

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

Ordinance Table

550	Amends § 15.04.040, 15.04.060 and 15.04.070, flood hazard construction standards (15.04)	579	Annexation (Special)
551	Rezone (Special)	580	Annexation (Special)
552	Amends § 13.32.010 and 13.32.060, sewer rates and charges (13.32)	581	Amends § 10.04.010, traffic code (10.04)
553	Water and sewer revenue bonds (Special)	582	Adds § 9.36.040, miscellaneous crimes (9.36)
554	Continuation of zoning approval; adds Ch. 17.30 and § 17.04.185, 17.04.305, 17.04.322, 17.04.392 and 17.04.441; amends Ch. 17.58, zoning (17.30, 17.58)	583	Adds § 13.02.195 and 13.04.015; amends § 13.04.030, water and sewers (13.02, 13.04)
555	Rezone (Special)	584	Relocates Ch. 8.29 to Ch. 3.28, city dock moorage fees, and amends said chapter (3.28)
556	Rezone (Special)	585	Adds § 17.80.070, zoning (17.80)
557	Amends § 6 of Ord. 553, water and sewer revenue bonds (Special)	586	Amends § 9.06.010, crimes relating to animals (9.06)
558	Amends § 17.80.020(6), 17.80.030(A)(1)(d)(ii), 17.80.040(D)(4) and 17.80.060(10), zoning (17.80)	587	Adds § 3.26.015 and 3.26.100; amends § 3.26.010(C) and 3.26.020, real estate excise tax (3.26)
559	Rezone (Special)	588	Adds § 12.06.010 and 13.24.095; amends § 13.08.030 and 16.44.090, relating to road and utility construction and land clearing (12.06, 13.08, 13.24, 16.44)
560	Amends § 13.32.060, sewer connection fees (13.32)	589	Street vacation (Special)
561	Amends § 6.04.040, dogs (6.04)	590	Adds Ch. 3.40, land use development application fee schedule (3.40)
562	Adds subsection C to § 9.01.060, public peace, morals and welfare (9.01)	591	Franchise to Peninsula Light Company, Inc. (Special)
563	Adds § 15.32.011, 15.32.012 and Ch. 15.34; amends § 15.06.015, 15.06.035, 15.06.037, 15.08.015, 15.10.010, 15.12.020, 15.12.060, 15.18.010 and 15.32.010; repeals § 15.06.025 and 15.06.040, buildings and construction (15.06, 15.12, 15.18, 15.32, 15.34)	592	Hotel/motel excise tax (3.27)
564	Final assessment roll for ULID No. 2 (Special)	593	Adopts 1991 budget (Special)
565	Adds § 15.06.020, 15.08.020, 15.10.015, 15.12.025, 15.32.020, and 15.34.020, buildings and construction (15.06, 15.08, 15.10, 15.12, 15.32, 15.34)	594	(Pending)
566	Cable television franchise (Not codified)	595	Budget emergency (Special)
567	1990 budget (Special)	596	Tax levy (Special)
568	Budget emergency (Special)	597	State building code adoption; repeals § 15.06.015, 15.08.015, 15.10.010 and 15.12.020 (Repealed by 623)
569	Tax levy (Repealed by 571)	598	Rezone; adds § 17.04.265, 17.04.268, 17.32.045, Ch. 17.45, 17.40.065, 17.50.020(9, 10, 11), 17.50.040(10)(A)(B), 17.68.090 and 17.68.040(G); amends § 17.12.010, 17.32.050, 17.32.060, 17.32.070, 17.46.040, 17.50.030 and 17.68.040, zoning; repeals Chs. 17.44, 17.48, 17.52, 17.56 (17.04, 17.12, 17.32, 17.40, 17.46, 17.48, 17.50, 17.68)
570	Adds § 2.04.030; amends § 2.28.010, administration and personnel (2.04, 2.28)	599	Fire permit and inspection fees; adds § 3.40.020, advertising fees; amends § 3.40.010(Q), special inspection and permit fees (3.40)
571	1990 tax levy; repeals Ord. 569 (Special)	600	Adds Ch. 10.14, miscellaneous traffic provisions (10.14)
572	Street vacation (Special)	601	Amends § 17.04.080, 17.04.890, 17.04.900, 17.04.910, 17.28.050(J) and 17.96.020(B), zoning (17.04, 17.28, 17.96)
573	Adds Chs. 17.01, 17.31, 17.46, 17.50, 17.60, 17.66, 17.78, 17.88, 17.90, 17.96 and 17.100; amends § 17.60.020; repeals and replaces Chs. 17.04, 17.12, 17.16, 17.20, 17.24, 17.28, 17.36, 17.40, 17.64, 17.68, 17.72 and 17.84, zoning (17.01, 17.04, 17.12, 17.16, 17.20, 17.24, 17.28, 17.31, 17.36, 17.40, 17.46, 17.50, 17.60, 17.64, 17.66, 17.68, 17.72, 17.78, 17.84, 17.89, 17.90, 17.96, 17.100)	602	Amends paragraph F of Ord. 597, state building code (Repealed by 623)
574	Repeals Ch. 10.16 and Ord. 249, truck traffic (Repealer)	603	Adds Ch. 2.18, city attorney/legal counsel (2.18)
575	Adds § 9.14.060, controlled substances; § 9.22.030, frauds (9.14, 9.22)	604	Bond issue (Special)
576	Rezone (Special)	605	Adds Ch. 5.06 and repeals 17.01.040(B), private use of public property (5.06, 17.01)
577	Amends § 10.04.010, vehicles and traffic regulations (10.04)	606	Amends § 3 and 6 of Ord. 604, bond issue (Special)
578	Tax levy (Special)	607	Adds Ch. 8.30, skateboards (8.30)
		608	Repeals and replaces Ch. 16.40, short subdivisions (16.40)
		609	Adds § 3.16.031, business license issuance (3.16)

CITY OF GIG HARBOR

ORDINANCE NO. 547

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO THE MUNICIPAL WATER SYSTEM: PROVIDING A NEW RATE FOR WATER SERVICES.

WHEREAS, it is necessary to increase the water rate customer base charge and commodity charges to reflect fluxuations in the consumption levels of the water utility customers during the past year, and the need for additional revenues to fund the operation of the water utility system.

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

Section 1. Section 13.04.010 of the Gig Harbor Municipal Code is hereby amended to read as follows:

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

<u>Customer Class</u>	<u>Customer Base Charge</u>	<u>Commodity Charge</u>
Residential	\$5.75/meter/mo.	All ccf - \$0.86/ccf
Multi-residential 5/8" & 3/4" meter	\$9.80/meter/mo.	All ccf - \$0.86/ccf
1"	16.65	0.86/ccf
1-1/2"	32.55	0.86/ccf
2"	52.10	0.86/ccf
3"	97.75	0.86/ccf
4"	162.85	0.86/ccf
Commercial/Schools 5/8" & 3/4" meter	\$6.90/meter/mo	All ccf - 0.75/ccf
1"	11.50	0.75/ccf
1-1/2"	23.00	0.75/ccf
2"	36.00	0.75/ccf
3"	69.00	0.75/ccf
4"	115.00	0.75/ccf

Section 2. Section 13.04.020 of the Gig Harbor Municipal Code is hereby amended to read as follows:

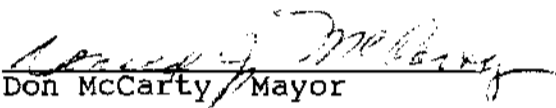
13.04.020 Nonmetered residential uses. Until a water meter has been installed to measure water consumed by

Water Rate Ordinance
Page Two

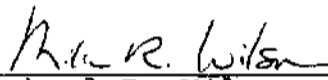
a residential unit or a multiple residential building, the water service charge applicable to such unmetered unit shall be sixteen dollars and ninety-three cents (\$16.93) per month per unit.

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

PASSED by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the council held on this 28th day of December 1988.


Don McCarty, Mayor

ATTEST:



Michael R. Wilson
City Administrator/Clerk

Filed with city clerk: 12/9/88
Passed by city council: 12/28/88
Date published: 1/11/89
Date effective: 1/16/89

CITY OF GIG HARBOR

ORDINANCE NO. 548

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO THE MUNICIPAL SEWER SYSTEM: PROVIDING A NEW RATE FOR SEWER SERVICES.

WHEREAS, due to an increase in the cutomer base anticipated in 1989, the sewer cutomer base charge and commodity charge can be decreased and still provide adequate funds for the operation of the sewer utility system.

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

Section 1. Section 13.32.010 of the Gig Harbor Municipal Code is hereby amended to read as follows:

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

<u>Customer Class</u>	<u>Customer Base Charge</u>	<u>Commodity Charge</u>	<u>Minimum Charge</u>
Residential	\$4.00/mo	All ccf - \$1.75/ccf	\$12.75/mo.
Multi-residential	2.35/mo./ liv. unit	1.75/ccf	9.35/mo.
Commercial/Schools	7.50/mo./ bill. unit	1.75/ccf	19.75/mo.

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

Section 2. Section 13.32.020 of the Gig Harbor Municipal Code is hereby amended to read as follows:

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

<u>Non-metered Customer Class</u>	<u>Monthly Charge</u>
Residential	\$16.25/unit
Multi-residential	12.85/living unit
Commercial	33.75/billing unit

Section 3. A new section 13.32.015 of the Gig Harbor Municipal Code is hereby enacted to read as follows:

13.32.015 Sewer Rates - Community Systems. The monthly sewer service rates for community systems shall be set at the following amounts:

<u>Customer Class</u>	<u>Monthly Charge</u>
Penn Thicket System	142.00/system
Harbor Country System	1,475.00/system
Shore Crest System	20.00/living unit

Section 4. A new section 13.32.070 of the Gig Harbor Municipal Code is hereby enacted to read as follows:

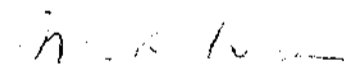
13.32.070 Sewer Connection Agreement. A sewer connection agreement may be executed between the City of Gig Harbor and a user who desires to obtain sewer service for an existing residential or non-residential structure connected to a septic system. The sewer connection agreement will allow the user to make payments on any connection fee in excess of \$5,000 over a period of time ranging from three to ten years.

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

PASSED by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the council held on this 28th day of December, 1988.


Don McCarty, Mayor

ATTEST:



Michael R. Wilson
City Administrator/Clerk

Filed with city clerk: 12/9/88
Passed by city council: 12/28/88
Date published: 1/11/89
Date effective: 1/16/89

CITY OF GIG HARBOR

ORDINANCE NO. 549

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO BUSINESS AND OCCUPATION TAX.

WHEREAS, the city operates utility businesses inside and outside the city limits; and

WHEREAS, the city has the authority to impose business and occupation taxes on business activities,

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

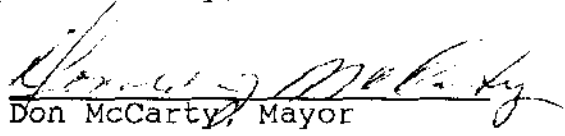
Section 1. Section 3.16.060 of the Gig Harbor Municipal Code is hereby amended to read as follows:

3.16.060 Occupation License and Tax - Applicable Businesses - Rate. There are levied upon, and shall be collected from, the persons on account of the business activities annual license fees or occupation taxes in the amounts to be determined by the application of the rates against gross income, as follows:

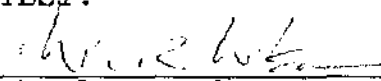
Upon every person or company engaged in or carrying on a telephone business, electrical power business, water utility business, sewer utility business, storm drainage utility business, and a business for furnishing natural gas, a fee or tax equal to five percent of the total gross income from such businesses in the city and city utility businesses operating outside the city during his or its fiscal year next preceeding the tax year for which the license is required.

Section 2. This ordinance shall take effect and be in full force five (5) days after publication of the ordinance.

PASSED by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the council held on this 9th day of January, 1989.


Don McCarty, Mayor

ATTEST:


Michael R. Wilson
City Administrator/Clerk

Filed with city clerk: 12/20/88
Passed by city council: 1/9/89
Date published: 1/25/89
Date effective: 1/30/89

CITY OF GIG HARBOR
ORDINANCE NO. 550

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, MODIFYING CHAPTER 15.04 OF THE GIG HARBOR MUNICIPAL CODE.

WHEREAS, the Gig Harbor City Council, by Ordinances #187 and 506, enacted Chapter 15.04, Gig Harbor Municipal Code as the flood hazard construction standards applicable to the incorporated area of Gig Harbor; and

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

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

Section 1. Section 15.04.040 of the Gig Harbor Municipal Code is hereby amended to read as follows:

15.04.040 Definitions.

...

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

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

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

"CRITICAL FACILITY" means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals, police, fire and emergency response installations, installations which produce, use, or store hazardous materials or hazardous waste. ...

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

"WATER DEPENDENT" means a structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.

Section 2. Section 15.04.060 of the Gig Harbor Municipal Code is hereby amended to read as follows:

15.04.060 Administration.

...

C. Duties and Responsibilities of the Building Official. ...

- c. Those aggrieved by the decision of the Hearing Examiner Building Code Advisory Board, ...
- d. In passing upon such applications, the Hearing Examiner Building Code Advisory Board shall ...

D. Variance Procedure.

- 1.a. The ~~Hearing Examiner~~ Building Code Advisory Board shall ...
- b. The ~~Hearing Examiner~~ Building Code Advisory Board shall ...
- e. Upon consideration of the factors of section 15.04.060 D 1(d) and the purposes of this ordinance, the ~~Hearing Examiner~~ Building Code Advisory Board may ...

Section 3. Section 15.04.070 of the Gig Harbor Municipal Code is hereby amended to read as follows:

15.04.070 Provisions for Flood Hazard Reduction.

...

B. Specific Standards.

- 1.a. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, ~~elevated to or~~ one foot or more ...

2. Nonresidential Construction.
New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated ~~to one foot or more above the level...~~
 - a. be floodproofed so that below one foot above the base ...
 - e. Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g. a building ~~constructed to floodproofed to one foot above the base flood level will be rated as one foot below that~~ at the base flood level).
3. Manufactured Homes.
All manufactured homes to be placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is ~~at or above~~ one foot or more above the Base Flood Elevation; and be securely anchored to an adequately anchored foundation system in accordance with the provisions of section 15.04.070 B(3). This paragraph applies to manufactured homes to be placed or substantially improved in an expansion to an existing manufactured home park or subdivision. This paragraph does not apply to manufactured homes to be placed or substantially improved in an existing manufactured home park or subdivision except where the repair, reconstruction, or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced.
4. Critical Facility.
Construction of new critical facilities shall be, to the extent possible, located outside the limits of the base flood plain. Construction of new critical facilities shall be permissible within the base flood plain if no feasible alternative site is available. Critical

facilities constructed within the base flood plain shall have the lowest floor elevated to three feet or more above the level of the base flood elevation at the site. Floodproofing and sealing measure must be taken to ensure that toxic substances will not be displaced by or released into flood waters. Access routes elevated to or above the level of the base flood plain shall be provided to all critical facilities to the extent possible.

~~C.-- Encroachments.~~

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

C. To the maximum extent possible, avoid the short and long term adverse impacts associated with the destruction or modification of wetlands, especially those activities which limit or disrupt the ability of the wetland to alleviate flooding impacts. The following process should be implemented:

1. Review proposals for development within base flood plains for their possible impacts on wetlands located within the flood plain.
2. Ensure that development activities in or around wetlands do not negatively affect public safety, health, and welfare by disrupting the wetlands' ability to reduce flood and storm drainage.
3. Request technical assistance from the Department of Ecology in identifying wetland areas. Existing wetland map information from the National Wetlands Inventory (NWI) can be used in conjunction with the community's FIRM to prepare an overlay zone indicating critical wetland areas deserving special attention.

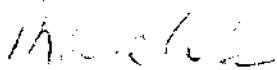
Section 4. The City Clerk is hereby directed to maintain not less than one (1) copy of this ordinance on file in the office of the City Clerk for use and examination by the public pursuant to RCW 35A.12.140.

Section 5. This ordinance shall be and is hereby declared to be in full force and effect on January 1, 1989, after publication of the attached summary which is hereby approved.

PASSED by the City Council of the City of Gig Harbor,
Washington, and approved by its Mayor at a regular meeting of
the council held on this 9th day of January, 1989.


Don McCarty, Mayor

ATTEST:



Michael R. Wilson
City Administrator/Clerk

Filed with city clerk: 12/20/88
Passed by city council: 1/9/89
Date published: 1/25/89
Date effective: 1/30/89

SUMMARY OF ORDINANCE NO. 550

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, MODIFYING CHAPTER 15.04 OF THE GIG HARBOR MUNICIPAL CODE AND SETTING AN EFFECTIVE DATE.

On January 9, 1989, the City Council of the City of Gig Harbor passed Ordinance No. 550, which provides as follows:

Section 1. Amends section 15.04.040 of the Gig Harbor Municipal Code: 15.04.040 Definitions.

Section 2. Amends section 15.04.060 of the Gig Harbor Municipal Code: 15.04.060 Administration.

Section 3. Amends section 15.04.070 of the Gig Harbor Municipal Code: 15.04.070 Provisions for Flood Hazard Reduction.

Section 4. Requires the City Clerk to maintain not less than one (1) copy of this ordinance on file in the office of the City Clerk for use and examination by the public pursuant to RCW 351.12.140.

Section 5. Approves this summary and sets an effective date for this ordinance of January 1, 1989.

The full text of this ordinance will be mailed without charge to anyone who submits a written request to the City Clerk of the City of Gig Harbor for a copy of the text.

Approved by the City Council at their meeting of January 9, 1989.



Michael R. Wilson
City Administrator/Clerk

CITY OF GIG HARBOR

ORDINANCE NO. 551

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF GIG HARBOR TO CHANGE THE ZONING DESIGNATION ON CERTAIN REAL PROPERTY FROM RB-1 (RESIDENTIAL BUSINESS TO B-1 (GENERAL BUSINESS) WITH CONTRACTUAL LIMITATIONS ON THE PERMITTED USES, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Hearing Examiner held a public hearing on Case #RZ-88-08 on October 19, 1988, and considered the following amendment to the Official Zoning Map of the city and has made written findings, conclusions, and a recommendation in support of the proposed zone change, and

WHEREAS, the Hearing Examiner has recommended limiting the permitted uses of the property through the use of a recorded deed restriction and other binding conditions of approval, and

WHEREAS, the City Council has reviewed the Hearing Examiner's written report and recommended conditions of approval for the proposed rezone and adopts said findings, conclusions, and conditions, and

WHEREAS, the City Council finds that the change of zone promotes the goals and policies of the adopted Comprehensive Plan for the city and furthers the general health, safety and welfare of the community,

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

Section 1. The Official Zoning Map of the City of Gig Harbor, as adopted by Section 17.12.020 of the Gig Harbor Municipal Code, is hereby amended by changing the zoning classification of certain property legally described below, from RB-1 (residential business) to B-1 (general business) with the permitted uses of the property limited in accordance with a separate agreement recorded with the Pierce County Auditor to run with the land. The legal description of the property rezoned is as follows:

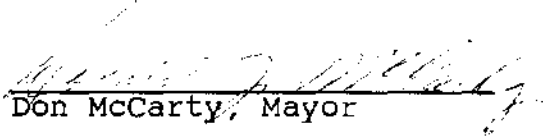
Lot 3 of the Short Plat recorded under Pierce County Auditor's Fee Number 8606030121.

Section 2. The written findings of the Hearing Examiner on this subject dated November 8, 1988, are hereby adopted by the City Council as the basis for the zoning map change effectuated by this ordinance.

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

Section 4. This ordinance shall be in full force and effect five (5) days after passage and publication by posting as provided by law.

PASSED by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the council held on this 23rd day of January, 1989.


Don McCarty, Mayor

ATTEST:


Michael R. Wilson
City Administrator/Clerk

Filed with city clerk: 1/4/89
Passed by city council: 1/23/89
Date published: 2/15/89
Date effective: 2/20/89

CITY OF GIG HARBOR

ORDINANCE NO. 552

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO THE MUNICIPAL SEWER SYSTEM: PROVIDING CHANGES TO THE SEWER RATES AND CHARGES STRUCTURE AND SETTING AN EFFECTIVE DATE.

WHEREAS, a few inequities presently exist within the sewer utility rate structure,

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

Section 1. Section 13.32.010 of the Gig Harbor Municipal Code is hereby amended to read as follows:

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

<u>Customer Class</u>	<u>Customer Base Charge</u>	<u>Commodity Charge</u>	<u>Minimum Charge</u>
Residential	\$4.00/mo	All ccf - \$1.75/ccf	\$12.75/mo.
Multi-residential	2.35/mo./ liv. unit	1.75/ccf	9.35/mo.
Commercial/Schools	7.50/mo./ bill. unit	1.75/ccf	12.75/mo.

Section 2. Section 13.32.060 of the Gig Harbor Municipal Code is hereby amended to read as follows:

"13.32.060 Hook-up charges.

...

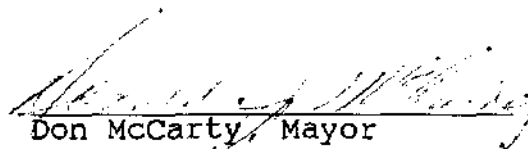
<u>Class of Service</u>	<u>ERU Assignment</u>
18. Commercial (Commercial shall include all classes not otherwise included on this table)	1 ERU per 1600 sq.ft. or less of interior floor space

For commercial establishments in excess of one thousand six hundred (1600) square feet of interior floor space, the city shall use actual or projected flow calculations approved by the city engineer; provided, however, the minimum connection fee shall not be less than one equivalent residential units. If projected flow calculations are used, the connection fee shall be adjusted after the first year of operation of the establishment to reflect actual flow usage in the event the flows were underestimated.

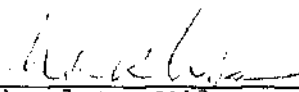
..."

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

PASSED by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the council held on this 27th day of March, 1989.


Don McCarty, Mayor

ATTEST:



Michael R. Wilson
City Administrator/Clerk

Filed with city clerk: 3/13/89
Passed by city council: 3/27/89
Date published: 4/12/89
Date effective: 4/17/89

CITY OF GIG HARBOR, WASHINGTON
WATER AND SEWER REVENUE BONDS, 1989
\$2,040,000

ORDINANCE NO. 553

AN ORDINANCE of the City of Gig Harbor, Washington, authorizing the issuance and sale of water and sewer revenue bonds of the City in the principal amount of \$2,040,000 for the purpose of providing funds to finance certain improvements to the City's water and sewer utilities; fixing the date, form, terms, maturities and covenants of said bonds; providing for the sale thereof; and providing for the disposition of the proceeds of the sale of the bonds.

Introduced: March 27th, 1989

Passed: April 10, 1989

PREPARED BY:

PRESTON, THORGRIMSON, ELLIS & HOLMAN
Seattle, Washington

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ORDINANCE NO. _____

AN ORDINANCE of the City of Gig Harbor, Washington, authorizing the issuance and sale of water and sewer revenue bonds of the City in the principal amount of \$2,040,000 for the purpose of providing funds to finance certain improvements to the City's water and sewer utilities; fixing the date, form, terms, maturities and covenants of said bonds; providing for the sale thereof; and providing for the disposition of the proceeds of the sale of the bonds.

WHEREAS, the City of Gig Harbor, Washington (the "City") now owns, operates, and maintains a combined water and sewerage system, which System is in need of additions and improvements (herein described with more particularity as the "Project"); and

WHEREAS, by Ordinance No. 515, passed on August 10, 1987, the City created its Utility Local Improvement District No. 2 ("ULID No. 2"), for the purpose of undertaking a part of the Project; and

WHEREAS, the City has issued its water and sewer revenue bond anticipation notes in the aggregate principal amount of \$2,000,000 (the "Notes") in order to provide interim financing for the Project; and

WHEREAS, it is now deemed necessary and desirable to issue and sell water and sewer revenue bonds in order to provide permanent financing for the Project; and

WHEREAS, the City has previously issued and outstanding its Water and Sewer Revenue Refunding Bonds, Series 1985 (the "1985 Bonds") pursuant to Ordinance No. 468, in which the City has

retained the right to issue additional water and sewer revenue bonds on a parity of lien with the 1985 Bonds; and

WHEREAS, the City has determined that it is in the best interest of the City and its inhabitants that the City issue its Water and Sewer Revenue Bonds, 1989 (the "Bonds") to provide permanent financing for the Project;

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

Section 1. Definitions. As used in this ordinance, the following terms shall have the following meanings, unless a different meaning clearly appears from the context:

"Annual Debt Service" means, with respect to any issue of Parity Bonds, the amount required in a given calendar year for the payment of the principal of and interest on such Parity Bonds.

"Assessments" means any assessments levied in any utility local improvement district of the City (including ULID No. 2) created for the acquisition or construction of additions and improvements to and extensions of the System, if such assessments are pledged to be paid into the Bond Fund. The word "Assessments" shall also include any installments of assessments and any interest or penalties which may be due thereon.

"Assessment Income" means the principal of and interest on assessments levied in any utility local improvement district and pledged to be paid into the Bond Fund. In the case of assessments payable in installments, Assessment Income shall be allocated to

the years in which it would be received if the unpaid principal balance of each assessment roll were paid in equal principal amounts over the remaining number of installments with interest on the declining balance at the times and at the rate provided in the ordinance confirming the assessment roll.

"Average Annual Debt Service" means the average amount of annual debt service which will become due in any fiscal year hereafter on all Parity Bonds then outstanding.

"Bond Fund" means the City of Gig Harbor Utility Bond Redemption Fund created in the office of the City Treasurer by Section 13 of Ordinance No. 468.

"Bond Register" means the records maintained on behalf of the City containing the name and mailing address of each owner of the Bonds or the nominee of such owner, and such other information as the Bond Registrar shall determine.

"Bond Registrar" means the fiscal agencies of the State of Washington in either Seattle, Washington, or New York, New York, for the purpose of registering and authenticating the Bonds, maintaining the Bond Register, effecting transfer of ownership of the Bonds and paying interest on and principal of the Bonds.

"Bonds" means the \$2,040,000 water and sewer revenue bonds authorized by Section 4 of this ordinance for the purposes set forth herein.

"City" means the City of Gig Harbor, Washington, a municipal corporation duly organized and existing under and by virtue of the laws of the State of Washington.

"Code" means the Internal Revenue Code of 1986, as amended, and shall include all applicable regulations thereunder.

"Costs of Maintenance and Operation" mean all necessary operating expenses, current maintenance expenses, expenses of reasonable upkeep and repairs, and insurance and administrative expenses with respect to the System, but excludes depreciation, payments for debt service or into reserve accounts, costs of capital additions to or replacements of the System, municipal taxes, or payments to the City in lieu of taxes.

"Council" means the general legislative authority of the City, as the same shall be duly and regularly constituted from time to time.

"Debt Service Account" means the account of that name created in the Bond Fund by Ordinance No. 468.

"Future Parity Bonds" means any water and sewer revenue bonds which the City may hereafter issue having a lien upon the Revenue of the System for the payment of the principal thereof and interest thereon equal to the lien upon the Revenue of the System of the Bonds.

"Net Revenue" means the Revenue of the System less the Costs of Maintenance and Operation.

"1985 Bonds" means the City of Gig Harbor, Washington, Water and Sewer Revenue Refunding Bonds, Series 1985, issued pursuant to Ordinance No. 468 of the City Council and outstanding in the principal amount of \$615,000.

"Notes" means the City of Gig Harbor, Washington, Water and Sewer Revenue Anticipation Notes, 1987, issued pursuant to Ordinance No. 522 under date of November 15, 1987 in the principal amount of \$2,000,000.

"Parity Bonds" means the 1985 Bonds, the Bonds and any Future Parity Bonds.

"Reserve Account" means the account created in the Bond Fund by Section 15 of Ordinance No. 468 and shall include any subaccount created therein.

"Revenue Fund" means the "City of Gig Harbor Utility Revenue Fund" created by Section 12 of Ordinance No. 468, into which fund all of the Revenue of the System is to be deposited, as collected.

"Revenue of the System" means all earnings, revenue and moneys received by the City from or on account of the operation of the System, including the income from investments of money in the Revenue Fund and the Bond Fund or from any other investment thereof. "Revenue of the System" shall also include any federal or state reimbursements of operating expenses to the extent such expenses are included as "Costs of Maintenance and Operation."

"System" means the existing sanitary sewerage collection and treatment system of the City, as it now exists and as it may later

be added to, extended and improved, and the existing water supply and distribution system of the City, as it now exists and as it may later be added to, extended and improved for as long as any Parity Bonds remain outstanding.

"Term Bonds" means any Parity Bonds identified as such in the ordinance authorizing the issuance thereof, the payment of which is provided for by a requirement for mandatory deposits of money into a "sinking fund account" in the Bond Fund.

"Treasurer" means the City Administrator, Clerk-Treasurer.

"ULID No. 2" means Utility Local Improvement District No. 2 of the City, created pursuant to Ordinance No. 515 of the City Council.

Section 2. Authorization of Project. Pursuant to Ordinance No. 515, the City has heretofore authorized and approved the construction of the improvements within ULID No. 2. A portion of the proceeds of the Notes herein authorized shall be used to provide for the permanent financing of the costs of said improvements. Upon the completion of the improvements within ULID No. 2, an assessment roll shall be confirmed for all of the costs of said improvements and Assessments levied against the property owners within ULID No. 2 benefited by said improvements. All of said Assessments to be levied within ULID No. 2 shall be deposited upon receipt into the Bond Fund.

In addition, the City shall acquire, construct and install a 1.2 million gallon reservoir, water main and new well to provide

additional water capacity for the needs of the City. The foregoing plan for improvements to the System is hereby specified and adopted. The foregoing improvements to the System, including the improvements within ULID No. 2, are herein referred to as the "Project." The Project shall include all necessary equipment, appurtenances and facilities.

The City shall acquire all materials, equipment, real and personal property or interests therein, easements, franchises and rights-of-way necessary to construct the Project, which shall be as more particularly set forth in maps, plans and specifications prepared by the City's engineers and which shall be on file with the City, and such plans shall be subject to such additions or changes as to detail or other changes not affecting the main general plan for the Project as may be authorized by the City Council either prior to or during the actual course of construction. The estimated cost of acquiring, constructing and installing the Project, of issuing the Bonds, and of funding certain payments to the Reserve Account, is hereby declared to be, as near as may be estimated, the sum of \$2,792,308, of which \$2,040,000 shall be paid out of the proceeds of sale of the Bonds. The balance of said costs shall be provided by a cash contribution from the City.

Section 3. Compliance With Parity Conditions. The Council hereby finds and determines as required by Section 21 of Ordinance No. 468, as follows:

First: At the time of the issuance of the Bonds, there will be no deficiency in the Bond Fund or the Reserve Account.

Second: All of the Assessments to be levied in ULID No. 2 have been directed to be deposited into the Bond Fund by Section 2 of this ordinance.

Third: All Assessments levied within any utility improvement district of the City have been pledged to be paid into the Bond Fund pursuant to Section 11 B of this ordinance.

Fourth: Pursuant to Section 8 A of this ordinance, the principal of and interest on the Bonds is payable out of the Bond Fund, and the requirements for funding the Reserve Account pursuant to Section 15 of Ordinance No. 468 have been met in Section 8 B of this ordinance.

Fifth: Prior to the delivery of the Bonds, the City shall have on file a certificate of an independent professional engineer or certified public accountant dated not earlier than 90 days prior to the date of delivery of the Bonds and showing: that the Net Revenue determined and adjusted as provided in Ordinance No. 468 for each calendar or fiscal year after the issuance of the Bonds together with Assessment Income will equal at least 1.30 times the amount required in any such year for the payment of the principal of and interest on all Parity Bonds currently outstanding, including the Bonds.

The limitations contained and the conditions provided in Section 21 of Ordinance No. 468 having been complied with or

assured, the payments required herein to be made out of the Revenue of the System to pay and secure the payment of the principal of and interest on the Bonds shall constitute a lien and charge upon such Revenue equal in rank to the lien and charge thereon of the payments to be made into the Bond Fund and Reserve Account to pay and secure the payment of the principal of and interest on the 1985 Bonds.

Section 4. Authorization of Bonds. For the purposes of paying and redeeming the Notes and providing permanent financing for a portion of the Project, the City is hereby authorized to issue the Bonds in the principal amount of \$2,040,000.

The Bonds shall be designated the "City of Gig Harbor, Washington, Water and Sewer Revenue Bonds, 1989" and shall be in substantially the form set forth in Section 14 of this ordinance. The Bonds shall be dated as of May 1, 1989; shall be in the denomination of \$5,000 each or any integral multiple thereof, provided that no Bond shall represent more than one maturity; shall be fully registered as to both principal and interest; and shall be numbered separately in the manner and with any additional designation as the Bond Registrar deems necessary for purposes of identification. The Bonds shall bear interest from their date at the following rates, payable on the first day of June, 1990 and semiannually thereafter on the first days of each succeeding June and December and shall mature on June 1 of the following years as follows:

<u>Years</u>	<u>Principal Amounts</u>	<u>Interest Rates</u>
1991	\$105,000	7.10%
1992	105,000	7.20
1993	105,000	7.30
1994	105,000	7.40
1995	105,000	7.50
1996	135,000	7.60
1997	140,000	7.65
1998	145,000	7.70
1999	145,000	7.75
2000	150,000	7.80
2001	155,000	7.90
2002	155,000	7.95
2003	160,000	8.00
2004	160,000	8.20
2005	170,000	8.20

The fiscal agencies of the State of Washington in the cities of Seattle, Washington, and New York, New York, shall act as registrar for the Bonds (collectively, the "Bond Registrar"). The Bond Registrar shall maintain the Bond Register. Both principal of and interest on the Bonds shall be payable in lawful money of the United States of America. Interest on the Bonds shall be paid by check or draft mailed on the date such interest is due to the registered owners or nominees of such owners at the addresses appearing on the Bond Register as of the 15th day of the month preceding the interest payment date. The principal of the Bonds shall be payable upon presentation and surrender of the Bonds by the registered owners or nominees of such owners at the principal offices of either of the fiscal agencies of the State of Washington in the cities of Seattle, Washington, or New York, New York, at the option of such owners.

Upon the surrender thereof to the Bond Registrar, the Bonds are interchangeable for other Bonds of any authorized denomination in an equal aggregate principal amount and of the same interest rate and maturity date. Bonds may be transferred only if endorsed in the manner provided thereon and surrendered to the Bond Registrar. Such exchange or transfer shall be without cost to the owner or transferee. The Bond Registrar shall not be required to register, transfer or exchange any Bonds which have been called for redemption within a period of 15 days next preceding the date fixed for redemption.

The Bonds shall be obligations only of the Bond Fund and shall be payable and secured as provided herein. The Bonds shall not be general obligations of the City.

Section 5. Bond Registration. The City hereby specifies and adopts the system of registration for the Bonds approved by the Washington State Finance Committee. The Bond Registrar shall keep, or cause to be kept, at its principal corporate trust office, sufficient books for the registration and transfer of the Bonds which shall at all times be open to inspection by the City. The Bond Registrar is authorized, on behalf of the City, to authenticate and deliver Bonds transferred or exchanged in accordance with the provisions of such Bonds and this ordinance and to carry out all of the Bond Registrar's powers and duties under this ordinance.

The Bond Registrar shall be responsible for its representations contained in the Certificate of Authentication on the Bonds.

The Bond Registrar may become the owner of Bonds with the same rights it would have if it were not the Bond Registrar, and to the extent permitted by law, may act as depository for and permit any of its officers or directors to act as a member of, or in any other capacity with respect to, any committee formed to protect the rights of the owners of the Bonds.

Section 6. Redemption Prior to Maturity.

A. Optional Redemption. The Bonds maturing on or prior to June 1, 1995 are not subject to optional redemption. The City hereby reserves the right to redeem the outstanding Bonds maturing on or after June 1, 1996, in whole or in part in inverse order of maturity and by lot within each maturity on June 1, 1995, or on any interest payment date thereafter, at par plus accrued interest to the date of redemption. In addition, the City reserves the right to redeem the outstanding Bonds maturing on June 1, 2004 in whole or in part and if in part, by lot, on June 1, 1990, or on any interest payment date thereafter, at par plus accrued interest to the date of redemption.

B. Notice of Call. Unless waived by any owner of Bonds to be redeemed, official notice of any such redemption shall be given by the Bond Registrar on behalf of the City by mailing a copy of an official redemption notice by first class mail, postage prepaid, at least 30 days and not more than 60 days prior to the date fixed for redemption to the registered owner(s) of the Bond or Bonds to be redeemed at the address shown on the Bond Register

or at such other address as is furnished in writing by such registered owner to the Bond Registrar.

All official notices of redemption shall be dated and shall state:

(1) the redemption date,
(2) the redemption price,
(3) if less than all outstanding Bonds are to be redeemed, the identification (and, in the case of partial redemption, the respective principal amounts) of the Bonds to be redeemed,

(4) that on the redemption date the redemption price will become due and payable upon each such Bond or portion thereof called for redemption, and that interest thereon shall cease to accrue from and after said date, and

(5) the place where such Bonds are to be surrendered for payment of the redemption price, which place of payment shall be the principal office of the Bond Registrar.

On or prior to any redemption date, the City shall deposit with the Bond Registrar an amount of money sufficient to pay the redemption price of all or portions of Bonds which are to be redeemed on that date. The requirements of this section shall be deemed to be complied with when notice is mailed as provided, whether or not it is actually received by the owner of any Bond.

C. Effect of Call. Official notice of redemption having been given as aforesaid, the Bonds or portions of Bonds to

be redeemed shall, on the redemption date, become due and payable at the redemption price therein specified, and from and after such date (unless the City shall default in the payment of the redemption price) such Bonds or portions of Bonds shall cease to bear interest. Upon surrender of such Bonds for redemption in accordance with said notice, such Bonds shall be paid by the Bond Registrar at the redemption price. Installments of interest due on or prior to the redemption date shall be payable as herein provided for payment of interest. All Bonds which have been redeemed shall be cancelled and destroyed by the Bond Registrar and shall not be reissued.

D. Additional Redemption Notice. In addition to the foregoing notice, further notice shall be given by the Bond Registrar on behalf of the City as set forth below, but no defect in said further notice nor any failure to give all or any portion of such further notice shall in any manner defeat the effectiveness of a call for redemption if notice thereof is given as above described.

(1) Each further notice of redemption given hereunder shall contain the information required above for an official notice of redemption plus (i) the CUSIP numbers, if any, of all Bonds being redeemed; (ii) the date of issue of the Bonds as originally issued; (iii) the rate of interest borne by each Bond being redeemed; (iv) the maturity date of each Bond being redeemed;

and (v) any other descriptive information needed to identify accurately the Bonds being redeemed.

(2) Each further notice of redemption may be sent at least 35 days before the redemption date by registered or certified mail or overnight delivery service to all registered securities depositories then in the business of holding substantial amounts of obligations of types comprising the Bonds and shall be sent to Moody's Investors Service and Standard & Poor's Corporation at their respective offices in New York, New York and to one or more national information services that disseminate notices of redemption of obligations such as the Bonds.

(3) Each such further notice shall be published one time in the Bond Buyer of New York, New York, or, if such publication is impractical or unlikely to reach a substantial number of the owners of the Bonds, in some other financial newspaper or journal which regularly carries notices of redemption of other obligations similar to the Bonds, such publication to be made at least 30 days prior to the date fixed for redemption.

(4) Upon the payment of the redemption price of Bonds being redeemed, each check or other transfer of funds issued for such purpose shall bear the CUSIP number (if any) identifying, by issue and maturity, the Bonds being redeemed with the proceeds of such check or other transfer.

Section 7. Priority of Payments from Revenue Fund. There has heretofore been established in the office of the City Adminis-

trator a special fund of the City known as the "City of Gig Harbor Utility Revenue Fund" (the "Revenue Fund"), as collected. The Revenue Fund shall be held separate and apart from all other funds and accounts of the City, the Revenue of the System shall be used only for the following purposes and in the following order of priority:

First, to pay the Costs of Maintenance and Operation of the System;

Second, to make all payments required to be made into the Bond Fund to pay the interest on any Parity Bonds;

Third, to make all payments required to be made into the Bond Fund to pay the maturing principal of any Parity Bonds;

Fourth, to make all payments required to be made into the Reserve Account created to secure the payment of the Parity Bonds;

Fifth, to make all payments required to be made into any revenue bond redemption fund or revenue warrant redemption fund and debt service account or reserve account created to pay and secure the payment of the principal of and interest on any revenue bonds or revenue warrants of the City having a lien upon the Revenue of the System junior and inferior to the lien thereon for the payment of the principal of and interest on the Parity Bonds; and

Sixth, to retire by redemption or purchase in the open market any outstanding revenue bonds or revenue warrants of the City, to make necessary additions, betterments and improvements and

repairs to or extensions and replacements of the System, or for any other lawful City purposes.

Section 8. Bond Fund. A special fund of the City known as the "Utility Bond Redemption Fund" (the "Bond Fund") has heretofore been created by the City for the sole purpose of paying and securing the payment of Parity Bonds.

A. Payments into Debt Service Account. A special account to be known as the "Debt Service Account" has heretofore been created in the Bond Fund for the purpose of paying the principal of, premium, if any, and interest on Parity Bonds.

As long as any Parity Bonds remain outstanding, the City hereby obligates and binds itself to set aside and pay from the Bond Fund into the Debt Service Account those amounts necessary, together with such other funds as are on hand and available in the Debt Service Account, to pay the principal of and the interest on such Parity Bonds as the same respectively become due and payable. Such payments from the Bond Fund shall be made in a fixed amount without regard to any fixed proportion on or before the twentieth day of each month, an amount such that, if the same amount were so set aside and paid into said Debt Service Account on the twentieth day of each succeeding calendar month thereafter prior to the next date upon which an installment of interest or principal and interest falls due on the Bonds, the aggregate of the amounts so set aside and paid into the Debt Service Account will on such date be equal to the installment of interest or principal and interest.

B. Payments into Reserve Account. A Utility Reserve Account has heretofore been created in the Bond Fund for the purpose of securing the payment of the principal of and the interest on all bonds payable out of such Fund.

Upon the issuance and delivery of the Bonds, the City shall deposit into the Reserve Account the sum of \$167,000 which is an amount, together with money already on deposit therein, at least equal to the lesser of (i) Average Annual Debt Service on the Bonds and the 1985 Bonds or (ii) the maximum amount permitted to be deposited therein under Section 148 of the Code (the "Reserve Requirement").

In the event that the City issues any Term Bonds in the future and provides for the payment thereof by a mandatory schedule of payments into a sinking fund account in the Bond Fund, the term Average Annual Debt Service shall be deemed to exclude from principal an amount of Term Bonds equal to such mandatory payments, and from interest, the interest on such Term Bonds subsequent to the date of the respective deposits, and to include in lieu thereof the mandatory sinking fund deposits as of the date required and interest on Term Bonds provided for by such deposits only to the dates of the respective deposits.

The City hereby further covenants and agrees that in the event it issues any Future Parity Bonds that it will provide in the ordinance authorizing the issuance of the same that it will pay into the Reserve Account out of the Revenue of the System or

Assessments (or, at the option of the City, out of any other funds on hand legally available for such purpose) not less than approximately equal additional annual payments so that by five years from the date of such Future Parity Bonds there will have been paid into the Reserve Account an amount which, with the money already on deposit therein, (or insurance policy or letter(s) of credit), will be equal to the Reserve Requirement.

The City further covenants and agrees that when the required deposits have been made into the Reserve Account, it will at all times maintain therein an amount at least equal to the Reserve Requirement. Whenever there is a sufficient amount in the Revenue Bond Fund, including the Reserve Account and the Debt Service Account, to pay the principal of, premium if any, and interest on all outstanding Parity Bonds, the money in the Reserve Account may be used to pay such principal, premium and interest. Money in the Reserve Account may also be withdrawn to redeem and retire, and to pay the premium, if any, and interest due to such date of redemption, on any outstanding Parity Bonds, as long as the monies left remaining on deposit in the Reserve Account are equal to the Reserve Requirement.

In the event there shall be a deficiency in the Debt Service Account to meet maturing installments of either interest on or principal of and interest on the outstanding bonds payable out of such Account, such deficiency shall be made up from the Reserve Account by the withdrawal of monies therefrom. Any deficiency

created in the Reserve Account by reason of any such withdrawal shall then be made up out of Revenue of the System or Assessments after making necessary provision for the payments required to be made by subparagraphs First, Second, Third, Fourth and Fifth of Section 7 hereof.

C. Priority of Lien of Payments into Bond Fund. The amounts so pledged to be paid into the Bond Fund are hereby declared to be a lien and charge upon the Revenue of the System junior in lien to the Costs of Maintenance and Operation, equal to the lien of the charges upon such Revenue to pay and secure the payment of the principal of and interest on 1985 Bonds and any bonds which may be issued in the future on a parity therewith, and prior and superior to all other charges of any kind or nature whatsoever.

D. Application and Investment of Money in the Bond Fund. Moneys in the Bond Fund shall be invested in any investments that are permitted by law. Investments in the Debt Service Account shall mature prior to the date on which such money shall be needed for required interest or principal payments. Investments in the Reserve Account shall mature not later than the last maturity of the Parity Bonds secured thereby. All interest earned and income derived by virtue of such investments shall remain in the Bond Fund and be used to meet the required deposits into any account therein.

E. Sufficiency of Revenues. The Council hereby finds that in fixing the amounts to be paid into the Bond Fund out of

the Revenue of the System, it has exercised due regard for the Costs of Maintenance and Operation and has not obligated the City to set aside and pay into such Fund a greater amount of such Revenue than in its judgment will be available over and above the Costs of Maintenance and Operation.

Section 9. Application of Bond Proceeds. The proceeds of the sale of the Bonds shall be used and applied as follows:

A. The amount equal to the interest accruing, if any, on the Bonds from May 1, 1989 to the date of their delivery shall be deposited into the Debt Service Account of the Bond Fund.

B. The balance of the proceeds of the Bonds shall be paid into the Water and Sewer Revenue Bond Anticipation Note Fund, 1987, created pursuant to Ordinance No. 522 and shall be used, together with other available funds of the City, to pay and redeem the Notes on May 15, 1989.

Section 10. Defeasance. In the event that money (other than bond insurance proceeds) and/or "Government Obligations," as such obligations are now or may hereafter be defined in Chapter 39.53 RCW, maturing at such time or times and bearing interest to be earned thereon in amounts sufficient to redeem and retire the Bonds or any of them in accordance with their terms are set aside in a special account to effect such redemption or retirement and such money and the principal of and interest on such obligations are irrevocably set aside and pledged for such purpose, then no further payments need be made into the Bond Fund for the payment of the

principal of and interest on the Bonds so provided for and such Bonds shall cease to be entitled to any lien, benefit or security of this ordinance except the right to receive the funds so set aside and pledged, and such Bonds shall be deemed not to be outstanding hereunder.

Section 11. Bond Covenants.

A. Maintenance of System. The City shall at all time maintain, preserve and keep the properties of the System in good repair, working order and condition and will from time to time make all necessary and proper repairs, renewals, replacements, extensions and betterments thereto, so that at all times the business carried on in connection therewith will be properly and advantageously conducted and said properties of the System and the business in connection therewith administered in an efficient manner and at a reasonable cost.

B. Collection and Application of Assessments. The City will promptly collect all Assessments levied in utility local improvement districts that have been heretofore created by the City and all Assessments levied in utility local improvement districts that are hereafter created to secure the payment of the principal of and interest on Parity Bonds and will pay the same into the Bond Fund. The same may be used to meet required payments into any Account of the Bond Fund and may be used to pay the principal of and interest on any Parity Bonds without said Assessments being particularly allocated to the payment of any particular series of bonds payable

out of such Fund. It is hereby further provided, however, that nothing in this ordinance or in this subsection shall be construed to prohibit the City from issuing revenue bonds having a lien on the Revenue of the System and the money in the Revenue Fund junior to the lien on such revenue and money for the payment of the principal of and interest on the Bonds and pledging as security for the payment of such junior lien bonds assessments levied in any utility local improvement district that may have been created to pay part or all of the cost of improvements to the System for which such junior revenue bonds were specifically issued.

C. Rates and Charges. The City shall fix, maintain and collect rates and charges for the use of the services and facilities and all commodities sold, furnished or supplied by the System, which shall be fair and nondiscriminatory and shall adjust such rates and charges from time to time so that:

(1) the Revenue of the System derived therefrom, together with Assessments collected, will at all times be sufficient (a) to pay the Costs of Maintenance and Operation, (b) to pay the principal of and interest on all Parity Bonds, as and when the same shall become due and payable, (c) to make adequate provision for the payment of the any Term Bonds, (d) to make when due all payments which the City is obligated to make into the Reserve Account and all other payments which the City is obligated to make pursuant to this ordinance, and (f) to pay all taxes, assessments or other governmental charges lawfully imposed on the System or the revenue

therefrom or payments in lieu thereof and any and all other amounts which the City may now or hereafter become obligated to pay from the Revenue of the System by law or contract; and

(2) the Net Revenue together with Assessment Income in each calendar year will equal at least 1.30 times the maximum amount required to be paid in any succeeding calendar year for the principal of and interest on all Parity Bonds then outstanding. In the event the City issues any Term Bonds, and provides for the payment thereof by a mandatory schedule of payments into a sinking fund account in the Bond Fund, the words "principal of and interest on all outstanding Parity Bonds" in the preceding sentence shall be deemed to exclude from "principal" an amount of Term Bonds equal to such mandatory payments, and from "interest" the interest on such Term Bonds subsequent to the date of the respective deposits, and to include in lieu thereof the mandatory sinking fund deposits as of the date required and interest on Term Bonds provided for by such deposits only to the date of the respective deposits.

D. Net Revenue. After making or providing for the monthly payments from the Revenue Fund as required by Section 7 hereof, there shall be maintained in the Revenue Fund sufficient moneys to enable the City to meet the Costs of Maintenance and Operation of the System on a current basis. The City shall not change any rate or charge for service of the System as now established by the existing rate ordinance or ordinances that will reduce sub-

stantially the annual Net Revenues below that which would have been obtained before such change, unless the City shall have on file a certificate from a licensed professional engineer experienced in the design, construction and operation of municipal utilities stating that the rates and charges as so changed will provide Net Revenues sufficient to comply with all the covenants and requirements of this ordinance.

E. Sale of Properties. The City will not sell or otherwise dispose of the System in its entirety unless simultaneously with such sale or other disposition, provision is made for the payment into the Bond Fund of cash or Government Obligations (as now or hereafter defined in RCW 39.53) sufficient (taking into account interest to be earned on any such Government Obligations) to pay the principal of and interest on all then outstanding Parity Bonds, nor will it sell or otherwise dispose of any part of the useful operating properties of the System unless such facilities are replaced or provision is made for payment into the Bond Fund of the greatest of the following:

(1) An amount which will be in the same proportion to the net amount of Parity Bonds then outstanding (defined as the total amount of the Parity Bonds less the amount of cash and investments in the Bond Fund and Accounts therein) that the Revenue from the portion of the System sold or disposed of for the preceding year bears to the total Revenue of the System for such period; or

(2) An amount which will be in the same proportion to the net amount of Parity Bonds then outstanding (defined as the total amount of the Parity Bonds less the amount of cash and investments in the Bond Fund and Accounts therein) that the Net Revenue from the portion of the System sold or disposed of for the preceding year bears to the total Net Revenue of the System for such period; or

(3) An amount which will be in the same proportion to the net amount of Parity Bonds then outstanding (as defined above) that the depreciated cost value of the facilities sold or disposed of bears to the depreciated cost value of the entire System immediately prior to such sale or disposition.

The proceeds of any such sale or disposition of a portion of the properties of the System (to the extent required above) shall be paid into the Reserve Account in the Bond Fund.

Notwithstanding any other provision of this paragraph, the City may sell or otherwise dispose of any of the works, plant, properties and facilities of the System or any real or personal property comprising a part of the same which shall have become unserviceable, inadequate, obsolete or unfit to be used in the operation of the System, or no longer necessary, material to or useful in such operation, without making any deposit into the Bond Fund.

F. No Encumbrances. The City will not at any time create or permit to accrue or to exist any lien or other encumbrance or

indebtedness upon the System or the Revenue of the System, or any part thereof, prior or superior to the lien thereon for the payment of Parity Bonds, and will pay and discharge, or cause to be paid and discharged, any and all lawful claims for labor, materials or supplies which, if unpaid, might become a lien or charge upon the Revenue of the System, or any part thereof, or upon any funds in the hands of the City, prior to or superior to the lien of Parity Bonds, or which might impair the security of Parity Bonds.

G. Insurance. The City will keep the works, plants and facilities comprising the System insured, and will carry such other insurance, with responsible insurers, with policies payable to the City, against risks, accidents or casualties, at least to the extent that insurance is usually carried by private corporations operating like properties, or will implement a self-insurance program with reserves adequate, in the judgment of the Council, to protect City and the owners of the Bonds against loss. In the event of any loss or damage, the City will promptly repair or replace the damaged portion of the insured property and apply the proceeds of any insurance policy for that purpose; or in the event the City should determine not to repair or reconstruct such damaged portion of the properties of the System, the proceeds of such insurance shall be paid into the Reserve Account to the extent that such transfer shall be necessary to make up any deficiency in said Reserve Account and the balance, if any, shall at the option of the City, be used either for repairs, renewals, replacements, or capi-

tal additions to the System, for the redemption of Parity Bonds, or for deposit into the Reserve Account.

H. Books and Accounts. The City shall keep proper books of account which shall be kept in accordance with any applicable rules and regulations prescribed by the State of Washington. The City shall prepare, and any owner of Parity Bonds may obtain copies of, balance sheets and profit and loss statements showing in reasonable detail the financial condition of the System as of the close of each year, and the income and expenses of such year, including the amounts paid into the Revenue Fund, the Bond Fund, and into any and all special funds or accounts created pursuant to the provisions of this ordinance, and the amounts expended for maintenance, renewals, replacements, and capital additions to the System.

I. No Free Service. The City will not furnish or supply or permit the furnishing or supplying of any commodity, service or facility furnished by or in connection with the operation of the System, free of charge to any person, firm or corporation, public or private, so long as any Bonds are outstanding and unpaid.

J. Sound Expenditures. The City will not expend any of the Revenues derived by it from the operation of the System or the proceeds of any indebtedness payable from Revenue of the System for any extensions, betterments and improvements to the System which are not legally required or economically sound, and which will not properly and advantageously contribute to the conduct of the business of the System in an efficient manner.

K. Enforcement of Collection of Service Charges and Assessments. The City shall promptly take action to enforce the payment of delinquent service charges and Assessments by such means as are

L. Covenants Regarding Tax-Exempt Status of the Bonds. The City hereby covenants that it will not make any use of the proceeds from the sale of the Bonds or any other moneys or obligation of the City which may be deemed to be proceeds of such Bonds pursuant to Section 148(a) of the Code which, if such use has 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. The City will comply with the applicable requirements of Section 148(a) of the Code. The City covenants that it will not act or fail to act in a manner which will cause the Bonds to be considered obligations not described in Section 103(a) of the Code. The City covenants and agrees to calculate and to pay to the United States such Rebate Amount in the manner and at the times required by Section 148 of the Code and the applicable regulations thereunder.

The City will take no actions and will make no use of the proceeds of the Bonds or any Parity Bonds, or any other funds held under this ordinance which would cause any Bond to be treated as a "private activity bond" (as defined in Section 141(b) of the Code, as then in effect) subject to treatment under said Section 141(b) as an obligation not described in subsection (a) of said Section 141, unless the tax exemption thereof is not affected.

M. Designation as Qualified Tax Exempt Obligations. The City hereby designates the Bonds as "qualified tax exempt obligations" for purchase by financial institutions pursuant to Section 265 of the Code. The City does not anticipate that it will issue more than \$5,000,000 in "qualified tax-exempt obligations" during the year 1989.

Section 12. Issuance of Future Parity Bonds. The City hereby further covenants and agrees with the owners of each of the Bonds for as long as any of the same remain outstanding as follows:

The City will not issue any bonds having a greater or equal priority of lien upon the Revenue of the System to pay and secure the payment of the principal of and interest on such bonds than the priority of lien created on such bonds than the priority of lien created on such Revenue to pay and secure the payment of the principal of and interest on the Parity Bonds except as follows:

A. The City reserves the right to issue Future Parity Bonds for the purposes of

First, providing funds to acquire, construct, reconstruct, install, or replace any equipment, facilities, additions, betterments, or other capital improvements to the System for which it is authorized by law to issue revenue bonds, or

Second, refunding at or prior to their maturity, any revenue bond anticipation notes, or outstanding revenue bonds or other obligations payable out of the Revenue of the System and to pledge that payments will be made out of the Revenue of the System and

into the Bond Fund and the Reserve Account therein to pay and secure the payment of the principal of and interest on such Future Parity Bonds on a parity with the payments required herein to be made out of such Revenue into such Fund and Account to pay and secure the payment of the principal of and interest on any Parity Bonds then outstanding, upon compliance with the following conditions:

(1) At the time of the issuance of any Future Parity Bonds there is no deficiency in the Bond Fund or the Reserve Account.

(2) If there are Assessments levied in any utility local improvement district to pay for additions and improvements to and extensions of the System which will be constructed from the proceeds of such Future Parity Bonds, the ordinance authorizing such Future Parity Bonds shall require that such Assessments be paid into the Bond Fund.

(3) If there are Assessments pledged to be paid into a warrant or bond redemption fund for revenue bonds or warrants being refunded by Future Parity Bonds, the ordinance authorizing the Future Parity Bonds shall require such Assessments to be paid into the Bond Fund.

(4) The principal of and interest on the Future Parity Bonds shall be payable out of the Bond Fund and the requirements for Reserve Account payments in Section 8 B hereof shall be met.

(5) Prior to the delivery of any Future Parity Bonds the

City shall have on file a certificate of an independent professional engineer or certified public accountant dated not earlier than 90 days prior to the date of delivery of such Future Parity Bonds and showing: that the Net Revenue determined and adjusted as hereafter provided for each calendar or fiscal year after the issuance of such Parity Bonds (the "Adjusted Net Revenue") together with Assessment Income will equal at least 1.30 times the amount required in any such year for the payment of the principal of and interest on all Parity Bonds then outstanding, including the Future Parity Bonds proposed to be issued. In the event the City issues any Term Bonds, and provides for the payment thereof by a mandatory schedule of payments into a sinking fund account in the Bond Fund, the words "principal of and interest on all outstanding Parity Bonds" in the preceding sentence shall be deemed to exclude from "principal" an amount of Term Bonds equal to such mandatory payments, and from "interest" the interest on such Term Bonds subsequent to the date of the respective deposits, and to include in lieu thereof the mandatory sinking fund deposits as of the date required and interest on Term Bonds provided for by such deposits only to the dates of the respective deposits.

The Adjusted Net Revenue shall be the Net Revenue for a period of any twelve consecutive months out of the twenty-four months immediately preceding the date of delivery of such proposed Parity Bonds as adjusted by such engineer or accountant to take into consideration changes in Net Revenue estimated to occur under one

or more of the following conditions for each year after such delivery for so long as any Parity Bonds, including the Future Parity Bonds proposed to be issued, shall be outstanding:

(i) any increase or decrease in Net Revenue which would result if any change in rates and charges adopted prior to the date of such certificate and subsequent to the beginning of such twelve-month period, had been in force during the full twelve-month period;

(ii) any increase or decrease in Net Revenue estimated by such Engineer or Accountant to result from any additions, betterments and improvements to and extensions of any facilities of the System which (a) became fully operational during such twelve-month period, (b) were under construction at the time of such certificate or (c) will be constructed from the proceeds of the Parity Bonds to be issued;

(iii) the additional Net Revenue which would have been received if any customers added to the System during such twelve-month period were customers for the entire period;

Such Engineer or Accountant shall base his certification upon, and his certificate shall have attached thereto, financial statements of the System audited by the State Examiner (unless such an audit is not available for a twelve-month period within the preceding twenty-four months) and certified by the City Administrator,

showing income and expenses for the period upon which the same is based.

The certificate of such Engineer or Accountant shall be conclusive and the only evidence required to show compliance with the provisions and requirements of this subsection (5).

Notwithstanding the foregoing requirement, if Future Parity Bonds are to be issued for the purpose of refunding at or prior to their maturity any part or all of the then outstanding Parity Bonds and the issuance of such refunding Parity Bonds results in a debt service savings and does not require an increase of more than \$5,000 in any year for principal and interest on such refunding Parity Bonds, the certificate required by subsection A(5) of this section need not be obtained.

B. Nothing herein contained shall prevent the City from issuing revenue bonds or other obligations which are a charge upon the Revenue of the System junior or inferior to the payments required by this ordinance to be made out of such Revenue into the Bond Fund and Reserve Account to pay and secure the payment of any outstanding Parity Bonds.

C. Nothing herein contained shall prevent the City from issuing revenue bonds to refund maturing Parity Bonds for the payment which moneys are not otherwise available.

Section 13. Lost or Destroyed Bonds. In case any Bonds shall be lost, stolen or destroyed, the Bond Registrar may authenticate and deliver a new Bond or Bonds of like amount, date and tenor to

the owner thereof upon the owner's paying the expenses and charges of the Bond Registrar and the City in connection therewith and upon his filing with the Bond Registrar and the City evidence satisfactory to both that such Bond or Bonds were actually lost, stolen or destroyed and of his ownership thereof, and upon furnishing the City and the Bond Registrar with indemnity satisfactory to both.

Section 14. Form of Bonds. The Bonds shall be in substantially the following form:

UNITED STATES OF AMERICA

No. _____

\$ _____

STATE OF WASHINGTON

CITY OF GIG HARBOR

WATER AND SEWER REVENUE BOND, 1989

INTEREST RATE:

MATURITY DATE:

CUSIP NO.:

SEE REVERSE SIDE FOR
CERTAIN DEFINITIONS

Registered Owner:

Principal Amount: _____ DOLLARS

The City of Gig Harbor, Washington, a municipal corporation organized and existing under and by virtue of the laws of the State of Washington (herein called the "City") hereby acknowledges itself to owe and for value received promises to pay, but only from the sources and as hereinafter provided, to the Registered Owner identified above, or registered assigns, on the Maturity Date identified above, the Principal Amount indicated above and to pay interest thereon from May 1, 1989, or the most recent date to which interest has been paid or duly provided for, at the Interest Rate set forth above, payable June 1, 1990, and semiannually thereafter on the first days of each June and December until such Principal Amount is paid or payment has been duly provided for.

Both principal of and interest on this bond are payable in lawful money of the United States of America. Interest shall be paid by mailing a check or draft to the registered owner or assigns at the address shown on the Bond Register as of the 15th day of the month prior to the interest payment date. Principal shall be paid to the registered owner or assigns upon presentation and surrender of this bond at the principal office of either of the fiscal agencies of the State of Washington in the cities of Seattle, Washington, and New York, New York (collectively the "Bond Registrar").

Reference is hereby made to additional provisions of this bond set forth on the reverse side hereof and such additional provisions shall for all purposes have the same effect as if set forth in this space. Reference also is made to the Bond Ordinance (hereinafter defined) as more fully describing the covenants with and the rights of registered owners of the bonds or registered assigns and the meanings of capitalized terms appearing on the bonds which are defined in such Bond Ordinance.

This bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the Bond Ordinance (as hereinafter defined) until the Certificate of Authentication hereon shall have been manually signed by the Bond Registrar.

It is hereby certified and declared that this bond is issued pursuant to and in strict compliance with the Constitution and laws of the State of Washington and ordinances of the City, that all acts, conditions and things required to be done precedent to and in the issuance of this bond and the bonds of this issue have happened, been done and performed and that this bond and the bonds of this issue do not exceed any constitutional or statutory limitations upon the amount of bonded indebtedness that the City may incur.

IN WITNESS WHEREOF, the City of Gig Harbor, Washington, has caused this bond to be signed with the facsimile signature of the Mayor, to be attested by the facsimile signature of the City Administrator and Clerk-Treasurer, and the corporate seal of the City to be imprinted hereon, all as of this first day of May, 1989.

CITY OF GIG HARBOR, WASHINGTON

By /s/ facsimile
Mayor

(SEAL)

ATTEST:

 /s/ facsimile
City Administrator and
Clerk-Treasurer

CERTIFICATE OF AUTHENTICATION

Date of Authentication: _____

This bond is one of the bonds described in the within-mentioned Bond Ordinance and is one of the Water and Sewer Revenue Bonds, 1989, of the City of Gig Harbor, Washington, dated May 1, 1989.

WASHINGTON STATE FISCAL AGENCY
Bond Registrar

By _____
Authorized Officer

ADDITIONAL BOND PROVISIONS

This bond is one of an authorized issue of bonds of the City of like date and tenor except as to number, amount, rate of interest and date of maturity in the aggregate principal amount of \$2,040,000. This issue of bonds is authorized by Ordinance No. _____ of the City, passed on April 10, 1989 (herein called the "Bond Ordinance") for the purpose of financing improvements to the City's combined system of water and sewerage (the "System"), all in conformity with the laws of the State of Washington and ordinances of the City.

The City has reserved the right to redeem any or all of the outstanding bonds of this issue maturing on or after June 1, 1996 in inverse order of maturities (and by lot within a maturity, in increments of \$5,000, with the manner of selection to be as chosen by the Bond Registrar) on June 1, 1995, or on any interest payment date thereafter, at a price of 100% of the principal amount thereof plus accrued interest to the date of redemption. In addition, the City has reserved the right to redeem the bonds of this issue which mature on June 1, 2004 in whole or in part and if in part, by lot, on June 1, 1990, or on any interest payment date thereafter, at a price of 100% of the principal amount thereof plus accrued interest to the date of redemption.

Notice of any such intended redemption shall be given not fewer than 30 nor more than 60 days prior to the redemption date by first class mail, postage prepaid, to the registered owner of any bond to be redeemed at the address appearing on the Bond Register. The requirements of the Bond Ordinance shall be deemed to be complied with when notice is mailed as herein provided, regardless of whether or not it is actually received by the owner of any bond. Interest on all of such bonds so called for redemption shall cease to accrue on the date fixed for redemption unless such bond or bonds so called for redemption are not redeemed upon presentation made pursuant to such call. The Bond Registrar shall not be required to register, transfer or exchange any bond called for redemption within 20 days next preceding the date fixed for such redemption.

Portions of the principal sum of this bond in installments of \$5,000 or any integral multiple thereof may also be redeemed in accordance with the provisions set forth above, and if less than all of the principal sum hereof is to be redeemed, upon the surrender of this bond at the principal office of the Bond Registrar there shall be issued to the Registered Owner, without charge therefor, for the then unredeemed balance of the principal sum hereof, at the option of the Registered Owner, a bond or bonds of like maturity and interest rate in any of the denominations authorized by the Bond Ordinance.

This bond and the bonds of this issue are payable solely from the special fund of the City known as the "Utility Bond Redemption Fund" (herein called the "Bond Fund") created by the Ordinance No. 468 of the City. The City has irrevocably obligated and bound itself to pay into the Bond Fund out of the Revenue of the System (as defined in the Bond Ordinance) or from such other moneys as may be provided therefor certain amounts necessary to pay and secure the payment of the principal and interest on the bonds of this issue.

The bonds of this issue are not general obligations of the City.

The bonds of this issue are not private activity bonds. The City has designated the bonds as qualified tax-exempt obligations for investment by financial institutions, pursuant to Section 265(b) of the Internal Revenue Code of 1986, as amended.

The bonds of this issue are issued under and in accordance with the provisions of the Constitution and applicable statutes of the State of Washington and duly adopted ordinances of the City. The City hereby covenants and agrees with the owner of this bond that it will keep and perform all the covenants of this bond and of the Bond Ordinance to be by it kept and performed, and reference

is hereby made to the Bond Ordinance for a complete statement of such covenants.

The City does hereby pledge and bind itself to set aside from the Revenue Fund out of the Revenue of the System and to pay into the Bond Fund and the accounts created therein the various amounts required by the Bond Ordinance to be paid into and maintained in such Fund and accounts, all within the times provided by the Bond Ordinance.

To the extent more particularly provided by the Bond Ordinance, the amounts so pledged to be paid from the Revenue Fund out of the Revenue of the System into the Bond Fund and the accounts therein shall be a lien and charge thereon equal in rank to the lien and charge upon said Revenue of the amounts required to pay and secure the payment of the City's Water and Sewer Revenue Refunding Bonds, Series 1985 and any revenue bonds of the City hereafter issued on a parity with the such outstanding bonds and the bonds of this issue and superior to all other liens and charges of any kind or nature, except the Costs of Maintenance and Operation of the System.

The City has further bound itself to maintain the System in good condition and repair, to operate the same in an efficient manner and at a reasonable cost, to establish, maintain and collect rates and charges for water supplied and sanitary and sewage service provided, for as long as any of the bonds remain outstanding that will make available for the payment of the principal of and the interest on all of such bonds as the same shall become due an amount equal to at least 1.30 times the amount required annually hereafter for the payment of all of such principal and interest after normal costs of maintenance and operation of the System have been paid, but before depreciation. Within five years of the issuance of parity revenue bonds, the Reserve Account must be at least equal to the maximum annual debt service (on such lesser amount as shall then be permitted under the federal Internal Revenue Code of 1986, as amended) on all outstanding parity revenue bonds.

The pledge of revenues and other obligations of the City under the Bond Ordinance may be discharged at or prior to the maturity or redemption of the bonds of this issue upon the making of provision for the payment thereof on the terms and conditions set forth in the Bond Ordinance.

Reference to the Bond Ordinance and any and all modifications and amendments thereto is made for a description of the nature and extent of the security for the bonds, the funds or revenues pledged, and the terms and conditions upon which the bonds are issued.

The bonds of this issue may be transferred only if endorsed in the manner provided hereon and surrendered to the Bond Registrar. The bonds are interchangeable for bonds of any authorized denomination of an equal aggregate principal amount and of the same interest rate and maturity upon presentation and surrender to the Bond Registrar. Such transfer or exchange shall be without cost to the Registered Owner.

The following abbreviations, when used in the inscription on the face of the within bond, shall be construed as though they were written out in full according to applicable laws or regulations.

TEN COM - as tenants in common
TEN ENT - as tenants by the entireties
JT TEN - as joint tenants with
right of survivorship and not as tenants in common

UNIF GIFT (TRANSFER) MIN ACT - _____ Custodian

(Minor) (Cust)

under Uniform Gifts (Transfers)
to Minors Act _____
(State)

Additional abbreviations may also be used although not listed above.

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned hereby sells, assigns and transfers unto _____

PLEASE INSERT SOCIAL SECURITY OR
TAXPAYER IDENTIFICATION NUMBER OF TRANSFEREE

/ _____ /

(Please print or typewrite name and address, including ZIP code, of Transferee)

the within bond and does hereby irrevocably constitute and appoint _____, or its successor, attorney-in-fact to transfer said bond on the registration books of the Bond Registrar with full power of substitution in the premises.

DATED: _____.

SIGNATURE GUARANTEED:

NOTE: The signature on this Assignment must correspond with the name of the registered owner as it appears upon the face of the within bond in every particular, without alteration or enlargement or any change whatever.

Section 15. Execution and Authentication of Bonds. The Bonds shall be signed on behalf of the City with the facsimile signature of the Mayor and attested by the facsimile signature of the City Administrator, Clerk-Treasurer. The seal of the City shall be impressed or a facsimile thereof imprinted on the face of each Bond.

Only such Bonds as shall bear thereon a Certificate of Authentication in the form hereinbefore recited, manually executed by the Bond Registrar, shall be valid or obligatory for any purpose or entitled to the benefits of this ordinance. Such Certificate of Authentication shall be conclusive evidence that the Bonds so authenticated have been duly executed, authenticated, and delivered hereunder and are entitled to the benefits of this ordinance.

In case either of the officers who shall have executed the Bonds shall cease to be an officer or officers of the City before the Bonds so signed shall have been authenticated or delivered by the Bond Registrar, or issued by the City, such Bonds shall be

valid nevertheless and may be issued by the City with the same effect as though the persons who had executed such Bonds had not ceased to be such officers.

Section 16. Authorization of Temporary Bond. Until the definitive Bonds are prepared, the City may, if deemed necessary by the Treasurer, utilize a temporary Bond which shall be typewritten, and which shall be delivered to the purchasers of the Bonds in lieu of definitive Bonds, but subject to the same provisions, limitations and conditions as the definitive Bonds. The temporary Bond shall be dated May 1, 1989, shall be in the denomination of \$2,040,000, shall be substantially of the tenor of such definitive Bonds, but with such omissions, insertions and variations as may be appropriate to temporary bonds, and shall be signed by the Mayor and Administrator, Clerk-Treasurer of the City.

Upon surrender to the City of the temporary Bond, the City, without charge to the owner, shall execute and deliver to the owner of the temporary Bond, in exchange therefor, definitive Bonds of the same maturities, interest rates, redemption provisions and aggregate principal amount as the temporary Bond, if any, surrendered. Until so exchanged, the temporary Bond shall be in all respects entitled to the same benefit and security as definitive Bonds executed and issued pursuant to this ordinance.

Section 17. Purchase Contract. The Bonds shall be sold at negotiated sale. The offer of Security Pacific Bank Washington, N.A., Seattle, Washington, to purchase the Bonds at a purchase

price of \$2,008,584, as more fully set forth in the Purchase Contract presented to this Council on April 10, 1989, is hereby confirmed and accepted.

The Treasurer of the City is hereby authorized to review and approve on behalf of the City the preliminary and final Official Statements relative to the Bonds with such additions and changes as may be deemed necessary or advisable to him. The proper City officials are hereby authorized and directed to do everything necessary for the prompt execution and delivery of the Bonds to said purchaser and for the proper application and use of the proceeds of sale thereof.

Section 18. Severability. If any one or more of the covenants or agreements provided in this ordinance to be performed on the part of the City shall be declared by any court of competent jurisdiction to be contrary to law, then such covenant or covenants, agreement or agreements, shall be null and void and shall be deemed separable from the remaining covenants and agreements in this ordinance and shall in no way affect the validity of the other provisions of this ordinance or of any Parity Bonds.

Section 19. General Authorization. The Mayor, the City Administrator and Clerk-Treasurer and the Finance Director of the City and each of the other appropriate officers, agents and representatives of the City are each hereby authorized and directed to take such steps, to do such other acts and things, and to execute such letters, certificates, agreements, papers, financing state-

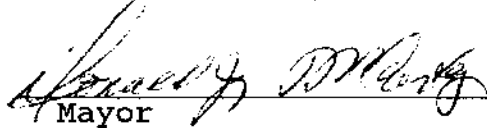
ments, assignments or instruments as in their judgment may be necessary, appropriate or desirable in order to carry out the terms and provisions of, and complete the transactions contemplated by, this ordinance.

Section 20. Prior Acts. All acts taken pursuant to the authority of this ordinance but prior to its effective date are hereby ratified and confirmed.

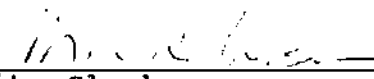
Section 21. Effective Date. This ordinance shall be effective five days after its passage and publication in the manner required by law.

Read for the first time on March 27, 1989 and finally passed by the Council of the City of Gig Harbor, Washington, at a regular meeting held on the 10th day of April, 1989.

CITY OF GIG HARBOR, WASHINGTON

BY 
Mayor

ATTEST:


City Clerk

Passed by City Council: 4/10/89
Date Published: 4/19/89
Date Effective: 4/24/89

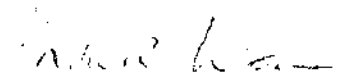
CITY OF GIG HARBOR
WATER AND SEWER REVENUE BONDS, 1989
SUMMARY OF ORDINANCE #553

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON,
AUTHORIZING THE ISSUANCE AND SALE OF WATER AND SEWER REVENUE
BONDS IN THE SUM OF \$2,040,000.

This ordinance, which was passed by the City Council of Gig Harbor, Washington on April 10, 1989, provides for the issuance and sale of revenue bonds of the city in the principal sum of \$2,040,000 for the purpose of financing certain improvements to the city's water and sewer utilities; provides the dates, form, terms, maturities and covenants of such bonds; provides for the sale of such bonds; and provides for the disposition of the proceeds of the sale of the bonds.

The full text of this ordinance may be inspected during normal business hours Monday through Friday at Gig Harbor City Hall, 3105 Judson Street.

Approved by the City Council at their meeting of April 10, 1989.


Michael R. Wilson
City Administrator/Clerk

CLERK'S CERTIFICATE

I, the undersigned, the duly chosen, qualified and acting Clerk of the City of Gig Harbor, Washington, and keeper of the records of the Council of the City (herein called the "Council"), DO HEREBY CERTIFY:

1. That the attached ordinance is a true and correct copy of Ordinance No. _____ of the City (herein called the "Ordinance"), as finally passed at a regular meeting of the Council held on the 10th day of April, 1989, and duly recorded in my office.

2. That said meeting was duly convened and held in all respects in accordance with law, and to the extent required by law, due and proper notice of such meeting was given; that a quorum was present throughout the meeting and a legally sufficient number of members of the Council voted in the proper manner for the passage of the Ordinance; that all other requirements and proceedings incident to the proper passage of the Ordinance have been duly fulfilled, carried out and otherwise observed, and that I am authorized to execute this certificate.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City this 10th day of April, 1989.

City Clerk, City of Gig
Harbor, Washington

(SEAL)

CITY OF GIG HARBOR

ORDINANCE NO. 554

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, CREATING A NEW CHAPTER 17.30 OF THE GIG HARBOR MUNICIPAL CODE, ESTABLISHING A RESIDENTIAL AND BUSINESS DISTRICT (RB-2); AND AMENDING SECTIONS OF THE GIG HARBOR MUNICIPAL CODE RELATING TO ZONING.

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

Section 1. Chapter 17.30 of the Gig Harbor Municipal Code is hereby enacted to read as follows:

17.30 RESIDENTIAL AND BUSINESS DISTRICT (RB-2)

A. 17.30.010 Intent.

The RB-2 District is intended to provide a mix of medium density residential uses with certain specified business, personal, and professional services. It is intended to serve as a transitional buffer between high intensity commercial areas and lower intensity residential areas. The RB-2 zone is similar in construction to the RB-1 zone while allowing a higher percentage of impervious coverage and multifamily residential development. Furthermore, the RB-2 zone would serve to minimize impacts to adjacent residential uses by limiting general operational impacts of a use to that portion of the site between the structure(s) and the fronting road.

B. 17.30.020 Permitted Uses and Structures.

The following uses and structures are permitted in an RB-2 District:

1. Multiple family dwellings;
2. Bed and breakfast accommodations;
3. Business and professional offices as described in section 17.28.020 of the Gig Harbor Municipal Code;
4. Retail uses clearly accessory to the principal office use of a structure;
5. Day care centers containing six or fewer children; and
6. Publicly owned parks and playgrounds.
7. Banking institutions.

C. 17.30.030 Conditional Uses.

Subject to the procedures and other provisions for Conditional Uses as set forth under this title, the following uses may be permitted in an RB-2 District:

1. Day care centers containing more than six children;
2. Nursing homes and retirement centers;
3. Recreational buildings and community centers;
4. Public utilities and facilities;
5. Schools, public and private;
6. Churches and non-profit clubs; and
7. Mini-warehousing;
8. Light assembly and associated storage.

D. 17.30.040 Site Plans.

Prior to the issuance of a building permit in the RB-2 District, the site plan review process specified under this title shall be completed to the satisfaction of the City.

E. 17.30.050 Development Standards.

In an RB-2 District, development standards shall be satisfied for all new and re-developed uses requiring site plan review:

1. Minimum Lot Area: 12,000 square feet
2. Minimum Lot Width: 70 feet
3. Front Yard Setback: 20 feet
4. Side Yard Setback: 8 feet
5. Rear Yard Setback: 15 feet
6. Any Yard abutting an existing residential use or zone: 40 feet with dense vegetative screening. Easements not having dense vegetative screening are not included.
7. Density: Eight (8) dwelling units per acre permitted outright; Twelve (12) dwelling units per acre maximum allowed as a conditional use.

F. 17.30.060 Site Coverage.

Impervious site coverage in an RB-2 District shall be limited as follows:

1. 55% site coverage is permitted outright.
2. 70% site coverage is conditionally allowed, subject to the following:
 - a) For every 1% increase in site coverage, an additional 0.5 feet of buffer shall be provided between the use and adjacent single family residential use or zone.
 - b) Increased buffering shall consist of one of the following:
 - 1) Undisturbed native vegetation which meets the definition of a dense vegetative screen.

- 2) Appropriate landscape vegetation consisting of a mixture of coniferous and broadleaf evergreen species with minimum planting height of six feet and capable of providing a dense vegetative screen within three years of planting.
- 3) As an alternative to 2), the opaque portion of the screen may consist of a weather-resistant wood fence of six feet in height, constructed along the property line.

C. Buffer vegetation shall be maintained for the life of the project. Dead, diseased, or dying vegetation may be removed, provided that replanting of vegetation of a like or similar species in size and area coverage shall be accomplished within six months from removal.

G. 17.30.070 Maximum Building Height.

Maximum building height in an RB-2 District shall be limited as follows:

1. Twenty-eight (28) feet within the first 100 feet of an existing residential use or zone.
2. Thirty-five (35) feet for structures located more than 100 feet from an existing residential use or zone.

H. 17.30.080 Parking.

In an RB-2 District, parking on private property shall be provided in connection with any permitted or conditional use as specified in Section 17.72. Where the parcel abutts a residential use or zone, parking and vehicle access areas shall be located between the fronting road and the structure(s), provided that where site characteristics or design preclude locating parking and access as described, that an additional ten feet of buffering shall be required.

I. 17.30.090 Signs.

In an RB-2 District, signs may be allowed in conjunction with any permitted use and are subject to the provisions of Section 17.80.

J. 17.30.100 Loading.

In an RB-2 District, off-street loading facilities shall be provided in accordance with the provisions of Section 17.72.

K. 17.30.110 Supplemental Standards.

In an RB-2 District, the development standards set forth in 17.58.060 through .110 shall be applicable to this chapter.

Section 2. Chapter 17.58 of the Gig Harbor Municipal Code is hereby amended to read as follows:

WESTSIDE COMMERCIAL ZONE (WSC)

17.58.010 Purpose.

The Westside Commercial (WSC) district is established to designate an area adjacent to SR-16 for relatively high intensity land uses which will provide for both the needs of the community and the traveling public. This area is intended to allow for a wide range of services including retail, medical, business, recreation, entertainment, lodging and food services and wholesale distribution.

Recognizing the locational characteristics of these areas in relation to SR-16 and other arterials, it is the goal of this district to encourage urban development; to encourage attractive, natural appearing development and landscaping; and to promote a quality visual environment by establishing standards for the design, size and shape of buildings that create an attractive business climate.

17.58.020 Permitted Uses. The following are permitted uses in the WSC district:

- A. Gasoline station.
- B. Restaurant or tavern.
- C. Hotel or motel.
- D. Office use (Professional and Business).
- E. Warehouse/Self-Storage Warehouse.
- F. Any retail establishment providing goods or services to travelers or residents of the community.
- G. Similar uses may be allowed after administrative review by the Planning Department or Hearing Examiner review on an appeal therefrom.

17.58.030 Conditional Use. The following uses are allowed as conditional uses under the criteria set forth in Chapter 17.64:

- A. Public utilities, government services (in or on public property), public transit centers, and public parks; and

- B. Hotels, Motels, or offices exceeding 35' in height subject to the following factors:
1. The use characteristics of the proposed conditional use that affect adjacent structures and uses in the District.
 2. The aesthetics of the proposed structure and its effect upon community appearance, including landscaping, fencing, screening, architectural treatment, and the preservation of views and solar access.
 3. An architectural plan, color coded to denote the final structure's color scheme shall be submitted with the conditional use application.
- C. Residential development under the same development conditions and standards as set forth under the RB-2 zone.

17.58.040 Planned Unit Development.

Planned Unit Developments may allow for reduction of the development standards contained in this chapter subject to the provision of additional open space, public amenities and master site planning. Minimum parcel size for non-residential development shall be one acre.

17.58.050 Bulk Regulations.

The following are the bulk regulations provided under the WSC District:

- A. Subject to the parking and setback requirements set forth in this chapter, the following bulk regulations shall apply to uses permitted by this chapter.
- B. There shall be no minimum lot size except for the following uses:

Use	Minimum Lot Size
1. Gasoline station	22,500 sq. ft.

C. Minimum Yard Requirements:

1. Front:
 - a. Gasoline station pump island and canopies, 15'.
 - b. All other uses and structures, 20'.
2. Side:
Gasoline station, 15' on each side.

3. Rear:
All uses and structures, 15'.

D. Lot Coverage: Percent of impervious cover allowed:
75%

E. Building Height:

1. All uses or structures 35'; however, offices, motels, and hotels may be built to 60' with the granting of a conditional use permit; provided there shall be a .5% decrease in the percent of impervious cover allowed for every 1' of height over 35'. Additionally, any portion of a structure exceeding 35' in height shall be set back two additional feet from a property line for each foot the building exceeds 35' in height.
2. The building height limitations set forth in this chapter apply generally to structures, but shall not apply to chimneys, church spires or flag poles. Vents, mechanical penthouses, elevator equipment, and similar appurtenances that extend above the roofline must be architecturally screened from view except for antennas approved by site plan. The height of the screening must be at least as high as the rooftop appurtenances and be consistent with the architectural style and material composition of the building.

17.58.060 Underground Utilities.

Underground utilities are required on private property for all development and redevelopment projects comprising a minimum of 35% increase in floor area of any building requiring such utilities that is situated within the zone. The 35% increase is cumulative commencing with the effective date of this ordinance.

17.58.070 Existing Developments.

Existing developments within this zone classification which have existing facilities that do not comply with the bulk or use of this classification will be permitted to continue, subject to the general provisions for non-conforming uses and structures.

17.58.080 Site Plans.

A. Any non-residential structure shall be subject to site plan review unless plans have received Pierce County site plan approval as of the effective date of this ordinance.

- B. Applications for site plan review shall demonstrate conformance with all city plans, policies, and regulations as well as incorporation of the following factors:
1. Northwest architectural style, coloring, and design. This may include use of wood and other natural materials and must be subdued, natural appearing colors.
 2. Signs that are complementary to building design with the use of wood or masonry or combination thereof in the sign and/or base construction.
 3. Retention of existing vegetation where possible, including forested areas, shrubs, trees and other living cover or replanting to give a comparable effect. This feature is of particular concern on site perimeters.

17.58.90 Landscaping.

The applicant must provide landscaping between structures, as a setting for structures and within and around parking areas. This landscaping must enhance the coordinated project design and provide a pleasing environment between structures.

17.58.100 Parking Lot Landscaping.

Parking lots, including driveways, and service areas shall be landscaped in conformance with this section.

- A. Interior Lot Landscaping.
1. Landscaped Area - Parking lots that contain twenty (20) or fewer parking stalls shall have landscaped islands at the end of each row of parking.
 2. Landscaped Area - Parking lots that contain more than twenty (20) parking stalls shall contain landscape islands at the end of the parking rows and shall be a maximum of 20 spaces in length without the provision of a landscaped island to break up the rows of parking.
- B. Minimum Area. The minimum area of required landscaping shall be sixty-four (64) square feet to provide a proper plant environment.
- C. Maximum Contiguous Area. To encourage the proper distribution of landscaping throughout parking areas, no required landscaped area shall be larger than 350 square feet in parking lots that are less than 20 stalls and 1,500 square feet in larger lots, unless otherwise permitted by the Hearing Examiner/City Council. Interior lot landscaping may be peninsular or island in shape and shall accent pedestrian ways.

- D. Trees Required. Trees are required at a ratio of at least one per 150 square feet of landscaped area or fraction thereof. Trees shall be planted no closer than four (4) feet from pavement edges where vehicles overhang planted areas.
- E. Shrubs and Ground Cover. Required landscaped areas remaining after tree planting shall be planted in shrubs and/or ground cover.
- F. Vehicle Overhang. Parked vehicles may overhang landscaped area up to 2.5 feet when curbs or wheel stops are provided.

17.58.110 Perimeter Landscaping.

A. Site perimeters shall be landscaped in conformance with the following:

<u>Number of Interior Parking Spaces Lines</u>	<u>Width of Perimeter Landscaped Area on Street Frontage</u>	<u>Width of Landscaped Area on Other Sides</u>
0 - 50	10'	5'
51 or more	15'	10'

- B. In order to soften the visual effects or separate one parking area from another or from other uses, landscaping shall be provided through one or any of a combination of the following methods; provided, that the minimum height of planting shall be 3-1/2 feet.
 1. Retain living groundcover as well as shrubs and trees which will maintain the natural appearance of the site.
 2. Earth mounding or berms covered with lawns, shrubs, trees designed to provide a landscaped vista.
 3. Planting of living groundcover as well as hedges, shrubs or small trees.
 4. Parking lot perimeter shall be screened to a minimum height of 3-1/2 feet at time of planting.
- C. Perimeter landscaped areas shall be installed on the property to be developed and the width of the planted areas is measured from the property line.

- D. Screening from State Route 16:
All development of properties adjacent to SR-16, but outside of the interchange areas as described below, shall be required to leave a buffer between the property line and any development. The minimum width of the buffer area shall be 25 feet and shall totally screen development from views from SR-16. If existing vegetation is not adequate to accomplish this, then additional evergreen vegetation with a minimum height of 4 to 6 feet shall be planted, or as may be approved under an Alternative Landscaping Plan.

The interchange area shall be defined in Section 17.80.020(7).

17.58.120 Alternative Landscaping Plan.

The landscaping requirements of this chapter may be modified to encourage imaginative landscaping design under the following conditions. A request for alternative landscaping shall be submitted to the Hearing Examiner/City Council as part of the site plan review procedure. The Hearing Examiner/City Council may approve or deny the plans or return them to the applicant with suggestions for changes that would make them acceptable. In order to approve alternative landscaping plans, the Hearing Examiner/City Council must find that the alternative landscaping will be equal to or better than that required by this chapter and will accomplish the intent of this chapter. A copy of the findings and conditions of approval shall be attached to the approved plans and become a part of the appropriate city file.

Section 3. Chapter 17.04 of the Gig Harbor Municipal Code is hereby amended to read as follows:

"...

Dense, Vegetative Screen: (17.04.¹⁷⁴~~185~~) A vegetated buffer area located adjacent to a property line which is opaque from the ground to a height of six feet, with intermittent visual obstruction from the opaque portion to a height of at least 20 feet.

...

Light Assembly and Warehousing: (17.04.305) The assembly of pre-fabricated materials or components into a finished product. Included in this definition is product wholesaling and material storage.

...

Lot of Record: (17.04.³¹²322) A lot, parcel, or tract which is defined by a deed recorded with the Pierce County Auditor and assigned a tax number, or which has been defined by a survey recorded pursuant to Washington state survey or platting laws; or parcels which have been recognized, by resolution of the Gig Harbor City Council, prior to the effective date of the City of Gig Harbor Subdivision Code, in conformance with Chapter 58.17.

...

Mini-warehousing: (17.04.³⁸⁸392) Fully enclosed commercial storage facilities, available to the general public, and used solely for the storage of personal property.

...

Recreational Building: (17.04.⁴⁰⁰441) Structure which is utilized for general public recreation purposes, such as indoor swimming pool, tennis court, basketball court, or similar recreational or athletic activity, operated or maintained by a non-profit club or organization.

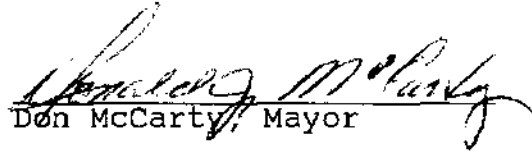
Section 4. The Westside property identified in the attached Exhibit "A" shall be classified and zoned as "Westside Commercial (WSC)," "Residential and Business (RB-2)," as set forth in the Exhibit "A" map.

Section 5. Site plans within the Westside property identified in the attached Exhibit "A" that have received previous approval by Pierce county under County regulations shall be deemed approved and accepted by the City of Gig Harbor under the same terms, conditions, and time limits. Amendments to prior approved site plans will require review and approval by the city. This provision shall not preclude requirements for city approval prior to construction under applicable building and fire codes. In the event no time limit on the expiration of a site plan approval has been established by the county, all site plan approvals shall expire by December 31, 1993.

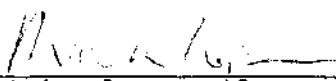
Section 6. This ordinance shall take effect and be in full force five (5) days after publication of the attached summary which is hereby approved.

Section 7. If any section, sentence, clause, or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this ordinance.

PASSED by the City Council of the City of Gig Harbor,
Washington, and approved by its Mayor at a regular meeting of
the council held on this 11th day of April, 1989.


Don McCarty, Mayor

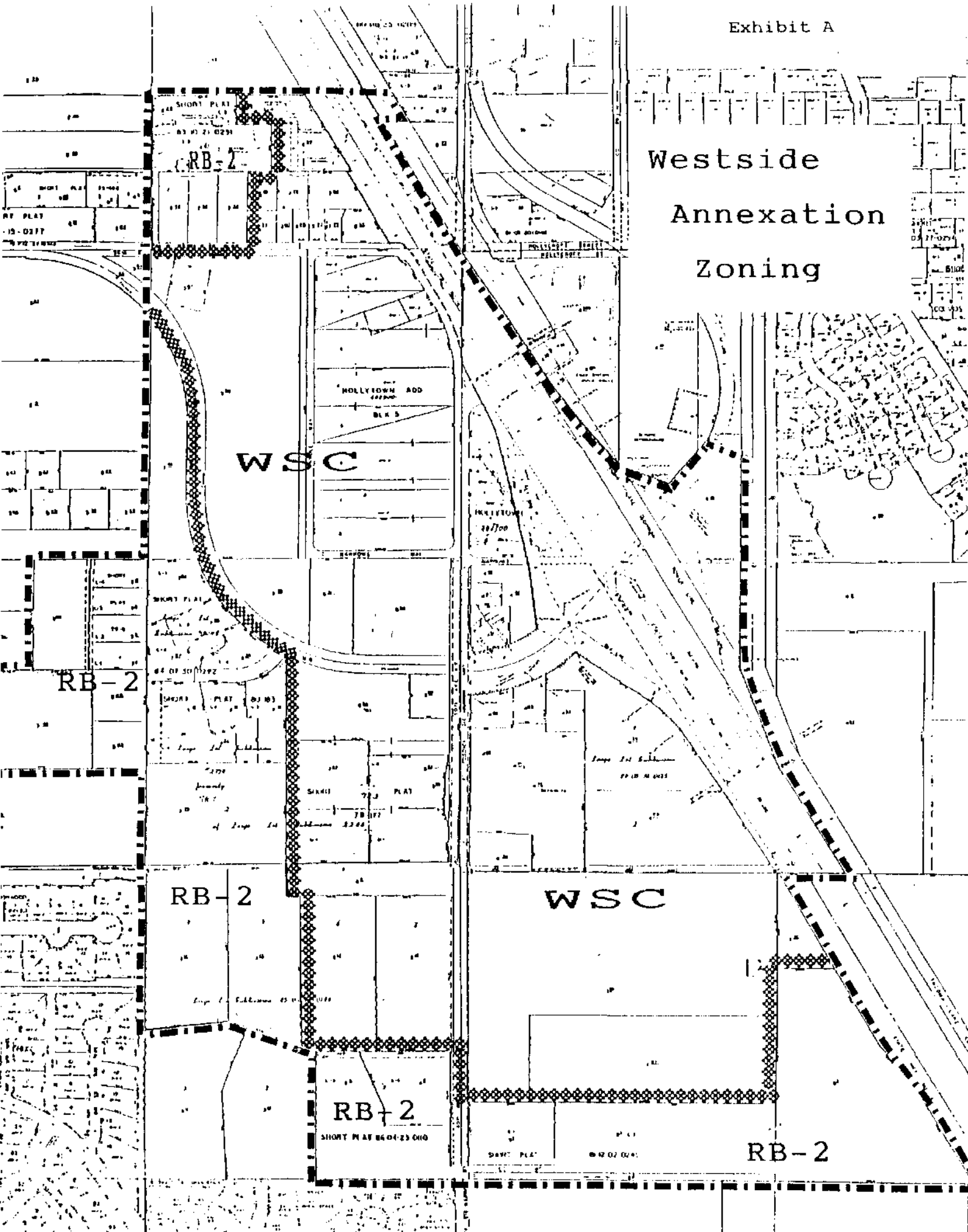
ATTEST:



Michael R. Wilson
City Administrator/Clerk

Filed with city clerk: 2/24/89
Passed by city council: 4/10/89
Date published: 4/26/89
Date effective: 5/1/89

Westside Annexation Zoning



CITY OF GIG HARBOR

SUMMARY OF ORDINANCE NO. 554

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, CREATING A NEW CHAPTER 17.30 OF THE GIG HARBOR MUNICIPAL CODE, ESTABLISHING A RESIDENTIAL AND BUSINESS DISTRICT (RB-2); AND AMENDING SECTIONS OF THE GIG HARBOR MUNICIPAL CODE RELATING TO ZONING.

On April 11, 1989, the City Council of the City of Gig Harbor passed Ordinance #554, which provides:

Section 1. Establishes a new residential and business district (RB-2) which includes the following sections: intent, permitted uses and structures, conditional uses, site plans, site coverage, maximum building height, parking, signs, loading, and supplemental standards.

Section 2. Amends the Freeway Commercial District (FC); changes Freeway Commercial to Westside Commercial, reduces site coverage, limits uses for conditional building height, and restricts residential development through conditional use process.

Section 3. Adds definitions to the definition section of the zoning code.

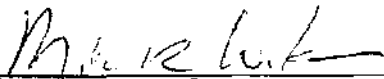
Section 4. Provides reference to an exhibit map wherein the Westside property is classified and zoned.

Section 5. Provides acceptance of site plans approved by Pierce County with an expiration provision of December 31, 1993.

Section 6. Sets an effective date of five days from the date of publication of this summary.

Section 7. Contains a severability clause.

The full text of this ordinance will be mailed without charge to anyone who submits a written request to the City Clerk of the City of Gig Harbor for a copy of the text.



Michael R. Wilson
City Administrator/Clerk

CITY OF GIG HARBOR

ORDINANCE NO. 555

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF GIG HARBOR TO CHANGE THE ZONING DESIGNATION ON CERTAIN REAL PROPERTY FROM RB-1 (RESIDENTIAL BUSINESS) TO B-2 (GENERAL BUSINESS) AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Hearing Examiner held a public hearing on Case #RZ-88-08 on February 22, 1989, and considered the following amendment to the Official Zoning Map of the city and has made written findings, conclusions, and a recommendation in support of the proposed zone change, and

WHEREAS, the Hearing Examiner has recommended approval of an associated site plan, with conditions;and

WHEREAS, the City Council has reviewed the Hearing Examiner's written report and recommended conditions of approval for the proposed rezone and adopts said findings, conclusions, and conditions, and

WHEREAS, the City Council finds that the change of zone promotes the goals and policies of the adopted Comprehensive Plan for the city and furthers the general health, safety, and welfare of the community,

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

Section 1. The Official Zoning Map of the City of Gig Harbor, as adopted by Section 17.12.020 of the Gig Harbor Municipal Code, is hereby amended by changing the zoning classification of certain property legally described below, from RB-1 (residential business) to B-2 (general business). The legal description of the property rezoned is as follows:

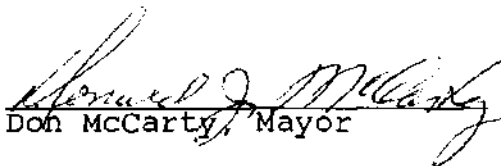
Lots 1 and 2 of Short Plat recorded under Pierce County Auditor's Fee Number 8606030121.

Section 2. The written findings of the Hearing Examiner on this subject dated March 10, 1989, are hereby adopted by the City Council as the basis for the zoning map change effectuated by this ordinance.

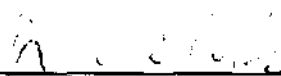
Section 3. The Planning Director is hereby instructed to effectuate the necessary amendments to the Official Zoning Map of the City of Gig Harbor pursuant to this ordinance.

Section 4. This ordinance shall be in full force and effect five (5) days after passage and publication as provided by law.

PASSED by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the council held on this 10th day of April, 1989.


Don McCarty, Mayor

ATTEST:



Michael R. Wilson
City Administrator/Clerk

Filed with city clerk: 3/23/89
Passed by city council: 4/10/89
Date published: 4/26/89
Date effective: 5/1/89

CITY OF GIG HARBOR

ORDINANCE NO. 556

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, AMENDING THE OFFICAL ZONING MAP OF THE CITY TO CHANGE THE ZONING OF CERTAIN REAL PROPERTY FROM R-1 (SINGLE FAMILY RESIDENTIAL) TO RB-1 (RESIDENTIAL BUSINESS) AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Hearing Examiner held a public hearing on Case #RZ-88-06 on November 16, 1988, and considered the following amendment to the Official Zoning Map of the city and has made written findings, conclusions, and a recommendation in support of the amendment, and

WHEREAS, the City Council has reviewed the Hearing Examiner's written report and recommended conditions of approval for the proposed rezone and adopts said findings, conclusions, and conditions, and

WHEREAS, the City Council finds that the change of zone promotes the goals and policies of the adopted Comprehensive Plan for the city and furthers the general health, safety, and welfare of the community;

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

Section 1. The Official Zoning Map of the City of Gig Harbor, as adopted by Section 17.12.020 of the Gig harbor Municipal Code, is hereby amended by changing the zoning classification of certain property legally described below, from R-1 (single family residential) to RB-1 (residential business). The legal description of the property rezoned is as follows:

That portion of the south 115 feet of the north 305 feet of the northeast quarter of the southwest quarter of the northeast quarter of Section 6, Township 21 North, Range 2 East of the W.M., lying between the Burnham-Hunt County Road and State Highway #14.

EXCEPT the east 220 feet of the above described property as measured along the south line thereof, conveyed to John R. Owens, Sr. and Mary Jane Owens, his wife, by instrument recorded November 30, 1964 under Auditor's Fee No. 2080501.

TOGETHER WITH a non-exclusive easement for utility purposes only, 10' in width along the southerly boundary line of formerly described property:

North 190 feet of the northeast quarter of the southwest quarter of the northeast quarter of Section 6, Township 21 North, Range 2 East of the W.M., lying between the Burnham-Hunt County Road and State Highway #14, as reserved in instrument recorded December 28, 1979 under Auditor's Fee No. 2966737.

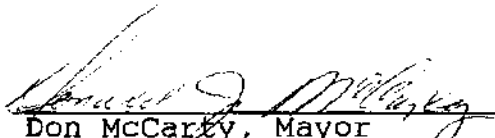
Section 2. The written findings of the Hearing Examiner on this subject dated December 5, 1988, are hereby adopted by the City Council as the basis for the zoning map change effectuated by this ordinance as modified by the City Council as follows:

1. The installation of curbs, gutters, and sidewalks is required within one year of the date of council approval.
2. Construction shall commence within two years of the date of council approval.
3. Provide site plan for review and approval of landscaping plan to council.


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

Section 4. This ordinance shall be in full force and effect five 5) days after passage and publication by posting as provided by law.

PASSED by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the council held on this 24th day of April, 1989.


Don McCarty, Mayor

ATTEST:


Michael R. Wilson
City Administrator/Clerk

Filed with city clerk: 1/4/89
Passed by city council: 4/24/89
Date published: 5/10/89
Date effective: 5/15/89

CITY OF GIG HARBOR

ORDINANCE NO. 557

AN EMERGENCY ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, AMENDING ORDINANCE NO. 553 WHICH PROVIDED THE AUTHORIZATION OF ISSUANCE AND SALE OF WATER AND SEWER REVENUE BONDS.

WHEREAS, the City Council of Gig Harbor adopted Ordinance No. 553 on April 10, 1989; and

WHEREAS, there was a date inadvertently left out of Section 6A. of Ordinance No. 553;

WHEREAS, an emergency exists in that the bond closing is scheduled to occur on May 2, 1989; and

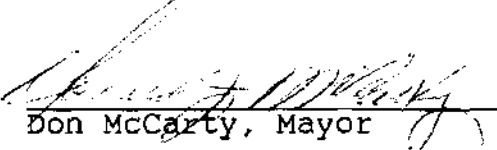
NOW, THEREFORE, the City Council of the City of Gig Harbor, Washington, ORDAINS as follows:

Section 1. Section 6 of Ordinance No. 553 shall be amended to read as follows:

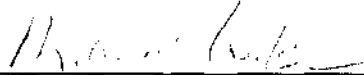
- A. Optional Redemption. The Bonds maturing on or prior to June 1, 1995 are not subject to optional redemption. The City hereby reserves the right to redeem the outstanding Bonds maturing on or after June 1, 1996, in whole or in part in inverse order of maturity and by lot within each maturity on June 1, 1995, or on any interest payment date thereafter, at par plus accrued interest to the date of redemption. In addition, the City reserves the right to redeem the outstanding Bonds maturing on June 1, 2004 and June 1, 2005 in whole or in part and if in part, by lot, on June 1, 1990, or on any interest payment date thereafter, at par plus accrued interest to the date of redemption.

Section 2. This ordinance shall be effective five (5) days after its passage and publication as required by law.

PASSED by the City Council of the City of Gig Harbor,
Washington, and approved by its Mayor at a regular meeting of
the council held on this 24th day of April, 1989.


Don McCarty, Mayor

ATTEST:


Michael R. Wilson
City Administrator/Clerk

Filed with city clerk: 4/24/89
Passed by city council: 4/24/89
Date published: 4/26/89
Date effective: 5/1/89

CITY OF GIG HARBOR

ORDINANCE NO. 558

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO AND REGULATING THE CONSTRUCTION, INSTALLATION, AND MAINTENANCE OF SIGNS: AMENDING SIGN REGULATIONS.

WHEREAS, a number of miscellaneous housekeeping corrections to the sign code need to be made,

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

Section 1. Section 17.80.020 of the Gig Harbor Municipal Code is hereby amended to read as follows:

17.80.020 Definitions.

"...

6. Code Administrator. The Code Administrator shall be the city's planning director or designee who shall be authorized to enforce all the provisions of the sign code.

..."

Section 2. Section 17.80.030 of the Gig Harbor Municipal Code is hereby amended to read as follows:

17.80.030 Permits Required.

"...

- ii. Permit Fees. Permit fees shall be in accordance with the following fee structure:

<u>Type of Sign</u>	<u>Size</u>		
	25-50sq.ft.	51-99sq.ft.	100sq.ft. or more
<u>Projecting</u>	<u>\$35.00</u>	\$	\$
Wall sign, non-electric	35.00	45.00	55.00
Wall sign, electric	40.00	50.00	60.00

Ground, non- electric	50.00	65.00	70.00
Ground, electric	60.00	70.00	80.00

...

5. Projecting Signs.

a. Surface area:

Areas 1 and 2 Thirty-two square feet
total both sides

Area 3 Eighteen ~~Thirty-two~~
square feet total both
sides and shall be en-
graved or painted wood
or painted metal.

..."

Section 3. Section 17.80.040 of the Gig Harbor Municipal Code shall be amended to read as follows:

"...

4. Developed Commercial and Industrial Property "Fore Sale or Rent" Signs. One sign per street frontage advertising a commercial or industrial building for rent or sale is permitted while the building is actually for rent or sale. If one face of the building is less than ten feet from the building line, the sign shall be placed on the building or in a window. ~~If freestanding a ground sign,~~ the sign shall not exceed six feet in height, it shall be located more than fifteen feet from any abutting property line and a public right-of-way line; and shall not exceed thirty-two square feet in sign area per side. For rental space in multi-occupancy buildings, one sign, four square feet in area, is allowed per window.

..."

Section 4. Section 17.80.060 of the Gig Harbor Municipal Code shall be amended to read as follows:

17.80.060 Prohibited Signs.

"...

10. All ~~portable~~-readerboard signs, including portable readerboard signs except such signs used for

CITY OF GIG HARBOR

ORDINANCE NO. 559

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF GIG HARBOR TO CHANGE THE ZONING DESIGNATION ON CERTAIN REAL PROPERTY COMMONLY KNOWN AS THE PEACOCK REZONE, FROM R-1 (SINGLE FAMILY RESIDENTIAL) TO R-2 (MEDIUM DENSITY RESIDENTIAL) AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Hearing Examiner at public hearings held June 2, 1988, and September 28, 1988, considered the following amendment to the Official Zoning Map of the city and made his findings and recommendations which were forwarded to the City Council, and

WHEREAS, the City Council at a public meeting on November 28, 1988, reviewed the recommendations of the Hearing Examiner and at the conclusion of said public meeting determined that the proposed rezone should be approved, and

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

WHEREAS, the City Council specifically finds that a rezone of the property described in this ordinance to protect the public health, safety and general community welfare,

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

Section 1. The Official Zoning Map of the City of Gig Harbor, as adopted by Section 17.12.020 of the Gig Harbor Municipal Code, is hereby amended by changing the zoning classification of certain property from R-1 (Single Family Residential) to R-2 (Medium Density Residential). The subject property is described as follows:

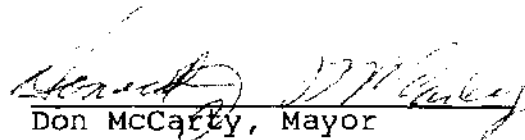
Parcel "A"

The south half of the south half of government lot 4 of abandoned Gig Harbor military reserve in Section 7, Township 21 North, Range 2 East; less roads; together with the following described property; the north 74.72 feet of the east 142 feet of the north half of government lot 5 abandoned Gig Harbor military

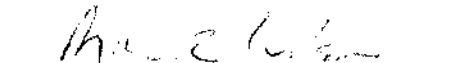
theaters or public schools. Portable readerboard signs may be allowed for special events for a period not to exceed three days."

Section 5. This ordinance shall be in full force and effect five days after official publication of this ordinance.

PASSED by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the council held on this 22nd day of May, 1989.


Don McCarty, Mayor

ATTEST:


Michael R. Wilson
City Administrator/Clerk

Filed with city clerk: 5/5/89
Passed by city council: 5/22/89
Date published: 6/28/89
Date effective: 7/3/89

reservation in said Section 7; said north 74.72 feet measured at 90 degree angle to the north line; except the east 30 feet for roads per boundary line revision recorded under Pierce County Auditor's file No. 8408070308 as approved by the City of Gig Harbor on August 6, 1984;

Parcel "B"

That portion of government lot 6 of abandoned military reservation lying easterly of the east line of the Tacoma City Light right-of-way; except the south 330.00 feet thereof; also except the north 30.00 feet of the south 360.00 feet for roads;

Parcel "C"

The west 135.00 feet of the east 277.00 feet of the north half of government lot 5 of Gig Harbor abandoned military reserve; less 30 feet for Foster Road; together with easements of record;

Parcel "D"

The north half of government lot 5 of Gig Harbor abandoned military reserve; less the east 277.00 feet and less the south 30.00 feet;

and as identified on the site plan for Harbor Hill dated February 2, 1988.

Section 2.

The written findings of the Hearing Examiner on this subject dated October 14, 1988, with attachments, are hereby adopted by the City Council as the basis for the zoning map change effectuated by this ordinance.


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

Section 4. This ordinance shall be in full force and effect five (5) days after passage and publication as provided by law.

PASSED by the City Council of the City of Gig Harbor,
Washington, and approved by its Mayor at a regular meeting of
the council held on this 12th day of June, 1989


Don McCarty, Mayor

ATTEST:



Michael R. Wilson
City Administrator/Clerk

Filed with city clerk: 11/28/88 Re-introduced: 5/8/89
Passed by city council: 6/12/89
Date published: 6/28/89
Date effective: 7/3/89

CITY OF GIG HARBOR

ORDINANCE NO. 560

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO THE MUNICIPAL SEWER SYSTEM: PROVIDING MODIFICATION TO SEWER CONNECTION FEES.

WHEREAS, the construction of the Westside sewer collection system (Utility Local Improvement District No. 2) has been completed; and

WHEREAS, customers located on the perimeters of the Westside collection system (ULID No. 2) will utilize and benefit from this system by being directly intertied to the system; and

WHEREAS, such customers located outside Utility Local Improvement District No. 2 who shall be intertied to the system and thus benefit from such usage shall be responsible for paying an equitable, proportionate share of the cost of this system through an adjusted connection fee;

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

Section 1. Section 13.32.060 of the Gig Harbor Municipal Code is hereby amended to read as follows:

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

1. Inside the city's sewer utility local improvement district No. 1 (ULID No. 1) - five hundred ~~forty-five~~ sixty-six dollars (\$566)/equivalent residential unit (ERU).
2. Outside the city's sewer utility local improvement district No. 1 (ULID No. 1) - one thousand ~~three~~ four hundred ~~seventy-five~~ and five dollars (\$1405)/equivalent residential unit (ERU).
3. Outside the city's sewer utility local improvement district No. 2 (ULID No. 2) and serviced through the ULID No. 2 collection system - one thousand nine hundred and eighty-seven dollars (\$1987)/equivalent residential unit (ERU).

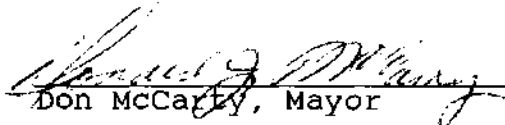
Sewer Rate Ordinance
Page Two

4. Inside the city's sewer utility local improvement district No. 1 (ULID No. 1) and having been rezoned and/or approved for a use creating a waste discharge greater than that allowed at the time of the creation of ULID No. 1, the hook-up charge shall be calculated as follows:

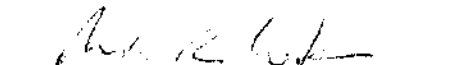
- a) Identify the zoning designation and/or actual use of the parcel at the time ULID No 1 was finalized and determine the maximum ERUS that could have been and/or were being generated by the parcel. Charge these ERUS at the rate of \$566/ERU. Add 30% to the allowed lot size for parcels greater than or equal to two acres for right-of-way deeded to the city when determining number of units.
- b) Identify the ERUS required to support the proposed land use.
- c) Subtract the ERUS calculated in a) from b) and multiply the result by \$1405/ERU.
- d) The hook-up charge shall be the sum of a) plus c).

Section 2. This ordinance shall take effect and be in force five (5) days after passage and publication as provided by law.

PASSED by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the council held on this 26th day of June, 1989.


Don McCarty, Mayor

ATTEST:


Michael R. Wilson
City Administrator/Clerk

Filed with city clerk: 6/22/89
Passed by city council: 6/26/89
Date published: 7/12/89
Date effective: 7/17/89

CITY OF GIG HARBOR

ORDINANCE NO. 561

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, AMENDING SECTION 6.04.040 OF THE GIG HARBOR MUNICIPAL CODE TO AUTHORIZE THE WAIVER OF LICENSE FEES FOR GUIDE AND SERVICE DOGS; CONTAINING A SEVERABILITY CLAUSE AND SETTING AN EFFECTIVE DATE.

WHEREAS, the Gig Harbor City Council acknowledges that the State legislature passed a new law requiring cities to waive license fees for guide and service dogs when requested to do so by the owner, and

WHEREAS, this ordinance is necessary to comply with the new state law governing guide and service dogs,

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

Section 1. Section 6.04.040 of the Gig Harbor Municipal Code is hereby amended to read as follows:

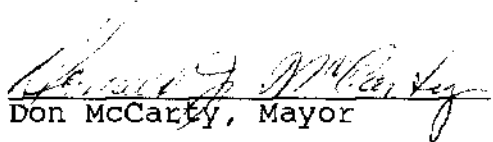
6.04.040 Licensing of Dogs.

- A. All dogs which are kept, harbored, or maintained within the town city limits shall be licensed in accordance with such licensing procedures as are established by the town city.
- B. When a blind person, physically disabled person, or hearing impaired person requests that no fee be charged to license his or her guide or service dog, no fee shall be charged.

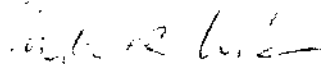
Section 2. If any section, sentence, clause, or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this ordinance.

Section 3. This ordinance shall take effect and be in full force five (5) days after publication as provided by law.

PASSED by the City Council of the City of Gig Harbor,
Washington, and approved by its Mayor at a regular meeting of
the council held on this 10th day of July,
1989.


Don McCarty, Mayor

ATTEST:



Michael R. Wilson
City Administrator/Clerk

Filed with city clerk: 6/22/89
Passed by city council: 7/10/89
Date published: 7/19/89
Date effective: 7/24/89

CITY OF GIG HARBOR

ORDINANCE NO. 562

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, PRESCRIBING ADDITIONAL PENALTIES FOR CONTROLLED SUBSTANCES VIOLATIONS AS REQUIRED BY STATE LAW, CONTAINING A SEVERABILITY CLAUSE AND SETTING AN EFFECTIVE DATE.

WHEREAS, the Gig Harbor City Council recognizes that the Washington State Legislature has preempted the area of penalties imposed for misdemeanor violations involving controlled substances, and

WHEREAS, revisions to the controlled substance penalty provisions are necessary to make the city provisions consistent with state laws,

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

Section 1. Section 9.01.060 of the Gig Harbor Municipal Code is hereby amended to add a new subsection to read as follows:

- C. In addition to the penalty provisions set forth in this section, a person who is convicted of a misdemeanor violation of any provision of RCW 69.50 adopted by reference shall be punished by imprisonment for not less than twenty-four consecutive hours, and by a fine of not less than two hundred-fifty dollars. On a second or subsequent conviction, the fine shall not be less than five hundred dollars. These fines shall be in addition to any other fine or penalty imposed. Unless the court finds that the imposition of the minimum imprisonment will pose a substantial risk to the defendant's physical or mental well-being or that local jail facilities are in an overcrowded condition, the minimum term of imprisonment shall not be suspended or deferred. If the court finds such risk or overcrowding exists, it shall sentence the defendant to a minimum of forty hours of community service. If a minimum term of imprisonment is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the

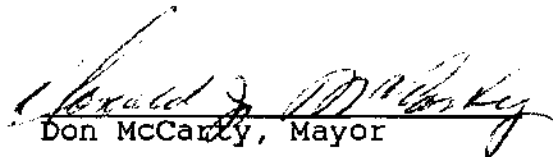
Drug Penalties Ordinance
Page Two

suspension or deferral is based. Unless the court finds the person to be indigent, the minimum fine shall not be suspended or deferred.


Section 2. If any section, sentence, clause, or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this ordinance.

Section 3. This ordinance shall take effect and be in full force five (5) days after publication as required by law.

PASSED by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the council held on this 14th day of August, 1989.


Don McCarty, Mayor

ATTEST:



Michael R. Wilson
City Administrator/Clerk

Filed with city clerk: 7/21/89
Passed by city council: 8/14/89
Date published: 9/27/89
Date effective: 10/2/89

CITY OF GIG HARBOR

ORDINANCE NO. 563

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, AMENDING CHAPTERS 15.06, 15.08, 15.10, 15.12, 15.18, 15.32, AND CREATING A NEW CHAPTER 15.34 OF THE GIG HARBOR MUNICIPAL CODE, AND ADOPTING THE 1988 EDITION OF THE UNIFORM BUILDING, PLUMBING, MECHANICAL, AND FIRE CODES AND THE STATE REGULATIONS FOR BARRIER FREE FACILITIES AND THE STATE ENERGY CODE AS AMENDED BY THE STATE BUILDING CODE COUNCIL AND FOUND IN WAC 51-10, 51-12, AND 51.16.

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

WHEREAS, the State Building Code Council has adopted the 1988 editions to the aforesated codes and set the effective dates for their enforcement as July 1, 1989; and,

WHEREAS, the Gig Harbor City Council has found that the adoption of the aforesated 1988 editions of the State Building Codes (SBCC) is necessary and appropriate, in order to obtain effective and uniform enforcement of city building codes;

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

Section 1. Sections 15.06.025 and 15.06.040 of the Gig Harbor Municipal Code are hereby repealed.

Section 2. The following sections of the Gig Harbor Municipal Code are amended to read as follows:

- A. Section 15.06.015 Uniform Building Code adopted. That certain document, one copy ... designated as "Uniform Building Code," including Appendix chapters 7, 32 and 70, the ~~1985-1988~~ 1988 edition, the "Uniform Building Code Standards," ~~1985-1988~~ 1988 edition, and the "Uniform Code for the Abatement of Dangerous Buildings," ~~1985-1988~~ 1988 edition, published by the International Conference of Building Officials and as amended by the Washington State Building Code Council, is adopted...

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

...

5. Application fee to the Board of Appeals.....\$ ~~50.00~~ 100.00

- C. Section 15.06.037 Appeals -- Hearing Examiner/ Building Code Advisory Board. Subsection (a) of Section 204 of the Uniform Building Code ...

- D. Section 15.08.015 Uniform Plumbing Code adopted. That certain document, one copy...

..."Uniform Plumbing Code", 1988 edition including Appendices A, B, C, D, H and the Installation Standards IS 20-82 for CPVC solvent cemented hot and cold water distribution systems, and the 1985 1988 edition of the Uniform Plumbing Code Standards as amended by the Washington State Building Code Council and as published...

- E. Section 15.10.010 Uniform Mechanical Code Adopted. That certain document...

...designated as, "Uniform Mechanical Code", 1985 1988 edition, as amended by the Washington State Building Code Council and as published...

...terms of such Uniform Mechanical Code, 1985 1988 edition, published...

- F. Section 15.12.020 Adoption of ~~1985~~ 1988 Uniform Fire Code. There is adopted...

...known as the Uniform Fire Code, 1985 1988 edition, together with Appendices I-A, ~~II-A~~, II-C, II-E, ~~III-A~~, III-C, V-A and VI-A, the 1985 1988 Uniform Fire Code Standards, and the 1985 1988 edition of the National Fire Protection Association 16 volume standards as amended by the Washington State Building Code Council. There shall be...

- G. Section 15.12.060 Additions to Uniform Fire Code. New sections to the Uniform Fire Code, 1985 1988 editions are added...

- H. Section 15.18.010 Cumulative civil penalty incurred when. Any person, firm, or corporation which violates the provisions of chapters 15.06, 15.08, 15.10, 15.12 or 15.28 or 17.92, of the Gig Harbor Municipal Code, or violates...
- I. Section 15.32.010 Energy Code Adopted. The Washington State Energy Code, WAC 51-12, ~~as adopted by the State Building Code Advisory Council on November 10, 1983~~ amended by the State Building Code Council is adopted for use with the City of Gig Harbor.

Section 3. A new Section 15.32.011 is hereby added to the Gig Harbor Municipal Code to read as follows:

15.32.011 Violations.

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

Section 4. A new Section 15.32.012 is hereby added to the Gig Harbor Municipal Code to read as follows:

15.32.012 Penalties.

Any person, firm, or corporation which violates the provisions of this chapter shall incur a cumulative civil penalty in the amount of fifty dollars per day from the date set for correction thereof, pursuant to Chapter 15.18 of this code until the violation is corrected.

Section 5. A new Chapter 15.34 is hereby added to the Gig Harbor Municipal Code to read as follows:

Chapter 15.34
WASHINGTON STATE REGULATIONS FOR
BARRIER FREE DESIGN

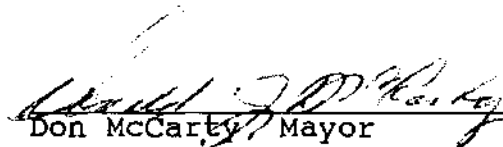
15.34.010 Washington State Regulations for Barrier Free Design, adopted. The Washington State Regulations for Barrier Free Design, WAC 51-10, as amended by the Washington State Building Code Council is adopted for the purpose of prescribing standards for barrier free design within all the incorporated areas of the City of Gig Harbor.

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

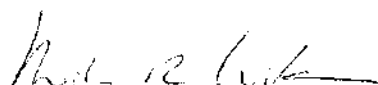
15.34.012 Penalties. Any person, firm, or corporation which violates the provisions of this chapter shall incur a cumulative civil penalty in the amount of fifty dollars per day from the date set for correction thereof, pursuant to Chapter 15.18 of this code until the violation is corrected.

Section 4. This ordinance shall be in full force and effect five (5) days after passage and publication as provided by law.

PASSED by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the council held on this 28th day of August, 1989.


Don McCarty, Mayor

ATTEST:



Michael R. Wilson
City Administrator/Clerk

Filed with city clerk: 8/2/89
Passed by city council: 8/28/89
Date published: 9/27/89
Date effective: 10/2/89

ORDINANCE NO. 564

AN ORDINANCE of the City of Gig Harbor, Washington, approving and confirming the final assessment roll for Utility Local Improvement District No. 2, which has been created and established for the purpose of paying the cost of certain sewer system improvements in the Westside Business District; and levying and assessing the amount thereof against the lots, tracts, parcels of land and other property shown on said roll.

WHEREAS, an assessment roll levying special assessments against the properties located in Utility Local Improvement District No. 2 ("ULID No. 2"), in the City of Gig Harbor, Washington, created under Ordinance No. 515, was filed with the City Administrator of the City of Gig Harbor as provided by law; and

WHEREAS, notice of the time and place of a hearing on and of making objections to the assessment roll was duly published at and for the time and in the manner provided by law, fixing the time and place of hearing thereon for the 25th day of September, 1989, at the hour of 7:00 p.m. in the Council chambers of the City Hall, 3105 Judson Street, Gig Harbor, Washington, and further notice thereof was duly mailed by the City Administrator to each property owner on said roll; and

WHEREAS, at the time and place fixed and designated in said notice, the hearing on said assessment roll was duly held and the Council, sitting as a board of equalization, gave due consideration to all written and oral protests received and all persons appearing at said hearing;

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

Section 1. The Council, sitting as a board of equalization and having made all revisions to the roll it deems necessary, hereby finds and determines that the final assessment roll for ULID No. 2 is just and equitable and that no assessment against property within ULID No. 2 is greater than the special benefits to be derived from the improvements. Accordingly, the final assessment roll, in the total amount of \$ 1,503,200.00, is hereby approved and confirmed, and the assessments set forth therein are hereby levied against each lot, tract and parcel of property described in the roll.

Section 2. The City Administrator is hereby directed to place in the hands of the Treasurer of the City for collection the final assessment roll for ULID No. 2. Upon such placement, the amount of each assessment set forth in the roll, together with any interest or penalty imposed from time to time, shall become a lien against the property so assessed. The lien shall be paramount and superior to any other lien or encumbrance whatsoever, theretofore or thereafter created, except a lien for general taxes.

Section 3. Upon receipt of the final assessment roll for ULID No. 2, the Treasurer of the City is hereby directed to publish notice at the times and in the manner required by RCW 35.49.010, stating that the roll is in his/her hands for collection and that such assessments or any portion thereof may be paid to the City at

any time within 30 days from the date of the first publication of such notice, without penalty, interest or costs.

Section 4. The amount of any assessment, or any portion thereof, against property in ULID No. 2 not paid within the 30-day period from the date of the first publication of the Treasurer's notice shall be payable in 14 equal annual installments, together with interest on the diminishing principal balance thereof at a rate of 8.5% per annum. Interest shall commence on the 30th day following first publication of such notice. The first installment shall become due and payable upon the expiration of the 30-day prepayment period. Annual installments, including interest and any penalty, shall be paid in full when due, and no partial payments shall be accepted by the Treasurer of the City.

Section 5. Any installment not paid when due shall thereupon become delinquent. All delinquent installments shall be subject to a penalty equal to 12 % per annum of the amount of the installment, including interest, from the date of the delinquency until paid.

Section 6. The lien of any assessment may be discharged at any time after the 30-day prepayment period by payment of the entire principal amount of the assessment remaining unpaid together with interest thereon to the due date of the next installment.

Section 7. If any one or more of the provisions of this ordinance shall be declared by a court of competent jurisdiction to be contrary to law, then such provision shall be null and void and shall be deemed severable from the remaining provisions of this

ordinance and shall in no way affect the validity of the other provisions of this ordinance.

Section 8. This ordinance shall be in full force and effect five days after its passage and publication as provided by law.

INTRODUCED on September 11, 1989, and PASSED by the Council of the City of Gig Harbor, Washington at its regular meeting on the 25th day of September, 1989.

CITY OF GIG HARBOR, WASHINGTON

By *Edward J. McKinley*
Mayor

ATTEST:

Bill R. Lutz
City Administrator/Clerk

Filed with city clerk: 9/8/89
Passed by city council: 9/25/89
Date published: 10/4/89
Date effective: 10/9/89

CITY OF GIG HARBOR

ORDINANCE NO. 565

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, AMENDING CHAPTERS 15.06, 15.08, 15.10, 15.12, 15.32, AND 15.34 OF THE GIG HARBOR MUNICIPAL CODE, AND AMENDING THE 1988 EDITION OF THE UNIFORM BUILDING, PLUMBING, MECHANICAL, AND FIRE CODES AND THE STATE REGULATIONS FOR BARRIER FREE FACILITIES AND THE STATE ENERGY CODE AS AMENDED BY THE STATE BUILDING CODE COUNCIL AND FOUND IN WAC 51.10, 51.12, and 51.16.

WHEREAS, the city is authorized and enabled by RCW 19.17.040 to amend the State Building Code, so long as minimum performance standards and objectives of the State Code are satisfied; and,

WHEREAS, the Gig Harbor City Council has found that the adoption of the aforesated 1988 editions of the State Building Codes is necessary and appropriate, in order to obtain effective and uniform enforcement of city building codes;

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

Section 1. A new Section 15.06.020 is hereby added to the Gig Harbor Municipal Code to read as follows:

15.06.020 Limitation of Benefited and Protected Classes. The uniform and other building codes are adopted for the purpose of providing for and promoting the health, safety and welfare of the general public. Notwithstanding any provision of any uniform code to the contrary, nothing in this title shall be interpreted to create or otherwise establish any particular class or group of persons who will or would be especially protected or benefited by the adoption of any uniform code in this Title.

Section 2. A new Section 15.08.020 is hereby added to the Gig Harbor Municipal Code to read as follows:

15.08.020 Limitation of Benefited and Protected Classes. The uniform and other building codes are adopted for the purpose of providing for and promoting the health, safety and welfare of the general public. Notwithstanding any provision of any uniform code to the contrary, nothing in this title shall be interpreted to create or otherwise establish any particular class or group of persons who will or would be especially protected or benefited by the adoption of any uniform code in this Title.

Section 3. A new Section 15.10.015 is hereby added to the Gig Harbor Municipal Code to read as follows:

15.10.015 Limitation of Benefited and Protected Classes. The uniform and other building codes are adopted for the purpose of providing for and promoting the health, safety and welfare of the general public. Notwithstanding any provision of any uniform code to the contrary, nothing in this title shall be interpreted to create or otherwise establish any particular class or group of persons who will or would be especially protected or benefited by the adoption of any uniform code in this Title.

Section 4. A new Section 15.12.025 is hereby added to the Gig Harbor Municipal Code to read as follows:

15.12.025 Limitation of Benefited and Protected Classes. The uniform and other building codes are adopted for the purpose of providing for and promoting the health, safety and welfare of the general public. Notwithstanding any provision of any uniform code to the contrary, nothing in this title shall be interpreted to create or otherwise establish any particular class or group of persons who will or would be especially protected or benefited by the adoption of any uniform code in this Title.

Section 5. A new Section 15.32.020 is hereby added to the Gig Harbor Municipal Code to read as follows:

15.32.020 Limitation of Benefited and Protected Classes. The uniform and other building codes are adopted for the purpose of providing for and promoting the health, safety and welfare of the general public. Nowithstanding any provision of any uniform code to the contrary, nothing in this title shall be interpreted to create or otherwise establish any particular class or group of persons who will or would be especially protected or benefited by the adoption of any uniform coded in this Title.

Section 5. A new Section 15.34.020 is hereby added to the Gig Harbor Municipal Code to read as follows:

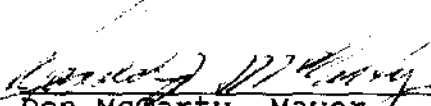
15.34.020 Limitation of Benefited and Protected Classes. The uniform and other building codes are adopted for the purpose of providing for and promoting the health, safety and welfare of the general public.

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Notwithstanding any provision of any uniform code to the contrary, nothing in this title shall be interpreted to create or otherwise establish any particular class or group of persons who will or would be especially protected or benefited by the adoption of any uniform code in this Title.

Section 7. This ordinance shall be in full force and effect five (5) days after passage and publication as provided by law.

PASSED by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the council held on this 9th day of October, 1989.



Don McCarty, Mayor

ATTEST:



Michael R. Wilson
City Administrator/Clerk

Filed with city clerk: 9/20/89
Passed by city council: 10/9/89
Date published: 10/25/89
Date effective: 10/30/89

ORDINANCE NO. 566

AN ORDINANCE GRANTING A FRANCHISE RENEWAL TO CABLE TV PUGET SOUND, INC. d/b/a VIACOM CABLEVISION, TO OPERATE AND MAINTAIN A CABLE SYSTEM IN THE CITY OF GIG HARBOR, AND SETTING FORTH CONDITIONS ACCOMPANYING THE GRANT OF FRANCHISE.

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

SECTION 1. STATEMENT OF INTENT:

Statement of Intent and Purpose. The City intends, by the adoption of this Ordinance, to grant a franchise authorizing the operation of a cable television system within the City's territorial boundaries. Such franchise can contribute significantly to the communication needs of the City, its residents, associations and institutions.

SECTION 2. DEFINITIONS:

For the purpose of this Ordinance, the following terms, phrases, words and their derivations shall have the following meaning, unless clearly required otherwise by the context of the Ordinance:

(a) ACT: The Cable Communications Policy Act of 1984; Public Law 98-549, 98 Stat. 2779 (98th Congress, October 30, 1984).

(b) BASIC CABLE SERVICE: Basic cable service is the tier of service regularly provided to largest number of subscribers, which includes the retransmission of local broadcast television signals.

(c) CITY: The City of Gig Harbor, a municipal corporation of the State of Washington, in its present form, or in any later recognized, consolidated, enlarged, annexed or reincorporated form.

(d) CITY ADMINISTRATOR: The term refers to the administrator of the City or his or her designee.

(e) COMMISSION or FCC: Federal Communications Commission.

(f) COMMUNITY ANTENNA TELEVISION (CATV) SYSTEM (CABLE SYSTEM): A facility, consisting of a set of closed transmission paths and associated generation, reception and control equipment that is designed to provide cable telecommunications service, which includes video programming, and which is provided to multiple subscribers within a community; which facility may, in addition, cross or use the public right of way.

(g) COPYRIGHT FEE: The compulsory license fee assessed by the Copyright Royalty Tribunal and paid by the franchisee to the Copyright Office, for the privilege of the retransmission of certain primary transmission, pursuant to 17 U.S.C. 111, et seq.

(h) COUNCIL: The City Council of the City of Gig Harbor.

(i) FM: Frequency modulation radio transmission.

(j) FRANCHISE AREA: The area bounded by the corporate limits of City of Gig Harbor.

(k) FRANCHISEE: Cable TV Puget Sound, Inc., a/k/a, d/b/a/ Viacom Cablevision.

(l) GROSS ANNUAL RECEIPTS: Gross Annual Receipts shall include revenue received from the operation of the cable system through the use of the public streets and rights-of-way for which a franchise is required under this ordinance. Gross Annual Receipts shall not include: 1) revenue received from any taxes on services furnished by the franchisee imposed directly upon the franchisee or any subscriber or user by the State or other governmental entity and collected by the franchisee on behalf of the State or other governmental entity, including any franchise fee, sales tax or utility user's tax; 2) refundable deposits collected from subscribers; 3) copyright fees collected by the Copyright Royalty Tribunal; 4) reimbursements for damaged equipment or plant; 5) VCR, videotape, converter or remote control rental or leasing; 6) studio production; 7) retail sale of items commonly sold at retail by non-cable businesses; 8) advertising sales; 9) reimbursement from developers, individuals, suppliers or utilities; 10) bad debt; 11) installation; 12) and the provision of services or the sale, rental or servicing of equipment or merchandise not requiring the use of the public streets or rights-of-way in the City or with respect to which a franchise for the operation of a cable system is not required under this ordinance.

(m) PUBLIC WORKS DIRECTOR: The term refers to the Director of the City Public Works Department or his/her designee.

(n) STREET: The surface of, and the space above and below any public street, road, highway, freeway, lane, alley, court, sidewalk, utility easement, parkway or drive, or other right of way, and any property that is publicly owned or dedicated to the public's use now or hereafter existing as such within the City.

(o) SUBSCRIBER: Any person or entity receiving the cable service provided by the franchisee, for any purpose.

SECTION 3. USES PERMITTED BY FRANCHISEE:

(a) AUTHORIZATION: This Ordinance shall authorize and permit the franchisee to engage in the business of operating and providing a CATV system in the City of Gig Harbor, and, for that purpose to erect, install, construct, repair, replace, reconstruct, maintain and retain the same in, on, over, under, upon, across and along any street pursuant to the terms and conditions contained in this Ordinance. Franchisee by virtue of this franchise, acquires no right to go upon any other property of the City.

(b) REQUISITE CARE: The franchisee shall ensure that the safety, functioning and appearance of the property, and that the convenience and safety of other persons shall not be adversely affected by the installation or construction of facilities necessary for the cable system; and, that the owner will be justly compensated by the franchisee for any damages caused by the installation, construction, operation or removal of such facilities by the franchisee.

(c) NON-DISCRIMINATION: The franchisee shall not deny access to cable service to any group of potential residential cable subscribers, based upon the income of the residents of the local area in which such group resides.

(d) UNDERGROUNDING/POLE POLICY: It is the policy of the City for both safety and aesthetic reasons, to eventually accomplish total or near total undergrounding of all of the franchisee's facilities located on public rights-of-way in the City. Whenever other existing aboveground electrical or communication facilities are undergrounded on or along any right-of-way, including shared facilities, franchisee shall likewise underground its facilities without cost to the City along said right-of-way and shall coordinate such undergrounding with the other franchisees or utilities involved to minimize costs and disruption of the right-of-way and improvements located therein.

(e) OTHER INSTALLATION: Construction or installation of the franchisee's lines or conduits in all other public places, owned or controlled by the City, shall be subject to reasonable approval of and regulation by the City Administrator in advance. Where such installation or construction work crosses City road or rights-of way, such crossing shall be by boring, jacking or other such methods as approved by the Public Works Director.

(f) CONSTRUCTION:

(1) Permit Required. No construction shall be commenced without the franchisee first securing a written permit from the City Public Works Director or his designee, including approval endorsed on one set of plans and specifications returned to the franchisee. Franchisee shall first file with the City Administrator, franchisee's application for a permit to do such work, together with plans and specifications in duplicate showing the position, depth and location of all such lines and facilities sought to be constructed, laid or installed at the time, showing their approximate relative position to existing City roads, rights-of-way or other City property upon plans drawn to scale, hereinafter collectively referred to as the "map of definite location."

(2) Construction to Conform to Map of Definite Location. The cable system transmission and distribution lines and facilities shall be laid in exact conformity with said map of definite location, except in instances in which deviation may be allowed thereafter in writing by the City Public Works Director pursuant to application by franchisee. The plans and specifications shall specify the class and type of material and equipment to be used, manner of excavation, construction, installation, backfill, erection of temporary structures, erection of permanent structures, traffic control, traffic turnouts and road obstructions, etc. Within ninety (90) days after completion of construction, franchisee shall submit to the City detailed, as-built plans, depicting those features designated by the Public Works Director.

(3) Work Requiring Breaking Surface of Road/Right-of Way. In any work which requires breaking of the surface of the City road, right-of-way or other City property subject to this franchise for the purpose of laying, relaying, connecting, disconnecting and repairing the said cable television transmission and distribution lines and facilities, and making connections between the same to structures and buildings of subscribers, or making connections to other facilities of the franchisee now in existence or hereafter constructed, the franchisee shall be governed by and conform to the

general rules adopted by the officers charged with the supervision and care of such town roads, rights-of-way, and other City property. The franchisee at its own expense and with all convenient speed shall complete the work for which the surface has been broken and forthwith replace the work and make good the City road, right-of-way or City property and leave the same in as good condition as before the work was commenced. All restoring work will be completed within 20 calendar days following the breaking of the surface of City road and/or sidewalk. No such breaking of the surface on the City roads, rights-of-way or other City property shall be done prior to the obtaining of a permit issued by the City Public Works Director. Applications for such a permit shall be accompanied by specifications for the restoration of the City road, right-of-way or other City property to the same condition as it was prior to such breaking, and such specifications must be approved by the City Public Works Director before such breaking of the surface is commenced. The City Public Works Director may require a performance bond in a sum sufficient to guarantee to the City that such City road, right-of-way or other City property shall be restored to the same condition as it was prior to such breaking of the surface; the amount of said bond to be fixed by the City Public Works Director. The franchisee shall pay all costs identified with the restoration of the right of way. The City Administrator may after reasonable notice to franchisee, do, or have done, any and all work that they consider necessary to restore to a safe condition any such City road, right-of-way or other City property left by the franchisee or its agents in a condition dangerous to life or property, and the franchisee upon demand shall pay to the City all costs of such work, in itemized amounts reported by the City Administrator to the franchisee, including overhead and legal fees, if any, within thirty (30) days of the receipt of such itemized report.

(4) Non-Interference With Existing Utilities, Etc. All construction or installation of such lines and facilities, service, repair, or relocation of the same, performed along or under the City roads, rights-of-way or other City property subject to this franchise shall be done in such a manner as not to interfere with the construction and maintenance of other existing utilities, public or private drains, drainage ditches and structures, irrigation ditches and structures, located therein, nor with the grading or improvement of such City roads, rights-of-way or other City property. Franchisee shall pay all costs associated with repairing existing utilities interrupted by franchisees work activities.

(5) Priority Among Co-Users. The owners of all utilities, public or private, installed in such City roads, rights-of-way or other City property prior in any time to the lines and facilities of the franchisee, shall have preference as to the positioning and location of such utilities so installed by the franchisee. Such preference shall continue in the event of the necessity of relocating or changing the grade of any such City road or right-of-way. All relocation of franchisee's facilities requested by the City shall be done by franchisee without expense to the City, pursuant to this franchise.

(6) Quality of Work. All work done under this franchise shall be done in a thorough and workmanlike manner. In the laying of cable television transmission and distribution lines and facilities and the construction of other facilities and the opening of trenches, the tunneling under City roads, rights-of-way or other City property, the franchisee shall leave such trenches, ditches and tunnels in such a way as to interfere as little as

possible with public travel and shall take all due and necessary precautions to guard the same, so that damage or injury shall not occur or arise by reason of such work. Where any of such trenches, ditches or tunnels are left open at night, the franchisee shall place warning lights and barricades at such a position as to give adequate warning of such work. The franchisee shall be liable for any injury to person or persons or damage to property sustained through the franchisee's carelessness or neglect, or through any failure or neglect to properly guard or give warning of any trenches, ditches or tunnels dug or maintained by the franchisee.

(7) Non-Waiver by City. The City in granting this franchise does not waive any rights which it now has or may hereafter acquire with respect to City roads, rights-of-way or other City property, and this franchise shall not be construed to deprive the City of any powers, rights or privileges which it now has or may hereafter acquire to regulate the use and control of the City roads, rights-of-way, and other City property covered by this franchise.

(8) Right-of-Way Changes. If at any time the City shall require others to, or shall itself, improve, relocate or change any City road, right-of-way or other City property subject to this franchise by grading or regrading, planking or paving the same, changing the grade, altering, changing, repairing or relocating the same or by construction of drainage facilities, or in the event that such City road, right-of-way or other City property subject to this franchise shall become a Primary State Highway as provided by law, the franchisee upon written notice not to exceed 90 calendar days from the City Administrator, or the Director of Public Works shall, at its sole expense, immediately change the location or readjust the elevation of its cable television transmission and distribution lines and facilities so that such lines and facilities shall conform to such new grades or routes as may be established, without cost to the City. The City shall in no way be held liable for any damages to said franchisee that may occur by reason of any of the City or State's improvements, changes or works above enumerated.

(9) Right of City to do Work. The laying, construction, operation and maintenance of the franchisee's cable television transmission and distribution lines and facilities authorized by this franchise shall not preclude the City, its agents or its contractors from blasting, grading, excavating, or doing other necessary road work contiguous to the said lines and facilities of the franchisee, provided that the franchisee shall be given reasonable notice of said blasting or other work in order that the franchisee may protect its lines and facilities. If any such existing wires, cables or other facilities are required to be moved by the franchisee in order for the City to move its buildings, machinery or other objects, such temporary rearrangement, removing, lowering or raising shall be done by franchisee at its own cost. The City shall not be liable to the franchisee or to any subscriber of the franchisee for any cessation of service by the franchisee to any or all of its subscribers caused by the City's street work, street excavation, pole relocation or resulting from delay in the City's repair or re-erection of poles or otherwise following damage thereto.

(10) Monuments and Markers. Before any work is performed under this franchise which may affect any existing monuments or markers of any nature relating to subdivision, plats, roads and all other surveys, the franchisee shall reference all such monuments and markers. The reference points shall be so located that they will not be disturbed during the franchisee's

operations under this franchise. The method of referencing these monuments or other points to be referenced shall be approved by the City Public Works Director. The replacement of all such monuments or markers disturbed during construction shall be made as expeditiously as conditions permit, and as directed by the City Public Works Director. The cost of monuments or other markers lost, destroyed, or disturbed, and the expense of replacement by approved monuments shall be borne by the franchisee. A complete set of reference notes for monument and other ties shall be filed with the office of the City Public Works Director.

(11) Inspection/Approval. All work of the franchisee or its designee shall be subject to the approval, and shall pass the inspection, of the City Public Works Director. The franchisee shall pay all costs of, and expenses incurred in, the examination, inspection and approval of such work on account of granting the said permits.

SECTION 4. TERMS & PROVISIONS:

(a) LENGTH: The term of the franchise granted hereunder, as modified by this franchise renewal agreement, shall be extended to a period of fifteen (15) years. The effective date of said franchise shall be fifteen (15) years after the expiration of the existing franchise.

(b) ACCESS: The Franchisee shall provide and the City shall have reasonable access to one (1) composite channel for local government, educational and public-interest programming. Programs shall deal with matters of public interest and shall be responsive to community needs. This channel may be used by other municipalities for the same or similar purposes.

(c) TERMINATION: The franchise may be terminated prior to its date of expiration by the Council in the event that said Council shall have found, after notice and hearing, that the franchisee is in violation of any material provision of this Ordinance; provided, however, that the franchisee shall be given at least ninety (90) days prior written notice of any proposed termination proceedings. Such notice shall specify the grounds for possible termination.

(d) INJUNCTIVE RELIEF: The City may elect, without prejudice to any of its own legal rights or remedies, to obtain an order from the Superior Court compelling franchisee to comply with the provisions of this Ordinance, and may recover damages, costs and attorneys' fees incurred by the City by reason of the franchisee's failure to comply.

(e) CURE: A decision by the Council to terminate the franchise shall be rescinded, and the franchise shall be reinstated, if within ninety (90) days after receiving written notice of the Council's decision to terminate, the franchisee cures the alleged violation on which the Council based its decision to terminate or undertakes diligent steps to cure such alleged violation as quickly as practicable, or demonstrates that it is not in violation of the franchise or that any failure to meet a requirement of the franchise is due to circumstances beyond the franchisee's reasonable control, including, but not limited to, the following circumstances; labor strike, lockout, war or act of war, insurrection, riot, act of a public enemy, accident, fire, flood or other act of God.

SECTION 5: FRANCHISE FEE:

(a) AMOUNT: Franchisee shall pay to the City, for the term of this franchise, and at the times hereinafter specified, a sum equal to three percent (3%) of the quarterly total gross receipts of the franchisee; or such other percentage of such receipts as the council may determine; the City reserving herein the right to revise such fee or percentage not to exceed 5%, from time to time in its sole discretion; PROVIDED, that such percentage shall not exceed that franchise fee or percentage allowed by law applicable at the time of any such revision. Such fee shall be paid quarterly to the Finance Officer of the City within 45 days of the end of each quarter.

(b) ANNUAL ACCOUNTING: The franchisee shall file with the City, within ninety (90) days after the expiration of any calendar year during which such franchise is in force, a statement prepared by a certified public accountant showing the total annual gross receipts, as defined herein, of franchisee, its successors or assigns, during the preceding calendar year. It shall be the duty of franchisee to pay to the City, within fifteen (15) days after demand by the City, any unpaid balance for the calendar year covered by such statement. Upon reasonable notice, the City shall have the right to audit the franchisee's records showing its gross receipts for the previous calendar year.

SECTION 6. LIMITATIONS OF FRANCHISE:

(a) Any privilege claimed under said franchise by the franchisee in any street shall be subordinate to any prior lawful occupancy of the streets, or other public property if such occupancy would be frustrated by the franchisee's exercise of its rights granted to it by the franchise.

(b) Such franchise is a privilege held in personal trust by the franchisee. It cannot in any event be sold, transferred, leased, assigned or disposed of, in whole or in part, either by forced or involuntary sale, or by voluntary sale, merger, consolidation or otherwise, without prior consent of the City expressed by resolution; Provided, however, that no such consent shall be required for any transfer in trust, mortgage or other hypothecation, as a whole, to secure an indebtedness or for any transfer by the franchisee to an affiliate or parent company. Such consent of the City may not be arbitrarily withheld; Provided, however, the proposed assignee must show financial responsibility and must agree to comply with the provisions hereof. Change of control shall be deemed to occur if there is an actual change in control or where ownership of more than fifty percent (50%) or more of beneficial interests, singly or collectively occurs.

(c) Time shall be of the essence hereof. The franchisee shall not be relieved of its obligation to comply promptly with any of the provisions of this Ordinance by any failure of the City to enforce prompt compliance.

(d) Any right, or power in, or duty impressed upon, any officer, employee, department or board of the City, is subject to transfer by the City to any other officer, employee, department or board of the City.

(e) The franchisee shall have no recourse whatsoever against the City for any loss, cost, expense or damage, arising out of any provision or requirement of this Ordinance or its enforcement, except as otherwise provided for within this Ordinance except with respect to any loss, cost, expense or

damage arising out of or due to the negligence or willful misconduct of the City, its agents, employees or representatives..

(f) The franchisee is subject to all requirements of the City Ordinance, rules, regulations and specifications of the City heretofore, or hereafter enacted or established, including but not limited to, those concerning street work, street excavations, use, removal and relocation of property within a street, and other street work.

(g) The franchise granted by this Ordinance shall not relieve the franchisee of any obligation involved in obtaining conduit or other underground facility space from any department of the City, utility companies, or from others maintaining such in the streets.

SECTION 7. RIGHTS RESERVED TO THE CITY:

There is hereby reserved to the City every right and power to protect the public health, safety and welfare which is required to be herein reserved or provided by any ordinance of the City. The franchisee, by its acceptance of the terms of this Ordinance, agrees to be bound thereby, and to comply with any reasonable action or requirement of the City in its exercise of any such right or power for the protection of the public health, safety and welfare.

SECTION 8. LOCATION OF FRANCHISEE'S PROPERTY:

The franchisee may not install or erect any poles, but may install or erect wires, cable lines, conduits or other facilities or apparatus under the streets within the City, but only at such locations and in such manner as shall first meet the approval of the City exercising reasonable discretion. Such approval shall be in writing and issued within thirty (30) calendar days after submission of complete construction documents to the City Public Works Director by the franchisee or franchisee's authorized agents, of location plans.

SECTION 9. VACATION:

If at any time the City shall vacate any City road, right-of-way or other City property which is subject to rights granted by this franchise, and said vacation shall be for the purpose of acquiring the fee or other property interest in said road, right-of-way or other City property for the use of the City, in either its proprietary or governmental capacity, then the City Council may, at its option and by giving one hundred twenty (120) days written notice to the franchisee, terminate the franchise with respect to such City road, right-of-way, or other City property so vacated, and the City shall not be liable for any damages or loss to the franchisee by reason of such termination.

SECTION 10. EXTENSION OF SERVICE:

(a) NEW RESIDENTIAL CONSTRUCTION: Extension of underground distribution lines to residential units within a new single family or multi-family residential subdivision of five (5) or more lots or in a new residential development consisting of five (5) more dwelling units in two (2) or more

buildings located on a single parcel of land will be performed by the subdivider or developer as follows:

The subdivider or developer of the subdivision or development will, at no cost to the franchisee, perform all necessary trenching and back filling for underground distribution and service laterals and install conduit, vaults and pedestals for said distribution and transmission lines in accordance with the following procedures. At least twenty (20) working days prior to the intended date for trenching, the subdivider or developer will provide written notice to the franchisee of the subdivider's intent to trench. Upon receipt of said written notice from the subdivider or developer, the franchisee, at its own expense, will install or arrange for subdividers or developers to install the conduit, pedestals and vaults necessary to extend the underground distribution lines to the residential units within the subdivision or development. In the event that the subdivider or developer fails to provide the franchisee written notice of the subdivider's intent to trench at least twenty (20) working days prior to the intended date for trenching, then the full cost of providing and installing the necessary conduit, pedestals, and vaults will be assumed by the subdivider or developer.

(b) EXISTING RESIDENTIAL AREAS: The franchisee shall provide service to all residential areas of the City of Gig Harbor by installing appropriate cable lines to each block contiguous to the existing service area wherein 60 or more dwelling units are located per street mile at no cost to the residents of the area to which service is extended. For those residential areas with fewer than 50 homes per street mile, the franchisee shall extend cable lines at a rate not to exceed the franchisee's cost of time and materials plus 25%. For those residential areas with greater than 50 but fewer than 60 homes per street mile, the franchisee shall extend cable lines at a rate not to exceed the franchisee's cost of time and materials plus 15%. Said costs shall be borne by the residents of such areas to which service is extended. In no event shall the City bear the cost of such extension of service. Franchisee shall service the entire area of the City as it now exists or may be altered by annexation during the term of this franchise, and shall extend service to users within ninety (90) days of receipt of a request for services. Residential, as herein used, shall include single family dwelling units, apartments, duplexes, triplexes and quadruplexes, where billing is made to individual occupants.

(c) OTHER AREAS: The franchisee shall, in addition, install cable service to commercial or other establishments upon request at cost to be borne by the requesting party.

(d) SCHOOLS/PUBLIC BUILDINGS: The franchisee shall provide basic CATV services without charge to such schools and municipal buildings within, or serving the residents of the City, as shall be designated by the City, provided the building is located within 150 feet of the existing distribution line. Any installation beyond 150 feet shall be on a time and materials basis.

SECTION 11. REMOVAL OR ABANDONMENT OF PROPERTY OF FRANCHISEE

(a) In the event that the use of any part of the CATV system is discontinued for any reason, other than in connection with the causes referred to in Section 22 or causes beyond the franchisee's reasonable control, for a continuous period of twelve (12) months, or in the event such system or

property has been installed in any street without substantially complying with the material requirements of the franchise, the franchisee shall promptly remove from the streets or public places all such property of such system that lie in the surface of or are suspended above the streets, except for property which the City Public Works Director may permit to be abandoned in place. In the event of any such removal, the franchisee shall promptly restore the street from which such property has been removed, to a condition satisfactory to the City Public Works Director.

(b) Any property of the franchisee to be abandoned in place, shall be abandoned in such manner as the City Public Works Director shall reasonably prescribe. Such direction shall be given by the City within thirty (30) calendar days from date of receipt of notice from franchisee of intention to abandon. Upon permanent abandonment of the property of the franchisee in place, the franchisee shall submit to the City an instrument to be approved by the City Attorney and City Council, transferring to the City the ownership of such property, at no cost to the City.

SECTION 12. INDEMNIFICATION OF THE CITY

(a) **INDEMNIFICATION:** The franchisee shall indemnify, defend and hold harmless the City from all claims, actions or damages of every kind and description, including all costs and attorneys' fees, which may occur to or be suffered by any person(s) (including, specifically, claims brought by the franchisee's own employees), corporation or property by reason of the construction, operation and maintenance of the franchisee's said cable television transmission and distribution lines and facilities except claims, actions or damages arising out of the negligence or willful misconduct of the City, its agents, employees and representatives. Such indemnification shall be independent and irrespective of whether, in connection with any such suit, it is alleged that the City contributed thereto.

(b) **DUTY TO DEFEND:** In case that suit or action is brought against the City for damages arising out of or by reason of the above-mentioned causes, the franchisee will upon notice to it of the commencement of said action defend the same at its sole cost and expense.

(c) **ACCEPTANCE NOT WAIVER:** Acceptance by the City of any work performed by the franchisee at the time of completion shall not be grounds for avoidance of the above enumerated duties.

(d) **INVERSE CONDEMNATION CLAIMS INCLUDED:** The foregoing requirement to indemnify, defend and hold the City harmless from any such claims for bodily injury or property damage shall also include any claims alleging inverse condemnation arising out of the installation, maintenance, operation, construction or existence of franchisee's facilities on the public rights-of-way including streets, avenues, alleys and public ways within the City of Gig Harbor.

SECTION 13. INSURANCE

(a) The franchisee shall at all times during the existence of said franchise maintain in force, furnish and file with the City, at its own expense, a general comprehensive liability insurance policy, in protection of the City, its boards, commissions, officers, agents and employees, with a

company authorized to do business in the State of Washington, and in form to be approved by the City Administrator, protecting the City and such persons against liability for loss or damages for personal injury, death and property damage occasioned by the construction, operation, and/or maintenance of the franchisee under said franchise, with minimum liability limits of ONE MILLION (\$1,000,000.00) DOLLARS for personal injury or death of any one person, and ONE MILLION (\$1,000,000.00) DOLLARS for personal injury or death of two or more persons in any one occurrence. The City may at its sole discretion reasonably decrease or increase the franchisee's insurance limits up to a maximum coverage of TWO MILLION (\$2,000,000.00) DOLLARS by providing 12 months written notice to the franchisee.

(b) The policies mentioned in the foregoing paragraph shall name the City as an additional insured, shall indicate that said insurance shall be primary for its purposes as to any other insurance available to the City, and shall contain a provision that a written notice of any cancellation or reduction in coverage of said policy shall be delivered to the City not less than thirty (30) days in advance of the effective date thereof. If such insurance is provided in either case by a policy which also covers the franchisee or any other entity or person other than those above named, then such policy shall contain the standard cross-liability endorsement.

(c) The franchise extension granted under this Ordinance shall be ineffective unless and until each of the foregoing policies of insurance as required in this section have been delivered to the City, and approved as to form by the City Administrator.

SECTION 14. TECHNICAL STANDARDS

(a) The CATV system shall be maintained in accordance with the highest and best accepted technical standards of the industry, to the effect that subscribers shall receive service which fully complies with all Federal Communications Commission Rules and technical standards. In determining the satisfactory compliance with such standards the following shall apply.

(1) The new and rebuilt system shall be installed using all-band equipment capable of passing thirty-five (35) television channels, the FM radio spectrum, and spectrum space capable of accommodating data transmission.

(2) The system, as installed, shall be capable of passing standard color TV signals without the introduction of noticeable effects on color fidelity and integrity.

(3) The system shall be capable of providing a signal level of 1000 microvolts at an impedance of 75 ohms, at the input terminations of each of the TV receivers.

(4) The system and all equipment shall be designed and rated for 24 hour-per-day continuous operation.

(5) The system signal-to-noise ratio shall be not less than 40 decibels.

(6) Hum modulation of picture signal shall be less than 5 percent.

(7) The system shall use components having Voltage Standing Wave Ratio (VSWR) of 1.421 or better.

(8) Methods of measuring above standards, where necessary, will be according to generally accepted principles of engineering.

(b) In the event that the Federal Communications Commission deletes its cable television technical standards from its Rules (47 C.F.R. Part 76, Subpart K); or any other of the Commission's technical rules applicable to cable television service, the City reserves the right to promulgate, by ordinance or otherwise, its own technical standards for cable television service, which are hereby specifically contemplated by the parties, shall become a part of this franchise renewal Agreement. Such technical standards shall be based upon, and shall not exceed, the existing FCC standards in use at the time of the effective date of this Agreement. Furthermore, any change made in its technical rules by the Commission shall be deemed incorporated in this franchise Ordinance to take effect immediately upon the effective date of such rule changes.

SECTION 15. USE OF UTILITY FACILITIES:

When any portion of the CATV system is to be installed using public utility facilities, certified copies of the agreements for such joint use of such facilities shall be filed with the City Administrator prior to commencement of work.

SECTION 16. NOTICES:

(a) All notices herein provided to be given shall be given by prepaid registered mail addressed to the parties as follows:

City:

Administrator, Gig Harbor
City Hall
3105 Judson Street
P.O. Box 145
Gig Harbor, WA 98335

Franchisee: Cable T.V Puget Sound, Inc.
2316 S. State
Tacoma, WA 98405

(b) All matters herein required to be filed with the City shall be filed with the City Clerk.

SECTION 17. SUBSCRIBER PHONE NUMBER:

The franchise shall maintain a telephone number for citizens of the City which is toll free to such persons when calling from within the City. Such number shall be provided so that CATV maintenance service shall be promptly available to subscribers upon telephone request, at all times during regular business hours. After hours customer service calls will be routed through a telephone answering service.

SECTION 18. SUBSCRIBER AGREEMENT:

The franchisee shall submit to the City the form of its subscriber service agreement.

SECTION 19. FRANCHISEE AVAILABILITY:

The franchisee specifically agrees to meet with the City Administrator or Public Works Director, upon reasonable notice, to discuss questions and problems which may arise under the franchise, or pursuant to the construction, operation and/or maintenance of franchisee's CATV system.

SECTION 20. FEDERAL LAW:

The franchisee shall comply with the following provisions of the Act:

- (a) Section 624(d)(2), regarding lock boxes;
- (b) Section 631, regarding subscriber privacy;
- (c) Section 634, regarding equal employment

SECTION 21. RENEWAL:

(a) The provisions of Section 626 of the Act will effectively govern the actions of the City and the franchisee in proceedings relating to franchise renewal. In complying with the provisions of this section of the Act, the City expressly reserves the right to establish guidelines to measure the effectiveness of the franchisee's performance that may be required under appropriate sections of the Act. However, nothing shall preclude the City and franchisee from negotiating a renewal of this Agreement prior to the implementation of the provisions of Section 626 of the Act should the City and the franchisee determine that such action is mutually beneficial.

(b) If a renewal of the franchise is denied or said franchise revoked for cause, and the City acquires ownership of the cable system or effects a transfer of ownership of the system to another person, any such acquisition or transfer shall be at fair market value, determined on the basis of the cable system valued as a going concern, but with no value allocated to the franchise itself.

(c) None of the foregoing affects or limits the franchisee's rights to compensation for its property under state or federal statutes or constitutions.

SECTION 22. SUCCESSORS AND ASSIGNS:

All the provisions, conditions, regulations and requirements herein contained shall be binding upon the successors and assigns of the franchisee and all privileges, as well as all obligations and liabilities of the franchisee, shall inure to its successors and assigns equally as if they were specifically mentioned wherever the franchisee is mentioned.

SECTION 23. INCONSISTENT FEDERAL PROVISIONS:

If any portion of this franchise should be inconsistent with any rule or regulation now or hereafter adopted by the Commission or federal statute, then to the extent of the inconsistency, the rule or regulation of the FCC or

federal statute shall control for so long, but only for so long, as the same shall remain in effect, but the remaining provisions of this franchise shall not thereby be affected.

SECTION 24: SEVERABILITY:

If any law, ordinance, regulation or court decision shall render any provision of the franchise invalid, the remaining provisions of the franchise shall remain in full force and effect.

SECTION 25. NON-EXCLUSIVE FRANCHISE:

This franchise shall not be deemed to be an exclusive franchise. It shall in no manner prohibit the City from granting other franchises of a like nature or franchises for other public or private utilities under, along, across, over and upon any of the City roads, rights-of-way, or other City property subject to this franchise. If a cable television franchise is granted to any other person or entity for CATV service within the City, and such franchise contains terms more favorable to the cable operator than those contained herein, such more favorable terms shall be incorporated herein.

SECTION 26. CITY'S RIGHT TO AMEND:

The City reserves the right at any time upon thirty (30) days written notice to the franchisee, to so change, amend, modify, terminate or amplify any of the provisions or conditions herein enumerated to conform to any federal or state statute, federal or state administrative rule, order of the Washington Public Utilities Commission or City regulation, relating to the public welfare, health, safety or highway regulation, as may hereafter be enacted, adopted or promulgated, and this franchise may be terminated at any time if the franchisee's facilities are not operated or maintained in accordance with such statute or regulation or material breach of this Agreement.

SECTION 27. PLAN FILING:

Franchisee shall file by the end of 1990 with the City a copy of its existing plan as it relates to the franchisee's facilities located within the City of Gig Harbor, and any amendments thereto as soon as practicable after said amendments are adopted. In addition thereto, franchisee shall compile and file with the City in an understandable format the projected life expectancy of its existing above-ground facilities, if any, located within the City limits, including any amendments to such schedules. The purpose of these filings is to promote better coordination between the City and franchisee. The City shall in turn periodically forward copies of its improvement plans to the franchisee, including its comprehensive street improvement program, required to be prepared pursuant to state law and any amendments thereto, in order to afford franchisee the opportunity to coordinate replacement of its facilities with planned improvements of the City.

SECTION 28. EXPIRATION CARRY-OVER:

In the event that the time period granted in this franchise expires without being renewed by the City, the terms and conditions of this franchise shall continue in full force and effect until amended, revised, renewed, replaced or otherwise affirmatively acted upon by the City Council.

SECTION 29. COST OF PUBLICATION:

The cost of publication of this franchise Ordinance shall be borne by the franchisee.

SECTION 30. ACCEPTANCE BY FRANCHISEE:

Franchisee's continued use of the public rights-of-way of the City and/or the exercise of any rights, privileges or authority granted by virtue of any section of this Ordinance shall be deemed to constitute acceptance of the terms and conditions placed upon franchisee by this Ordinance and franchisee shall fully comply with the terms contained herein as a condition of the continued use by franchisee of the public rights-of-way of the City.

SECTION 31. PROGRAM CONTENT CONTROL:

(a) BY FRANCHISEE: The franchisee may exercise editorial control over programming offered by the cable system only to the extent permitted by the Act and the applicable rules of the Commission, and the right to do so is expressly reserved herein.

(b) BY CITY: The CITY may impose programming requirements upon the franchisee only to the extent permitted by the Act and the applicable rules of the Commission, and the right to do so is expressly reserved.

SECTION 32. RECORDS TO BE KEPT:

(a) The franchisee shall keep for a period of one year, the following records and documents, which shall be available for public inspection and copying (at the copier's sole cost and expense) during regular business hours.

(1) Current information on ownership and management of the franchisee;

(2) Current information on complaint procedures followed by the franchisee; the nonbasic services offered by the franchisee;

(3) Records of all written requests for use of public access channels and leased channel time and the disposition of such requests;

(b) The franchisee shall keep for a period of 3 years:

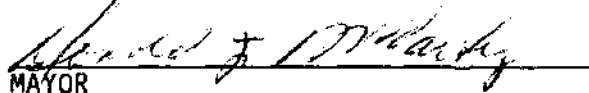
(1) Records of all written complaints filed with the franchisee and the disposition thereof;

(2) Policy statements and administrative and staff operating procedures of the franchisee.


SECTION 33. This Ordinance, pursuant to _____ having been introduced on October 23, 1989, and having been passed by a majority of the entire legislative body at a regular meeting on November 13, 1990, which is more than five (5) days after its date of introduction, shall be published in the Peninsula Gateway, a newspaper of general circulation in the City, and

shall be in full force and effect five (5) days after the date of publication as provided by law.

APPROVED:


MAYOR

ATTEST/AUTHENTICATED:


CITY CLERK

FILED WITH THE CITY CLERK:

INTRODUCED: 10/23/89

PASSED BY THE CITY COUNCIL: 11/13/89

PUBLISHED: 12/6/89

EFFECTIVE DATE: 12/11/89

ORDINANCE NO.

ACCEPT:

CABLE TV. PUGET SOUND, INC.

d/b/a VIACOM CABLEVISION

BY: 

OFFICIAL TITLE

SUMMARY OF ORDINANCE #566
OF THE CITY OF GIG HARBOR, WASHINGTON

On the 13th day of November, 1989, the City Council of the City of Gig Harbor passed Ordinance #566. A summary of the content of this ordinance, consisting of the title, provides as follows:

An ordinance granting a franchise renewal to Cable TV Puget Sound, Inc., d/b/a Viacom Cablevision, to operate and maintain a cable system in the City of Gig Harbor, and setting forth conditions accompanying the grant of franchise.

The full text of the Ordinance will be mailed to any party upon request.

Dated this 29th day of November, 1989.

Michael R. Wilson
City Administrator/Clerk

CITY OF GIG HARBOR

ORDINANCE #567

AN ORDINANCE adopting the budget for the City of Gig Harbor, Washington, for the 1990 fiscal year.

WHEREAS, the mayor of the City of Gig Harbor, Washington completed and placed on file with the city administrator/clerk a proposed budget and estimate of the amount of the moneys required to meet the public expenses, bond retirement and interest, reserve funds and expenses of government of said city for the 1990 fiscal year, and a notice was published that the Gig Harbor City Council would meet on November 13 and 27, 1989 at 7:00 p.m., in the council chambers in the city hall for the purpose of making and adopting a budget for 1990 and giving taxpayers an opportunity to be heard on the budget; and

WHEREAS, the said city council did meet at the established time and place and did consider the matter of the 1990 proposed budget; and

WHEREAS, the 1990 proposed budget does not exceed the lawful limit of taxation allowed by law to be levied on the property within the City of Gig Harbor for the purposes set forth in the budget, and the estimated expenditures set forth in the budget being all necessary to carry on the government of Gig Harbor for 1990 and being sufficient to meet the various needs of Gig Harbor during 1990.

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

Section 1. The budget for the City of Gig Harbor, Washington, for the year 1990 is hereby adopted in its final form and content as set forth in the document entitled City of Gig Harbor 1990 Budget, three (3) copies of which are on file in the office of the city administrator/clerk.

Section 2. Estimated resources, including fund balances or working capital for each separate fund of the City of Gig Harbor, and aggregate totals (net of transactions between funds) for all funds combined, for the year 1990 are set forth in summary form below, and are hereby appropriated for expenditure during the year 1990 as set forth below:

1990 Budget Ordinance
Page Two

<u>Fund</u>	<u>Department</u>	<u>Amount</u>
General (001)	Legislative	\$ 11,500
	Municipal Court	89,633
	Administration/Finance	154,273
	Legal Services	25,000
	Police	459,775
	Hearing Examiner	12,500
	Planning and Community Devel.	118,365
	Parks and Recreation	68,386
	Building	22,500
	Non-departmental	554,498
	Ending Fund Balance	92,665
	Total General Fund	\$1,609,095
Street Operating Fund (101)		571,445
Risk Management (103)		152,200
Trust Fund - Misc. (Performance Pay) (104)		17,500
Drug Investigation Fund (105)		6,230
G.O. Fire - Debt Service (200)		19,380
G.O. Sewer - Debt Service (201)		78,800
G.O. P.W. Bldg. - Debt Service (202)		31,175
G.O. Sewer Bond Redemption (203)		366,500
LID #1-2 (204)		20,350
LID #3 (205)		4,274
Gen. Govt. Cap. Asset Fund (301)		576,400
Water Operating Fund (401)		406,952
Sewer Operating Fund (402)		547,355
Storm Drainage Operating Fund (411)		200,935
Utility Bond Redemption Fund (408)		475,476
ULID No. 2 Construction (409)		60,000
Sewer Cap. Asset Fund (410)		302,375
Utility Reserve (407)		358,315
Advanced Refunding Bond Redemp. (413)		194,700
Water Cap. Asset Fund (420)		116,500
Trust - LID Guaranty (601)		3,480
Trust - Lighthouse Maintenance (605)		4,050
Total All Funds		\$6,123,487

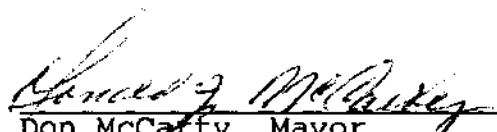
Section 3. Attachment "A" is adopted as the 1990 personnel salary schedule.

Section 4. The city administrator/clerk is directed to transmit a certified copy of the 1990 budget hereby adopted to the Division of Municipal Corporations in the Office of the State Auditor and to the Association of Washington Cities.

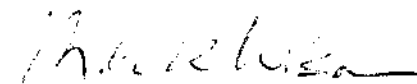
1990 Budget Ordinance
Page Three

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

PASSED by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the council held on this 27th day of November, 1989.


Don McCarty, Mayor

ATTEST:



Michael R. Wilson
City Administrator/Clerk

Filed with city clerk: 11/9/89
Passed by city council: 11/27/89
Date published: 12/6/89
Date effective: 12/11/89

1990 SALARY SCHEDULE

<u>POSITION</u>	<u>RANGE</u>	
	<u>Minimum</u>	<u>Maximum</u>
City Administrator	\$ 3,480	\$ 4,350
Public Works Director	3,160	3,950
Chief of Police	2,950	3,690
Planning Director	2,430	3,040
Public Works Supervisor	3,525	3,160
Finance Officer	2,335	2,920
Sewer Plant Supervisor	2,245	2,810
Sewer Plant Operator	2,045	2,555
Fire Marshal/ Building Official	2,105	2,630
Police Sergeant	2,465	3,080
Public Works Foreman	2,105	2,630
Police Officer	2,140	2,675
Equipment Operator	2,000	2,500
Maintenance Worker	1,950	2,380
Engineering Aide	1,650	2,065
Planning/Building Technician	1,650	2,065
Administrative Assistant	1,775	2,220
Laborer	1,585	1,980
Court Clerk	1,485	1,855
Police Clerk	1,380	1,725
Utility Clerk	1,380	1,725
Office Clerk	1,380	1,725
Receptionist	1,200	1,575
Police/Court Assistant Clerk	1,200	1,500

1990 SALARY SCHEDULE

<u>POSITION</u>	<u>RANGE</u>	
	<u>Minimum</u>	<u>Maximum</u>
City Administrator	\$ 3,480	\$ 4,350
Public Works Director	3,160	3,950
Chief of Police	2,950	3,690
Planning Director	2,430	3,040
Public Works Supervisor	3,525	3,160
Finance Officer	2,335	2,920
Sewer Plant Supervisor	2,245	2,810
Sewer Plant Operator	2,045	2,555
Fire Marshal/ Building Official	2,105	2,630
Police Sergeant	2,465	3,080
Public Works Foreman	2,105	2,630
Police Officer	2,140	2,675
Equipment Operator	2,000	2,500
Maintenance Worker	1,950	2,380
Engineering Aide	1,650	2,065
Planning/Building Technician	1,650	2,065
Administrative Assistant	1,775	2,220
Laborer	1,585	1,980
Court Clerk	1,485	1,855
Police Clerk	1,380	1,725
Utility Clerk	1,380	1,725
Office Clerk	1,380	1,725
Receptionist	1,200	1,575
Police/Court Assistant Clerk	1,200	1,500

CITY OF GIG HARBOR

ORDINANCE #568

AN ORDINANCE relating to the 1989 City Budget: adopting a budget emergency for General Government Fund (#001) and Street Operating Fund (#101)

WHEREAS, due to the delays in the annexation of the Westside Business District, and

WHEREAS, additional funds were appropriated to the General Government fund and Street fund to cover the services to be provided to the Westside in 1989, and

WHEREAS, such funds are not needed this fiscal year to service the Westside Business District.

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

Section 1.

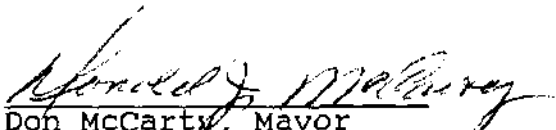
- a) The General Government Fund (#001) shall be decreased by \$522,175 due to funds not needed to be expended for the Westside Business District.
- b) The Street Operating Fund (#101) shall be decreased by \$287,300 due to funds not acquired from the Westside Business District to construct the Stinson-Pioneer interchange project.

A decrease of funds appropriated totaling \$809,475 is hereby made as provided in Exhibit "A".

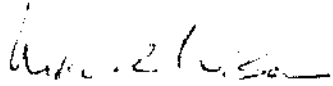
Section 2. This emergency ordinance shall be in full force and take effect five (5) days after its publication, according to law.

Budget Ordinance
Page 2

PASSED by the City Council of the City of Gig Harbor,
Washington, and approved by its Mayor at a regular meeting of
the council on this 27th day of November, 1989.


Don McCarty, Mayor

ATTEST:



Michael R. Wilson
City Administrator/Clerk

Filed with city clerk: 11/8/89
Passed by city council: 11/27/89
Date published: 12/6/89
Date effective: 12/11/89

EXHIBIT "A"

BUDGET EMERGENCY

Fund #001 General Government Fund

001-01 Non-departmental

<u>Decrease:</u>	<u>Expenditure/Use</u>	
519.70.53	Pierce County - Westside	125,104
597.101.00	Transfer/Street	287,300
		<u>\$412,404</u>

001-03 Municipal Court

<u>Decrease:</u>	<u>Expenditure/Use</u>	
512.50.11	Salaries	3,500
512.50.41	Professional Services	7,100
512.50.42	Communications	1,260
512.50.49	Misc.	1,128
		<u>\$12,988</u>

001-04 Administrative/Finance

<u>Decrease:</u>	<u>Expenditure/Use</u>	
514.10.11	Salaries	1,589
514.10.21	Benefits	2,170
514.10.41	Professional Services	6,000
514.10.43	Travel	1,000
514.23.11	Salaries	3,079
514.23.21	Benefits	1,025
514.23.42	Communications	250
514.23.43	Travel	270
		<u>\$15,383</u>

001-05 Legal Services

<u>Decrease:</u>	<u>Expenditure/Use</u>	
515.20.41	Professional Services	3,500

001-06 Police

<u>Decrease:</u>	<u>Expenditure/Use</u>	
521.20.11	Salaries	20,000
521.20.21	Benefits	12,000
521.20.64	Machinery & Equipment	8,000
521.30.11	Salaries	2,000
521.30.21	Benefits	2,000
594.21.64	Machinery & Equipment	12,000
594.21.75	Capitalized Leases	2,500
		<u>\$58,500</u>

001-13 Hearing Examiner

<u>Decrease:</u>	Expenditure/Use	
558.60.41	Professional Services	\$ 4,500

001-14 Community Development

<u>Decrease:</u>	Expenditure/Use	
558.60.11	Salaries	10,000
558.60.21	Benefits	4,900
		<u>\$14,900</u>

Decrease: Revenue/Resource

308.00.00	Beginning Fund Balance	\$522,175
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Fund #101 - Street Operating Fund

<u>Decrease:</u>	Expenditure/Use	
595.00.11	Salaries	1,000
595.00.12	Benefits	300
595.00.31	Supplies	500
595.00.41	Surveying	5,000
595.00.48	Repairs	500
595.00.63	Stinson	240,000
595.00.64	Westside Sidewalks	40,000
		<u>\$287,300</u>

Decrease: Revenue/Resource

397.001	Transfer/General Govt.	287,300
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CITY OF GIG HARBOR

ORDINANCE NO. 569

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, LEVYING THE GENERAL PROPERTY TAXES FOR THE CITY OF GIG HARBOR FOR THE FISCAL YEAR COMMENCING JANUARY 1, 1990.

WHEREAS, the City Council of the City of Gig Harbor has considered the city's anticipated financial requirements for 1989, and the amounts necessary and available to be raised by ad valorem taxes on real and personal property, and

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

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

Section 1. The ad valorem tax general levies required to raise estimated revenues for the City of Gig Harbor for the ensuing year commencing January 1, 1990, shall be levied upon the value of real and personal property which has been set at an assessed valuation of \$164,137,999. Taxes levied upon this value shall be:

- a) approximately \$1.59 per \$1,000 assessed valuation, producing estimated revenue of \$261,385 for general government; and

Section 2. The ad valorem tax excess levies required to raise estimated revenues for the City of Gig Harbor for the ensuing year commencing January 1, 1990, shall be levied upon the value of real and personal property which has been set at an assessed valuation of \$162,343,768. Taxes levied upon this value shall be:

- a) approximately \$0.228 per \$1,000 assessed valuation, producing an estimated amount of \$36,875 for sewer general obligation; and
- b) approximately \$0.044 per \$1,000 assessed valuation, producing an estimated amount of \$7,125 for fire protection facilities general obligation.

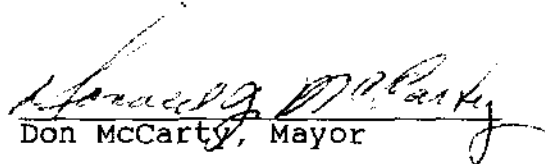
General Property Tax Ordinance
Page Two

- c) approximately \$0.192 per \$1,000 assessed valuation, producing an estimated amount of \$31,175 for 1985 public works building general obligation.
- d) approximately \$0.370 per \$1,000 assessed valuation, producing an estimated revenue of \$60,000 for the 1987 sewer bond redemption general obligation.


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

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

PASSED by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the council held on this 11th day of December, 1989.


Don McCarty, Mayor

ATTEST:


Michael R. Wilson
City Administrator/Clerk

Filed with city clerk: 11/21/89
Passed by city council: 12/11/89
Date published: 12/20/89
Date effective: 12/26/89

CITY OF GIG HARBOR

ORDINANCE NO. 570

AN ORDINANCE RELATING TO CITY ADMINISTRATION AND PERSONNEL.

WHEREAS, the city council desires to formalize the process for establishing the agendas for the city council meetings,

WHEREAS, the provision for establishing the rate for reimbursing city employees for mileage should be set by resolution rather than ordinance,

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

Section 1. A new section 2.04.030 of the Gig Harbor Municipal Code is hereby enacted to read as follows:


2.04.030 Council Meeting Agendas. The regular and official city council meeting agendas shall be assembled by the city administrator and the mayor. Any one of the city's elected officials may place an item on the agenda as long as the item is submitted to the city administrator a minimum of five working days prior to the council meeting. Other parties desiring to place an item on the agenda shall submit said item to the city administrator or mayor at least five calendar days prior to the council meetings. The city administrator and the mayor shall solely determine whether items submitted by other parties shall appear on any city council agenda.

Section 2. Section 2.28.010 of the Gig Harbor Municipal Code is hereby amended to read as follows:

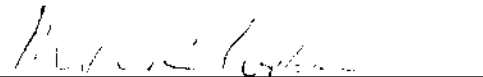
2.28.010 Reimbursement scope and rate. All elective officials, employees, and appointed officers of the ~~town~~ city may be reimbursed for actual expenses incurred in the discharge of their official duties upon presentation of a proper claim therefor. Actual expenses shall include lodging, meals, and mileage to be paid at the ~~rate of twenty-cents-per-mile as prescribed by city resolution.~~ The said mileage may be paid when any privately owned automobile of any elective official, employee, or appointed officer of the ~~town~~ city is used for travel in the performance of official duties.

Section 3. This ordinance shall be in force and take effect five (5) days after its publication according to law.

PASSED by the City Council of the City of Gig Harbor,
Washington, and approved by its Mayor at a regular meeting of
the council held on this 8th day of January, 1990.


Gretchen Wilbert, Mayor

ATTEST:


Michael R. Wilson
City Administrator/Clerk

Filed with city clerk: 12/7/89
Passed by city council: 1/8/90
Date published: 2/14/90
Date effective: 2/19/90

CITY OF GIG HARBOR
EMERGENCY ORDINANCE #571

AN EMERGENCY ORDINANCE OF THE CITY OF GIG HARBOR,
WASHINGTON, LEVYING THE GENERAL PROPERTY TAXES FOR THE CITY
OF GIG HARBOR FOR THE FISCAL YEAR COMMENCING JANUARY 1,
1990.

WHEREAS, the City Council of the City of Gig Harbor has
considered the city's anticipated financial requirements for
1989, and the amounts necessary and available to be raised
by ad valorem taxes on real and personal property, and

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

WHEREAS, an error was made in City of Gig Harbor Ordinance
#569 which improperly set the 1990 excess and regular levies
and an emergency exists in establishing the correct levy
amounts for 1990,

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

Section 1. The City of Gig Harbor Ordinance #569 is hereby
repealed.

Section 2. The ad valorem tax general levies required to
raise estimated revenues for the City of Gig Harbor for the
ensuing year commencing January 1, 1990, shall be levied
upon the value of real and personal property which has been
set at an assessed valuation of \$164,137,999. Taxes levied
upon this value shall be:

- a) approximately \$1.58 per \$1,000 assessed valuation,
producing estimated revenue of \$259,194 for
general government; and
- b) approximately \$0.190 per \$1,000 assessed
valuation, producing an estimated amount of
\$31,175 for 1985 public works building general
obligation.


Section 3. The ad valorem tax excess levies required to raise estimated revenues for the City of Gig Harbor for the ensuing year commencing January 1, 1990, shall be levied upon the value of real and personal property which has been set at an assessed valuation of \$162,343,768. Taxes levied upon this value shall be:

- a) approximately \$1.228 per \$1,000 assessed valuation, producing an estimated amount of \$36,875 for sewer general obligation; and
- b) approximately \$0.044 per \$1,000 assessed valuation, producing an estimated amount of \$7,125 for fire protection facilities general obligation; and
- c) approximately \$0.370 per \$1,000 assessed valuation, producing an estimated revenue of \$60,000 for the 1987 sewer bond redemption general obligation.

Section 4. This ordinance shall be certified by the city clerk to the clerk of the board of county commissioners/ council and taxes hereby levied shall be collected and paid to the Finance Officer of the City of Gig Harbor at the time and in a manner provided by the laws of the State of Washington for the collection of taxes.


Section 5. An emergency exists and this ordinance shall take effect immediately upon adoption by the Gig Harbor City Council.

PASSED by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the council held on this 8th day of January, 1990.



Gretchen A. Wilbert, Mayor

ATTEST:



Michael R. Wilson
City Administrator/Clerk

Emergency Levy Ordinance
Page 3

Filed with city clerk: 1/4/90
Passed by city council: 1/8/90
Date published: 5/2/90
Date effective: 1/9/90

90 MAR -7 AM 11:29

CITY OF GIG HARBOR

ORDINANCE NO. 572

 RECEIVED
 ERIC L. LENNIG
 AUDITOR - PORT CO. WASH
 11/15

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, VACATING THE PORTION OF SWEENEY WAY, LYING EAST OF PEACOCK HILL AVENUE AND WEST OF NORTH HARBORVIEW DRIVE.

WHEREAS, the referenced portion of right-of-way is undeveloped, and

WHEREAS, the referenced portion of right-of-way is not necessary to the street and circulation plans of the city, and

WHEREAS, the City Council passed Resolution No. 206 initiating the procedure for the vacation of the referenced street and setting a hearing date, and

WHEREAS, after the required public notice had been given the City Council conducted a public hearing on the matter on February 12, 1990, and at the conclusion of such hearing determined that the aforementioned right-of-way should be vacated,

NOW, THEREFORE, the City Council of the City of Gig Harbor, Washington, **ORDAINS** as follows:

Section 1. The portion of the street currently known as Sweeney Way, originally platted as Kalama Avenue in Gig Harbor, which lies east of the street currently known as Peacock Hill Avenue and originally platted as Skagit Street, as shown on the plat filed on August 20, 1890, denominated as the Town of Artona, Pierce County, Washington, attached hereto as Exhibit "A" and incorporated by this reference as if set forth in full, is hereby vacated.

The abutting property owners shall compensate the City of Gig Harbor for the value of the property at \$5,500 in exchange of the city vacating the above referenced property.

The City of Gig Harbor shall retain a utility easement of 15 feet in the above referenced property for construction and maintenance purposes of city utilities, centered on center line.

Section 2. The City Clerk is hereby directed to record a certified copy of this ordinance in the office of the Pierce County Auditor.

Section 3. This ordinance shall take effect five days after passage and publication as required by law.

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Filed with city clerk: 1/17/90
Passed by city council: 2/12/90
Date published: 2/28/90
Date effective: 3/5/90

City Administrator/Clerk
Michael R. Wilson

M. R. Wilson

ATTEST:

Gretchen A. Wilbert, Mayor

Gretchen A. Wilbert

PASSED by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the council held on this 12th day of February, 1990.

Ordinance Vacating Sweeney Way
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