signed by then Mayor of the City of Gig Harbor, Jack D. Bujacich, Jr. dated 1978, is hereby amended to reflect such change in the zoning of such area. That the city clerk shall make this classification change on the city's official zoning map and certify said change in accordance with the terms of Title 17 of the Gig Harbor Municipal Code.

Section 3. This ordinance shall take effect upon publication of the attached summary which is hereby approved.

PASSED by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the council held on this 8th day of June, 1987.


Don McCarty, Mayor

ATTEST:



Michael R. Wilson
City Administrator/Clerk

Filed with city clerk: 5/22/87
Passed by city council: 6/8/87
Date published: 6/17/87
Date effective: 6/22/87

ORDINANCE NO. 510

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, DELETING CHAPTER 2.24 OF THE GIG HARBOR MUNICIPAL CODE, AND ADDING A NEW CHAPTER 2.22 TO THE GIG HARBOR MUNICIPAL CODE ESTABLISHING A SYSTEM OF CIVIL SERVICE FOR POLICE OFFICERS EMPLOYED BY THE CITY OF GIG HARBOR.

WHEREAS, RCW 41.12.010 authorizes cities to establish individual systems of civil service as long as such systems substantially accomplish the purposes of state civil service laws, and

WHEREAS, the City Council of the City of Gig Harbor deems it desirable to provide and maintain such an individual system which assures appointment and promotion on the basis of merit and provides a civil service commission to administer the system while at the same time meeting the individual needs of the City of Gig Harbor, and

WHEREAS, after considering the fluctuating nature of demands upon police services, the City Council deems it advisable to provide for a one-year period or probation for newly-appointed or promoted police officers together with the ability to extend such period under certain circumstances, and

WHEREAS, the City Council finds that the nature of provisional and temporary appointments creates a need to make the duration of such appointments vary with the circumstances,

NOW, THEREFORE, the City Council of the City of Gig Harbor, Washington, DO ORDAIN as follows:

Section 1. Chapter 2.24 of the Gig Harbor Municipal Code is hereby repealed.

Section 2. Civil Service System Created. A new Chapter 2.22 is hereby added to the Gig Harbor Municipal Code to read as follows:

2.22.010 Intent of Chapter. It is the intent of the City Council of the City of Gig Harbor in enacting this Chapter to create a system of Civil Service independent of Chapter 41.12 RCW but which substantially accomplishes the purposes of that Chapter. The City Council finds that the system of Civil Service set forth herein meets this intent and the requirements of RCW 41.12.010 for such independent systems.

Civil Service Ordinance
Page Two

2.22.020 Definitions. As used in this Chapter, the words and terms set forth in this section shall be given the following definitions:

1. "Appointing authority or power" means the Mayor of the City of Gig Harbor or the Mayor's designee.
2. "Appointment" includes all means of selecting, appointing or employing any person to hold any office, place, position or employment subject to civil service.
3. "Commission" means the civil service commission herein created, and "commissioner" means any one of the three commissioners appointed to that commission.
4. "City" means the City of Gig Harbor.
5. "Full-time fully commissioned officer" means an employee vested with full authority to perform the full range of law enforcement duties traditionally performed by police officers on a year round basis pursuant to the full-time schedule of work adopted by the police department.
6. "Emergency Appointment" means an appointment to serve in a position covered by this Chapter under emergency conditions for the duration of the emergency.
7. "Provisional Appointment" means an appointment to a position covered by this Chapter made in the absence of an eligibility list for the position and pending the establishment of such list.
8. "Temporary Appointment" means an appointment of an eligible or eligibles from any employment or promotional list to a position of specified, temporary duration.

2.22.030 Civil service commission created,
appointment, terms, removal and quorum.

- A. There is created in the city a civil service commission which shall be composed of three persons.
- B. The members of such commission shall be appointed by the mayor; provided, that the members of the civil service commission presently constituted shall be the initial commissioners of the newly created civil service commission and shall continue in office until the term of their current appointment expires. Confirmation of the appointment or appointments of commissioners by the City Council shall be required.
- C. The members of such commission shall serve without compensation.
- D. No person shall be appointed a member of such commission who is not a citizen of the United States, a resident of the City of Gig Harbor for at least one year immediately preceding such appointment, and an elector of Pierce County.
- E. Except for the initial commission, the term of office of such commissioners shall be six years.
- F. Any member of such commission may be removed from office for incompetency, incompatibility or dereliction of duty or malfeasance in office, or other good cause; provided, however, that no member of the commission shall be removed until charges have been preferred, in writing, due notice and a full hearing held.
- G. The members of such commission shall devote due time and attention to the performance of the duties hereinafter specified and imposed upon them by this Chapter.
- H. Two members of such commission shall constitute a quorum and the votes of any two members of such commission concurring shall be sufficient for the decision of all matters and the transaction of all business to be decided or transacted by the commission under or by virtue of the provisions of this Chapter.

2.22.040 Organization of commission - Powers and Duties - Secretary.

- A. Immediately after appointment, the commission shall organize by electing one of its members chairperson and shall hold regular meetings at least once a quarter, and such additional meetings as may be required for the proper discharge of its duties. It shall be the duty of the civil service commission, to the extent necessary to ensure that the provisions of this Chapter are carried out to:
1. Make suitable rules and regulations to implement this Chapter which are not inconsistent with the provisions thereof. Such rules and regulations shall provide in detail the manner in which examinations may be held, and appointments, promotions, transfers, reinstatements, demotions, suspensions and discharges shall be made and may also provide for any other matters which may be considered desirable to carry out the purposes of this Chapter. The rules and regulations and any amendments thereof shall be printed, mimeographed or multigraphed for public distribution at cost. Such rules and regulations may be changed from time to time. Pending adoption of new rules under this Chapter, the current civil service rules shall remain in effect to the extent not inconsistent with this Chapter;
 2. ensure that all tests are practical and consist only of subjects which will fairly determine the capacity of persons examined to perform the duties of the position to which appointment is to be made, and may include tests of physical fitness and/or manual skill;
 3. ensure that the rules and regulations adopted by the commission provide for veteran's preference credit in favor of all applicants for appointment under civil service, entitle to such credit pursuant to state law. These credits shall apply to entrance examinations only;

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Page Five

4. make investigations concerning and report upon all matters touching the enforcement and effect of the provisions of this Chapter, and the rules and regulations prescribed hereunder; inspect all institutions, departments, offices, places, positions and employments affected by this Chapter, and ascertain whether this Chapter and all such rules and regulations are being obeyed;
5. such investigations by the entire commission, or by a designated commissioner. Not only must these investigations be made by the commission as aforesaid, but the commission must make like investigation on petition of a citizen, duly verified stating that irregularities or abuses exist, or setting forth in concise language, in writing, the necessity for such investigation. In the course of such investigation, the commission or designated commissioner, or chief examiner, shall have the power to administer oaths, subpoena and require the attendance of witnesses and the production by them of books, papers, documents and accounts appertaining to the investigation and also to cause the deposition of witnesses residing within or without the state to be taken in the manner prescribed by law for like depositions in civil actions in the superior court; and the failure upon the part of any person so subpoenaed to comply with the provisions of this section and shall be deemed a violation of this Chapter and punishable as such;
6. ensure that all hearings and investigations before the commission are governed by this Chapter and by rules of practice and procedure to be adopted by the commission, and in the conduct thereof the commission shall not be bound by the technical rules of evidence. No informality in any proceedings or hearing, or in the manner of taking testimony before the commission shall invalidate any order, decision, rule

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Page Six

or regulation made, approved or confirmed by the commission; provided, however, that no order, decision, rule or regulation made by any designated commissioner conducting any hearing or investigation alone shall be of any force or effect whatsoever unless and until concurred in by at least one of the other two members;

7. hear and determine appeals or complaints respecting any examination and such other matters as may be referred to the commission pursuant to the duties outlined in subsection (1) of this section;
8. establish and maintain in card or other suitable form a roster of employees covered by civil service;
9. provide for, formulate and hold competitive tests to determine the relative qualifications of persons who seek employment in any class or position and as a result thereof establish eligible lists for the various classes of positions as established by the city; and to provide that employees laid off because of curtailment of expenditures, reduction in force, and for like cause, head the list in the order of their seniority, to the end that they shall be the first to be reemployed;
10. when a vacant position is to be filled, to certify to the appointing authority, on written request, the names of the three persons highest on the eligible list, as provided in Section 2.22.150. Where more than one vacant position is to be filled, the Commission shall certify from those highest on the eligible list, three times the number of persons necessary to fill the vacant position.
11. keep such records as may be necessary for the proper administration of this Chapter.

- B. The commission shall appoint a person to hold the position of secretary and chief examiner. The duties of the secretary and chief examiner shall be to keep the records of the commission, preserve all reports made to it, superintend and keep a record of all examinations held under its direction, and perform such other duties as the commission may prescribe. The commission may provide for the compensation of such person in an amount commensurate with the time and responsibility involved.
- C. The commission shall have no power to make any rule concerning the resignation or voluntary separation from employment of any person holding a position covered by this Chapter.

2.22.050 Persons included--Competitive examinations--Transfers, discharges and reinstatements.

- A. The provisions of this Chapter shall apply to all full-time, fully commissioned officers of the city's police department, except for the position of police chief, who, because of the nature of his position, shall serve in his position as other city department heads without civil service coverage.
- B. All clerical, dispatchers, mechanics, and other employees of the police department who are not full-time, fully commissioned police officers are excluded from coverage under this Chapter.
- C. The position of civil service secretary and chief examiner shall not be a civil service position.
- D. All appointments to and promotions to positions covered by this Chapter shall be made solely on merit, efficiency and fitness, which shall be ascertained by competitive examination and impartial investigation. No person shall be reinstated in or transferred, suspended or discharged from any such place, position, or employment contrary to the provisions of this Chapter.

2.22.060 Existing personnel continued under civil service. For the benefit of the public service and to prevent delay, injury or interruption therein by reason of the enactment of this Chapter, all persons having completed probation in the police department and entitled to civil service coverage, are hereby declared permanently appointed under civil service to the offices, places, positions or employemnts which they shall then hold respectively, and not on probation; and every such person is hereby automatically adopted and inducted permanently into civil service, into such office, place, position or employment which such person then holds even though that office, place, position or employment is not subject to the civil service requirements of this Chapter. Nothing in this Chapter shall be construed to exculpate or excuse any conduct of any employee committed or engaged in prior to the enactment of Chapter 2.22, and such conduct may be considered by the appointing authority and the Commission in any disciplinary action taken with repect to an employee whose position is covered by this Chapter.

2.22.070 Qualifications of applicants. An applicant for a position of any kind under civil service must be a citizen of the United States of America who can read, speak and write the English language. An applicant for a position of any kind under civil service must be of an age suitable for the position applied for, in ordinary good health, of good moral character and of temperate and industrious habits; these facts to be ascertained in such manner as the commission may deem advisable.

2.22.080 Tenure of employment--Grounds for discharge, reduction or deprivation of privileges. The tenure of everyone holding an office, place, position or employment under the provisions of this Chapter shall be only during good behavior and any such person may be removed or discharged, suspended without pay, demoted, or reduced in rank, or deprived of vacation privileges or other special privileges for any of the following reasons:

- 1) Incompetency, inefficiency or inattention to or dereliction of duty;

- 2) dishonesty, disgraceful, intemperance, prejudicial, immoral conduct, insubordination, discourteous treatment of the public, or a fellow employee or any other act of omission or commission tending to injure the public service; or any other willful failure on the part of the employee to properly conduct himself; or any willful violation of the provisions of this Chapter or the rules and regulations to be adopted hereunder;
- 3) mental or physical unfitness for the position which the employee holds;
- 4) drunkenness or use of intoxicating liquors, narcotics or any other habit forming drug, liquid or preparation to such extent that the use thereof interferes with the efficiency or mental or physical fitness of the employee, or which precludes the employee from properly performing the function and duties of any position under civil service;
- 5) conviction of a felony, or a misdemeanor, involving moral turpitude or illegal drug use;
- 6) promotion of dissatisfaction among members of the department;
- 7) manhandling, mishandling or inhumane treatment of a civilian or person under arrest;
- 8) such other and further bases as may be established from time to time by the department or the appointing authority.
- 9) Any other act or failure to act which in the judgement of the civil service commissioners is sufficient to show the offender to be an unsuitable and unfit person to be employed in the public service.

2.22.090 Procedure for Discipline of Permanent Appointees--Predisciplinary hearing.

- A. No person in the classified civil service who shall have been permanently appointed or

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inducted into civil service under the provisions of this Chapter shall be removed, suspended, demoted or discharged except for cause as provided in Section 2.22.080. For purposes of this section, a resignation or voluntary separation from employment shall not be considered a removal, suspension, demotion or discharge.

- B. Whenever the appointing authority has determined that cause for removal, suspension, demotion or discharge exists, the appointing authority shall offer the accused employee the opportunity for a predisciplinary hearing. Such hearing shall consist of oral or written notice of the charges being given to the employee, and a meeting between the employee and the appointing authority at which an explanation of the appointing authority's evidence and an opportunity for the employee to tell his or her side of the story prior to discipline is given.
- C. If, upon completion of the predisciplinary hearing, the appointing authority determines that there is sufficient evidence to warrant removal, suspension, demotion or discharge of the employee, the appointing authority shall serve the employee with a written statement which contains, in general terms, the charges and evidence against the employee, together with a statement of the disciplinary action to be taken. A duplicate of the statement required by this subsection shall be filed with the commission.
- D. Any person removed, suspended, demoted or discharged under the provisions of this section may, within ten days from the date of the removal, suspension, demotion or discharge, file with the commission a written demand for an investigation.

2.22.100 Hearing required--Notice.

- A. Whenever the commission shall receive a timely, written demand for investigation, the commission shall schedule a hearing in order to

conduct such investigation. The hearing shall be open to the public, except as otherwise provided in this Chapter, and shall be held not less than 20 days, nor more than 60 days, after receipt of the written demand for investigation, unless good cause is shown for either an earlier or later scheduling.

- B. Written notice of the scheduled hearing shall be mailed by certified mail, return receipt requested, not less than ten (10) days prior to the date selected for the hearing. The notice shall be mailed to the accused, or his attorney or representative designated in the demand, and also to the appointing authority. The notice shall identify the case to be heard, the names of the parties and their representatives, if any, and shall specify the time and place of the hearing.

2.22.110 Hearings--Legal counsel.

Both the appointing authority and the accused shall have the right to be represented by legal counsel at all stages of the commission's investigation and hearing. In addition, the commission may, in its discretion, retain independent counsel at city expense to assist the commission in the conduct of the hearing process.

2.22.120 Hearings--Scope and standard of review.

Hearings upon demand for investigation or review of disciplinary actions taken by the appointing authority shall be quasi-judicial in nature and shall be conducted de novo. The inquiry of the commission shall be limited in such matter to the determination of the question of whether the removal, suspension, demotion, or discharge was or was not made for political or religious reasons, and was or was not made in good faith for cause.

2.22.130 Conduct of hearing--Evidence.

- A. The chairperson or acting chairperson of the commission shall conduct the hearing in an orderly manner and shall rule on all procedural matters, objections and motions made by any party.
- B. The testimony of all witnesses shall be under

oath. All documents which any party wishes to have the commission review as part of the evidence shall be introduced as exhibits. A verbatim record of the proceeding shall be kept.

- C. All portions of the hearing shall be open to the public, with the following exceptions:
 - 1. Where all parties agree to a closed hearing; or
 - 2. where the chairperson determines that, because of the sensitive nature of a witness' testimony, the hearing should be closed during that testimony in order to prevent unnecessary embarrassment to the witness;
 - 3. where the commission determines to exclude witnesses who have not yet testified or who may be recalled to testify during the testimony of other witnesses; or
 - 4. during the deliberations of the commission.
- D. The chairperson shall determine the proper order of the hearing. As a general rule, the hearing shall proceed as follows:
 - 1. The appointing authority and the accused shall each be offered the opportunity to make an oral opening statement, setting out briefly a statement of the facts, disputes and issues in the case. Either party may waive opening statement.
 - 2. After opening statements, the appointing authority shall introduce all evidence in his or her case in chief.
 - 3. After the close of the appointing authority's case, the accused may then introduce all evidence in his or her case in chief.
 - 4. Rebuttal evidence from the appointing authority will be received after the close of the accused's case in chief.

5. Upon completion of rebuttal testimony and evidence, each party shall be given an opportunity to make a closing statement to the commission setting forth that party's view of the evidence and its relation to the issues before the commission.
 6. After completion of closing statements, the commission shall deliberate and render a decision.
- E. All matters to be proven by any party shall be proven by a preponderance of the evidence. The appointing authority bears the burden of sustaining a removal, suspension, demotion or discharge.
- F. In conducting the hearing, the commission shall not be bound by the technical rules of evidence. The commission may receive and examine any and all evidence which it determines to be relevant to the issues before the commission.
- G. During the presentation of the testimony, each party shall be allowed direct examination, if the witness is called by the party in his or her case in chief or rebuttal, or cross-examination, if the witness is called by an adverse party in such party's case in chief or rebuttal. In addition, each Commissioner and the Commission's legal counsel, if any may question any witness.

2.22.140 Decision of commission--Findings and conclusions required.

- A. After the hearing has been completed, the commission shall deliberate and reach a decision concerning the disciplinary action. If the commission finds that the removal, suspension, demotion or discharge was made for political or religious reasons or was not made in good faith for cause, the commission shall order the immediate reinstatement or reemployment of the accused in the office, place, position or employment from which such person was removed, suspended, demoted or discharged, which reinstatement shall, if the

commission so provides in its discretion, be retroactive, and entitle such person to pay or compensation from the time of such removal, suspension, demotion or discharge. If, on the other hand, the commission finds that such removal, suspension, demotion or discharge was not made for political or religious reasons and was made in good faith for cause, the commission may affirm the removal, suspension, demotion or discharge, or, in lieu thereof, may order such greater or lesser discipline as it deems appropriate under the circumstances.

- B. In rendering its decision, the commission shall make findings and conclusions in support thereof. The findings shall contain a summary of the evidence relied upon by the commission in reaching its decision and the conclusions shall indicate the commission's reasoning in applying the standard of review set forth in Section 2.22.120 to the facts. The findings of the commission shall be certified in writing to the appointing power and shall be enforced by such power.
- C. The accused may appeal from the commission's decision or order to the Pierce County Superior Court. Such appeal shall be taken by serving the commission, within 10 days after the entry of the commission's judgement or order, with a written notice of appeal, stating the grounds thereof, and demanding that a certified transcript of the record and all papers and exhibits on file in the office of the commission affecting or relating to such judgement or order be filed by the commission with such court. The accused shall pay all costs of preparing the transcript at the time the notice of appeal is filed. The commission shall, within 30 days after the filing of such notice and the payment of costs, make, certify and file such transcript with such court. The Pierce County Superior Court shall proceed to hear and determine such appeal in a summary manner; provided, however, that such hearing shall be confined to the determination of whether the judgement or order made by the commission was or was not made in good faith

for cause, and no appeal to such court shall be taken except upon such ground or grounds.

2.22.150 Vacancies--Probation.

- A. Whenever a position in the classified service becomes vacant, the appointing authority, if it desires to fill the vacancy, shall make requisition upon the commission for the names and addresses of the persons eligible for appointment thereto.
- B. If an eligible list exists for the class of such position which contains the names of at least three eligibles who are willing to accept employment, the commission shall forthwith certify the names of the top three persons eligible for appointment to the appointing authority, and the appointing authority shall appoint one person so certified to the position, provided that they are in fact found to be qualified for the position by the appointing authority.
- C. If there is no eligible list for the class, the commission shall either establish such a list as provided in this Chapter or otherwise determine what list shall be deemed appropriate for such class. The commission shall then certify the names of the three persons standing highest on the list and the appointing authority shall appoint one person so certified to the position, providing that they are found in fact to be qualified for the position by the appointing authority.
- D. If there is an eligible list for the class which contains the names of less than three eligibles, the appointing authority may, upon being notified of such fact, elect to fill the vacancy by temporary appointment until the eligible list contains the names of at least three eligibles, or may, in the alternative, request that the commission certify the names of those remaining on the list for appointment.
- E. If, upon the conduct of any background or other investigation by the appointing authority the

Civil Service Ordinance
Page Sixteen

appointing authority determines that the name of any person should be removed from the eligible list, the commission shall remove the name forthwith. If any name is so removed or if any person certified by the commission requests not to be considered for appointment, the commission shall certify the next highest person on the eligible list to replace those removed.

- F. To enable the appointing authority to exercise a choice in the filling of positions, no appointment, employment or promotion in any position in the classified service shall be deemed complete until after the expiration of a period of one year of probationary service, during which the appointing authority may terminate the employment of the person appointed by him or her, if, during the performance test thus afforded, upon observation or consideration of the performance of duty, the appointing authority deems such person unfit or unsatisfactory for service in the department. Upon such termination of employment, the appointing authority shall request the commission to certify the next three persons highest on any eligibility list for the position and the appointing authority shall appoint one person so certified to the vacant position, provided that the appointing authority finds such person to in fact be qualified for the position. Upon such appointment, the person appointed shall likewise enter upon the duties of the position for a period of one year's probationary service in the same manner as the original appointment. This process shall be repeated until some person is found who is deemed fit for appointment, employment or promotion for the probationary period provided therefore, whereupon the appointment, employment or promotion shall be deemed to be complete.
- G. The appointing authority may, in its discretion, extend probation for any appointee up to an additional six months after expiration of the original one year probationary period.

2.22.160 Emergency, Provisional, and Temporary Appointments.

- A. In order to meet the requirements of an emergency condition which threatens the public safety, the appointing authority may employ any person or persons in a position covered by this Chapter, without regard to the restrictions imposed herein. Such employment shall be limited to the duration of the emergency and shall not exceed 90 days without council approval.
- B. The appointing authority may make a provisional appointment to a position covered by this Chapter when no eligible list exists for the position. Such appointment shall expire upon the establishment of an eligible list for the position by the Commission and the appointment of a person from such list by the appointing authority.
- C. Whenever a temporary position or temporary vacancy in a position exists, the appointing authority may fill such position or vacancy using the following procedures:
 1. In making a temporary appointment, the appointing authority shall make requisition to the secretary and chief examiner in the manner provided for regular appointment, but shall indicate the time at which it is estimated the position will terminate. The secretary and chief examiner shall notify the person or persons appearing on the appropriate eligibility list or lists, indicating the nature of the position and its duration, to learn who may be willing to accept temporary appointment. The three most qualified persons willing to accept shall be certified to the appointing authority.
 2. Notwithstanding the provisions of Subsection 1 above, the appointing authority may make temporary transfers or appointments to fill temporary vacancies caused by disability, illness, or vacations without seeking a list of eligibles there-

fore, and the employee temporarily filling the position may be paid the compensation usually paid for such service.

- D. No temporary or provisionasal appointment shall be continued, and no person shall be employed in a position on a temporary or provisional basis for more than 12 months, provided that a temporary or provisional appointment may be extended for up to an additional six months if, for any reason, it cannot be determined at the expiration of the initial appointment that the position being filled by temporary or provisional appointment will, in fact, continue to be vacant, such as in the instance of a position vacant due to an officer on disability leave under the LEOFF Act or for other good cause which, in the discretion of the Commission, warrants an additional extension of such provisional or temporary appointment.
- E. The period during which any person serves in a position covered by this Chapter as a provisional or temporary appointee shall not be credited against any probationary period for a permanent appointment and shall not be used for computing time in grade or time of service for purposes of promotion.

2.22.170 Power to create offices, make appointments and fix salaries not infringed.

- A. All offices, places, classifications, job qualifications, job descriptions, salary ranges and positions coming within the purview of this Chapter shall be created and abolished by the city council.
- B. The mayor alone or the mayor's designee or whomever otherwise is vested with power and authority may select, appoint, or employ any person coming within the purview of this Chapter.
- C. Nothing contained in this Chapter shall infringe upon the power and authority of any such person or group of persons, or appointing authority, to fix the salaries and compensation of all employees employed hereunder or to specify the qualifications, including experience, necessary for any position within the civil service.

2.2.180 Enforcement by civil action--Legal counsel.
It shall be the duty of the commission to begin and conduct all civil suits which may be necessary for the proper enforcement of this Chapter and of the rules of the commission. The commission shall be represented in such suits by the city attorney, or his/her designee, but the commission may in any case be represented by special counsel appointed by it.

2.22.190 Deceptive practices, false marks, etc., prohibited.
No commissioner or any other person, shall, by himself or in cooperation with one or more persons, defeat, deceive, or obstruct any person in respect of his right of examination or registration according to the rules and regulations of this Chapter, or falsely mark, grade, estimate or report upon the examination or proper standing of any person examined, registered or certified pursuant to the provisions of this Chapter, or aid in so doing, or make any false representation concerning the same, or concerning the person examined, or furnish any person any special or secret information for the purpose of improving or injuring the prospects or chances of any person so examined, registered or certified, or to be examined, registered or certified or persuade any other person, or permit or aid in any manner any other person to personate him, in connection with any examination or registration of application or request to be examined or registered.

2.22.200 Penalty--Jurisdiction.
Any person who shall willfully violate any of the provisions of this Chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than Five Thousand Dollars (\$5,000.00) or by imprisonment in jail for not longer than one (1) year, or by both such fine and imprisonment.

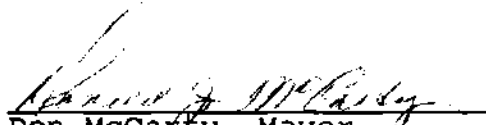
2.22.210 Applicability.
The examination and eligibility provisions of this Chapter and establishment of positions covered by civil service by the provisions of this Chapter shall be effective for all appointments made after the effective date of this Chapter.

2.22.220 Severability.


If any section, sentence, clause or phrase of this Chapter should be 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, sentence, clause or phrase of this Chapter.

Section 3. Effective Date. This ordinance shall take effect and be in full force five (5) days after publication of the attached summary which is hereby approved.

PASSED by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the council held on this 8th day of June, 1987.


Don McCarty, Mayor

ATTEST:



Michael R. Wilson
City Administrator/Clerk

Filed with city clerk: 5/18/87
Passed by city council: 6/8/87
Date published: 6/17/87
Date effective: 6/22/87

AN ORDINANCE AMENDING THE TITLE MAP ADOPTED BY TITLE 17 ESTABLISHING LAND USE CLASSIFICATIONS AND DISTRICTS IN THE CITY OF GIG HARBOR, WASHINGTON: ANNULING THE AGREEMENT FOR SPECIFIC USERS OF LAND UPON CONDITION ADOPTED OCTOBER 9, 1978, AND CLASSIFYING PROPERTY DESCRIBED HEREIN AS B-2 (LOCAL RETAIL), AND DECLARING THE EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, the City of Gig Harbor rezoned the subject property from R-1 (single family zoning) to a contract B-2 (local retail) including limitations of use of said land within the classification now contained in the City of Gig Harbor Code, Section 17.36.020; and that said requirements as to development of said tract were reasonable and substantially related to the public good in respect to improvement of the area while at the same time neutralizing any prospective negative impact of the proposed property usage upon the surrounding area, and;

WHEREAS, terms of the original agreement were amended twice since passage of the ordinance, and;

WHEREAS, a B-2 zoning would bear reasonable relationship with surrounding properties, and;

WHEREAS, the Gig Harbor Comprehensive Plan adopted in 1986 designates the property as commercial/business, and;

WHEREAS, public need has been substantiated, and;

WHEREAS, the City Council has found the same to be and for good and proper reasons that affect the public welfare;

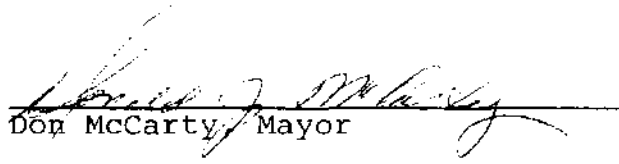
NOW, THEREFORE, the City Council of the City of Gig Harbor DO ORDAIN as follows:

Section 1. That portion of Government Lot 7, of the Abandoned Military Reservation, in Section 8, Township 21 North, Range 2 East of the Willamette Meridian, lying Easterly of a line parallel to and 30 feet Easterly from the FR-3 line of State Route 16 Narrows Bridge to Olympic Drive, EXCEPT, the North 275 feet thereof; all within the City of Gig Harbor, County of Pierce, State of Washington; and comprising approximately 5 acres; be and the same is hereby rezoned to B-2 (local retail) and annulling all previous specific user agreements.

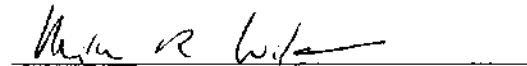
The Woods Rezone Ordinance
Page Two

Section 2. This ordinance shall take effect and be in full force five (5) days after publication of the attached summary which is hereby approved.

PASSED by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the council held on this 27th day of July, 1987.


Don McCarty, Mayor

ATTEST:


Michael R. Wilson
City Administrator/Clerk

Filed with city clerk: 7/10/87
Passed by city council: 7/27/87
Date published: 8/12/87
Date effective: 8/17/87

0008.15003
LCI/naa
07/08/87
R: 07/28/87

ORDINANCE NO. 512

AN ORDINANCE OF THE CITY OF GIG HARBOR,
WASHINGTON, AMENDING THE OFFICIAL ZONING MAP
OF THE CITY OF GIG HARBOR TO CHANGE THE ZONING
DESIGNATION ON CERTAIN REAL PROPERTY COMMONLY
KNOWN AS THE WOLF REZONE, FROM R-1 (SINGLE
FAMILY RESIDENTIAL) TO B-2 (GENERAL RETAIL);
AUTHORIZING EXECUTION OF A CONCOMITANT ZONING
AGREEMENT AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the Hearing Examiner at a public hearing held May 20, 1987, and continued on June 3, 1987, considered the following amendment to the Official Zoning Map of the City and a concomitant zoning agreement and made his findings and recommendations which were forwarded to the City Council, and

WHEREAS, the City Council at public meetings on July 13 and 27, 1986, reviewed the recommendations of the Hearing Examiner and at the conclusion of said public meeting determined that the proposed rezone should be approved, and

WHEREAS, the City Council has reviewed the findings of fact and conclusions of the Hearing Examiner, together with the recommended conditions for approval of the proposed rezone and adopts said findings, conclusions and conditions, and

WHEREAS, the City Council specifically finds that a concomitant zoning agreement is necessary in connection with the rezone of the property described in this ordinance to protect the public health, safety and general community welfare, now, therefore,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON,

DO ORDAIN AS FOLLOWS:

Section 1. The Official Zoning Map of the City of Gig Harbor, as adopted by Section 17.12.020 of the Gig Harbor Municipal Code, is hereby amended by changing the zoning classification of certain property located at 7506 Soundview Drive, Gig Harbor, from R-1 (Single Family Residential) to B-2 (General Retail) subject to a concomitant zoning agreement with the following conditions:

A. The use of the property shall be limited to permitted uses in an R-1 zone, a bed and breakfast facility not to exceed five guest rooms, an art gallery and retail sales related thereto, a seminar facility, occasional catered events and the owner's residence.

B. The seminar facility shall be limited to a maximum of twenty persons at any one time.

C. If after monitoring the impacts of the seminar facility and catered events for one year, City staff determine these uses have created possible adverse impacts on surrounding properties, a public hearing may be held by the Hearing Examiner to review the impacts and make a recommendation to the City Council. After considering the recommendation of the Hearing Examiner, the City Council shall have the right to continue the catered events and/or seminar facility as a permanent use, discontinue the catered events and/or seminar facility, or set additional conditions for their continued uses.

The legal description of the property rezoned is as follows:

PARCEL A: Lot 1, as shown on Short Plat No. 8601090312, filed with the Pierce County Auditor, in Pierce County, Washington.

PARCEL B: Commencing at the Northwest corner of the Northeast Quarter of the Southeast Quarter of the Northwest Quarter of Section 8, Township 21 North, Range 2 East of the W.M., in Pierce County, Washington; thence South 02°32'42" West, along the West line of said subdivision, 99.00 feet; thence South 88°26'24" East, parallel to the North line of said subdivision 334.07 feet to the true point of beginning; thence South 02°28'12" West, parallel to the East line of said

subdivision, 90.40 feet; thence South 88°27'22" East 300.00 feet to the West right of way line of Soundview Drive; thence North 02°28'12" East, along said West line, 90.32 feet to a point that bears South 88°26'24" East from the true point of beginning; thence North 88°26'24" West 300.00 feet to the true point of beginning.

Section 2. The written findings of the Hearing Examiner on this subject dated June 24, 1987, with attachments, are hereby adopted by the City Council as the basis for the zoning map change effectuated by this ordinance.

Section 3. The Planning Director is hereby instructed to effectuate the necessary amendments to the Official Zoning Map of the City of Gig Harbor pursuant to this ordinance.


Section 4. The Mayor is hereby authorized to execute and the City Clerk to attest to that certain document entitled "Concomitant Zoning Agreement for Wolf Rezone." The City Clerk is further directed to record said concomitant zoning agreement with the Pierce County Auditor as a covenant running with the land. The cost of said recordation shall be paid by the Owner in accord with the terms of the Concomitant Zoning Agreement.

Section 5. This ordinance shall be in full force and effect five (5) days after passage and publication by posting as provided by law.

APPROVED:


MAYOR, DON McCARTY

ATTEST/AUTHENTICATED:


CITY CLERK, MICHAEL WILSON

FILED WITH THE CITY CLERK: July 10, 1987
PASSED BY THE CITY COUNCIL: July 27, 1987
PUBLISHED: August 12, 1987
EFFECTIVE DATE: August 17, 1987
ORDINANCE NO. 512

ORDINANCE NO. 513

AN ORDINANCE RELATING TO THE 1987 CITY BUDGET: ADOPTING A BUDGET EMERGENCY FOR THE GENERAL GOVERNMENT FUND (#001), SEWER CAPITAL ASSET FUND (#410), STORM DRAINAGE FUND (#411), AND FEDERAL REVENUE SHARING FUND (#199).

WHEREAS, it is the intent of the city council to promote and financially support tourism and economic development in the city, and;

WHEREAS, it is the intent of the city council to financially support local government legal services, and;

WHEREAS, unanticipated funds were received from the federal revenue sharing program and such funds have been used to financially support the city's storm drainage system, and;

WHEREAS, there is a need for the sewer capital asset fund (#410) to borrow sufficient funds from city funds to cover capital expenses incurred through the month of June, 1987;

NOW, THEREFORE, the City Council of the City of Gig Harbor, Washington, DO ORDAIN, as follows:

Section 1.

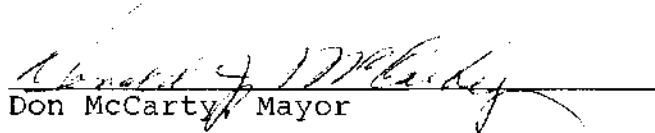
- a) The Sewer Capital Asset Fund (#410) shall be increased by \$200,000 to cover the expenses incurred through June, 1987 for construction work at the sewer treatment plant.
- b) The General Government Fund (#001) shall be increased by \$600 to cover the contributions provided to support the promotion of tourism and local government legal services.
- c) The Storm Drainage Fund (#411) shall be increased by \$686 from a transfer of unanticipated and unbudgeted revenues receipted into the Federal Revenue Sharing fund (#199).

An appropriation totaling \$401,972 is hereby made as provided in Exhibit "A".

Section 2. This emergency ordinance shall be in full force and take effect five (5) days after its publication, according to law.

Budget Emergency Ordinance
Page Two

PASSED by the City Council of the City of Gig harbor,
Washington, and approved by its Mayor at a regular
meeting of the council held on this 27th day of
July, 1987.


Don McCarty, Mayor

ATTEST:



Michael R. Wilson
City Administrator/Clerk

Filed with city clerk: 7/10/87
Passed by city council: 7/27/87
Date published: 8/12/87
Date effective: 8/17/87

EXHIBIT "A"

BUDGET EMERGENCY

Fund #001 - General Government Fund

001 - 01 Non-departmental

Decrease:

508.00 Ending Fund Balance \$600

Increase: Expenditure/Use

515.10.41 Legal center contribution \$100

573.10.41 Community events admin. \$500

Fund #199 - Federal Revenue Sharing

Decrease: Expenditure/Use

597.411 Transfer to storm drainage fund (#411) \$686

Increase: Revenue/ Resource

332.10 Federal Revenue share payments \$686

Fund #411 - Storm Drainage Operating

Increase: Revenue/Resource

397.199 Transfer from Federal Revenue Sharing (#199) \$686

Increase:

508.00 Ending Fund Balance \$686

Fund #001 - General Government Fund

001 - 01 Non-departmental

Decrease: Expenditure/Use

581.10 Interfund load disbursement 57,000

Increase: Revenue/Resource

381.20 Interfund loan receipt 57,000

Fund #101 - Street

Decrease: Expenditure/Use
581.10 Interfund loan disbursement 78,000

Increase: Revenue/Resource
381.20 Interfund loan receipt 78,000

Fund #413 - Utility Bond Redemption

Decrease: Expenditure/Use
581.10 Interfund loan disbursement 65,000

Increase: Revenue/Resource
381.20 Interfund loan receipt 65,000

Fund #410 - Sewer Capital Asset

Decrease:
381.20 Interfund loan disbursement 200,000

Increase:
581.20 Interfund loan repayment 200,000

ORDINANCE NO. 514

AN ORDINANCE RELATING TO THE 1987 CITY BUDGET ADOPTING A BUDGET EMERGENCY FOR THE GENERAL GOVERNMENT FUND (#001).

WHEREAS, the city has and will incur much higher civil legal service expenses than anticipated,

NOW, THEREFORE, the City Council of the City of Gig Harbor, Washington, DO ORDAIN as follows:

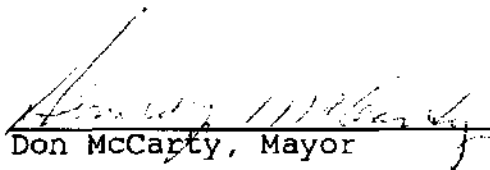
Section 1.

The General Government Fund, legal services (#001.05) shall be increased by \$14,000 to cover the city's civil legal services through 1987.

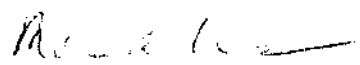
An appropriation totaling \$14,000 is hereby made as provided in Exhibit "A".

Section 2. This budget emergency shall be in full force and take effect five (5) days after its publication according to law.

PASSED by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the council held on this 10th day of August, 1987.


Don McCarty, Mayor

ATTEST:


Michael R. Wilson
City Administrator/Clerk

Filed with city clerk: 7/24/87
Passed by city council: 8/10/87
Date published: 9/16/87
Date effective: 9/21/87

EXHIBIT "A"

BUDGET EMERGENCY

Fund 001 - General Government Fund

001.05 Legal Services

<u>Increase:</u>	Expenditure/Use	
515.20.41	Professional services	\$14,000

001.19 Ending Fund Balance

<u>Decrease:</u>	Expenditure/Use	
508.00.00	Ending Fund Balance	\$14,000

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Please return original to:
City of Gig Harbor
P.O. Box 145
Gig Harbor, WA 98335

92 JUN -21 AM 10:34

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ORDINANCE NO. 515

RECORDED
BRIAN SCINTAG
AUDITOR PIERCE CO. WASH.

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, CREATING UTILITY LOCAL IMPROVEMENT DISTRICT NO. 2 OF THE CITY AND ESTABLISHING THE BOUNDARIES THEREOF; ORDERING THE ACQUISITION, CONSTRUCTION AND INSTALLATION OF CERTAIN IMPROVEMENTS FOR THE BENEFIT THEREOF; ADOPTING PLANS THEREFOR; AND DECLARING THE ESTIMATED COST THEREOF.

WHEREAS, on June 8, 1987, the City Council of the City of Gig Harbor, Washington (the "City") adopted Resolution No. 206, wherein the City Council declared its intention to create Utility Local Improvement District No. 2 of the City and to improve the area within the proposed boundaries of said utility local improvement district by the acquisition, construction and installation of a part of sewer system extensions and improvements as described therein; and

WHEREAS, notice of the hearing on said Resolution No. 206 was given by publication and mailing in the manner required by law; and

WHEREAS, as provided in said resolution and mailed notice of hearing, said hearing was held at 7:00 p.m. on July 13, 1987, at City Hall, 3105 Judson Street, Gig Harbor, Washington, at which time and place the City Council offered to hear all objections of persons affected by the formation of said utility local improvement district and considered all of the written objections of the formation of said utility improvement district presented

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and filed at the office of the City Clerk prior to the time and date of said hearing; and

WHEREAS, at said hearing all protests were considered and after a discussion of the same and of the proposed improvements, the City Council has now determined to order the construction and installation of the improvements described in said Resolution No. 206 and further determined that Utility Local Improvement District No. 2 be created;

NOW, THEREFORE, THE CITY COUNCIL OF GIG HARBOR, WASHINGTON, DOES ORDAIN as follows:

Section 1. The acquisition, construction, and installation of the sewer system extensions and improvements for the area within Utility Local Improvement District No. 2, as such improvements are more particularly described in Resolution No. 206 and herein are hereby ordered. Utility Local Improvement District No. 2 of the City of Gig Harbor, Washington, shall be and is hereby created as of the date of passage of this ordinance, and the boundaries thereof are hereby fixed as set forth in Exhibit "A" attached hereto and by this reference made a part hereof.

Section 2. The City Council hereby finds that the acquisition, construction and installation of the following described improvements will be of special benefit to the property within the boundaries of said Utility Local Improvement District No. 2.

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Section 3. The City shall acquire, construct, and install extensions of the City's sewer system, all as set forth in Exhibit "B" attached hereto and by this reference made a part hereof.

In carrying out such plan of improvements, the City shall construct and install all pump stations, wyes, drains, fittings, equipment and appurtenances necessary to the proper operation of the sewer system of the City, and shall acquire by purchase or condemnation, gift or grant, or lease, all property, both real and personal, or any interest therein, and all rights-of-way, franchises and easements which may be found necessary to acquire, construct and install the above-described improvements, which are all as more particularly set forth in maps and plans prepared by the City's engineers.

It is hereby further provided that the hereinbefore authorized plan of improvements shall be subject to such changes as to details of size and location, or any other details of said plan which do not affect the service to be provided by the main general plan, as shall be authorized by the City Council either prior to or during the course of actual construction.

Section 4. The detailed plans for the acquisition, construction and installation of such improvements as prepared by the City engineers are hereby approved and adopted.

The estimated cost and expense of carrying out said plan of improvements is hereby declared to be the sum of \$1,835,000, 100% of which will be borne by and assessed against the real property within the boundaries of Utility Local Improvement District No. 2

specially benefitted by said improvements. The assessments to be levied shall be paid into a revenue bond fund to be hereafter created to pay principal and interest on the revenue bonds which will be used to pay the cost, in whole or in part, of the improvements to be made.

Section 5. In computing assessments for the cost of acquiring, constructing and installing the hereinbefore described improvements, the nature thereof and the properties abutting upon, adjacent or vicinal to the same is such that the special benefits conferred upon all of such properties are not fairly reflected by the zone and termini method of computing assessments, and therefore, the assessments shall be made against such properties in accordance with the special benefits which they will derive from said improvements, without regard to the zone and termini method of computation of assessments.

READ for the first time on July 27, 1987, 1987, and finally approved on August 10, 1987, 1987, by the City Council of Gig Harbor, Washington.

CITY OF GIG HARBOR, WASHINGTON

By Donald J. McCarty
Donald J. McCarty, Mayor

Attest:

Michael R. Wilson
Michael R. Wilson
City Administrator/Clerk

9206020307

BK0780PG1636

Date filed with Clerk: July 27, 1987
Date passed by Council: August 10, 1987
Date published: August 26, 1987

CLERK'S CERTIFICATE

I, the undersigned, the duly chosen, qualified and acting Clerk of the City of Gig Harbor, Washington (the "City"), and keeper of the records of the City Council, DO HEREBY CERTIFY:

1. That the attached is a true and correct copy of Ordinance No. 515 (herein called the "Ordinance") of the City, as finally passed at a meeting of the City Council held on the 15th day of August, 1987, and duly recorded in my office.

2. That said meeting was duly convened and held in all respects in accordance with law, and to the extent required by law, due and proper notice of such meeting was given; that a quorum was present throughout the meeting and a legally sufficient number of members of the City Council voted in the proper manner for the passage of the Ordinance; that all other requirements and proceedings incident to the proper passage of the Ordinance have been duly fulfilled, carried out and otherwise observed, and that I am authorized to execute this certificate.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City of Gig Harbor, Washington, this 15th day of August, 1987.

Michael S. Tucker
Michael S. Tucker, City Clerk



9206020307

June 3, 1987

EXHIBIT A

LEGAL DESCRIPTION:

AN EASEMENT, IN SECTIONS 17 AND 20, TOWNSHIP 21 NORTH, RANGE 2 EAST, W.M., IN PIERCE COUNTY, WASHINGTON, OF ADEQUATE WIDTH, FOR THE DESIGN, CONSTRUCTION, USE, AND MAINTENANCE OF A SANITARY SEWER PIPE, NEAR TO, OVER, UNDER, AND ACROSS THE FOLLOWING DESCRIBED LINES AND PARCELS:

- including pump stations
- A. THIS EASEMENT SHALL BE EAST OF THE FOLLOWING DESCRIBED LINE:
- BEGINNING AT THE SOUTHWEST CORNER OF LOT 4 OF A LARGE LOT SUBDIVISION AS RECORDED UNDER AUDITORS FILE NO. 8507190134, RECORDS OF PIERCE COUNTY, WASHINGTON, SAID POINT BEING ON THE WEST LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 20; THENCE NORTH, ALONG SAID WEST LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER AND ALONG THE WEST LINE OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 20, TO A POINT ON THE CENTERLINE OF 56TH STREET N.W. AND THE TERMINUS OF THE DESCRIBED LINE.
- B. THIS EASEMENT SHALL BE ON THE NORTH, EAST AND SOUTH SIDES OF THE FOLLOWING DESCRIBED LINE:
- BEGINNING AT THE INTERSECTION OF THE WEST LINE OF THE EAST HALF OF THE WEST HALF OF SAID SECTION 20 AND THE CENTERLINE OF 56TH STREET N.W.; THENCE EAST, ALONG THE CENTERLINE OF 56TH STREET N.W., APPROXIMATELY 800 FEET, TO A LOCATION FOR A SANITARY SEWER MANHOLE AND THE TERMINUS OF THIS DESCRIBED LINE.
- C. THE NORTH 60 FEET OF PIERCE COUNTY'S TAX ASSESSOR'S ACCOUNT NO. 022117-03-048 AND THE NORTH 60 FEET OF PIERCE COUNTY'S TAX ASSESSOR'S ACCOUNT NO. 022117-3-049.
- D. THIS EASEMENT SHALL BE NORTH OF THE FOLLOWING DESCRIBED LINE:
- BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 17; THENCE EAST, ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, APPROXIMATELY 670 FEET, TO THE CENTERLINE OF RANDLE WAY AND THE TERMINUS OF THE DESCRIBED LINE.
- E. THIS EASEMENT SHALL BE NORTH, EAST, AND WEST OF THE FOLLOWING DESCRIBED LINE:
- BEGINNING AT THE INTERSECTION OF THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 17 AND THE CENTERLINE OF RANDLE WAY; THENCE NORTH, ALONG SAID CENTERLINE OF RANDLE WAY, APPROXIMATELY 1000 FEET, TO A LOCATION FOR A SANITARY SEWER MANHOLE AND THE TERMINUS OF THIS DESCRIBED LINE.
- F. THIS EASEMENT SHALL BE ON THE NORTHERLY SIDE OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 4 OF A LARGE LOT SUBDIVISION AS RECORDED UNDER AUDITORS FILE NO. 8507190134, RECORDS OF PIERCE COUNTY, WASHINGTON; THENCE EASTERLY, ALONG THE SOUTHERLY LINES OF SAID LOT 4 AND LOTS 5, 6 AND 7 OF SAID LARGE LOT SUBDIVISION AND THE EASTERLY PROLONGATION OF SAID SOUTHERLY LINE OF LOT 7, APPROXIMATELY 1340 FEET, TO THE CENTERLINE OF 30TH AVENUE N.W., ALSO KNOWN AS THE POINT FOSDICK - GIG HARBOR ROAD, AND THE TERMINUS OF THIS DESCRIBED LINE.

- G. THIS EASEMENT SHALL BE NORTHERLY, EASTERLY AND WESTERLY, AND NORTHERLY OF THE FOLLOWING DESCRIBED LINE, SAID LINE TO BE LOCATED MORE PRECISELY AT A FUTURE DATE BASED UPON SOUND ENGINEERING DESIGN:

BEGINNING AT THE INTERSECTION OF THE CENTERLINE OF 30TH AVENUE N.W., ALSO KNOWN AS POINT FOSDICK - GIG HARBOR ROAD, AND THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 20; THENCE EAST ALONG SAID SOUTH LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER, APPROXIMATELY 430 FEET, TO A SANITARY SEWER MANHOLE LOCATION; THENCE NORTHEASTERLY ON A DEFLECTION ANGLE TO THE LEFT OF 38 DEGREES, APPROXIMATELY 540 FEET, TO A SANITARY SEWER MANHOLE LOCATION; THENCE NORTHEASTERLY, ON A DEFLECTION ANGLE TO THE LEFT OF 24 DEGREES, APPROXIMATELY 250 FEET, TO A SANITARY SEWER LOCATION; THENCE NORTHERLY, ON A DEFLECTION ANGLE TO THE LEFT OF 28 DEGREES, APPROXIMATELY 770 FEET, TO THE SOUTH LINE OF SAID SECTION 17; THENCE WEST, ALONG SAID SOUTH LINE OF SECTION 17, APPROXIMATELY 460 FEET, TO A SANITARY SEWER LOCATION AND THE TERMINUS OF THIS DESCRIBED LINE.

- H. THIS EASEMENT SHALL BE EASTERLY AND WESTERLY OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT THE INTERSECTION OF THE SOUTH LINE OF THE NORTH HALF OF THE NORTH HALF OF SAID SECTION 20 AND THE CENTERLINE OF 30TH AVENUE N.W., ALSO KNOWN AS POINT FOSDICK - GIG HARBOR ROAD; THENCE NORTH ALONG SAID CENTERLINE OF ROAD, THROUGH SAID SECTIONS 20 AND 17, APPROXIMATELY 4000 FEET, TO THE WESTERLY MARGIN OF SR-16; THENCE NORTHWESTERLY, ALONG SAID WESTERLY MARGIN OF SR-16, APPROXIMATELY 400 FEET, TO A POINT WHERE SAID EASEMENT SHALL CROSS SR-16 AND THE TACOMA - LAKE CUSHMAN POWER LINE EASEMENT, SAID POINT TO BE LOCATED MORE PRECISELY AT A FUTURE DATE BASED UPON SOUND ENGINEERING DESIGN; THENCE NORTHEASTERLY, ACROSS SAID SR-16 AND SAID TACOMA - LAKE CUSHMAN POWER LINE EASEMENT, APPROXIMATELY 350 FEET, TO THE CENTERLINE OF SOUNDVIEW DRIVE; THENCE NORTHERLY, ALONG SAID CENTERLINE OF SOUNDVIEW DRIVE, APPROXIMATELY 650 FEET, TO AN EXISTING GRAVITY FEED SANITARY SEWER MANHOLE AND THE TERMINUS OF THIS DESCRIBED LINE.

- I. THIS EASEMENT SHALL BE NORTHERLY AND SOUTHERLY OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT THE INTERSECTION OF 30TH AVENUE N.W., ALSO KNOWN AS THE POINT FOSDICK - GIG HARBOR ROAD, AND OLYMPIC DRIVE N.W.; THENCE WESTERLY, ALONG THE CENTERLINE OF SAID OLYMPIC DRIVE N.W., APPROXIMATELY 500 FEET, TO A SANITARY SEWER LOCATION AND THE TERMINUS OF THIS DESCRIBED LINE.

June 3, 1987

EXHIBIT B

LEGAL DESCRIPTION:

THAT PORTION OF SECTION 17 AND THE NORTH HALF OF SECTION 20, ALL OF TOWNSHIP 21 NORTH, RANGE 2 EAST, W.M. DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE LINE BETWEEN SAID SECTIONS 17 AND 20, SAID POINT BEING EAST OF THEIR COMMON ONE QUARTER CORNER AND ON THE EASTERLY MARGIN ON SR-16; THENCE NORTHERLY, ALONG SAID EASTERLY MARGIN, TO AN INTERSECTION WITH SAID EASTERLY MARGIN AND THE GIG HARBOR CITY LIMITS, AS SAID LIMITS EXIST ON JUNE 1, 1987; THENCE CONTINUING NORTHERLY ALONG SAID EASTERLY MARGIN AND SAID CITY LIMITS, TO THE EASTERLY PROLONGATION OF THE NORTH LINE OF A SHORT PLAT, AS RECORDED UNDER AUDITORS FILE NO. 8310210291, RECORDS OF PIERCE COUNTY, WASHINGTON; THENCE WEST, ALONG SAID EASTERLY PROLONGATION AND SAID NORTH LINE TO THE NORTHWEST CORNER OF SAID SHORT PLAT, SAID POINT BEING THE NORTHWEST CORNER OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 17; THENCE SOUTH, ALONG THE WEST LINE OF SAID SOUTH HALF OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER, APPROXIMATELY 660 FEET, TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 17, SAID NORTHWEST CORNER BEING A POINT ON THE CENTERLINE OF 56TH STREET N.W.; THENCE SOUTH, ALONG THE WEST LINE OF SAID NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, APPROXIMATELY 1320 FEET, TO THE NORTHWEST CORNER OF LARGE LOT SUBDIVISION NO. 2042, AS RECORDED UNDER AUDITORS FILE NO. 8407300292, RECORDS OF PIERCE COUNTY, WASHINGTON AND THE NORTHEAST CORNER OF PIERCE COUNTY SHORT PLAT NO. 75-3; THENCE WEST, ALONG THE NORTH LINE OF SAID SHORT PLAT NO. 75-3, AND THE NORTH LINE OF A PARCEL WITH PIERCE COUNTY TAX ASSESSORS ACCOUNT NO. 022117-3-050 TO THE NORTHWEST CORNER OF SAID PARCEL; THENCE SOUTH, ALONG THE WEST LINE OF SAID PARCEL, APPROXIMATELY 480 FEET, TO A POINT ON THE NORTH LINE OF A PARCEL WITH PIERCE COUNTY TAX ASSESSORS ACCOUNT NO. 022117-3-049; THENCE WEST, ALONG THE NORTH LINE OF SAID PARCEL, APPROXIMATELY 150 FEET, TO THE NORTHWEST CORNER OF SAID PARCEL; THENCE SOUTH, ALONG THE WEST LINE OF SAID PARCEL, APPROXIMATELY 400 FEET, TO THE SOUTH LINE OF SAID PARCEL, SAID LINE ALSO BEING THE SOUTH LINE OF THE NORTH 13 ACRES OF THE SOUTH 26 ACRES OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 17; THENCE EAST, ALONG SAID SOUTH LINE, APPROXIMATELY 684 FEET, TO THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SOUTHWEST QUARTER OF SECTION 17; THENCE SOUTH, ALONG SAID WEST LINE OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER, APPROXIMATELY 400 FEET, TO THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 17, SAID POINT ALSO BEING THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 20, SAID POINT ALSO BEING THE NORTHWEST CORNER OF LOT 4 OF A LARGE LOT SUBDIVISION AS RECORDED UNDER AUDITORS FILE NO. 8507190134, RECORDS OF PIERCE COUNTY, WASHINGTON; THENCE SOUTH, ALONG THE WEST LINE OF SAID LOT 4, APPROXIMATELY 704 FEET, TO THE SOUTHWEST CORNER OF SAID LOT 4; THENCE NORTHEASTERLY, ALONG THE SOUTHERLY LINE OF SAID LOT 4, APPROXIMATELY 335 FEET, TO THE SOUTHWEST CORNER OF LOT

9206020307

LEGAL DESCRIPTION (CONT.):

5, SAID LARGE LOT SUBDIVISION; THENCE SOUTHEASTERLY, ALONG THE SOUTHERLY LINE OF SAID LOT 5 AND LOT 6, SAID LARGE LOT SUBDIVISION, APPROXIMATELY 394 FEET, TO AN ANGLE POINT ON THE SOUTHERLY LINE OF SAID LOT 6; THENCE SOUTHERLY, ALONG THE WESTERLY LINE OF LOT 1, SAID LARGE LOT SUBDIVISION, APPROXIMATELY 525 FEET, TO THE SOUTHWEST CORNER OF SAID LOT 1, SAID POINT ALSO BEING ON THE SOUTH LINE OF SAID NORTHEAST QUARTER OF THE NORTHWEST QUARTER; THENCE EASTERLY, ALONG SAID SOUTH LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER AND ALONG THE SOUTH LINE OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SAID SECTION 20, APPROXIMATELY 2930 FEET, TO THE EASTERLY MARGIN OF SAID SR-16; THENCE NORTHERLY, ALONG SAID EASTERLY MARGIN OF SR-16, APPROXIMATELY 1600 FEET, TO A POINT ON THE LINE BETWEEN SAID SECTIONS 17 AND 20 AND THE POINT OF BEGINNING.

CITY OF GIG HARBOR, WASHINGTON

UNLIMITED TAX GENERAL OBLIGATION BONDS, 1987

\$1,300,000

ORDINANCE NO. 516

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, PROVIDING FOR THE ISSUANCE AND SALE OF UNLIMITED TAX GENERAL OBLIGATION BONDS OF THE CITY IN THE PRINCIPAL SUM OF \$1,300,000, FOR THE PURPOSE OF PROVIDING FUNDS TO PAY PART OF THE COSTS OF CAPITAL IMPROVEMENTS TO ITS DOMESTIC SEWER SYSTEM; PROVIDING THE DATE, FORM, TERMS AND MATURITIES OF SAID BONDS; CREATING A BOND FUND; PROVIDING FOR THE DISPOSITION OF THE PROCEEDS OF SALE OF SUCH BONDS; PROVIDING FOR THE ANNUAL LEVY OF TAXES TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS; AND PROVIDING FOR THE SALE THEREOF.

INTRODUCED: August 5, 1987

PASSED: August 10, 1987

Prepared By:

PRESTON, THORGRIMSON, ELLIS & HOLMAN

SEATTLE, WASHINGTON

CITY OF GIG HARBOR, WASHINGTON

ORDINANCE NO. _____

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* Neither this Table of Contents nor the preceding cover page is a part of this ordinance.

ORDINANCE NO. 512

AN ORDINANCE of the City Council of the City of Gig Harbor, Washington, providing for the issuance and sale of unlimited tax general obligation bonds of the City in the principal sum of \$1,300,000, for the purpose of providing funds to pay part of the costs of capital improvements to its domestic sewer system; providing the date, form, terms and maturities of said bonds; creating a bond fund; providing for the disposition of the proceeds of sale of such bonds; providing for the annual levy of taxes to pay the principal of and interest on said bonds; and providing for the sale thereof.

WHEREAS, the City of Gig Harbor, Washington (the "City"), by Ordinance No. 495, passed on September 17, 1986, has found it necessary for the public welfare and for the benefit of the residents of the City that improvements to the domestic sewer system of the City be undertaken (the "Project"); and

WHEREAS, at an election held on November 4, 1986, the voters of the City authorized issuance of unlimited tax levy general obligation bonds in the principal amount of \$1,300,000 (the "Bonds") to pay the costs of the Project; and

WHEREAS, the City has received the offer of Boettcher & Company, Inc. to purchase the Bonds; and

WHEREAS, the Council has reviewed said offer and finds it acceptable,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, DOES ORDAIN as follows:

Section 1. Definitions. As used in this ordinance, the following words shall have the following meanings, unless a different meaning clearly appears from the context.

"Bond Fund" means the "City of Gig Harbor Unlimited Tax General Obligation Bond Redemption Fund, 1987" created by Section 5 of this ordinance.

"Bond Register" means the books or records maintained by the Bond Registrar containing the name and mailing address of the owner of each Bond or nominee of such owner and the principal amount and number of Bonds held by each owner or nominee.

"Bond Registrar" means the fiscal agencies of the State of Washington, currently Seattle-First National Bank, Seattle, Washington, and IBJ Schroder Bank & Trust Company, New York, New York, or any fiscal agent of the State of Washington that may hereafter be designated as successor to such banks.

"Bonds" means the \$1,300,000 principal amount of City of Gig Harbor, Washington, Unlimited Tax General Obligation Bonds, 1987, issued pursuant to this ordinance for the purpose of paying the costs of the Project authorized by Section 2 hereof.

"City" means the City of Gig Harbor, Washington, a municipal corporation duly organized and existing under and by virtue of the Constitution and laws of the State of Washington.

"Code" means the Internal Revenue Code of 1986, as the same may be amended from time to time, together with any applicable regulations thereunder.

"Construction Fund" means the City of Gig Harbor Sewer Capital Assets Fund heretofore created in the office of the City Administrator/Treasurer.

"Council" means the City Council, as general legislative authority of the City as the same shall be duly and regularly constituted from time to time.

"Project" means the capital improvements to the System, as authorized by Section 2 of this ordinance.

"System" means the combined system of water and sewerage now maintained by the City, as the same shall be improved, added to and extended from time to time.

"Treasurer" means the Treasurer of the City appointed by the Mayor, or any successor to the functions of such Treasurer.

Section 2. Findings and Authorization of Project. It is hereby found and declared that the public interest and benefit of the inhabitants of the City require that the City expand and improve the City's sewage treatment plant in order to comply with the requirements of the State of Washington Department of Ecology. The foregoing, together with the costs of issuance of the Bonds (hereinafter authorized), are herein referred to as the "Project." The estimated cost of the Project and of all costs incidental thereto and to the issuance of the Bonds hereby declared to be as near as may be, \$2,500,000, which shall be provided from the proceeds of sale of the Bonds and from a grant received from the State of Washington Department of Ecology.

The Council shall approve plans and specifications for the Project and proceed with the acquisition, construction and equipping of the Project in such stages and at such times as shall hereafter be determined by the Council. If the Council shall determine that it has become impractical to undertake any part or all of the planning, development, acquisition, construction or equipping of the Project by reason of changed conditions, insufficient funding or increased costs, the Council may make such changes in the size, scope or details of the Project as it shall deem reasonable.

Section 3. Authorization of Bonds. The City hereby authorizes the issuance and sale of the Bonds in the aggregate principal amount of \$1,300,000 to provide the funds necessary to pay the cost of the Project and all costs incidental thereto and to the issuance of the Bonds. The Bonds shall be general obligations of the City; shall be designated "City of Gig Harbor, Washington, Unlimited Tax General Obligation Bonds, 1987," shall be dated as of August 1, 1987; shall be issued in fully registered form in the denomination of \$5,000 or any integral multiple thereof, provided that no Bond shall represent more than one maturity, shall be numbered separately and in the manner and with any additional designation as the Bond Registrar deems necessary for purposes of identification; shall bear interest from their date, until the Bonds have been paid or their payment duly provided for, at the following rates, payable on June 1, 1988, and semiannually there-

after on the first day of each June and December; and shall mature on December 1 of each year as follows:

<u>Maturity Year</u>	<u>Principal Amounts</u>	<u>Interest Rates</u>
1989	\$35,000	
1990	35,000	
1991	40,000	
1992	45,000	
1993	50,000	
1994	50,000	
1995	55,000	
1996	60,000	
1997	65,000	
1998	70,000	
1999	75,000	
2000	80,000	
2001	85,000	
2002	95,000	
2003	100,000	
2004	110,000	
2005	120,000	
2006	130,000	

The City hereby specifies and adopts the system of registration for the Bonds approved by the State Finance Committee, and the fiscal agencies of the State of Washington in the cities of Seattle, Washington, and New York, New York, shall act as authenticating trustee, transfer agent, paying agent and registrar for the Bonds (collectively, the "Bond Registrar"). Both principal of and interest on the Bonds shall be payable in lawful money of the United States of America. Interest on the Bonds shall be paid by check or draft of the Bond Registrar mailed (on the date such interest is due) to the registered owners or nominees at the addresses appearing on the Bond Register as of the fifteenth (15th) day of the month prior to the interest payment date. Principal of the Bonds shall be payable upon presentation and

surrender of the Bonds to the Bond Registrar by the registered owners or nominees at the principal offices of either of the fiscal agencies of the State of Washington in the cities of Seattle, Washington, or New York, New York.

The Bonds may be transferred only on the Bond Register maintained by the Bond Registrar for that purpose upon the surrender thereof by the registered owner or nominee or his duly authorized agent and only if endorsed in the manner provided thereon, and thereupon a new fully registered Bond of like principal amount, maturity and interest rate shall be issued to the transferee in exchange therefor. Such transfer shall be without cost to the registered owner or transferee. The City and Bond Registrar may deem the person in whose name each Bond is registered to be the absolute owner thereof for the purpose of receiving payment of the principal of and interest on such Bonds and for any and all other purposes whatsoever.

Upon surrender thereof to the Bond Registrar, the Bonds are interchangeable for Bonds in any authorized denomination of an equal aggregate principal amount and of the same interest rates and maturities.

The Bond Registrar shall not be required to issue, register, transfer or exchange any of the Bonds during a period beginning at the opening of business on the fifteenth (15th) day of the month next preceding any interest payment date and ending at the close of business on the interest payment date, or, in the case of any

proposed redemption of the Bonds, after the mailing of notice of the call of such Bonds for redemption.

Section 4. Prior Redemption. The Bonds maturing in the years 1989 through 1996 are not callable for redemption prior to their scheduled maturity. The City reserves the right to redeem the Bonds maturing on and after December 1, 1997, in whole, or in part, in inverse order of maturity (and by lot within a maturity) in such manner as the Bond Registrar in his discretion shall determine, on December 1, 1996, and on any interest payment date thereafter, at a price of 100% of the principal amount thereof plus accrued interest thereon to the redemption date. If the City redeems at any one time fewer than all of the Bonds having the same maturity date, the particular Bonds or portions of Bonds of such maturity to be redeemed shall be selected by lot in increments of \$5,000. In the case of a Bond of a denomination greater than \$5,000, the City shall treat each Bond as representing such number of separate Bonds each of the denomination of \$5,000 as is obtained by dividing the actual principal amount of such Bond by \$5,000. In the event that only a portion of the principal sum of a Bond is redeemed, upon surrender of the Bond at the principal office of the Bond Registrar there shall be issued to the registered owner, without charge therefor, for the then unredeemed balance of the principal sum thereof, at the option of the owner, a Bond or Bonds of like maturity and interest rate in any of the denominations herein authorized.

The City further reserves the right to use at any time any available funds, to purchase any of the Bonds in the open market for retirement only, if the same may be purchased at a price not exceeding that at which they could be called for redemption on the first succeeding date on which they may be called, plus accrued interest.

Unless waived by any registered owner of Bonds to be redeemed, official notice of any such redemption shall be given by the Bond Registrar on behalf of the City by mailing a copy of an official redemption notice by first class mail at least 30 days and not more than 60 days prior to the date fixed for redemption to the registered owner of the Bond or Bonds to be redeemed at the address shown on the Bond Register or at such other address as is furnished in writing by such registered owner to the Bond Registrar.

All official notices of redemption shall be dated and shall state:

- (1) the redemption date,
- (2) the redemption price,
- (3) if fewer than all outstanding Bonds are to be redeemed, the identification (and, in the case of partial redemption, the respective principal amounts) of the Bonds to be redeemed,
- (4) that on the redemption date the redemption price will become due and payable upon each such Bond or portion

thereof called for redemption, and that interest thereon shall cease to accrue from and after said date, and

(5) the place where such Bonds are to be surrendered for payment of the redemption price, which place of payment shall be the principal office of the Bond Registrar.

On or prior to any redemption date, the City shall deposit with the Bond Registrar an amount of money sufficient to pay the redemption price of all the Bonds or portions of Bonds which are to be redeemed on that date.

Official notice of redemption having been given as aforesaid, the Bonds or portions of Bonds to be so redeemed shall, on the redemption date, become due and payable at the redemption price therein specified, and from and after such date (unless the City shall default in the payment of the redemption price) such Bonds or portions of Bonds shall cease to bear interest. Upon surrender of such Bonds for redemption in accordance with said notice, such Bonds shall be paid by the Bond Registrar at the redemption price. Installments of interest due on or prior to the redemption date shall be payable as herein provided for payment of interest. Upon surrender for any partial redemption of any Bond, there shall be prepared for the registered owner a new Bond or Bonds of the same maturity in the amount of the unpaid principal. All Bonds which have been redeemed shall be cancelled and destroyed by the Bond Registrar and shall not be reissued.

In addition to the foregoing notice, further notice shall be given by the City as set out below, but no defect in said further

notice nor any failure to give all or any portion of such further notice shall in any manner defeat the effectiveness of a call for redemption if notice thereof is given as above prescribed.

1. Each further notice of redemption given hereunder shall contain the information required above for an official notice of redemption plus (i) the CUSIP numbers of all Bonds being redeemed; (ii) the date of issue of the Bonds as originally issued; (iii) the rate of interest borne by each Bond being redeemed; (iv) the maturity date of each Bond being redeemed; and (v) any other descriptive information needed to identify accurately the Bonds being redeemed.

2. Each further notice of redemption may be sent at least 35 days before the redemption date by registered or certified mail or overnight delivery service to all registered securities depositories then in the business of holding substantial amounts of obligations of types comprising the Bonds (such depositories now being Depository Trust Company of New York, New York, Midwest Securities Trust Company of Chicago, Illinois, Pacific Securities Depository Trust Company of San Francisco, California and Philadelphia Depository Trust Company of Philadelphia, Pennsylvania) and shall be sent to one or more national information services that disseminate notices of redemption of obligations such as the Bonds (such as Moody's Investors Service and Standard & Poor's Corporation) at their respective offices in New York, New York.

3. Each such further notice shall be published one time in The Bond Buyer of New York, New York or, if such publication is impractical or unlikely to reach a substantial number of the owners of the Bonds, in some other financial newspaper or journal which regularly carries notices of redemption of other obligations similar to the Bonds, such publication to be made at least 30 days prior to the date fixed for redemption.

4. Upon the payment of the redemption price of Bonds being redeemed, each check or other transfer of funds issued for such purpose shall bear the CUSIP number identifying, by issue and maturity, the Bonds being redeemed with the proceeds of such check or other transfer.

The foregoing notice provisions of this Section 4, including but not limited to the information to be included in redemption notices and the persons designated to receive notices, may be amended by additions, deletions and changes in order to maintain compliance with duly promulgated regulations and recommendations regarding notices of redemption of municipal securities.

Section 5. Creation of Bond Fund and Provision for Tax Levy Payments. A special fund of the City known as the "City of Gig Harbor Unlimited Tax General Obligation Bond Redemption Fund, 1987" (the "Bond Fund"), is hereby authorized and directed to be created in the office of the City Administrator/Treasurer. The Bond Fund shall be drawn upon for the sole purpose of paying the principal of and interest on the Bonds.

The City hereby further irrevocably covenants and agrees for as long as any of the Bonds are outstanding and unpaid, that each year it will include in its budget and levy an ad valorem tax, without limitation as to rate or amount, upon all the property within the City subject to taxation, together with all other moneys of the City which may legally be used and which the City may apply for such purposes, including but not limited to sewer connection fees and other revenues of the System, sufficient to pay the principal of and interest on the Bonds as the same shall become due. All of such taxes and any of such other moneys so collected shall be paid into the Bond Fund. None of the moneys in the Bond Fund shall be used for any other purpose than the payment of the principal of and interest on the Bonds. Moneys in the Bond Fund not needed to pay the interest or principal next coming due may temporarily be deposited in such institutions or invested in such any obligations as may be lawful for the investment of City moneys. Any interest or profit from the investment of such moneys shall be deposited in the Bond Fund.

The full faith, credit and resources of the City are hereby irrevocably pledged for the annual levy and collection of said taxes and for the prompt payment of the principal of and interest on the Bonds as the same shall become due.

Section 6. Defeasance. In the event that money and/or "Government Obligations," as such Obligations are now or may hereafter be defined in Ch. 39.53 RCW (provided that such obligations are direct obligations of or guaranteed by the United States

Government or an agency or instrumentality thereof), maturing at such time or times and bearing interest to be earned thereon in amounts sufficient to redeem and retire the Bonds in accordance with their terms, are set aside in a special account to effect such redemption or retirement and such money and the principal of and interest on such obligations are irrevocably set aside and pledged for such purpose, then no further payments need be made into the Bond Fund for the payment of the principal of and interest on the Bonds so provided for and such Bonds shall cease to be entitled to any lien, benefit or security of this ordinance except the right to receive the funds so set aside and pledged, and such Bonds shall be deemed not to be outstanding hereunder.

Section 7. Special Tax Covenants and Designation.

(a) The City hereby covenants to comply with any and all applicable requirements set forth in the Code that may be enacted into law to the extent that such compliance shall be necessary for the exemption from federal income taxes of the interest on the Bonds. The City shall not take any action which would cause the Bonds to arbitrage bonds under Section 148 of the Code.

(b) The City hereby designates the Bonds as "qualified tax-exempt obligations" for investment by financial institutions under Section 265 of the Code. The City does not intend to issue more than \$10,000,000 in tax-exempt obligations in 1987.

Section 8. Lost or Destroyed Bonds. In case the Bonds or any of them shall be lost, stolen or destroyed, the Bond Registrar

may execute and deliver a new Bond or Bonds of like amount, date, and tenor to the registered owner thereof upon the owner's paying the expenses and charges of the City and the Bond Registrar in connection therewith and upon his filing with the City and the Bond Registrar evidence satisfactory to said City and Bond Registrar that such Bond or Bonds were actually lost, stolen or destroyed and of his/her ownership thereof, and upon furnishing the City and Bond Registrar with indemnity satisfactory to the City and Bond Registrar.

Section 9. Form of the Bonds. The Bonds shall be in substantially the following form:

UNITED STATES OF AMERICA

NO. _____

\$ _____

STATE OF WASHINGTON

CITY OF GIG HARBOR

UNLIMITED TAX GENERAL OBLIGATION BOND, 1987

INTEREST RATE:

MATURITY DATE:

SEE REVERSE SIDE FOR CERTAIN DEFINITIONS

CUSIP NO. _____

REGISTERED OWNER:

PRINCIPAL AMOUNT: _____ DOLLARS

The City of Gig Harbor, Washington, a municipal corporation organized and existing under and by virtue of the laws and Constitution of the State of Washington (the "City"), hereby acknowledges itself to owe and for value received promises to pay to the Registered Owner identified above, or registered assigns, on the Maturity Date identified above, the Principal Amount specified above, unless redeemed prior thereto as provided herein, together with interest on such Principal Amount from the date hereof or the

most recent date to which interest has been paid or duly provided for at the Interest Rate set forth above payable June 1, 1988, and semiannually thereafter on each June 1 and December 1 until payment of the principal sum has been made or duly provided for. Both principal of and interest on this bond are payable in lawful money of the United States of America. Interest on this bond is payable by check or draft of the Bond Registrar mailed (on the date such interest is due) to the Registered Owner hereof at the address appearing on the records maintained by the Bond Registrar as of the 15th day of the month prior to the interest payment date. Principal shall be paid to the registered owner hereof upon presentation and surrender of this bond at the principal offices of either of the fiscal agencies of the State of Washington in Seattle, Washington or New York, New York (collectively, the "Bond Registrar").

Reference is hereby made to additional provisions of this bond set forth on the reverse side hereof and such additional provisions shall for all purposes have the same effect as if set forth in this space. Reference also is made to the Bond Ordinance (defined on the reverse side hereof) as more fully describing the covenants with and the rights of registered owners of the bonds or registered assigns and the meanings of capitalized terms appearing on the bonds which are defined in such Bond Ordinance.

This bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the Bond Ordinance (defined on the reverse side hereof) until the Certificate of Authentication hereon shall have been manually signed by the Bond Registrar.

The City hereby irrevocably covenants and agrees with the owner of this bond that it will include in its annual budget and levy taxes annually without limitation as to rate or amount sufficient, together with all other moneys legally available therefor, to pay the principal of and interest on this bond as the same shall become due. The full faith, credit and resources of the City are hereby irrevocably pledged for the annual levy and collection of such taxes and the prompt payment of such principal and interest.

It is hereby certified and declared that this bond is issued pursuant to and in strict compliance with the Constitution and laws of the State of Washington and ordinances of the City, that all acts, conditions and things required to be done precedent to and in the issuance of this bond and the bonds of this issue have happened, been done and performed and that this bond and the bonds

of this issue do not exceed any Constitutional or statutory limitations.

IN WITNESS WHEREOF, the City of Gig Harbor, Washington, has caused this bond to be signed on behalf of the City with the facsimile signature of the Mayor, to be attested by the facsimile signature of the Clerk of the City, and a facsimile of the seal of the City to be reproduced or impressed hereon, as of this 1st day of August, 1987.

CITY OF GIG HARBOR, WASHINGTON

By /s/facsimile
Mayor

ATTEST:

/s/facsimile
Clerk

CERTIFICATE OF AUTHENTICATION

Date of Authentication: _____

This bond is one of the bonds described in the within-referenced Ordinance No. _____ of the City of Gig Harbor, Washington, and is one of the Unlimited Tax General Obligation Bonds, 1987, dated August 1, 1987, of such City.

WASHINGTON STATE FISCAL AGENCY
As Bond Registrar

By _____
Authorized Officer

ADDITIONAL BOND PROVISIONS

This bond is one of an issue of unlimited tax general obligation bonds of the City of like date and tenor, except as to number, interest rate and date of maturity, in the aggregate principal amount of \$1,300,000, issued pursuant to Ordinance No. _____ of the City, passed August 10, 1987 (the "Bond Ordinance"), and approved by the electors of the City at a special election held therefor on November 4, 1987 to provide funds for the payment of the costs of acquisition and construction of improvements to the City's domestic sewer system.

The bonds maturing prior to December 1, 1997 are not subject to redemption prior to their scheduled maturity. The bonds maturing on or after December 1, 1997 are subject to redemption in whole or in part on any interest payment date on or after December 1, 1996 in inverse order of maturity and by lot within a maturity, in such manner as the Bond Registrar shall determine at a price of 100% of the principal amount thereof plus accrued interest to the date of redemption.

If the City redeems at any one time fewer than all of the Bonds having the same maturity date, the particular Bonds or portions of Bonds of such maturity to be redeemed shall be selected by lot in increments of \$5,000. In the case of a Bond of a denomination greater than \$5,000, the City shall treat each such Bond as representing such number of separate Bonds each of the denomination of \$5,000 as is obtained by dividing the actual principal amount of such Bond by \$5,000. In the event that only a portion of the principal sum of a Bond is redeemed, upon surrender of the Bond at the principal office of the Bond Registrar, there shall be issued to the registered owner, a bond or bonds of like maturity and interest rate in any of the denominations herein authorized.

Notice of any such intended redemption shall be given not less than thirty (30) nor more than sixty (60) days prior to the date fixed for redemption by first class mail, postage prepaid, to the registered owner of any bond to be redeemed at the address appearing on the Bond Register. The requirements of the Bond Ordinance shall be deemed to be complied with when notice is mailed as herein provided, regardless of whether or not it is actually received by the owner of any bond. Notice shall also be mailed within the same time period, postage prepaid, to Standard & Poor's Corporation and to Moody's Investors Service, Inc., at their offices in New York, New York, or to their business successors, if any, but mailing of these notices shall not be a condition precedent to the call of any bonds for redemption.

Interest on any bond so called for redemption shall cease to accrue on the date fixed for redemption unless such bond or bonds so called are not redeemed upon presentation made pursuant to such call.

Portions of the principal sum of this bond in installments of \$5,000 or any integral multiple thereof may also be redeemed at the times set forth above, and if less than all of the principal sum hereof is to be redeemed, upon the surrender of this bond at the principal office of the Bond Registrar there shall be issued to the registered owner, without charge therefor, for the then unredeemed balance of the principal sum hereof, at the option of the owner, a bond or bonds of like maturity and interest rate in any of the denominations authorized by the Bond Ordinance.

Additional abbreviations may also be used although not listed above.

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned hereby sells, assigns and transfers unto _____

PLEASE INSERT SOCIAL SECURITY OR TAXPAYER IDENTIFICATION NUMBER OF TRANSFEREE

/ _____ /

(Please print or typewrite name and address, including zip code of Transferee)

the within bond and all rights thereunder and does hereby irrevocably constitute and appoint _____ of _____, or its successor, as Agent to transfer said bond on the books kept by the Bond Registrar for registration thereof, with full power of substitution in the premises.

DATED: _____, 19 ____.

SIGNATURE GUARANTEED:

NOTE: The signature of this Assignment must correspond with the name of the registered owner as it appears upon the face of the within bond in every particular, without alteration or enlargement or any change whatever.

Section 10. Execution of the Bonds. The Bonds shall be signed on behalf of the City by the facsimile signature of the Mayor, shall be attested by the facsimile signature of the City Clerk, and shall have the official corporate seal of the City impressed or imprinted thereon.

Only such Bonds as shall bear thereon a Certificate of Authentication in the form hereinbefore recited, manually executed by the Bond Registrar, shall be valid or obligatory for any purpose or entitled to the benefits of this ordinance. Such Certificate of Authentication shall be conclusive evidence that the Bonds so authenticated have been duly executed, authenticated and delivered hereunder and are entitled to the benefits of this ordinance.

In case either of the officers of the City who shall have executed the Bonds shall cease to be such officer or officers of the City before the Bonds so signed shall have been authenticated or delivered by the Bond Registrar, or issued by the City, such Bonds may nevertheless be authenticated, delivered and issued and upon such authentication, delivery and issuance, shall be as binding upon the City as though those who signed the same had continued to be such officers of the City. Any Bond may also be signed and attested on behalf of the City by such persons as at the actual date of execution of such Bond shall be the proper officers of the City although at the original date of such Bond any such person shall not have been such officer.

Section 11. Bond Registrar. The Bond Registrar shall keep, or cause to be kept, at its principal corporate trust office, sufficient records for the registration and transfer of the Bonds which shall at all times be open to inspection by the City. The Bond Registrar is authorized, on behalf of the City, to authenticate and deliver Bonds transferred or exchanged in accordance with

the provisions of such Bonds and this ordinance and to carry out all of the Bond Registrar's powers and duties under this ordinance.

The Bond Registrar shall be responsible for its representations contained in the Certificate of Authentication on the Bonds. The Bond Registrar may become the owner of Bonds with the same rights it would have if it were not the Bond Registrar, and to the extent permitted by law, may act as depository for and permit any of its officers or directors to act as a member of, or in any other capacity with respect to, any committee formed to protect the rights of registered owners of the Bonds.

Section 12. Application of Proceeds of Bonds. A special fund of the City known as the "City of Gig Harbor Sewer Capital Assets Fund" (the "Construction Fund") has heretofore been created in the office of the City Administrator/Treasurer. At the time of delivery of the Bonds, the proceeds of the Bonds, with the exception of accrued interest to the date of delivery which shall be deposited in the Bond Fund, and any other moneys that the City may now have on hand or may later receive that are to be used for the purpose of paying part of the costs of the Project, shall be paid into the Construction Fund to be used for the purpose of paying the costs of the Project authorized in Section 2 hereof, including all costs of legal, engineering, inspection, and supervision and the costs necessary, and incidental thereto and the costs of issuance of the Bonds, or for the purpose of reimbursing any fund or funds of the City for advances, if any, made to pay such costs.

Moneys in the Construction Fund may be deposited in such institutions or invested in such obligations as may be lawful for the investment of City money and may be temporarily advanced to the Bond Fund in such amount as the City Administrator/Treasurer shall deem necessary to pay principal and interest on the Bonds pending receipt of taxes levied therefor.

The proceeds of sale of the Bonds deposited in the Construction Fund together with any other moneys received and applicable to the Project are hereby appropriated to, and shall be applied and used solely for the acquisition and development of the Project and the costs incident thereto, and none of the bond proceeds shall be used for, other than a capital purpose. Any interest or profit received from the investment of such proceeds or moneys shall be deposited in the Construction Fund as received and shall be applied and used solely for costs of the Project.

If the Council shall determine that it has become impractical to substantially accomplish any portion of the Project by reason of changed conditions or increased costs, the Council shall not be required to accomplish such portion of the Project. If available funds are sufficient, the Council may make such other capital improvements for sewer purposes as are deemed necessary or desirable by the Council. Upon completion of the Project modified by the Council from time to time as authorized herein, any unexpended Bond proceeds shall be applied to the redemption of the Bonds.

Section 13. Sale of the Bonds and Approval of Official Statement. The Bonds shall be sold to Boettcher & Company, Inc. of Seattle, Washington (the "Underwriter") pursuant the terms of this ordinance and its written offer delivered to the City Council on this date. It is hereby found and determined that such negotiated sale is in the best interests of the City. Upon the passage of this ordinance, the proper officials of the City are authorized and directed to undertake all action necessary for the prompt execution and delivery of the Bonds to the Underwriter.

The City hereby ratifies the distribution of the preliminary Official Statement, dated July 22, 1987, by the Underwriter in connection with the offering of the Bonds to prospective purchasers and provided that the Underwriter includes the additions and modification suggested by the City, the City approves the delivery of the final Official Statement to purchasers and others in connection with the sale and delivery of the Bonds. The City Clerk is hereby authorized to execute the final Official Statement.

Section 14. Temporary Bonds. Until the definitive Bonds are prepared, the City may execute a temporary Bond which shall be typewritten, and which shall be delivered to the Bond purchaser or purchasers in lieu of definitive Bonds, but subject to the same provisions, limitations, and conditions as the definitive Bonds. Temporary Bonds shall be dated as of the date of the Bonds, shall be in the denomination equal to the principal amount of the Bonds, shall be numbered from T-1 upward, shall be substantially of the

tenor of such definitive Bonds, but with such omissions, insertions, and variations as may be appropriate to temporary bonds, shall be issued in fully registered form, shall be signed by the Mayor and the Clerk of the City Council, and shall have the seal of the City impressed thereon.

Upon surrender to the City of any such temporary Bond, the City, without charge to the registered owner, shall execute and deliver to the registered owner of the temporary Bond in exchange therefor, definitive Bonds of the same maturities, interest rates, redemption provisions, and aggregate principal amount as the temporary Bond surrendered. Until so exchanged, the temporary Bond shall be in all respects entitled to the same benefit and security as definitive Bonds, executed and issued pursuant to this ordinance.

Section 15. Severability. If any one or more of the covenants or agreements provided in this ordinance to be performed on the part of the City shall be declared by any court of competent jurisdiction to be contrary to law, then such covenant or covenants, agreement or agreements, shall be null and void and shall be deemed separable from the remaining covenants and agreements of

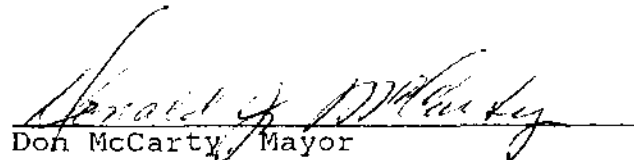
this ordinance and shall in no way affect the validity of the other provisions of this ordinance or of the Bonds.

Section 16. Effective Date. This ordinance shall take effect and be in force five days from and after its passage, approval and publication as required by law.


INTRODUCED at a continued regular meeting of the City Council held on August 5, 1987 and FINALLY PASSED AND APPROVED at a regular meeting of the City Council of the City of Gig Harbor, Washington held on the 10th day of August, 1987, and approved by the Mayor on August 11, 1987.

CITY OF GIG HARBOR, WASHINGTON

By


Don McCarty, Mayor

ATTEST:


Michael R. Wilson
City Administrator/Clerk

Filed with the City Clerk: August 4, 1987

Passed by the City Council: August 10, 1987

Date Published: August 12, 1987

Date Effective: August 17, 1987

CERTIFICATE

I, the undersigned, Clerk of the of the City of Gig Harbor, Washington (herein called the "City"), and custodian of the official records of the City Council ("Council") DO HEREBY CERTIFY:

1. That the attached ordinance numbered 516 (herein called the "Ordinance") is a true and correct copy of an ordinance of the City, as finally passed at a regular meeting of the Council held on the 10th day of August, 1987, and duly recorded in my office.

2. That said meeting was duly convened and held in all respects in accordance with law, and to the extent required by law, due and proper notice of such meeting was given; that a quorum of the Council was present throughout the meeting and a legally sufficient number of members of the Council voted in the proper manner for the passage of said Ordinance; that all other requirements and proceedings incident to the proper passage of said Ordinance have been duly fulfilled, carried out and otherwise observed, and that I am authorized to execute this certificate.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City this 2nd day of August, 1987.



Clerk

[City Seal]

LCI/sc
LCI001040;0008.90000
07/16/87

88 JAN 29 PM 2:20

ORDINANCE NO. 517

AUDIT [unclear] WASH.

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON,
VACATING THE PORTION OF FULLER AVENUE LYING NORTHWEST
OF PRENTICE STREET.

WHEREAS, the Peninsula School District is the owner of all of the property abutting the portion of Fuller Avenue which lies northwest of the street currently known as Prentice Street and originally platted as Forest Street in the City of Gig Harbor, and

WHEREAS, the referenced portion of the street is no longer necessary for the street system of the City, and

WHEREAS, by the authority granted in RCW 35.79.030, the City has the ability to vacate streets or a portion thereof upon the condition the abutting property owners compensate the city in an amount not to exceed one-half the appraised value of the area to be vacated, and

WHEREAS, in lieu of a cash compensation for the vacated street, the Peninsula School District has offered to convey to the City a .23 acre parcel of property located in the City, legally described in Exhibit 1 attached hereto and incorporated by this reference as if set forth in full, and

WHEREAS, the City Council passed Resolution No. 207 initiating the procedure for the vacation of the referenced street and setting a hearing date, and

WHEREAS, after the required public notice had been given,

Auditor's Note:
Legal description omitted.
ATTACHED TO THE ORIGINAL

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the City Council conducted a public hearing on the matter on August 10, 1987, and at the conclusion of said hearing having determined that the aforementioned right-of-way should be vacated subject to the abutting property owner (Peninsula School District) compensating the City by conveying to the City the real property identified in Exhibit 1, now, therefore,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, DO
ORDAIN AS FOLLOWS:

Section 1. The portion of Fuller Avenue in Gig Harbor, which lies northwest of the street currently known as Prentice Street and originally platted as Forest Street, as shown on the plat filed on March 17, 1926, denominated as Fuller's Addition to Gig Harbor, Washington, attached hereto as Exhibit 2 and incorporated by this reference as if set forth in full, is hereby vacated at such time as the abutting property owner (Peninsula School District) compensates the City by conveying to the City the real property identified in Exhibit 1 by deed in a form acceptable to the City.

Section 2. The City Clerk is hereby directed to record a certified copy of this ordinance in the office of the Pierce County Auditor at such time as the City receives the deed referenced in Section 1.

Section 3. This ordinance shall take effect five days after passage and publication of this ordinance or a summary thereof.

APPROVED:


MAYOR, DONALD MCCARTY

RETURN ORIC

OFFICE OF
PIERCE COUNTY AUDITOR

TO RECORDING CUSTOMER DATE 1-29-88
FROM RECORDING DEPT.

If you wish to rerecord your document after making the
change indicated by "auditor's note", please remit

\$ 7.00 to cover recording fee.
*plus one dollar for each additional
attached page*

Thank you.

M E M O R A N D U M

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