148 Annexation (Special)
149 Reimbursement of officials (2.28)
150 Rezone (Special)
151 Uniform fire code (Repealed by 493)
152 Adopts uniform building code (Repealed by 305)
153 Gasoline service station construction and regulations (15.20)
153A Adds to Ord. 153, gasoline service station construction and regulations (15.20)
154 Corrects Ord. 143, budget (Special)
155 Number not used
156 Local improvement district regulations (13.20)
157 Ad valorem tax levies (Special)
158 Sanitary sewerage system construction, boundaries (Special)
159 Budget amendment (Special)
160 Tax levy and budget (Special)
161 Extensions and improvements to water supply and distribution system (Special)
162 Sanitary sewage system construction (Special)
163 Amends Ord. 109A, multifamily residential area, establishment (Repealed by 573)
164 Water tank construction fund (Expired)
165 Rezone (Special)
166 Sewer construction fund (Special)
167 Official newspaper designation (1.20)
168 Revenue sharing fund (3.04)
169 Utility LID No. 1 charges and assessments (Special)
170 Water revenue bonds (Special)
171 1974 ad valorem tax levy (Special)
172 Civil service commission (Repealed by 510)
173 Sewer revenue bonds (Special)
174 Amends Ord. 108, town hall office hours (2.08)
175 1974 budget and tax levy (Special)
176 Annexation (Special)
176A Amends Ord. 176, Exhibit A, annexation (Special)
177 Annexation (Special)
178 Annexation (Special)
179 Adds to Ord. 109A, § 6-B RB-1 district (Repealed by 573)
180 Bingo, raffles, amusement game revenue tax (Repealed by 398)
181 Sign construction or remodeling moratorium (Special)
182 General penalty (1.16)
183 Amends Ords. 149 § 1, reimbursement of officials (2.28)
184 Amends penalty sections of Ords. 1, 2, 18, 22, 44, 48, 56, 71, 87, 89, 99, 100, 110, 119, 129, 132, 134 (3.16, 5.08, 5.12, 8.04, 8.08, 8.24, 10.08, 12.04, 12.08, 13.16)
185 Repeals Ords. 4, 4A, 4B, 8, 9, 17, 17A, 17B, 36, 36A, 36B, 36C, 54, 54A, 54B, 65, 65A, 72, 75 § 1, 75A, 75B, 76, 76A, 80, 85, 88, 90, 97, 107, 125 (Repealer)
186 General provisions (1.04)
187 Amends Ord. 106, building permits (Repealed by 506)
188 Amends Ord. 106, building permits (Repealed by 506)
189 Amends Ord. 23 § 7, 9, terms of mayor and councilmen (2.12)
190 Eminent domain condemnation (Special)
191 Misdemeanors (Repealed by 529)
192 Amends Ord. 109A 24, annexation procedure (17.88)
193 Building permit moratorium in zone R-2 (Special)
194 Water service charges; repeals Ord. 115 (Not codified)
195 Water service rules and regulations (13.02)
196 Water system (13.04)
197 Repeals Ord. 1 (Repealer)
198 Declaration of intent to regulate flood and mudslide hazard areas (Not codified)
199 Building sewers (13.24)
200 Amends § 1 of Ord. 152, building code (Repealed by 305)
201 Amends § 1 of Ord. 151, fire code (Repealed by 493)
202 Extends building permit moratorium in zone R-2 (Special)
203 Amends § 15.08.010, plumbing code (Repealed by 491)
204 Amends § 3.24.020, bingo, raffles and amusement tax (Repealed by 398)
205 Code adoption (1.01)
206 Amends § 1 of Ord. 148, annexation (Special)
207 Rezone (Special)
208 Amends Ord. 193, building permit moratorium in R-2 zone (Special)
209 Sewer regulations (13.28)
210 Amends § 5.04.030, minors playing amusement devices prohibited (Repealed by 374)
211 Water rates (13.04)
212 Ad valorem tax levy for 1975 (Special)
213 General tax levy for 1975 (Special)
214 Bond issuance (Special)
215 Amends Ord. 208, extends moratorium on building permit issuance in R-2 zone (Special)
216 Repeals 17.24.110, dwelling unit size in R-3 district (Repealer)
217 Annexation (Special)
218 Sewer service rates (Repealed by 453)
219 Rezone (Special)
220 Amends Chapter 17.20, R-2 district (Repealed by 573)
221 Authorization of loan from current expense fund to sewer operating fund (Special)
222 Licensing and operation of cabarets (5.24)
223 CATV franchise (Special)
224 Short subdivisions (Repealed by 608)
225 Annexation (Special)
226 Ad valorem tax levies for 1976 (Special)

ORDINANCE NO. 165

An ordinance amending Ordinance No. 109 A establishing land use classifications and districts in the Town of Gig Harbor: Amending the zoning map adopted by said ordinance by providing a change of zone from R-1 (Single Family Residential District) to R-3 (Mulitply Family Residential) for certain property as designated on the map attached hereto and marked Exhibit A and made a part hereof, and as further 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 Section 19 of Ordinance 109 A of the Town of Gig Harbor, and the Planning Commission has recommended such change, and the Town Council has found the same to be and for good and proper reasons that affect the public welfare, NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF GIG HARBOR:

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

(a) South $\frac{1}{2}$ of Lot 5 except North 30', thereof for city road. All of Lot 8 lying inside corporate limits of the Town of Gig Harbor, except roads. All in Southeast $\frac{1}{4}$ of Northeast $\frac{1}{4}$ Section 7, Township 21, Range 2E of W. M., Town of Gig Harbor, Pierce County, Washington.

(b) South 150' of Southeast $\frac{1}{4}$ of Southwest $\frac{1}{4}$ of Southwest $\frac{1}{4}$ of Northwest $\frac{1}{4}$, Section 8, Township 21, Range 2E of W.M., lying westerly of Pioneer Way, Town of Gig Harbor, Pierce County, Washington.

(c) South 150' of Southwest $\frac{1}{4}$ of Southwest $\frac{1}{4}$ of Southwest $\frac{1}{4}$ of Northwest $\frac{1}{4}$, Section 8, Township 21, Range 2E of W.M., Town of Gig Harbor, Pierce County, Washington.

(d) East 180' of Lot 4, except Easterly 30', thereof for future city road in Southwest $\frac{1}{4}$ of Section 8, Township 21, Range 2E of W.M., Town of Gig Harbor, Pierce County, Washington.

As more fully shown upon the map attached hereto and marked Exhibit A and made a part hereof, be and the same are hereby rezoned and classified as R-3(Multiple Family Residential), rather than R-1 (Single Family Residential District).

Section 2. That the official zoning map of the Town of Gig Harbor as adopted by said Ordinance No. 109 A, be and the same is hereby amended to reflect such change in zoning of such areas. That the Town Clerk shall make this classification change on the Town's official zoning map and certify said change in accordance with the terms of Ordinance No. 109 A. That this Ordiance shall take effect upon its passage and publication as provided by law.

PASSED at a regular meeting of the Town Council held on the 29 day of May 1973.

Jack D. Bujacich, Jr.
Mayor of the
Town of Gig Harbor

ATTEST:
Donald J. Avery
Clerk of the
Town of Gig Harbor

# Town of Gig Harbor

*Boat Haven of the Northwest*

Post Office Box 145
GIG HARBOR, WASHINGTON
98335

Public Notice

There will be a public hearing held at the Gig Harbor Town Hall on April 30, 1973 at 7:30 p. m. to hear a proposed rezone from R-1 to R-3 on the following described property:

South ½ of Lot 5 except North 30', thereof for city road. All of lot 8 lying inside corporate limits of the Town of Gig Harbor, except roads. All in Southeast ¼ of Northeast ¼ Section 7, Township 21, Range 2E of W. M. Town of Gig Harbor, Pierce County, Washington.

South 150' of Southeast ¼ of Southwest ¼ of Southwest ¼ of Northwest ¼, Section 8, Township 21, Range 2E of W. M., lying westerly of Pioneer Way, Town of Gig Harbor, Pierce County, Washington.

South 150' of Southwest ¼ of Southwest ¼ of Southwest ¼ of Northwest ¼, Section 8, Township 21, Range 2E of W. M., Town of Gig Harbor, Pierce County, Washington.

East 180' of Lot 4, except easterly 30', thereof for future city road in Southwest ¼ of Section 8, Township 21, Range 23 of W. M., Town of Gig Harbor, Pierce County, Washington.

The public is invited to attend and voice its opinion.

Don Avery
Clerk of the
Town of Gig Harbor

Original

ORDINANCE NO. 166

AN ORDINANCE of the Town of Gig Harbor, Washington, creating a Sewer Construction Fund, authorizing the issuance of interest-bearing warrants drawn on such Construction Fund to pay part of the cost of constructing a sanitary sewerage system, providing for the funding or redemption of any interest-bearing warrants so issued and authorizing acceptance of the offer of McLean & Company, Inc., to purchase such warrants.

WHEREAS, by Ordinance No. 147 of the Town of Gig Harbor, Washington, passed and approved April 10, 1972, a plan for the acquisition, construction and installation of a sanitary sewerage system for the town was adopted, including as a part of such plan the issuance of general obligation bonds in the principal amount of not to exceed $400,000, and the issuance of sewer revenue bonds in the principal amount of not to exceed $1,300,000, to pay part of the cost of carrying out such plan; and

WHEREAS, at a special election held within the town on May 23, 1972, the voters of the town duly ratified such plan and the issuance of such bonds; and

WHEREAS, by Ordinance No. 158, passed and approved November 13, 1972, the town created Utility Local Improvement District No. 1 and ordered the construction and installation of the improvements therein described to carry out part of the plan for a sanitary sewerage system for the town; and

WHEREAS, it is deemed necessary and advisable that a Construction Fund be created and that the town be authorized to issue and sell its interest-bearing warrants drawn on the Construction Fund in order to pay costs necessarily incurred in the development of the sewerage system prior to the issuance of bonds, said warrants to be redeemed from the proceeds of sale of the sewer revenue bonds and/or general obligation bonds of the town heretofore authorized; and

WHEREAS, the town has received a proposal from McLean & Company, Inc., to purchase interest-bearing registered warrants of the town drawn upon the Construction Fund and issued to pay the aforesaid costs, and it is deemed to be in the best interests of the town that said proposal be accepted;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Gig Harbor, Washington, as follows:

Section 1. There be and is hereby created a special fund of the town to be known as the "Gig Harbor Sewer Construction Fund" (hereinafter called the "Construction Fund"), which Fund is to be drawn upon for the sole purpose of paying the cost of acquisition, construction and installation of the sanitary sewerage system for the town as authorized by Ordinance No. 147, together with all costs incidental thereto and to the issuance of bonds authorized therefor. The Construction Fund may also be drawn upon for the purpose of paying the principal of and interest on any interest-bearing warrants which the town may issue against such Fund.

The proceeds of sale of the sewer revenue bonds and general obligation bonds authorized by Ordinance No. 147 and hereafter issued (except for accrued interest thereon), the anticipated State of Washington and United States Government grants, and any and all other moneys which the town may receive for the payment of the aforesaid costs, including the proceeds of sale of interest-bearing warrants drawn upon the Construction Fund shall be paid into such Fund.

Any moneys remaining in such Construction Fund after payment of all of the above costs shall be transferred to such bond redemption fund as shall hereafter be created by the town.

for the purpose of paying and securing the payment of the sewer revenue bonds authorized by Ordinance No. 147.

Section 2. For the purpose of providing part of the moneys required to pay the town's share of the costs of acquisition, construction and installation of said sanitary sewerage system as hereinbefore authorized, the town may issue interest-bearing registered warrants drawn on the Construction Fund.

Such interest-bearing warrants shall be dated as of the date of their issuance, shall be in such denomination or denominations as determined by this Council, shall be numbered from 1 up consecutively, shall bear interest at a rate of 6¼% per annum from date of issue to date of redemption, shall be payable both principal and interest in lawful money of the United States of America at the office of the Town Treasurer in Gig Harbor, Washington, shall be redeemable in order of their number at any time when there is sufficient money in the Construction Fund to pay any or all of the same according to their terms and shall be an obligation only of the Construction Fund. Such warrants shall be sold at par and accrued interest, if any, from date thereof to date of purchase and shall be signed on behalf of the town by its Mayor and Treasurer, who is also the ex officio Town Clerk.

The town hereby reserves the right to redeem any such warrants outstanding in whole, or in part in numerical order, on any date, at par plus accrued interest to date of redemption. Notice of such intended redemption shall be given by telephone or registered mail to the owners and holders of any such warrants at least two days prior to such date of redemption. Interest on any warrant or warrants so called for redemption shall cease on such redemption date unless such warrant or warrants are not redeemed upon presentation made pursuant to such call.

The proceeds from the sale of such registered interest-bearing Construction Fund warrants shall be deposited in the Construction Fund and cash warrants shall be drawn against such Fund to creditors performing work or furnishing services and supplies for the aforesaid purposes.

Section 3. Until such registered interest-bearing warrants shall have been redeemed, the town shall deposit into the Construction Fund the proceeds from the sale of any of the sewer revenue bonds or general obligation bonds authorized by Ordinance No. 147 and hereafter issued by the town, together with any and all grants received for the aforesaid purposes from the State of Washington or the United States of America, or from any other source. Said moneys shall be first used to redeem in order of their number the outstanding interest-bearing warrants of the town herein authorized to be drawn upon the Construction Fund.

Section 4. The proposal of McLean & Company, Inc., attached hereto as Exhibit "A" and incorporated by reference herein, to purchase such Construction Fund warrants is hereby accepted and confirmed, and the town covenants to issue such amount of its authorized sewer revenue bonds and general obligation bonds as may be required to redeem such warrants within the times provided in such proposal. The Town Treasurer is authorized and directed to take such action as may be necessary to give effect to this ordinance.

Section 5. This ordinance shall become effective five days from and after its passage, approval and publication.

Introduced and first read by the Council of the Town of Gig Harbor, Washington, at its regular meeting on the 29th day of May, 1973.

McLean & Company, Inc.

Investment Bankers

770 Commerce Street
Tacoma, Washington 98402
Phone 206/383-1403

May 29, 1973

Honorable Mayor and Town Council
Town of Gig Harbor
P.O. Box 145
Gig Harbor, Washington 98335

Gentlemen:

It is our understanding that the Town of Gig Harbor has incurred engineering expenses with regard to your planned sewer project. We believe that it would be in your best interest to pay these expenses by issuing interest bearing warrants.

McLean & Company, Inc. will purchase these warrants at an interest rate of 6 1/4% per annum, and said warrants shall be paid as to both principal and interest from the proceeds of a sewer revenue bond issue not later than January 1, 1974. In the event that the warrants are not redeemed from the proceeds of the sewer revenue bond issue, or any other source by January 1, 1974, then the Town agrees to redeem the aforesaid warrants from the proceeds of the General Obligation Bonds approved on May 23, 1972 by the voters for sewer purposes, not later than March 1, 1974.

It is agreed that the Revenue Bond issue shall be a first lien against the sewer revenues after normal maintenance and operation expenses and that each warrant shall be accompanied by the unqualified approving legal opinion of Preston, Thorgrimson, Ellis, Holman and Fletcher.

Respectfully submitted,

McLEAN & COMPANY, INC.

By Archie M. McLean III
Archie M. McLean III

ACCEPTED BY AND FOR
the Town of Gig Harbor,
Washington, this 29th day
of May, 1973.

Jack D. Bryan Jr.
Mayor

Leonard J. Sheron
Clerk

# Affidavit of Publication

STATE OF WASHINGTON, }
COUNTY OF PIERCE. } S.S.

Robert H. Platt, Jr. being first duly sworn,

on oath deposes and says that he is the Co-Publisher of THE PENINSULA GATEWAY, a weekly newspaper. That said newspaper is a legal newspaper and it is now and has been for more than six months prior to the date of the publication hereinafter referred to, published in the English language continually as a weekly newspaper in Gig Harbor, Pierce County, Washington, and it is now and during all of said time was printed in an office maintained at the aforementioned place of publication of said newspaper.

That the annexed is a true copy of a Ordinance No. 166

as it was published in regular issues (and not in supplement form) of said newspaper once each week for a period of One (1) consecutive weeks, commencing on the 14th day of June, 19 73, and ending on the 14th day of June, 19 73, both dates inclusive, and that such newspaper was regularly distributed to its subscribers during all of said period.

That the full amount of the fee charged for the foregoing publication in the sum of $ 40.64 which amount has been paid in full, at the rate of $3.20 a hundred words for the first insertion and $2.40 a hundred words for each subsequent insertion.

Robert H. Platt Jr.

Subscribed to and sworn before me this 23rd day of June, 19 73

Evelyn E. Shubat
Notary Public in and for the State of Washington.

Residing at Gig Harbor

...end.

On June 30, the teens of ...akebay Church will be ...aving a car wash at the ...urch. All donations will go

## 'ox Island :hurch to Hear Guest Speaker

The second in a series of ...hristian Men's breakfasts ...ill be held at seven o'clock, ...aturday morning, June 16, at ...e United Church of Christ, 'ox Island.

The speaker will be Major ...on Thornquist of Fort ...ewis. He was an army pilot ...nd Unit Commander in ...aigon. His topic will be "The ...hristian's Follow-up." All ...en of the island and adacent areas are invited. ...here will be a freewill offering to help cover expenses. ...teservations can be made ...vith Robert Watling or Mike ...nowden of Fox Island.

## TM Lecture at Jnited Methodist

Glen Fredrickson will give ...a lecture on Transcendental Meditation at 7:30 p.m. on Tuesday, June 12, in the board room of the United Methodist Church, Gig Harbor. TM is a natural, simple mental technique practiced twice a day for 20 minutes. It is not a religion and not a philosophy. Research at Harvard Medical School indicates that TM produces a deep state of restful alertness which rejuvenates and normalizes

...never attended at all before. All visitors and campers are welcome at Sunday school and church.



shall hereafter be created by the town for the purpose of paying and securing the payment of the sewer revenue bonds authorized by Ordinance No. 147.

Section 2. For the purpose of providing part of the moneys required to pay the town's share of the costs of acquisition, construction and installation of said sanitary sewerage system as hereinbefore authorized, the town may issue interest-bearing registered warrants drawn on the Construction Fund.

Such interest-bearing warrants shall be dated as of the date of their issuance, shall be in such denomination or denominations as determined by this Council, shall be numbered from 1 up consecutively, shall bear interest at a rate of 6¼ % per annum from date of issue to date of redemption, shall be payable both principal and interest in lawful money of the United States of America at the office of the Town Treasurer in Gig Harbor, Washington, shall be redeemable in order of their number at any time when there is sufficient money in the Construction Fund to pay any or all of the same according to their terms and shall be an obligation only of ...tation made pursuant to such call.

The proceeds from the sale of such registered interest-bearing Construction Fund Warrants shall be deposited in the Construction Fund and cash warrants shall be drawn against such Fund to creditors performing work or furnishing services and supplies for the aforesaid purposes.

Section 3. Until such registered interest-bearing warrants shall have been redeemed, the town shall deposit into the Construction Fund the proceeds from the sale of any of the sewer revenue bonds or general obligation bonds authorized by Ordinance No. 147 and hereafter issued by the town, together with any and all grants received for the aforesaid purposes from the State of Washington or the United States of America, or from any other source. Said moneys shall be first used to redeem in order of their number the outstanding interest-bearing warrants of the town herein authorized to be drawn upon the Construction Fund.

Section 4. The proposal of McLean & Company, Inc., attached hereto as Exhibit "A" and incorporated by reference herein, to purchase such Construction Fund warrants is hereby accepted and confirmed, and the town covenants to issue such amount of its authorized sewer revenue bonds and general obligation bonds as may be required to redeem such warrants within the times provided in such proposal. The Town Treasurer is authorized and directed to take such action as may be necessary to give effect to this ordinance.

Section 5. This ordinance shall become effective five days from and after its passage, approval and publication.

Introduced and first read by the Council of the Town of Gig Harbor, Washington, at its regular meeting on the 29th day of May, 1973.

Finally passed by said Council at its regular meeting on the 11th day of June, 1973, and approved by its Mayor on the 11th day of June, 1973.

Town of
Gig Harbor, Wash

Finally passed by said Council at its regular meeting on the 11th day of June, 1973, and approved by its Mayor on the 11th day of June 1973.

TOWN OF GIG HARBOR, WASHINGTON

BY _____
Mayor

ATTEST:

_____
Town Clerk

APPROVED AS TO FORM:

_____
Town Attorney

ORDINANCE NO. 167

AN ORDINANCE made pursuant to the Revised Code of Washington, Section 35.23.352, regarding the annual bid for newspaper publications.

WHEREAS, the Town of Gig Harbor by resolution established the Peninsula Gateway as the official town newspaper; and

WHEREAS, the Peninsula Gateway is a newspaper published in the Town of Gig Harbor for general circulation; and

WHEREAS, the Revised Code of Washington requires that the contract for the official town publication be awarded to the lowest responsible bidder, now, therefore

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF GIG HARBOR:

SECTION 1- The designation of the Peninsula Gateway is hereby ratified and said designation shall continue to be effective until a different newspaper shall be designated pursuant to Section 2.

SECTION 2- The town clerk shall call annually at the second meeting of the Town Council for bids for the official newspaper. Said bid shall set forth the costs per word and be of general circulation in the Town of Gig Harbor.

SECTION 3- This ordinance shall become effective five (5) days from and after its passage, approval and publication as provided by law.

Passed by the Town Council and approved by the Mayor of the Town of Gig Harbor, Washington, at a regular meeting thereof

# Affidavit of Publication

STATE OF WASHINGTON, }
COUNTY OF PIERCE. } S.S.

Robert H. Platt, Jr. being first duly sworn, on oath deposes and says that he is the Co-Publisher of THE PENINSULA GATEWAY, a weekly newspaper. That said newspaper is a legal newspaper and it is now and has been for more than six months prior to the date of the publication hereinafter referred to, published in the English language continually as a weekly newspaper in Gig Harbor, Pierce County, Washington, and it is now and during all of said time was printed in an office maintained at the aforementioned place of publication of said newspaper.

That the annexed is a true copy of a Ordinance No. 167

as it was published in regular issues (and not in supplement form) of said newspaper once each week for a period of One (1) consecutive weeks, commencing on the 14th day of June, 19 73, and ending on the 14th day of June, 19 73, both dates inclusive, and that such newspaper was regularly distributed to its subscribers during all of said period.

That the full amount of the fee charged for the foregoing publication in the sum of $ 7.68 which amount has been paid in full, at the rate of $3.20 a hundred words for the first insertion and $2.40 a hundred words for each subsequent insertion.

Robert H. Platt Jr.

Subscribed to and sworn before me this 23rd day of June, 19 73

Esther E. Shubert

Notary Public in and for the State of Washington.

Residing at Gig Harbor

**ORDINANCE NO. 167**

**AN ORDINANCE made pursuant to the Revised Code of Washington, Section 35.23.352, regarding the annual bid for newspaper publications.**

WHEREAS, the Town of Gig Harbor by resolution established the Peninsula Gateway as the official town newspaper; and

WHEREAS, the Peninsula Gateway is a newspaper published in the Town of Gig Harbor for general circulation; and

WHEREAS, the Revised Code of Washington requires that the contract for the official town publication be awarded to the lowest responsible bidder, now, therefore

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF GIG HARBOR:

SECTION 1— The designation of the Peninsula Gateway is hereby ratified and said designation shall continue to be effective until a different newspaper shall be designated pursuant to Section 2.

SECTION 2— The town clerk shall call annually at the second meeting of the Town Council for bids for the official newspaper. Said bid shall set forth the costs per word and be of general circulation in the Town of Gig Harbor.

SECTION 3— This ordinance shall become effective five (5) days from and after its passage, approval and publication as provided by law.

Passed by the Town Council and approved by the Mayor of the Town of Gig Harbor, Washington, at a regular meeting thereof this 11th day of June, 1973.

Jack D. Bujacich, Jr.
Mayor

Attest:
Donald J. Avery
Town Clerk

7

# Affidavit of Publication

STATE OF WASHINGTON, }
COUNTY OF PIERCE. } S.S.

Robert H. Platt, Jr. being first duly sworn,

on oath deposes and says that he is the Co-Publisher of THE PENINSULA GATEWAY, a weekly newspaper. That said newspaper is a legal newspaper and it is now and has been for more than six months prior to the date of the publication hereinafter referred to, published in the English language continually as a weekly newspaper in Gig Harbor, Pierce County, Washington, and it is now and during all of said time was printed in an office maintained at the aforementioned place of publication of said newspaper.

That the annexed is a true copy of a Ordinance No. 168

as it was published in regular issues (and not in supplement form) of said newspaper once each week for a period of One (1) consecutive weeks, commencing on the 26th day of July, 19 73, and ending on the 26th day of July, 19 73, both dates inclusive, and that such newspaper was regularly distributed to its subscribers during all of said period.

That the full amount of the fee charged for the foregoing publication in the sum of $ 2.72 which amount has been paid in full, at the rate of $3.20 a hundred words for the first insertion and $2.40 a hundred words for each subsequent insertion.

Robert H. Platt Jr

Subscribed to and sworn before me this 3 day of August, 19 73

Robert E. Hunt

Notary Public in and for the State of Washington.

Residing at Fox Island,

**ORDINANCE NO. 168**

An Ordinance establishing a Revenue Sharing Fund for funds received from the Federal Government:

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF GIG HARBOR:

Section 1. That this ordinance shall establish a Revenue Sharing Fund with funds received from the Federal Government.

Section 2. That this ordinance shall become effective immediately upon passage and publication, as required by law.

Passed this 23 day of July, 1973.

E. A. Bunch
Mayor Pro-tem
ATTEST: Don Avery
Town Clerk 13

this 11 day of June, 1973.

MAYOR

Attest:

Town Clerk

ORDINANCE NO. 168

An Ordinance establishing a Revenue Sharing Fund for funds received from the Federal Government:

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF GIG HARBOR:

Section 1. That this ordinance shall establish a Revenue Sharing Fund with funds received from the Federal Government.

Section 2. That this ordinance shall become effective immediately upon passage and publication, as required by law.

Passed this _____ day of _____, 1973.

ORDINANCE NO. 169

AN ORDINANCE of the Town of Gig Harbor, Washington approving and confirming the assessments and assessment roll of Utility Local Improvement District No. 1 for the construction and installation of sanitary sewer improvements and levying and assessing the amounts thereof against the several lots, tracts, parcels of land and other property as shown on said assessment roll.

WHEREAS, by Ordinance No. 158 passed and approved November 13, 1972, the Town of Gig Harbor created Utility Local Improvement District No. 1 and ordered the construction and installation of the improvements therein described to carry out part of the plan for a sanitary sewerage system for the town; and

WHEREAS, notice of the time and place of hearing on the assessment roll for Utility Local Improvement District No. 1 was duly and regularly given to all property owners within said district, by publication thereof and by mailing to all property owners whose name appeared on said assessment roll, in the manner provided by law; and

WHEREAS, at the time and place fixed for said hearing the Council met and duly considered said assessment roll, the various protests filed against said roll and requests for modifications of said roll, and after consideration thereof determined to order the roll confirmed as revised;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Gig Harbor, Washington, as follows:

Section 1. That the changes and revisions in the assessments and assessment roll of Utility Local Improvement District No. 1 as filed, which are described in Exhibit A attached hereto and by this reference made a part hereof are hereby ordered to be entered thereon and are approved.

Section 2. That the assessments and assessment roll of

Utility Local Improvement District No. 1 for the construction and installation of the improvements ordered by Ordinance No. 158 of the Town, revised as described in Section 1 above, in the total amount of $ 1,100,996.80 be and the same hereby are in all things approved and confirmed.

Section 3. That each of the lots, tracts, parcels of land and other property shown upon said roll is hereby declared to be specially benefited by said improvements in at least the amount charged against the same and that the assessment appearing against the same is in proportion to the several assessments appearing on said roll. There is hereby levied and assessed against each such lot, tract, parcel of land and other property appearing upon said roll the amount finally charged against the same thereon.

Said amount, or any portion thereof, may be paid at any time within thirty (30) days from the date of the first publication of the Town Treasurer's notice that the assessment roll has been placed in his hands for collection without penalty, interest or costs and thereafter the sum remaining unpaid, if any, may be paid in _____ equal annual installments, with interest on the whole unpaid sum at the rate of _____% per annum. Commencing with the first year after a date thirty (30) days after the first publication of said notice and each year thereafter, one of said installments, together with the interest due thereon and upon all installments thereafter to become due, shall be collected as provided by law and the ordinances of the Town of Gig Harbor.

Section 4. Installments of assessments unpaid when due shall be delinquent and there shall be added to the same a penalty of 5% of the amount of the delinquent installment or installments and interest as provided by Ordinance No. 156 of

EXHIBIT A

REVISIONS OF ASSESSMENT ROLL

UTILITY LOCAL IMPROVEMENT DISTRICT NO. 1
TOWN OF GIG HARBOR, WASHINGTON

| Name Of Property Owner | Description of Property | Original Assessment | Revised Assessment |
|---|---|---|---|
| 10-253 Sleet, George T. | LEWIS ADD TO GIG HARBOR L 25 LESS E 100 FT THEREOF | 413.81 | 563.81 |
| 11-20 Lockert, Jens | COM AT INTER OF S LI OF GOVT LOT 2 WITH C/L OF OUTSIDE FERRY LANDING CO RD TH N 15° 48' W ON SD LI 61.25 FT TH N 74° 12' E 130 FT TH S 13° 34' E 16 FT TO POB TH CONT S 13° 34' E 16FT TH N 77° 21 MIN E 215 FT M/L TO ML TH N 30° W 27.75 FT TO A PT N 74° 27' E OF POB TH S 74° 27' W 207.24 FT M/L TO POB TOG/W TDLDS ABUTT EASE OF RECORD | 374.45 | 224.45 |
| 11-28 Hagenau, Edward | COM NW COR LOT 3 TH S 112 FT TH E 380.97 FT TO C/L OF JERICH ST FORMERLY KNOWN AS OUTSIDE FERRY LANDING CO RD TH S 15 DEG 47' 50" E 17.49 FT TO POB TH S 89° 54' 58" E 130.82 FT TH S 11° 23' 38" W 101.98 FT TO N LI OF PROP CYD TO ANTONE P SKANSIE BY D REC UNDER AUD FEE #2188821 TH N 89° 54' 58" W 82.38 FT TO C/L OF SD JERICH ST TH N 15° 47' 50" W 103.96 FT TO POB EXC JERICH ST R/W SEG F 6023 | 967.46 | 951.46 |
| 11-29 Hagenau, Edward | THAT POR OF S 100 FT OF N 229.5 FT OF GOVT LOT 3 LY ELY OF ELY LI OF OUTSIDE FERRY LANDING CO RD TOG/W TDLDS ABUTT EXC JERICH ST & FOLL POR OF ABOVE DESC PROP COM NW COR OF LOT 3 TH S 112 FT TH E 380.97 FT TO C/L OF SD ST TH S 15° 47' 50" E 17.49 FT TO POB TH S 89° 54' 58" E 130.82 FT TH S 11° 23' 38" W 101.98 FT TO N LI OF PROP CYD TO A P SKANSIE BY D REC UNDER AUD FEE #2188821 TH N 89° 54' 58" W 82.38 FT TO C/L OF SD ST TH N 15° 47' 50" W 103.96 FT TO POB EXC ST R/W EXCEPTIONS & RESERV & EASE OF RECORD SEG F 6023 | 355.46 | 938.65 |
| 14-39 Burns, David | COM AT NW COR OF GOVT LOT 4 TH N 89° 59' 34" E 30 FT TO E LI OF STATE HWY TH ALG SD E LI S 01° 00' 40" W 384.78 FT TH N 84° 30' 40" E 338.36 FT TO POB TH N 84° 30' 40" E 15.10 FT TH N 88° 55' 13" E 203.87 FT TH S 01° 00' 40" W 142 FT TH S 89° 56' 02" W 218.76 FT TH N 01° 00' 40" E 136.85 FT TO POB EXC W 15 FT FOR RD | $ 1,601.99 | $ 1,451.99 |
| 14-83 Ryan | CRESTVIEW LI B 3 | 1,463.44 | 1,613.44 |
| 14-93 Bampton, Frank | BEG N LI LOT 5 AT PT 40 RDS E OF NW COR SD LOT TH S 15 RDS TH E TO ML PUGET SOUND TH NWLY ALG SD ML TO NE COR SD LOT 5 TH W ALG N LI SD LOT 5 TO BEG INCL TDLDS ABUTT | 1,531.41 | 1,438.59 |

EXHIBIT A

REVISIONS OF ASSESSMENT ROLL

UTILITY LOCAL IMPROVEMENT DISTRICT NO. 1
TOWN OF GIG HARBOR, WASHINGTON

| Name Of Property Owner | Description of Property | Original Assessment | Revised Assessment |
|---|---|---|---|
| 2-37 Johnson, Richard | NORTH SHORE HILLS SUB'D. #1, L 2 | $ 759.33 | $ 909.33 |
| 4-104 Larson, Chester | WEDLUNDS ADD. L 12 | 622.50 | 772.50 |
| 6-4 Wilkinson, Hetty | E 1/2 of SE 1/4 of SW 1/4 of SE 1/4 LESS N 15 FT LESS TLCT LI | 3,742.33 | 3,581.24 |
| 6-11 Tacoma City Light | 100 FT R/W THRU E 1/2 OF SE OF SW OF SE | $ 620.73 | -0- |
| 6-12 Tacoma City Light | TRI IN NE COR OF W 3/4 OF S 1/2 of SW OF SE | 245.03 | -0- |
| 6-53 Manning, Ed | BEG 361.3 FT S 86° 17' W & 30 FT N of SE COR OF SE 1/4 THENCE N 125 FT TH S 86° 17' W 269 FT TH S 125 FT TH N 86° 17' E 269 FT TO POB | 2,433.51 | 2,399.51 |
| 6-76 Thaden, John | BEG 123 FT M/L W OF NE COR OF W 3/4ths of S 1/2 of SW 1/4 of SE 1/4 ON WLY LI OF TLCT LI TH W 396 FT TH S 297 FT TH E 509 FT M/L TO WLY LI OF SD R/W TH NLY ON SD LI TO BEG EXC W 198 FT THEREOF EASE OF RECORD | 1,067.22 | 944.83 |
| 7-40 Skansi, Antone | COM AT SELY COR OF B 1 OF TOWN OF MILLVILLE TH S 29° 56' E 110 FT ALG ELY LI OF B H CO RD TO POB TH CONT S 29 DEG 56 MIN E 82.0 FT ALG ELY LI OF SD RD TH N 36° 01' E 115.07 FT TO ML OF GIG HARBOR TH N 35° 00' W 79.19 FT TH S 36° 01' W 107.41 FT TO POB BEING A TR 75 FT WIDE AT R/A TOG/W TDLDS ABUTT | 829.25 | 679.25 |
| 7-113 McGuire, Leonard | L 8 & 9 B6 MILLVILLE | 980.00 | 1,130.00 |
| 9-23 Island Empire Telephone Co. | THAT POR OF FOLL DESC PROP LY N OF A LI 660 FT S OF N LI OF SEC ALL THAT POR OF E 1/2 OF W 1/2 OF NW OF NE LY SWLY OF STATE HWY #14 ASCYD TO STATE OF WASH UNDER FEE #1323472 & SLY OF APPROACH RD EXCA STRIP OF LD AS CYD TO STATE OF WASH UNDER FEE #1527906 & EXC A STRIP OF LD AS CYD TO STATE OF WASH UNDER FEE #1785090 INCL EASETOCO 27-539 SEG E 6924 | 206.91 | 917.91 |
| 9-26 Tacoma City Light | THAT POR OF FOLL LY N OF A LI 660 FT S OF N LI OF SEC 100 FT R/WIN NE INCL TRI IN NE COR OF NW OF NE MEAS 204 FT ON N LI & 500 FT OFE LI SEG E 6928 | 838.53 | -0- |
| 10-67 Gilich, Vinika | E 1/2 OF E 1/2 of E 1/2 OF E 1/2 OF NW OF NW EXC THAT POR THEREOF WHICH IS PARTIALLY EXEMPT UNDER RCW 84.36 1ST EXTRA SESSION C-288 SEC 4 & 5 & ASSESSED UNDER PARCEL 02 21 08 2/900 SEG G 2218 | 2,535.16 | 2,056.75 |
| 10-115 Morin, Nick | BEG AT SE COR OF SE OF NW TH W 250 FT TH N 105 FT TH E 250 FT TH S 105 FT TO BEG EXC RDS | 1,546.25 | 1,172.25 |

EXHIBIT A

REVISIONS OF ASSESSMENT ROLL

UTILITY LOCAL IMPROVEMENT DISTRICT NO. 1
TOWN OF GIG HARBOR, WASHINGTON

| Name Of Property Owner | Description of Property | Original Assessment | Revised Assessment |
|---|---|---|---|
| 7-51<br>Durbin, Virgil | BEG AT INTER OF N LI OF CARRS INLET GIG HARBOR CO RD WITH SWLY LI OF BURNHAM HUNT CO RD IN LOT 7 TH N 29 DEG 56 MIN W ON SD SWLY LI 192.30 FT TH S 60 DEG 04 MIN W 110 FT TH S 29 DEG 56 MIN E 128.11 FT TO N LI SD CARRS INLET GIG HARBOR CO RD TH S 89 DEG 40 MIN E 127.66 FT TO BEG LESS SWLY 7.4 FT OF L 7, 8 & 9 OF SKANSIE ADD VAC & LESS THE ELY 72.8 FT OF NLY 49.82 FT | 1,081.34 | 931.34 |
| 13-52<br>Insel, John H. | COM NW COR LOT 2A TH S 311 FT FOR POB TH S 286 FT NELY 299 FT NWLY 187 FT TO POB | 683.25 | -0- |

EXHIBIT A

REVISIONS OF ASSESSMENT ROLL

UTILITY LOCAL IMPROVEMENT DISTRICT NO. 1
TOWN OF GIG HARBOR, WASHINGTON

| Name of Property Owner | Description of Property | Original Assessment | Revised Assessment |
|---|---|---|---|

I, DONALD J. AVERY, the duly chosen, qualified and acting Town Clerk of the Town of Gig Harbor, Washington, DO HEREBY CERTIFY that the foregoing ordinance is a true and correct copy of Ordinance No. _____ of the Town of Gig Harbor, Washington, duly adopted by its Council and approved by its Mayor at a regular meeting thereof held on the ____ day of September, 1973.

_____
Town Clerk

LAND PARCELS REVIEWED AT FINAL HEARING
8/37/73 and 9/4/73

| Parcel No. | Owners Name | Action By Council | Date |
|---|---|---|---|
| 2-37 | Johnson, Richard | Add SS | 9/04/73 |
| 3-15 | Atwater, Betty | No revision | 9/04/73 |
| 3-166 | Vinkenes, Hans | No revision | 9/04/73 |
| 4-8 | Miller, Paul | No revision | 9/04/73 |
| 4-72 | Dadisman, Chester E. | No revision | 8/27/73 |
| 4-73 | Dadisman, Chester E. | No revision | 8/27/73 |
| 4-101 | Crites, J. D. | No revision | 9/04/73 |
| 4-104 | Larson, Chester | Add SS | 9/04/73 |
| 5-1 | Nord, Jeanne | No revision | 8/27/73 |
| 6-2 | Kajca, N. M. | No revision | 9/04/73 |
| 6-4 | Wilkenson, Hetty | Reduce area charge (15' strip) | 9/04/73 |
| 6-11 | Tacoma City Light | Remove assessment | 9/04/73 |
| 6-12 | Tacoma City Light | Remove assessment | 9/04/73 |
| 6-33 | Skansi, Nick | No revision | 8/27/73 |
| 6-53 | Manning, Ed | Reduce FF to 269 feet | 9/04/73 |
| 6-76 | Thaden, John | Reduce area charge | 9/04/73 |
| 7-40 | Skansi, Antone | Remove SS | 8/27/73 |
| 7-113 | McGuire, Pat | Add SS | 9/04/73 |
| 9-3 | Roby, Milton | No revision | 9/04/73 |
| 9-15 | Roby, Milton | No revision | 9/04/73 |
| 9-16 | Roby, Milton | No revision | 9/04/73 |
| 9-23 | Island Empire Telephone | Add FF & SS | 9/04/73 |
| 9-25 | Wilkenson, Dorothy & Helen | No revision | 9/04/73 |

the town. Such penalties shall become a part of the lien upon the property assessed.

Section 5. All moneys collected from the assessments levied as authorized herein shall be paid into such revenue bond fund of the town as may be hereafter designated by the Town Council in the ordinance authorizing the issuance of such revenue bonds of the town as shall be issued to pay part or all of the costs of the improvements in Utility Local Improvement District No. 1.

Section 6. This ordinance shall become effective five (5) days from and after its passage, approval and publication.

Introduced and first read by the Council of the Town of Gig Harbor, Washington, at its regular meeting on the 10th day of Sept., 1973.

Finally passed by said Council at the regular meeting on the 24 day of September, 1973, and approved by its Mayor on the 24 day of September, 1973.

TOWN OF GIG HARBOR, WASHINGTON

By _____
Mayor

ATTEST:

_____
Town Clerk

APPROVED AS TO FORM:

_____
Town Attorney

| Parcel No. | Owners Name | Action By Council | Date |
|---|---|---|---|
| 9-26 | Tacoma City Light | Remove assessment | 9/04/73 |
| 9-30 | Cooper, W. D. | No revision | 9/04/73 |
| 9-31 | Cooper, W. D. | No revision | 9/04/73 |
| 9-37 | Larson, Robert | No revision | 9/04/73 |
| 9-38 | Cooper, W. D. | No revision | 9/04/73 |
| 9-41 | Cooper, W. D. | No revision | 9/04/73 |
| 10-67 | Gilich, Vinika | Recalculate area & FF | 9/04/73 |
| 10-83 | Smircich, Mathew | No revision | 9/04/73 |
| 10-115 | Morin, Nick | Reduce FF to 120 ft. | 9/04/73 |
| 10-213 | Sleet, George | No revision | 9/04/73 |
| 10-214 | Goodwin, Frank | No revision | 9/04/73 |
| 10-215 | Goodwin, Frank | No revision | 9/04/73 |
| 10-252 | Goodwin, Frank | No revision | 9/04/73 |
| 10-253 | Sleet, George | Add SS | 9/04/73 |
| 11-20 | Lockert, Jens | Remove SS | 9/04/73 |
| 11-23 | Goldman, A. K. | No revision | 9/04/73 |
| 11-28 | Hagenau, Ed | Revise area & FF charge | 9/04/73 |
| 11-29 | Hagenau, Ed | Revise area & FF charge | 9/04/73 |
| 11-39 | Cozort, Iverson | No revision | 9/04/73 |
| 11-42 | Stein, Lester | No revision | 9/04/73 |
| 13-3 | McCray, Marvin | No revision | 9/04/73 |
| 14-33 | Galligan, Boyd | No revision | 9/04/73 |
| 14-39 | Burns, David | Remove SS | 9/04/73 |
| 14-83 | Ryan, Harold (Studer, Loye) | Add SS | 9/04/73 |
| 14-93 | Bampton, Frank | Reduce by road R/W | 9/04/73 |

**ORDINANCE NO. 170**

**AN ORDINANCE** of the Town of Gig Harbor, Washington, providing for the issuance and sale of water revenue bonds of the town in the principal amount of $90,000 to pay part of the cost of acquiring, constructing and installing certain additions and improvements to the existing water system of the town as authorized by Ordinance No. 161; providing the date, form, terms and maturities of said bonds; providing and adopting certain covenants and protective features safeguarding the payment of the principal thereof and interest thereon; reserving the right in the town to issue additional water revenue bonds on a parity with such revenue bonds to be issued, for certain purposes and on compliance with certain conditions.

WHEREAS, Ordinance No. 161 of the Town of Gig Harbor, Washington (hereinafter called the "Town"), passed December 26, 1972, authorized the acquisition, construction and installation of certain additions and improvements to the existing water system of the Town, declared the estimated cost thereof to be, as near as may be, the sum of $140,000, approximately $50,000 of which would be borne by grants from the United States of America and the State of Washington, and other available funds of the Town, and further provided that the remaining balance of such cost would be provided by the issuance and sale of water revenue bonds of the Town in the principal amount of not to exceed $90,000; and

WHEREAS, it is deemed necessary and advisable that the Town proceed with the acquisition, construction and installation of said additions and improvements, and to pay part of the cost thereof that it now issue and sell its water revenue bonds in the total principal amount of $90,000; and

WHEREAS, the Town has heretofore entered into an agreement with the United States Department of Housing and Urban Development which has agreed to submit a proposal for the purchase of such water revenue bonds to be issued;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Gig Harbor, Washington, as follows:

Section 1. As used in this ordinance the following words shall have the following meanings:

a. The word "Town" shall mean the Town of Gig Harbor, a municipal corporation duly organized and existing under the laws of the State of Washington.

b. The word "system" shall mean the water supply and distribution system of the Town, as such system may be added to, improved and extended for as long as any of the Bonds and any Parity Bonds are outstanding, which additions, improvements and extensions may include the sanitary sewage disposal system of the Town should the same ever be combined with the water supply and distribution system of the Town in the manner authorized by law.

c. The word "Bonds" shall mean the $90,000 principal amount of water revenue bonds of the Town issued pursuant to this ordinance.

d. The words "Revenue Fund" shall mean the special fund of the Town designated the Water Revenue Fund created by Section 14 of this ordinance.

e. The words "Construction Fund" shall mean the special fund of the Town known as the "Water Tank Construction Fund" created by Ordinance No. 164 of the Town.

f. The words "Bond Redemption Fund" shall mean the "Gig Harbor 1961 Water Revenue Bond Redemption Fund" created by Section 8 of Ordinance No. 59 of the Town.

g. The words "Gross Revenue" shall mean all rates, charges or other income and receipts in each case derived by or for the account of the Town arising from the operation or ownership of the System, and, after December 1, 1977, shall include all assessments, including interest and any penalties thereon, levied in any utility local improvement district of the Town, and pledged to and paid into the Bond Redemption Fund.

h. The word "Government" shall mean the United States Department of Housing and Urban Development.

i. The words "Outstanding Bonds" shall mean the outstanding water revenue bonds of the Town issued under date of September 1, 1961.

j. The words "Term Bonds" mean the bonds of any issue or series payable out of the Bond Redemption Fund maturing in the last maturity year of such issue or series (regardless of reservation of prior redemptive rights) in an amount which is more than 1.25 times the average annual principal maturities of the bonds of such issue or series for the three calendar years immediately preceding such last maturity year.

k. The words "Parity Bonds" shall mean any revenue bonds of the Town issued after the date of the issuance of the Bonds and having a lien upon the Gross Revenue and the money in the Revenue Fund for the payment of the principal thereof and interest thereon equal to the lien upon the Gross Revenue and the money in such fund for the payment of the principal of and interest on the Bonds and the Outstanding Bonds.

Section 2. The Town shall complete the acquisition, construction and installation of those additions and improvements to the System authorized by its Ordinance No. 161.

Section 3. For the purpose of providing part of the money required to acquire, construct and install those certain additions and improvements to the System as provided in Ordinance No. 161, the Town hereby authorizes the issuance of the Bonds in the total principal amount of $90,000. It is hereby found and declared that the final maturity of the Bonds does not extend beyond the reasonable life expectancy of the System.

Section 4. The Bonds shall be dated November 1, 1973, shall be in the denomination of $1,000 each, shall be payable to bearer and shall be numbered and mature on December 1 in order of their number as follows:

| Bond Nos. | Maturity Year | Amount | |
|---|---|---|---|
| 1-5 | 1978 | $5,000 | |
| 6-11 | 1979 | 6,000 | |
| 12-17 | 1980 | 6,000 | 79,000 |
| 18-23 | 1981 | 6,000 | 73,000 |
| 24-30 | 1982 | 7,000 | 67,000 |
| 31-37 | 1983 | 7,000 | 60,000 |
| 38-45 | 1984 | 8,000 | 53,000 |
| 46-53 | 1985 | 8,000 | 45,000 |
| 54-62 | 1986 | 9,000 | 37,000 |
| 63-71 | 1987 | 9,000 | |
| 72-80 | 1988 | 9,000 | |
| 81-90 | 1989 | 10,000 | |

The Bonds shall bear interest at a rate of not to exceed 5-5/8% per annum payable semiannually on the first days of June and December of each year, commencing June 1, 1974, as evidenced by interest coupons attached to the Bonds.

Both principal of and interest on the Bonds shall be payable in lawful money of the United States of America by the Town Treasurer at his office or, at the option of the holder, at the main office of the Peninsula State Bank, Gig Harbor, Washington, and shall be obligations only of the Bond Redemption Fund.

Section 5. The Bonds shall be registrable as to principal only. As long as any of the Bonds shall remain outstanding the Town shall maintain at the office of the Town Treasurer books for registration and transfer of the Bonds. No transfer of any Bond so registered shall be valid unless made on said books at the request of the registered owner or his duly authorized agent in writing, and similarly noted on such Bond.

Section 6. The Bonds shall be signed on behalf of the Town by the Mayor and shall be attested by the Town Clerk. Each of the Bonds shall have the seal of the Town impressed thereon.

Section 7. The Town reserves the right to redeem Bonds outstanding, in whole, or in part in inverse numerical order, on any interest payment date after January 1, 1978, at the principal amount thereof plus accrued interest to the date of redemption and plus a premium for each Bond as follows: 2-½% if redeemed June 1, 1978 through December 1, 1978, inclusive; 2% if redeemed June 1, 1979 through December 1, 1979, inclusive; 1½% if redeemed June 1, 1980 through December 1, 1980, inclusive; 1% if redeemed June 1, 1981 through December 1, 1981, inclusive; ½% if redeemed June 1, 1982 through December 1, 1982, inclusive; 0% if redeemed June 1, 1983, or thereafter.

The agreement of the Town with the Government relative to the sale of the Bonds provides that if and as long as the Government owns any of the Bonds the Government has waived and will waive the noncallable provisions, redemption premiums and publication of notice of call applicable to such Bonds so owned.

The Town further reserves the right whenever it has any surplus money in its Revenue Fund over and above all amounts therein pledged by the Town to be used for any specific purpose to use such surplus at any time (subject to the provisions of Section 22) to purchase any of the Bonds in the open market for retirement only if the same may be purchased at not more than the price at which they could be redeemed on the next succeeding redemption date.

Section 8. Notice of any such intended redemption shall be given by registered mail sent to the registered owners of the Bonds to be redeemed at their addresses appearing on the registry book at least thirty days prior to the redemption date and, unless all of the Bonds to be redeemed are registered Bonds, by publication once in a financial journal of general circulation in the City of Seattle, Washington, such publication to be not more than forty-five nor less than thirty days prior to said redemption date. The redemption notice shall state the serial numbers of the Bonds called for redemption and that interest thereon will cease on the redemption date, and shall direct that such Bonds, together with all coupons, if any, maturing on or after the redemption date, shall be presented by the holders for payment and cancellation at the office of the Town Treasurer, Gig Harbor, Washington.

Section 9. The Bonds and the certificate of registration to be endorsed thereon shall be in substantially the following form:

UNITED STATES
OF AMERICA

NO. $1,000

STATE OF WASHINGTON
TOWN OF GIG HARBOR
WATER REVENUE BOND

The Town of Gig Harbor, a municipal corporation of the State of Washington (hereinafter called the "Town"), hereby acknowledges itself to owe and for value received promises to pay to bearer, or, if this bond be registered, to the registered owner hereof on the first day of December, , the principal sum of

ONE THOUSAND DOLLARS

together with interest thereon at the rate of %per annum payable on the first days of June and December of each year from the date hereof upon presentation and surrender of the attached interest coupons as they severally become due or until the principal amount hereof has been paid.

Both principal of and interest on this bond are payable in lawful money of the United States of America solely out of the special fund of the Town known as the "Gig Harbor 1961 Water Revenue Bond Redemption Fund" created by Ordinance No. 59 of the Town.

Said payments shall be made at the office of the Treasurer of the Town of Gig Harbor, Gig Harbor, Washington or, at the option of the holder, at the Peninsula State Bank, Gig Harbor, Washington.

The Town has reserved the right to redeem any or all of the bonds of this issue outstanding, in whole, or in part in inverse numerical order, on any interest payment date after January 1, 1978, at the principal amount thereof plus accrued interest to the date of redemption and plus a premium for each Bond as follows: 2-½% if redeemed June 1, 1978 through December 1, 1978, inclusive; 2% if redeemed June 1, 1979 through December 1, 1979, inclusive; 1-½% if redeemed June 1, 1980 through December 1, 1980, inclusive; 1% if redeemed June 1, 1981 through December 1, 1981, inclusive; ½% if redeemed

June 1, 1982 through December 1, 1982, inclusive; 0 % if redeemed by June 1, 1983, or thereafter provided, however, that as long as the United States Department of Housing and Urban Development owns any of the bonds of this issue, said Department has waived the noncallable provisions, redemption provisions and publication of notice of call relating to the bonds so owned.

This bond is one of an issue of water revenue bonds of the Town of like amount, date and tenor except as to the number and date of maturity in the aggregate principal amount of $90,000, which bonds are issued for the purpose of providing funds to pay part of the cost of acquiring, constructing and installing certain additions and improvements to the water system of the Town, is payable solely out of the gross revenue of such system and all additions and improvements thereto and extensions thereof, and does not constitute a general obligation of the Town.

The Town hereby covenents and agrees with the owner and holder of this bond that it will keep and perform all the covenants of this bond and of Ordinance No. (the "Ordinance") to be by it kept and performed.

The Town has pledged and bound itself to set aside from the gross revenue of its water system and all additions and improvements thereto and extensions thereof, and to pay into said Bond Redemption Fund and the Reserve Account therein, the various amounts required by the Ordinance to be paid into and maintained in said Fund and Account, all within the times provided in said ordinance.

Said amounts so pledged to be paid into said fund and Account are hereby declared to be a prior lien and charge upon such gross revenue superior to all other charges of any kind or nature except for necessary costs of maintenance and operation of such water system and equal in rank to the lien and charge thereupon to pay and secure the payment of the outstanding water revenue bonds of the Town issued under date of September 1 1961, and to any charge which may hereafter be made thereon to pay and secure the payment of any bonds which may later be issued on a parity with such 1961 bonds and the bonds of this issue.

The Town has further bound itself to maintain said system in good condition and repair, to operate the same in an efficient manner and at a reasonable cost, and to establish, maintain and collect rates and charges for water service furnished for as long as any of the bonds of this issue are outstanding that will, together with any assessments paid into said Bond Redemption Fund, provide revenue equal to at least 1.35 times the amounts required each calendar year hereafter to pay and secure the payment of the principal of and interest on such 1961 bonds, the bonds of this issue and any bonds later issued on a parity therewith, (exclusive, after December 1, 1977, of the principal amount of any Term Bonds, as such term is defined in the Ordinance), after necessary costs of maintenance and operation of such system have been paid, but before depreciation.

It is hereby certified and declared that this bond and the bonds of this issue are issued pursuant to and in strict compliance with the Constitution and laws of the State of Washington and ordinances of the Town, and that all acts, conditions and things required to be done precedent to and in the issuance of this bond have happened, been done and performed.

IN WITNESS WHEREOF, the Town of Gig Harbor, Washington, has caused this bond to be signed by its Mayor, to be attested by its Clerk, and the corporate seal of the Town to be impressed hereon, this 1st day of November, 1973.

TOWN OF GIG HARBOR, WASHINGTON
By
Mayor

ATTEST:
Town Clerk

The interest coupons to be attached to the Bonds shall be in substantially the following form:

NO. $

On the first day of , 19 , the Town of Gig Harbor, Washington will pay to bearer at the office of the Town Treasurer in Gig Harbor or, at the option of the holder, at the Peninsula State Bank in Gig Harbor, Washington, the sum shown hereon in lawful money of the United States of America, solely out of the special fund of the Town known as the "Gig Harbor 1961 Water Revenue Bond Redemption Fund," said sum being the semiannual interest due that day on its water revenue bond dated November 1, 1973, numbered .

TOWN OF GIG HARBOR, WASHINGTON
by
Mayor

ATTEST:
Town Clerk

The Bonds shall have endorsed thereon the following registration certificate:

REGISTRATION CERTIFICATE

This bond may be registered as to the principal only on the bond registry book of the Town maintained at the office of the Town Treasurer, Gig Harbor, Washington, such registration to be noted hereon, and thereafter the principal of this bond shall be payable only to the registered holder, his legal representative or assigns.

This bond, if registered, shall be transferable to another registered holder or back to bearer only upon presentation to said Treasurer. If this bond is to be transferred, it must, upon such presentation, be accompanied by a legal assignment duly acknowledged or proved.

Registration of this bond shall not affect the negotiability of the coupons attached hereto, which shall at all times be transferable by delivery.

Date of Registration

Name and Address of Registered Holder

Signature of Registrar

Section 10. The purchaser of the Bonds may elect to accept a nonnegotiable bond registered as to both principal

and interest with a face value in the amount of the Bonds, in lieu of individual bonds. Any such fully registered bond shall be executed in the manner provided for the Bonds and shall be of type composition and on paper of sufficient weight and strength to prevent deterioration throughout the life of the loan represented by such fully registered bond.

Such fully registered bond shall be dated November 1, 1973, shall bear interest at the rate specified for the Bonds, shall mature in installments in the years and amounts set forth in Section 4 of this ordinance, and shall be in substantially the following form, with such variations, omissions and insertions as may be necessary under the circumstances:

UNITED STATES
OF AMERICA

NO. R-1 $90,000

STATE OF WASHINGTON
TOWN OF GIG HARBOR
WATER REVENUE BOND,
1973

The Town of Gig Harbor, Washington (hereinafter called the "Town"), acknowledges itself indebted and for value received promises to pay to the Secretary of the Department of Housing and Urban Development, United States of America, or its successor (herein sometimes called the "Payee"), or its registered assigns (herein sometimes called the "Alternate Payee"), the principal sum of

NINETY THOUSAND
DOLLARS

in the following installments on December 1 of each of the following years.

| Maturity Year | Amount |
|---|---|
| 1978 | $5,000 |
| 1979 | 6,000 |
| 1980 | 6,000 |
| 1981 | 6,000 |
| 1982 | 7,000 |
| 1983 | 7,000 |
| 1984 | 8,000 |
| 1985 | 8,000 |
| 1986 | 9,000 |
| 1987 | 9,000 |
| 1988 | 9,000 |
| 1989 | 10,000 |

in any coin or currency which is legally acceptable on the respective dates of payments for debts due the United States of America and to pay interest on the balance of said principal from time to time remaining unpaid in like coin or currency at the rate of %per annum payable semiannually on the first days of June and December of each year from date hereof until the principal amount hereof has been paid or such payment has been duly provided for.

So long as the Payee is the registered owner of this bond, payments of principal and interest shall be made by the Town Treasurer directly to the Federal Reserve Bank of Richmond, Richmond, Virginia, or such other fiscal agent as the Payee shall designate. So long as an Alternate Payee is the registered owner hereof, said payments shall be made at the office of the Town Treasurer, Gig Harbor, Washington, or, at the option of the holder, at the Peninsula State Bank, Gig Harbor, Washington.

Payments of principal and interest, including prepayments of installments of principal as hereinafter provided, shall be noted on the Payment Record made a part of this bond. Upon final payment of the principal and interest, this bond shall be submitted to the Town for cancellation and surrender.

Both principal of and interest on this bond are payable solely out of the special fund of the Town known as the "Gig Harbor 1961 Water Revenue Bond Redemption Fund" created by Ordinance No. 59 of the Town.

In addition to the installments of principal required to be paid by the Town as hereinabove set forth, the Town at its option, shall have the right to prepay any or all unpaid installments on June 1, 1978, or on any interest payment date thereafter, in multiples of $1,000, in the inverse chronological order of such installments, at the following prices expressed as a percentage of the principal amount to be prepaid, plus accrued interest to the date of prepayment: 2-½% if redeemed June 1, 1978 through December 1, 1978, inclusive; 2% if redeemed June 1, 1979 through December 1, 1979, inclusive; 1-½% if redeemed June 1, 1980 through December 1, 1980, inclusive; 1% if redeemed June 1, 1981 through December 1, 1981, inclusive; ½% if redeemed June 1, 1982 through December 1, 1982, inclusive; 0% if redeemed June 1, 1983, or thereafter.

Notice of any such optional prepayment shall be given at least thirty days prior to the prepayment date by mailing to the registered owner of this bond a notice fixing such prepayment date, and the amount of the principal to be prepaid.

As provided in Ordinance No. of the Town (herein called the "Ordinance"), this bond is exchangeable, at the sole expense of the Town, at any time upon ninety days notice at the request of the registered owner thereof, and upon surrender of this bond to the Town for definitive bonds payable to bearer, registrable as to principal only, of the denomination of $1,000 each, bearing interest at the same rate as this bond, with the same rights of redemption as provided for definitive bonds in Section 7 of the Ordinance, in an aggregate principal amount equal to the unpaid principal amount of this bond and in the form of such coupon bonds as provided for in Section 9 of the Ordinance.

This bond is issued for the purpose of providing funds to pay part of the cost of acquiring, constructing and installing certain additions and improvements to the water system of the Town, (The "System" as defined in the Ordinance) is payable solely out of the gross revenue of such System and all additions and improvements thereto and extensions thereof, and does not constitute a general indebtedness of the Town.

The Town hereby covenants and agrees with the owner and holder of this bond that it will keep and perform all the covenants of this bond and of the Ordinance to be by it kept and performed.

The Town has pledged and bound itself to set aside from the gross revenue of its System and all additions and improvements thereto and extensions thereof, and pay into said Bond Redemption Fund and the Reserve Ac-

count therein, the various amounts required by the Ordinance to be paid into and maintained in said Fund and Account, all within the times provided in the Ordinance.

Said amounts so pledged to be paid into said Fund and Account are hereby declared to be a prior lien and charge upon such gross revenue superior to all other charges of any kind or nature except for the necessary expenses of maintenance and operation of such System and equal in rank to the lien and charge thereon to pay and secure the payment of the principal of and interest on the outstanding water revenue bonds of the Town issued under date of Septe ·ber 1, 1961, and to any lein and charge which may hereafter be made thereon to pay and secure the payment of any bonds later issued on a parity with such 1961 bonds and the bonds of this issue.

The Town has further bound itself to maintain said System in good condition and repair, to operate the same in an efficient manner and at a reasonable cost, and to establish, maintain and collect rates and charges for service of the System furnished for as long as any of the bonds of this issue are outstanding that will, together with all assessments paid into said Bond Redemption Fund, provide revenue equal to at least 1.35 times the amounts required each calendar year hereafter to pay and secure the payment of the principal of and interest on the 1961 bonds, the bonds of this issue and any bonds later issued on a parity therewith, (exclusive, after December 1, 1977, of any Term Bonds, as such term is defined in the Ordinance), after necessary costs of maintenance and operation of such System have been paid, but before depreciation.

Reference is made to the Ordinance for a complete statement of all terms and conditions affecting this bond.

This bond may be assigned, and upon such assignment the assignor shall promptly notify the Town Treasurer by registered mail. The Town may require presentation of this bond for verification of the Payment Record, or, at its option, for exchange for a new fully registered bond.

It is hereby certified that all acts, conditions and things required to be done precedent to and in the issuance of this bond have happened, been done and performed, and that the total indebtedness of the Town including this bond does not exceed any constitutional, statutory or charter limitation.

IN WITNESS WHEREOF, the Town of Gig Harbor, Washington, has caused this bond to be signed on behalf of the Town by its Mayor, to be attested by the Town Clerk, and the seal of the Town to be impressed hereon, as of the 1st day of November, 1973.

TOWN OF GIG HARBOR, WASHINGTON
By
Mayor

ATTEST:
Town Clerk

A fully registered bond shall have endorsed thereon the following form of assignment:

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned registered owner thereof hereby sells, assigns and transfers the within bond unto

DATED

In the presence of:

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned registered owner thereof hereby sells, assigns and transfers the within bond unto
DATED
In the presence of:

(Repeat this form of assignment)

As provided in the within bond, notice of any assignment thereof shall be given by the assignor by registered mail to the Town Treasurer, Gig Harbor, Washington, and upon the receipt of such notice the bond shall be registered as to both principal and interest on the registration books of the Town in the name of the assignee named above, but the Town shall have the right to require surrender of said bond for the verification of the Payment Record, or, at the option of the Town, in exchange for a new fully registered bond.

PAYMENT RECORD

| Due Date | Principal Payment | Principal Balance Due | Interest Payment | Date Paid | Name of Paying Agent, Authorized Official and Title |
|---|---|---|---|---|---|
| (enter amounts) | | | | | |
| (enter dates for principal and interest) | | | | | |
| (leave blank) | | | | | |
| (blank) | | | | | |
| (blank) | | | | | |

( due dates—leave one-half inch space between each due date, etc., for manual interlining, if necessary; also half a page at the end for any explanation which might be required)

Section 11. Any fully registered bond shall be redeemable, in whole or in part, to the extent, at the time, in the manner and at the prices set forth in Sections 7 and 8 hereof.

Any fully registered bond may also be transferred by the registered owner thereof, provided that such transfer relates to the entire principal amount of the fully registered bond transferred, and any such transfer shall be noted on the bond registration book of the Town.

Upon ninety days written notice by the holder of any fully registered bond, the Town shall cause to be prepared and shall deliver to such holder, at its sole cost and expense, definitive coupon bonds of type composition and on bond paper of weight and strength that is customarily used for serial bonds of an issue comparable to this issue of Bonds.

Such definitive bonds shall be in the denomination of $1,000 each, shall be in the total principal sum of the unpaid balance due on such fully registered bond, shall be numbered and mature as provided in Section 4 hereof on those dates of maturity which have not yet occurred on the date of such exchange, except that if any prepayment authorized herein shall have been effected, such prepayment shall be deemed to have redeemed such definitive bonds in inverse numerical order. Such

definitive bonds shall be executed and authenticated as herein provided for the Bonds.

Section 12. The Bonds, together with the interest thereon, shall be payable from the Gross Revenue of the System (all of which Gross Revenue must be paid into the Revenue Fund), and that portion of said revenue which is sufficient and necessary to pay the principal of and interest on the Bonds as the same shall become due is hereby pledged and set aside out of the Revenue Fund into the Bond Redemption Fund.

Said amounts so pledged are hereby declared to be a prior lien and charge upon such Gross Revenue and the money in the Revenue Fund superior to all other charges of any kind or nature except for necessary costs of maintenance and operation of the System and equal in rank to the lien and charge thereon to pay and secure the payment of the principal of and interest on the Outstanding Bonds and to any lien and charge which may hereafter be made thereon to pay and secure the payment of any Parity Bonds.

Section 13. The "Water Tank Construction Fund" (hereinbefore defined as the "Construction Fund") has heretofore been established by Ordinance No. 161 of the Town. The proceeds of sale of the Bonds (except for accrued interest, if any, which shall be paid into the Bond Redemption Fund) and all moneys received from the Government and the State of Washington to pay part of the cost of the improvements authorized by Ordinance No. 161 shall be deposited in the Construction Fund. Withdrawals from such Construction Fund shall be made only on warrants of the Town as authorized from time to time by the Town Council and only for the purposes for which the Bonds are issued. Interest earned on Construction Fund moneys shall be deposited in the Construction Fund.

The Town's share of any liquidated damages and any moneys paid by defaulting contractors or their sureties shall be deposited in the Construction Fund to assure completion of all of the additions and improvements to the System to be made. When the acquisition, construction and installation of the facilities authorized by Ordinance No. 161 have been completed and all construction costs and costs incidental thereto and to the issuance of the Bonds have been paid in full, and after any refunds have been made to the Government of grant funds for the Project under the Water and Sewer Grant Program, any balance remaining in the Construction Fund shall be promptly used to call and redeem outstanding Bonds (to the extent any Bonds are held by the Government) and the residue shall be transferred to the Bond Redemption Fund.

Section 14. There is hereby created another special Fund of the Town to be known as the "Water Revenue Fund" (hereinbefore defined as the "Revenue Fund"). All Rentals, charges, income and revenues arising from the operation or ownership of the System shall be deposited to the credit of the Revenue Fund and held in the custody of the Town Treasurer separate and apart from all other funds of the Town. The Revenue Fund shall be maintained for as long as any of the Bonds and any Parity Bonds are outstanding in a bank which is a member of the Federal Deposit Insurance Corporation, and shall be expended and used by the Treasurer only in the manner and order hereinafter specified in the following Sections 15 to 18 inclusive.

Section 15. Necessary costs of maintenance and operation of the System shall be payable as a first charge from the Revenue Fund as the same become due and payable. Such costs shall include all necessary operating expenses, current maintenance charges, expenses of reasonable upkeep and repairs, a properly allocated share of charges for insurance, and all other expenses incident to the operation of the System, but shall exclude depreciation, all general administrative expenses of the Town not attributable to the System, and payments for debt service on obligations of the Town having a lien and charge on the Gross Revenue junior to that of the Bonds.

Section 16. There has heretofore been created another special fund of the Town known as the "Gig Harbor 1961 Water Revenue Bond Redemption Fund" (herein called the "Bond Redemption Fund"), which Fund is to be drawn upon for the sole purpose of paying the principal of and interest on the Outstanding Bonds, the Bonds and any Parity Bonds as the same shall become due.

The Town hereby obligates and binds itself to set aside and pay into the Bond Redemption Fund out of the Gross Revenue the following fixed amounts necessary to pay the principal of and interest on the Bonds as the same respectively become due and payable. Such payments shall be made into the Bond Redemption Fund on or before the 20th day of each month in the amounts hereinafter specified:

(a) Beginning with the month of November, 1973, and continuing through May, 1974, an amount equal to at least one-seventh (1/7) of the interest to become due and payable on June 1, 1974, on all Bonds outstanding.

(b) Beginning with the month of June, 1974, and continuing as long as any of the Bonds are outstanding and unpaid, an amount equal to at least one-sixth (1/6) of the interest to become due and payable on the next interest payment date on all the Bonds then outstanding.

(c) Beginning with the month of December, 1977, and continuing as long as any of the Bonds are outstanding and unpaid, an amount equal to at least one-twelfth (1/12) of the principal of the Bonds to become due and payable on the next principal payment date.

Said amounts so pledged to be paid out of the Gross Revenue and into the Bond Redemption Fund and the Reserve Account hereinafter created therein are hereby declared to be a prior lien and charge upon such Gross Revenue superior to all other charges of any kind or nature except the necessary cost of maintenance and operation of

the System, and equal in rank to the lien and charge thereon to pay and secure the payment of the principal of and interest on the Outstanding Bonds and to any charges which may be later made on such Gross Revenue to pay and secure the payment of the principal of and interest on any Parity Bonds.

Section 17. A Reserve Account has heretofore been created in the Bond Redemption Fund. The Town hereby covenants and agrees that commencing with the month of November, 1973, it will set aside and pay into the Reserve Account out of the Gross Revenues and out of any other money which it may now or later have on hand and available for such purpose the sum of at least $168.00 per month until the sum of $11,000 has been paid therein.

The Town further covenants and agrees that in the event it issues any Parity Bonds it will provide in each ordinance authorizing the issuance of the same that periodic payments will be made at least annually in approximately equal amounts into the Reserve Account out of the Gross Revenue within five years from the date of the issuance of such Parity Bonds, in an amount which, with the money already on deposit in the Reserve Account, will make a total at least equal to the next year's debt service on all outstanding bonds payable out of the Bond Redemption Fund and will further provide in each such ordinance that additional payments will be made out of the Gross Revenue into the Reserve Account if necessary so that there shall be on deposit therein at all times after each said five-year period an amount at least equal to the maximum annual debt service on all bonds payable out of such Bond Recemption Fund.

The Town further covenants and agrees that when said required amounts have been deposited in the Reserve Account, it will at all times maintain those amounts therein until there is a sufficient amount in the Bond Redemption Fund and Reserve Account to pay the principal of, premium, if any, and interest on all outstanding bonds payable out of the Bond Redemption Fund, at which time the money in the Reserve Account may be used to pay such principal, premium, if any, and interest, provided, however, that moneys in the Reserve Account may be withdrawn to pay the principal, premium, if any, and interest on all of the outstanding bonds of any single issue or series payable out of the Bond Redemption Fund, so long as the moneys left remaining on deposit in the Reserve Account are at least equal to the next succeeding year's debt service on all of the remaining bonds payable out of the Bond Redemption Fund.

In the event there shall be a deficiency in the Bond Redemption Fund to meet maturing installments of either interest on or principal of and interest on the Outstanding Bonds, the Bonds or on any Parity Bonds, such deficiency shall be made up from the Reserve Account by the withdrawal of cash therefrom. Any deficiency created in the Reserve Account by reason of any such withdrawal shall then be made up from the Gross Revenue first available therefor.

All moneys in the Reserve Account above provided for shall be kept in cash or invested in direct obligations of the United States Government, or obligations unconditionally guaranteed by the United States Government, having a guaranteed redemption price prior to maturity or maturing not later than ten years from date of purchase, and in no event maturing later than the last maturity of the Outstanding Bonds, the Bonds or any Parity Bonds outstanding at the time of such purchase. Interest earned on any such investments and/or any profits realized from the sale thereof shall be deposited in and become a part of the Bond Redemption Fund.

Section 18. Subject to making the foregoing deposits, the Town may use the balance of excess funds in the Revenue Fund at the close of each fiscal year:

1. To purchase Outstanding Bonds, Bonds or Parity Bonds in accordance with Section 7 above or to redeem such outstanding bonds on the next interest payment date on which they may be called for redemption.

2. For any expenditures (including the payment of debt service on parity or junior lien bonds) in improving or restoring any System facilities, or providing additional System or related facilities, or

3. For any lawful purpose related to the System.

Section 19. The Corporate authorities of the Town hereby declare in fixing the amounts to be paid into the Bond Redemption Fund and the Reserve Account as hereinbefore provided that they have exercised due regard to the necessary cost of maintenance and operation of the System and have not obligated the Town to set aside and pay into said Fund and Account a greater amount of the Gross Revenue than in their judgement will be available over and above such cost of maintenance and operation and such debt service.

Section 20. The Town hereby covenants with the owner and holder of each of the Bonds for as long as any of the same remain outstanding as follows:

a. That it will establish, maintain and collect rates and charges for water (and for sanitary sewage disposal service in the event that the sanitary sewerage system of the Town is combined with the water system) for as long as any of the Outstanding Bonds, the Bonds and any Parity Bonds are outstanding that will make available for the payment of the principal of and interest on all of such bonds as the same shall become due in an amount equal to at least 1.35 times the amount required each calendar year hereafter for the payment of all of such principal and interest (excluding, after December 1, 1977, the principal amount of any Term Bonds) after necessary costs of maintenance and operation of the System, but before depreciation.

b. That it will at all times keep and maintain the System in good repair,

working order and condition and will at all times operate the System and the business in connection therewith in an efficient manner and at a reasonable cost.

(c) That it will not sell or otherwise dispose of all of the properties of the System unless provision is made for payment into the Bond Redemption Fund of a sum sufficient to pay the principal of and interest to the date of such payment on the Outstanding Bonds, the Bonds and any Parity Bonds in accordance with the terms thereof, nor will it sell or otherwise dispose of any portion of the System unless provision is made for payment into the Bond redemption Fund of an amount which shall be in at least the same proportion to the amount of the Outstanding Bonds, the Bonds and any Parity Bonds outstanding that the net revenue available for debt service on all of such bonds for the twelve months immediately proceeding such sale or disposal from the portion of the System sold or disposed of bears to the net revenue available for debt service on all of such bonds for the twelve months immediately preceding such sale or disposal from the portion of the System sold or disposed of bears to the net revenue available for debt service on all of such bonds from the System for the same period. Any such moneys so paid into the Bond Redemption Fund shall be used to retire part or all of such bonds outstanding at the earliest possible date.

(d) That it will not furnish water (or sanitary sewage disposal service in the event the sanitary sewerage system of the town is combined with the water system) to any customer whatsoever free of charge.

e. That it will carry fire and extended coverage insurance on the System as is ordinarily carried on the properties of similar public utilities by private companies engaged in the operation of the same to the full insurable value thereof and will also carry adequate public liability insurance, war risk insurance if it becomes available, and other kinds of insurance as under good practice are ordinarily carried on the properties of similar public utilities engaged in the operation of the same. The premiums paid for all such insurance shall be regarded and paid as an expense of maintenance and operation of the System.

(f) That it will cause to be prepared each calendar year commencing with the calendar year of 1973 an annual statement of revenues and expenditures and a balance sheet covering all of the operations of the System by March 1st of the succeeding year. A copy of such statement and balance sheet shall be furnished to the holder of any of the Bonds and any Parity Bonds upon request made to the Town Clerk therefor. Such annual report shall demonstrate the manner in which the Town has complied with Section 11 (a) of Ordinance No. 59 and Section 20(a) of this ordinance.

Section 21. The Town hereby further covenants and agrees with the owner and holder of each of the Bonds for as long as any of the same remain outstanding that it will not issue any Parity Bonds except

A. That the Town reserves the right for

First, the purpose of acquiring, constructing and installing additions, betterments and improvements to and extensions of, acquiring necessary equipment for, or making necessary replacements of or repairs or capital improvements to the System, or

Second, the purpose of refunding by exchange or purchasing and retiring at or prior to their maturity any outstanding revenue bonds or revenue coupon warrants of the Town that may have a lien on the gross revenue of the System for the payment of the principal thereof and interest thereon junior and inferior to the lien on such gross revenue for the payment of the principal of and interest on the Bonds,

To issue additional and/or refunding revenue bonds therefor (herein called "Parity Bonds" as hereinbefore defined), and to pledge that payments shall be made out of the Gross Revenue into the Bond Redemption Fund and the Reserve Account to pay and secure the payment of the principal of and interest on such Parity Bonds on a parity with the payments required in this ordinance to be made out of such Gross Revenue into such Fund and Account to pay and secure the payment of the principal of and interest on the Bonds upon compliance with the following conditions:

(1) That at the time of issuance of such Parity Bonds there is no deficiency in the Bond Redemption Fund or the Reserve Account therein, and

(2) That the Town will covenant in each ordinance authorizing the issuance of Parity Bonds that it will establish, maintain and collect rates and charges for water (and for sanitary sewage disposal service in the event that the sanitary sewerage system of the Town is combined with the water system) for as long as any of the Outstanding Bonds, the Bonds and any Parity Bonds are outstanding that will make available for the payment of the principal of and interest on all of such bonds as the same shall become due an amount equal to at least 1.35 times the amount required each calendar year thereafter for the payment of all such principal and interest after normal costs of maintenance and operation of the System have been paid but before depreciation.

The Town will also covenant in each such ordinance authorizing the issuance of Parity Bonds that it will pay into and maintain the Reserve Account out of the Gross Revenue within the times required by the second and third paragraphs of Section 17 of this ordinance the amounts required by said paragraphs to be paid into and maintained in said Account.

The whole or any part of the money in any other fund or account of the Town created to secure the payment of the principal of and interest on any revenue bonds or revenue coupon warrants being refunded by such Parity Bonds may be transferred to the Reserve Account at the time such outstanding bonds or warrants are redeemed to

satisfy the above requirement, and

(3) That at the time of the issuance of such Parity Bonds the Town shall have on file a certificate from an independent licensed professional engineer showing that in his professional opinion the net income of the System for a period of any twelve consecutive months out of the fifteen months immediately preceding the month of delivery of such Parity Bonds, plus his estimate of income to be received each calendar year thereafter from the investment of moneys in any fund or account created to pay or secure the payment of any bonds which have a lien on the gross revenue of the System, plus his estimate of the net income to be received by the System each calendar year thereafter as a result of any additions and improvements to and extensions of the System acquired, constructed or installed out of the proceeds of such Parity Bonds, will equal at least 1.35 times the amount required each such year to pay the principal of and interest on the Outstanding Bonds to be issued, after December 1, 1977, the principal amount of Term Bonds may be excluded in computing such "amount required."

The words "net income" as used in subparagraph (3) immediately above shall be construed as the Gross Revenue, less normal expenses of maintenance and operation, but before depreciation and annual debt service on any outstanding revenue bonds or revenue coupon warrants may have a lien on the Gross Revenue for such annual debt service junior and inferior to the lien on such money for the payment of the principal of and interest on the Bonds. Such "net income" may include any increase in revenue estimated to be derived from the operation of the System by virtue of any increase in water rates and charges (and charges for sanitary sewage disposal service if the sanitary sewerage system of the Town is combined with the water system) authorized by the Town Council to be effective not later than the time of delivery of such Parity Bonds. If there are any customers added to the System during such twelve-month period, such net revenue may be computed on the basis that such customers were customers of the System during the entire period.

B. The Town further reserves the right to issue Parity Bonds for the purpose of refunding by exchange or purchasing and retiring at or prior to their maturity an equal principal amount of any part or all of the Outstanding Bonds, the Bonds and / or any Parity Bonds outstanding and to pledge that payment shall be made out of the Gross Revenue and into the Bond Redemption Fund and Reserve Account to pay and secure the payment of the principal of and interest on such refunding Parity Bonds on a parity with the payments required in this ordinance to be made out of such Gross Revenue into such Fund and Account to pay and secure the payment of the principal of and interest on the Bonds, if the conditions fixed in subparagraphs (1) and (2) of subsection A of this section are met, and if the issuance of such refunding bonds does not require a greater amount to be paid out of the Gross Revenue in any calendar year thereafter for the principal of and interest on such refunding Parity Bonds than was required to be paid out of such Gross Revenue in each of the same calendar years for the payment of the principal of and interest on the bonds being refunded, and any premiums paid to effect such redemption shall not be computed in determining such annual amounts.

C. Nothing herein contained shall prevent the Town from issuing revenue bonds or warrants (coupon or otherwise), the payment of the principal of and interest on which is made a charge upon the Gross Revenue junior or inferior to the payments required herein to be made out of such Gross Revenue into the Bond Redemption Fund and Reserve Account.

Section 22. The Town covenants and agrees that, if in any ordinance authorizing the issuance of Parity Bonds it is provided that excess revenues in the Revenue Fund shall be used to redeem bonds in advance of their scheduled maturities or if the Town, at its option, undertakes to redeem Outstanding Bonds, Bonds, or Parity Bonds in advance of their scheduled maturities, (1) calls of bonds will be applied to each series of bonds which are then callable on an equal pro rata basis (reflecting the proportion of the original amount of each series of bonds outstanding at the time of such call) and (2) calls of bonds for each series of bonds will be in accordance with the call provision of the respective bond series. However, the Town shall have the right to call, subject to the call provisions of the respective bond series, any or all outstanding bonds which may be called at par prior to calling any bonds that are callable at a premium. The provision of this Section shall not apply with respect to the refunding, out of Bond proceeds, of part or all of any issue of Outstanding Bonds, Bonds or Parity Bonds, which results in a savings to the Town.

Section 23. In the event that money and / or direct obligations of the United States of America and / or "Government Obligations" as defined in RCW 39.53 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 the Bond Redemption Fund to effect such redemption and retirement, and such money and / or the principal of and interest on such obligations or Government Obligations are irrevocably set aside and pledged for such purpose, then no further payments need be made into the Bond Redemption Fund for the payment of the principal of and interest on the Bonds, and the 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 the Bonds shall be deemed not to be outstanding hereunder.

Section 24. The Bonds shall be sold after advertisement on sealed

proposals to the highest and best private bidder submitting a bid or bids with an effective rate over the life of the Bonds of 5-5/8% or less. Bidders may submit bids for the entire issue only.

If no such bid is received from a bidder other than the United States of America or any officer or Department thereof for the Bonds, the Bonds shall be sold to the United States of America or any such officer or Department submitting a sealed bid at the rate agreed upon for the Bonds in the offer of the Government to purchase the Bonds, dated January 24, 1973, as amended.

The Clerk of the Town is hereby authorized and directed to cause a short form of the official notice of sale of the Bonds to be published at least once in the Seattle Daily Journal of Commerce, at least fifteen days prior to the date when such bids will be received, publicly opened, considered and acted upon. In the event that such publication has occurred prior to the final passage of this ordinance the action taken in causing such publication is hereby ratified and confirmed.

The proper Town officials are hereby authorized and directed to do everything necessary for the prompt issuance, execution and delivery of the Bonds to the purchaser and for the proper use and application of the proceeds of such sale.

PASSED by the Council of the Town of Gig Harbor, Washington, at a regular meeting of said Council held this 9th day of October, 1973, and approved by the Mayor on said date.

TOWN OF GIG HARBOR, WASHINGTON
By E. A. Bunch
Mayor Pro Tem

ATTEST:

Town Clerk

I, DONALD J. AVERY, the duly chosen, qualified and acting Clerk of the Town of Gig Harbor, Washington, DO HEREBY CERTIFY that the foregoing ordinance is a true and correct copy of Ordinance No. of said Town duly passed by its Council and approved by its Mayor at a regular Council meeting held on the 9th day of October, 1973.

Donald J. Avery
Town Clerk

171

Nov 8. 12

Jacob D. Beyerchen

Donald J. Kheny

ORDINANCE NO. 172

An Ordinance of the Town of Gig Harbor creating a Civil Service Commission for the Police Department as prescribed by Chapter 41.12 of the Revised Code of Washington.

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF GIG HARBOR:

Section 1. In accordance with the provisions of Chapter 41.12 of the Revised Code of Washington, there is hereby created a Civil Service Commission to exercise the powers and to perform the duties established by such state law in connection with the selection, appointment and employment of police in the Town of Gig Harbor.

Section 2. Except as hereinafter specifically provided, the provisions of Chapter 41.12 of R.C.W. shall control the Commission's selection, appointment and employment of police, and all other aspects of police civil service in the Town of Gig Harbor.

Section 3. Notwithstanding anything to the contrary in Chapter 41.12 of R.C.W.:

a. In addition to any opportunity afforded the appointing authority to exercise the choice in the filling of a vacancy by the terms of said law, whenever requisition is made upon the Commission for the names of persons eligible for appointment to any vacancy, including both original appointments and promotions, the Commission, instead of furnishing the name of one person highest on the eligibility list, shall certify to the appointing authority the names of the three persons highest on such eligibility list for each vacancy, if there are three such persons available. The appointing authority shall forthwith appoint one of the certified persons to such vacant position.

Section 4. This Ordinance shall be in full force and effect five days after its passage, approval and publication.

PASSED by the Council of the Town of Gig Harbor, this 12 day of Feb., 1973.

MAYOR

ATTEST:

Town Clerk

LAW OFFICES
CONRAD & JOHNSON
SUITE 500 RUST BUILDING
ELEVENTH AND PACIFIC AVENUE
TACOMA, WASHINGTON 98402

Ordinance No. 171.

An ordinance of the Town Council of the Town of Gig Harbor fixing the amount of ad valorem tax levied for the calendar year 1974.

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF GIG HARBOR:

Section 1. That the annual amount of ad valorem tax levied of the Town of Gig Harbor for the calendar year of 1974 necessary to raise the amount of estimated revenue be and the same are levied upon Real and Personal Property subject to taxation in said town and upon each dollar of taxable value, approximately $10,744,444 as follows: 7½ mills estimated at $80,583.00.

Section 2. This ordinance shall take effect and shall be in full force and effect immediately upon its passage, approval and publication as required by law.

PASSED by the Council of the Town of Gig Harbor, this 12 day of Nov, 1973.

Jack D. Bujacich, Jr.
Mayor of the Town of Gig Harbor

ATTEST:

Donald J. Avery
Clerk of the Town of Gig Harbor

ORIGINAL

ORDINANCE NO. 173

AN ORDINANCE of the Town of Gig Harbor, Washington, providing for the issuance of sewer revenue bonds of the Town; fixing the date, form, terms, maturities and covenants of said bonds; creating a Bond Redemption Fund for the payment of the principal of and interest on such bonds and any other revenue bonds which may be issued on a parity therewith; creating a Reserve Account in said Bond Redemption Fund; providing certain covenants and protective features safeguarding the payment of such principal and interest; reserving the right in the Town to issue revenue bonds on a parity with such bonds to be issued in compliance with certain conditions; and confirming the sale of such bonds to McLean & Company, Inc.

WHEREAS, the Town of Gig Harbor, Washington, has been duly authorized to acquire, construct, install, operate and maintain a sanitary sewer system by Ordinance No. 147, adopted April 10, 1972, and by the affirmative vote of the qualified electors of the Town at an election duly held on May 23, 1972; and

WHEREAS, said Ordinance No. 147 adopted a plan for the acquisition, construction and installation of a system of public sanitary sewers; and

WHEREAS, by Ordinance No. 158, adopted November 13, 1972, the Town created Utility Local Improvement District No. 1 and ordered the acquisition, construction and installation of the improvements described therein to carry out part of the plan for a sanitary sewerage system for the Town; and

WHEREAS, in order to pay part of the cost of acquiring, constructing and installing such sanitary sewerage system it is deemed necessary that the Town issue and sell $1,200,000 of its

sewer revenue bonds out of the $1,300,000 of such bonds authorized by Ordinance No. 147 of the Town; and

WHEREAS, the Town desires to enter into an agreement with McLean & Company, Inc. of Tacoma, Washington to sell said revenue bonds to said Company under the terms and covenants therefor as provided herein:

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Gig Harbor, Washington, as follows:

Section 1. As used in this ordinance the following words shall have the following meanings:

a. The word "Town" shall mean the Town of Gig Harbor, Washington, a municipal corporation duly organized and existing under and by virtue of the laws of the State of Washington.

b. The word "Bonds" shall mean the $1,200,000 of sewer revenue bonds of the Town issued for the purposes authorized in this ordinance.

c. The word "System" shall mean the sanitary sewerage system of the Town as authorized by Ordinance No. 147 and Ordinance No. 158 of the Town and as the same may be added to, improved and extended for as long as any of the Bonds and any Parity Bonds are outstanding. In the event that the Town shall determine at any time hereafter to operate a combined water and sewer system, the term "System" as defined herein shall be deemed to include all facilities of the water system of the Town.

d. The words "Revenue Fund" shall mean the special fund of the Town created by this ordinance

and designated as the "Gig Harbor Sewer Revenue Fund".

e. The words "Bond Redemption Fund" shall mean the special fund of the Town created by this ordinance for the purpose of paying the principal of, premium if any, and interest on the Bonds and any Parity Bonds and designated "Gig Harbor Sewer Revenue Bond Redemption Fund".

f. The words "Reserve Account" shall mean the account of that name created in the Bond Redemption Fund by this ordinance for the purpose of securing the payment of the principal of and interest on the Bonds and any Parity Bonds.

g. The words "Term Bond Maturity Year" shall mean any last calendar year in which the bonds of any one issue or series are scheduled to mature (without regard to any reservation of prior redemption rights) in which the amount of such bonds scheduled to mature is more than 1.25 times the average annual principal maturity of the bonds of such issue or series for the three years preceding such term bond maturity year.

h. The words "Parity Bonds" shall mean any sewer revenue bonds of the Town issued after the date of the issuance of the Bonds and having a lien upon the money in the Revenue Fund for the payment of the principal thereof, premium if any, and interest thereon equal to the lien upon the money

in such Fund for the payment of the principal of, premium if any, and interest on the Bonds.

i. The word "Assessments" shall mean assessments levied in any utility local improvement district of the Town created for the acquisition and construction of additions and betterments to or extensions of the System, including Utility Local Improvement District No. 1, now or hereafter required by law and ordinances of the Town to be paid into the Bond Redemption Fund and shall include installments thereof and any interest and penalties due or which may come due thereon.

j. The term "ULID No. 1" shall mean Utility Local Improvement District No. 1 of the Town.

Section 2. For the purpose of paying part of the cost of acquiring, constructing and installing a sanitary sewerage system for the Town as authorized in Ordinance No. 147 and ordered by Ordinance No. 158, the Town shall issue its sewer revenue bonds (the "Bonds") in the principal amount of $1,200,000.

The Bonds shall be dated December 1, 1973, shall be in the denomination of $5,000 each, shall bear interest payable semiannually on the first days of June and December of each year, shall be numbered and mature on December 1 of each year in order of their number as follows:

| Bond Nos. | Maturity Years | Amounts | Interest Rates |
|---|---|---|---|
| 1-5 | 1974 | $25,000 | 6.00% |
| 6-14 | 1975 | 45,000 | 6.00% |
| 15-23 | 1976 | 45,000 | 6.00% |
| 24-32 | 1977 | 45,000 | 6.00% |
| 33-41 | 1978 | 45,000 | 6.00% |

| Bond Nos. | Maturity Years | Amounts | Interest Rates |
|---|---|---|---|
| 42-50 | 1979 | $45,000 | 6.00% |
| 51-59 | 1980 | 45,000 | 6.00% |
| 60-68 | 1981 | 45,000 | 6.00% |
| 69-77 | 1982 | 45,000 | 6.00% |
| 78-86 | 1983 | 45,000 | 6.00% |
| 87-95 | 1984 | 45,000 | 6.375% |
| 96-104 | 1985 | 45,000 | 6.375% |
| 105-114 | 1986 | 50,000 | 6.375% |
| 115-124 | 1987 | 50,000 | 6.375% |
| 125-134 | 1988 | 50,000 | 6.375% |
| 135-144 | 1989 | 50,000 | 6.375% |
| 145-154 | 1990 | 50,000 | 6.375% |
| 155-164 | 1991 | 50,000 | 6.375% |
| 165-174 | 1992 | 50,000 | 6.375% |
| 175-184 | 1993 | 50,000 | 6.375% |
| 185-186 | 1994 | 10,000 | 6.375% |
| 187-188 | 1995 | 10,000 | 6.375% |
| 189-191 | 1996 | 15,000 | 6.375% |
| 192-194 | 1997 | 15,000 | 6.375% |
| 195-197 | 1998 | 15,000 | 6.375% |
| 198-200 | 1999 | 15,000 | 6.375% |
| 201-203 | 2000 | 15,000 | 6.375% |
| 204-207 | 2001 | 20,000 | 6.375% |
| 208-211 | 2002 | 20,000 | 6.375% |
| 212-215 | 2003 | 20,000 | 6.375% |
| 216-219 | 2004 | 20,000 | 6.375% |
| 220-224 | 2005 | 25,000 | 6.375% |
| 225-229 | 2006 | 25,000 | 6.375% |
| 230-234 | 2007 | 25,000 | 6.375% |
| 235-240 | 2008 | 30,000 | 6.375% |

Both principal of and interest on the Bonds shall be payable in lawful money of the United States of America at the office of the Town Treasurer in Gig Harbor, Washington, and shall be obligations only of the Bond Redemption Fund.

Section 3. The Town hereby reserves the right to redeem Bonds numbered 185 to 240 inclusive in inverse numerical order on the following interest payment dates and at the following prices expressed as a percentage of the principal amount plus accrued interest to date of redemption:

| | |
|---|---|
| On December 1, 1978 and June 1, 1979 at | 102 1/2% |
| On December 1, 1979 and June 1, 1980 at | 102% |
| On December 1, 1980 and June 1, 1981 at | 101 1/2% |

| | |
|---|---|
| On December 1, 1981 and June 1, 1982 at | 101% |
| On December 1, 1982 and June 1, 1983 at | 100 1/2% |
| On December 1, 1983 and any interest payment date thereafter at | 100% |

The Town further reserves the right, after Bonds numbered 185 to 240, inclusive, shall have been redeemed, to redeem Bonds numbered 87 to 184, inclusive, in inverse numerical order on the following interest payment dates and at the following prices expressed as a percentage of the principal amount plus accrued interest to date of redemption:

| | |
|---|---|
| On December 1, 1983 and June 1, 1984 at | 102 1/2% |
| On December 1, 1984 and June 1, 1985 at | 102% |
| On December 1, 1985 and June 1, 1986 at | 101 1/2% |
| On December 1, 1986 and June 1, 1986 at | 101% |
| On December 1, 1987 and June 1, 1988 at | 100 1/2% |
| On December 1, 1988 and any interest payment date thereafter at | 100% |

Notice of any such intended redemption shall be given by one publication thereof in the official Town newspaper not more than forty nor less than thirty days prior to said redemption date and by mailing a like notice at the same time to McLean & Company, Inc., Tacoma, Washington, at its main place of business, or to the successor in business, if any, of said firm at its main place of business. Interest on any Bond or Bonds so called for redemption shall cease on such redemption date unless the same are not redeemed upon presentation made pursuant to such call.

Section 4. There has heretofore been created by Ordinance No. 166 a special fund of the Town known as the "Gig Harbor Sewer Construction Fund" (herein called the "Construction Fund"). All of the proceeds of sale of the Bonds (except for accrued interest, which shall be paid into the Bond Redemption Fund) shall be paid into such Construction Fund. Any other moneys which the Town may hereafter receive or now has on hand which are to be used for the same purposes for which the Bonds are issued shall also be paid into such Construction Fund. The money in such Fund shall be used for the sole purpose of paying the costs of acquiring, constructing and installing the System, redeeming any warrants issued to pay such costs and for paying all expenses incidental thereto and to the issuance of the Bonds.

Interest or profits received from the interim investment of such monies shall not exceed the applicable limits provided by federal statutes and regulations respecting arbitrage.

Section 5. A special fund of the Town is hereby created to be known as the "Gig Harbor Sewer Revenue Fund" (hereinafter called the "Revenue Fund"). All of the gross earnings and revenue of the System shall be paid into the Revenue Fund as collected, and the moneys in such Fund shall be kept segregated from any and all other moneys of the Town.

All costs of maintaining and operating the System, all costs of future additions, betterments, improvements and repairs to and replacements and extensions of the System (except when the same are financed by the issuance of bonds or coupon warrants), all payments required to be made into the Bond Redemption Fund and the Reserve Account therein, all payments which may be required by subsequent ordinances of the Town to be made

into any other fund or account created to pay and/or secure the payment of the principal of and interest on any subsequently issued sewer revenue bonds or sewer revenue coupon warrants of the Town, shall be paid out of the Revenue Fund.

Section 6. Another special fund of the Town is hereby created to be known as the "Gig Harbor Sewer Revenue Bond Redemption Fund" (herein called the "Bond Redemption Fund"), which Fund is to be drawn upon for the sole purpose of paying the principal of, premium, if any, and interest on the Bonds and any Parity Bonds outstanding as the same shall become due.

The Town hereby obligates and binds itself to set aside and pay into the Bond Redemption Fund out of the money in the Revenue Fund the following fixed amounts necessary to pay the principal of and interest on the Bonds as the same respectively become due and payable.

Such payments shall be made into the Bond Redemption Fund on or before the twentieth day of each month in the following amounts:

a. Beginning with the month of December, 1973, and continuing for as long as any of the Bonds are outstanding and unpaid, an amount which, together with the monies on hand in such Fund and available for such purposes, is equal to at least one-sixth of the interest to become due and payable on the next interest payment date on all of the Bonds then outstanding.

b. Beginning with the month of December, 1973, and continuing for as long as any of the Bonds are outstanding and unpaid, an amount which, together with the monies on hand in such Fund and available for such purposes, is equal to at least

one-twelfth of the principal of the Bonds to become due and payable on the next principal payment date.

Said amounts so pledged to be paid out of the Revenue Fund into the Bond Redemption Fund and hereinafter pledged to be paid into the Reserve Account are hereby declared to be a prior lien and charge upon the money in the Revenue Fund superior to all other charges of any kind or nature except the necessary cost of maintenance and operation of the System and equal in rank to any charges which may later be made upon the money in the Revenue Fund to pay and secure the payment of the principal of and interest on any Parity Bonds.

In the event that money and/or government obligations as that term is defined in Chapter 39.53 RCW as now or hereafter amended, 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 for such purpose in a special account in the Bond Redemption Fund 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 Redemption Fund for the payment of the principal of and interest on the Bonds, and the Bonds and the appurtenant coupons 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 the Bonds and/or such coupons shall be deemed not to be outstanding hereunder.

Section 7. A Reserve Account (hereinbefore defined as the "Reserve Account") is hereby created in the Bond Redemption Fund, and the Town hereby covenants and agrees that it

will set aside and pay into the Reserve Account, out of the first principal payments received from assessments levied in ULID No. 1 an amount equal to at least the maximum annual amount required to pay the principal of and interest on the Bonds.

The Town hereby further covenants and agrees, in the event it issues any Parity Bonds, that it will require in each ordinance authorizing the issuance of the same that periodic payments be made out of the Revenue Fund into the Reserve Account or out of Assessments so that by five years from the date of the issuance of such Parity Bonds there will have been paid into the Reserve Account an amount which, with the money already on deposit or pledged to be paid therein, will be at least equal to the maximum annual amount required to pay the principal of and interest on all outstanding bonds then payable out of the Bond Redemption Fund in any year other than a Term Bond Maturity Year.

The Town further covenants and agrees, when said required amounts have been paid into the Reserve Account, that it will at all times maintain those amounts therein until there is a sufficient amount in the Bond Redemption Fund and the Reserve Account to pay the principal of, premium if any, and interest on all outstanding bonds payable out of such Fund, at which time the money in the Reserve Account may be used to pay such principal, premium, if any, and interest. It is hereby provided, however, that moneys in the Reserve Account may be withdrawn to pay the principal, premium if any, and interest on any or all of the outstanding bonds of any single issue or series of bonds payable out of the Bond Redemption Fund so long as the

moneys left remaining on deposit in the Reserve Account are at least equal to the maximum annual debt service (exclusive of any Term Bond Maturity Year) due thereafter on all of the remaining outstanding bonds payable out of the Bond Redemption Fund.

In the event the Bonds outstanding are ever refunded, the money set aside in the Reserve Account to secure the payment of the Bonds may be used to retire the Bonds or may be retained in the Reserve Account or may be transferred to any reserve account which may be created to secure the payment of the bonds issued to refund the Bonds outstanding.

In the event the money in the Bond Redemption Fund over and above the amount therein set aside and credited to the Reserve Account is insufficient to meet maturing installments of either interest on or principal of the outstanding bonds payable out of such Fund, such deficiency shall be made up from the Reserve Account by the withdrawal of money therefrom. Any deficiency created in the Reserve Account by reason of any such withdrawal shall then be made up from the money in the Revenue Fund first available or out of Assessments available after making necessary provision for the payments required to be made into the Bond Redemption Fund to pay the principal of and interest on all outstanding bonds payable out of such Fund and next coming due.

The money in the Reserve Account above provided for may be kept in cash or invested in government obligations as that term is defined in Chapter 39.53 RCW as now or hereafter amended having a guaranteed redemption price or maturing not later than the last maturity of any outstanding bonds that are

payable out of the Bond Redemption Fund. Interest earned on or any profits made from the sale of any such investments may be retained in the Reserve Account or be deposited in and become a part of the Bond Redemption Fund.

Section 8. The monies in the Revenue Fund shall be used only for the following purposes and in the following order of priority:

First, to pay necessary costs of maintenance and operation of the system;

Second, to make the payments required to be made into the Bond Redemption Fund to pay the principal of and interest on the Bonds and any Parity Bonds outstanding;

Third, to make the payments required to be made into the Reserve Account;

Fourth, to retire by redemption before their fixed maturities or by purchase any outstanding revenue bonds issued to acquire, construct, install, improve or extend the System or for any other lawful purpose in the operation, development, improvement or extension of the System.

The corporate authorities of the Town hereby declare, in fixing the amounts to be paid into the Bond Redemption Fund and the Reserve Account as hereinbefore provided that they have exercised due regard to the cost of maintenance and operation of the System and have not obligated the Town to set aside and pay into said Fund and Account a greater amount of the revenue of the System than in their judgment will be available over and

above such cost of maintenance and operation.

Section 9. The Town hereby covenants and agrees with the owner and holder of each of the Bonds for as long as any of the same remain outstanding as follows:

a. That it will establish, maintain and collect rates and charges for sanitary sewage collection and disposal service furnished (and for water supplied if a combined water and sewer system shall be operated) for as long as the Bonds and any Parity Bonds are outstanding that will in each calendar year hereafter during which installments of assessments shall be payable into the Bond Redemption Fund without being delinquent (herein called the "Assessment Payment Period") make available for the payment of the principal of and interest on all of such bonds as the same shall become due an amount which, together with all other earnings, income and revenue of the System, Assessments paid into the Bond Redemption Fund and interest and profits earned on investments made of monies paid into the Bond Redemption Fund and the Reserve Account, is equal to at least 1.2 times the average amount required in each such calendar year to pay the principal of and interest on all of the outstanding Bonds and Parity Bonds after normal and necessary costs of maintenance and operation of the System have been paid but before depreciation.

b. That it will establish, maintain and collect rates and charges for sanitary sewage collection and disposal service furnished (and for water supplied if a combined water and sewer system shall be operated) for as long as the Bonds and any Parity Bonds are outstanding that will in each calendar year after the

expiration of the Assessment Payment Period make available for the payment of the principal of and interest on all of such bonds as the same shall become due an amount which, together with all other earnings, income and revenue of the System, Assessments paid into the Bond Redemption Fund and interest and profits earned on investments made of monies paid into the Bond Redemption Fund and the Reserve Account, is equal to at least 1.35 times the average amount required in each such calendar year to pay the principal of and interest on all of the outstanding Bonds and Parity Bonds after normal and necessary costs of maintenance and operation of the System have been paid but before depreciation.

Any Term Bond Maturity Year shall be excepted from the determination of "the average amount required in each such calendar year" pursuant to subsections a. and b. of this Section 9.

c. That it will at all times keep and maintain the System in good repair, working order and condition, will at all times operate the System and the business in connection therewith in an efficient manner and at a reasonable cost, will cause proper books of record and accounts of operation of such System and business to be kept and within ninety days following the end of each calendar year will furnish to McLean & Company, Inc., and to the holder of any Bond upon written request, a financial and operating statement for such preceding year's business and operation of the System.

d. That it will not sell or dispose of any of the properties of the System (unless the same are no longer used, useful or necessary in the operation thereof) unless provision

is made for payment into the Bond Redemption Fund of either a sum at least equal to the cost of such properties to the Town or a sum which will be at least in the same proportion to the amount of the outstanding sewer revenue bonds of the Town that the estimated amount of any resulting reduction in the revenue of the System for the twelve months following such sale or disposition bears to the estimated revenue of the System which would have been realized during such period if such sale or disposition had not been made. Such determination of cost or such estimate of revenue shall be made by a licensed professional engineer experienced in the design, construction and operation of municipal utilities.

e. That it will not furnish sanitary sewage collection and disposal service (or water service if a combined water and sewer system shall be operated) to any customer whatsoever free of charge, and will promptly take all legal action or actions necessary to enforce collection of any and all delinquent accounts and Assessments.

Section 10. The Town hereby further covenants and agrees with the owner and holder of each of the Bonds for as long as any of the same remain outstanding as follows:

That it will not issue any Parity Bonds except that it reserves the right, for

First, the purpose of acquiring, constructing and installing additions and betterments and improvements to and extensions of, acquiring necessary equipment for, or making necessary replacements of or repairs to the System, or

Second, the purpose of refunding or funding any outstanding revenue bonds or revenue warrants (coupon or otherwise) of the Town payable out of the earnings and revenue of the System,

to issue Parity Bonds and to pledge that payments shall be made out of the Revenue Fund into the Bond Redemption Fund and the Reserve Account therein to pay and secure the payment of the principal of and interest on such Parity Bonds on a parity with the payments required herein to be made out of the Revenue Fund into such Fund and Account to pay and secure the payment of the principal of and interest on the Bonds upon compliance with the following conditions:

a. That at the time of the issuance of such Parity Bonds there is no deficiency in the Bond Redemption Fund or in the Reserve Account.

b. That the Town will covenant and provide in each ordinance authorizing the issuance of Parity Bonds that it will pay into and maintain in the Reserve Account the amounts required by Section 7 of this ordinance to be paid into and maintained in said Account when Parity Bonds are issued and that the Town will also covenant and provide in each such ordinance that it will establish, maintain and collect rates and charges for water supplied and/or sanitary sewage collection and disposal service furnished sufficient to meet the same requirements contained in Section 9, subsection a. and b. of this ordinance.

c. That each ordinance providing for the issuance of such additional Parity Bonds shall require that any assessments levied in any utility local improvement district or districts

created to construct additions, improvements or extensions of the System which will be paid in whole or in part from the proceeds of sale of such additional Parity Bonds, will be deposited in the Bond Redemption Fund.

d. That each ordinance providing for the issuance of such additional or refunding Parity Bonds shall provide for the payment of the principal thereof and interest thereon out of the Bond Redemption Fund.

e. That at the time of the issuance of such additional or refunding Parity Bonds the Town shall have on file a certificate from an independent licensed professional engineer experienced in the design, construction and operation of municipal utilities (which certificate may not be dated more than ninety days prior to the month of delivery of such additional or refunding Parity Bonds) showing that in his professional opinion: a) the adjusted net revenue of the System which will be available for the payment of the principal of and interest on Bonds and Parity Bonds in each succeeding year during the Assessment Payment Period will equal at least 1.2 times the average amount required to pay the principal and interest due in each such year of and on all outstanding bonds payable out of the Bond Redemption Fund and the Parity Bonds to be issued (exclusive of the principal due in any Term Bond Maturity Year), and b) the adjusted net revenue of the System which will be so available in each succeeding year after the expiration of the Assessment Payment Period will equal at least 1.35 times the average amount required to pay the principal and interest due in each such year of and on all outstanding Bonds payable out of the Bond Redemption Fund and the Parity Bonds to be issued (exclusive of the principal due in any Term Bond Maturity Year).

1. The words "adjusted net revenue of the System" as used in the paragraph immediately above shall mean the gross earnings, income and revenue of the System after deducting therefrom all normal and necessary expenses of maintenance and operation, but before depreciation and annual debt service on any outstanding revenue bonds that may have a lien on the money in the Revenue Fund for such annual debt service junior and inferior to the lien for the payment of the principal of and interest on the Bonds. Such net revenue shall be determined from an audit of the Division of Municipal Corporations of the State Auditor's office, if available, or from a financial statement of the Town authenticated by a certified public accountant for a period of any twelve consecutive months out of the twenty-four months immediately preceding the month of delivery of such Parity Bonds. Such net revenue shall then be adjusted to reflect (a) any rate changes becoming effective subsequent to the commencement of such twelve-month period and prior to the date of delivery of such Parity Bonds, (b) revenue reasonably expected to be derived from customers to be served by improvements being constructed out of the proceeds of the bonds to be issued, (c) actual or reasonably anticipated changes in normal and necessary expenses of maintenance and operation occurring subsequent to such twelve-month period and (d) the amount of Assessments previously confirmed and estimated to be paid into the Bond Redemption Fund subsequent to the date of the certificate.

2. The "amount of Assessments previously confirmed and estimated to be paid into the Bond Redemption Fund subsequent to the date of the certificate" shall be determined as follows:

a. The amount of the unpaid balance of each assessment roll of any utility local improvement district or districts of the Town, where such assessments have been pledged to be paid into the Bond Redemption Fund and where the 30-day period for the payment of such assessments or any part thereof without penalty, interest or costs has elapsed, shall be obtained from the records of the Town Treasurer. The balance then remaining on each such assessment roll shall be divided by the number of remaining years in which the installments of such assessments on each such roll may be paid without becoming delinquent, and there shall be added to the amount found for each year the interest due and payable on such installments. The amount so due each year shall be added to the "adjusted net revenue of the System" for the particular year in which it is computed to become due.

b. The amount of each assessment roll of any utility local improvement district or districts of the Town, where such assessments have been pledged to be paid into the Bond Redemption Fund and where the 30-day period for the payment of such assessments or any part thereof without penalty, interest or costs has not elapsed, shall be obtained from

the records of the Town Treasurer. Fifteen percent of each such roll shall be deducted therefrom as the estimated amount of the assessments that would be paid during said 30-day period (hereinafter called "Estimated Prepayments"), and such 15% shall be treated as having been paid into the Bond Redemption Fund.

The balance then remaining on each such assessment roll shall then be divided by the number of years in which the installments of such assessments on each such roll may be paid without becoming delinquent, and there shall be added to the amount found for each year the interest due and payable on such installments. The amount so due each year shall be added to the "adjusted net revenue of the System" for the particular year in which it is computed to become due.

3. In the computation of the amounts of principal and interest coming due in each succeeding year, it may be assumed for the purposes of such certificate, that monies paid into the Bond Redemption Fund on the date of such certificate which are in excess of the sums required to be on deposit in said Fund (including the Reserve Account) as of such date, and Estimated Prepayments, will, together with earnings thereon at the assumed rate of 3% per annum, be applied to the redemption and retirement (plus call premiums) of any bonds payable out of the Bond Redemption Fund on the earliest dates on which such bonds may be called and redeemed.

f. In the event that any refunding Parity Bonds provided for in this Section 10 are issued for the sole purpose of exchanging with or providing funds to purchase or redeem and retire prior to their maturity any or all bonds payable out of the Bond Redemption Fund and the issuance of such refunding Parity Bonds and retirement of outstanding bonds results in a monetary saving to the Town and such refunding Parity Bonds will not require a greater amount (exclusive of costs incidental to such refunding, any call premium or premiums, and except as necessary to round out maturities to the nearest $5,000) to be paid in any calendar year thereafter than would have been required to be paid in the same calendar year for the principal of and interest on the bonds being refunded, then the certificate required in subsection (e) of this Section 10 need not be obtained to permit such refunding Bonds to be issued on a parity with any Bonds and/or Parity Bonds then outstanding, although the provisions of subsections (a), (b), (c), and (d) of this Section 10 must still be complied with.

Section 11. Nothing herein contained shall prevent the Town from issuing revenue bonds which are a charge upon the earnings, income and revenue of the System and moneys in the Revenue Fund junior or inferior to the payments required to be made herein into the Bond Redemption Fund and the Reserve Account, or from pledging the payment of assessments into a fund or account created to pay and secure the payment of the principal of and interest on such junior lien bonds as long as such assessments are levied for improvements constructed from the proceeds of sale of such junior lien bonds, nor shall anything herein contained prevent the Town from issuing revenue bonds to refund maturing

sewer revenue bonds (or water and sewer revenue bonds if such systems are combined) of the Town for the payment of which monies are not otherwise available.

Section 12. All Assessments levied and collected in ULID No. 1 of the Town shall be paid into the Bond Redemption Fund and used for the purposes specified in this ordinance.

Section 13. The Bonds shall be in substantially the following form:

UNITED STATES OF AMERICA

NO. ____ $5,000

STATE OF WASHINGTON
TOWN OF GIG HARBOR

SEWER REVENUE BOND, 1973

The Town of Gig Harbor, a municipal corporation of the State of Washington, hereby acknowledges itself to owe and for value received promises to pay to bearer on the first day of December, 19__, the principal sum of

FIVE THOUSAND DOLLARS

together with interest thereon at the rate of ___% per annum payable semiannually on the first days of June and December of each year as evidenced by and upon presentation and surrender of the attached interest coupons as they severally become due or until the payment of such principal sum shall be made or duly provided for.

Both principal of and interest on this bond are payable in lawful money of the United States of America at the office of the Town Treasurer in Gig Harbor, Washington, solely out of the special fund of the Town

known as "Gig Harbor Sewer Revenue Bond Redemption Fund" created by Ordinance No. 173 of the Town.

The Town of Gig Harbor has reserved the right to redeem bonds numbered 185 to 240 inclusive of this issue in inverse numerical order on the following interest payment dates and at the following prices expressed as a percentage of the principal amount, plus accrued interest to date of redemption:

| | |
|---|---|
| On December 1, 1978 and June 1, 1979 at | 102 1/2% |
| On December 1, 1979 and June 1, 1980 at | 102% |
| On December 1, 1980 and June 1, 1981 at | 101 1/2% |
| On December 1, 1981 and June 1, 1982 at | 101% |
| On December 1, 1982 and June 1, 1983 at | 100 1/2% |
| On December 1, 1983 and any interest payment date thereafter at | 100% |

The Town further reserves the right, after Bonds numbered 185 to 240, inclusive, shall have been redeemed, to redeem Bonds numbered 87 to 184, inclusive, in inverse numerical order on the following interest payment dates and at the following prices expressed as a percentage of of the principal amount plus accrued interest to date of redemption:

| | |
|---|---|
| On December 1, 1983 and June 1, 1984 at | 102 1/2% |
| On December 1, 1984 and June 1, 1985 at | 102% |
| On December 1, 1985 and June 1, 1986 at | 101 1/2% |

| | |
|---|---|
| On December 1, 1986 and June 1, 1987 at | 101% |
| On December 1, 1987 and June 1, 1988 at | 100 1/2% |
| On December 1, 1988 and any interest payment date thereafter at | 100% |

Notice of any such intended redemption shall be given by one publication thereof in the official Town newspaper not more than forty nor less than thirty days prior to said redemption date and by mailing a like notice at the same time to McLean & Company, Inc., Tacoma, Washington, or to the successor in business of said firm, if any, at its main place of business.

This bond is one of an issue of two-hundred-forty bonds of the Town of Gig Harbor, Washington, of like amount, date and tenor except as to number, interest rate and maturity date, aggregating the total principal amount of $1,200,000, which bonds are issued pursuant to the laws of the State of Washington and ordinances and resolutions of the Town duly and regularly adopted, for the purpose of providing funds to acquire, construct and install a sanitary sewerage system for the Town. All of the bonds of this issue are payable solely out of the gross earnings and revenue of such system and all additions and improvements thereto and extensions thereof, and out of assessments levied in Utility Local Improvement District No. 1 of the Town.

The Town of Gig Harbor hereby covenants and agrees with the owner and holder of this bond that it will keep and perform all the covenants of this bond and of Ordinance No. 173 to be by it kept and performed.

The Town of Gig Harbor does hereby pledge and bind itself to set aside from the money in its Revenue Fund, and to pay into and maintain in said Bond Redemption Fund and Reserve Account created therein the various amounts required by said Ordinance No. 173 to be paid into and maintained in said Fund and Account, all within the times provided by said ordinance. The Town has further pledged and bound itself to set aside and pay into said Revenue Fund as collected all of the gross earnings and revenue of its sewerage system and all additions and improvements thereto and extensions thereof.

The amounts pledged to be paid into and maintained in said Fund and Account are hereby declared to be a prior lien and charge upon the money in said Revenue Fund superior to all other charges of any kind or nature, except the necessary cost of maintenance and operation of said sewerage system and equal in rank to any charges that may be made thereafter upon the money in said Revenue Fund to pay and secure the payment of the principal of and interest on any revenue bond which the Town may later issue on a parity with the bonds of this issue.

The Town of Gig Harbor has further bound itself to maintain said sewerage system in good condition and repair, to operate the same in an efficient manner and at a reasonable cost, and to establish, maintain and collect rates and charges for sanitary sewage collection and disposal service furnished for as long as the bonds of this issue and any bonds issued on a parity therewith are outstanding that will, together with all other

revenue of said system and together with the assessments collected in utility local improvement districts of the Town pledged to be paid into said Bond Redemption Fund, make available for the payment of the principal of and interest on all of such bonds a) in each calendar year during the period when assessment installments may be paid without becoming delinquent an amount equal to at least 1.2 times the average amount required to be paid in each such calendar year to pay such principal and interest, and b) in each calendar year after the expiration of the period when assessment installments may be paid without becoming delinquent an amount equal to at least 1.35 times the average amount required to be paid in each such calendar year to pay such principal and interest, after necessary costs of maintenance and operation of the system have been paid, but before depreciation. Any Term Bond Maturity Year as defined in Ordinance No. 173 is excluded from the determination of such averages.

It is hereby certified and declared that the bonds of this issue are issued pursuant to and in strict compliance with the Constitution and Laws of the State of Washington and ordinances of the Town of Gig Harbor, and that all acts, conditions and things required to be done precedent to and in the issuance of this bond have happened, been done and performed.

IN WITNESS WHEREOF, the Town of Gig Harbor, Washington, has caused this bond to be signed with the facsimile signature of its Mayor, to be attested by

its Clerk, the corporate seal of the Town to be impressed hereon, and the interest coupons attached hereto to be signed with the facsimile signatures of said officials this first day of December, 1973.

TOWN OF GIG HARBOR, WASHINGTON

By_____
Mayor

ATTEST:

_____
Town Clerk

The interest coupons attached to the Bonds shall be in substantially the following form:

NO. ____ $_____

ON THE FIRST DAY OF _____, 19__, the Town of Gig Harbor, Washington, will pay to bearer at the office of the Town Treasurer in Gig Harbor, the amount shown hereon in lawful money of the United States of America out of a special fund of the Town known as the "Sewer Revenue Bond Redemption Fund", said amount being the semiannual interest due that day on its sewer revenue bond dated December 1, 1973, and numbered _____.

TOWN OF GIG HARBOR, WASHINGTON

By_____
Mayor

ATTEST:

_____
Town Clerk

Section 14. The Bonds shall be signed on behalf of the Town with the facsimile signature of its Mayor, shall be attested by its Clerk, and shall have the corporate seal of the Town impressed thereon. The interest coupons attached thereto shall be executed with the facsimile signatures of said officials.

Section 15. The Bonds shall be sold to McLean & Company, Inc. on the terms set forth in this ordinance and the action of the Council in accepting the offer of said purchaser dated November 12, 1973, to purchase the Bonds with the interest rates and at the price set forth therein is hereby ratified and confirmed.

The proper Town officials are hereby authorized and directed to do everything necessary for the prompt printing, issuance and execution of the Bonds and their delivery to the purchaser thereof and for the proper use and application of the funds derived from such sale.

Section 16. This ordinance shall become effective upon its passage, approval and publication as provided by law.

Introduced and first read by the Council of the Town of Gig Harbor, Washington, at its regular meeting on the 12th day of November, 1973.

Finally passed by the Council of the Town of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of said Council on the 26th day of November, 1973.

TOWN OF GIG HARBOR, WASHINGTON

By E. A. Bunch
~~Jack D. Dujacich, Jr.,~~ Mayor Pro-Tem
E. A. Bunch.

ATTEST:

Donald J. Avery, Town Clerk

APPROVED AS TO FORM:

David Johnson, Town Attorney

ORDINANCE NO. 174

An Ordinance amending Ordinance No. 108 of the Town of Gig Harbor with reference to the hours the Town Hall shall be open.

BE IT ORDAINED by the Council of the Town of Gig Harbor:

That the Town Hall shall be open for business from 9:00 a.m. to 5:00 p.m. Monday through Friday of each and every week excepting legal holidays.

Passed by the Town Council and approved by the Mayor of the Town of Gig Harbor, Washington, at a regular meeting thereof this 26th day of November, 1973.

E A Burnett
MAYOR - PRO-TEM

Attest:

Ronald J. Avery
City Clerk

LAW OFFICES
CONRAD & JOHNSON
SUITE 600 RUST BUILDING
ELEVENTH AND PACIFIC AVENUE
TACOMA, WASHINGTON 98402

ORDINANCE NO. 175

An Ordinance providing for the General Fund Budget and Appropriations for the year 1977 for the Town of Big Pool.

[illegible]

Adopting the Budget for the year 1977, in summary, [illegible]:

ESTIMATED INCOME

| | |
|---|---|
| Road Construction Fund | [illegible] |
| General Improvement Fund | [illegible] |
| Street Fund | [illegible] |
| Arterial Street Fund | [illegible] |
| Water Fund | [illegible] |
| Other Income | [illegible] |
| Total Estimated Income | [illegible] |

ESTIMATED EXPENDITURES

| | | |
|---|---|---|
| Road Construction Fund | | [illegible] |
| General Government | [illegible] | |
| Police Department | [illegible] | |
| Total Current Expense | | [illegible] |
| Street Fund | | [illegible] |
| Arterial Street Fund | | [illegible] |
| Water Fund | | [illegible] |
| Other Expenditures | | [illegible] |
| Total Estimated Expenditures | | [illegible] |

Passed by the Council of the Town of Big Pool on Big Pool Public Hearing [illegible]

[illegible] ~~20~~ 17, 1976.

Donald J. Shuey
Clerk-Treasurer
Town of Big Pool

Published in The Hagerstown Daily
December ~~19~~ 19, and December ~~19~~ 26, 1976

ATTEST:

Donald J. Shuey
TOWN CLERK

Jack D. Bujewski Jr.
MAYOR

ORDINANCE NO. 176

AN ORDINANCE ANNEXING TO THE TOWN OF GIG HARBOR A CERTAIN UNINCORPORATED AREA PURSUANT TO THE PETITION OF PENINSULA PUBLIC SCHOOL DISTRICT NO. 401, PIERCE COUNTY.

WHEREAS, a petition has been addressed to and filed with the Town Council of the Town of Gig Harbor by PENINSULA PUBLIC SCHOOL DISTRICT NO. 401, PIERCE COUNTY, petitioner, pursuant to which the Town of Gig Harbor is requested to annex a certain unincorporated area described therein, and

WHEREAS, said petition is signed by the owner of not less than seventy-five per cent in value of such property, and is in proper form, and

WHEREAS, the Town Council has by resolution fixed a public hearing on the adoption of said petition, to be held at 8:00, on the 13th day of December, 1971 at the Town Hall, Gig Harbor, Washington, and

WHEREAS, proper notice of such hearing has been published pursuant to law in the Peninsula Gateway, a newspaper of general circulation in the Town of Gig Harbor, and has been posted in three public places, and

WHEREAS, the Town Council has, pursuant to said notice held a public hearing on said petition on the date and time and at the place aforesaid, and has heard from all persons present desiring to voice approval or disapproval of such annexation, and has considered such comments and the contents of said petition.

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF GIG HARBOR:

SECTION 1. The unincorporated area contained within the

legal description annexed to this Ordinance as Exhibit "A", (which exhibit is incorporated herein as fully as if the contents thereof were here set forth at length) is hereby annexed to the Town of Gig Harbor.

SECTION 2. This Ordinance shall be effective on passage and publication.

PASSED THE COUNCIL AND APPROVED by me this 14 day of JANUARY, 1974.

JACK D. BUJACICH, JR.
Mayor of the Town of Gig Harbor

ATTEST:

Clerk of the Town of Gig Harbor

STATE OF WASHINGTON )
TOWN OF GIG HARBOR ) ss.
COUNTY OF PIERCE )

I, DON AVERY, Clerk of the Town of Gig Harbor, do hereby certify that the foregoing is a true and correct copy of Ordinance No. _____ of the Town entitled:

"AN ORDINANCE ANNEXING TO THE TOWN OF GIG HARBOR A CERTAIN UNINCORPORATED AREA PURSUANT TO THE PETITION OF PENINSULA PUBLIC SCHOOL DISTRICT NO. 401, PIERCE COUNTY

passed by the Council of said Town on the _____ day of _____, 19_____, and that on the _____ day of _____, 19_____, said Ordinance was by me duly published according to law.

DATED this _____ day of _____, 19____.

DON AVERY, Clerk

EXHIBIT "A"

Commencing at the Northwest corner of Lot 2-A of Abandoned Gig Harbor Military Reserve in Section 8, Township 21 North, Range 2 East of the W. M.; thence South 311 feet along the center line of the Burton Northern County Road, being the true place of beginning; thence South along the center line of said Burton Northern Road, 286 feet, more or less, to intersect the center line of Wollochet Gig Harbor Road; thence Northeasterly along the center line of the Wollochet Gig Harbor Road, North 36°50' East 299 feet, to the Southerly line of tract conveyed to Frank Sanford and Florence K. Sanford, by instrument recorded under Auditor's Fee No. 1619866; thence Northwesterly along the Southerly line of said Tract to the true point of beginning.

EXCEPT roads.

ALSO EXCEPT that portion appropriated by the State of Washington by decree entered February 28, 1972 in Pierce County Superior Court Cause No. 205540. County of Pierce and State of Washington.

ORDINANCE 176 A

An Ordinance of the Town of Gig Harbor amending Ordinance 176, Exhibit A to read as follows:

Tract "A" - purchased from Elsie Jones Dibble - September 18, 1950.

Commencing at the intersection of the easterly line of the Wollochet-Gig Harbor County Road with the south line of the N½NW¼SW¼ Sec. 8, T. 21 N., R. 2E, W.M., thence northeasterly 742.50 feet along the easterly line of said road to a point 99.00 feet southeasterly from the intersection of the easterly line of said road with the north line of the SW¼ of said Section 8; thence east 850 feet to the east line of the NW¼ SW¼ of said Section 8 and the True Point of Beginning of this description: thence 580 feet; thence West 530 feet; thence north 580 feet; thence east 530 feet to True Point of Beginning; Containing 7.057 acres.

Tract "B" - purchased from Elsie Jones Dibble - January 13, 1951.

Commencing at the intersection of the easterly line of the Wollochet-Gig Harbor County Road with the south line of the N½NW¼SW¼ Sec. 8, Twp. 21N., R 2 E, W.M., thence northeasterly 742.50 feet along the easterly line of said road to a point of 99.00 feet southeasterly from the intersection of the easterly line of said road with the north line of the SW¼ of said Sec. 8; thence east 320 feet to True Point of Beginning of this description; thence south 284.2 feet; thence west 153.3 feet; thence north 284.2 feet; thence east 153.3 feet to the True Point of Beginning: Containing one (1) acre.

Tract "C" - purchased from Elsie Jones Dibble - March 20, 1952.

The North 30 feet of that portion of the North one-half (N½) of the NW quarter (NW¼ of the Southwest quarter (SW¼) of Section 8, in Township Twenty-one (21) North, Range 2E of Willamette Meridian, lying between the Wollochet-Gig Harbor County Road on the West, and the West line of the real property owned by said Peninsula Consolidated School District in said North half (N½) of the NW¼ of the SW¼ of said Section 8 on the East, being a strip of land 30 feet in width and 168 feet, more or less, in length, intersecting the said Wollochet-Gig Harbor County Road on the West, and the West boundary line of the property of said Peninsula School District on the East.

Tract "D" - purchased from Agnes and Tony Novak - July 12, 1955.

Beginning on the South line of the North half of the Northwest quarter of the Southwest Quarter of Section 8, Township 21 North, Range 2 East of W.M., at a point 383.9 feet East of the intersection of said South line with the Easterly line of Wollochet-Gig Harbor County Road, said point being the Southeast corner of the Baseball Grounds tract; thence East on said South line 360 feet more or less to a point 530 feet West of the Southeast Corner of Said North half of Northwest quarter of Southwest quarter; thence North parallel with the East line of said North half of the Northwest quarter of the Southwest quarter 295.8 feet; thence West parallel with the said South line 330 feet more or less, to the Northeast corner of said Baseball tract; thence Southerly along the East line thereof 295.8 feet to the point of beginning: Containing 2¼ acres, more or less.

PASSED by the Town Council and approved by the Mayor of the Town of Gig Harbor, Washington at a regualr meeting thereof this 27 day of May 1974.

Mayor

ATTEST:

Town Clerk

# ffidavit of Publication

VASHINGTON, PIERCE. } S.S.

. H. Fiske, Jr. being first duly sworn,

ses and says that he is the [illegible]
INSULA GATEWAY, a weekly newspaper. That said
a legal newspaper and it is now and has been for
months prior to the date of the publication hereinafter
ublished in the English language continually as a weekly
Gig Harbor, Pierce County, Washington, and it is
ng all of said time was printed in an office maintained
entioned place of publication of said newspaper.

nnexed is a true copy of a Notice of
to Hearing

ished in regular issues (and not in supplement form)
aper once each week for a period of two (2)
eeks, commencing on the 16th day of November,
nding on the 23rd day of November, 19 71,
and that such newspaper was regularly dis-
subscribers during all of said period.

ll amount of the fee charged for the foregoing publi-
um of $ 43.24 which amount has been paid in
e of $3.20 a hundred words for the first insertion and
d words for each subsequent insertion.

[illegible]

to and sworn before me this 3 day of
December, 19 71.

[illegible]
Notary Public in and for the State of Washington.
Residing at Fox Island.

**NOTICE OF PUBLIC HEARING BEFORE THE COUNCIL OF THE TOWN OF GIG HARBOR TO CONSIDER A PROPOSED ANNEXATION**

A Public Hearing will be held at the Town Hall at 8 p.m., on December 13, 1971, to consider a Petition for Annexation filed by Peninsula Public School District No. 401, Pierce County, wherein they are requesting that the following described property be annexed to the Town of Gig Harbor:

**Tract "A" — purchased from Elsie Jones Dibble — September 18, 1950**

Commencing at the intersection of the easterly line of the Wollochet-Gig Harbor County Road with the south line of the N½ NW¼ SW¼ Sec. 8, T. 21 N., R. 2E, W.M., thence northeasterly 742.50 feet along the easterly line of said road to a point 99.00 feet southeasterly from the intersection of the easterly line of said road with the north line of the SW¼ of said Section 8; thence east 850 feet to the east line of the NW¼ SW¼ of said Section 8 and the True Point of Beginning of this description; thence south 580 feet; thence West 530 feet; thence north 580 feet; thence east 530 feet to True Point of Beginning: Containing 7.057 acres.

**Tract "B" — purchased from Elsie Jones Dibble — January 13, 1951.**

Commencing at the intersection of the easterly line of the Wollochet-Gig Harbor County Road with the south line of the N½ NW¼ SW¼ Sec. 8, Twp. 21N., R 2E, W.M.; thence northeasterly 742.50 feet along the easterly line of said road to a point 99.00 feet southeasterly from the intersection of the easterly line of said road with the north line of the SW¼ of said Sec. 8; thence east 320 feet to True Point of Beginning of this description; thence south 284.2 feet; thence west 153.3 feet; thence north 284.2 feet; thence east 153.3 feet to the True Point of Beginning: Containing one (1) acre.

**Tract "C" — purchased from Elsie Jones Dibble — March 20, 1952.**

The North 30 feet of that portion of the North one-half (N½) of the NW quarter (NW¼) of the Southwest quarter (SW¼) of Section 8, in Township Twenty-one (21) North, Range 2E o Willamette Meridian, lying between the Wollochet-Gig Harbor County Road on the West, and the West line of the real property owned by said Peninsula Consolidated School District in said North half (N½) of the NW¼ of the SW¼ of said Section 8 on the East, being a strip of land 30 feet in width and 168 feet, more or less, in length, intersecting the said Wollochet-Gig Harbor County Road on the West, and the West boundary line of the property of said Peninsula School District on the East.

**Tract "D" — purchased from Agnes and Tony Novak — July 12, 1955.**

Beginning on the South line of the North half of the Northwest quarter of the Southwest Quarter of Section 8, Township 21 North, Range 2 East of W.M., at a point 263.[illegible] feet East of the intersection of said South line with the Easterly line of Wollochet Gig Harbor County Road, said point being the Southeast corner of the Baseball Grounds tract; thence East on said South line 360 feet more or less to a point 530 feet West of the Southeast Corner of Said North half of Northwest quarter of Southwest quarter; thence North parallel with the East line of said North half of the Northwest quarter of the Southwest quarter 295.8 feet; thence West parallel with the said South line 330 feet more or less, to the Northeast corner of said Baseball tract; thence Southerly along the East line thereof 295.8 feet to the point of beginning. Containing 2¼ acres, more or less.

This is the property where Harbor Heights School is located and the surrounding property associated therewith.

Interested persons are invited to appear and voice approval or disapproval of the annexation.

Nellie Erickson
Clerk
Town of Gig Harbor

29-2

ORDINANCE NO. 177

AN ORDINANCE ANNEXING TO THE TOWN OF GIG HARBOR A CERTAIN UNINCORPORATED AREA PURSUANT TO THE PETITION OF JEROME P. WILLOCK and CHRISTINE D. WILLOCK DATED OCTOBER 3, 1972.

WHEREAS, a petition has been addressed to and filed with the Town Council of the Town of Gig Harbor by JEROME P. WILLOCK and CHRISTINE D. WILLOCK, petitioners, pursuant to which the Town of Gig Harbor is requested to annex a certain unincorporated area described therein, and

WHEREAS, said petition is signed by the owner of not less than seventy-five per cent in value of such property, and is in proper form, and

WHEREAS, the Town Council has by resolution fixed a public hearing on the adoption of said petition, to be held at 8:00, on the 26th day of December, 1972, at the Town Hall, Gig Harbor, Washington, and

WHEREAS, proper notice of such hearing has been published pursuant to law in the Peninsula Gateway, a newspaper of general circulation in the Town of Gig Harbor, and has been posted in three public places, and

WHEREAS, the Town Council has, pursuant to said notice held a public hearing on said petition on the date and time and at the place aforesaid, and has heard from all persons present desiring to voice approval or disapproval of such annexation, and has considered such comments and the contents of said petition.

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF GIG HARBOR:

SECTION 1. The unincorporated area contained within the legal description annexed to this Ordinance as Exhibit "A", (which exhibit is incorporated herein as fully as if the contents thereof were here set forth at length) is hereby annexed to the Town of Gig Harbor.

SECTION 2. This Ordinance shall be effective on passage and publication.

PASSED THE COUNCIL AND APPROVED by me this 14 day of January, 1975.

JACK D. BUJACICH, JR.
Mayor of the Town of Gig Harbor

ATTEST:

Clerk of the Town of Gig Harbor

STATE OF WASHINGTON )
TOWN OF GIG HARBOR ) ss.
COUNTY OF PIERCE )

I, DON AVERY, Clerk of the Town of Gig Harbor, do hereby certify that the foregoing is a true and correct copy of Ordinance No. _____ of the Town entitled:

"AN ORDINANCE ANNEXING TO THE TOWN OF GIG HARBOR A CERTAIN UNINCORPORATED AREA PURSUANT TO THE PETITION OF JEROME P. WILLOCK and CHRISTINE D. WILLOCK DATED OCTOBER 3, 1972."

passed by the Council of said Town on the _____ day of _____, 19_____, and that on the _____ day of _____, 19_____, said Ordinance was by me duly published according to law.

DATED this _____ day of _____, 19_____.

DON AVERY, Clerk

EXHIBIT "A"

The East 123 feet of the South half of the North 10 acres of that portion of the West half of the Northeast quarter of the Northeast quarter of Section 6, Township 21 North, Range 2 East of the W. M., not included in Woodworth's addition to Gig Harbor City, as per plat recorded in Volume 5 of Plats, Page 66, records of Pierce County; subject to a non-exclusive easement of ingress, egress and utilities over and across the North 30 feet, and EXCEPT any portion thereof lying within the following described parcels:

Beginning at a point 712 feet West and 712 feet South of the Northeast corner of said Section 6; running thence West 304 feet; thence South 286 feet; thence East 304 feet; thence North 286 feet to the place beginning.

Beginning at the Southeast corner of the North 1/2 of the Southwest 1/4 of the Northeast 1/4 of the Northeast 1/4 of said Section 6 thence West 608 feet; thence North 429.2 feet; thence East 304 feet; thence South 286 feet; thence East 304 feet; thence South 143 feet to the point of beginning; and

TOGETHER WITH a non-exclusive easement for ingress, egress and utilities over and across the North 30 feet of the following described property:

Beginning at a point 712 feet West and 712 feet South of the Northeast corner and of said Section 6; running thence West 304 feet; thence South 286 feet; thence East 304 feet; thence North 286 feet the place of beginning; situate in the County of Pierce, State of Washington.

ORDINANCE NO. 178

AN ORDINANCE ANNEXING TO THE TOWN OF GIG HARBOR A CERTAIN UNINCORPORATED AREA PURSUANT TO THE PETITION OF FRANK W. BAMPTON, DATED MARCH 22, 1971

WHEREAS, a petition has been addressed to and filed with the Town Council of the Town of Gig Harbor by FRANK W. BAMPTON, petitioner, pursuant to which the Town of Gig Harbor is requested to annex a certain unincorporated area described therein, and

WHEREAS, said petition is signed by the owner of not less than seventy-five per cent in value of such property, and is in proper form, and

WHEREAS, the Town Council has by resolution fixed a public hearing on the adoption of said petition, to be held at 8:00 P.M., on the 9th day of August, 1971, at the Town Hall, Gig Harbor, Washington, and

WHEREAS, proper notice of such hearing has been published pursuant to law in the Peninsula Gateway, a newspaper of general circulation in the Town of Gig Harbor, and has been posted in three public places, and

WHEREAS, the Town Council has, pursuant to said notice held a public hearing on said petition on the date and time and at the place aforesaid, and has heard from all persons present desiring to voice approval or disapproval of such annexation, and has considered such comments and the contents of said petition.

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF GIG HARBOR:

SECTION 1. The unincorporated area contained within the legal description annexed to this Ordinance as Exhibit "A", (which

exhibit is incorporated herein as fully as if the contents thereof were here set forth at length) is hereby annexed to the Town of Gig Harbor.

SECTION 2. This Ordinance shall be effective on passage and publication.

PASSED THE COUNCIL AND APPROVED by me this 14 day of JANUARY, 1974.

JACK D. BUJACICH, JR.
Mayor of the Town of Gig Harbor

ATTEST:

Clerk of the Town of Gig Harbor

STATE OF WASHINGTON )
TOWN OF GIG HARBOR ) ss.
COUNTY OF PIERCE )

I, DON AVERY, Clerk of the Town of Gig Harbor, do hereby certify that the foregoing is a true and correct copy of Ordinance No. _____ of the Town entitled:

"AN ORDINANCE ANNEXING TO THE TOWN OF GIG HARBOR A CERTAIN UNINCORPORATED AREA PURSUANT TO THE PETITION OF FRANK W. BAMPTON, DATED MARCH 22, 1971"

passed by the Council of said Town on the _____ day of _____, 19_____, and that on the _____ day of _____, 19_____, said Ordinance was by me duly published according to law.

DATED this _____ day of _____, 19_____.

DON AVERY, Clerk

Exhibit A

BEG N LI LOT 5 AT PT 40 RDS E OF NW COR SD LOT TH S
15 RDS TH E ML PUGET SOUND TH NWLY ALG SD ML TO NE
COR SD LOT 5 TH W ALG N L SD LOT 5 TO BEG INCL TDLDS
ABUT

ORDINANCE NO. 179

An ordinance amending Ordinance 109-A establishing the creation of a new zone classification entitled RB-1, adopting standards and regulations regulating the use of land therein and the location, use and design of buildings and structures.

SECTION 6-B. RB-1 Residential-Business District

6-B.1 INTENT

This district is intended to provide:

(1) A business district which is compatible with residential living and which may be used as a buffer between B-1, B-2 or other areas and residential districts;

(2) A business district designed primarily for office and institutional land uses having only limited contact with the general public and not involving the sale of merchandise, and which may be carried on with no offensive noise, smoke, odors, fumes, or other objectionable conditions in structures surrounded by ample open space for yards, off-street parking, and loading of vehicles;

(3) A district adjacent to residential areas that attracts a minimum of additional automobile traffic and;

(4) A business district with site plan control which can be used in areas where appearance is a concern. This site plan control will guarantee that business development in this district will conform to or enhance the aesthetic qualities of the Town of Gig Harbor.

6-B.2 PERMITTED USES

Offices for doctors, dentists, optometrists, lawyers, architects, engineers, insurance brokers, stock brokers, bankers, land surveyors and realtors, and libraries.

6-B.3 BUILDING HEIGHT

No building of a height greater than 24 feet including basement, or of a height greater than 15 feet without basement shall be constructed.

6-B.4 SIGNS

(a) No flashing, illuminated or moving signs are permitted;

(b) A sign to identify the building occupants, home occupation or property for sale, not over two square feet in size, is permitted for each residential building;

(c) One sign, not over 9 square feet in size, on its own premises, is permitted to identify each permitted non residential use.

6-B.5 OFF-STREET PARKING

Same as in Section 15, this Ordinance; except that portion of Section 15.2(d) referring to location. There shall be no parking allowed in front yards.

LAW OFFICES
CONRAD & JOHNSON
SUITE 600 RUST BUILDING
ELEVENTH AND PACIFIC AVENUE
TACOMA, WASHINGTON 98402

6-B.6 LANDSCAPING

All yards as required in this ordinance shall be planted or landscaped with shrubs and trees or a combination of these and grass or other common landscaping material except that portion that provides ingress or egress to parking areas.

6-B.7 CURBS AND SIDEWALKS

Sidewalks of a width of 6 feet measured from the curb will be constructed, along with curbs, along all street frontage.

6-B.8 SITE PLANS

A minimum of 4 ac

(a) Site plans will be prepared ~~and~~ submitted and left with town Council with any application for designation of a building, lot or tract of land as residential-business (RB-1);

(b) Site plans will be drawn to scale no ~~larger~~ smaller than (1"=20')
and shall include the following:
  (1) Location of proposed building(s) on lot;
  (2) Three contiguous property lines of adjacent property owners;
  (3) Proposed landscaping;
  (4) Location and size of off-street parking to include ingress and egress;

(c) A separate scale drawing of the exterior of the building(s) to include siding material, signs, and screening design and material, when required;

(d) Suggested guide lines for lot area usage and yards, all subject to approval by the Town Council shall be as follows:
  (1) Lot usage and area:
    a. The lot area shall be not less than 10,000 square feet;
    b. The total area of All buildings on the lot shall not cover more than 25% of said lot area;
    c. All parking and driveway areas shall not exceed 25% of said lot area;
    d. A minimum of 50% of lot area shall be left as open space;
    e. All open spaces shall be planted as in 6-B.6 above.
  (2) Yards:
    a. Front yards shall be at least 25 feet in depth. There shall be no parking or drive-up windows in front yards;
    b. Front yards shall be planted as in 6-B.6 above;
    c. Side and rear yards shall be adequate to protect neighboring properties;
    d. All areas of side and rear yards not used for parking and driveways shall be planted as in 6-B.6 above.

(e) Site plans will be an official portion of the application and will be considered in the request for change of land use. If approved, any subsequent changes to the site plan require approval by the Planning Commission and the Town Council.

LAW OFFICES
CONRAD & JOHNSON
SUITE 600 RUST BUILDING
ELEVENTH AND PACIFIC AVENUE
TACOMA, WASHINGTON 98402

SECTION 6-B.9 A determination that portions of this Ordinance is invalid shall not impair the validity of the remaining portions.

6-B.10 This ordinance shall become effective five (5) days from and after its passage, approval and publication as provided by law.

Passed by the Town Council and approved by the Mayor of the Town of Gig Harbor, Washington, at a regular meeting thereof this 28 day of JANUARY, 1974.

Mayor

Attest:

Town Clerk

LAW OFFICES
CONRAD & JOHNSON
SUITE 600 RUST BUILDING
ELEVENTH AND PACIFIC AVENUE
TACOMA, WASHINGTON 98402

ORDINANCE NO. 180

AN ORDINANCE relating to the taxation of bingo, raffles and amusement games, levying a tax thereon, and providing for the collection of said tax by the Town of Gig Harbor.

WHEREAS, Chapter 218, Laws of Washington, 1973 (43rd Legislature, 1st Extra Session), Section 11, authorizes cities and towns to provide for the taxing of bingo, raffles and amusement games provided that the tax rate is the same as that imposed by the county; and

WHEREAS, the Board of Pierce County Commissioners has adopted Resolution No. 16845 levying a tax upon bona fide charitable and non-profit organizations which conduct bingo, raffles, and amusement games pursuant to Chapter 218, Laws of Washington, 1973 (43rd Legislature, 1st Extra Session); and

WHEREAS, the tax rate established by Pierce County on such activities is five per cent (5%) of the first $50,000 of gross annual revenue and ten per cent (10%) of any amount of gross annual revenue over $50,000 received by the bona fide charitable or non-profit organization conducting the activity, except for such organizations conducting such activities no more than once each calendar year and earning less than $10,000 gross annual revenue therefrom, which shall be exempt; and

WHEREAS, the Town of Gig Harbor has elected to administer and collect the taxes assessed for the operation of bingo, raffles and amusement games,

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN OF GIG HARBOR:

Section 1. Chapter 218, Laws of Washington 1973 (43rd Legislature, 1st Extra Session) and Pierce County Resolution No. 16845 are hereby incorporated in total by reference, including any amendments which may be adopted.

Section 2. (1) There is hereby levied a tax upon the gross revenue of bingo, raffles, and amusement games, which shall be imposed upon and collected from bona fide charitable and non-profit organizations duly licensed to conduct such activities in the Town of Gig Harbor.

(2) The rate of tax imposed by Section 2 (1) shall be five per cent (5%) of the first $50,000 of gross annual revenue and ten per cent (10%) of any amount of gross annual revenue over $50,000 received by the bona fide charitable or non-profit organization conducting the activity. Bona fide charitable or non-profit organizations conducting such activities no more than once each calendar year and earning less than $10,000 gross annual revenue therefrom shall be exempt from taxation under this ordinance. Whenever Pierce County alters or amends its rate on the taxation of the aforementioned activities, the rate of tax imposed by this subsection shall be considered amended to conform thereto.

Section 3. The Town Clerk-Treasurer is hereby directed to notify the Pierce County Treasurer of the effective date of this ordinance and furnish him a copy of this ordinance.

Section 4. The Gig Harbor Town Council or their authorized representative shall:

(1) Adopt and publish such rules and regulations as are necessary to enable the collection of the tax imposed in Section 2 herein.

(2) Prescribe and issue the appropriate forms for determination and declaration of the amount of tax to be paid.

Section 5. For the purpose of identifying who shall be taxed, any organization or business intending to conduct any of the activities described in Section 2, from and after the effective date of this resolution, shall, prior to the commencement of such activity, file with the Town of Gig Harbor, a sworn declaration of intent to conduct or operate such activity, together with a copy of the license issued by the State Gambling Commission, and

thereafter for any period covered by such license, on or before the 15th day of each month, file with the Town of Gig Harbor a sworn statement on a form to be provided and prescribed by the Town of Gig Harbor for the purpose of ascertaining the tax due for the preceding month.

Section 6. A new declaration of intent to conduct or operate any of the activities described in Section 2 shall be required prior to the recommencement of the activity following the expiration, suspension, or revocation of any license previously issued by the State Gambling Commission, in the same manner as described in Section 5.

Section 7. The tax shall be paid by the 15th day of the month following that in which the revenue is received.

Section 8. The officers, directors and managers of any organization, licensed by the State Gambling Commission to operate or conduct any of the activities described in Section 2, who fail or refuse to pay the tax levied in Section 2, or who knowingly falsify any statements required by ~~Pierce County~~ THE TOWN OF GIG HARBOR, shall be held jointly and severally, financially liable, and in addition, shall be held individually guilty of a gross misdemeanor upon conviction and shall be punished by imprisonment in the Town jail for not more than one year or by a fine of not more than $1,000.00 or both.

Section 9. This ordinance shall take effect and shall be in full force and effect immediately upon its passage, approval and publication as required by law.

PASSED by the Council of the Town of Gig Harbor, this 28 day of January, 1974.

MAYOR

ATTEST:

Clerk of the
Town of Gig Harbor

ORDINANCE # 181

An ordinance providing for a moratorium on new sign construction or sign remodeling in the Town of Gig Harbor.

WHEREAS the town Planning Commission has spent considerable time in drafting a proposed comprehensive sign ordinance for the Town of Gig Harbor, and

WHEREAS the Town Council wishes to protect the public interest and welfare until the sign ordinance is finally adopted,

BE IT ORDAINED THAT:

1 - No sign exceeding 18 square feet in surface area and/or $25.00 in value shall be erected in the Town of Gig Harbor and no permits shall be issued for any such sign;

2 - No existing sign in the Town of Gig Harbor shall be changed, remodeled, moved or altered in any way what so ever, including but not limited to message, color, position, motion and/or size, except to maintain the sign in a safe condition as directed by the Building Inspector.

3 - This ordinance shall be in force for 90 days following its passage by the town council. If during that time the town council passes said sign ordinance, this ordinance shall be void immediately upon the effective date of said sign ordinance.

4 - In the event no sign ordinance has been passed at the end of this 90 day period, this ordinance may be extended for another 90 day period by a majority vote of the council.

This ordinance shall take effect and be in force from and after passage and publication.

PASSED the 11 day of March, 1974.

Jack D Bujacich Jr
Jack Bujacich-Mayor

Attest: Donald J Avery
Town Clerk

ORDINANCE NO. 182

AN ORDINANCE OF THE TOWN OF GIG HARBOR, WASHINGTON ADOPTING A GENERAL PENALTY

THE TOWN COUNCIL OF THE TOWN OF GIG HARBOR, WASHINGTON DOES ORDAIN AS FOLLOWS:

Section 1. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of the ordinances of the town of Gig Harbor, shall be guilty of a misdemeanor. Except in cases where a different punishment is prescribed by any ordinance of the town of Gig Harbor, any person convicted of a misdemeanor under the ordinances of Gig Harbor shall be punished by a fine of not more than $500.00, or by imprisonment not to exceed six months, or by both such fine and imprisonment.

Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of the ordinances of Gig Harbor is committed, continued or permitted by any such person, and he shall be punished accordingly.

Section 2. This ordinance shall be published and become effective as provided by law.

PASSED AND ADOPTED this 11 day of March, 1974.

Clerk

SIGNED AND APPROVED this 11 day of March, 1974.

Mayor

Attest:

Town Clerk

LAW OFFICES
CONRAD & JOHNSON
SUITE 600 RUST BUILDING
ELEVENTH AND PACIFIC AVENUE
TACOMA, WASHINGTON 98402

ORDINANCE NO. 183

An ordinance amending Section 1 of Ordinance 149, Providing for the Reimbursement of Actual Expenses Incurred by Elective Officers, Employees and Appointed Officers of the Town in Discharge of Their Official Duties.

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF GIG HARBOR:

Section 1: That all elective officials, employees and appointed officers of the Town of Gig Harbor may be reimbursed for actual expenses incurred in the discharge of their official duties upon presentation of a proper claim therefor. Actual expenses shall include lodging, meals, and mileage to be paid at the rate of fifteen (15¢) per mile. The said mileage may be paid when any privately owned automobile of any elective official, employee or appointed officer of the Town is used for travel in the performance of official duties.

Section 2: That the remaining Sections of Ordinance No. 149 shall remain unaltered by this amendment.

Section 3: That this ordinance shall take effect upon its passage and publication as provided by law.

Passed at a regular meeting of the Town Council on the 8 day of April, 1974.

Jack D. Bujacich, Jr.
Mayor of the Town of Gig Harbor

ATTEST:

Don Avery
Clerk of the Town of Gig Harbor

ORDINANCE NO. 184

AN ORDINANCE OF THE TOWN OF GIG HARBOR, WASHINGTON NAMING A GENERAL PENALTY AND AMENDING PENALTY PROVISIONS OF OTHER ORDINANCE TO REFER THERETO

THE TOWN COUNCIL OF THE TOWN OF GIG HARBOR, WASHINGTON DOES ORDAIN AS FOLLOWS:

Section 1. The general penalty ordinance is No. 182.

Section 2. The sections of ordinances of the Town of Gig Harbor listed below are hereby amended to read as follows:

The penalty for violations of this ordinance shall be as prescribed in Ordinance 182 (The general penalty ordinance). The Sections of the ordinances of the Town of Gig Harbor as hereby amended are:

| | |
|---|---|
| 1 | 87 |
| 2 | [redacted] |
| 18 | 89 |
| 22 | 99 |
| 44 | 100 |
| 48 | 110 |
| [redacted] | 119 |
| 56 | 129 |
| 71 | 132 |
| [redacted] | 134 |

PASSED AND ADOPTED THIS 22 DAY OF April, 1974.

CLERK

SIGNED AND APPROVED THIS 22 DAY OF April, 1974.

MAYOR

Pierce County Chapter
Wash. Assoc for Retarded Children
3817 6th Ave.
Tacoma Wa 98406

Gentlemen:

Ordinance

An Ordinance of the Town of City Fathers repealing those ordinances which are already repealed by the ordinance or in any way in conflict with said Act or Statutes.

Be it ordained by the City Fathers Town Council that the following ordinances are hereby expressly repealed:

[illegible]

Passed this [illegible] day of [illegible]

[illegible]

[illegible] Expressly
[illegible]

[illegible]

A·H·ROBINS

Dave ✓ on

ord 53

do we need it to be specific in Un State Public Employees Retirement System?

RCW 41.40

If not, rescind

---

do we need ord 53: 53+ and rules to comply I think law re elections so not, rescind



REPEAL

ORD # 85
17
17A
17B
125
86
4
4A
4B

---

Dave ✓ on need for ord 128 & 164

they are both re. fund for special purposes

Dave,

These are Ruth's notes on codification project.



Don Abrey

---

#1, 4, 4A, 4B, 8, 9, 17, 17A, 17B,

36, 36A, 36B, 36C, 54, 54A, 54B,

65, 65A, 72, 75 SEC 1, 75A, 75B

76, 76A, 80, 85 88, 90, 97, 107, 125

DAVE JOHNSON:

DAVE:

THESE ARE THE ORDINANCES THAT SHOULD BE REPEALED FROM THE SECTION I HAD TO WORK WITH:

54
54A
54B
65
65A
72
75, section 1
75A
75B
76
76A
80
90
107

NOTE: WHAT DO WE DO WITH ORDINANCE # 107 (See their reference to this under 15.04)

Steve

ORDINANCE 185

AN ORDINANCE of the Town of Gig Harbor repealing those ordinances which are obsolete, superseded by other ordinances, or currently in conflict with revised state statutes. BE IT ORDAINED by the Gig Harbor Town Council that the below listed ordinances are hereby specifically repealed:

4, 4A, 4B, 8, 9, 17, 17A, 17B, 36, 36A, 36B, 36C, 54, 54A, 54B, 65
65A, 72, 75 Section 1, 75A, 75B, 76, 76A, 80, 85, 88, 90, 97, 107, 125

ADOPTED this 22 day of April 1974.

JACK D. BUJACICH, Mayor

ATTEST:

ORDINANCE NO. 186

AN ORDINANCE OF THE TOWN OF GIG HARBOR, WASHINGTON, PROVIDING FOR THE DEFINITIONS APPLICABLE GENERALLY TO ORDINANCES OF THE TOWN OF GIG HARBOR, WASHINGTON, AND PROVIDING FOR RULES OF CONSTRUCTION FOR THE ORDINANCES OF THE TOWN OF GIG HARBOR, WASHINGTON

BE IT ENACTED BY THE TOWN COUNCIL OF GIG HARBOR, WASHINGTON:

Section 1. Definitions. The following words and phrases whenever used in the ordinances of the town of Gig Harbor, Washington, shall be construed as defined in this section unless from the context a different meaning is intended or unless different meaning is specifically defined and more particularly directed to the use of such words or phrases:

( 1) "Town" means the town of Gig Harbor, Washington, or the area within the territorial limits of the town of Gig Harbor, Washington, and such territory outside of the town over which the town has jurisdiction or control by virtue of any constitutional or statutory provision.

( 2) "Computation of time" means the time within which an act is to be done. It shall be computed by excluding the first day and including the last day; and if the last day be Sunday or a legal holiday, that day shall be excluded.

( 3) "Council" means the town council of the town of Gig Harbor, Washington. "All its members" or "all councilmen" mean the total number of councilmen provided by the general laws of the state of Washington.

( 4) "County" means the county of Pierce, Washington.

( 5) "Law" denotes applicable federal law, the constitution and statutes of the state of Washington, the ordinances of the town of Gig Harbor, and when appropriate, any and all rules and regulations which may be promulgated thereunder.

( 6) "May" is permissive.

( 7) "Month" means a calendar month.

( 8) "Must" and "shall." Each is mandatory.

( 9) "Oath" shall be construed to include an affirmation or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."

(10) "Ordinance" means a law of the town; provided that a temporary or special law, administrative action, order or directive, may be in the form of a resolution.

(11) "Owner" applied to a building or land includes any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety, of the whole or a part of such building or land.

(12) "Person" means natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or the manager, lessee, agent, servant, officer or employee of any of them.

(13) "Personal property" includes money, goods, chattels, things in action and evidences of debt.

(14) "Preceding" and "following" mean next before and next after, respectively.

(15) "Property" includes real and personal property.

(16) "Real property" includes lands, tenements and hereditaments.

(17) "Sidewalk" means that portion of a street between the curb line and the adjacent property line intended for the use of pedestrians.

(18) "State" means the state of Washington.

(19) "Street" includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs, or other public ways in this town which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this state.

(20) "Tenant" and "occupant," applied to a building or land, includes any person who occupies whole or a part of such building or land, whether alone or with others.

(21) Title of Office: Use of the title of any officer, employee, board or commission means that officer, employee, department, board or commission of the town.

(22) "Written" includes printed, typewritten, mimeographed or multigraphed.

(23) "Year" means a calendar year.

(24) All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.

(25) When an act is required by an ordinance the same being such that it may be done as well by an agent as by the principal, such requirement shall be construed as to include all such acts performed by an authorized agent.

Section 2. Grammatical interpretation. The following grammatical rules shall apply in the ordinances of the town of Gig Harbor, Washington:

( 1) Gender. The masculine gender includes the feminine and neuter genders.

( 2) Singular and Plural. The singular number includes the plural and the plural includes the singular.

( 3) Tenses. Words used in the present tense include the past and the future tenses and vice versa, unless manifestly inapplicable.

( 4) Use of Words and Phrases. Words and phrases not specifically defined shall be construed according to the context and approved usage of the language.

Section 3. Prohibited acts include causing, permitting, etc. Whenever in the ordinances of the town of Gig Harbor, any act or omission is made unlawful, it shall include causing, allowing, permitting, aiding, abetting, suffering, or concealing the fact of such act or omission.

Section 4. Construction. The provisions of the ordinances of the town of Gig Harbor, and all proceedings under them are to be construed with a view to effect their objects and to promote justice.

Section 5. Repeal shall not revive any ordinances. The repeal of an ordinance shall not repeal the repealing clause of such ordinance or revive any ordinance which has been repealed thereby.

PASSED AND ADOPTED this 22 day of April, 1974.

Clerk

SIGNED AND APPROVED this 22 day of April, 1974.

Mayor

ORDINANCE No. 187

An Ordinance amending Ordinance No. 106 to comply with requirements of the National Flood Insurance Program (Chapter X - Federal Insurance Administration, Subchapter B, Part 1909 to 1915.

WHEREAS, the Town of Gig Harbor has adopted and is enforcing a Town Building Ordinance (Ordinance No. 106 as amended by 107 and 152).

WHEREAS, Section I
of the aforesaid prohibits any person, firm or corporation from erecting, constructing, enlarging, altering, repairing, improving, moving or demolishing any building or structure without first obtaining a separate building permit for each building or structure from the Building Inspector and

WHEREAS, the Building Inspector must examine all plans and specifications for the proposed construction when application is made to him for a building permit.

NOW, THEREFORE, BE IT ~~RESOLVED~~ Ordained by the Town Council of the Town of Gig Harbor as follows:

1. That the Building Inspector shall review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a location that has a flood hazard, any proposed new construction or substantial improvement (including prefabricated and mobile homes) must (i) be designed (or modified) and anchored to prevent flotation, collapse, or lateral movement of the structure, (ii) use construction materials and utility equipment that are resistant to flood damage, and (iii) use construction methods and practices that will minimize flood damage; and

2. That the Building Inspector shall review subdivision proposals and other proposed new developments to assure that (i) all such proposals are consistent with the need to minimize flood damage, (ii) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located, elevated, and constructed to minimize or eliminate flood damage, and (iii) adequate drainage is provided so as to reduce exposure to flood hazards; and

3. That the Buidling Inspector shall require new or replacement water supply systems and/or sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and require on-site waste disposal systems to be located so as to avoid impairment of them or contamination from them during flooding.

Date Passed 22 April 1974

Certification Jack O Bujacich
MAYOR

Attest:
Don Kenny
Town Clerk

ORDINANCE No. 188

An Ordinance amending Ordinance No. 106 to comply with requirements of the National Flood Insurance Program (Chapter X - Federal Insurance Administration, Subchapter B, Part 1909 to 1915.

WHEREAS, the Town of Gig Harbor has adopted and is enforcing Town Building Ordinance, (Ordinance No. 106 as amended by 107 & 150).

WHEREAS, Section I
of the aforesaid prohibits any person, firm, or corporation from erecting, constructing, enlarging, altering, repairing, improving, moving or demolishing any building or structure withour first obtaining a separate building permit for each building or structure from the Building Inspector.

WHEREAS, the Building Inspector must examine all plans and specifications for the proposed construction when application is made to him for a building permit.

NOW, THEREFORE, BE IT ~~RESOLVED~~ ordained by the Town Council of the Town of Gig Harbor as follows:

1. That the Building Inspector shall require the issuance of a permit for any excavation, grading, fill, or construction in the community; and

2. That 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 (i) be adequately protected against mudslide damage and (ii) not aggravate the existing hazard.

Date Passed 22 April 1974

Certification [signature]
MAYOR.

ATTEST:

[signature]
Town Clerk.

ORDINANCE NO. 109

AN ORDINANCE AMENDING Ordinance No. 23, providing for and regulating municipal elections in the town of Gig Harbor, specifying elective offices, providing for nominations, providing for and regulating the holding of a nominating caucus, repealing conflicting ordinances, and declaring an emergency.

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF GIG HARBOR:

Section 1. Section 7 of Ordinance 23 shall be amended to read as follows:

A Mayor shall be elected each four years for a four-year term, with the next election for such office after the effective date of this ordinance to be held in the year 1951. In the event of a vacancy in the office of mayor, the town council shall by majority vote choose a mayor pro tempore to fill the unexpired term.

Section 2. Section 9 of ordinance No. 23 shall be amended to read as follows: Five councilmen shall be elected for terms of Four years each, with three such councilmen being elected in the even-numbered years and two during the odd-numbered years. In the event of a vacancy in a councilman's office, the town council shall by majority vote choose an appointed councilman to fill said vacancy until the next general election at which time a person shall be elected to serve for the remaining unexpired term.

Section 3. That the remaining sections of ordinance 23 shall remain unaltered by this amendment.

Section 4. That this ordinance shall take effect five days after its passage and publication as provided by law.

PASSED at a regular meeting of the Town council on the 13 day of May, 1974.

MAYOR

ATTESTED:

TOWN CLERK

ORDINANCE NO. 190

AN ORDINANCE OF THE TOWN OF GIG HARBOR, WASHINGTON authorizing the town attorney for the town of Gig Harbor to purchase and/or institute and prosecute an action in the Superior Court of the State of Washington in and for Pierce County, under the right of eminent domain for the condemnation and acquisition of certain easement rights for the construction, installation, operation and maintenance of a sanitary sewer system, and providing for the taking and/or damaging of said lands and directing that the compensation of said land shall be payable from the funds created by Utility Local Improvement District No. 1.

BE IT ORDAINED BY THE TOWN OF GIG HARBOR:

Section 1. That the Town Attorney of the Town of Gig Harbor be and he is hereby authorized and directed to purchase and/or institute and prosecute to determination in the Superior Court of the State of Washington in and for Pierce County an action in the name of the Town of Gig Harbor for the condemnation and acquisition for easement rights of certain lands hereinafter described for the construction, installation, operation and maintenance of a sewer system and relative purposes, said lands being more particularly described as follows, to wit:

EXHIBIT "A"

Section 2. That the acquisition of said lands for the purposes herein mentioned is for a public use and necessity.

Section 3. That nothing in this ordinance shall be construed as a waiver by the Town of Gig Harbor of its rights to decline to take and pay for said land should it so elect after the amount of damages has been ascertained and within the time allowed by law.

Section 4. That the compensation for the lands herein to be taken and/or damages shall be payable from the Utility Local Improvement District No. 1 and if said fund shall be insufficient then from the General Fund, all in the manner provided by law.

Passed 13 - May 14

MAYOR

Attest:

Town Clerk

# 6-90

A temporary construction easement over the E 10 feet of the W 20 feet of the following described property:

Lot 3 Bay Ridge 1st Addition, Section 6, Township 21 N, R 2 E, W.M.

# 6-90

Easement over the W 10 Ft of L 3 Bay Ridge 1st Add., Sec.6,Twp 21N, R2E, W.M.

# 2-2

The W 10 feet of the following described property:
Beginning at the SE corner of the SW 1/4 of the SW 1/4; thence W 165 feet; thence N 230 feet; thence E 165 feet; thence S 230 feet to the beginnning; less road. Sec 32, Twp 22 N, R 2 E, W.M.

# 2-12

Easement over the W 10 feet and the S 10 feet of the W 28 feet of the following described property:
Beginning 366 feet N of the SE cor of the SW 1/4 of the SW 1/4; thence W 183 feet to the SW property corner; thence N 238 feet; thence E 183 feet; thence S 238 feet to the beginning; EXCEPT E 30 feet for street easement of record; and EXCEPT the N 108 feet thereof; Sec.32,Twp 22 N, R2E, W.M.

Temporary construction easement over the E 10 feet of the W 20 feet of the N 120 feet and the S 20 feet of the West 38 feet EXCEPT The W 10 feet and the S 10 feet of the W 28 feet of the above description.

# 2-3

Easement over the W 10 feet of the following:
The N 108 feet of the following: Beg 366 feet N of the SE coerner of the SW 1/4 of the SW 1/4; thence W 183 Ft; thence N 238 Ft; th E 183 ft; thence S 238 feet to the beginning; EXCEPT E 30 ft for street ease of record. Sec 32,TWP 22 N, R 2 E, W. M.

# 2-9A

Temp construction easement over the E 10 ft of the following desc. property:
Beg at the SE corner of the SW 1/4 of the SW 1/4 :of Sec 32,TWP 22 N, R2E of the W.M.; thence along the S boundary of said sec.32, S 89 Deg 43 Min 40 Sec W 165.00 Ft; thence N 0 Deg 03 Min 38 Sec E 120,00 Ft to the true POB; thence continuing N 0 Deg 03 Min 38 Sec E 100.00 Ft; thence S 89 Deg 43 Min 40 Sec W 70,00 Ft; thence S 0 Deg 03 Min 38 Sec E 100.00 Ft; thence N 89 Deg 43 Min 40 Sec E 70.00 Ft to the true POB.

# 2-6

Temporary construction easement over the E 10 Ft of the following:
Beg at the SE corner of the SW 1/4 of the SW 1/4; thence N 604 feet; thence W 183 feet to the true POB; thence S 158 feet; thence W 127 feet; thence N 158 feet; thence E 127 feet to the true POB; Easements of record. Sec. 32, Twp 22 N, R2E, W.M.

EXHIBIT "A"

# 13-44B
Easement over the N 15 feet of the following:
The East 173 feet of the following described property:
Commencing at the Northeast corner of the South half of the NE 1/4 of the SW 1/4 of Sec.8, Twn 21N, R2E of the W.M.; thence along the N line of said subdivision S 89 deg. 56 min 05 Sec W 30 Feet to the W line of Wickersham County Road and the true POB; thence continuing S 89 Deg.56 Min.05 Sec W along the N line of said subdivision 313.00 feet; thence S 1 Deg 00 Min 51 Sec W parallel with the East line of said subdivision 95.00 feet; thence N 89 Deg 56 Min 05 Sec E, parallel with the N line of said subdivision, 313.00 feet to the W line of said Wickersham County Road; thence N 1 Deg 00 Min 51 Sec E along said E line, 95.00 feet to POB.

# 10-29
Easement over the W 20 feet of the following:
Beg 821 Feet E of the NW corner of Sec 8; thence E 123.20 feet; thence S 180 feet; thence W 123.20 feet, more or less, to a point 180 feet S of the N line of Sec 8; thence N 180 feet to the beginning; EXCEPT the road including easement. Sec.8, Twn 21 N, R 2E, W.M.

#13-44A
Easement over the N 15 feet of the following:
The W 140 feet of the following described property: Com at the NE corner of the S half of the NE 1/4 of the SW 1/4 of Sec 8, Twn 21N, R2E of the W.M.; thence along the N line of said subdivision S 89 Deg 56 Min 05 Sec W 30 feet to the W line of Wickersham County Road and the true POB; thence continuing S 89 Deg 56 Min 05 Sec W along the N line of said subdivision, 313.00 feet; thence S 1 Deg 00 Min 51 Sec W parallel with the E line of said subdivision, 95.00 feet; thence N 89 Deg 56 Min 05 Sec E, parallel with the N line of said subdivision, 313.00 feet to the W line of said Wickersham County Road; thence N 1 Deg 00 Min 51 Sec E along said E line, 95.00 feet to the POB

# 2-21
Temp. construction easement over the E 10 feet of the following:
Beg at a point on the S line of the Section which is S 89 Deg 43 Min 40 Sec W 412.92 feet from the SE corner of the SW 1/4 of the SW 1/4; thence N 89 Deg 43 Min 40 Sec E 152.19 feet to the true POB; thence N 00 Deg 03 Min 38 Sec E 120 feet; thence E parallel to the S line of Section 95 feet; thence S 00 Deg 03 Min 38 Sec W 120 feet; thence S 89 Deg 43 Min 40 Sec W along the S line of the Section 95 feet to the true POB; except road, Sec 32,TWn 22 N, R2E, W.M.

# 13-12
Easement over the following:
Beg 360 feet W of the NE corner of the SW 1/4; thence S 255 feet; thence W 30 feet; thence N 255 feet; thence E 30 feet to the beginning; EXCEPT road.

# 10-30
Temp construction easement over the East 10 feet of the following:
Beg 30 feet S of the NW corner of the W half of the E half of the NW 1/4 of the NW 1/4; thence S 245 feet; thence E 158-1/5 feet; thence N 245 feet; thence W 158-1/5 feet to the beginning. Sec. 8, Twn 21N, R2E, W.M.

# 6-91

Temporary construction easement over the E 10 Ft of Lot 4 Bay Ridge 1st Add., Sec. 6, Twp 21N, R2E, W.M.

# 2-9

Temporary construction easement over the E 10 feet of the foll. Desc. Prop:

Beg at the SE cor of the SW 1/4 of the SW 1/4; th West 165 feet; thence N 120 feet to the true POB; thence W 70 feet; thence N 139.50 feet; thence W 75 feet; thence N 106.50 feet; thence E 145 feet; thence S 246 feet to the true POB. Sec. 32,TWP 22N, R2E, W.M.

# 6-22

Easement over the Easterly 50 feet and Southerly 20 feet of the following:

Commencing at the intersection of North Harbor View Drive and Uddenberg Street being Town Monument #26, thence South 37° 30' 20" East along the centerline of said Uddenberg Street for a distance of 113.79 feet to the true point of beginning; thence a permanent easement being 50 feet in width measured at right angles Easterly of the following line North 48° 35' 25" East for a distence of 88.75 feet; thence a permanent easement being 20 feet in width measured at right angles Southerly of the following line, South 52° 31' 06" East for a distance of 440.58 feet to the inner Harbor line as established in January of 1974 by the Department of Natural Resources and the terminus point of this easement, situate in Sections 5 and 6, Township 21 North Range 2 East, W. M.

DAGUE, TEMP. #2-6 ✓

BORGERT, TEMP #2-9A ✓

MASHBURN, TEMP #2-9

PEABODY, PERM #2-3. ✓

PEABODY, PERM #2-12 ✓

PEABODY, PERM #2-2 ✓

SHANSI, TEMP #6-90 ✓

SHANSI, PERM #6-90 ✓

SHANSI, TEMP #6-91 ✓

SHANSI, TEMP #10-30 ✓

PALGER, PERM #13-13, ✓

BORGERT, TEMP #2-21 ✓

CHENEY, PERM #13-44A. ✓

TAMBOCHIO, ~~TEMP~~ PERM #10-29. ✓

McCARTY, PERM #13-44B ✓

191

ORDINANCE NO. ~~78~~ ~~165~~

An Ordinance of the Town of Gig Harbor, defining misdemeanors providing for the punishment of those committing the same and repealing any Ordinance in conflict therewith.

WHEREAS, protection of the public health, welfare, safety and morals require that the conduct described herein be prohibited and punishable, now, therefore,

BE IT ORDAINED by the Council of the Town of Gig Harbor, Washington as follows:

Section 1. PUBLIC INTOXICATION. Any person found intoxicated in any public place in the town shall be guilty of a misdemeanor.

Section 2. INTOXICATION IN VEHICLE. Any person or persons found intoxicated in a motor vehicle in the town shall be guilty of a misdemeanor.

Section 3. OCCUPYING AUTO WITHOUT OWNER'S PERMISSION. Any person who shall, without permission of the owner or person entitled to the possession thereof, intentionally, occupy or attempt to enter a motor vehicle shall be guilty of a misdemeanor.

Section 4. CONTRIBUTING TO DELINQUENCY OF MINOR. Any person who by an act or omission encourages, causes or contributes to the delinquency of any child under the age of 18 years shall be guilty of a misdemeanor.

Section 5. SUPPLYING LIQUOR TO MINOR. Any person who shall give, acquire for or otherwise supply liquor to any person under the age of 19 who is not the parent, guardian or physician of said minor shall be guilty of a misdemeanor.

Section 6. MINOR CONSUMING OR IN POSSESSION OF LIQUOR. Any person under the age of ~~18~~ 21 years who acquires or has in his possession or

possession, custody or control, as bailee, agent , employee or trustee shall secrete, withhold or appropriate the same to his own use or to the use of any person other than the true owner or person entitled thereto, the same being of the value of seventy-five ($75.00) dollars or less shall be guilty of a misdemeanor.

Section 12. CONCEALING STOLEN PROPERTY. Any person who with the intent to deprive or defraud the owner thereof, buys, sells, receives, has in his possession, or aids in concealing or withholding the property of another the same being of the value of seventy-five ($75.00) dollars or less, knowing the same to have been stolen or wrongfully appropriated shall be guilty of a misdemeanor.

Section 13. BUNCO-SWINDLING. Any person or persons engaged in buncoing or in the operation of a swindling game or device for the purpose of swindling or defrauding others shall be guilty of a misdemeanor.

Section 14. FORTUNETELLING, TEA LEAF READING, PALMISTRY, OR CLAIRVOYANCE. Any person who asks or receives any compensation, gratuity, or reward for practicing fortunetelling, tea leaf reading, palmistry or clairvoyance shall be guilty of a misdemeanor. Asking or receiving any compensation, gratuity, or reward shall include the receipt by the defendant of anything of value either before or after the act of fortunetelling, tea leaf reading, palmistry or clairvoyance or whatever alleged or stated purpose. Provided, however, that the use of hypnotism by or under the direction of a duly licensed and practicing physician or dentist in connection with medical or dental care of a patient, or for scientific purposes, are excluded from the prohibition herein contained.

Section 15. DEFRAUDING INNKEEPER. Any person, with intent to defraud, shall obtain any food, lodging, accomodations or other services in or from any hotel, motel, apartment house, restaurant, cafe, boarding or lodging house or other business such as, but not limited to a taxi cab company,

without paying therefor shall be guilty of a misdemeanor.

Section 16. LODGING WITHOUT PERMISSION. Any person who lodges in any place, or upon any property without the permission of the owner, or person entitled to the possession thereof shall be guilty of a misdemeanor.

Section 17. LOITERING AND PROWLING. Any person who shall loiter or prowl in a place, at a time, or in a manner, not usual for lawabiding individuals and under circumstances that manifest an unlawful purpose or warrant alarm for the safety of persons or property in the vicinity shall be guilty of a misdemeanor. Circumstances which may be considered in determining whether such unlawful purpose is manifested or such alarm is warranted, include but are not limited to the following: Flight by the actor upon appearance of a law enforcement officer, refusal to identify himself, or manifestly endeavoring to conceal himself or any object.

No arrest shall be made under this section nor shall any person be convicted of violating this section unless such person is first afforded, if practical under the circumstances, an opportunity to dispel any alarm or suspicion of unlawful purpose which would otherwise be warranted, by identifying himself and explaining his presence and conduct.

No person shall be convicted of violating this section if it appears at trial that the explanation given by him of his presence and conduct was true and if believed by the arresting officer at the time, would have dispelled the alarm or suspicion of unlawful purposes.

Section 18. LOITERING ON SCHOOL GROUNDS. Every person except a person enrolled as a student in, or parents or guardians of such students or person employed by such school or institution, who without a lawful purpose therefor willfully loiters about the building or buildings of any public or private school or institution of higher learning or the public premises adjacent thereto shall be guilty of a misdemeanor.

Section 19. DISORDERLY PERSON. Any person who is lewd, disorderly, or dissolute shall be guilty of a misdemeanor.

Section 20. LEWDNESS. Any person who shall cohabit with another not the husband or wife of such person or any person who is grossly lewd or makes any open and indecent or obscene exposure of his or her person or of the person of another to any other person shall be guilty of a misdemeanor.

Section 21. OBSCENE, THREATENING OR HARASSING TELEPHONE CALLS. Any person who, with intent to harass, intimidate, torment or embarass any other person shall make a telephone call to such other person:

(1) Using any lewd, lascivious, profane, indecent, or obsence words or language, or suggesting the commission of any lewd or lascivious act; or

(2) Anonymously or repeatedly or at an extremely inconvenient hour, whether or not conversation ensues, or

(3) Threatening to inflict injury on the person or property of the person called or any member of his or her family, or

(4) Without purpose of ligitimate communication; and any person who knowingly permits any telephone under his control to be used for any purpose as prohibited herein; shall be guilty of a misdemeanor.

Section 22. INDECENT LIBERTIES. Any person who takes any indecent liberties with or on the person of another without his or her consent shall be guilty of a misdemeanor.

Section 23. MOLESTING ANOTHER PERSON. Any person who shall annoy, bother, molest, insult or offer an affront to any other person shall be guilty of a misdemeanor.

Section 24. INDECENT LANGUAGE AND CONDUCT. Any person who shall use, in the presence of any other person, vulgar, profane, obscene or indecent language, or who shall conduct himself or herself in an indecent manner shall be guilty of a misdemeanor.

Section 25. DISTURBING PEACE AND QUIET. Any person who shall be noisy, riotous or tumultous conduct disturb the peace and quiet of the Town

of Gig Harbor, or of any meeting or assemblage therein shall be guilty of a misdemeanor.

Section 26. ASSAULT. Any person who shall commit an assault or an assault and battery upon the person of another shall be guilty of a misdemeanor.

Section 27. PROVOKING ASSAULT. Any person who shall by word, sign or gesture willfully provoke, or attempt to provoke another of a misdemeanor, shall be guilty of a misdemeanor.

Section 28. ENCOURAGING FIGHTING AND QUARRELING. Any person fighting or quarreling or encouraging others to fight in any public place shall be guilty of a misdemeanor.

Section 29. AIMING OR DISCHARGING FIREARM OR EXPLOSIVE. Any person other than a peace officer aiming any gun, pistol, revolver, or other firearm, whether loaded or not, operational or not operationl, at, or towards any other person or who shall wilfully discharge any firearm, air gun or other weapon, or throw any deadly missle or explosive in a public place or in any place where any person might be endangered thereby, although no injury results shall be guilty of a misdemeanor.

Section 30. INTIMIDATION WITH FIREARM. Any person other than a peace officer, who shall carry, exhibit or display any firearm loaded or unloaded, operational or non operational, any open blade knife or sharp instrument, or any other deadly weapon with the intent to intimidate or annoy another person or persons shall be guilty of a misdemeanor.

Section 31. PROSTITUTION. Any person who operates, lives or works in a house of prostitution or solicits for any prostitute or house of prostitution or practices prostitution shall be guilty of a misdemeanor.

Any male person who shall live in whole or in part upon the earnings of a common prostitute shall be guilty of a misdemeanor.

Section 32. CARRYING CONCEALED WEAPONS. Every person who shall carry concealed upon his person any weapon consisting of an unlicensed revolver, unlicensed pistol, unlicensed rifle, or other unlicensed firearm or

silencer, any knife (Other than an ordinary pocket knife), or any dirk or dagger, slingshot or metal knuckles, or any instrument by the use of which injury could be inflicted upon the person or property of another, shall be guilty of a misdemeanor, and the police judge, as a part of the fine and penalty imposed, shall have the power to and hereby is authorized, in his discretion, to order that any such weapon taken from any person convicted of a violation of this section be forfeited, and the same shall thereupon be forfeited to the town.

This section shall have no application to police officers and other persons whose duty it is to execute, process or warrants or to make arrests.

Section 33. FALSE ALARMS OF FIRE. Every person who shall knowingly cause or make any false alarm of fire, or who shall in any manner tamper, or interfere with any fire alarm, or fire apparatus of any kind shall be guilty of a misdemeanor.

This section shall not apply to the chief or other members of the fire department, or to other persons duly authorized to sound an alarm when such may be deemed proper.

Section 34. FALSELY CALLING POLICE. Every person who shall make, or who shall cause to be made, any call for the police for false reasons, or who shall in any manner tamper or interfere with any police alarm, or telephone, or police alert apparatus of any kind, shall be guilty of a misdemeanor.

This section shall not be construed to apply to the chief or other members of the police department, or to other persons duly authorized to sound an alarm, or to make a call, or sound an alert when such may be deemed proper.

Section 35. IMPERSONATING AN OFFICER. Every person who shall falsely impersonate a public officer, civil or military, or a policeman, or a private individual having a special authority by law to perform an act affecting the rights or interests of another, or who, without authority, shall assume any

uniform or badge by which such an officer or person is lawfully distinguished, and in such assumed character shall do any act purporting to be official, whereby another is injured or defrauded, shall be guilty of a misdemeanor.

Section 36. KEEPING DISORDERLY PLACE. Every keeper or person in charge of any barroom or public drinking place, or at any cigar stand, confectionery store, fruit stand, lunch counter, cafe, restaurant, motion picture house, theater, dance hall, hotel, motel, or rooming house, or any other public place, who shall permit any breach of the peace or disturbance of public order or decorum, by noisy, riotous or disorderly conduct on the premises, when it is within the power of such person or persons to prevent the same; or who shall keep any such place in a disorderly manner shall be guilty of a misdemeanor.

Section 37. LAYING OUT POISON. Any person who shall lay out or expose any kind of poison, or leaves exposed any poisoned food or drink for man, animal or fowl, or any substance or fluid wherein or whereon there is or shall be deposited or mingled any kind of poison or poisonous or deadly substance or fluid, on the premises of another, or in any unenclosed place, or in any place which the person knows is frequented by other persons, animals, or fowls, shall be guilty of a misdemeanor. Nothing in this section shall be construed as preventing any person from poisoning rodents or any other nonvaluable, or nonprotected animals or birds, so long as no danger to other persons, or valuable or protected animals, or birds is created.

Section 38. LITTERING. Any person who throws, places or otherwise causes to be thrown or placed upon the public streets and public places of the town, paper commonly known as confetti, or paper streamers, or paper or composition of any kind used in the manner as confetti, or who throws or places any kind of paper, debris, material or composition upon the public streets, alleys and public places in the town, shall be guilty of a misdemeanor.

Section 39. OBSCENE LITERATURE AND SHOWS. Every person who:

Section 43. OBTAINING PRESCRIPTION DRUG BY FRAUD. Every person who shall obtain a prescription drug by fraud, deceit, misrepresentation or subterfuge shall be guilty of a misdemeanor. "Prescription Drug" means any and all controlled substances required to be dispensed only upon the prescription or order of a physicial as defined by the laws of the State of Washington.

Section 44. PRINCIPAL DEFINED. Every person concerned in the commission of a misdemeanor, whether he directly commits the act consituting the offense, or aids or abets in its commission and whether present or absent; and every person who directly or indirectly counsels, encourages, hires, commands, induces or otherwise procures another to committ a misdemeanor, is a principal, and shall be proceeded against and punished as such. The fact that the person aided, abetted, counseled, encouraged, hired, commanded, induced or procured, could not or did not entertain a criminal intent, shall not be a defense to any person aiding, abetting, counseling, encouraging, hiring, commanding, inducing or procuring him.

Section 45. ATTEMPTS--HOW PUNISHED. An act done with intent to commit a crime, and intending but failing to accomplish it, is an attempt to commit that crime; and every person who attempts to commit a crime unless otherwise prescribed by ordinance, shall be punished as follows: By imprisonment in such manner as may be prescribed for the commission of the completed offense, for not more than one half the longest term or by a fine of not more than half of the largest sum, prescribed upon conviction for the commission of the offense attempted, or by both such fine and imprisonment.

Section 46. VIOLATION--PENALTIES. Every person convicted of a misdemeanor shall be punishable by imprisonment in the county jail for not more than 90 days, or by the fine of not more than $~~200~~ 500.00, or both.

Section 47. FORFEITURES ALLOWABLE. All misdemeanors are forfeitable upon the recommendation of the Town Attorney and with the concurrence of the Court.

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CONRAD & JOHNSON
SUITE 600 RUST BUILDING
ELEVENTH AND PACIFIC AVENUE
TACOMA, WASHINGTON 98402

Section 48. A determination that portions of this Ordinance is invalid shall not impair the validity of the remaining portions.

Section 49. This ordinance shall become effective five (5) days from and after its passage, approval and publication as provided by law.

Passed by the Town Council and approved by the Mayor of the Town of Gig Harbor, Washington, at a regular meeting thereof this 27 day of May, 1974.

MAYOR

Attest:

Town Clerk

LAW OFFICES
CONRAD & JOHNSON
SUITE 600 RUST BUILDING
ELEVENTH AND PACIFIC AVENUE
TACOMA, WASHINGTON 98402

ORDINANCE NO. 192

AN ORDINANCE AMENDING SECTION 24 OF ORDINANCE 109A OF THE TOWN OF GIG HARBOR PROVIDING FOR DETERMINATION OF A ZONE CLASSIFICATION TO BE APPLIED TO PROPERTIES BEING ANNEXED TO THE TOWN OF GIG HARBOR.

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF GIG HARBOR.

Section 24 shall be amended to read as follows:

Section 1. Any lands annexed to the Town of Gig Harbor following the enacting of this ordinance shall be deemed to be included in the Zoning Map as being in the R-1 Residential District. Within sixty (60) days following annexation, Planning Commission shall hold a public hearing to determine the best application of this ordinance to the annexed territory. Following the hearing, the Commission shall make its recommendation to the Town Council for the zoning of the area: provided, however, any land which has been or is included in a comprehensive land use plan provided for in the following provision and adopted pursuant to R.C.W. 35.13.177 and R.C.W. 35.13.178 shall be annexed with the zoning district classification as provided for in such comprehensive land use plan.

Section 2. That petitioners for annexation may include in the notice of intent to petition for annexation a request for determination of the zoning district classification which will be applied to the property described in said notice of intent to petition for annexation, if the petition for annexation is passed. Such petition shall be accompanied with an amount of $50.00 for costs involved in determining zoning.

Section 3. That if such a request is made, the Council shall, or if such a request is not made, the Council may communicate said request to the clerk of the Planning Commission who will place notice of intent on the Planning Commission's agenda. The Planning Commission shall

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then formulate a comprehensive use plan for the area described in the notice of intent, to become effective upon the annexation of said area, pursuant to R.C.W. 35.13.177.

Section 4. That the Town Council shall hold two (2) hearings upon the proposed comprehensive plan, as provided in R.C.W. 35.13.178, and after giving of notice as therein provided.

Section 5. That if the petitioners for annexation are not satisfied with the Council's proposed classification of the property to be annexed, then said petitioners may withdraw their notice of intent to petition for annexation by so requesting in writing to the Town Clerk's office.

Section 6. That whenever an ordinance is enacted annexing property to the Town pursuant to a petition for annexation which did not request the determination of a zone prior to the enactment of the ordinance annexing the property to the Town and the Council chooses not to request a prior determination of zone classification, any such property so annexed shall be deemed to be included in the zoning map as being in the R-1 Residential District. Within sixty (60) days following annexation, the Planning Commission shall hold a public hearing to determine the best application of this ordinance to the annexed territory. Following the hearing, the Commission shall make its recommendation to the Town Council for the zoning of the area.

Section 7. That except as herein amended Ordinance 109A of the Town of Gig Harbor as previously amended shall remain in full force and effect.

Section 8. This Ordinance shall take effect upon its passage and publication as provided by law.

PASSED this 27 day of MAY, 1974.

Attest:

Don Avery
Clerk of the Town of Gig Harbor

Jack D. Bujacich, Jr.
Mayor of the Town of Gig Harbor

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SUITE 600 RUST BUILDING
ELEVENTH AND PACIFIC AVENUE
TACOMA, WASHINGTON 98402

ORDINANCE # 1-73

An ordinance providing for a moratorium on the issuing of building permits in zone R-2 in the Town of Gig Harbor.

WHEREAS there already is in the town of Gig Harbor a serious problem with surface water run-off and drainage patterns and

WHEREAS the high density of land use now allowable in zone R-2 contributes adversely to the above problem and

IN ORDER to provide the town council and its departments with adequate time to properly evaluate the problem and arive at beneficial solutions,

BE IT ORDAINED THAT:

There shall be a moratorium of 60 days on the issuing of all building permits for any construction in zone R-2 in the Town of Gig Harbor.

Permits for construction of, additions to or repair of single family residences within zone R-2 shall be exempt from the above stated moratorium.

This moratorium, unless amended or repealed by the town council, shall remain in force for a period of 60 days immediately following its passage.

Passed this 27 day of May, 1974.

Jack D Bujacich
Mayor

Attest: John Avery
Town Clerk

TOWN OF GIG HARBOR, WASHINGTON

ORDINANCE NO. 194

AN ORDINANCE Repealing Ordinance 115 fixing the rates for water service charges for the use and consumption of water from the municipal water utility.

THE TOWN COUNCIL OF THE TOWN OF GIG HARBOR, WASHINGTON DOES ORDAIN, as follows:

Section 1. Metered Residential Uses. The water service charge for all metered residential uses shall be $4.25 per month per individual residential unit for the first 1,000 cubic feet consumed, and $0.30 per each 100 cubic feet or part thereof consumed per unit over the first 1,000 cubic feet.

Section 2. 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 residential unit shall be $4.50 per month per unit.

Section 3. Industrial and Commercial Uses. The water service charge for each industrial and commercial use per month for the first 1,000 cubic feet consumed by such use shall be as follows:

| Service Connection (Meter) Size | Rate |
|---|---|
| 5/8 inch & 3/4 inch | $ 4.50 per 1,000 cubic feet |
| 1 inch | 5.75 per 1,000 cubic feet |
| 11/2 inch | 8.50 per 1,000 cubic feet |
| 2 inch | 12.00 per 1,000 cubic feet |
| 3 inch | 26.00 per 1,000 cubic feet |
| 4 inch or more | 32.00 per 1,000 cubic feet |

For every 100 cubic feet or part thereof consumed by such use over the first 1,000 cubic feet per month, there shall be water service charge of $0.30.

Section 4. A specified rate shall be in effect in those instances where water is not actually used upon the premises but is only available for the purpose of affording fire protection. Said rate shall be as follows:
As a standard charge only without regard to size of service, where no water is used, $4.50 per monthly period. In the event water is used from such a meter in any particular monthly period, the regular rates shall be charged for that particular monthly period.

Section 5. A special rate shall be in effect for multiple unit dwellings, hotels and apartments, and the minimum monthly rate, shall be as follows:
In addition to the regular minimum monthly rate of $4.50, the minimum shall be as follows: $4.50 for the second dwelling unit or room, $4.00 for the third dwelling unit or room and all dwelling units or rooms thereafter. For water furnished in excess of the minimum amounts above specified the usual rates shall apply.

Section 6. Effective Date. This ordinance shall take effect and be in full force five days following its approval and passage and publication in accordance with law.

PASSED by the Town Council and APPROVED by the Mayor at a regular open public meeting this 10th day of June, 1974.

MAYOR

ATTESTED:

Don Avery, Town Clerk

TOWN OF GIG HARBOR

ORDINANCE No. 195

AN ORDINANCE of the Town of Gig Harbor, establishing rules and regulations for water service, providing penalties for violations or same, providing for metering of services, establishing main extension policy.

WHEREAS, the Town of Gig Harbor has a need of a rate structure, rules and regulations and other requirements governing the use of such water system and the water utility of the Town; NOW, THEREFORE,

THE TOWN COUNCIL OF THE TOWN OF GIG HARBOR, WASHINGTON, do ordain, as follows:

Section 1. Definitions: The following words used in this ordinance shall have the following meaning except when a different meaning is clearly intended:

(a) Clerk. Clerk shall mean the Town Clerk of the Town of Gig Harbor.

(b) Town. Town shall mean the Town of Gig Harbor, Washington.

(c) Council. Council shall mean the duly elected Town Council of the Town.

(d) Superintendent. Superintendent shall mean the water superintendent appointed by the Mayor of the Town to perform the tasks listed in this ordinance.

(e) Shall/May. Shall is mandatory. May is permissive.

Section 2. Exercise of police power. This ordinance is declared to be an exercise of the police power of the state and the Town to promote the public health, safety, and welfare of the residents and property owners of the Town and to protect the water system of the Town, and its provisions shall be liberally construed for the accomplishment of that purpose.

Section 3. Application required, Connections. Any person desiring to have premides connected with the water supply system of the Town shall make application at the office of the Town Clerk on the printed forms furnished for that purpose. Every such application shall be made by the owner of the property to be furnished or by his authorized agent. The applicant must state fully the purposes for which the water may be required. Applicent must agree to conform to the regulations and rules concerning

the use of water as they may be established from time to time and further agree that the Town shall have the right at any time, without notice, to shut off the water supply for repairs, extensions, non-payment of rates and charges, or for any other reason, and that the Town shall not be responsible for any damage, caused by the breaking, bursting, or collapsing of any boilers, pipes or fixtures, or by the stoppage or interruption of the water supply, or any damage whatever resulting directly or indirectly from the shutting off of the water.

Section 4. Water service applications - Form. Application for the use of water shall be substantially in the following form:

TOWN OF GIG HARBOR
WATER SERVICE APPLICATION

Date _____

"Application is hereby made by the undersigned property owner for all water service required or used for any purpose at _____ _____ in or near Gig Harbor, Washington, for which I agree to pay in advance and in accordance with existing ordinances and regulations of the Town, the following estimated charges, the exact charges will be determined and payable immediately upon completion of the installation:

| | |
|---|---|
| Engineering Fees | _____ |
| Water Main Extension | _____ |
| Fire Hydrant Installation | _____ |
| Street Repairs | _____ |
| Tap-In Charges | _____ |
| Water Service Connection Charge (Metering Charges) | _____ |
| Total | _____ |

I further agree that all rates and charges for water service to the above property shall be paid in accordance with the now-existing ordinances and regulations of the Town, or any ordinances and regulations passed hereafter.

"I hereby authorize the following tenant, _____,

to have all accounts for water kept in his name at the above address under account No. _____ with the understanding that water bills mailed to that tenant shall not relieve the property from liability for water charges incurred.

"I understand that the Town will use all reasonable effort to maintain uninterrupted service, but reserves the right to shut off the water at any time without notice for repairs, expensions, nonpayment of rates or any other reason and assumes no liability for any damage as a result of interruption of service from any cause whatsoever.

_____
Owner

_____
Address

After the applicant has paid the proper fees and a deposit to cover all estimated hook-up charges, and having filled out and filed the water service application, the Superintendent shall cause the proper taps, valves and meters to be installed to bring the water service to that person's property at such location as the applicant shall designate, subject to section (d) as soon as reasonably possible to do so.

Section 5. Regulations pertaining to new service or re-installed services. All new water service connections and all water service which is reinstalled or reconnected after disconnections shall be subject to the following requirements:

(a) Tap size determination. The Superintendent may determine the size of tap to be inserted into any water main and the size of service pipe under any application or permit, provided that no service shall be less than 3/4" in diameter.

(b) Connection location. A connection to the water department's main must be made on the same lot as is occupied in while or in part by a building. Service pipes from a customer's line shall not be run to other lots. Private water pipes shall not be run across alleys or streets.

(c) Service pipe installation - Town control. When a permit has been obtained for the installation of water, the superintendent, if there is a Town water main

abutting the property, shall cause to be installed a service pipe from the main to the property line, including a stop cock, meter and meter box, which connections thereafter shall be maintained by and kept within the exclusive control of the Town.

The Council may, at its discretion, order the extension or renewal of mains by the use of local improvement districts or utility local improvement districts as provided by law, and the water department may pay the same, whatever part is deemed equitable, as determined by the Council.

Section 6. Meters required, supplied. At the time each premises is connected to the water system of the Town, or, if already connected, within 2 months of the effective date of this ordinance, there shall be installed by the Town a meter or meters of the type approved and supplied by the Superintendent at the point or points of intake of the water supply for that premises approved by the Superintendent.

Meters required to be installed shall be of a uniform type and shall be acquired by the Town from the suppliers thereof. Such meters shall be installed by the Town, and the ownership of such meters shall remain in the Town. The Town will perform the ordinary and usual maintenance on such meters and may replace them from time to time. The property owner shall be responsible for the replacement or repair cost of the meter in the event it is destroyed or damaged beyond normal wear and tear by any cause other than the fault of the Town. The Town shall bill the cost of any such repair or replacement to the property owner and, if it shall not be paid, the unpaid charge or cost shall be certified and filed as a lien in the manner provided by law or otherwise collected as other water charges in the manner provided by law and ordinance.

The installation of the meter shall be done under the supervision of the Superintendent or his representative at a location approved by him.

The Superintendent or his representative shall have access at all reasonable hours to the meters so installed for the purpose of inspecting, maintaining, repairing, replacing and reading them.

No building or structure shall be furnished water service after June 19 197 4, unless each such building or structure has a meter installed pursuant to this section.

Section 7. Water Rate Charges. The rates for water service charges, hook-up charges, meter and new installation shall be designated by a separate ordinance to be enacted by the Council specifically for this purpose.

Section 8. Prohibited acts.

(a) Supplying water to additional families. It shall be unlawful for any person whose premises are supplied with water to furnish water to additional families or premises unless he first makes application in writing to do so, inthe same manner as an originial application for the installation of water service. The approval of the council shall be mandatory before water shall be so supplied indirectly to any person or premise.

(b) Littering or swimming in reservoir. It shall be unlawful for any person to bathe in or throw any substance into any reservoir or storage area, or place any foreign substance upon any grounds belonging to, connected with or under the control of the water department of the town.

(c) Interfering with or damage to water department property. It shall be unlawful for any person, firm or corporation to open, close or interfere with, or attempt to, or connect with any fire hydrant, stop valve or stop cock, belonging to the Town water department unless authorized by the Superintendent, but this subsection shall not apply to members of the county fire department while acting in such capacity.

It shall be unlawful for any person unless duly authorized by the Superintendent to disturb, interfere with, or damage any water main, water pipe, machinery, tool, meter or any other appliances, buildings, improvements, lawns, grass plots, flowers, vines, bushes or trees belonging to, connected with, or under the control of the water department of the Town.

(d) Connections with Town mains - Cross Connections. No plumber or other person will be allowed to make connections with the Town mains or any fixtures connected therewith without the permission of the Superintendent.

Cross-connections between the water system of the Town and any other source of water supply are prohibited, and it shall be unlawful for any person to make such cross-

connection, or permit the same to be made with any premises over which he has the control.

Section 9. Meter-inspecting. When any consumer whose water service is metered makes a complaint that the bill for any past time has been excessive, the water department will, upon request, have such meter re-read and the service inspected for leaks.

Section 10. Miscellaneous.

(a) Right of entry to read meters. Officers and employees of the Town water department shall be entitled at proper hours of the day to enter upon property to which water is supplied hereunder, and it shall be unlawful for any owner or any occupant of the premises supplied with Town water to fail, neglect or refuse to give free access to such premises for such purpose.

(b) Discontinuance of water service. Should the owner of any premises desire to discontinue the use of water supplied any premises, he shall give the town notice in writing and pay in full all outstanding water charges on his account at the office of the Clerk. The water shall then be shut off and upon proper application be turned on again upon the payment of Three ($3.00) Dollars. Future water charges shall not cease without the notice herein prescribed.

(c) Pipe installation - Owner's responsibility. The property owners shall at their own expense install all pipes and connections from the stop cock and/or meter placed by the water department to serve their respective premises. All such pipes must be provided with stop and waste cocks protected from frost and accessible to the customer so that such pipes may be drained to prevent damage by freezing and so the water may be shut off ;for repairs to service pipes. A charge of Three ($3.00) Dollars shall be made where it becomes necessary for any employee of the water department to shut off or turn on water for repair of broken pipes or for installing stop and waste cocks.

(d) Water pipes maintenance. The water department shall maintain allwater pipes upon Town owned property up to an including the water meter; provided, that the Town shall not be required to renew or replace water mains placed outside the corporate limits of the Town. No mains in existence at the time of the annexation of an area to the Town

shall be renewed or replaced by the Town without a resolution of the Council to do so. Water mains outside the Town or in existence at the time of annexation may be maintain ed by the water department until such time as the Town shall condemn the same.

In the event a water main is condemned, notice shall be sent to the customers on such main that the main is condemned, and service to those customers will be terminated unless the property owners furnished water through such main replace it with a main meeting specifications of the Town within ninety (90) days of such notice, unless an earlier termination is required by the condition of the main. If the Superintendent determines that the property should be served from an alternate Town water main, the property owner shall be fully responsible for making that extension according to Town specifications.

(e) public establishments to be connected to water. To safeguard the health of the inhabitants of the Town, all premises in which there is conducted a restaurant, tavern, hotel, motel, auto court, or cabins, rooming house, apartment house, store, or other type of establishment catering to the public shall be connected with the water system of the Town.

(f) Town may make regulations in time of water shortage. The Town reserves the right in the case of shortage of water, or for any other cause, to make any order regulating or forbidding the use of water for irrigation or sprinkling.

(g) Turning on water after it is shut off. It shall be unlawful for the owner or occupant of the premises to turn on the water, or suffer or cause it be be turned on, after it has been shut off or locked at the curb cock by the town. A charge of Three ($3.00) Dollars shall be made to turn the water back on.

(h) Meter rates - Adjustment of bills. When excessive registration is caused by broken or leaking water service pipes within or abutting upon the premises without the knowledge of the customer, an adjustment shall be made upon written application for one two-month billing period only during the yearly period and after repairs have been made. The basis for adjustment shall be the normal consumption under similar operating conditions.

Section 11. Extensions. Additions, betterments and extension to the existing water system of the Town shall be made in accordance with plans submitted by the Town engineer and approved by the Council.

(a) The cost of making additions, betterments and extensions to the existing water system shall be paid from such sources and by such means as the Council from time to time decides, in accordance with the laws of the State of Washington and the Town as the same now exist, or as may hereafter be amended.

(b) In the discretion of the Council, a property owner who has or will install a main extension at his own expense, and who qualifies under the terms of the "Municipal Water and Sewer Facilities Act," being Chaper 261 of the Laws of 1959 (RCW 35.91), as it may be amended, for reimbursement, may be given a contract in accordance with that chapter, but in no event shall its term of reimbursement exceed five years. In the event the Town agrees to enter into such a contract, the person to whom such contract is granted shall pay to the Town the Town's out-of-pocket legal, administrative and engineering expense incurred in framing such contract.

Section 12. Non-Liabilities of Town - Water shutoff.

(a) Fire protection - Non-Liability of Town. The Town shall not be liable or responsible for any losses by fire by reason of any lack of supply of water or water pressure at the time of fire alarms or at any other time.

(b) Damage to pipes or property. The Town shall not be responsible for any damage that might be caused by freezing, leaking or broken pipes.

The Town shall not be responsible for any damage caused by the breaking,bursting or collapsing of any boilers, pipes, fixtures, or water heating appliance caused by the stoppage or interruption of the water supply, or any damage whatever resulting directly or indirectly from the shutting off or interruption of water or pressure increase. Every person using water shall be responsible to see that the proper safety valves and/ or regulators are placed on the plumbing on his or her premises in such a way as to provide protection for his or her plumbing devices and property from over or under pressure.

(c) Water shutoff. The Town reserves the right to shut off the water from the mains at any time without notice for repairs, extensions or other necessary purposes, without liability for damage, and persons having boilers, hot water heating apparatus and any appliance or thing supplied by direct pressure from the main are hereby cautioned against danger.

Section 13. Any person found guilty of violating any provision of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction, shall be punished by a fine in a sum not exceeding $500.00, or by imprisonment for a period not in excess of thirty (30) days, or by both such fine and imprisonment.

PASSED by the Town Council of the Town of Gig Harbor and APPROVED by the Mayor at a regular open public meeting thereof this 10 day of June 1974.

Jack D. Bujacich
Mayor

ATTEST:

Donald J. Avery
Town Clerk

FORM APPROVED:

Town Attorney

TOWN OF GIG HARBOR, WASHINGTON

ORDINANCE NO. 186

AN ORDINANCE of the Town of Gig Harbor relating to the municipal water system of the Town; establishing connection and other charges; providing regulations relating to that system and the use thereof.

THE TOWN COUNCIL OF THE TOWN OF GIG HARBOR, WASHINGTON, DO ORDAIN, as follows:

ARTICLE I

Definition of Terms

Section 1.01. Building and/or Residence. "Building and/or Residence" shall mean any structure which is designed for human occupancy and has one or more sinks and/or showers, and/or bathing facilities, and/or laundry facilities, and/or toilets, or which receives water from the Town.

Section 1.02. Town. "Town" shall mean the Town of Gig Harbor.

Section 1.03. Town Clerk. "Town Clerk" shall mean the Clerk of the Town of Gig Harbor and any deputies acting on behalf of the Town Clerk.

Section 1.04. Connection Charges. "Connection Charges" shall mean the charges imposed by the Town for connecting any water service line to a public water main of the Town.

Section 1.05. Multiple Residence Building. "Multiple Residence Building" shall mean a dwelling containing more than one family and having a kitchen and a bath for each family.

Section 1.06. Public Water Main. "Public Water Main" of the Town shall mean any portion of the water mains or lines owned or operated by the Town.

Section 1.07. Water Connection Permit. "Water Connection Permit" shall mean the permit issued by the Town to allow the connection of a water service line to a public water main.

Section 1.08. Water Service. "Water Service" shall mean the furnishing of water through the public water mains to customers connected with water service lines.

Section 1.09. Water Service Lines. "Water Service Lines" are lines connected to the public water mains through a water meter serving water to property. Such water service lines from the meter to the property, building or structure being served shall not be the property of the Town.

Section 1.10. Water Service Rates. "Water Service Rates" shall mean the monthly charges imposed by the Town for the use of consumption of water from the municipal water utility of the Town.

Section 1.11. Shall-May. "Shall" is mandatory; "May" is permissive.

## ARTICLE II

## Water Connections, Meters, Charges

Section 2.01. Application Required, Connections. Any person desiring to have premises connected with the water supply system of the Town shall make application at the office of the Town Clerk on the printed forms furnished for that purpose. Every such application shall be made by the owner of the property to be furnished or by his authorized agent. The applicant must state fully the purposes for which the water may be required. Applicant must agree to conform to the regulations and rules concerning the use of water as they may be established from time to time and further agree that the Town shall have the right at any time, without notice, to shut off the water supply for repairs, extensions, nonpayment of rates and charges, or for any other reason, and that the Town shall not be responsible for any damage, caused by the breaking, bursting, or collapsing of any boilers, pipes or fixtures, or by the stoppage or interruption of the water supply, or any damage whatever resulting directly or indirectly from the shutting off of the water.

Section 2.02. Water Service Applications - Form. Application for the use of water shall be substantially in the following form:

TOWN OF GIG HARBOR
WATER SERVICE APPLICATION

Date_____

"Application is hereby made by the undersigned property owner for all water service required or used for any purpose at _____ in or near Gig Harbor, Washington, for which I agree to pay in advance and in accordance with existing ordinances and regulations of the City, the following estimated charges, the exact charges will be determined and payable immediately upon completion of the installation:

| | |
|---|---|
| Engineering Fees | $_____ |
| Water Main Extension | $_____ |
| Fire Hydrant Installation | $_____ |
| Street Repairs | $_____ |
| Tap-In Charges | $_____ |
| Water Service Connection Charge (including Meter) | $_____ |
| Total | $_____ |

I further agree that all rates and charges for water service to the above property shall be paid in accordance with the now existing ordinances and regulations of the Town, or any ordinances and regulations passed hereafter.

"I hereby authorize the following tenant, _____, to have all accounts for water kept in his name at the above address under Account No._____ with the understanding that water bills mailed to that tenant shall not relieve the property from liablity for water charges incurred.

"I understand that the Town will use all reasonable effort to maintain uninterrupted service, but reserves the right to shut off the water at any time without notice for repairs, extensions, nonpayment of rates or any other reason and assumes no liablity for any damage as a result of interruption of service from any cause whatsoever.

_____

Owner

_____

Address"

After the applicant has paid the proper fees to cover all estimated hook-up charges, and having filled out and filed the water service application, the Superintendent shall cause the proper taps, valves and meters to be installed to bring the water service to that person's property at such location as the applicant shall designate, subject to section (d), as soon as reasonable possible to do so.

Section 2.03. Charges. Charges for engineering, water main extensions, fire hydrant installation and street repairs shall be made where such costs are incurred beyond the normal connection requiring no design, street breakage, main extension, fire hydrant installation, or the like. The amounts of such charges shall be estimated at the time of filing of the application. Thereafter prior to commencing the water service, the actual costs shall be determined and payment or reimbursement, as the case may be, shall then be made.

The following charges are hereby fixed:

(a) For each new service with a 3/4 inch meter:

| | |
|---|---|
| Tap-In Charge | $25.00 |
| Water Service Connection Charge (including meter) | 90.00 |

(b) For any connection or meter over a 3/4 inch service:

New services: Actual cost plus 15%, but less than $145.00

Section 2.04. Regulations pertaining to new service or reinstalled services. All new water service connections and all water service which is reinstalled or reconnected after disconnection shall be subject to the following requirements:

(a) Tap size determination. The Superintendent may determine the size of tap to be inserted into any water main and the size of service pipe under any application or permit, but no service shall be less than 3/4" in diameter.

(b) Pipe standards. No water will be furnished on premises where the supply pipe is of black iron, or material which is not capable of withstanding 125 pounds pressure, or other material classified as substandard by the Superintendent.

(c) Connection location. A connection to a public main must be made on the same lot that is occupied in whole or in part by a building. Service pipes from a customer's line shall not be run to other lots. Private water pipes shall not run across alleys or streets.

(d) Service pipe installation - Town control. When a permit has been obtained for the installation of water, the Superintendent, if there is a Town water main abutting the property, shall cause to be installed a service pipe from the main to the property line, including a stop cock, meter and meter box, which connections thereafter shall be maintained by and kept within the exclusive control of the Town.

## ARTICLE III

### Water Service Charges

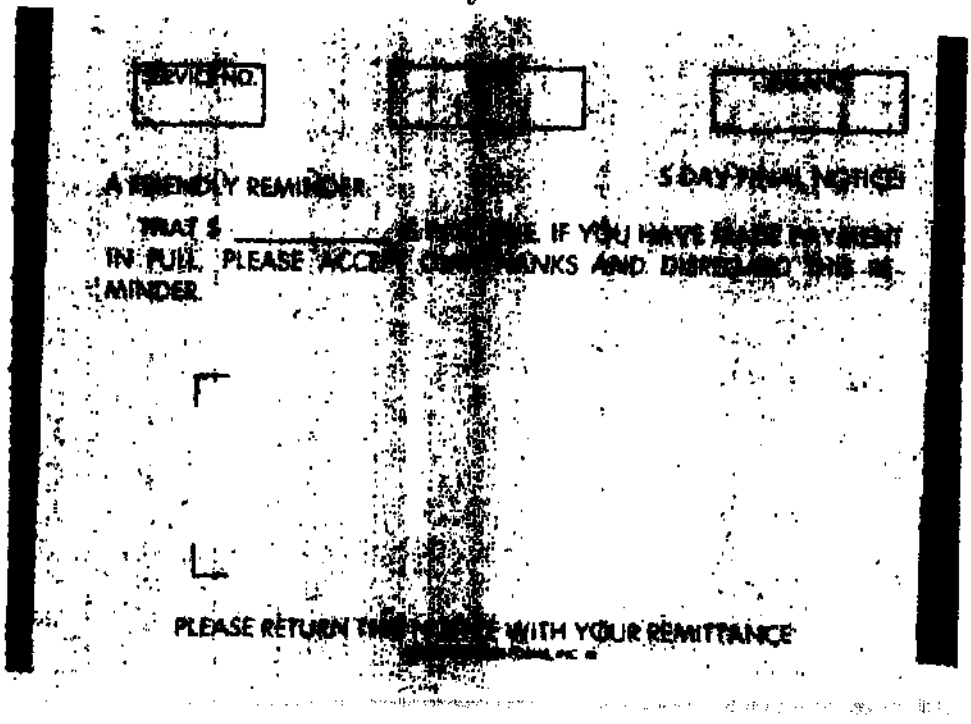
Section 3.01. Water service charges. The rates for water service charges shall be designated by a separate ordinance enacted by the Council specifically for this purpose.

ARTICLE IV

Miscellaneous

Section 4.01. Discontinuance of water service. Should the owner of any premises desire to discontinue the use of water supplied any premises, he shall give the Town notice in writing and pay in full all outstanding charges on his account at the office of the Clerk. The water shall then be shut off and upon proper application will be turned on again upon the payment of $3.00. Future water charges shall not cease without the notice herein prescribed.

Section 4.02. Water shutoff for nonpayment of water bills. In the event that any billing for water service or other water charge has not been paid within 115 days of billing, the Town Clerk shall send a notice to the property owners which shall read substantially as follows:




If such water service is shut off, it may be turned on again by the Town after full payment is made for all charges to date, plus penalties, interest and the turn-on charge provided in Section 4.01.

Section 4.03. Wasting Water. It shall be unlawful for any person to waste water by knowingly or willfully neglecting to repair any breaks, leakage, or other defective equipment or by failure to shut off any tap thereby wasting water on premises within their control. Persons so notified of defective equipment by a representative of the Town shall repair same within twenty-four hours. Failure to do so shall be a violation of this ordinance. The Town shall have the authority to terminate that person's water service immediately until the leakage or wastage shall be corrected. At reasonable times of the day, the Town of Gig Harbor shall have the right for its authorized representative to enter premises for the purpose of ascertaining whether or not water is being wasted excessively. Failure to grant permission to enter for this determination shall subject that person to have water service suspended.

PASSED by the Town Council of the Town of Gig Harbor and APPROVED by the Mayor at a regular open public meeting thereof this 10 day of June 1974.

Mayor

ATTEST:

Town Clerk

FORM APPROVED:

Town Attorney

ORDINANCE NO. 197

AN ORDINANCE repealing Ordinance No. 1 of the Town of Gig Harbor, Ordinance No. 1--Disorderly Persons.

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF GIG HARBOR:

Section 1. Ordinance No. 1, Disorderly Persons, is hereby repealed.

Section 2. This Ordinance shall take effect upon its passage and publication as provided by law.

Passed at the regular meeting of the Council of the Town of Gig Harbor this 24th day of June, 1974.

MAYOR

Attest:

Clerk of the Town of Gig Harbor

Ordinance No. 198

Whereas, certain areas of the Town of Gig Harbor are subject to periodic flooding and or mudslides from streams, rivers, etc., causing serious damages to properties within these areas; and

Whereas, relief is available in the form of Federally subsidized flood insurance as authorized by the National Flood Insurance Act of 1968; and

Whereas, it is the intent of this council to require the recognition and evaluation of flood and/or mudslide hazards in all official actions relating to land use in the flood plain and/or mudslide areas having special flood and/or mudslide hazards; and

Whereas, this body has the legal authority to adopt land use and control measures to reduce future flood losses, pursuant to Chapter 35, and following, of the Revised Code of Washington;

Now, therefore, be it ordained, that this council hereby:

1 - Assures the Federal Insurance Administration that it will enact as necessary, and maintain in force for those areas having flood or mudslide hazards, adequate land use and control measures with effective enforcement provisions consistent with the Criteria set forth in Section 1910 of the National Flood Insurance Program Regulations; and

2 - Vests the Building Inspector with the responsibility, authority, and means to:

a - Delineate or assist the Administrator, at his request, in delineating the limits of the areas having special flood and/or mudslide hazards on available local maps of sufficient scale to identify the location of building sites.

b - Provide such information as the Administrator may request concerning present uses and occupancy of the flood plain and/or mudslide area.

c - Cooperate with Federal, State and local agencies and private firms which undertake to study, survey, map, and identify flood plain or mudslide areas, and cooperate with neighboring communities with respect to management of adjoining flood plain and/or mudslide areas in order to prevent aggravation of existing hazards.

d - Submit on the anniversary date of the community's initial eligibility an annual report to the Administrator on the progress made during the past year within the community in the development and implementation of flood plain and/or mudslide area management measures.

3 - Appoints the Building Inspector to maintain for public inspection and to furnish upon request a record of elevations (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures located in the special flood hazard areas. If the lowest floor is below grade on one or more sides, the elevation of the floor immediately above must also be recorded.

4 - Agrees to take such other official action as may be reasonably necessary to carry out the objectives of the program.

Passed this 8 day of July, 1974.

Mayor

Attest:

Clerk

ORDINANCE NO. 199

An Ordinance providing for the adoption of Building Sewer Specifications.

BE IT ORDAINED by the Council of the Town of Gig Harbor, Washington, as follows:

1.1 BUILDING SEWER PERMITS. The owner or his agent shall make application for a building sewer permit on a special form furnished by the Town. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Sewer Superintendent, including, in case of a new building, a plan or diagram of the building sewer and storm drain facilities. A building sewer is defined as that part of the sanitary sewer system connecting the building plumbing to the public sewer.

1.2 BUILDING SEWER PERMITS - PROCEDURE FOR OBTAINING. Building sewer permits shall be obtained in the following manner:

1. Building sewer permits shall be issued only upon proper application to the Town of Gig Harbor Town Clerk.

2. A permit which authorizes building sewer work in a public right-of-way or the connection with or opening into any public sewer other than through the normal opening of a wye, tee or stub may be issued to a registered side sewer contractor.

3. A permit which authorizes building sewer work or private property only may be issued to the owner of the property or to a registered side sewer contractor, but such permit shall require a registered side sewer contractor to connect the building sewer to a public sewer through the normal opening of a wye, tee or stub under the supervision of the Superintendent of Sewers or his representative.

4. Building sewer permits shall not be transferable. No authorized person, including any registered side sewer contractor, shall lay any pipe pursuant to any other person's permit.

5. The applicant for a building sewer permit shall supply the following information.

   a. Owner's name
   b. Address or property description and parcel number of property to be served

c. Owner's mailing address
d. Name and address to which bills shall be sent
e. Registered side sewer contractor's name and proof of qualification under 1.3 of this code
f. Legal description of property to be served
g. All outside dimensions of building to be served
h. Location of building on property to be served
i. Purpose of building; and number of units
j. Full course of the proposed building sewer

6. A building sewer permit shall be obtained and the fees therefor paid before any building sewer work is started.

7. No building sewer permit shall be issued before the main sewer is accepted by the Town and the property owner so notified.

8. The building sewer permit card must be posted on the job prior to commencing the work and must be readily accessible to the Building Department Inspector for the Town.

9. The registered side sewer contractor shall meet with the Building Department Inspector on the job whenever required.

1.3 SIDE SEWER CONTRACTOR REGISTRATION REQUIRED. For the purpose of assuring safe, quality construction and connection of building sewers to the public sewers of the Town and affording satisfactory protection to the sewer users of the Town, no person may construct, install, repair, reconstruct, excavate, or connect to the public sewers of the Town any building sewer, unless he is a side sewer contractor holding a valid current certificate of registration issued by the Department of Licenses of the State of Washington pursuant to Chapter 18.27 R.C.W. and shall be registered with the Town of Gig Harbor and shall have filed a valid $5,000 street obstruction bond with the Town in favor of the Town of Gig Harbor. Provided, however, that if a stub from a public sewer has been carried to a property line, the property owner may connect a building sewer to a side stub with the approval of and under the supervision of the Sewer Superintendent.

All such registered side sewer contractors shall adhere at all times to the current requirements of the Town of Gig Harbor relating to building sewers, connections to public sewers, and sewer construction standards, including reasonable requirements of the Superintendent of Sewers relating to construction, installation, reconstruction and repair of building sewers, and shall be liable for all damages to the public sewers of the Town and related wastewater facilities caused by his work.

1.4 SIDE SEWER TEE - LOCATION. Tees shall be located in the following manner:

1. Connection will be made at the point designated by the Superintendent.

2. If a side sewer wye, tee or stub is not found at the measurement given by the Superintendent, the contractor shall prospect five feet in all directions from the measurement given and if not found, then notify the Superintendent.

1.5 INSTALLATION OF SIDE SEWER TEE: In the event that there is no side sewer tee installed in the existing sanitary sewer pipe at the proper location to serve the property being developed, a connection to the Town sewer shall be accomplished as follows:

1. The Town shall install the tee connection to the public sewer in the right-of-way or easement at a cost to the property owner as established by the Superintendent of Sewers. A registered side sewer contractor shall then be hired by the property owner to install the side sewer in the right-of-way to the property line in accordance with Town requirements; or in the event the Town directs.

2. A registered side sewer contractor shall be hired by the property owner to accomplish all work necessary to install the tee connection to the public sewer in the right-of-way or easement and to install the side sewer in the right-of-way to the property line all in accordance with Town requirements.

1.6 COSTS OF BUILDING SEWER BORNE BY OWNER. All costs and expense incident to the installation, connection and maintenance of the building sewer shall be borne by the owner. The owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

1.7 BUILDING SEWER FOR EACH BUILDING - EXCEPTIONS. A single building sewer shall be provided for each building unless the connection of more than one building to a single building sewer is approved in writing by the Superintendent prior to the construction of such building sewer. No

more than one multiple dwelling, industrial, or commercial building shall be connected to a single building sewer, unless otherwise approved in writing by the Superintendent of Sewers.

If the building sewer is allowed to serve more than one building site, approved easement documents assuring that all properties involved shall have perpetual mutual use of the building sewer and side sewer, and having provisions for mutual maintenance and access for repair purposes, shall be signed by the recorded owners. This document shall be acknowledged and recorded with the County Auditor, and a copy thereof furnished to the Town Clerk.

1.8 REUSE OF OLD BUILDING SEWERS. Old building sewers, including septic tank lines, may be used only when they are found, on examination and test by the Superintendent of Sewers to meet all requirements of this code. This examination and test shall be at the owners' expense. The owner or his agent shall demonstrate to the Superintendent of Sewers that no connection to such building sewer or septic tank line exists which conveys any material prohibited by other ordinances of the Town of Gig Harbor.

1.9 BUILDING SEWER - SPECIFICATIONS. The building sewer, beginning two (2) feet from any building or strucutre, shall be installed utilizing any of the following approved materials:

1. Cast-iron soil pipe (ASTM Specification A-74)

2. Vitrified Clay pipe (ASTM Specification C-13)

3. Porltand cement concrete pipe (ASTM Specification C-14) Extra Strength

4. Asbestos-cement pipe (ASTM Specification C428 or C296)

5. Polyvinyl Chloride (PVC) Gravity Sewer Pipe and Fittings (ASTM Specification D3033 - Type PSP or ASTM Specification D3034 - Type PSM)

6. Acrylonitrile - butadiene - styrene drain, waste and vent (ABS-DWV) plastic pipe and fittings, schedule 40 (ASTM Specification D-2661)

7. Other pipe material as specifically authorized by the Superintendent of Sewers.

All ASTM Specifications referred to shall be the latest issue.

Non-metallic building sewer or drainage piping shall not be run or laid in the same trench with water service pipes or any underground water pipes unless both of the following requirements are met:

1. The bottom of the water piping at all points shall be at least twelve (12) inches above the top of the sewer piping.

2. The water piping shall rest on a solid shelf at one side of the common trench.

If installed in filled or unstable ground, the building sewer shall be of cast iron pipe, except that non-metallic material may be accepted if laid on a suitable clean granular material or concrete bed or cradle as approved by the Superintendent of Sewers. Suitable clean-outs shall be located at the building drain connection and at all bends totaling 45° or greater and shall be located at a spacing no greater than 100 feet. A 6" x 6" x 6" tee shall be located at the property line end of the side sewer at the point of connection to the building sewer. The tee shall be installed in an upright position and plugged.

1.10 BUILDING SEWER - SIZE AND SLOPE. The size and slope of the building sewer shall be subject to the approval of the Superintendent of Sewers, but in no event shall the inside diameter be less than four inches for a single connection to a single family residence nor less than six inches inside diameter for approved connections to two single family or multiple residences. The size of building sewers for other connections shall be not less than 6" inside diameter. The slope of such building sewer shall be not less than 2% for four inch and six inch pipe. If the depth of the public sewer requires a lesser slope of the building sewer, such lesser slope must be approved by the Superintendent of Sewers, who shall require the owner to release the Town in writing from all liability for damages caused by such lesser slope.

1.11 BUILDING SEWER - ELEVATION - DIRECTION. Whenever possible the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid under any building or constructed within 30 inches of any foundation wall unless the building sewer is constructed of cast iron. The minimum cover of the house sewer shall be

24 inches on private property and 3' - 6" at the property line. The building sewer shall be laid on a uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings, as approved by the Sewer Superintendent. Fittings shall be used at all changes in direction exceeding manufacturer's allowable joint deflection. Whenever any building drain is too low to permit gravity flow to the public sewer, sewage carried by such drain shall be lifted into the public sewer by approved mechanical means which shall be installed and operated at the owners' expense. Low lying houses shall have a check valve to prevent flooding in event of line blockage.

1.12 INFORMATION FROM TOWN. The owner of any building shall be responsible for obtaining from the Sewer Superintendent the location and elevation of the sewer wye, tee or stub at the point of connection and, in the case of new construction, for planning the building and plumbing to provide adequate slope for the building sewer. The applicant for permit shall be responsible for determining the available grade between building drain and sewer wye, tee or stub.

1.13 BUILDING SEWER - EXCAVATION - PIPE LAYING. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Sewer Superintendent. Pipe laying and backfill shall be performed in accordance with the following specifications:

1. Pipe shall be carefully bedded, either by forming the trench bottom to support the bottom one quarter of the pipe or by over-excavating and bedding with granular material, thoroughly tamped and compacted under and along both sides of the pipe.

2. No rocks larger than 1-1/2 inches in diameter shall be left in the trench bottom and no rocks larger than 1-1/2 inches in diameter shall be placed nearer than six (6) inches away from the pipe in the trench backfill.

3. Bell and spigot pipes shall be laid with spigot end downstream and all changes of direction shall be made by suitable fittings Trench shall be free of excess water during laying of pipe. When pipe laying is not in progress the pipe shall be kept tightly closed.

4. No backfill shall be placed over the pipe until the installation has been inspected and approved by the Building Department Inspector.

5. Backfill shall be placed by hand and be thoroughly tamped and compacted by hand to six inches above the top of the pipe.

6. Only a registered side sewer contractor may excavate in the Town right-of-way in the vicinity of a public sewer and stubs.

7. No downspouts, basement or outside storm drains shall be connected to a building sewer.

8. With respect to building sewer connections to public sewers, the excavation for the connection into the public sewer or stub serving the public sewer and the connection thereto shall be made only under the visual inspection of the Sewer Superintendent or his representative.

1.14 BUILDING SEWERS - JOINTS AND CONNECTIONS. All joints and connections shall be made gastight and watertight in accordance with approved specifications. Pipe jointing for all types of pipe material allowed under 1.9, Items 1 thru 5, shall be through utilization of flexible sealing gaskets conforming to the requirements of ASTM Specification D 1869, latest issue. Pipe jointing for ABS-DWV plastic pipe shall be solvent welded utilizing methyl-ethyl-ketone in accordance with ASTM Specification D 2235. Installations utilizing ABS-DWV pipe materials shall be required to install flexible type couplings at no greater than sixty (60) foot intervals to provide for adequate longitudinal expansion or contraction caused by temperature fluctuations of wastewater. All joints between dissimilar pipes shall be made with suitable adaptor couplings or special fabricated couplings approved by the Sewer Superintendent. Other jointing materials and methods may be used only by approval of the Sewer Superintendent.

1.15 BUILDING SEWER - CONNECTION TO PUBLIC SEWER. The connection of the building sewer to the public sewer shall only be made at an existing side sewer, wye or tee if available at a suitable location in the public sewer. If there is no properly located side sewer, wye or tee available, entry to the public sewer shall only be accomplished in a manner in accordance with provisions outlined in 1.4 and 1.5.

1.16 BUILDING SEWER - INSPECTION. The applicant for the building sewer permit shall notify the Building Department Inspector when the building

sewer is ready for inspection. The grade, materials, and manner of construction shall be in accordance with Sections 1.10 through 1.15 of this code. The Sewer Superintendent may require any test to demonstrate that the building sewer meets the standards required by the Town. Such tests, which shall be conducted at the expense of the building sewer permit applicant, may be accomplished by use of one or more of any of the following approved test methods:

1. Water Exfiltration Test

   Building sewers shall be tested by means of a hyrostatic test equivalent to a minimum head of six feet at the lower end and a minimum of 2-ft head be placed at the upper end. Higher test heads may be required at the lower end up to twelve (12) feet. Temporary standpipes and intermediate tees for testing shall be provided in those sections where it is necessary to obtain the required head.

   Test heads shall be measured from the crown of the lower end of the pipe section being tested.

   Prior to the start of the test, the pipe shall be filled with water and allowed to stand overnight to permit normal absorption into the walls to take place. The hydrostatic head shall be maintained for such length of time necessary to satisfy the Town that the sewer does not show a leakage in excess of the amounts as follows:

ALLOWABLE LOSS
Gallons Per 100 Lineal Feet
of Sewer Per Hour

| Pipe Size | HEAD | | | | | | |
|---|---|---|---|---|---|---|---|
| | 6' | 7' | 8' | 9' | 10' | 11' | 12' |
| 4" | 2.0 | 2.1 | 2.2 | 2.3 | 2.4 | 2.5 | 2.8 |
| 6" | 3.1 | 3.2 | 3.4 | 3.5 | 3.6 | 3.7 | 3.8 |
| 8" | 4.2 | 4.3 | 4.5 | 4.6 | 4.8 | 5.0 | 5.2 |

During filling of the pipe, a suitable trap approved by the Town must be provided at the upper end of the side sewer being tested to draw off the entrapped air.

All visible leaks in manholes and pipe other than beads or damp spots on the pipe shall be repaired. In the event it is difficult to locate the leaks, the contractor may be required to color the water with potassium permanganate or other suitable coloring material.

2. Low Pressure Air Test

Building sewers shall be tested by means of a low pressure air test described as follows. Air shall be slowly supplied to the plugged pipe installation until the internal air pressure reaches 4.0 pounds per square inch greater than the average back pressure of any ground water that may submerge the pipe. At least two minutes shall be allowed for temperature stabilization before proceeding further.

The pipeline shall be considered acceptable, when tested at the average pressure of 3.0 pounds per square inch greater than the average back pressure of any ground water that may submerge the pipe, if: (1) the total rate of air loss from any section tested in its entirety between manhole and cleanout structures does not exceed 2.0 cubic feet per minute, or (2) the section under test does not lose air at a rate greater than 0.0030 cubic feet per minute per square foot of internal pipe surface.

For building sewer installations of 4" and 6" pipe with a total length of less than 300 feet the requirements of this test shall be considered satisfied if the time required for the pressure to decrease from 3.5 to 2.5 pounds square inch greater than the average back pressure of any ground water that may submerge the pipe is not less than 18 seconds per 100 feet for 4" pipe and 40 seconds per 100 feet for 6" pipe.

3. Infiltration Test.

All building sewers which are installed in permeable material subject to high water tables from adjacent bodies of water may be tested by the infiltration test when allowed. Decision in all cases shall be made by the Town.

Infiltration for each one hundred (100) feet of pipe shall not exceed the following:

| Pipe Size | Maximum allowable infiltration in gallons per 100 feet of building sewer per hour |
|---|---|
| 4" | 1.6 |
| 6" | 2.4 |
| 8" | 3.2 |

All equipment required to make the foregoing tests, including but not limited to, plugs, hoses, blocking, air pumps, water and any other equipment necessary shall be furnished by the contractor.

The contractor shall make a trial test of the installation and shall satisfy himself that the test is satisfactory before calling for inspection. If an installation fails to meet test requirements then the contractor shall locate and repair or replace any defective materials or workmanship. The type of repair and extent of repair which may be allowed shall be subject to approval of the Town. After replacement or repairs have been made the installation shall be re-tested until acceptable.

1.17 PROTECTION OF EXCAVATIONS - RESTORATION OF PUBLIC PROPERTY

All excavations for building sewer installations shall be adequately guarded with barricades and lights in accordance with the requirements of the Sewer Superintendent so as to protect the public from hazard and all such persons, firms or corporations performing said excavations shall hold harmless and indemnify the Town for any and all damages and/or losses that the Town may incur due to said excavations. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner as required by and satisfactory to the Sewer Superintendent.

PASSED by the Town of Gig Harbor Council and approved by the Mayor of the Town of Gig Harbor, Washington, at a regular meeting thereof this 8th day of July 1974.

Jack D. Bujacich Jr.
JACK D. BUJACICH, Jr., Mayor

Attest:

DON AVERY, Town Clerk

ORDINANCE NO. 201

An ordinance amending Section 1 of Ordinance No. 151, Providing for the adoption of the 1973 Uniform Fire Code in place of the 1971 Uniform Fire Code.

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF GIG HARBOR:

Section 1. That pursuant to the statute of the Revised Code of Washington, the 1973 Uniform Fire Code, with appendices adopted and published by the International Conference of Building Officials and the Western Fire Chief Association, Inc. is hereby adopted by this reference as the Official Fire Code of the Town of Gig Harbor.

Section 2. That this ordinance shall take effect upon its passage and publication as provided by law.

Passed at a regular meeting of the Town Council on the 12 day of August, 1974.

Rick M. Logue Pro Tem
JACK D. BUJACICH, JR.-Mayor

ATTEST:

Don Avery
DON AVERY, Town Clerk

ORDINANCE NO. 200

An ordinance amending Section 1 of Ordinance No. 152, Providing for the adoption of the 1973 Uniform Building Code in place of the 1971 Uniform Building Code.

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF GIG HARBOR:

Section 1. That pursuant to provisions of Section 35.21.180 Revised Code of Washington, the 1973 Uniform Building Code, Volume I, with appendices adopted and published by the International Conference of Building Officials, is hereby adopted by this reference as the Official Building Code of the Town of Gig Harbor.

Section 2. That this ordinance shall take effect upon its passage and publication as provided by law.

Passed at a regular meeting of the Town Council on the 12 day of August, 1974.

Ruth M. Bogue Pro Tem
JACK D. BUJACICH, JR.-Mayor

ATTEST:

Don Avery
DON AVERY, Town Clerk

ORDINANCE NO. 202

An ordinance amending Ordinance No. 193, an ordinance providing for a moratorium on the issuing of building permits in zone R-2 in the Town of Gig Harbor, to provide an additional sixty (60) day moratorium:

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF GIG HARBOR:

Section 1. That Ordinance 193 is hereby amended to provide that the moratorium presently in effect is to be continued an additional sixty (60) days on the issuing of all building permits for any construction in zone R-2 in the Town of Gig Harbor.

Section 2. That this ordinance shall take effect upon its passage and publication as provided by law.

Passed this 2 day of August, 1974.

Ruth M. Brogue Pro Tem
JACK D. BUJACICH, JR. - Mayor

ATTEST:

Don Avery
DON AVERY, Town Clerk

ORDINANCE NO. 203

Section 1, of Ordinance 105 and 15.08.010 of the Town of Gig Harbor Municipal Code is amended to read as follows:

Section 1. The 1974 Edition of the Uniform Plumbing Code adopted and published by the Western Plumbing Officials Association is adopted by this reference, pursuant to the provisions of RCW 35.21.180, as the official plumbing code of the town; provided, however, that the schedule of fees therein shall not apply and that the fees charged by the Town shall be as follows:

| | |
|---|---|
| For issuing each permit | $2.00 |
| In addition-For each plumbing fixture or trap or set of fixtures on one trap (including water, drainage piping and back flow protection therefore) | $2.00 |
| For each water heater and/or vent | $2.00 |
| For each gas piping system of one to five outlets | $2.00 |
| For each gas piping system of six or more, per outlet | $ .40 |
| For each industrial waste pretreatment interceptor, including its trap and vent, excepting kitchen type grease interceptor functioning as fixture trap | $1.00 |
| For installation, alteration or repair of water piping and/or water treatment equipment | $2.00 |
| For repair or alteration of drainage or vent piping | $2.00 |
| For vacuum breakers or backflow protective devices on tanks, vats, including necessary piping--- | |
| One to five | $2.00 |
| Over five each | $ .40 |

(Ord. 105 para 1, 1967).

Section 2. This Ordinance shall take effect upon its passage and publication as provided by law.

PASSED this 26 day of August, 1974.

Frank M. Logue Pro Tem
Jack D. Bujacich, Jr.
Mayor of the Town of Gig Harbor

Attest:

Don Avery
Clerk of the Town of Gig Harbor

(2) The rate of tax imposed by Section 2 (1) shall be five percent (5%) of the first Fifty thousand dollars ($50, 000) of net receipts, and ten percent (10%) of any amount of net annual receipts over Fifty thousand dollars ($50, 000) received by the bona fide charitable or non-profit organization conducting the activity. Bona fide charitable or non-profit organizations conducting such activities no more than once each calendar year and earning less than Ten thousand dollars ($10, 000) gross annual revenue therefrom shall be exempt from taxation under this resolution, but shall nevertheless file the declaration of intent required by Section 4 of this resolution.

Section 3. The collection of the tax imposed by Section 2 shall be by the Pierce County Treasurer pursuant to rules established herein, and such additional rules and regulations as may be adopted by the Washington State Gambling Commission and/or the Pierce County Commissioners. The administration of this act shall be under the Board of Pierce County Commissioners.

Section 4. For the purpose of identifying who shall be taxed, any organization or business intending to conduct any of the activities described in Section 2 within Pierce County, except for any such activities conducted within any city or town in Pierce County, from and after the effective date of this resolution, shall, prior to the commencement of such activity, file with the County Commissioners a sworn declaration of intent to conduct or operate such activity, together with a copy of the license issued by the Washington State Gambling Commission, and thereafter for any period covered by such license, on or before the 15th day of each month, file with the County Commissioners a sworn statement on a form to be provided and prescribed by the County Commissioners for the purpose of ascertaining the tax due for the preceding month.

Section 5. A new declaration of intent to conduct or operate any of the activities described in Section 2 shall be required prior to the recommencement of the activity following the expiration, suspension, or revocation of any license previously issued by the State Gambling Commission, in the same manner as described in Section 4.

Section 6. The tax shall be paid by the 15th day of the month following that in which the revenue is received.

Section 7. The officers, directors and managers of any organization, licensed by the State Gambling Commission to operate or conduct any of the activities described in Section 2, who fail or refuse to pay the tax levied in Section 2, or who knowingly falsify any statements required by Section 2, shall be held jointly and severally, financially liable, and in addition, shall be held individually guilty of a gross misdemeanor upon conviction and shall be punished by imprisonment in the county jail for not more than one year or by a fine of not more than $1,000 or both.

Section 8. The Pierce County Commissioners or their authorized representative shall adopt and publish such rules and regulations as are necessary to enable the collection of the tax imposed in Section 2 herein and shall further prescribe and issue the appropriate forms for determination and declaration of the amount of tax to be paid.

Section 9. The premises and paraphernalia, and all the books and records of any organization or business conducting or operating any of the activities described in Section 2 shall be subject to inspection and audit at any reasonable time, with or without notice, upon demand by the Board of County Commissioners or its designee, the Prosecuting Attorney, County Auditor, or their designees, for the purpose of determining compliance with this resolution.

RESOLUTION NO. 17370 (Cont'd)

PASSED and APPROVED by the Board of Pierce County Commissioners this 23RD day of JULY, 1974.

Chairman

Board of Pierce County Commissioners

Approved as to form:

ROBERT J. BACKSTEIN
Chief Civil Deputy

ORDINANCE NO. 204

Section 2, (2) of Ordinance 180 and 3.24.020 of the Town of Gig Harbor Municipal Code is amended to read as follows:

Section 1. The rate of tax imposed by subsection A, above shall be 10% of net receipts. Bona fide charitable or nonprofit organizations conducting such activities no more than once each calendar year and earning less than ten thousand dollars gross annual revenue therefrom shall be exempt from taxation under this chapter. Whenever Pierce County alters or amends its rate on the taxation of the aforementioned activities, the rate of tax imposed by this subsection shall be considered amended to conform thereto. (Ord. 180 para 2, 1974).

Section 2. This Ordinance shall take effect upon its passage and publication as provided by law.

PASSED this 26 day of August, 1974.

Ruth M. Logue Pro Tem
Jack D. Bujacich, Jr.
Mayor of the Town of Gig Harbor

Attest:

Don Avery
Town Clerk of the Town of Gig Harbor

RD 204

FILE NO. 160 RESOLUTION NO. 17370

RESOLUTION OF THE BOARD OF PIERCE COUNTY COMMISSIONERS RELATING TO GAMBLING, AMENDING PIERCE COUNTY RESOLUTION NO. 16845.

WHEREAS, the Washington State Legislature has amended RCW 9.46.110 to prohibit counties from imposing a tax on the operation of bingo, raffles and amusement games which are conducted within a city or town located within the county; and

WHEREAS, the Washington State Legislature has further amended RCW 9.46.110 to provide that the taxation of bingo, raffles and amusement games shall never be in an amount greater than ten percent (10%) of the gross revenue received therefrom less the amount paid for or as prizes; and

WHEREAS, the Board of Pierce County Commissioners has previously passed Pierce County Resolution No. 16845 which is inconsistent with the recent legislative amendments; Now, Therefore,

BE IT RESOLVED BY THE BOARD OF PIERCE COUNTY COMMISSIONERS THAT PIERCE COUNTY RESOLUTION NO. 16845 IS HEREBY AMENDED TO READ AS FOLLOWS:

Section 1. RCW 9.46 is hereby incorporated in total by reference, including definitions contained therein and any amendments which may be adopted.

Section 2. (1) There is hereby levied a tax upon the gross revenue of bingo, raffles and amusement games which shall be imposed upon and collected from bona fide charitable and non-profit organizations duly licensed to conduct such activities in Pierce County, excluding activities conducted within the city limits of any city or town located within Pierce County.

ORDINANCE NO. 205

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, ADOPTING THE "GIG HARBOR MUNICIPAL CODE," A CODIFICATION OF THE PERMANENT AND GENERAL ORDINANCES OF THE CITY OF GIG HARBOR, WASHINGTON

WHEREAS, the Washington State Legislature has provided for the codification and publication of the permanent and general ordinances of cities and towns in Sections 35.21.500 through 35.21.570 of the Revised Code of Washington; and

WHEREAS, the Book Publishing Company, Seattle, Washington, has compiled, edited and published a codification of the permanent and general ordinances of the city of Gig Harbor, Washington; and

WHEREAS, there have been filed and there are now on file in the office of the city clerk, for public inspection, three copies of a document entitled "Gig Harbor Municipal Code."

BE IT ENACTED BY THE COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON:

Section 1. Adoption. Pursuant to the provisions of Sections 35.21.500 through 35.21.570 of the RCW, there is hereby adopted the ""Gig Harbor Municipal Code," as compiled, edited and published by Book Publishing Company, Seattle, Washington.

Section 2. Title--Citation--Reference. This code shall be known as the "Gig Harbor Municipal Code" and it shall be sufficient to refer to said code as the "Gig Harbor Municipal Code" in any prosecution for the violation of any provision thereof or in any proceeding at law or equity. It shall be sufficient to designate any ordinance adding to, amending, correcting or repealing all or any part or portion thereof as an addition to, amendment to, correction or repeal of the "Gig Harbor Municipal Code." Further reference may be had to the titles, chapters, sections and subsections of the "Gig Harbor Municipal Code" and such references shall apply to that numbered title, chapter section or subsection as it appears in the code.

Section 3. Codification authority. This code consists of all the regulatory and penal ordinances and certain of the administrative ordinances of the city of Gig Harbor, Washington, codified pursuant to the provisions of Sections 35.21.500 through 35.21.570 of the Revised Code of Washington.

Section 4. Ordinances passed prior to adoption of the code. The last ordinance included in the initial code is Ordinance 193, passed May 27, 1973. The following ordinances, passed subsequent to Ordinance 193, but prior to adoption of this code, are hereby adopted and made a part of this code: Ordinances 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204.

Section 5. Reference applies to all amendments. Whenever a reference is made to this code as the "Gig Harbor Municipal Code" or to any portion thereof, or to any ordinance of the city of Gig Harbor, Washington, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made.

Section 6. Title, chapter and section headings. Title, chapter and section headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or section hereof.

Section 7. Reference to specific ordinances. The provisions of this code shall not in any manner affect matters of record which refer to, or are otherwise connected with ordinances which are therein specifically designated by number or otherwise and which are included within the code, but such reference shall be construed to apply to the corresponding provisions contained within this code.

Section 8. Effect of code on past actions and obligations. Neither the adoption of this code nor the repeal or amendments hereby of any ordinance or part or portion of any ordinance of the city shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date hereof, nor be construed as a waiver of any license, fee, or penalty at said effective date due and unpaid under such ordinances, nor be construed as affecting any of the provisions of such ordinances relating to the collection of any such license, fee, or penalty, or the penal provisions applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof required to be posted, filed or deposited pursuant to any ordinance and all rights and obligations thereunder appertaining shall continue in full force and effect.

Section 9. Effective date. This code shall become effective on the date the ordinance adopting this code as the "Gig Harbor Municipal Code" shall become effective.

Section 10. Constitutionality. If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code. The council hereby declares that it would have passed this code, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional, and if for any reason this code should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.

PASSED AND ADOPTED this 9 day of Sept, 1974.

Clerk

SIGNED AND APPROVED this 9 day of Sept, 1974.

Mayor Pro Tem

EXHIBIT A-1

The property of Frances C. Foster and LeRoy C. Myers and C.L. Myers and the Town of Gig Harbor described as follows:

That portion of Government Lot 6, Gig Harbor Abandoned Military Reserve in the East one-half (E½) of the East one-half (E½) of Section 7, Township 21 North, Range 2 East of the W.M., lying Easterly of Primary State Highway No. 14, EXCEPT that portion of said Lot 6 appropriated by the City of Tacoma for Tacoma Lake Cushman Power Line.

EXCEPT, the North 300 feet of said Government Lot 6.

Also, the following: Begin at the Northwest Corner of the Southeast Quarter (SE¼) of the Northeast Quarter (NE¼) of Section 7, Township 21 North, Range 2 East, W.M.; thence South and parallel with the East line of said Subdivision 208 feet to the point of beginning; thence West and parallel with the North line of said Subdivision 100 feet to the East line of SR No. 16; thence Southerly along said East line 100 feet; thence East and parallel with the North line of said Subdivision 100 feet; thence Northwesterly to the point of beginning.

Also, the Northeast Quarter (NE¼) of Government Lot 7, Gig Harbor Abandoned Military Reserve in the East one-half (E½) of the East one-half (E½) of Section 7, Township 21 North, Range 2 East of the W.M.

EXCEPT, the South 210 feet of said Northeast Quarter (NE¼);

EXCEPT, portion in Tacoma Lake Cushman Power Line right of way; and

EXCEPT, that portion within 150 feet of the center line survey of Primary State Highway No. 14.

Also, the South 210 feet of the Northeast Quarter (NE¼) of Government Lot 7, Gig Harbor Abandoned Military Reserve lying Easterly of the East right of way line of SR No. 16.

Also, all of the Southeast Quarter (SE¼) of Said Government Lot 7 lying Easterly of the East right of way line of SR No. 16.

Also, all of Government Lot 8, Gig Harbor Abandoned Military Reserve lying Westerly of the West right of way line of the Tacoma Lake Cushman Power Line right of way and East of the Easterly right of way line of SR No. 16.

All of the above being located in the Northeast Quarter (NE¼) of Section 7, Township 21 North, Range 2 East, W.M. Total Acres 8.09

ORDINANCE NO. 206

AN ORDINANCE AMENDING ORDINANCE 148, AN ORDINANCE ANNEXING TO THE TOWN OF GIG HARBOR A CERTAIN UNINCORPORATED AREA PURSUANT TO THE PETITION OF FRANCES G. FOSTER AND LEROY C. MEYERS DATED APRIL 10, 1972, AMENDING SAID ORDINANCE TO CORRECT THE LEGAL DESCRIPTION ATTACHED AS EXHIBIT A TO REFLECT THE CHANGES OF THE BOUNDARY REVIEW BOARD

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GIG HARBOR:

Section 1. Section 1 is hereby amended to include the unincorporated area contained within the legal description annexed to the ordinance as Exhibit A-1 which exhibit is incorporated herein as fully as if the contents thereof were here set forth at length and hereby annexed to the Town of Gig Harbor.

Section 2. That except as herein amended Ordinance 148 of the Town of Gig Harbor as previously amended shall remain in full force and effect.

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

PASSED this 9 day of Sept, 1974.

Ruth M. Logue Pro Tem
JACK D. BUJACICH, JR.-Mayor

Attest:

Don Avery
DON AVERY-Town Clerk

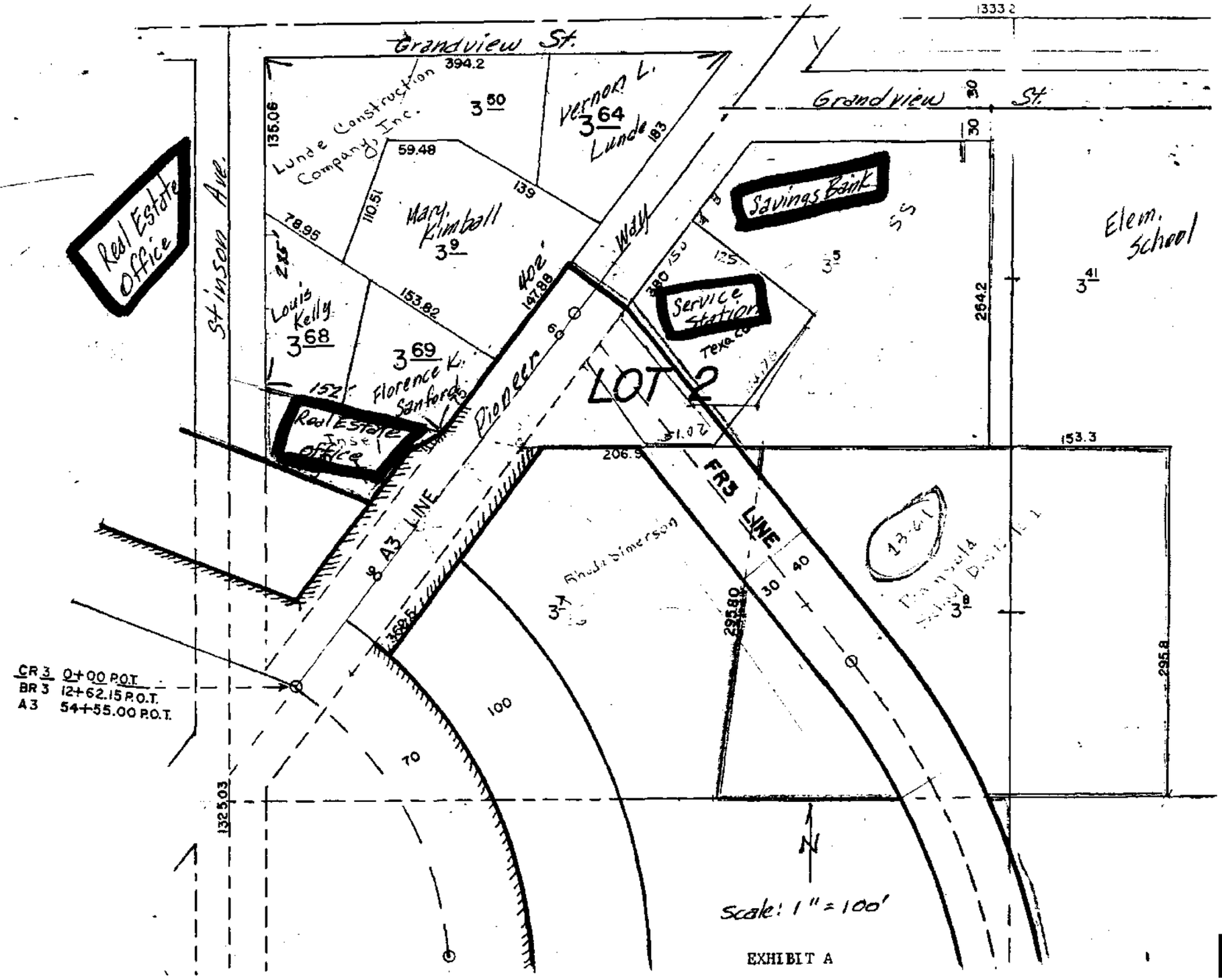

Grandview St.
Grandview St.
Stinson Ave.
Real Estate Office
Lunde Construction Company, Inc.
Vernon L. Lunde
Mary Kimball
Louis Kelly
Florence K. Sanford
Real Estate Office
Savings Bank
Service Station
Texaco
Elem. School
LOT 2
Pioneer
Wdy
FR3 LINE
A3 LINE
Rhoda Simerson
Peninsula School Dist. No. 1
CR 3 0+00 P.O.T.
BR 3 12+62.15 P.O.T.
A3 54+55.00 P.O.T.
Scale: 1" = 100'

EXHIBIT A

ORDINANCE No. 307

An Ordinance amending Ordinance No. 109A establishing land use classifications and districts in the Town of Gig Harbor: Amending the zoning map adopted by said ordinance by providing a change of zone from R-1 (Single Family Residential District) to RB-1 (Residential-Business) for certain property as designated on the map attached hereto and marked Exhibit A and made a part hereof, and as further 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 Section 19 of Ordinance No. 109A of the Town of Gig Harbor, and the Planning Commission has recommended such change, and the Town Council has found the same to be and for good and proper reasons that affect the public welfare

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF GIG HARBOR:

Commencing at the intersection of the East line of Stinson Avenue and the South Line of Grandview Street, thence East along the South line of Grandview Street to the West line of Pioneer Way, thence Southerly along the Westerly line of Pioneer Way a distance of 330.88 feet, thence Northwesterly to a point on the East line of Stinson Avenue lying 280.06 feet South of the point of beginning, thence North along the East line of Stinson Avenue to the point of beginning. All in the NW ¼ of the SW ¼ of Sec 8, T 21 N, R 2 E, W.M..

As more fully shown upon the map attached hereto and marked Exhibit A and made a part hereof, be and the same are hereby rezoned and classified as RB-1 (Residential-Business rather than R-1 (Single Family Residential District.)

Section 2. That the official zoning map of the Town of Gig Harbor as adopted by said Ordinance 109A, be and the same is hereby amended to reflect such change in zoning of such areas. That the Town Clerk shall make this classification change on the Town's official zoning map and certify said change in accordance with the terms of Ordinance No. 109 A. That this ordinance shall take effect upon its passage and publication as provided by law.

PASSED at a regular meeting of the Town Council held on the 23 day of Sept., 1974.

Ruth M. Bogue Pro Tem
Mayor, Town of Gig Harbor

ATTEST:

Donald J. Avery
DONALD J. AVERY, Clerk
Town of Gig Harbor

ORDINANCE NO. 208

An Ordinance amending Ordinance 193, an Ordinance providing for a moratorium on the issuing of building permits in Zone R-2 and the Town of Gig Harbor, to provide an additional sixty (60) day moratorium:

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF GIG HARBOR:

SECTION 1. That Ordinance 193 is hereby amended to provide that the moratorium presently in effect is to be continued an additional sixty (60) days on the issuing of all building permits for any construction in Zone R-2 and the Town of Gig Harbor.

SECTION 2. That this ordinance shall take effect upon its passage and publication as required by law.

PASSED this 23 day of Sept., 1974.

Ruth M. Bogue Pro Tem
Jack D. Bujacich, Jr., Mayor

Attest:

Don Avery
Don Avery-Town Clerk

AN ORDINANCE of the Town of Gig Harbor, Washington relating to sanitary sewers, providing procedures and regulations for connecting to public sanitary sewers, regulating and controlling private sewer systems, providing penalties for violations of Ordinance provisions.

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

Section 1. This Ordinance shall be deemed an exercise of the police power of the State of Washington, and of the Town and is deemed expedient to maintain the peace, good government and welfare of said Town and its trade, commerce, and manufactures, and to insure greater protection to life and health and all of its provisions shall be liberally construed for the accomplishment of such purposes.

Section 2. Definition: Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

Sewage Works shall mean all facilities for collecting, pumping, treating, and disposing of sewage.

Superintendent shall mean the person designated from time to time in accordance with personnel policies of the Town, or his authorized deputy, agent, or representative.

Sewage shall mean a combination of water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.

Sewer shall mean a pipe or conduit for carrying sewage.

Public Sanitary Sewer shall mean a sewer in which all owners of abutting properties have equal rights, and which is controlled by public authority.

Combined Sewer shall mean a sewer receiving both surface runoff and sewage.

Sanitary Sewer shall mean a sewer which carries sewage and to which storm, surface, and ground water are not intentionally admitted.

Storm Sewer and Storm Drain shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and polluted water.

Sewage Treatment Plant shall mean any arrangement of devices and structures used for treating sewage.

Industrial Wastes shall mean the liquid wastes from industrial processes as distinct from sanitary sewage.

Garbage shall mean solid wastes from the preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.

Properly Shredded Garbage shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particles greater than 1/2 inch in any direction.

Building Drain shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, wastes, and other drainage pipes inside the walls of the building and conveys it to the building sewer beginning two (2) feet outside the wall.

B. O. D. (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in 5 days at 20° C., expressed in parts per million by weight.

PH shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

Suspended Solids shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids and which are removable by laboratory filtering.

Natural Outlet shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or ground water.

Watercourse shall mean a channel in which a flow of water occurs either continuously or intermittently.

As Builts shall mean the detailed sketch or drawing of the building sewer or disposal system as constructed.

Shall is mandatory.

May is permissive.

Section 3. Appointment of Sewer Department Personnel. All personnel of the Sewer Department shall be appointed in accordance with personnel policies of the Town of Gig Harbor.

Section 4. Powers and Authority of Superintendents, Inspectors and Assistants:

The Superintendent and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter upon all properties for the purposes of inspection, observation, measurements, sampling, and testing in accordance with provision of this Ordinance.

Section 5. Permit Fees: The fee for each permit to connect with any public sewer or to construct, extend, relay, repair, or make connections with a lateral or private sewer inside of property line is hereby fixed at TEN (10.00) DOLLARS inside the Town and FIFTEEN (15.00) DOLLARS outside of the Town and said fee shall be paid to the Town Treasurer who shall issue a receipt therefore and such receipt must be filed with the Superintendent before the permit is issued.

Section 6. Display of Permits. The permits required under the terms of this Ordinance, must at all times during the performance of the work and until the completion thereof, be posted in some conspicuous place at or near the work.

Section 7. Permit Time Limit. Any permit issued under the provisions of this Ordinance shall be valid for a period of six (6) months. Renewal permits shall be valid for an additional six (6) months.

Section 8. Use of Public Sewers Required. It shall be unlawful for any person to place, deposit, or permit to be deposited in an unsanitary manner upon public or private property within the Town of Gig Harbor in any area

under the jurisdiction of said Town any human or animal excrement, garbage, or other objectional waste.

Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

The owners of all houses, buildings or properties used for human occupancy, employment, recreation, or other purpose, situated within the Town of Gig Harbor and abutting on any street, alley, or easement in which there is now located or may in the future be located a public sanitary sewer of the Town of Gig Harbor are hereby required at their expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within 120 days after date of official notice to do so, provided that said public sewer is within two hundred (200) feet of the building or buildings and specific provisions have been made to connect such to the public sewer and that no public health or safety hazards exist as determined by the Superintendent.

In all cases where a public health or safety hazard exists as determined by the Superintendent and the property is available to the public sewer the Town Council shall compel the owners of such buildings or properties to connect to the public sewer at their expense within twenty (20) days of such notice, under the supervision and to the satisfaction of the Superintendent and to that end the Town Council shall direct the Superintendent to notify in writing the owner or occupant of such premises that the use of the privy well or vault, or cesspool, shall be terminated, and said privy well or vault, or cesspool, must be disinfected and filled with fresh earth, and a septic tank must be constructed upon such premises and suitable plumbing installed in any building or structure located thereon and such plumbing connected with, and to drain in to such septic tank, all within the period of twenty (20) days from and after the time when such notice shall be served as hereinafter provided.

Nothing herein contained shall prohibit the use of cesspools or

sumps for the disposition of liquids from floor drains, or laundry trays where said fixtures are too low to drain into the sanitary sewer.

Section 9. Town May Connect and Assess Cost. If any owner or occupant shall fail, neglect or refuse to connect his lands, buildings, or premises with the public sewer within the time specified in the notice referred to in Section 8 of this Ordinance, or shall fail, neglect or refuse to do the other work specified and ordered to be done as in Section 8, or in Section 10 of this Ordinance provided within the time specified in the notice theretofore served upon such owner or occupant as in said Section 8 or said Section 10 provided, the Superintendent shall make such connection or do such work and the cost of the connection or of such work done by the Superintendent shall be assessed against the property so connected or upon which such work is done and the amount of such cost shall become a lien upon the said premises so connected or upon which said work is done, and the Town Attorney of the Town of Gig Harbor is hereby authorized, empowered and directed to collect the amount of the cost of such connection on the doing of such work, either by foreclosure of said lien or by a suit against the owner or occupant of said premises, which suit shall be maintained in the name of the Town of Gig Harbor as plaintiff, in any court of competent jurisdiction.

Section 10. Repair of Obstructed or Broken Sewers. Whenever any private sewer pipe connected with any public sewer becomes obstructed, broken or out of order, and if the owner, agent or occupant of such premises fails to repair the same within five (5) days after notification to do so by the Superintendent, the Superintendent is hereby authorized to remove, reconstruct, replace, alter or clear the same as required, at the expense of the owner, agent or occupant of such premises, and when two or more houses or buildings are connected with the same private sewer, the owners, agent or occupants of such premises, shall be jointly and equally liable for any work done at the direction of the Superintendent under this section. No permit shall be required for the removal of obstructions from private sewers, providing the pipe is not damaged.

Section 11. Use of Public Sewers. No person or business firm,

shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water, or unpolluted industrial process waters to any sanitary sewer.

Storm water and other unpolluted drainage shall be discharged to such drains as are specifically designated as storm sewers, or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged, upon approval of the Superintendent and other authorizing government agencies to a storm sewer or natural outlet.

Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters to any public sewer:

A. Any liquid or vapor having a temperature higher than 150° F.

B. Any water or waste which may contain more than 100 parts per million, by weight of fat, oil, or grease.

C. Any gasoline, benzene, naptha, fuel oil, or other flammable or explosive liquid, solid or gas.

D. Any garbage that has not been properly shredded.

E. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works.

F. Any waters or wastes having a PH lower than 5.5 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

G. Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters of the sewage treatment plant.

H. Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant.

I. Any noxious or malodorous gas or substance capable of creating a public nuisance.

Grease, oil and sand interceptors shall be provided when in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand and other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of the type and capacity approved by the Superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection at the expense of the owner or user.

Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight.

Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

The admission into the public sewers of any waters or wastes having (a) a 5-day Biochemical Oxygen Demand greater than 300 parts per million by weight, or (b) containing more than 350 parts per million by weight of suspended solids, or (c) containing any quantity or substances having the characteristics described above in this section, or (d) having an average daily flow greater than 2% of the average daily sewage flow of the Town shall be subject to the review and approval of the Superintendent. Where necessary in the opinion of the Superintendent, the owner shall provide, at his expense, such preliminary treatment as may be necessary to, (a) reduce the Biochemical Oxygen Demand to 300 parts per million and the suspended solids to 350 parts per million by weight, or (b) reduce objectionable characteristics or constituents to within the maximum limits

provided for above, or (c) control the quantities and rates of discharge of such waters or wastes. Plans, specifications, and other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Superintendent and the Department of Ecology of the State of Washington, and no construction of such facilities shall be commenced until said approvals are obtained in writing.

Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation, by the owner at his expense.

Section 12. Fees for Inspection. There shall be no charge for required inspections unless an inspection is necessary because of failure to comply with the terms of this Ordinance or any construction standards, specifications or codes of the Town. For all inspections for which a charge is made, the charge shall consist of the actual cost per hour, including overhead, of sending Sewer Department personnel to make the inspections, plus equipment rental charges if any. In no event shall the charge be less than Ten (10.00) Dollars.

All inspection fees shall be paid to the Town Treasurer who shall issue receipts therefore. No permit shall be issued to any person who is delinquent in the payment of inspection charges.

Section 13. Damage to Public Sewers: No person shall maliciously or willfully break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is a part of the sewage works.

Section 14. Planting of Certain Trees and Shrubbery Prohibited. It shall be unlawful to plant poplar, cottonwood, soft maples, willow, or any other tree or shrub whose roots are likely to obstruct public or private sewers. The Superintendent is hereby authorized to remove any trees or shrubs from any public street, or the roots of any trees or shrubs which extend into any public street, when said trees or the roots thereof, are obstructing, or when he shall determine that they are liable to obstruct, public or private sewers. Provided, however, that he shall give ten (10) days notice in writing to the owner or occupant of the abut-

ORDINANCE 210

Section 5.04.030 of the GIG HARBOR MUNICIPAL CODE is amended to read as follows:

5.04.03 Play by minors prohibited. It is unlawful for any person under the age of eighteen years to play or operate any amusement device; and it shall be unlawful for any operator or any owner of any amusement device, or for any manager or other person in charge of premises where any such amusement device is kept, maintained or operated, or permitted to be kept, maintained or operated, to permit or allow any person under eighteen years of age to play or operate any amusement device.

PASSED by the Council of the Town of Gig Harbor, this 25 day of November, 1974.

MAYOR

ATTEST:

Town Clerk

LAW OFFICES
CONRAD & JOHNSON
SUITE 600 RUST BUILDING
ELEVENTH AND PACIFIC AVENUE
TACOMA, WASHINGTON 98402

ting property to remove the same, and if such owner or occupant fails or refuses to do so, the reasonable cost of such removal from either private property, alleys or street, when done at the direction of the Superintendent shall be a charge against, and a lien upon, the abutting property from which such trees or shrubs are removed, and the Town Attorney is hereby authorized and directed to collect such charge by suit maintained in the name of the Town of City Harbor as plaintiff, against the owner in any court of competent jurisdiction.

Section 15. Penalty for Violation. Any person, firm, or corporation found guilty of violating this ordinance or any part thereof shall be guilty of a misdemeanor, and, upon conviction thereof, shall be subject to a fine not exceeding FIVE HUNDRED ($500.00) DOLLARS.

Section 16. Severability. The invalidity of any sentence, clause, section, or provision of this ordinance shall not affect the validity of any other part thereof which can be given effect without such invalid part or parts.

Section 17. This Ordinance shall take effect and be in force five (5) days from and after its passage, approval and publication, as provided by law.

Passed this 28 day of October, 1974.

Jack D. Bujacich, Jr.
Mayor, Town of City Harbor

ATTEST:

Donald J. Avery
Town Clerk

ORDINANCE NO. 311

An Ordinance amending Ordinance No. 194 fixing the rates for water service charges for the use and consumption of water from the municipal water utility.

The Town Council of the Town of Gig Harbor, Washington, does ordain, as follows:

Section 1. Metered Residential Uses. The water service charge for all metered residential uses shall be $4.25 per month per individual residential unit for the first 1,000 cubic feet consumed, and $.30 per each 100 cubic feet or part thereof consumed per unit over the first 1,000 cubic feet for all meter sizes.

Section 2. Non-metered 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 residential unit shall be $4.50 per month per unit.

Section 3. Industrial and Commercial Uses. The water service charge for each industrial and commercial meter per month for the first 1,000 cubic feet consumed by such use shall be as follows:

| Service Connection (Meter) Size | Rate |
|---|---|
| 5/8" & 3/4" | $4.50 for first 1,000 cu.ft. |
| 1 inch | 5.75 for first 1,000 cu.ft. |
| 1-1/2 inch | 8.50 for first 1,000 cu.ft. |
| 2 inch | 12.00 for first 1,000 cu.ft. |
| 3 inch | 26.00 for first 1,000 cu.ft. |
| 4 inch | 32.00 for first 1,000 cu.ft. |

For each 100 cubic feet or part thereof consumed by such use over the first 1,000 cubic feet per month, there shall be water service charge of $ 0.30.

Section 4. A specified rate shall be in effect in those instances where water is not actually used upon the premises but is only available for the purpose of affording fire protection. Said rate shall be as follows: As a standard charge only without regard to size of service, where no water is used, $4.50 per monthly period. In the event water is used from such a meter in any particular monthly period, the regular rates shall be charged for that particular monthly period.

Section 5. A special rate shall be in effect for multiple unit dwellings, hotels and apartments, and the minimum monthly rate shall be as follows: in addition to the regular minimum monthly rate of $4.25, the minimum shall be as follows: $4.00 for the second dwelling unit or room and all dwelling units or rooms thereafter for all meter sizes. For water furnished in excess of the minimum amounts above specified the usual rates shall apply.

Section 6. Effective date. This ordinance shall take effect and be in full force five days following its approval and passage and publication in accordance with law.

PASSED by the Town Council and APPROVED by the Mayor at a regular open public meeting this 9th day of December, 1974.

Jack D Bujacich Jr
Mayor

Clerk

ORDINANCE NO. 22

An Ordinance of the Town Council of the Town of Gig Harbor fixing the amount of ad valorem tax levies for the calendar year 1975.

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF GIG HARBOR:

Section 1. That the annual amount of ad valorem tax levies of the Town of Gig Harbor for the calendar year of 1975 necessary to raise the amount of estimated revenue be and the same are levied upon Real and Personal Property Subject to taxation in said town and upon each dollar of taxable value, approximately $22,073,146, estimated 100 per cent of appraised value, as follows: $3.375 per thousand estimated at $74,496.87.

Section 2. THIS ORDINANCE SHALL TAKE AFFECT AND SHALL BE IN FULL FORCE AND EFFECT IMMEDIATELY UPON ITS PASSAGE, APPROVAL AND PUBLICATION AS REQUIRED BY LAW.

PASSED by the Council of the Town of Gig Harbor, this 9 day of December, 1974.

Jack D. Bujacich, Jr.
Mayor of the Town of
Gig Harbor.

ATTEST:

Donald J. Avery
Clerk of the Town
of Gig Harbor.

ORDINANCE NO. 213

An Ordinance providing for the General Tax Levy and adopting the budget for the year 1975 for the Town of Gig Harbor.

There is hereby levied upon all the taxable property within the Town of Gig Harbor the General Tax Levy for the year 1975, a specific levy of $74,496.87, being 3.375 on each thousand dollars, the assessed valuation of $22,073.146.

Adopting the Budget for the year 1975, in summary, as follows:

| | | |
|---|---|---|
| **ESTIMATED REVENUE:** | | |
| Sewer Construction Fund | | $ 490,000.00 |
| Current Expense Fund | | 220,810.00 |
| Street Fund | | 86,980.00 |
| Arterial Street Fund | | 43,200.00 |
| Water Fund | | 88,860.00 |
| Sewer Works | | 84,690.00 |
| Revenue Sharing | | 13,000.00 |
| Other investments | | 68,540.00 |
| Total Estimated Revenue | | 1,096,080.00 |
| **ESTIMATED EXPENDITURES:** | | |
| Sewer Construction Fund | | 490,000.00 |
| General Government | $159,325.00 | |
| Police Department | 61,485.00 | |
| Total Current Expense | | 220,810.00 |
| Street Fund | | 86,980.00 |
| Arterial Street Fund | | 43,200.00 |
| Water Fund | | 88,860.00 |
| Sewer Works | | 84,690.00 |
| Revenue Sharing | | 13,000.00 |
| Other Investments | | 68,540.00 |
| Total Estimated Expenditures | | 1,096,080.00 |

Passed by the Council of the Town of Gig Harbor in Public Hearing on December 16, 1974.

DONALD J. AVERY
Clerk-Treasurer
Town of Gig Harbor

Published in the Peninsula Gateway December 18 and December 26, 1974.

ATTEST:

DONALD J. AVERY
Town Clerk

JACK D. BUJACICH, Jr.
Mayor

ORIGINAL

ORDINANCE NO. 214

AN ORDINANCE of the Town of Gig Harbor, Washington, providing for the issuance and sale of general obligation bonds of the Town in the aggregate principal amount of $400,000 for the purpose of providing funds to pay part of the cost of acquiring, constructing, and installing a sanitary sewerage system; providing the date, form, terms, and maturities of said bonds, and for annual tax levies to pay the principal thereof and interest thereon; creating a fund for the payment of said bonds, and confirming the sale of interim interest-bearing Sewer Construction Fund warrants.

WHEREAS, the Town of Gig Harbor, Washington, (hereinafter called the "Town") has been duly authorized to acquire, construct, install, operate and maintain a sanitary sewer system (hereinafter called the "System") by Ordinance No. 147, adopted April 10, 1972, by the affirmative vote of the qualified electors of the Town at an election duly held on May 23. 1972, and by Ordinance No. 158, adopted November 13, 1972; and

WHEREAS, at said election the requisite number and proportion of voters authorized the issuance and sale of unlimited tax levy general obligation bonds of the Town in the principal amount of $400,000 to pay part of the cost of acquisition, construction and installation of the System; and

WHEREAS, it is now deemed necessary and advisable that the Town issue and sell these bonds, and that interim interest-bearing warrants be drawn upon the Sewer Construction Fund to pay capital costs of the System which may be incurred prior to the delivery of such bonds;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Gig Harbor, Washington as follows:

Section 1. As used in this ordinance, the following words shall have the following meanings:

a. The word "Town" shall mean the Town of Gig Harbor, Washington, a municipal corporation duly organized and existing under and by virtue of the laws of the State of Washington.

b. The word "bonds" shall mean the $400,000 of general obligation bonds of the Town issued for the purposes authorized in this ordinance.

c. The word "System" shall mean the sanitary sewerage system of the Town as authorized by Ordinance No. 147 and Ordinance No. 158 of the Town and as the same may be added to, improved and extended for as long as any of the bonds are outstanding. In the event that the Town shall determine at any time hereafter to operate a combined water and sewer system, the term "System" as defined herein shall be deemed to include all facilities of the water system of the Town.

d. The words "Bond Redemption Fund" shall mean the special fund of the Town created by this ordinance for the purpose of paying the principal of, premium, if any, and interest on the bonds.

e. The words "Sewer Construction Fund" shall mean the Gig Harbor Sewer Construction Fund created by Ordinance No. 166, adopted June 11, 1973.

Section 2. For the purpose of providing funds to pay part of the cost of acquiring, constructing and installing a sanitary sewer system for the Town, the Town shall issue

and sell its general obligation bonds in the aggregate principal amount of $400,000.

The bonds shall be dated February 1, 1975, shall be in the denomination of $5,000 each, and shall bear interest at a rate of not to exceed 8% per annum payable semiannually on the first days of February and August of each year from date of issue beginning August 1, 1975 as evidenced by coupons to be attached thereto. Both principal of and interest on said bonds shall be payable in lawful money of the United States of America at the office of the Town Treasurer in Gig Harbor, Washington. The bonds shall be numbered and mature on February 1, in order of their number as follows:

| Bond Nos. | Maturity Year | Amount |
|---|---|---|
| 1-2 | 1977 | $10,000 |
| 3-4 | 1978 | 10,000 |
| 5-6 | 1979 | 10,000 |
| 7-9 | 1980 | 15,000 |
| 10-12 | 1981 | 15,000 |
| 13-15 | 1982 | 15,000 |
| 16-18 | 1983 | 15,000 |
| 19-21 | 1984 | 15,000 |
| 22-25 | 1985 | 20,000 |
| 26-29 | 1986 | 20,000 |
| 30-33 | 1987 | 20,000 |
| 34-38 | 1988 | 25,000 |
| 39-43 | 1989 | 25,000 |
| 44-48 | 1990 | 25,000 |
| 49-54 | 1991 | 30,000 |
| 55-60 | 1992 | 30,000 |
| 61-66 | 1993 | 30,000 |
| 67-73 | 1994 | 35,000 |
| 74-80 | 1995 | 35,000 |

(Maturity schedule computed at assumed rate of 7 1/4% per annum)

Section 3. The Town reserves the right to redeem the outstanding bonds of this issue, in whole, or in part in inverse numerical order, on any interest payment date on or after ten years from date of issue, at par plus accrued interest to the date of redemption. Notice of any such intended

redemption shall be given by one publication thereof in the official newspaper of the Town not more than forty (40) nor less than thirty (30) days prior to such redemption date, and by mailing like notices at the same time to the main office of the purchaser or account manager of the purchaser of the bonds at their sale by the Town, or to the business successor of said purchaser or account manager at its main place of business. Interest on any bond or bonds so called for redemption shall cease on such redemption date unless the same are not redeemed upon presentation made pursuant to such call.

Section 4. The bonds shall be known as the "Town of Gig Harbor General Obligation Bonds, 1975", and shall be in substantially the following form:

UNITED STATES OF AMERICA

NO. ____ $5,000

STATE OF WASHINGTON
TOWN OF GIG HARBOR

GENERAL OBLIGATION BOND, 1975

KNOW ALL MEN BY THESE PRESENTS:

That the Town of Gig Harbor, a municipal corporation of the State of Washington, acknowledges itself to owe and for value received hereby promises to pay to bearer on the 1st day of February, 19__, the principal sum of

FIVE THOUSAND DOLLARS

together with interest thereon at the rate of ___% per annum payable semiannually on the 1st days of February and August of each year beginning August 1, 1975 upon presentation and surrender of the attached

interest coupons as they severally become due, or until the payment of such sum shall be made or duly provided for. Both principal of and interest on this bond are payable in lawful money of the United States of America at the office of the Town Treasurer in Gig Harbor, Washington.

The Town reserves the right to redeem the outstanding bonds of this issue, in whole, or in part in inverse numerical order, on any interest payment date on or after 10 years from date of issue, at par plus accrued interest to the date of redemption. Notice of any such intended redemption shall be given by one publication thereof in the official newspaper of the Town not more than forty (40) nor less than thirty (30) days prior to such redemption date, and by mailing like notices at the same time to the main office of the purchaser or account manager of the purchaser of said bonds at the sale by the Town, or to the business successor of said purchaser or account manager at its main place of business. Interest on any bond or bonds so called for redemption shall cease on such redemption date unless the same are not redeemed upon presentation made pursuant to such call.

This bond is one of an issue of general obligation bonds of the Town of Gig Harbor of like date and tenor except as to amount, number, rate of interest and date of maturity in the total principal sum of $400,000 and is issued pursuant to Ordinance No. ____ of the

Town, for the purpose of providing funds to pay part of the cost of a sanitary sewer system of the Town.

The Town of Gig Harbor hereby irrevocably pledges itself to levy taxes annually without limitation as to rate or amount upon all the taxable property within the Town in amounts sufficient to pay the principal of and interest on the bonds as the same shall become due. For the prompt payment of such principal and interest the full faith, credit and resources of the Town are hereby irrevocably pledged.

It is hereby certified that all acts, conditions, and things required to be done precedent to and in the issuance of this bond have happened, been done and performed, and that the total indebtedness of the Town, including this bond and the bonds of this issue, does not exceed any constitutional or statutory limitation.

IN WITNESS WHEREOF, the Town of Gig Harbor, Washington, has caused this bond to be signed by its Mayor, to be attested by its Town Clerk, the official seal of the Town to be impressed hereon, and the interest coupons attached hereto to be signed with the facsimile signatures of said officials, this 1st day of February, 1975.

TOWN OF GIG HARBOR, WASHINGTON

By Jack D Bujacich
Mayor

ATTEST:

Ronald J Avery
Town Clerk

The interest coupons attached to the bonds shall be in substantially the following form:

NO. ____ $_____

On the 1st day of _____, 19__, the Town of Gig Harbor, Washington, will pay to bearer at the office of the Town Treasurer in Gig Harbor the amount shown hereon in lawful money of the United States of America, said sum being the semiannual interest due that date on its General Obligation Bond dated February 1, 1975, and numbered _____.

TOWN OF GIG HARBOR, WASHINGTON

By_____
Mayor

ATTEST:

_____
Town Clerk

Section 5. The bonds shall be signed on behalf of the Town by its Mayor, shall be attested by its Town Clerk, and shall have the corporate seal of the Town impressed thereon. Each of the interest coupons attached to said bonds shall be signed with the facsimile signatures of said officials.

Section 6. There is hereby created a special fund of the Town to be known as the "Gig Harbor 1975 General Obligation Bond Redemption Fund." All accrued interest received from the sale of the bonds shall be paid into the Bond Redemption Fund. The Town hereby covenants that for as long as any of the bonds authorized herein are outstanding the corporate authorities of the Town will make annual levies of taxes

without limitation as to rate or amount upon all the property within the Town subject to taxation in amounts sufficient, together with all other funds on hand and available for such purpose, to pay the principal of and interest on the bonds authorized herein as the same shall become due. All of such taxes so collected shall be paid into the Bond Redemption Fund and no part of such Fund shall be used for any other purpose than the payment of the principal of and interest on the bonds or inter-fund loans from the Sewer Construction Fund.

The full faith, credit and resources of the Town 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.

In the event that money and/or government obligations, as that term is defined in Chapter 39.53 RCW as now or hereafter amended, 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 for such purpose in a special account in the Bond Redemption Fund 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 Redemption Fund for the payment of the principal of and interest on the bonds, and the bonds and the appurtenant coupons 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.

Section 7. To provide part of the moneys required to pay the Town's share of the costs of acquisition, construc-

tion and installation of the sanitary sewerage system incurred prior to the delivery of the bonds, additional interest-bearing registered warrants shall be drawn on the Sewer Construction Fund created by Ordinance No. 166. The proposal of McLean & Company, Inc., attached hereto as "Exhibit A" and incorporated by reference herein, to purchase such construction fund warrants at the interest rate set forth therein is hereby accepted and confirmed, and the Town covenants to issue the bonds within the time provided in such proposal. The proceeds of sale of the general obligation bonds herein provided to be issued and sold (exclusive of accrued interest thereon) shall be paid into the Sewer Construction Fund.

Section 8. The Town Clerk is hereby authorized and directed to advertise the bonds for sale in the manner required by the statutes of the State of Washington, the form of notice of sale presented to the Council at the time of passage of this ordinance is hereby approved, and the proper Town officials are hereby authorized and directed to do everything necessary for the prompt execution and delivery of said bonds upon their sale for the proper use and application of the proceeds of such sale.

Section 9. The assessed valuation of the taxable property within the Town, as fixed by the last preceding assessment thereof, is $22,073,146.00. The Town has, at this time, no outstanding general indebtedness.

Section 10. The Town hereby covenants that it will not make any use of the proceeds of sale of the bonds or any other funds of the Town which may be deemed to be proceeds

RECEIVED DEC 3 1974

McLean & Company, Inc.

Investment Bankers

770 Commerce Street
Tacoma, Washington 98402
Phone 206/383-1403

December 2, 1974

Honorable Mayor and Town Council
Town of Gig Harbor
P.O. Box 145
Gig Harbor, Washington 98335

Gentlemen:

It is our understanding that the Town of Gig Harbor is incurring expenses for its sewer project, now under construction, in excess of the cash provided from the sale of its 1973 sewer revenue bonds. We understand the Town will issue its previously voted General Obligation Bonds to pay these additional costs. We believe it would be most appropriate for you to pay these costs during the interim, preceding the sale of the General Obligation Bonds, by issuing interim interest bearing warrants on the Sewer Construction Fund.

McLean & Company, Inc. will purchase these warrants at an interest rate of 5 1/2% per annum, and said warrants shall be paid as to both principal and interest from the proceeds of the previously authorized General Obligation Bonds not later than March 1, 1975.

It is agreed that each warrant shall be accompanied by the unqualified approving legal opinion of Preston, Thorgrimson, Ellis, Holman and Fletcher.

Respectfully submitted,

McLEAN & COMPANY, INC.

Archie M.McLean III

ACCEPTED BY AND FOR the
Town of Gig Harbor, Washington,
this 23rd day of December, 1974.

Mayor

Clerk

AMM/ljb

of such bonds pursuant to Section 103 (d) of the Internal Revenue Code and the applicable regulations thereunder which, if such use had been reasonably expected on the date of delivery of the bonds to the initial purchasers thereof, would have caused the bonds to be "Arbitrage Bonds" within the meaning of said section and said regulations.

Section 11. This ordinance shall be in full force and effect immediately upon its final passage, approval and publication as provided by law.

Introduced and first read by the Council of the Town of Gig Harbor, Washington at its regular meeting on the 9th day of December, 1974.

PASSED by the Council of the Town of Gig Harbor, Washington, at a regular meeting of said Council held this 23rd day of December, 1974, and approved by the Mayor on the same date.

TOWN OF GIG HARBOR, WASHINGTON

By Jack D. Bujacich
Mayor

ATTEST:

Donald J. Avery
Town Clerk

APPROVED AS TO FORM:

Town Attorney

ORDINANCE NO. 215

An Ordinance amending Ordinance 208, an ordinance providing for the moratorium on the issuing of building permits zoned R-2 in the Town of Gig Harbor, to provide an additional sixty (60) day moratorium.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GIG HARBOR:

Section 1: That Ordinance 208 is hereby amended to provide that the moratorium presently in effect is to be continued an additional sixty (60) days on the issuing of all building permits for any construction zoned R-2 in the Town of Gig Harbor.

Section 2: That this ordinance shall take effect upon its passage and publication as required by law.

PASSED this 13 day of January, 1975.

Jack D. Bujacich, Jr.
Mayor

Attest:

Don Avery
Clerk-Treasurer

ORDINANCE NO. 216

Section 17.24.110 (Dwelling Unit Size) of the Gig Harbor Municipal Code is hereby repealed.

PASSED this 10th day of February, 1975.

Jack D. Bujacich, Jr.
Mayor

Attest:

Don Avery
Clerk-Treasurer

ORDINANCE NO. 217

AN ORDINANCE ANNEXING TO AND INCORPORATING WITHIN THE TOWN OF GIG HARBOR CERTAIN UNINCORPORATED TERRITORY LYING CONTIGUOUS TO THE TOWN OF GIG HARBOR.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GIG HARBOR:

THAT WHEREAS by petition heretofore filed with the Council, the State of Washington - Department of Highways, being the owner of more than seventy-five percent (75%) in value according to assessed valuations for taxation of the following described real estate:

> All of the following described tract of land lying East of the centerline of Kimball Road: Lot 7 (Northeast Quarter (NE¼) of the Southwest Quarter (SW¼) of the Southwest Quarter (SW¼)) of Section 8, Township 21 North, Range 2 East, W.M., as shown on the Plat of the Subdivision of Gig Harbor Abandoned Military Reserve which plat is approved by the U.S. Surveyor General's Office at Olympia, Washington.

located in Pierce County, State of Washington, and lying contiguous to the Town of Gig Harbor, requested the annexation and incorporaton of said territory within the Town of Gig Harbor; and which petition was filed with the Town of Gig Harbor on the 3 day of June, 1974, and

WHEREAS, subsequent to filing said petition the Town Council approved as to form the Petition for Annexation and joined with the petitioner in the Notice of Intention to Annex filed with the Boundary Review Board of Pierce County, Washington, pursuant to state law and that said Notice of Intention to Annex was on file for sixty days with the Pierce County Boundary Review Board and that Pierce County Boundary Review Board did not take jurisdiction for a period of sixty days and, therefore, is presumed to approve the same, and

WHEREAS, the Town Council on June 10, 1974 fixed Monday, the 22nd day of July, 1974, at the hour of 8:00 p.m. in the Town Hall of the Town of Gig Harbor as the time 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 hearing was given as provided by law by posting of notices in three public places and publication thereof, and

WHEREAS, at said hearing no one objected to said annexation.

NOW, THEREFORE, BE IT FURTHER ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GIG HARBOR:

Section 1. That the following described real property situated in Pierce County, Washington, to-wit:

> All of the following described tract of land lying East of the centerline of Kimball Road: Lot 7 (Northeast Quarter (NE¼) of the Southwest Quarter (SW¼) of the Southwest Quarter (SW¼)) of Section 8, Township 21 North, Range 2 East, W.M., as shown on the Plat of the Subdivision of Gig Harbor Abandoned Military Reserve which plat is approved by the U.S. Surveyor General's Office at Olympia, Washington.

be and the same is hereby annexed into and incorporated within the Town of Gig Harbor;

Section 2. This Ordinance shall become effective upon its passage and publication, as provided by law.

PASSED this 10 day of February, 1975.

Jack D. Bujacich, Jr. - Mayor

Attest:

Don Avery - Clerk-Treasurer

ORDINANCE NO. 218

AN ORDINANCE RELATING TO THE MUNICIPAL SEWER SYSTEM OF THE TOWN OF GIG HARBOR, FIXING RATES AND CHARGING FOR SEWER SERVICE, PROVIDING A METHOD OF COLLECTING FEES AND CHARGES THEREFOR, PROVIDING PENALTIES FOR VIOLATION OF THIS ORDINANCE, PROVIDING FOR A CHARGE IN LIEU OF ASSESSMENT AND SPECIFYING THE DATE UPON WHICH THIS ORDINANCE SHALL BECOME EFFECTIVE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GIG HARBOR:

Section 1. USE CHARGES:

a. RESIDENTIAL USES: Residential uses including a single family residence, apartment houses, motels, hotels, multiple dwellings and mobile trailer parks shall be charged Five and 50/100 Dollars ($5.50) for each unit.

b. SCHOOLS: Schools shall be charged One Hundred Eighty and no/100 Dollars ($180.00) per month. Said charge is to be assessed whether school is in session or not.

c. INSTITUTIONAL AND OFFICE USES: The city hall, library, churches, post office, fire station, Coast Guard station, medical and dental offices and similar uses shall be charged Eight and no/100 Dollars ($8.00) per month.

d. COMMERCIAL USES: Marinas, service stations, private clubs, grocery stores, restaurants, taverns, bowling alleys, barber shops, stores, shops and other similar uses shall be charged Ten and no/100 Dollars ($10.00) per month.

Section 2. BILLING: Billing shall commence on the first available date, which date shall be the same as the water billing date. New users shall pay a pro rata charge on the first available billing date. The Town shall have a lien against the user's real property for the delinquent unpaid rates and charges provided for herein, together with interest thereon at the rate of eight percent (8%) per year from the date of delinquency and all costs and fees for foreclosing said lien or otherwise collecting the delinquent amounts.

Section 3. PROPERTY NOT ASSESSED: Properties which have not been specially assessed for all or a portion of the costs of the construction and installation of sewer pipelines of the Town to which connection is desired ~~mty~~ may be permitted to connect onto any such pipeline and be served thereby if:

a. The Town Engineer certifies that the pipeline to which the connection is made and the utility facilities serving that property have sufficient capacity to serve that property and all property which the Town has the obligation to serve thereby because of the levying of special assessments, charges in lieu of assessment, contract, or other reason; and

b. There is paid to the Town applicable charges for the service connection; and

1. If that property connects to a pipeline and facilities for which special assessments have been levied, there shall be paid into the applicable Town utility fund a charge in lieu of assessment for such connection of an amount computed for that pipeline and related facilities (including applicable assessments for lateral or local service, trunk service, stub or service connection and any other charge assessed for like property ); or

2. If that property connects to a pipeline and facilities for which special assessments were not levied, there shall be paid into the applicable Town utility fund a connection charge representing the pro rata share of that property of the original cost of that pipeline and related facilities necessary to serve that pipeline, plus the cost of any improvement thereto, which pro rata share shall be calculated from a formula determined by the Town Engineer and approved by the Town Council by resolution as applicable to that pipeline and related facilities.

Section 4. SEWAGE SERVICE CHARGES OUTSIDE THE TOWN: For service outside the Town those rates set forth in Section 1 shall be multiplied by 1.5.

Section 5. MULTIPLE CONNECTIONS TO SINGLE SERVICE: Whenever more than one user (customer) is served by a single sewer connection each user shall be subject to the rate schedule contained in this ordinance.

Section 6. This ordinance shall take effect and be in force five days after the date of its posting in the manner required by law.

PASSED BY THE COUNCIL OF THE TOWN OF GIG HARBOR, WASHINGTON, at a regular meeting thereof and approved by the Mayor this 24 day of MARCH, 1975.

Jack D. Bujacich, Jr. - Mayor

Attest:

Don Avery - Clerk-Treasurer

ORDINANCE NO. 219

AN ORDINANCE AMENDING THE TITLE MAP ADOPTED BY TITLE 17 ESTABLISHING LAND USE CLASSIFICATIONS AND DISTRICTS IN THE TOWN OF GIG HARBOR: AMENDING THE ZONING MAP ADOPTED BY SAID ORDINANCE BY PROVIDING A CHANGE OF ZONE FROM R-2 (TWO OR MORE FAMILY DWELLINGS) to R-3 (MULTIPLE 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 the Planning Commission has recommended such change, and the Town Council has found the same to be and for good and proper reasons that affect the public welfare,

NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GIG HARBOR:

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

> South ½ of the following: That portion of the NE¼ of the NW¼ of Section 17, Township 21N, Range 2E of the Willamette Meridian, lying easterly of that portion conveyed to the City of Tacoma, by deed recorded under Auditor's Fee #680797, except the N 370 feet thereof and except the 30 feet for Point Fosdick-Gig Harbor Road.

be and the same is hereby rezoned and classified as R-3 (Multiple Family Residential), rather than R-2 (Two or More Family Dwellings).

Section 2. That the official zoning map of the Town 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 Town Clerk shall make this classification change on the Town's official zoning map and certify said change in accordance with the terms of Title 17 of the Gig Harbor Municipal Code. That this ordinance shall take effect upon its passage and publication as provided by law.

PASSED at a regular meeting of the Town Council held on the 14 day of April, 1975.

Jack D. Bujacich, Jr. - Mayor

Attest:

Donald J. Avery - Clerk