

610	Adds § 15.06.021, 15.06.022, 15.12.021, 15.12.022 and 15.12.023, uniform codes (15.06, 15.12)	646	Adds § 18.04.115, amends § 18.04.230, SEPA (18.04)
611	Adds Ch. 18.08 and amends § 18.04.270, wetlands management (18.04, 18.08)	647	Amends § 16.40.130, subdivisions (16.40)
612	1992 budget (Special)	648	Adds Ch. 2.24, city engineer and traffic engineer (2.24)
613	Tax levy (Special)	649	Amends § 15.02.010, 15.06.037, building code advisory board (15.02, 15.06)
614	Budget emergency (Special)	650	Adds § 15.12.017, amends § 15.12.060F, fire code (15.12)
615	Annexation (Special)	651	Adds Ch. 6.06, animal fecal matter (6.06)
616	Annexation (Special)	652	Amends § 17.08.010, 17.01.070, 17.10.110, 17.78.020, and 17.78.060, and adds § 17.04.269, zoning (17.01, 17.04, 17.08, 17.10, 17.78)
617	Creates ULID No. 3 (Special)	653	Adds Ch. 12.02, right-of-way use permits (12.02)
618	Adds Ch. 2.10, city administrator (2.10)	654	1994 budget (Special)
619	Adds Ch. 18.12, city of Gig Harbor critical areas (18.12)	655	Tax levy (Repealed by 658)
620	Telecommunications franchise (Not codified)	656	Amends 1993 budget (Special)
621	Annexation (Special)	657	Adds § 9.34.015 and amends § 9.34.010, crimes relating to public peace (9.34)
622	Annexation (Special)	658	Tax levy; repeals Ord. 655 (Special)
623	Buildings and construction; repeals and replaces § 15.32.010; adds § 15.06.015, 15.08.015, 15.10.010, 15.12.015, 15.12.095 and 15.32.005; amends § 15.06.060 and 15.12.060; and repeals Chs. 15.05 and 15.16 and § 15.06.050, 15.08.035 and 15.12.100 (15.06, 15.08, 15.10, 15.12, 15.32)	659	Municipal court judge compensation (Not codified)
624	Annexation (Special)	660	Adds Ch. 13.34, water and sewer service outside city limits (13.34)
625	Amends § 10.04.010, traffic code (10.04)	661	Amends § 13.32.010, 13.32.015 and 13.32.020, sewer rates and charges (13.32)
626	Amends § 4 of Ord. 611, wetlands management (Not codified)	662	Amends § 14.10.050, storm drainage billing policy and collection (14.10)
627	Adds § 3.40.010(S), radon testing fee (3.40)	663	Amends § 13.04.010 and 13.04.020, water service charges (13.04)
628	Amends § 18.08.040(A)(4)(a), 18.08.070(H), 18.08.090(A), 18.08.100 and 18.08.230, wetlands management (18.08)		
629	Adds § 17.04.015 and 17.16.030(G); and amends § 17.12.030(A), zoning (17.04, 17.16, 17.72)		
630	Adds Ch. 8.32, construction hours (8.32)		
631	Annexation (Special)		
632	Adds § 15.12.024 and 15.12.026; and amends § 3.40.010, building and construction (3.40, 15.12)		
633	Water and sewer revenue bond notes (Special)		
634	Street vacation (Special)		
635	Amends § 4 and 18 of Ord. 633, water and sewer revenue bond notes (Special)		
636	Amends § 13.04.010 and 13.04.020, water service charges (13.04)		
637	Amends § 13.32.010, 13.32.015 and 13.32.020, sewer rates and charges (13.32)		
638	Amends § 14.10.050 and 14.10.070, storm drainage billing policy and collection (14.10)		
639	1993 ad valorem taxes (Special)		
640	Budget (Special)		
641	Budget (Special)		
642	Budget (Special)		
643	Renumbers § 3.40.020 to be 3.40.030 and adds new § 3.40.020, fee schedule (3.40)		
644	Amends § 15.06.015, 15.12.015, 15.08.015, and 15.32.005, building codes (15.06, 15.12, 15.08, 15.32)		
645	Revised shoreline master program (Not codified)		

0008.080.002
WDT/srh
12/18/91
r:1/23/92

ORDINANCE NO. 620

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, GRANTING TO TELEPHONE UTILITIES OF WASHINGTON, INC., A WASHINGTON CORPORATION, d/b/a PTI COMMUNICATIONS COMPANY, INC., A NON-EXCLUSIVE FRANCHISE TO CONSTRUCT, OPERATE AND MAINTAIN AERIAL AND UNDERGROUND TELECOMMUNICATIONS EQUIPMENT, ELECTRONICS, HARDWARE OR DEVICES OF ANY KIND USED FOR THE PURPOSE OF PROVIDING TELECOMMUNICATIONS SERVICES ON, UNDER, ALONG, OVER AND ACROSS THE PUBLIC STREETS AND ALLEYS OF THE CITY OF GIG HARBOR, WASHINGTON.

WHEREAS, RCW 35A.47.040 authorizes code cities to issue non-exclusive franchises for use of public streets and rights-of-way, and

WHEREAS, this ordinance has been introduced more than five (5) days prior to its passage by the City Council, and

WHEREAS, this ordinance has been submitted to the City Attorney and has received at least a majority vote of the entire City Council, now, therefore,

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

Section 1. Telephone Utilities of Washington, Inc., dba PTI Communications, a Washington corporation, hereafter designated as PTI Communications, its successors or assigns, are hereby given and granted the nonexclusive right and franchise to construct, operate and maintain aerial and underground telecommunications equipment, electronics, hardware or devices of any kind used for

the purpose of providing telecommunications services under, along, across and over all of the City streets and alleys as now existing or whether hereafter constructed or dedicated.

Section 2. Said franchise encompasses all existing communication lines, and authorizes construction and maintenance of such new lines and underground communications cables as may hereafter be constructed by PTI Communications for providing communication services to private citizens, public bodies, or any other entity requesting communication service.

Section 3. General Construction Limitations and Conditions.

A. PTI Communications's facilities shall be so located or relocated and so erected so as to interfere as little as possible with traffic or with such streets, avenues, highways, bridges and other public places and egress, ingress to abutting property, provided, however, PTI Communications shall not break up, block or disturb any streets or other public thoroughfare without prior written permission from the City. All such construction and installation work, whenever same crosses any of the public properties, shall be done under the supervision of and upon the inspection of the City and PTI Communications shall timely submit to the City, prior to any such work, detailed plans and specifications of any such proposed work. The location of any franchise property in a street or other public area shall be subject to the approval of the City and such approval shall be given in writing and PTI Communications shall be subject to all

applicable ordinances, regulations, permits or licenses as provided by the ordinances of the City as they now exist or as they are amended.

B. During any period of construction, all surface structures, if any, shall be erected and used in such places and positions within said public right-of-way and other public properties so as to interfere as little as possible with the free passage of traffic and the free use of adjoining property, and PTI Communications shall at all times post and maintain proper barricades during any such period of construction as is required by the laws and statutes of the State of Washington and the City. Any portion of the streets so excavated shall within a reasonable time as quickly as possible after said excavation be restored and replaced by PTI Communications at its sole cost and expense in at least as good condition as it was immediately prior to the time of such excavation and to be performed in accordance with the applicable rules and regulations of the City.

Section 4. Temporary Removal and Relocations by PTI Communications. PTI Communications agrees and covenants, at its sole cost and expense, to protect, support, temporarily disconnect, relocate or remove from any street or other public property any of its installation when so required by the City by reason of traffic condition, public safety, street vacation, dedications of new rights-of-way and the establishment or improvement thereof, including widening, freeway construction, change or establishment of street grade or the construction of any public improvement or

structure by any governmental agency acting in a governmental capacity, provided that PTI Communications shall in all such cases have the privilege to temporarily bypass or permanently relocate, in the authorized portion of the same street or right-of-way upon approval by the City, any section of its cable or appurtenances to be so temporarily disconnected or removed.

Section 5. Raising and Moving Wires. If the raising or moving of wires is required by any party other than the City, at any time to enable use of the streets, or other public rights-of-way or properties, such party shall make written application at least fifteen days in advance of such required use, and PTI Communications shall raise or move said cable, wires and/or other equipment at the expense of the applicant, payable in advance. If the request is made by the City, PTI Communications shall raise or move the same at no charge to the City.

Section 6. The City of Gig Harbor, in the granting of this franchise, does not waive any rights which it now holds or hereafter may acquire to regulate the use and control of the City streets and alleys covered by this franchise.

Section 7. PTI Communications shall indemnify, defend, and hold harmless the City of Gig Harbor, its officers, agents and employees from any and all claims, suits, demands and judgments for damages, costs and reasonable attorney's fees incurred or alleged to have been incurred by any person, including PTI Communications's own employees, and alleged to have arisen directly or indirectly, in whole or in part, from any act or omission on the part of PTI

Communications, its officers, agents, contractors and employees, including, without limitation, the placement, maintenance, repair of electrical poles, appurtenances, wires and other equipment, regardless of whether it is also alleged the City of Gig Harbor, its officers, agents and employees caused or contributed thereto; provided, however this indemnity shall not apply if said damages result from the sole negligence of the City of Gig Harbor, its officers, agents and employees.

Section 8. If at any time the City of Gig Harbor shall change the width, grade or location of its streets, sidewalks or alleys, or install or change its underground utilities or install or change its open drainage facilities, PTI Communications shall upon request of the City, upon thirty (30) days written notice, at its sole expense relocate its facilities maintained pursuant to this franchise in the manner and at the location as directed by the City.

Section 9. This franchise is non-exclusive and does not divest the City of Gig Harbor of the power to grant other franchises for the same or other purposes upon the streets and alleys of the City.

Section 10. Public Liability Insurance. PTI Communications shall maintain in full force and effect during the life of this franchise issued pursuant to this ordinance commercial general insurance naming the City, its officials, employees and agents as additional insureds, and requiring thirty (30) days written notice to the City of any cancellation or material change

thereof, with an insurance company authorized to do business in the State of Washington, in amounts as determined by the City but in no event shall the coverage be less than six million dollars (\$6,000,000) per occurrence, combined single limit for property damage and bodily injury. A certificate or certificates evidencing the effectiveness of said policy or policies, authenticated by the insurance carrier or carriers shall be filed with the City Clerk and likewise authenticated proof of renewals shall be filed showing the above coverage for the duration of the franchise.

Section 11. Where new poles are placed upon the streets and alleys of the City, they shall be placed and located, unless otherwise permitted by the City authority, centered six feet from the right-of-way line. And unless otherwise permitted by such authority the minimum vertical clearance for new or rebuilt overhead electrical power lines upon said streets and alleys shall be 18. The measurement to be from the high point of the street or alley for crossing lines and from ground level on non-crossing lines.

Section 12. Where underground cables and appurtenances are installed or constructed by PTI Communications under the streets and alleys of the City, PTI Communications shall, unless otherwise permitted by the authority of the City, install and construct the same as follows:

A. Underground communication cables shall cross said streets or alleys at a minimum depth of 36 inches below the surface of the finished roadway. Said cables shall be in metal or schedule

80 PVC conduit under said finished roadway. When trenches are cut for placement of above, the cut roadway shall be patched with a like roadway surface material.

B. Underground communication cables placed longitudinally on the streets or alleys shall be confined on a five foot wide strip abutting the right-of-way line. Said cables shall be buried a minimum depth of 30 inches below the ground (street) line.

C. Fiber optic cable may be installed under the terms of this franchise under such conditions are approved by the Public Works Director of the City, provided however, that PTI Communications hereby releases the City from any claim for damage, lost profits and other expenses arising from damage to said fiber optic cables unless said damage is solely caused by any negligent act of the City.

Section 13. The term of this franchise shall be for twenty-five (25) years, commencing the 1st day of March 1992, and ending the 31st day of March, 2016, conditioned upon the acceptance in writing thirty (30) days by PTI Communications of the terms and conditions herein imposed.

Section 14. Revocation. PTI Communications covenants and agrees, for itself, its successors and assigns, that in the event of any neglect, failure, refusal or omission to comply with any of the terms, conditions and regulations of any franchise and the rules and ordinances of the City, that the City may give notice

of such default, and if such default has not been corrected or the conditions of the franchise have not be complied with within thirty (30) days after receipt of such a notice, then any franchise and all rights accruing thereunder shall be immediately subject to forfeiture and termination, at the option of the City. PTI Communications shall thereupon immediately and at its sole expense, remove all lines, poles and other appurtenances from the City right of way, and restore the right of way to its prior condition.


Section 15. 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 16. This ordinance shall take effect and be in full force five (5) days after publication of the attached summary which is hereby approved.

APPROVED:


MAYOR, GRETCHEN WILBERT

ATTEST/AUTHENTICATED:


CITY CLERK, Mark E. Hoppen

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL: 2/10/92
PUBLISHED: 2/26/92
EFFECTIVE DATE: 3/2/92
ORDINANCE NO. _____

0008.020.002
WDT/srh
01/02/92

ORDINANCE NO. 621

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH PIERCE COUNTY FOR THE ANNEXATION OF A SEGMENT OF 38TH AVENUE NORTHWEST, ALSO KNOWN AS STINSON AVENUE.

WHEREAS, the City of Gig Harbor and Pierce County have agreed to an adjustment of the City's boundary to encompass a portion of 38th Avenue Northwest (also known as Stinson Avenue), and

WHEREAS, Pierce County has enacted Ordinance No. 91-112 which authorized the Pierce County Executive to sign an agreement with the City of Gig Harbor to adjust the boundary of the City, pursuant to RCW 35.21.790, and

WHEREAS, the City Council finds that the proposed boundary line adjustment will be in the best interest of the public health, safety and general welfare, now, therefore,

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

Section 1. The Mayor is hereby authorized to sign that certain agreement signed by the Pierce County Executive on November 26, 1991 and which is attached hereto as Exhibit A and incorporated herein by this reference as if set forth in full.

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

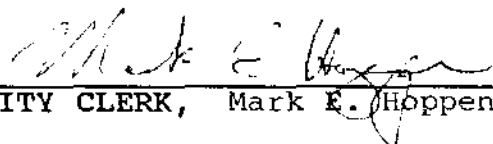
Section 3. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

APPROVED:



MAYOR, GRETCHEN WILBERT

ATTEST/AUTHENTICATED:



CITY CLERK, Mark E. Hoppen

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY _____

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL: 2/10/92
PUBLISHED: 2/26/92
EFFECTIVE DATE: 3/2/92
ORDINANCE NO. _____

1
2
3
4 FILE NO. 66

PROPOSAL NO. 91-112

5 Sponsored by: Councilmember Paul Cyr

6 Requested by: Pierce County Executive/Public Works Department

7 ORDINANCE NO. 91-112
8

9 AN ORDINANCE OF THE PIERCE COUNTY COUNCIL APPROVING AND AUTHORIZING
10 THE PIERCE COUNTY EXECUTIVE TO SIGN AN AGREEMENT WITH THE
11 CITY OF GIG HARBOR FOR THE ANNEXATION OF A SEGMENT OF
12 38TH AVENUE N.W., A COUNTY ROAD.

13 WHEREAS, the State of Washington re-constructed State Road No. 16
14 in a manner that has caused 38th Avenue N.W., a county road, to become
15 a dead-end on each side of State Road No. 16; and

16 WHEREAS, the segment of 38th Avenue N.W. on the easterly side of
17 State Road No. 16 (the easterly segment) no longer connects to the
18 Pierce County road system; and

19 WHEREAS, the City of Gig Harbor desires the easterly segment to
20 become part of its street system; and

21 WHEREAS, it would serve the public use and necessity and provide
22 for the public health, safety, and welfare if the easterly segment
23 would become a part of the street system of the City of Gig Harbor;
24 and

25 WHEREAS, RCW 35.21.790 expressly provides for the revision of
26 municipal corporate limits by agreement between the affected county
27 and city or town so as to include or exclude a segment of a public
28 street, road, or highway from the corporate limits of the city or
town;

NOW, THEREFORE, BE IT ORDAINED by the Council of Pierce County:

Section 1. The Council of Pierce County hereby approves the
agreement with the City of Gig Harbor as set forth in Exhibit "A"
attached hereto and made a part hereof by this reference.

Section 2. The Pierce County Executive is hereby authorized to
sign said Agreement and to send it to the City of Gig Harbor Council

Q TC COR.

VIEW

STINSON

394.2

350

3134

3135

441

474

135.06

399

WOLLOCHET GIG-HARBOR RD.

368

369

3109

145

170

32

SKY REALTY
3100

LOT 2

3108

3103

New City Limits

425

399

413 LINE

3104

3137

TRANSIT LINE

431

area in Green Turned back to Pierce County by state in 1974

399

385

3113

433

3112

49

FR3 5+10 81 PC

410

LINE

02 21 08 3 099

9207170373

BK0793PG1538

original in file

QUIT CLAIM DEED

THE GRANTOR, PIERCE COUNTY, a State of Washington Municipal Corporation, for and in consideration of mutual benefits and in further consideration of the general public welfare and of the peculiar and special benefits that accrue to the parties, does by these presents grant and convey to the City of Gig Harbor, Washington, a Municipal Corporation, the following described real estate situated in Pierce County, Washington, to-wit:

That portion of property conveyed to Pierce County by Deed recorded under Auditor's Fee No. 2541145 lying East of the East right-of-way line of 38th Avenue N.W., Northerly of a line parallel with and 70 feet northeasterly of the CR3 line of State Route No. 16 and Northwesterly of the A3 line of Wollochet Drive NW as shown on that certain map of definite location now of record and on file in the Office of the Director of Highways at Olympia, Washington, bearing the date of March 19, 1970 and revised May 26, 1972. All being in the Southwest Quarter of Section 8, Township 21 North, Range 2 East of the Willamette Meridian.

IN WITNESS WHEREOF, Pierce County has caused this instrument to be executed by its proper officers this 11th day of May, 1992.

PIERCE COUNTY, a State of Washington Municipal Corporation

By:

Joe Stortini
Joe Stortini
Pierce County Executive

92 JUL 17 AM 9:43

RECORDED
BRIAN SOKRATAG
AUDITOR PIERCE CO. WASH.

EXCISE TAX PAID \$ 0
Re. No. 814359 Date 7-16-92
Pierce County

By: [Signature] Auth. Sig

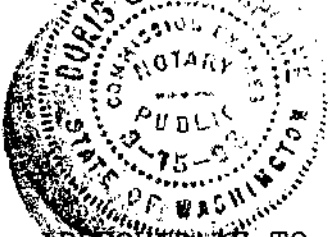
EXC. AFF. FEE \$0.00
pd. Pres.

9207170373

STATE OF WASHINGTON)
 ss.
COUNTY OF PIERCE)

On this 11th day of ~~March~~ *May*, 1992, before me the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Joe Stortini to me known to be the Executive of Pierce County, a Washington Municipal Corporation, that he executed the foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said party, for the uses and purposes therein mentioned and on oath stated that he was authorized to execute the said instrument and that the seal affixed is the corporate seal of said corporation.

WITNESS my hand and official seal hereto affixed the day and year first above written.



Doris Louise Splane
NOTARY PUBLIC in and for the State of Washington, residing at Tacoma.
My Commission Expires: 7-15-93

APPROVED AS TO FORM ONLY:

[Signature] 5-6-92
Pierce County Prosecuting Attorney

ACCEPTED THIS 16 day of July, 1992, CITY OF GIG HARBOR

By: *[Signature]*
Gretchen S. Wilbert, Mayor
City of Gig Harbor

cgh44072.de

When recorded return to:
CITY OF GIG HARBOR
P.O. Box 145
Gig Harbor, WA 98335


ATTN: Karin

1 ORDINANCE NO. 91-112 continued

2
3
4 for approval and signature.

5 PASSED this 5th day of November, 1991.

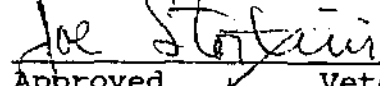
6 PIERCE COUNTY COUNCIL
Pierce County, Washington

7 
8 Council Chair

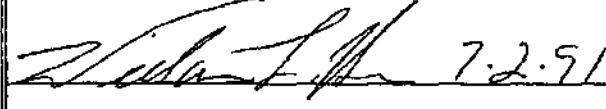
8 ATTEST:

9 
10 Clerk of the Council

11 PIERCE COUNTY EXECUTIVE

12 
Approved Vetoed
this 12th day of Nov,
1991.

12 Approved As To Form Only:

13  7.2.91
14 Deputy Prosecuting Attorney

AGREEMENT

THIS AGREEMENT is made and entered into this 10th day of February, 19 92, by and between PIERCE COUNTY, a municipal subdivision of the State of Washington and CITY OF GIG HARBOR, a municipal corporation.

WHEREAS, the State of Washington re-constructed State Road No. 16 in such a manner so as to cause 38t Avenue N.W., a county road, to become a dead-end on each side of State Road No. 16; and

WHEREAS, the segment of 38th Avenue N.W. on the easterly side of State Road No. 16 (the easterly segment) no longer connects to the Pierce County road system; and

WHEREAS, the easterly segment is a continuation of Stinson Avenue, a City of Gig Harbor Street; and

WHEREAS, the City of Gig Harbor desires the easterly segment to become a part of its street system; and

WHEREAS, it would serve the public use and necessity and provide for the public health, safety and welfare if the easterly segment would become a part of the street system of the City of Gig Harbor; and

WHEREAS, RCW 35.21.790 expressly provides for the revision of a municipal corporate limits by agreement between the affected county and city or town so as to include or exclude a segment of a public street, road or highway from the corporate limits of the city or town;

NOW, THEREFORE, in consideration of the mutual promises, and benefits to be derived by each of the parties, it is HEREBY AGREED AS FOLLOWS:

1. The corporate limits of the City of Gig Harbor shall hereby be revised to include the following described segment of 38th Avenue N.W.:

That portion of 38th Avenue N.W. lying south of the City of Gig Harbor limits and northerly of a line parallel with and 70 feet northeasterly of the CR3 line of State Road No. 16 as shown on that certain map of definite location now of record and on file in the Office of the Director of Highways at Olympia, Washington, bearing the date of March 19, 1970 and revised May 26, 1972. All being in the southeast quarter of Section 7 and in the southwest quarter of Section 8, Township 21 North, Range 2 east of the Willamette Meridian.

2. This agreement shall be effective when approved by ordinance of the City of Gig Harbor and by ordinance of Pierce County.

IN WITNESS WHEREOF, the parties hereto have caused this contract to be duly executed, such parties acting by their representatives being thereunto duly authorized.

CITY OF GIG HARBOR

By: Gretchen S. Wilbert
Gretchen S. Wilbert, Mayor

Signed this _____ day of _____, 1992.

Mark E. Wynn
City Administrator

Signed this 14th day of
April, 1992.

PIERCE COUNTY

By: Joe Stortini
JOE STORTINI
Pierce County Executive

Signed this 11th day of
May, 1992.

APPROVED AS TO FORM:

William L. Hess 5-6-92
WILLIAM L. HESS
Deputy Prosecuting Attorney

APPROVED BY:

[Signature] 5/6/92
Pierce County Department Head

CITY OF GIG HARBOR

ORDINANCE NO. 622

AN ORDINANCE ANNEXING TO AND INCORPORATING WITHIN THE CITY OF GIG HARBOR CERTAIN UNINCORPORATED TERRITORY LYING WEST OF RANDALL DRIVE NW AND EAST OF GIG HARBOR BAY, CONTIGUOUS TO THE CITY OF GIG HARBOR.

WHEREAS, it has been determined that the best interest and general welfare of the City of Gig Harbor would be served by the annexation of certain real property as described in "Exhibit A" to this ordinance, and;

WHEREAS, the annexation of the property is a reasonable extension of the east city boundary in this area, and;

WHEREAS, the annexation proposal is consistent with the criteria for annexations in accordance with Chapter 36.93.180 as the property is accessed by a public street (Randall Drive NW) and city utilities currently serve this area, and;

WHEREAS, the proposed annexation is in compliance with the Urban Area Agreement as entered into between Pierce County and the City of Gig Harbor, and;

WHEREAS, the proposed zoning designation of R-1 (low density single family) is consistent with the City of Gig Harbor Comprehensive Plan which designates this planning area as urban low density residential, and,;

WHEREAS, the petitioners agree to assume their pro-rata share of the City's bonded indebtedness.

NOW, THEREFORE, the city council of the City of Gig Harbor ORDAINS as follows:

Section 1. The real property described in this ordinance as "Exhibit A" is hereby annexed into the City of Gig Harbor and is accorded a zoning designation of R-1 (low density

page 2

single family residential).

Section 2. This ordinance shall be in full force and take effect five (5) days after 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 on this 24th day of February, 1992.


Gretchen Wilbert, Mayor

ATTEST:


Mark E. Hoppen
City Clerk/Treasurer

Filed with the City Clerk:	2/6/92
Passed by the City Council:	2/24/92
Date Published:	3/4/92
Effective Date:	3/9/92

METES AND BOUNDS OF
PROPOSED ANNEXATION

BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER
OF SECTION 5, TOWNSHIP 21 NORTH, RANGE 2 EAST OF THE W.M. IN PIERCE
COUNTY, WASHINGTON; THENCE WEST ALONG THE NORTH LINE OF SAID
SECTION 5, BEING THE CENTERLINE OF 96TH STREET NW, TO ITS INTER-
SECTION WITH THE EAST GIG HARBOR CITY LIMITS AS ESTABLISHED
BY GIG HARBOR ORDINANCE 295, SEPTEMBER 25, 1978; THENCE SOUTH
30 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF 96TH STREET NW, BEING
AN ANGLE POINT ON THE GIG HARBOR CITY LIMITS; THENCE WEST ON
THE SOUTH RIGHT-OF-WAY LINE OF 96TH STREET NW TO ITS INTERSECTION
WITH THE EAST RIGHT-OF-WAY LINE OF RANDALL DRIVE NW, BEING THE
TRUE POINT OF BEGINNING; THENCE SOUTH ALONG THE EAST RIGHT-OF-
WAY LINE OF RANDALL DRIVE NW TO ITS INTERSECTION WITH THE
SOUTH LINE OF GOVERNMENT LOT 7A, GIG HARBOR ABANDONED
MILITARY RESERVE IN THE NORTHWEST QUARTER OF SECTION 5,
TOWNSHIP 21 NORTH, RANGE 2 EAST; THENCE WEST ALONG SAID SOUTH
LINE OF GOVERNMENT LOT 7A AND SAID LINE EXTENDED TO ITS
INTERSECTION WITH THE EAST CITY LIMITS OF GIG HARBOR AS
ESTABLISHED BY PIERCE COUNTY COMMISSIONER'S RESOLUTION
2206, JULY 9, 1946, INCORPORATING GIG HARBOR; THENCE NORTH
AND EAST ALONG THE GIG HARBOR CITY LIMITS TO THE TRUE
POINT OF BEGINNING.

CITY OF GIG HARBOR

ORDINANCE NO. 623

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, ADOPTING THE WASHINGTON STATE BUILDING CODE, including the 1991 editions to the Uniform Building Code, Uniform Fire Code, Uniform Plumbing Code, Uniform Mechanical Code and those amendments as adopted by the Washington State Building Code Council and as recommended by the Gig Harbor Building Code Council.

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

Section 1. The State Building Code, as follows, is adopted by reference:

A. Section # 15.06.015, of the City of Gig Harbor Municipal Code, is hereby adopted as follows:

Section # 15.06.015 The Uniform Building Code, 1991 Edition including Appendix Chapters 32 and 70, Uniform Building Code Standards, 1991 Edition, the Uniform Code for the Abatement of Dangerous Buildings, 1991 Edition, published by the International Conference of Building Officials and as amended by the Washington State building code council on November 8, 1991 and published as WAC 51-20 & 21 (amendments include the state barrier-free; ADA and HUD regs.) are adopted for use within the City of Gig Harbor;

B. Section # 15.12.015, of the City of Gig Harbor Municipal Code, is hereby adopted as follows:

Section # 15.12.015 The Uniform Fire Code, 1991 Edition including Appendix Chapters I-A, II-C, II-E, III-C, V-A, and VI-A, and the Uniform Fire Code Standards published by the International Conference of Building Officials and the Western Fire Chiefs Association as amended by the Washington State Building Code Council and published as WAC 51-24 & 25 are adopted for use within the City of Gig Harbor;

C. Section # 15.10.010, of the City of Gig Harbor Municipal Code, is hereby adopted as follows:

Section # 15.10.010 The Uniform Mechanical Code, 1991 Edition, including Chapter 22, Fuel Gas Piping, Appendix B, published by the International Conference of Building Officials and the International Association of Plumbing and Mechanical Officials as adopted by the Washington State Building Code Council and published as WAC 51-22 is adopted for use within the City of Gig Harbor;

D. Section # 15.08.015, of the City of Gig Harbor Municipal Code, is hereby adopted as follows:

Section # 15.08.015 The Uniform Plumbing Code, 1991 Edition including Appendix Chapters A, B, C, D, and H, and the Uniform Plumbing Code Standards published by the International Association of Plumbing and Mechanical Officials as amended by the Washington State Building Code Council and published as WAC 51-26 & 27 (amendments include the Washington State Water Conservation Performance Standards) are adopted for use within the City of Gig Harbor;

E. Section # 15.32.010, of the City of Gig Harbor Municipal Code, is hereby adopted as follows:

Section # 15.32.010 The Washington State Energy Code as amended by the Washington State Building Code Council and published as WAC 51-11 is adopted for use within the City of Gig Harbor; and,

F. Section # 15.32.005, of the City of Gig Harbor Municipal Code, is hereby adopted as follows:

Section # 15.06.005 The Washington State Ventilation and Indoor Air Quality Code as amended by the Washington State Building Code Council and published as WAC 51-13 is adopted for use within the City of Gig Harbor; and,

G. In case of conflict among the codes enumerated subsections A, B, C, D, E and F of this section, the first named code shall govern over those following.

Section 2. Section 15.06.060 of the City of Gig Harbor Municipal Code, Ord. # 490, passed by the Gig Harbor City Council in 1986, is hereby amended as follows:

15.06.060 Expiration. Subsection (d) of Section 303 of the Uniform Building Code, 1985 edition, is amended to read as follows:

Section 3. Section 15.12.060 of the City of Gig Harbor Municipal Code, Ord. # 493, passed by the Gig Harbor City Council on 9/8/86, is hereby amended as follows:

15.12.060 New Sections to the Uniform Fire Code, 1985 Edition are hereby added as follows: ...Subsection 10.207(e) of the Uniform Fire Code ~~10.204(a)~~ Dimensions.

~~(e) width. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches.~~

The minimum cleared vehicular roadway, driveway, or street, width shall be twelve (12) feet from shoulder to shoulder for one single family residence, fifteen (15) feet from shoulder to shoulder for one way traffic in other developments, and twenty-four (24) feet minimum driving surface for all two-way traffic.

EXCEPTION: Private roadways which serve less than 10 living units may be twenty (20) feet in width from shoulder to shoulder for two way traffic when the roadway serves only R-1 or R-3 occupancies as defined in the Uniform Building Code and the buildings and site improvements comply with the Special Hazards section of the currently adopted Uniform Fire Code [I.E.: See Section #10.501 (b), 1991 Uniform Fire Code]

~~Fire apparatus access roads shall have an unobstructed vertical clearance of not less than 13 feet 6 inches.~~

EXCEPTION: Upon approval by the chief, vertical clearance may be reduced, provided such reduction does not impair access by fire apparatus and approved signs are installed and maintained indicating the established vertical clearance.

Section 4. Section 15.12.060 of the City of Gig Harbor Municipal Code, Ord. # 493, passed by the Gig Harbor City Council on 9/8/86, is hereby amended as follows:

Ordinance No.

Page 4

15.12.060 New Sections to the Uniform Fire Code, 1985 Edition are hereby added as follows: ...Subsection 10.207(g) of the Uniform Fire Code-10.204(c)

Section 5. Section 15.12.060 of the City of Gig Harbor Municipal Code, Ord. # 493, passed by the Gig Harbor City Council on 9/8/86, is hereby amended as follows:

15.12.060 New Sections to the Uniform Fire Code, 1985 Edition are hereby added as follows: ...Subsection 10.208(b) of the Uniform Fire Code-10.301(a) & (b)

Section 6. Section 15.12.060 of the City of Gig Harbor Municipal Code, Ord. # 493, passed by the Gig Harbor City Council on 9/8/86, is hereby amended as follows:

15.12.060 New Sections to the Uniform Fire Code, 1985 Edition are hereby added as follows: ...Subsection 10.301(c) of the Uniform Fire Code-10.401

Section 7. Section # 15.12.095, of the City of Gig Harbor Municipal Code, is hereby adopted as follows:

Section # 15.12.095 A new Sub-Section to Appendix II-C, 5. (a) of the Uniform Fire Code is hereby adopted as follows:

4. The minimum fire flow at each hose station shall be 500 gpm at 20 psi. (65 gpm at 100 psi. or 80 gpm at 80 psi.).

EXCEPTION: A fire flow analysis in conformance to the 1974 ISO Guide or an NFPA approved method of analysis may be submitted to the Fire Marshal for approval.

Section 8. The following Sections and Chapters of the City of Gig Harbor Municipal Code, are hereby repealed except for those permits currently in process which had been applied for preceding the effective date of this ordinance:

Chapter 15.05, Ord. # 597 & 602, passed by the Gig Harbor City Council November, 1991; (1988 Washington State Building Codes)

Ordinance No.

Page 5

Section # 15.06.050, Ord. # 490, passed by the Gig Harbor City Council in 1986; (1985 Uniform Building Code Violations)

Section # 15.08.035, Ord. # 491, passed by the Gig Harbor City Council in 1986; (Plumbing Permit Fees)

Section # 15.12.100, Ord. # 493 passed by the Gig Harbor City Council in 1986; (NFPA Standards)

Chapter # 15.16, Ord. # 75, passed by the Gig Harbor City Council in 1964; (Fire Zone)

Section # 15.32.010, Ord. # 563, passed by the Gig Harbor City Council on August 28, 1989; (Energy Code)

Section 9. Severability Clause. If any section or provision of this Ordinance or the State Building Code or its application to any person or circumstance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance.

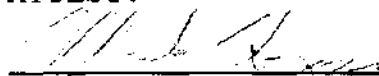
Section 10. Whenever any conflict occurs between any section of this Ordinance and the Code referred to in this Ordinance, the Code shall prevail.

Section 11. This Ordinance shall take effect and be in full force on July 1, 1992.

PASSED by the Gig Harbor City Council and approved by its Mayor at a regular meeting of the council held on the 11 day of May, 1992.


Gretchen A. Wilbert, Mayor

ATTEST:


Mark Hoppen
City Administrator/Clerk

Filed with city clerk: 4/20/92
Passed by city council: 5/11/92
Date published: 5/20
Date effective: 7/1/92

CITY OF GIG HARBOR

ORDINANCE NO. 624

AN ORDINANCE ANNEXING TO AND INCORPORATING WITHIN THE CITY OF GIG HARBOR CERTAIN UNINCORPORATED REAL PROPERTY OWNED BY THE CITY OF GIG HARBOR LYING NORTH OF THE CITY LIMITS, WEST OF 46TH AVENUE NW.

WHEREAS, it has been determined that the best interest and general welfare of the City of Gig Harbor would be served by the annexation of certain real property owned by the City of Gig Harbor as described in "Exhibit A" to this ordinance, and;

WHEREAS, Chapter 35A.14.300 provides for the annexation, by a majority vote of the legislative body, of territory outside of the city limits for municipal purposes, regardless of whether or not the territory is contiguous, and;

WHEREAS, criminal trespass and burglary have occurred at the city shop property, subject of this annexation; and,

WHEREAS, the annexation of the property is in the best interests and welfare of the city in providing fast emergency response and 24-hour police protection to city owned property, and;

WHEREAS, the annexation proposal is consistent with the criteria for annexations in accordance with Chapter 36.93.180 as the property is accessed by a public street (46th Avenue NW) and city utilities currently serve this site, and;

WHEREAS, the proposed annexation is in compliance with the Urban Area Agreement as entered into between Pierce County and the City of Gig Harbor, and;

WHEREAS, the proposed zoning designation of R-1 (low density single family) is consistent with the City of Gig Harbor Comprehensive Plan which designates this planning area as urban low density residential.


NOW, THEREFORE, the city council of the City of Gig Harbor ORDAINS as follows:

Ordinance #624
page 2

Section 1. The real property described in this ordinance as "Exhibit A" is hereby annexed into the City of Gig Harbor and is accorded a zoning designation of R-1 (low density single family residential).

Section 2. This ordinance shall be in full force and take effect five (5) days after publication according to law, after notification of approval by the Pierce County Boundary Review Board.

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 26th day of May, 1992.


Gretchen Wilbert, Mayor

ATTEST:



Mark E. Hoppen
City Clerk/Treasurer

Filed with the City Clerk: 5/6/92
Passed by the City Council: 5/26/92
Date Published: 6/2/92
Effective Date: 6/7/92

EXHIBIT C

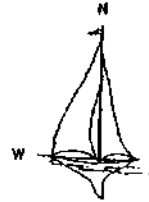
VICINITY MAP

SITE AREA

153RD

616 HARBOR

PUGET SOUND



— CITY BOUNDARY

000' 2000' 3000' 4000'

0.5 miles

1/2 mile

Property line base created from Pierce County Assessor records - by - The 616 Harbor Comprehensive Plan Research Team, The Evergreen State College, Olympia, Wash- ington, 1981.

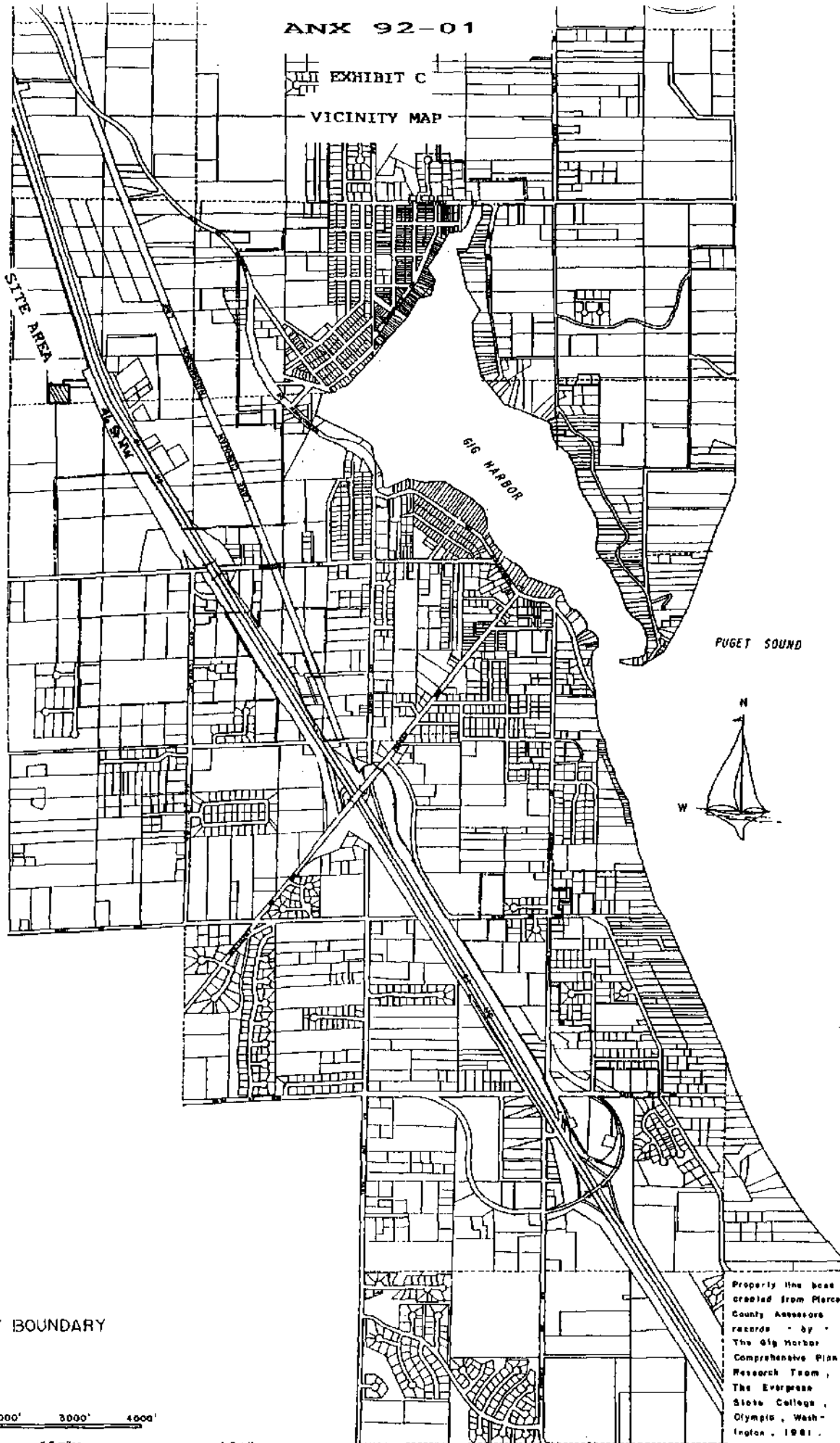


EXHIBIT A

LEGAL DESCRIPTION

ANX 92-01 (City of Gig Harbor Municipal Property)

Beginning at the southwest quarter corner of the northwest quarter of Section 6, Township 21 north, Range 2 East Willamette, thence easterly along the south line of said northwest quarter a distance of 542.2 feet to the true point of beginning:

Thence north a distance of 306.86 feet; thence east a distance of 272.00 feet; thence south a distance of 306.86 feet; thence west a distance of 272.00 feet to the true point of beginning.

Property is also described as Lot 4 of Pierce County Short Plat 84-05-31-0234.

15

1

NW 6

ROAD 3, SCHOOL 401,

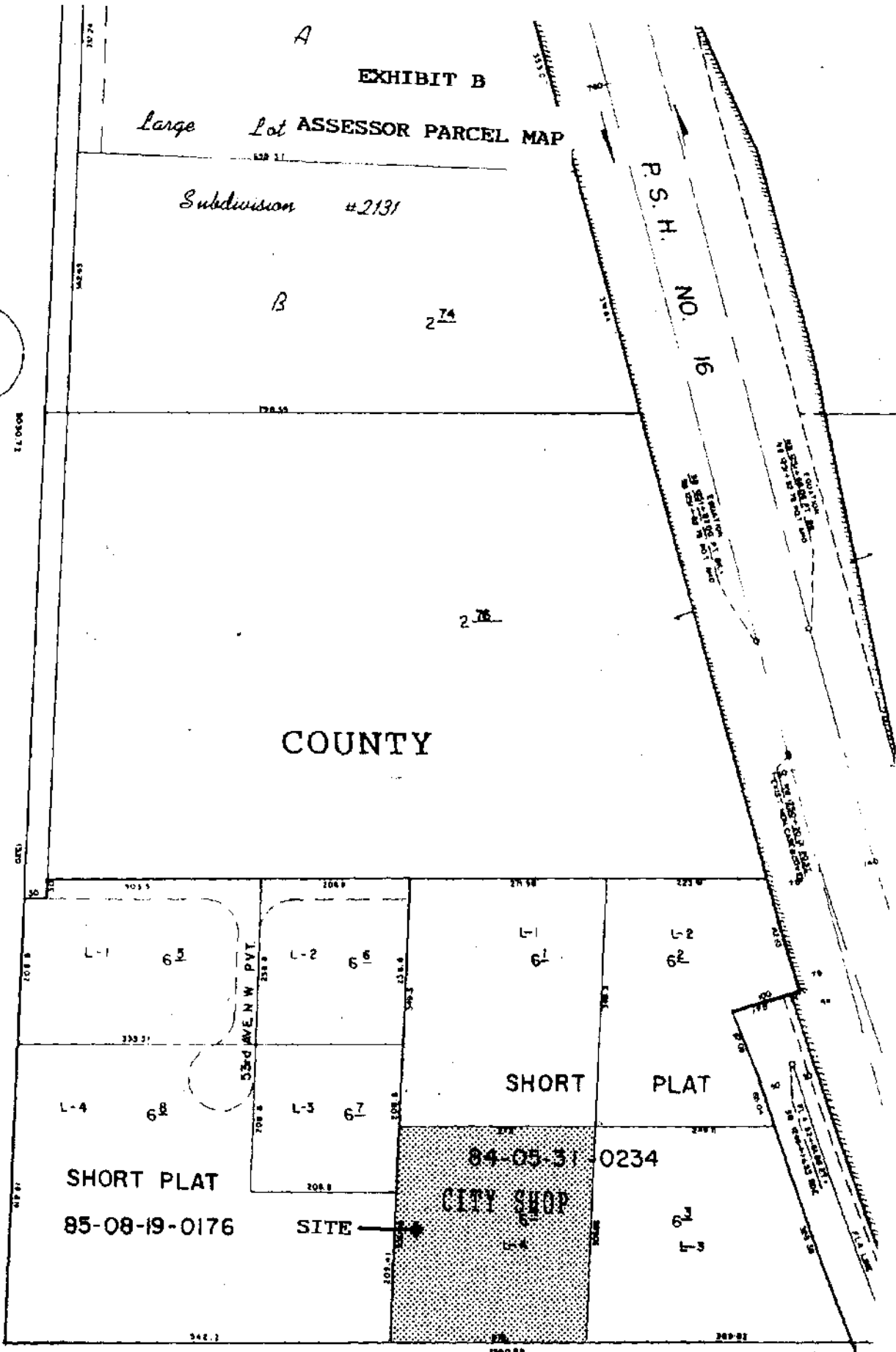
T 21

RPD. 5,

SCALE 1" = 200'

R 2 E

22



ANX 92-01

2

CITY OF GIG HARBOR

ORDINANCE NO. 625

AN ORDINANCE ADOPTING STATE STATUTE RCW 46.61.517, WHICH PROVIDES THAT EVIDENCE OF A PERSON'S REFUSAL TO SUBMIT TO A BREATH TEST IS ADMISSIBLE INTO EVIDENCE AT A SUBSEQUENT CRIMINAL TRIAL, AND SETTING AN EFFECTIVE DATE.

WHEREAS, RCW 46.61.517 states that the refusal of a person to submit to a test of the alcoholic content of the person's blood or breath under RCW 46.20.308 is admissible into evidence at a subsequent criminal trial, and;

WHEREAS, breath test evidence is an important part of any DWI prosecution, and;

WHEREAS, the City of Gig Harbor relies on the Model Traffic Code and periodically enacts other state statutes that are not part of the code, and;

WHEREAS, the City of Gig Harbor has not yet adopted RCW 46.61.517, and;

WHEREAS, the City of Gig Harbor finds it necessary to definitively guarantee the admissibility of such evidence;

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

Section 1. Section 10.04.010 is hereby amended as follows:


...

RCW 46.61.517, including all future amendments thereto.

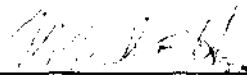
Section 2. This ordinance shall be in full force and take effect five (5) days after publication, according to law.

Ordinance No. 625
Page 2

PASSED by the City Council of the City of Gig Harbor and approved by its Mayor at a regular meeting of the Council held this 26th day of May, 1992.


Gretchen A. Wilbert, Mayor

ATTEST:


Mark E. Hoppen
City Administrator/Clerk

Filed with city clerk: 5/8/92
Passed by city council: 5/26/92
Date published: 6/2/92
Date effective: 6/7/92

CITY OF GIG HARBOR
ORDINANCE NO. 626

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, AMENDING ORDINANCE NO. 611, SECTION 4, TO REVISE THE EXPIRATION DATE OF THE ORDINANCE FROM JUNE 15, 1992 TO AUGUST 31, 1992.

WHEREAS, the City of Gig Harbor adopted Ordinance No. 611 on November 12, 1991; and,

WHEREAS, Section 4 of Ordinance No. 611 provided that upon the completion of wetlands mapping for the City, and upon further review by the planning commission and city council, the ordinance would be revised and its current form would expire no later than June 15, 1992; and,

WHEREAS, the City retained a consultant to delineate, identify and classify wetlands within the City, which has been accomplished as of May 1, 1992; and,

WHEREAS, for the Planning Commission to conduct a public hearing and worksession and City Council to complete its review of the mapping project and revisions to the ordinance would require additional time beyond the June 15 deadline; and,

WHEREAS, a revised expiration date of at least two months is reasonable to complete the review.

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

Section 1 Section 4 of Ordinance 611 is hereby amended as follows:

This ordinance shall take effect and be in full force five (5) days after the publication. Upon completion of the mapping of wetlands within the current city boundary, this ordinance will be reviewed by the Planning Commission and City Council and revised as appropriate. The ordinance, in this current form, will expire no later than ~~June 15~~ August 31, 1992.

Wetland Ordinance Time Extension
page 2

PASSED by the City Council of the City of Gig Harbor,
Washington, and approved by its mayor on this 8th day of
June, 1992.


Gretchen A. Wilbert

ATTEST:


Mark E. Hoppen
City Administrator

Filed with City Clerk: 5/21/92
Passed by City Council: 6/8/92
Date Published: 6/17/92
Date Effective: 6/22/92

CITY OF GIG HARBOR

ORDINANCE NO. 627

AN ORDINANCE relating to the Uniform Building Code and the collection of fees for the cost of supplying radon monitoring kits amending Chapters 3.4 of the Official Code of the City of Gig Harbor by adding thereto a new sub-section, to be known and designated as Sub-Section 3.040.010 (S).

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

Section 1. That Chapter 3.4 of the City Code of the City of Gig Harbor is hereby amended by the addition thereto of a new sub-section, to be known and designated as Sub-Section 3.40.010 (S), reading as follows:

3.40.010 (S) RADON TESTING


S. Radon Testing. The applicant for a building permit to construct a new single family or multi-family building within the City of Gig Harbor shall pay fifteen dollars (\$15.00) for each living unit to cover the cost of supplying the owner of each new living unit a three-month etched track radon measuring device in accordance with a new section to chapter 19.27 RCW.

Section 2. Severability Clause. If any section or provision of this Ordinance or the State Building Code or its application to any person or circumstance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 3. Whenever any conflict occurs between any section of this Ordinance and the Code referred to in this Ordinance, the Code shall prevail.


Section 4. This Ordinance shall take effect and be in full force on the first day of July, 1992.

PASSED by the Gig Harbor City Council and approved by its Mayor at a regular meeting of the council held on the 22nd day of June, 1992.



Gretchen A. Wilbert, Mayor

ATTEST:



Mark E. Hoppen
City Administrator/Clerk

Filed with city clerk: 6/4/92
Passed by city council: 6/22/92
Date published: 7/22/92
Date effective: 7/1/92

CITY OF GIG HARBOR

ORDINANCE NO. 628

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, AMENDING ORDINANCE NO. 611 AMENDING SECTIONS REQUIRING DELINEATION OF WETLANDS AND TO ADOPT CITY OF GIG HARBOR WETLAND MAPS.

WHEREAS, the City of Gig Harbor adopted Ordinance No. 611 on November 12, 1991; and,

WHEREAS, Section 4 of Ordinance No. 611 provided that upon the completion of wetlands mapping for the City, and upon further review by the planning commission and city council, the ordinance would be revised and its current form would expire; and,

WHEREAS, the City retained a consultant to delineate, identify and classify wetlands within the City, which has been accomplished as of April 30, 1992; and,

WHEREAS, the Planning Commission conducted a public hearing on May 19 to accept public testimony on the proposed maps; and,

WHEREAS, the Planning Commission, in a work session on May 28, reviewed the comments received at the hearing and has recommended, by consensus, that the City Council adopt the maps prepared by I.E.S. Associates and affect revisions to certain sections of the City of Gig Harbor Wetland Ordinance (Section 18.08).

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

Section 1. The following sections are hereby amended:

...

Section 18.08.040 Wetlands classification
guidelines/ratings

...

4. Category IV III

- a. Regulated wetlands which do not meet the criteria of a category I or II wetlands and which are greater than 10,000 square feet in area; and,

- b. Hydrologically isolated wetlands that are greater than 10,000 square feet but less than or equal to one acre in size, and have only one wetland class and have only one dominant plant species.
- c. Hydrologically isolated wetlands less than 10,000 square feet in area which contain a rare or unique species or which have significant biological function and value.

...

Section 18.08.070 (H) Permitting Process

Prior to the submittal of a wetlands analysis report or the development of a lot which has a classified wetland as identified on the City Wetland Map, boundaries of wetlands 2,500 square feet or more shall be staked and flagged in the field by a wetland specialist and surveyed by a licensed professional surveyor registered in the State of Washington. Field flagging shall be distinguishable from other survey flagging on the site.

...

Section 18.08.090 (A) Wetland Analysis Report Requirements

A wetland analysis report shall be prepared by a qualified wetland specialist and submitted to the department as part of the SEPA review process established by the City of Gig Harbor Environmental Policy Ordinance, Chapter 18. ~~In any case in which a land-use application is submitted prior to a determination that a wetland analysis report is required, the wetland analysis report shall be submitted to the Department and distribution by the Department to appropriate reviewing agencies for environmental review.~~ A wetlands analysis report is not required for those wetlands mapped and classified per the City of Gig Harbor wetlands map. A wetlands analysis report is required with all annexation petitions and land-use applications for properties which do not have wetlands mapped and classified per the City of Gig Harbor wetlands map.

...

18.08.100 Buffer Areas

...

Wetland Category	Buffer Width
Category I	150 Feet
Category II I	100 Feet

Category III II	50 Feet
Category IV III	25 Feet
Category V IV	Type 3 Water-35 Feet
	Type 4 Water-25 Feet
	Type 5 Water-15 Feet

...

18.08.230 Designated Wetlands

...

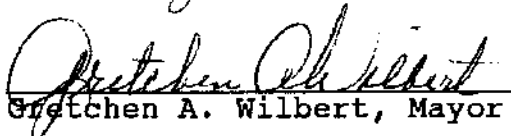
3. Areas which have been designated as wetlands per the City of Gig Harbor Wetlands Inventory and Maps, May/June 1992.

...

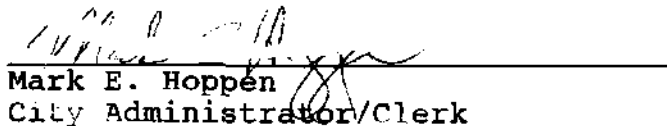
Section 2. Validity. If any section, sentence, clause, or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall no affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

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

PASSED by the City Council of the City of Gig Harbor, Washington, and approved its Mayor at a regular meeting of the council held on this 13th day of July, 1992.


 Gretchen A. Wilbert, Mayor

ATTEST:


 Mark E. Hoppen
 City Administrator/Clerk

Filed with City Clerk:	6/11/92
Passed by City Council:	7/13/92
Date Published:	7/22/92
Date Effective:	7/27/92

**CITY OF GIG HARBOR
ORDINANCE NO. 629**

**AN ORDINANCE AMENDING TITLE 17 OF THE GIG HARBOR MUNICIPAL
CODE ADOPTING STANDARDS FOR THE PROVISION AND REGULATION OF
ACCESSORY APARTMENTS IN SINGLE FAMILY (R-1) ZONES.**

WHEREAS, Amy Smith has requested a text amendment to the City of Gig Harbor Zoning Ordinance allowing the provision of accessory apartments in single family residents in the R-1 zone; and

WHEREAS, Chapter 17.100 of the Gig Harbor Zoning Ordinance specifies the manner in which the text of said code may be changed; and

WHEREAS, the Planning Staff has determined that the proposed text amendment has been submitted in compliance with City ordinances; and

WHEREAS, the City's Planning Staff, Planning Commission, and City Council have determined that the proposed text amendment is consistent with stated goals, objectives, and purposes as stated in the City's Comprehensive Plan and Zoning Ordinance as outlined in the Planning Staff report dated June 2, 1992; and,

WHEREAS, the Planning Commission and City Council conducted public hearings on June 2, 1992 and June 22, 1992, respectively, to accept public comment on the proposed text amendment;

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

Section 1. The Zoning Ordinance of the City of Gig Harbor is hereby amended to read as follows:

17.04.015 Accessory Apartment. "Accessory apartment" means a residential unit with a functional kitchen, bath, and outside entrance, of up to 600 square feet, attached to or on the same parcel as a single family residence in an R-1 (single family) zone. Accessory apartments shall be under the same ownership as the primary residential unit on the same parcel with the owner living on-site in either unit. Accessory apartments shall not be condominiumized or otherwise sold separate.

CITY OF GIG HARBOR

ORDINANCE NO. 630

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, CREATING A NEW CHAPTER 8.32, ENTITLED "CONSTRUCTION HOURS" AND NEW SECTIONS THEREUNDER; ESTABLISHING DESIGNATED HOURS FOR PERMITTED RESIDENTIAL AND COMMERCIAL CONSTRUCTION WITHIN CITY LIMITS SUBJECT TO EXCEPTIONS; ESTABLISHING PENALTIES; AND SETTING AN EFFECTIVE DATE.

WHEREAS, the City of Gig Harbor continues to experience population growth and increased density, both reflected in ever escalating residential and commercial construction projects, most taking place within populated areas of the city; and

WHEREAS, in the past several months, the city has received more and more requests for relief from after hours construction and its attending problems: increased construction activity, noise, and roadway congestion after hours and on weekends and holidays; and

WHEREAS, limiting hours of construction will not be materially detrimental to public health, safety, and general welfare, but will indeed promote all of these;

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

Section 1. A new Chapter 8.32 of the Gig Harbor Municipal Code is hereby created to read as follows:

8.32

Hours of Operation

Sections:

- 8.32.010 Construction hours regulated
- 8.32.020 Penalties

8.32.010 Construction hours regulated.

- A. Except as permitted in subsection B of this section, any construction activity in conjunction

with any approved permits, including but not limited to building permits, utility permits, clearing/grading permits, or land use certification permits shall be permitted only between the hours of 7:00 a.m. and 8:00 p.m. on weekdays, 8:00 a.m. to 8:00 p.m. on weekends and federal, state, or city observed holidays.

- B. Construction activity may be permitted outside the hourly limits set forth in subsection A only upon application and approval by the building official or by the public works director. Criteria for approval shall include project remoteness, undue hardship,, or other reasonable standards. Approval may only be for specific dates and times and under terms that the approving official deems appropriate under the circumstances.

8.32.020 Penalties. It is unlawful for any person, firm, or corporation to violate or fail to comply with any of the provisions of this chapter. Any person, firm, or corporation who shall commit any violation of this chapter shall have committed a civil infraction and, upon a finding by the municipal court such infraction has been committed, shall pay a monetary penalty to the city in an amount not to exceed two hundred dollars per offense. Each day or portion thereof during which any violation of this chapter is committed shall constitute a separate offense.

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

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

. . .

17.16.030 Conditional uses.

. . .

G. Accessory Apartment - when reviewing a conditional use request for an accessory apartment, the Hearing Examiner shall consider the following guidelines:

- (1) The required parking space for the accessory apartment is placed behind the primary structure or is paved with grass-block pavers to avoid an expansive area of hard surface.
- (2) The accessory apartment is attached to or placed at least 6 feet behind the primary structure.
- (3) The design of the accessory apartment is incorporated into the primary unit's design with matching materials, colors, window style, and roof design.
- (4) The entrance to the accessory apartment is oriented away from the view of the street or is designed to appear as a secondary entrance to the primary unit, e.g., garage entrance or service porch entrance.
- (5) Utilities for the accessory apartment shall be metered separate from the primary dwelling unit.
- (6) The accessory apartment and the primary unit conforms to all other building and zoning code requirements.

. . .

17.72.030 Number of off-street parking spaces required. The following is the number of off-street parking spaces required:

- A. For single family dwellings, two off-street parking spaces for each dwelling unit and one additional parking space for accessory apartments associated with single family dwelling units.

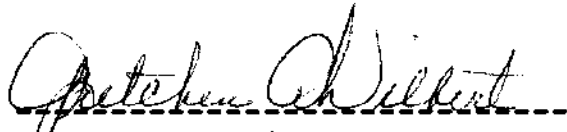
. . .

Ordinance #629
Page 3

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

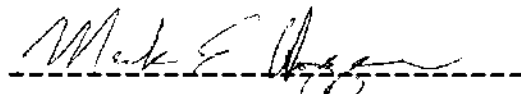
Section 3. This ordinance shall take effect and be in full force five (5) days after publication.

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 13th day of July, 1992.



Gretchen A. Wilbert, Mayor

ATTEST:

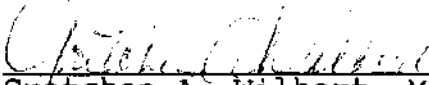


Mark E. Hoppen
City Administrator/Clerk

Filed with City Clerk: April 17, 1992
Passed by City Council: July 14, 1992
Date published: July 22, 1992
Date effective: July 27, 1992


Ordinance #630
Page 3

PASSED by the City Council of the City of Gig Harbor,
Washington, and approved by its mayor at a regular meeting
of the council held on this 27th day of July, 1992.



Gretchen A. Wilbert, Mayor

ATTEST:



Mark E. Hoppen/
City Administrator/Clerk

Filed with city clerk: 7/7/92
Passed by city council: 7/27/92
Date published: 8/12/92
Date effective: 8/17/92

CITY OF GIG HARBOR

ORDINANCE NO. 631

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR ADOPTING THE ANNEXATION FOR THE AREA KNOWN AS THE HOOVER ROAD ANNEXATION (ANX 91-01) AS SUBMITTED BY PETITIONERS JAMES RICHARDSON, ET.AL.

WHEREAS, on February 27, 1992, a petition for annexation of approximately 53 acres was submitted for the property lying south of Rosedale Street, east of 54th Avenue NW, north of Hoover Road and west of North Creek Estates subdivision; and,

WHEREAS, the petition which has been certified by the City Administrator as legally sufficient containing the signatures of not less than 60% of the owners of assessed evaluation and the legal description of the subject property are attached to this resolution and made a part hereto; and,

WHEREAS, such annexation proposal is within the Urban Area Boundary as defined in the Urban Area Agreement of September, 1987, between Pierce County and the City of Gig Harbor; and,

WHEREAS, such annexation proposal is within the future potential annexation area as defined by the City of Gig Harbor; and

WHEREAS, on the 28th of October, 1991, the City Council met with the initiating party during regular session of the Council; and,

WHEREAS, at that time the Council set forth the requirements placed on the petitioner wishing to annex as follows:

1. Assumption by the property owners their portion of the City of Gig Harbor's indebtedness;
2. The area shall be zoned as single family residential (R-1) and designated as within the height overlay district, subject to the City of Gig Harbor Zoning Code, Title 17 of the Gig Harbor Municipal Code;

WHEREAS, on March 6, 1992 a determination of non-significance was issued for the proposal, based upon a

page 2

review of the environmental documents submitted by the petitioner, in accordance with the City of Gig Harbor Environmental Policy Ordinance, Title 18 of the Gig Harbor Municipal Code;; and,

WHEREAS, at the public hearing of March 23rd, 1991, the City Council does hereby declared its intent to authorize and approve said annexation, and to accept same as a part of the City of Gig Harbor; and,

WHEREAS, the City Council has complied with the procedural requirements of RCW 35A.14 to the conclusion of this annexation.

NOW, THEREFORE, the city council of the City of Gig Harbor **ORDAINS** as follows:


Section 1. The real property described in this ordinance as "Exhibit A" is hereby annexed into the City of Gig Harbor and is accorded a zoning designation of R-1 (low density single family residential) and is within a height overlay district, per Section 17.62 of the Zoning Code.

Section 2. This ordinance shall be in full force and take effect five (5) days after 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 on this 27th day of July, 1992.


Gretchen Wilbert, Mayor

ATTEST:


Mark E. Hoppen
City Clerk/Treasurer

Filed with the City Clerk: 7/9/92
Passed by the City Council: 7/27/92
Date Published: 8/12/92
Effective Date: 8/17/92

EXHIBIT "A"

May 18, 1992

A VARIANCE MAY EXIST BETWEEN ALIQUOT PARTS OF A SECTION AND GOVERNMENT LOTS, PRIOR TO ANY SURVEYING AND/OR PLATTING IN REGARDS TO THE FOLLOWING DESCRIPTION A THOROUGH TITLE SEARCH IS RECOMMENDED.

A portion of the northwest 1/4 of Section 7, T.21 N., R.2 E., W.M., Pierce County, WA: more particularly described as follows;

BEGINNING at the West 1/4 corner of said Section 7;

thence northerly along the West boundary of said northwest 1/4 of Section 7 to a point on the southerly right of way boundary of Rosedale St. N.W.;

thence easterly along said southerly right of way boundary to a point on the East boundary of the northwest 1/4 of the northwest 1/4 of the northwest 1/4 (A.F.N.9112260628) of said Section 7;

thence southerly along said East boundary to the northwest corner of the west 1/2 of the southeast 1/4 of the northwest 1/4 of the northwest 1/4 (A.F.N. 8306010090) of said Section 7;

thence easterly and leaving said East boundary along the North boundary (A.F.N. 8306010090) of the west 1/2 of the southeast 1/4 of the northwest 1/4 of the northwest 1/4 of Section 7 to the northeast corner (A.F.N. 8306010090) of said west 1/2 of the southeast 1/4 of the northwest 1/4 of the northwest 1/4 of said Section 7;

thence southerly and leaving said North boundary along the East boundary of said West 1/2 of the southeast 1/4 of the northwest 1/4 of the northwest 1/4 to the southeast corner (A.F.N. 8306010090) of said west 1/2 of the southeast 1/4 of the northwest 1/4 of the northwest 1/4 of said Section 7;

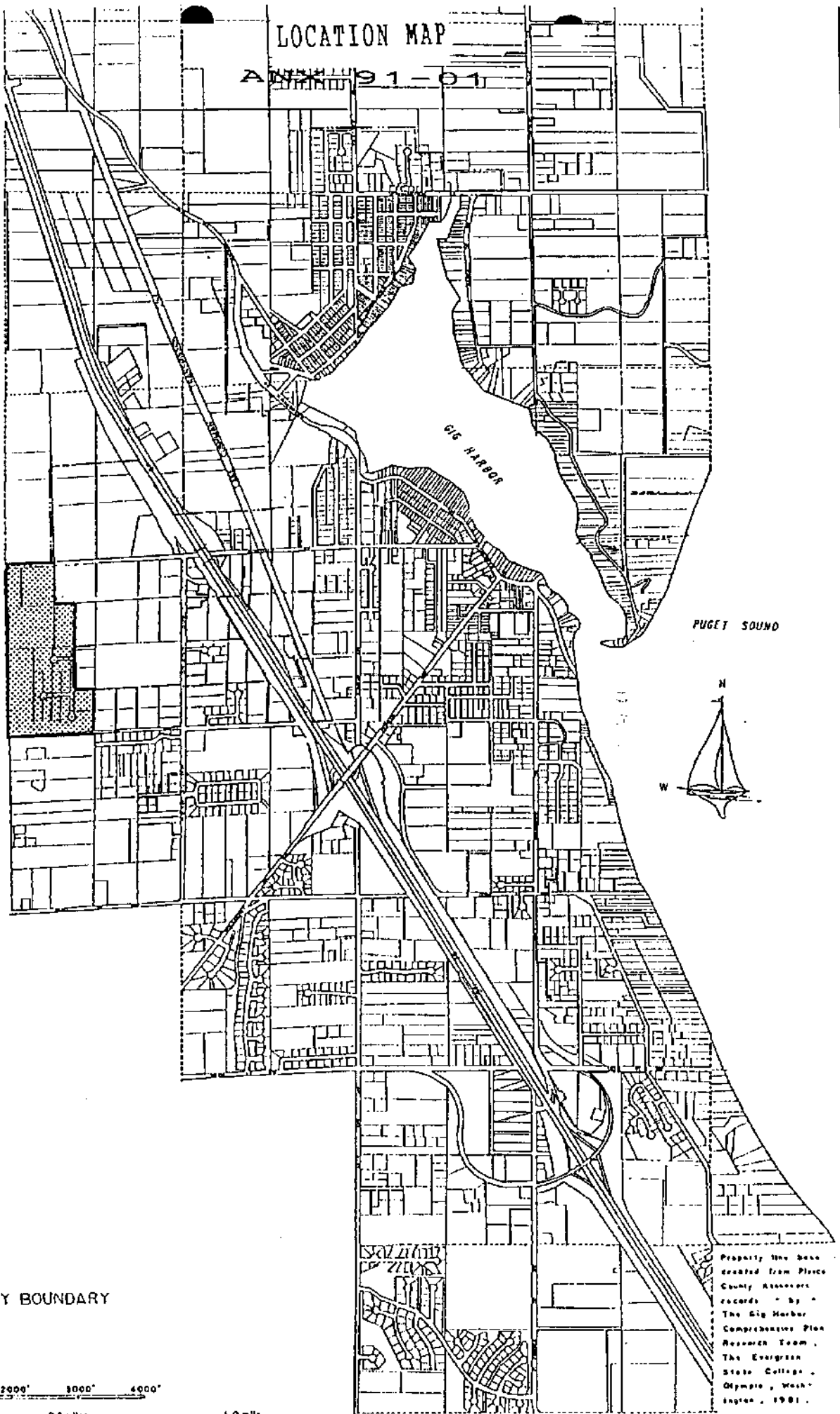
thence westerly and leaving said East boundary along the South boundary (A.F.N. 8306010090) of said west 1/2 of the southeast 1/4 of the northwest 1/4 of the northwest 1/4 to the northwest corner of Lot 1 of Pierce Co. Short Plat No. 77-188 (said point also being the northeast corner of Pierce Co. Short Plat No. 78-903);

thence southerly and leaving said South boundary along the West boundary of Pierce Co. Short Plat No. 77-188 to the southwest corner of Lot 2 of said Short Plat, said point also being the northwest corner of Lot 3 of said Short Plat;

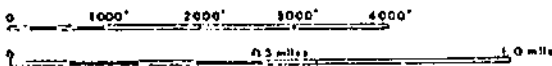
thence easterly and leaving said West boundary along the South boundary of said Lot 2 to the southeast corner thereof;

LOCATION MAP

ANNEX 91-01



--- CITY BOUNDARY



Property line data derived from Pierce County Assessor's records - by - The Gig Harbor Comprehensive Plan Research Team, The Evergreen State College, Olympia, Wash - August, 1981.

May 18, 1992

thence southerly and leaving said South boundary along the East boundary of Lot 3 of Pierce Co. Short Plat No. 77-188 to the northeast corner of Lot 4 of Survey No. 1636 as recorded in Volume 17 of Surveys at page 30 records of Pierce Co. Auditor;

thence southerly along the East boundary of said Lot 4 to the southeast corner thereof;

thence westerly and leaving said East boundary along the South boundary of said Lot 4 to the southwest corner thereof, also being the southeast corner of the west 1/2 of the west 1/2 of the southwest 1/4 of the northwest 1/4 of said Section 7;

thence westerly along the South boundary of said west 1/2 of the west 1/2 of the southwest 1/4 of the northwest 1/4 to the West 1/4 corner of said Section 7, T.21N., R. 2 E., W.M., Pierce Co., Washington, the POINT OF BEGINNING.

AND:

That portion of Rosedale St. N.W. within sec.'s 6 & 7, T.21 N., R.2 E., W.M., Pierce Co., WA, adjoining on the North, of the above described parcel.

Note: This description was written from existing recorded deeds which describe parcels as being a portion of the northwest 1/4 of the northwest 1/4 of section 7, T. 21 N., R.2 E., W.M., however the GLO plat shows un-numbered Gov't lots along the West boundary of said section 7 which may affect the boundaries of said parcels when surveyed.

CITY OF GIG HARBOR

ORDINANCE NO. 632

AN ORDINANCE relating to the Uniform Building & Uniform Fire Codes; requiring the installation of automatic fire sprinkler systems and fire alarm systems in existing multi-family buildings, hotels and motels; and amending Chapters 3.4 and 15.12 of the Official Code of the City of Gig Harbor by adding thereto new sections, to be known and designated as Sections 15.12.024, 15.12.026 and Sub-Section 3.040.010 (S).

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

Section 1. That Chapter 15.12 of the City of Gig Harbor is hereby amended by the addition thereto of a new section, to be known and designated as Section 15.12.024, reading as follows:

15.12.024 AUTOMATIC FIRE SPRINKLER SYSTEMS

- A. Policy and Purpose. The City Council finds that automatic fire sprinkler systems are now technologically and economically viable and can help to reduce the loss of life and property due to fire, and are therefore reasonably necessary in order to protect the public health, safety and welfare.
- B. An automatic sprinkler system shall be installed as required in every existing building classified as a Group R, Division 1 occupancy which exceeds 5,000 square feet or exceeds two (2) stories in height or which contains five (5) or more units, and in every existing hotel and motel which contains six (6) or more guest rooms.
 1. For purposes of this section, a structure with two (2) stories and a basement shall be considered as exceeding two stories.
 2. For the purposes of this section, area separation walls shall not define separate buildings.

Residential or quick-response standard sprinkler heads shall be used in dwelling unit and guest room portions of the building. The automatic fire sprinkler system may be installed in accordance with the requirements of Uniform Building Code Standard 38-3 for all existing buildings housing Group R, Division 1 occupancies, which are four or less stories in height. In buildings housing Group R, Division 1 occupancies over four stories in height, the sprinkler system shall be installed in accordance with the requirements of Uniform Building Code Standard 38-1. Uniform Building Code Standard 38-3 system to be installed in buildings with a height to highest humanly-occupied floor less than seventy-five feet above lowest Fire Department access.

C. Sprinkler Installation Requirements.

1. Automatic sprinklers in all hotels and motels shall be installed, tested and approved within five years of the effective date of this section.
2. An automatic sprinkler system, in accordance with this ordinance, shall be required to be installed immediately whenever:
 - a. A building classified as a Group R, Division 1 (as defined in Section B) occupancy is being substantially remodeled or renovated; or
 - b. A building classified as a Group R, Division 1 occupancy incurs a fire with substantial damage.
3. In the event there is a conflict between any provisions of this ordinance and the provisions of this ordinance and the provisions of the last adopted I.C.B.O. Uniform Building Code or the Uniform Fire Code, the more restrictive (greatest protection) provisions shall apply.

Section 2. That Chapter 15.12 of the City Code of the City of Gig Harbor is hereby amended by the addition thereto of a new section, to be known and designated as Section 15.12.026, reading as follows:

15.12.026 FIRE ALARM SYSTEMS

- A. Each existing dwelling unit or guest room shall be provided with approved smoke detectors. A smoke detector shall be mounted on the ceiling or wall at a point centrally located in the corridor or area giving access to rooms used for sleeping purposes. Additional detectors shall be centrally located on the ceiling of the main room and sleeping rooms. Where sleeping rooms are on an upper level, the detector shall be placed at the center of the ceiling directly above the stairway. All detectors shall be located in accordance with approved manufacturer's instructions and in conformance with the Uniform Building Code Standards. When actuated, the detector shall provide an alarm in the dwelling unit or guest room.
- B. Power Source. Smoke detectors shall receive their primary power from the building wiring and shall be equipped with a battery back-up. Wiring shall be permanent without a disconnecting switch other than those required for over-current protection. Building owners or their agents shall identify whose smoke detectors which are not wired to the primary building wiring, and shall install new smoke detectors with complying wiring within two years of the effective date of this section. Notification of compliance shall be sent to the Gig Harbor Building Official/Fire Marshal.

Section 3. That Chapter 3.4 of the City Code of the City of Gig Harbor is hereby amended by the addition thereto of a new sub-section, to be known and designated as Sub-Section 3.40.010 (S), reading as follows:

3.40.010 (S) RADON TESTING

S. Radon Testing. The applicant for a building permit to construct a new single family or multi-family building within the City of Gig Harbor shall pay fifteen dollars (\$15.00) for each living unit to cover the cost of supplying the owner of each new living unit a three-month etched track radon measuring device in accordance with a new section to chapter 19.27 RCW.

Section 4. Severability Clause. If any section or provision of this Ordinance or the State Building Code or its application to any person or circumstance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 5. Whenever any conflict occurs between any section of this Ordinance and the Code referred to in this Ordinance, the Code shall prevail.

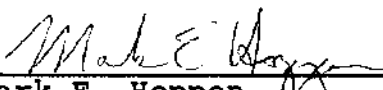
Section 6. This Ordinance shall take effect and be in full force on the first day of July, 1992.

PASSED by the Gig Harbor City Council and approved by its Mayor at a regular meeting of the council held on the 27th day of July, 1992.



Gretchen A. Wilbert, Mayor

ATTEST:



Mark E. Hoppen
City Administrator/Clerk

Filed with city clerk: 7/22/92
Passed by city council: 7/27/92
Date published: 8/5/92
Date effective: 9/1/92

ORDINANCE NO. 633

AN ORDINANCE of the City Council of the City of Gig Harbor, Washington authorizing the issuance and sale of subordinate lien water and sewer revenue bond anticipation notes for the purpose of interim financing the improvements within utility local improvement district no. 3 of the city in the aggregate principal amount of \$1,800,000; providing the form, terms and maturity of said notes; creating a special fund for the payment of said notes; and accepting the offer of Dain Bosworth Incorporated to purchase said notes.

PASSED: August 10, 1992

Prepared by:
Preston Thorgrimson
Shidler Gates & Ellis
Seattle, Washington

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* This Table of Contents and the Cover Page are not a part of the following ordinance and are included only for the convenience of the reader.

ORDINANCE NO. 633

AN ORDINANCE of the City Council of the City of Gig Harbor, Washington authorizing the issuance and sale of subordinate lien water and sewer revenue bond anticipation notes for the purpose of interim financing the improvements within utility local improvement district no. 3 of the city in the aggregate principal amount of \$1,800,000; providing the form, terms and maturity of said notes; creating a special fund for the payment of said notes; and accepting the offer of Dain Bosworth Incorporated to purchase said notes.

WHEREAS, the City of Gig Harbor, Washington (the "City") now operates and maintains a combined system of water and sewerage (the "System"), and

WHEREAS, the City formed Utility Local Improvement District No. 3 on January 27, 1992, by the passage of Ordinance No. 617 for the purpose of undertaking an extension of the System to certain areas outside the boundaries of the City; and

WHEREAS, pursuant to RCW Ch. 35.92, the City is authorized to issue water and sewer revenue bonds to provide financing for such improvements; and

WHEREAS, pursuant to RCW Ch. 39.50, the City is authorized to issue short term obligations in anticipation of the issuance of such revenue bonds; and

WHEREAS, in order to provide interim financing for the costs of such improvements, it is found to be in the best interest of the City and its residents to issue and sell its water and sewer

revenue bond anticipation notes in the principal amount of \$1,800,000; and

WHEREAS, the City has received an offer from Dain Bosworth Incorporated to purchase said notes under the terms and conditions set forth in this ordinance;

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

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

"Act" means Chapter 39.50 RCW.

"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. 3) 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.

"Bonds" means the Subordinate Lien Water and Sewer Revenue Bonds authorized to be issued by Section 3 of this ordinance.

"City" means the City of Gig Harbor, Washington, a municipal corporation duly organized and existing under 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 City Council as the general legislative authority of the City as the same shall be duly constituted from time to time.

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

"DTC" means The Depository Trust Company, New York, New York, a limited purpose trust company organized under the laws of the State of New York, as depository for the Notes.

"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.

"Letter of Representations" means the letter of representations from the Note Registrar and the City to DTC, in substantially the form of Exhibit A attached hereto and made a part hereof by this reference.

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

"Note Fund" means the special fund of the City designated as the Water and Sewer Revenue Bond Anticipation Note Fund, 1992 created by Section 7 hereof.

"Note Register" means the records maintained on behalf of the City containing the name and mailing address of each owner of the

Notes or the nominee of such owner, and such other information as the Note Registrar shall determine.

"Note 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 Notes, maintaining the Note Register, effecting transfer of ownership of the Notes and paying interest on and principal of the Notes.

"Notes" means the City of Gig Harbor, Washington, Subordinate Lien Water and Sewer Revenue Bond Anticipation Notes, 1992, the sale and issuance of which are authorized herein.

"Outstanding Parity Bonds" means the following designated water and sewer revenue bonds of the City:

<u>Resolution Number</u>	<u>Date of Issue</u>	<u>Original Principal Amt.</u>	<u>Currently Outstanding (8/1/92)</u>	<u>Final Maturity Dates</u>
468	December 15, 1985	\$ 740,000	\$ 460,000	December 1, 2000
553	May 1, 1989	2,040,000	1,830,000	June 1, 2005

The Outstanding Parity Bonds are the only bonds of the City outstanding at this time for the payment of the principal of and interest on which the earnings and revenues of the System have been pledged.

"Parity Bonds" means the Outstanding Parity Bonds and any Future Parity Bonds.

"Project" means the additions, betterments and improvements to be undertaken within ULID No. 3 specified in Ordinance No. 617.

"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 acting in his capacity as Clerk and Treasurer of the City.

"ULID No. 3" means Utility Local Improvement District No. 3 of the City, created pursuant to Ordinance No. 617 of the City Council.

Section 2. Authorization of Project. Pursuant to Ordinance No. 617, the City has heretofore authorized and approved the construction of the improvements within ULID No. 3. The proceeds of the Notes herein authorized shall be used to provide for the interim financing of the costs of said improvements (the "Project"). Upon the completion of the Project within ULID No. 3, an assessment roll shall be confirmed for all of the costs of said improvements and Assessments levied against the property owners within ULID No. 3 benefited by said Project. All of said Assessments to be levied within ULID No. 3 shall be deposited upon receipt into a bond fund to be created for the sole purpose of paying the principal of and interest on such bonds.

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 is hereby declared to be, as near as may be estimated, the sum of \$1,800,000 of which \$1,800,000 shall be paid out of the proceeds of sale of the Notes.

The Project shall be subject to such changes as to details of pipe, size and location or in any other details of said plan not affecting the service to be provided by the main general plan as shall be authorized by the Council either prior to or during the actual course of construction. The Project shall be constructed and installed at such time or times as may be found to be necessary, advisable and economically feasible by the City Council and such Council shall take all actions and do all things as may be necessary and proper in carrying out the Project. The City shall acquire by purchase or condemnation all property, both real and personal, rights-of-way, franchises, easements and water rights necessary to carry out said plan, which is as more particularly set forth in maps and plans prepared by Sitts & Hill Engineers, Inc., Washington, consulting engineers for the City.

The Council shall have the right to cooperate, coordinate, enter into, contract and do all things that are necessary and proper with sewer districts, other cities, towns, port authorities and all other governmental and non-governmental units to the end that the System and the people of the City are benefited.

The cost of the Project is found to be, as near as may be estimated, \$1,800,000, all of which shall be provided from the proceeds of the Notes hereinafter authorized.

Section 3. Authorization of Bonds. For the purpose of providing the funds necessary to pay part of the costs of the Project, as specified in Section 2 of this ordinance, the City shall issue and sell its subordinate lien water and sewer revenue bonds (the "Bonds") in the total principal amount of \$1,800,000, or such part thereof as may be found necessary, to carry out the Project. The Bonds shall be issued at such times and in such amounts as may be found necessary and shall bear interest and mature in various amounts in each year from one to not exceeding 30 years from date of issue to be determined by the Council. Both the principal of and interest on the Bonds shall be payable solely from the gross earnings and revenue of the System.

Section 4. Authorization of Notes. For the purpose of providing interim financing of the Project pending its completion and the issuance of the Bonds, the Council hereby authorizes the issuance and sale of its subordinate lien water and sewer revenue bond anticipation notes (the "Notes"). The Notes shall be designated as the "City of Gig Harbor, Washington, Subordinate Lien Water and Sewer Revenue Bond Anticipation Notes, 1992," shall be dated as of August 1, 1992, shall be issued in fully registered form in the denomination of \$5,000 or any integral multiple thereof, shall bear interest at a per annum rate of 4.25%, payable

on February 1, 1993 and each February 1 and August 1 thereafter and shall mature on August 1, 1994. Interest on the Notes shall be calculated on the basis of a 360-day year with 30-day months.

The Notes shall be an obligation only of the Note Fund and shall be payable and secured as provided herein. The Notes shall not be deemed to constitute a general obligation or a pledge of the faith and credit or taxing power of the City or the State of Washington.

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 Notes (collectively, the "Note Registrar"). The Note Registrar shall maintain the Note Register.

To induce DTC to accept the Notes as eligible for deposit at DTC, the City shall execute and deliver the Letter of Representations. The Finance Director is hereby authorized to execute the Letter of Representations with such changes as may hereafter be approved by the Finance Director, and such approval shall be conclusively presumed by the Finance Director's execution thereof. The Notes initially issued shall be held in fully immobilized form by DTC acting as depository pursuant to the terms and conditions set forth in Exhibit A attached hereto; shall be issued in denominations equal to the aggregate principal amount thereof and initially shall be registered in the name of Cede & Co., as the nominee of DTC.

Neither the City nor the Note Registrar will have any responsibility or obligation to DTC participants or the persons for whom they act as nominees with respect to the Notes in respect of the accuracy of any records maintained by DTC or any DTC participant, the payment by DTC or any DTC participant of any amount in respect of the principal or redemption price of or interest on the Notes, any notice which is permitted or required to be given to Registered Owners under this ordinance (except such notices as shall be required to be given by the City to the Note Registrar or to DTC), the selection by DTC or any DTC participant of any person to receive payment in the event of a partial redemption of the Notes or any consent given or other action taken by DTC as the Registered Owner. For so long as any Notes are held in fully immobilized form hereunder, DTC or its successor depository shall be deemed to be the Registered Owner for all purposes hereunder, and all references herein to the Registered Owners shall mean DTC or its nominee and shall not mean the owners of any beneficial interest in the Notes.

If any Note shall be duly presented for payment and funds have not been duly provided by the City on such applicable date, then interest shall continue to accrue thereafter on the unpaid principal thereof at the rate stated on such Note until it is paid.

The Notes shall be registered initially as a single note in the name of "Cede & Co.," as nominee of DTC in a denomination corresponding to the total principal therein designated to mature on August 1, 1994. Registered ownership of such immobilized Notes,

or any portions thereof, may not thereafter be transferred except (i) to any successor of DTC or its nominee, provided that any such successor shall be qualified under any applicable laws to provide the service proposed to be provided by it; (ii) to any substitute depository appointed by the Council pursuant to subsection (2) below or such substitute depository's successor; or (iii) to any person as provided in the second paragraph below.

Upon the resignation of DTC or its successor (or any substitute depository or its successor) from its functions as depository or a determination by the City Council that it is no longer in the best interests of owners of beneficial interests of the Notes to continue the system of book entry transfers through DTC or its successor (or any substitute depository or its successor), the Council may hereafter appoint a substitute depository. Any such substitute depository shall be qualified under any applicable laws to provided the services proposed to be provided by it.

In the case of any transfer pursuant to clause (i) or (ii) above, the Note Registrar shall, upon receipt of the Note, together with a written request on behalf of the Council, issue a single new Note registered in the name of such successor or such substitute depository, or their nominees, as the case may be, all as specified in such written request of the Council.

In the event that (i) DTC or its successor (or substitute depository or its successor) resigns from its functions as

depository, and no substitute depository can be obtained, or (ii) the Council determines that it is in the best interest of the beneficial owners of the Notes that they be able to obtain Note certificates, the ownership of Notes may then be transferred to any person or entity as herein provided, and the Notes shall no longer be held in fully immobilized form. The Council shall deliver a written request to the Note Registrar, together with a supply of definitive Notes, to issue Notes as herein provided in any authorized denomination. Upon receipt of all then outstanding Notes by the Note Registrar together with a written request on behalf of the Council to the Note Registrar, new Notes shall be issued in such denominations and registered in the names of such persons as are requested in such written request.

The City and the Note Registrar shall be entitled to treat the person in whose name any Note is registered as the absolute owner thereof for all purposes of this ordinance and any applicable laws, notwithstanding any notice to the contrary received by the Note Registrar or the City. Neither the City nor the Note Registrar will have any responsibility or obligations, legal or otherwise, to any other party including DTC or its successor (or substitute depository or its successor), except for the Registered Owners of the Notes.

Section 5. Place and Medium of Payment. Both principal of and interest on the Notes shall be payable in lawful money of the United States of America. For so long as all Notes are in fully

immobilized form, payments of principal and interest thereon shall be made as provided in the Letter of Representations.

In the event that the Notes are no longer in fully immobilized form, interest on the Notes 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 Note Register as of the 15th day of the month preceding the interest payment date. The principal of the Notes shall be payable upon presentation and surrender of the Notes 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 Note Registrar, the Notes are interchangeable for other Notes of any authorized denomination in an equal aggregate principal amount and of the same interest rate and maturity date. Notes may be transferred only if endorsed in the manner provided thereon and surrendered to the Note Registrar. Such exchange or transfer shall be without cost to the owner or transferee. The Note Registrar shall not be required to register, transfer or exchange any Notes which have been called for redemption within a period of 15 days next preceding the date fixed for redemption.

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

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

The Note Registrar shall be responsible for its representations contained in the Certificate of Authentication on the Notes. The Note Registrar may become the owner of Notes with the same rights it would have if it were not the Note 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 Notes.

Section 6. Prior Redemption. The Notes are redeemable prior to their stated maturity on August 1, 1993 and on the first day of each month thereafter at a price of par plus accrued interest to the date of redemption.

For so long as all Notes are in fully immobilized form, notice of redemption shall be given as provided in the Letter of Representations. Thereafter, unless waived by any owner of Notes to be redeemed, official notice of any such redemption shall be given by the Note 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 Note or Notes to be redeemed at the address shown on the Note Register or at such other address as is furnished in writing by such registered owner to the Note 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 Notes are to be redeemed, the identification (and, in the case of partial redemption, the respective principal amounts) of the Notes to be redeemed,
- (4) that on the redemption date the redemption price will become due and payable upon each such Note 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 Notes are to be surrendered for payment of the redemption price, which place of payment shall be the principal office of the Note Registrar.

On or prior to any redemption date, the City shall deposit with the Note Registrar an amount of money sufficient to pay the redemption price of all or portions of Notes 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 Note.

Official notice of redemption having been given as aforesaid, the Notes or portions of Notes 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 Notes or portions of Notes shall cease to bear interest. Upon surrender of such Notes for redemption in accordance with said notice, such Notes shall be paid by the Note 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 Notes which have been redeemed shall be cancelled and destroyed by the Note Registrar and shall not be reissued.

In addition to the foregoing notice, further notice shall be given by the Note 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 Notes being redeemed; (ii) the date of issue of the Notes as originally issued; (iii) the rate of interest borne by each Note being redeemed; (iv) the maturity date of each Note being redeemed; and (v) any other descriptive information needed to identify accurately the Notes 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 Notes 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 Notes.

(4) Upon the payment of the redemption price of Notes 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 Notes being redeemed with the proceeds of such check or other transfer.

Section 7. Note Fund--Security and Sources of Payment of Notes. There is hereby authorized to be established and the Treasurer of the City is authorized and requested to establish a special fund of the City to be known as the "Subordinate Lien Water and Sewer Revenue Bond Anticipation Note Fund, 1992" (the "Note Fund"), which fund shall be a trust fund and shall be drawn upon only for the payment of the principal of and interest on the Notes. The City hereby covenants and agrees that on or before each date on which a payment of interest on or principal of and interest on the Notes is due, it will deposit in the Note Fund proceeds of the Bonds, Assessments, moneys from other sources, other than tax revenues (limited to earnings and revenue of the System), or from the proceeds of additional water and sewer revenue bond anticipation notes, in an amount sufficient to pay the principal of and interest on the Notes as the same become due.

In order to secure the payments when due of the principal of and interest on the Notes and the performance of any other obligation of the City to the registered owners of the Notes, the City hereby pledges to such payment and performance all amounts from time to time on deposit in the Note Fund.

Section 8. Execution and Delivery of Notes. The Notes shall be executed on behalf of the City by the manual or facsimile signature of the Mayor of the City and attested by the manual or facsimile signature of the City Clerk. The official seal of the City shall be impressed or a facsimile thereof imprinted on each

Note. In case any officer whose signature shall appear on any Note shall cease to be an officer before the delivery of such Note, such signature shall nevertheless be valid and sufficient for all purposes, and such Note may be authenticated and delivered the same as if such officer had remained in office until such delivery.

Only such Notes as shall bear thereon a Certificate of Authentication in the form hereinafter specified in Section 18, manually executed by the Note 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 Notes so authenticated have been duly executed, authenticated and delivered hereunder and are entitled to the benefits of this ordinance.

Section 9. Sale of the Notes. The City hereby accepts the offer of Dain Bosworth Incorporated, Seattle, Washington, dated August 10, 1992 to purchase the Notes in accordance with the terms contained in this ordinance and said offer. The City officials are hereby authorized and directed to do everything necessary to complete such sale and delivery of the Notes to the purchaser thereof upon the payment of the purchase price thereof, all in accordance with this ordinance and the offer of Dain Bosworth Incorporated. The City Administrator and Finance Director are hereby authorized to review and approve on behalf of the City the preliminary and final Official Statements and to execute a certificate evidencing compliance with Securities and Exchange

Commission Rule 15c2-12 relative to the Notes with such additions and changes as may be deemed necessary or advisable to them. The preliminary Official Statement for the Notes is hereby deemed final within the meaning of SEC Rule 15c2-12. The proper City officials are hereby authorized and directed to do everything necessary for the prompt execution and delivery of the Notes to said purchaser and for the proper application and use of the proceeds of sale thereof.

Section 10. Application of Note Proceeds. There is hereby authorized to be created a special fund of the City to be designated as the "Utility Local Improvement District No. 3 Fund" (the "ULID No. 3 Fund"). The proceeds of sale of the Notes shall be deposited in the ULID No. 3 Fund and shall be used, together with other moneys on deposit therein and available therefor, for the undertaking of the Project and for paying all expenses incidental thereto (including but not limited to costs of issuance of the Notes, engineering, financing, legal or any other incidental costs) and for repaying any advances heretofore or hereafter made on account of such costs or for redeeming the Notes. All moneys held in the ULID No. 3 Fund may be invested in any legal investment for the City's funds as provided in written instructions delivered by the City to the Finance Director, and all investments shall be scheduled to mature as costs of the Project are reasonably anticipated to be incurred. Interest earned and income or profits derived by virtue of investments of moneys in the ULID No. 3 Fund

may remain in the ULID No. 3 Fund and may be used for the payment of Project costs. Upon the completion of the Project and the payment of all costs thereof, including the payment of all retainages for construction, the balance on hand in the ULID No. 3 Fund shall be transferred to the Note Fund, and the ULID No. 3 Fund shall be closed.

Section 11. Defeasance. In the event that money and/or "Government Obligations," as such term is now or may hereafter be defined in Ch. 39.53 RCW, maturing at such time or times and bearing interest to be earned thereon in amounts sufficient to redeem and retire the Notes 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 Note Fund for the payment of the principal of and interest on the Notes so provided for and such Notes 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 Notes shall be deemed not to be outstanding hereunder.

Section 12. Lost, Destroyed or Mutilated Notes. In the event any Note is lost, destroyed, or mutilated, the City will cause to be issued a new Note, substantially similar to the original, to replace the same, in such manner and upon such reasonable terms and conditions as the Note Registrar may from time to time determine.

Section 13. Representations and Warranties. The City hereby makes the following representations, warranties and agreements.

(a) The City has full legal right, power and authority (i) to pass this ordinance, (ii) to sell, issue and deliver the Notes as provided herein and (iii) to carry out and consummate all other transactions contemplated by this ordinance.

(b) By all necessary official action prior to or concurrently herewith, the City has duly authorized and approved the execution and delivery of, and the performance by the City of its obligations contained in the Notes and this ordinance and the consummation by it of all other transactions contemplated by this ordinance in connection with the issuance of the Notes, and such authorizations and approvals are in full force and effect and have not been amended, modified or supplemented in any material respect.

(c) This ordinance constitutes the legal, valid and binding obligation of the City.

(d) The Notes, when issued, authenticated and delivered, will constitute the legal, valid and binding obligations of the City, in accordance with their terms.

(e) The City is not in breach of or default under any applicable judgment or decree or any loan agreement, ordinance, bond, note, ordinance, agreement or other instrument to which the City is a party or to which the City or any of its property or assets is otherwise subject where such breach or default would have a material adverse effect on the operations or financial condition

of the City; and (i) the passage of this ordinance, and (ii) the sale, issuance and delivery of the Notes, and compliance with the provisions on the City's part contained therein, will not conflict with or constitute a breach of or default under any constitutional provision, law, administrative regulation, judgment, decree, loan agreement, indenture, bond, note, ordinance, agreement or other instrument to which the City is a party or to which the City or any of its property or assets is otherwise subject, nor will any such adoption, execution, delivery, sale, issuance or compliance result in the creation or imposition of any lien, charge or other security interest or encumbrance of any nature whatsoever upon any of the property or assets of the City or under the terms of any such law, regulation or instrument, except as provided by the Notes and this ordinance.

Section 14. Priority of Payments from Revenue Fund. There has heretofore been established in the office of the City Administrator 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 15. Covenants of the City. The City hereby makes the following covenants with the owners of the Notes.

(a) Punctual Payment of Notes. The City covenants that amounts on deposit in the Note Fund shall be drawn upon solely for the purpose of paying the principal of and interest on the Notes. The City further covenants that it will duly and punctually pay or

cause to be paid the principal of and interest on every Note at the place or places, on the date or dates and in the manner provided in the Notes and herein. The City further covenants and agrees that it will deposit moneys from the sources herein provided or issue refunding water and sewer bond anticipation notes in such amount and at such time as will enable it to make the deposits into the Note Fund required by Section 7 of this ordinance.

The City's covenant to pay the principal of and interest on the Notes is hereby declared to constitute a lien and charge upon the moneys pledged hereunder and the available moneys in the Revenue Fund and the ULID No. 3 Fund. The lien and charge upon available moneys in the Revenue Fund for the payment of the principal of and interest on the Notes shall be prior and superior to all other liens and charges except for the payments described in paragraphs First through Third of Section 14 hereof. Nothing contained herein shall be construed as preventing or hindering the Council from authorizing disbursements from the Revenue Fund in accordance with ordinances which authorized the issuance of the Outstanding Parity Bonds.

The lien and charge on the Note proceeds in the ULID No. 3 Fund shall be prior and superior to all other liens and charges, and no moneys or investments shall be transferred out of such fund into the Revenue Fund or the Bond Fund or applied for any purpose other than as specified in Section 14 hereof unless and until the Project has been completed and the Notes have been paid in full.

Except as otherwise provided in this ordinance, the principal of and interest on the Notes are payable solely from the funds pledged therefor by this ordinance, and nothing in the Notes or in this ordinance shall be construed as obligating or pledging the faith and credit or taxing power of the State of Washington or the City.

(b) Notes to Remain Tax Exempt; Nonarbitrage Covenant. The City covenants that it will not take or permit to be taken on its behalf any action that would adversely affect the exemption from federal income taxation of the interest on the Notes and will take or require to be taken such acts as may reasonably be within its ability and as may from time to time be required under applicable law to continue the exemption from federal income taxation of the interest on the Notes. Without limiting the generality of the foregoing, the City covenants that it will not take any action or fail to take any action with respect to the investment of the proceeds of any Notes or other funds that would result in constituting the Notes "arbitrage bonds" within the meaning of such term as used in Section 148 of the Internal Revenue Code of 1986, as amended (the "Code").

The City represents that it has not been notified of any listing or proposed listing by the Internal Revenue Service to the effect that it is a bond issuer whose arbitrage certifications may not be relied upon.

(c) Use of Note Proceeds; Restrictions on Amendments. The City covenants that none of the proceeds of the Notes will be used for any purpose other than as provided in this ordinance and that the City shall not suffer any amendment or supplement to this ordinance, or any departure from the due performance of the obligations of the City hereunder, that might materially and adversely affect the rights of the owners from time to time of the Notes.

(d) Application of Bond Proceeds. The City covenants that the proceeds of sale of the Bonds shall be applied first to the deposit into the Note Fund to be used, together with other moneys therein and Assessments, to pay the principal of and interest on the Notes.

(e) Maintenance of System. The City shall at all times 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.

(f) 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 Notes are outstanding and unpaid.

(g) Enforcement of Collection of Service Charges. The City shall promptly take action to enforce the payment of delinquent service charges by such means as are legally available.

Section 16. Future Parity Bonds and Bonds or Short-Term Obligations Junior to Notes. The City specifically reserves the right to issue Future Parity Bonds and also to issue obligations with a lien upon gross earnings and revenue of the System junior to the lien of the Notes.

Section 17. Due Regard for Costs of Operation and Maintenance. The Council hereby declares that, in creating the Note Fund, it has exercised due regard for the ordinary and necessary expenses of operation and maintenance of the System and the portion of the revenues of the System previously pledged for the payment of the Outstanding Parity Bonds, and has not obligated the City to set aside, pay into and maintain in said fund a greater amount of the revenues of the System than in its judgment will be available over and above such necessary expenses of operation and maintenance.

Section 18. Form of Notes and Certificate of Authentication. The Notes shall be in substantially the following form:

UNITED STATES OF AMERICA

\$ _____

No. _____

STATE OF WASHINGTON

CITY OF GIG HARBOR

SUBORDINATE LIEN WATER AND SEWER REVENUE BOND
ANTICIPATION NOTE, 1992

INTEREST RATE:

MATURITY DATE:

REGISTERED OWNER:

PRINCIPAL AMOUNT:

The City of Gig Harbor, Washington, a municipal corporation of the State of Washington (the "City"), hereby acknowledges itself to owe and for value received promises to pay, but solely from the Note Fund (hereinafter defined), to the Registered Owner identified above, or registered assigns, on the Maturity Date the Principal Amount specified above and to pay interest thereon from August 1, 1992, or the most recent date to which interest has been paid or duly provided for until payment of this note, at the rate of 4.25% per annum, payable on February 1, 1993 and on each February 1 and August 1 thereafter for as long as this note remains outstanding. Both principal of and interest on this note 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 Note 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 Note 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 "Note Registrar"). Interest shall be calculated on the basis of a year of 360 days and twelve 30-day months. Both principal of and interest on this note are payable solely out the special fund of the City known as the "Subordinate Lien Water and Sewer Revenue Bond Anticipation Note Fund, 1992" (the "Note Fund") as provided by Ordinance No. 633 of the City (the "Note Ordinance"). The definitions contained in the Note Ordinance shall apply to capitalized terms contained herein.

This note is one of an authorized issue of notes of like date and tenor, except as to number and amount, in the aggregate principal amount of \$1,800,000. The notes of this issue are issued under and in accordance with the provisions of the Constitution and applicable statutes of the State of Washington and the Note Ordinance for the purpose of paying part of the costs of industrial

sewer and water improvements to the combined water and sewer system of the City. The notes of this issue are issued in anticipation of the issuance of subordinate lien water and sewer revenue bonds authorized by the City to be issued.

This note is a special obligation of the City and is payable solely from the Note Fund of the City into which the City has covenanted and agreed to deposit the proceeds of water and sewer revenue bonds. The City has further covenanted to deposit money in the Note Fund from the proceeds of water and sewer revenue bonds and Assessments or from other sources, other than tax revenues (limited to earnings and revenue of the System), or from the proceeds of additional water and sewer revenue bond anticipation notes in amounts sufficient to pay when due the principal of and interest on any and all outstanding notes of this issue. The obligation to apply such funds shall constitute a lien and charge upon available moneys in the Revenue Fund as provided in the Note Ordinance.

The City has reserved the right to redeem any or all of the outstanding notes of this issue on August 1, 1993, or on the first day of any month 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 Note Register. The requirements of the Note 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 note. Interest on all of such notes so called for redemption shall cease to accrue on the date fixed for redemption unless such note or notes so called for redemption are not redeemed upon presentation made pursuant to such call. The Note Registrar shall not be required to register, transfer or exchange any note called for redemption within 20 days next preceding the date fixed for such redemption.

Portions of the principal sum of this note 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 note at the principal office of the Note 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 note or notes of like maturity and interest rate in any of the denominations authorized by the Note Ordinance.

The City hereby irrevocably covenants and agrees with the Registered Owner of this note that it will keep and perform all the covenants of this note and of the Note Ordinance to be by it kept and performed. Reference is hereby made to the Note Ordinance for a complete statement of such covenants and for the definition of capitalized terms used herein.

This note shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the Note Ordinance until the Certificate of Authentication hereon shall have been manually signed by or on behalf of the Note Registrar.

It is hereby certified that all acts, conditions and things required by the Constitution and statutes of the State of Washington to exist, to have happened, been done and performed precedent to and in the issuance of this note have happened, been done and performed and that the issuance of this note and the notes of this series does not violate any constitutional, statutory or other limitation upon the amount of indebtedness that the City may incur.

IN WITNESS WHEREOF, City of Gig Harbor, Washington, has caused this note to be signed with the manual or facsimile signature of the Mayor and attested by the manual or facsimile signature of the City Clerk, and the seal of the City to be impressed or a facsimile thereof to be imprinted hereon, as of this 1st day of August, 1992.

CITY OF GIG HARBOR, WASHINGTON

By *[Handwritten Signature]*
Mayor

ATTEST:

[Handwritten Signature]
City Clerk

CERTIFICATE OF AUTHENTICATION

This note is one of the notes described in the within-mentioned Note Ordinance and is one of the Subordinate Lien Water

and Sewer Revenue Bond Anticipation Notes, 1992 of the City of Gig Harbor, Washington, dated August 1, 1992.

WASHINGTON STATE FISCAL AGENCY
Note Registrar

By _____
Authorized Signer

The following abbreviations, when used in the inscription on the face of the within note, 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 (TRANSFERS) MIN ACT - _____ Custodian _____
(Cust) (Minor)

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

Additional abbreviations may also be used though not in list 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 note and does hereby irrevocably constitute and appoint _____, attorney in

fact to transfer said note on the books kept for registration thereof 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 note in every particular, without alteration or enlargement or any change whatever.

Section 19. Tax Designation. The City hereby designates the Notes as "qualified tax exempt obligations" for purchase by financial institutions pursuant to Section 265(b) of the Code. The City does not anticipate that it will issue more than \$10,000,000 in "qualified tax-exempt obligations" during the year 1992.

Section 20. General Authorization. The officials of the City are hereby authorized to do and perform from time to time any and all acts and things consistent with this ordinance necessary or appropriate to carry the same into effect.

Section 21. Effect of Partial Invalidity. In case any one or more of the provisions of this ordinance or of the Notes shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this ordinance or of said Notes, but this ordinance and said Notes shall be construed and enforced as if such illegal or invalid provision had not been contained therein. In case any covenant, obligation or agreement contained in the Notes or in this ordinance shall for any

reason be held to be in violation of law, then such covenant, obligation or agreement shall be deemed to be the covenant, obligation or agreement of the City to the full extent permitted by law.

Section 22. Effect of Covenants, Etc. All covenants, obligations and agreements of the City contained in this ordinance shall be deemed to be covenants, obligations and agreements of the City to the full extent authorized by the Act and permitted by the Constitution of the State of Washington. No covenant, obligation or agreement contained herein shall be deemed to be a covenant, obligation or agreement of any present or future member, agent or employee of the City in his individual capacity, and neither the members of the Council nor any officer thereof executing the Notes shall be liable personally on the Notes or be subject to any personal liability or accountability by reason of the issuance thereof. No member, officer, agent or employee of the City shall incur any liability in acting or proceeding or in not acting or proceeding, in good faith in accordance with the terms of this ordinance.

Section 23. Ordinance to Constitute Contract. In consideration of the purchase and acceptance of any of the Notes authorized to be issued hereunder by those who shall hold the same from time to time, this ordinance shall be deemed to be and shall constitute a contract between the City and such owners, and the covenants and agreements set forth in this ordinance to be per-

formed on behalf of the City shall be for the equal benefit, protection and security of the owners of any and all of the Notes, all of which, regardless of the time or times of their delivery or maturity, shall be of equal rank without preference, priority or distinction of any of the Notes over any other thereof, except as expressly provided in or permitted by their terms with respect to rate of interest or otherwise.

Section 24. Effective Date. This ordinance shall be in full force and effect five days after its passage and publication in the manner required by law.

Read for the first time on July 27, 1992, passed by the Council of the City of Gig Harbor, Washington, at a regular meeting held on the 10th day of August, 1992.

CITY OF GIG HARBOR, WASHINGTON

By *[Signature]*
Mayor

ATTEST:

[Signature]
City Clerk

APPROVED AS TO FORM:

City Attorney

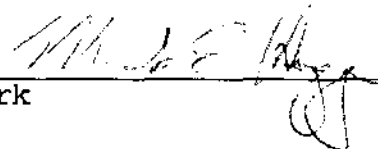
CERTIFICATE

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

1. That the attached Ordinance No. 633 (herein called the "Ordinance") is a true and correct copy of an ordinance of the City, as passed at a regular meeting of the Council held on the 10th day of August, 1992, 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 legal 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 said ordinance; that all other requirements and proceedings incident to the proper passage of said ordinance have been duly fulfilled, carried out and otherwise observed, and that I am authorized to execute this certificate.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Gig Harbor as of this ____ day of August, 1992.



Clerk

[CITY SEAL]

CITY OF GIG HARBOR

ORDINANCE NO. 634

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, VACATING THE PORTION OF SELLERS STREET, ORIGINALLY PLATTED AS OAK STREET IN GIG HARBOR, WHICH LIES NORTH OF THE STREET CURRENTLY KNOWN AS NORTH HARBORVIEW DRIVE AND ORIGINALLY PLATTED AS FRONT STREET.

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. 353 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 June 22, 1992, and at the conclusion of the hearing determined that the aforementioned right-of-way should be vacated.

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

Section 1. The portion of the street currently known as Sellers Street, originally platted as Oak Street in Gig Harbor, which lies north of the street currently known as North Harborview Drive and originally platted as Front Street, as shown on the plat files on August 20, 1890, denominate as the Town of Artna, Pierce County, Washington, attached hereto as Exhibit 1 and incorporated by this reference as if set forth in full, is hereby vacated contingent on payment for the area so vacated.

The City of Gig Harbor shall retain a utility easement of 20 feet in the above-referenced property for construction and maintenance purposes of city utilities, centered on center line.

Ordinance No.

Page 2

The appraiser who is to determine the value of the described property shall be chosen by the city; the amount to be paid for the property not to exceed one-half the appraised value of the vacation.

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.

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 August, 1992.



Gretchen A. Wilbert, Mayor

ATTEST:



Mark E. Hoppen
City Administrator/Clerk

Filed with city clerk: 6/17/92

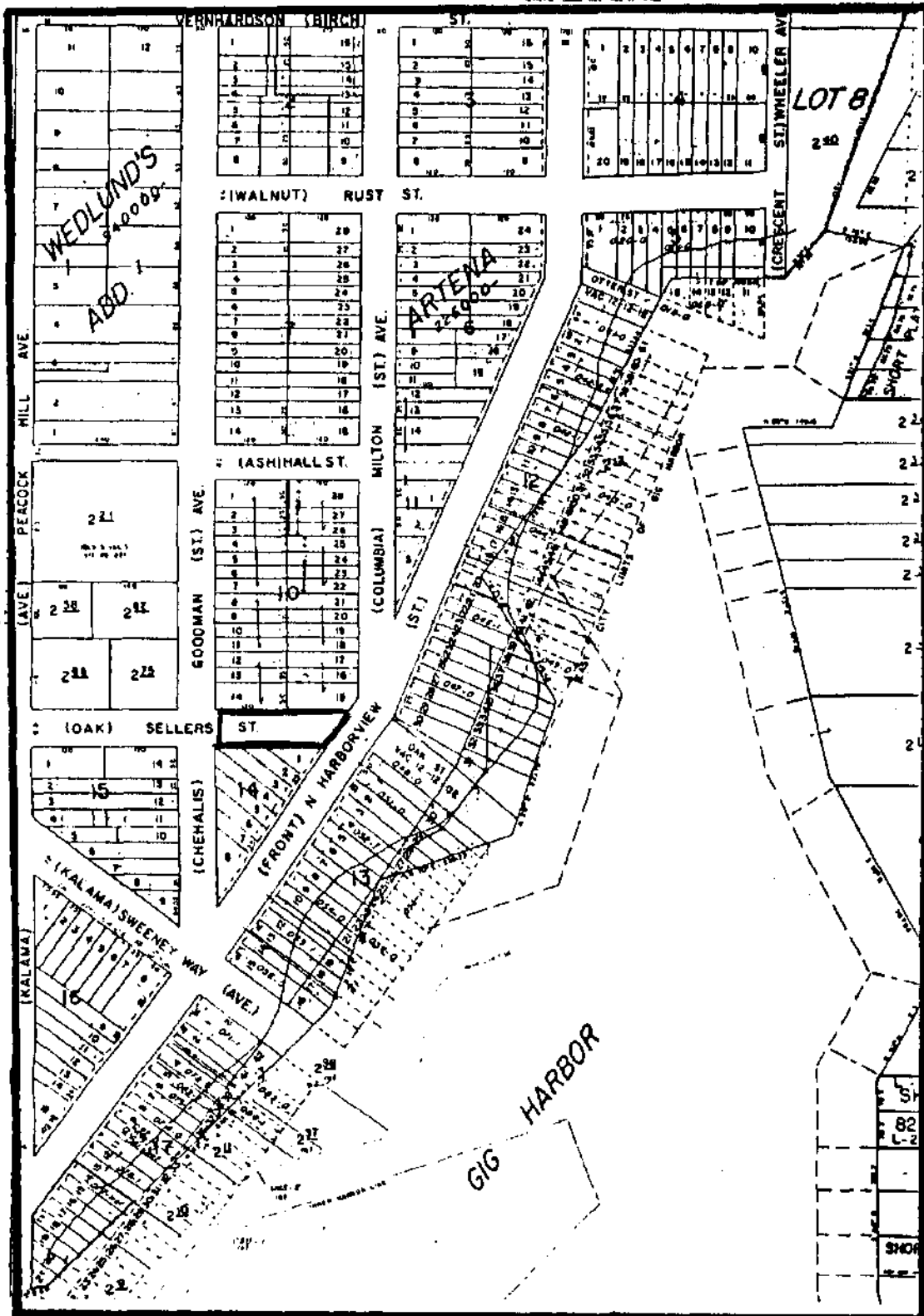
Passed by city council: 8/24/92

Date published: 9/9/92

Date effective: 9/7/92

SUBJECT SITE - 'Sellers Street' (undeveloped)

1/2" = 100' SCALE
SEE PLANS FOR DETAILS
DATE: 10/10/1911



CITY OF GIG HARBOR, WASHINGTON

ORDINANCE NO. 635

AN ORDINANCE of the City Council of Gig Harbor, Washington, approving an amendment to Ordinance No. 633, of the City to change the first interest payment date of the bonds authorized therein.

WHEREAS, the City of Gig Harbor, Washington (the "City") now operates and maintains a combined system of water and sewerage (the "System"), and

WHEREAS, the City formed Utility Local Improvement District No. 3 on January 27, 1992, by the passage of Ordinance No. 617 for the purpose of undertaking an extension of the System to certain areas outside the boundaries of the City; and

WHEREAS, to finance a portion of the cost of certain road improvements to the system, the City Council of the City passed on August 10, 1992 Ordinance No. 633, authorizing the issuance and sale of subordinate lien water and sewer bond anticipation notes in the aggregate principal amount of \$1,800,000 (the "Notes")

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF GIG HARBOR, WASHINGTON, AS FOLLOWS:

Section 1. Definitions. Unless otherwise defined, capitalized terms used in this ordinance shall have the same meanings given to such terms in Ordinance No. 633 of the City Council.

Section 2. Amendment of Section 4 of Ordinance No. 633. The first paragraph of Section 4 of Ordinance No. 633, of the City Council is hereby amended to read as follows (with additions underlined and deletions stricken through):

Section 4. Authorization of Notes. For the purpose of providing interim financing of the Project pending its completion and the issuance of the Bonds, the Council hereby authorizes the issuance and sale of its subordinate lien water and sewer revenue bond anticipation notes (the "Notes"). The Notes shall be designated as the "City of Gig Harbor, Washington, Subordinate Lien Water and Sewer Revenue Bond Anticipation Notes, 1992," shall be dated as of August 1, 1992, shall be issued in fully registered form in the denomination of \$5,000 or any integral multiple thereof, shall bear interest at a per annum rate of 4.25%, payable on August 1 ~~February~~ ±, 1993 and each February 1 and August 1 thereafter and shall mature on August 1, 1994. Interest on the Notes shall be calculated on the basis of a 360-day year with 30-day months.

Section 3. Amendment of Section 18 of Ordinance No. 633. The front page in Section 18 of Ordinance No. 633 of the City Council is hereby amended to read as follows (with additions underlined and deletions stricken through).

Section 18. Form of Notes and Certificate of Authentication. The Notes shall be in substantially the following form:

UNITED STATES OF AMERICA

\$ _____

No. _____

STATE OF WASHINGTON

CITY OF GIG HARBOR

SUBORDINATE LIEN WATER AND SEWER REVENUE BOND
ANTICIPATION NOTE, 1992

INTEREST RATE:

MATURITY DATE:

REGISTERED OWNER:

PRINCIPAL AMOUNT:

The City of Gig Harbor, Washington, a municipal corporation of the State of Washington (the "City"), hereby acknowledges itself to owe and for value received promises to pay, but solely from the Note Fund (hereinafter defined), to the Registered Owner identified above, or registered assigns, on the Maturity Date the Principal Amount specified above and to pay interest thereon from August 1, 1992, or the most recent date to which interest has been paid or duly provided for until payment of this note, at the rate of 4.25% per annum, payable on ~~February 1~~ August 1, 1993 and on each February 1 and August 1 thereafter for as long as this note remains outstanding. Both principal of and interest on this note 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 Note 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 Note 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 "Note Registrar"). Interest shall be calculated on the basis of a year of 360 days and twelve 30-day months. Both principal of and interest on this note are payable solely out the special fund of the City known as the "Subordinate Lien Water and Sewer Revenue Bond Anticipation Note Fund, 1992" (the "Note Fund") as provided by Ordinance No. 633 of the City (the "Note Ordinance"). The definitions contained in the Note Ordinance shall apply to capitalized terms contained herein.

This note is one of an authorized issue of notes of like date and tenor, except as to number and amount, in the aggregate principal amount of \$1,800,000. The notes of this issue are issued under and in accordance with the provisions of the Constitution and applicable statutes of the State of Washington and the Note Ordinance for the purpose of paying part of the costs of industrial sewer and water improvements to the combined water and sewer system of the City. The notes of this issue are issued in anticipation of the issuance of subordinate lien water and sewer revenue bonds authorized by the City to be issued.

This note is a special obligation of the City and is payable solely from the Note Fund of the City into which the City has covenanted and agreed to deposit the proceeds of water and sewer revenue bonds. The City has further covenanted to deposit money in the Note Fund from the proceeds of water and sewer revenue bonds and Assessments or from other sources, other than tax revenues (limited to earnings and revenue of the System), or from the

proceeds of additional water and sewer revenue bond anticipation notes in amounts sufficient to pay when due the principal of and interest on any and all outstanding notes of this issue. The obligation to apply such funds shall constitute a lien and charge upon available moneys in the Revenue Fund as provided in the Note Ordinance.

The City has reserved the right to redeem any or all of the outstanding notes of this issue on August 1, 1993, or on the first day of any month 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 Note Register. The requirements of the Note 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 note. Interest on all of such notes so called for redemption shall cease to accrue on the date fixed for redemption unless such note or notes so called for redemption are not redeemed upon presentation made pursuant to such call. The Note Registrar shall not be required to register, transfer or exchange any note called for redemption within 20 days next preceding the date fixed for such redemption.

Portions of the principal sum of this note 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 note at the principal office of the Note 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 note or notes of like maturity and interest rate in any of the denominations authorized by the Note Ordinance.

The City hereby irrevocably covenants and agrees with the Registered Owner of this note that it will keep and perform all the covenants of this note and of the Note Ordinance to be by it kept and performed. Reference is hereby made to the Note Ordinance for a complete statement of such covenants and for the definition of capitalized terms used herein.

This note shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the Note Ordinance until the Certificate of Authentication hereon shall have been manually signed by or on behalf of the Note Registrar.

It is hereby certified that all acts, conditions and things required by the Constitution and statutes of the State of Washington to exist, to have happened, been done and performed precedent to and in the issuance of this note have happened, been done and performed and that the issuance of this note and the notes of this series does not violate any constitutional, statutory or other limitation upon the amount of indebtedness that the City may incur.

IN WITNESS WHEREOF, City of Gig Harbor, Washington, has caused this note to be signed with the manual or facsimile signature of the Mayor and attested by the manual or facsimile signature of the City Clerk, and the seal of the City to be impressed or a facsimile thereof to be imprinted hereon, as of this 1st day of August, 1992.

CITY OF GIG HARBOR, WASHINGTON

By *Aritchen Ph. Siebert*
Mayor

ATTEST:

Mark E. W.
City Clerk

Section 4. Ratification. As amended by this ordinance, Ordinance No. 633 of the City Council, is hereby ratified, approved and confirmed.

Section 5. Effective Date. This ordinance shall become effective five days after its passage and publication as provided by law.

INTRODUCED ON September 14, 1992 AND FINALLY PASSED by
the City Council of the City of Gig Harbor, Washington, at a
regular meeting thereof and approved by the Mayor of the City, on
this 28th day of September 1992.

CITY OF GIG HARBOR, WASHINGTON

By *Richard C. ...*
Mayor

ATTEST:

W. L. ...
City Clerk

Filed with city clerk: 9/10/92
Passed by city council: 9/28/92
Date published: 10/7/92
Date effective: 10/12/92

CERTIFICATE OF CLERK

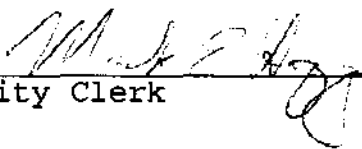
I DO HEREBY CERTIFY that I am the duly chosen, qualified and acting City Clerk of the City Council (the "Council") of Gig Harbor, Washington (the "City"), and keeper of the records of the City; and

I HEREBY CERTIFY:

1. That the attached ordinance is a true and correct copy of Ordinance No. 635 of the City (the "Ordinance"), as finally passed at a regular meeting of the Council held on the 28th day of September, 1992 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 5th day of October, 1992.



City Clerk

(SEAL)

CITY OF GIG HARBOR

ORDINANCE NO. 636

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

WHEREAS, it is necessary to increase the water service rates to reflect the increased costs of providing those services and to maintain a viable water 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	\$6.90/meter/mo	All ccf - \$1.03/ccf
Multi-residential		All ccf -
5/8" & 3/4" meter	\$ 11.76/meter/mo	\$1.03/ccf
1"	19.98	1.03/ccf
1-1/2"	39.06	1.03/ccf
2"	62.52	1.03/ccf
3"	117.50	1.03/ccf
4"	195.42	1.03/ccf
Commercial/Schools		All ccf -
5/8" & 3/4" meter	\$ 8.28/meter/mo	\$1.03/ccf
1"	13.80	1.03/ccf
1-1/2"	27.60	1.03/ccf
2"	43.20	1.03/ccf
3"	82.80	1.03/ccf
4"	138.00	1.03/ccf

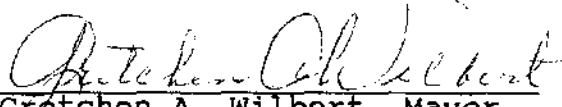
Section 2. Section 13.04.020 of the Gig Harbor Municipal Code is hereby amended to read as follows:

13.04.020 Nonmetered residential uses. Until a water meter has been installed to measure water consumed by a residential unit or a multiple residential building, the water service charge applicable to such unmetered unit shall be twenty dollars and thirty-two cents (\$20.32) per month per unit.


Water Rate Ordinance
Page 2

Section 3. This ordinance shall take effect and be in full force with the utility billings issued after January 1, 1993.

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 November, 1992.


Gretchen A. Wilbert, Mayor

ATTEST:


Mark E. Hoppen
City Administrator/Clerk

Filed with city clerk: 11/4/92
Passed by city council: 11/23/92
Date published: 12/2/92
Date effective: 12/5/92

CITY OF GIG HARBOR

ORDINANCE NO. 637

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

WHEREAS, it is necessary to increase the sewer service rates and charges to reflect the increased costs of providing those services and to maintain a viable sewer 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> All ccf	<u>Minimum Charge</u>
Residential	\$ 4.40/mo	\$1.93/ccf	\$14.05/mo
Multi-residential	\$ 2.59/mo/ liv. unit	\$1.93/ccf	\$10.31/mo
Commercials/School	\$ 8.25/mo/ bill. unit	\$1.93/ccf	\$14.04/mo

Section 2. Section 13.32.015 of the Gig Harbor Municipal Code is hereby amended 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	\$ 156.20/system
Shore Crest System	22.00/living unit

Section 3. 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	\$17.88/unit
Multi-residential	\$14.14/living unit
Commercial	\$37.13/billing unit


Section 2. This ordinance shall take effect and be in full force with the utility billings issued after January 1, 1993.

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 November, 1992.



Gretchen A. Wilbert, Mayor

ATTEST:



Mark E. Hoppen
City Administrator/Clerk

Filed with city clerk: 11/4/92
Passed by city council: 11/23/92
Date published: 12/2/92
Date effective: 12/7/92

CITY OF GIG HARBOR

ORDINANCE NO. 638

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON RELATING TO THE MUNICIPAL STORM DRAINAGE UTILITY: PROVIDING CHANGES TO THE STORM DRAINAGE RATES AND CHARGES AND SETTING AN EFFECTIVE DATE.

WHEREAS, it is necessary to increase the storm drainage service rates and charges to reflect the increased costs of providing those services and to maintain a viable storm drainage system;

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

Section 1. Section 14.10.050 of the Gig Harbor Municipal Code is hereby amended to read as follows:

14.10.050 Service charge rates. In accordance with the basis for a rate structure set forth in Sections 14.10.020 and 14.10.030 of this chapter, there is levied upon all developed real property within the boundaries of the utility the following service charges which shall be collected from the owners of such properties:

- A. For all detached single-family residences and mobile homes (one equivalent billing unit), the monthly service charge shall be three dollars and forty-three cents (\$3.43).
- B. Those developed properties that are riparian to the harbor or Puget Sound from which storm and surface waters flow directly into the harbor or Puget Sound, without the aid of any watercourse or natural or artificial drainage facilities, and all developed properties with city-approved detention facilities will be billed at one equivalent billing unit.
- C. Duplexes shall be charged at 1.5 equivalent billing units for the two units.
- D. For all other developed property within the boundaries of the utility, except as set forth in Section 14.10.060 of this chapter, the monthly service charge shall be three dollars and forty-three cents (\$3.43) multiplied by the number of equivalent billing units determined by the utility to be contained in such parcel pursuant to Section 14.10.030 of this chapter.

Section 2. Section 14.10.070 is hereby amended to read as follows:

14.10.070 Collection.

- A. All service charges, system development charges and all other fees or charges hereafter established by the city council by ordinance shall be deemed to be levied upon the premises themselves.
- B. The city shall have a lien for all delinquent and unpaid charges and fees for storm drainage purposes, including without limitation service charges and system development charges assessed against all premises to which service was furnished, which lien shall have the superiority established by RCW 35.67.200 and shall be foreclosed in the manner provided in RCW 35.67.220 et seq.
- C. As an additional and concurrent method of enforcing its lien upon any premises for delinquent storm drainage charges, the utility is authorized, in accordance with law and in the manner provided by this code to stop providing water service to such premises for so long as any delinquent fees or charges remain unpaid.
- D. Storm drainage service charges shall be deemed delinquent if not paid within thirty (30) days following the billing date. Interest at the rate of eight percent per annum shall be charged on all delinquent service charges and late charges.

Section 3. This ordinance shall take effect and be in full force with the utility billings issued after January 1, 1993.

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 November, 1992.


Gretchen A. Wilbert, Mayor

Storm drainage rates ordinance
Page 3

ATTEST:



Mark E. Hoppen
City Administrator/Clerk

Filed with city clerk: 11/4/92
Passed by city council: 11/23/92
Date published: 12/2/92
Date effective: 12/5/92

CITY OF GIG HARBOR

ORDINANCE NO. 639

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, LEVYING THE GENERAL PROPERTY TAXES FOR THE CITY OF GIG HARBOR FOR THE FISCAL YEAR BEGINNING JANUARY 1, 1993.

WHEREAS, the City Council of the City of Gig Harbor has considered the city's anticipated financial requirements for 1993, 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, 1993, shall be levied upon the value of real and personal property which has been set at an assessed valuation of \$270,559,720. Taxes levied upon this value shall be:

- a. approximately \$1.7741 per \$1,000 assessed valuation, producing estimated revenue of \$480,000 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, 1993, shall be levied upon the value of real and personal property which has been set at an assessed valuation of \$270,559,720. Taxes levied upon this value shall be:

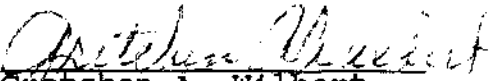
- a. approximately \$0.0233 per \$1000 assessed valuation, producing an estimated amount of \$6,300 for 1978 fire protection facilities general obligation.
- b. approximately \$0.1331 per \$1000 assessed valuation, producing an estimated amount of \$36,000 for 1975 sewer construction general obligation.

- c. approximately \$0.5234 per \$1000 assessed valuation, producing an estimated amount of \$141,612 for 1987 sewer construction 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 its publication.

PASSED by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the council held on this 23rd day of November, 1992.


Gretchen A. Wilbert,

Mayor

ATTEST:


Mark Hoppen
City Administrator/Clerk

Filed with city clerk: 11/9/92
Passed by the city council: 11/23/92
Date published: 12/2/92
Date effective: 12/5/92

CITY OF GIG HARBOR

ORDINANCE NO. 640

AN ORDINANCE ADOPTING THE BUDGET FOR THE CITY OF GIG HARBOR, WASHINGTON, FOR THE 1993 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 1993 fiscal year, and a notice was published that the Gig Harbor City Council would meet on November 23 and December 14, 1992 at 7:00 p.m., in the council chambers in the city hall for the purpose of making and adopting a budget for 1993 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 1993 proposed budget; and

WHEREAS, the 1993 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 1993 and being sufficient to meet the various needs of Gig Harbor during 1993.

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 1993 is hereby adopted in its final form and content.

Section 2. Estimated resources, including beginning cash balances for each separate fund of the City of Gig Harbor, and aggregate total for all funds combined, for the year 1993 are set forth in summary form below, and are hereby appropriated for expenditure during the year 1993 as set forth below:

CITY OF GIG HARBOR
1993 BUDGET APPROPRIATIONS

	FUND / DEPARTMENT	AMOUNT
001	GENERAL GOVERNMENT	
01	NON-DEPARTMENTAL	\$449,294
02	LEGISLATIVE	12,620
03	MUNICIPAL COURT	159,946
04	ADMINISTRATIVE/FINANCIAL	237,618
06	POLICE	736,010
14	COMMUNITY DEVELOPMENT	212,642
15	PARKS AND RECREATION	114,766
16	BUILDING	24,900
19	ENDING FUND BALANCE	98,475
001	TOTAL GENERAL FUND	<u>2,046,271</u>
101	STREET FUND	800,464
105	DRUG INVESTIGATION FUND	11,250
107	HOTEL-MOTEL FUND	1,000
200	'78 GO BONDS - FIRE	21,000
201	'75 GO BONDS - SEWER	82,000
202	'85 GO BONDS - PW BLDG.	30,700
203	'87 GO BONDS - SEWER CONSTRUCTION	588,612
208	91 GO BONDS - SOUNDVIEW DRIVE	100,000
301	GENERAL GOVT. CAPITAL ASSETS	218,000
305	GENERAL GOVT. CAPITAL IMPROVEMENT	86,000
401	WATER OPERATING	460,008
402	SEWER OPERATING	670,551
407	UTILITY RESERVE	414,000
408	'89 UTILITY BOND REDEMPTION FUND	416,271
410	SEWER CAPITAL CONSTRUCTION	1,700,000
411	STORM SEWER OPERATING	181,707
413	ADV. REFUNDING BOND REDEMPTION	118,895
414	ULID #3 CONSTRUCTION	1,770,000
420	WATER CAPITAL ASSETS	179,588
605	LIGHTHOUSE MAINTENANCE TRUST	4,140
	TOTAL ALL FUNDS	<u>\$9,900,457</u>

Section 3. Attachment "A" is adopted as the 1993 personnel salary schedule.

Section 4. The city administrator/clerk is directed to transmit a certified copy of the 1993 budget hereby adopted to the Division of Municipal Corporations in the Office of the State Auditor and to the Association of Washington Cities.

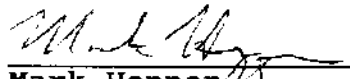
Section 5. This ordinance shall be in force and take effect five(5) days after its publication according to law.

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 December, 1992.



Gretchen A. Wilbert, Mayor

ATTEST:



Mark Hoppen
City Administrator/Clerk

Filed with city clerk: 11/9/92
Passed by the city council: 12/14/92
Date published: 1/20/93
Date effective: 1/25/93

ATTACHMENT "A"

1993 SALARY SCHEDULE

<u>POSITION</u>	<u>Minimum</u>	<u>Maximum</u>
City Administrator	\$4,227	\$5,284
Public Works Director	3,767	4,709
Chief of Police	3,519	4,399
Planning Director	3,312	4,140
Finance Officer	3,110	3,888
Police Lieutenant	3,082	3,853
Police Sergeant	2,802	3,503
Public Works Supervisor	2,934	3,668
Sewer Plant Supervisor	2,729	3,411
Fire Marshal/Building Official	2,633	3,291
Construction Inspector	2,490	3,113
Associate Planner	2,485	3,106
Police Officer	2,433	3,041
Sewer Plant Operator	2,394	2,993
Equipment Operator	2,381	2,976
Maintenance Worker	2,229	2,786
Engineering Technician	2,214	2,768
Administrative Assistant	2,122	2,653
Court Administrator	2,021	2,526
Laborer	1,887	2,359
Court Clerk	1,837	2,296
Police Clerk	1,774	2,218
Accounting Clerk	1,774	2,218
Utility Clerk	1,774	2,218
Office Clerk	1,620	2,025
Assistant Municipal Court Clerk	1,620	2,025
Administrative Receptionist	1,591	1,989

CITY OF GIG HARBOR

ORDINANCE NO. 641

AN ORDINANCE AMENDING THE 1992 BUDGET FOR THE CITY OF GIG HARBOR, WASHINGTON.

WHEREAS, adjustments to the 1992 annual appropriations are necessary to conduct city business,

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

Section 1.

The annual appropriations in the funds listed below shall be increased to the amounts shown:

<u>Fund</u>	<u>Original Appropriations</u>	<u>Amendment</u>	<u>Amended Appropriations</u>
104-Merit Salary	\$20,670	\$6,000	\$26,670
106-Kimball-Hunt Const.	0	150	150
409-ULID#2 Const.	0	100	100
414-ULID#3 Const.	0	1,900,000	1,900,000

Section 2.

The following interfund transfers are within 1992 appropriations, as amended, and are hereby authorized:

<u>Originating Fund</u>	<u>Receiving Fund</u>	<u>Amount</u>
103-Risk Management	001-General	\$10,000
104-Merit Salary	001-General	150
106-Kimball-Hunt Const.	101-Street	150
409-ULID#2 Const.	402-Sewer	100

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 11th day of January, 1993.


Gretchen A. Wilbert, Mayor

1992 Budget Amendment Ordinance
Page 2

ATTEST:



Mark Hoppen
City Administrator/Clerk

Filed with city clerk: December 14, 1992
Passed by the city council: January 11, 1993
Date published: 1/20/93
Date effective: 1/25/93

CITY OF GIG HARBOR

ORDINANCE NO. 642

AN ORDINANCE AMENDING THE 1993 BUDGET FOR THE CITY OF GIG HARBOR, WASHINGTON.

WHEREAS, adjustments to the 1993 annual appropriations are necessary to conduct city business not anticipated in the adopted budget,

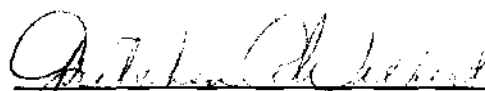
NOW, THEREFORE, the City Council of the City of Gig Harbor, Washington, DO ORDAIN as follows:

Section 1. The annual appropriations for revenues and expenditures in Fund 101, Street Operating Fund, shall be increased by \$15,000 from \$800,464 to \$815,464.


Section 2. 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 26th day of April, 1993.

APPROVED:


Gretchen A. Wilbert, Mayor

ATTEST:


Mark Hoppen, City Administrator

Filed with city clerk:	4/19/93
Passed by the city council:	4/26/93
Date published:	5/5/93
Date effective:	5/10/93

CITY OF GIG HARBOR

ORDINANCE NO. 643

**AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON,
AMENDING CHAPTER 3.40 OF THE GIG HARBOR MUNICIPAL CODE TO
ESTABLISH ENGINEERING PLAN REVIEW AND INSPECTION FEES FOR
LAND USE DEVELOPMENT APPLICATIONS AND PERMITS.**

WHEREAS, the City of Gig Harbor has adopted application fees for various land use development permits and building inspection fees necessary to insure adherence to municipal and state regulations, and

WHEREAS, no fees are currently in effect for engineering reviews in conjunction with land use applications including annexations, encroachment permits, rezones, conditional uses, variances, subdivisions, short plats, shoreline management permits, and utility extension requests, and

WHEREAS, it is necessary to establish fees for engineering review for the purpose of defraying the costs incidental to the proceedings, and

WHEREAS, in order to insure uniformity in charges, and to be more administratively efficient, a flat fee for construction inspections will be imposed; such fees will be based on certain parameters relating to the size of the project,

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

Section 1. Section 3.40.020 of the Gig Harbor Municipal Code entitled Advertising is herein recodified as Section 3.40.030.

Section 2. A new Section 3.40.020 is hereby added to the Gig Harbor Municipal Code to read as follows:


Section 3.40.020 Engineering Review/Construction Inspection Fees.
The City Council shall establish by resolution engineering review and construction inspection fees and may adjust such fees from time to time by resolution.

Section 3. Severability. 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 4. Effective Date. This ordinance shall take effect and be in full force five (5) days after publication of the attached summary which is hereby approved.

APPROVED:


Gretchen Wilbert, Mayor

ATTEST/AUTHENTICATED:


Mark Hoppen, City Administrator/Clerk

Filed with the City Clerk: April 23, 1993
Passed by the City Council: April 26, 1993
Published: May 5, 1993
Effective Date: May 10, 1993
Ordinance No. 643

CITY OF GIG HARBOR

ORDINANCE NO. 644

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, ADOPTING THE WASHINGTON STATE BUILDING CODE, including the amendments to the Uniform Building Code, Uniform Fire Code, Uniform Plumbing Code, and as adopted by the Washington State Building Code Council and as recommended by the Gig Harbor Building Code Advisory Board.

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

Section 1. The State Building Code, as follows, is adopted by reference:

- A. Section # 15.06.015, of the City of Gig Harbor Municipal Code, is hereby amended as follows:

Section # 15.06.015 The Uniform Building Code, 1991 Edition including Appendix Chapters 32 and 70, Uniform Building Code Standards, 1991 Edition, the Uniform Code for the Abatement of Dangerous Buildings, 1991 Edition, published by the International Conference of Building Officials and as amended by the Washington State Building Code Council on November 8, 1991 and as amended on November 13, 1992 and published as WAC 51-20 & 21 & 3100 (amendments include the state barrier-free; ADA and HUD regs.) are adopted for use within the City of Gig Harbor;

- B. Section # 15.12.015, of the City of Gig Harbor Municipal Code, is hereby amended as follows:

Section # 15.12.015 The Uniform Fire Code, 1991 Edition including Appendix Chapters I-A, II-C, II-E, III-C, V-A, and VI-A, and the Uniform Fire Code Standards published by the International Conference of Building Officials and the Western Fire Chiefs Association as amended by the Washington State Building Code Council on November 8, 1991 and as amended on November 13, 1992 (Fleet Fueling and Fireworks) and published as WAC 51-24 & 25 are adopted for use within the City of Gig Harbor;

- C. Section # 15.08.015, of the City of Gig Harbor Municipal Code, is hereby amended as follows:

Section # 15.08.015 The Uniform Plumbing Code, 1991 Edition including Appendix Chapters A, B, C, D, and H, and the Uniform Plumbing Code Standards published by the International Association of Plumbing and

Mechanical Officials as amended by the Washington State Building Code Council on November 8, 1991 and as amended on November 13, 1992 and published as WAC 51-26 & 27 (amendments include the Washington State Water Conservation Performance Standards) are adopted for use within the City of Gig Harbor;

- D. Section # 15.32.005, of the City of Gig Harbor Municipal Code, is hereby amended as follows:

Section # 15.32.005 The Washington State Ventilation and Indoor Air Quality Code as amended by the Washington State Building Code Council on December 11, 1992 and published as WAC 51-13 is adopted for use within the City of Gig Harbor; and,

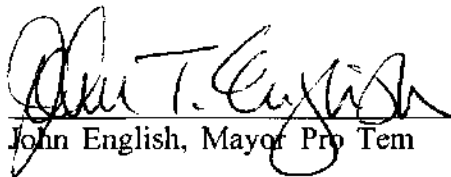
Section 2. Severability Clause. If any section or provision of this Ordinance or the State Building Code or its application to any person or circumstance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 3. Whenever any conflict occurs between any section of this Ordinance and the Code referred to in this Ordinance, the Code shall prevail.

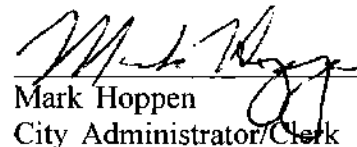
Section 4. Pursuant to RCW 35A.12.140, one copy of Amendments to Chapter 51-20-3100 WAC; Amendments to Chapter 51-24-WAC; Amendment to Chapter 51-13 WAC; and Amendment to Chapter 51-26 WAC.

Section 5. This Ordinance shall take effect and be in full force on July 1, 1993.

PASSED by the Gig Harbor City Council and approved by its Mayor at a regular meeting of the council held on the 28th day of June, 1993.


John English, Mayor Pro Tem

ATTEST:


Mark Hoppen
City Administrator/Clerk

Filed with city clerk: 5/20/93
Passed by city council: 6/28/93
Date published: 7/7/93
Date effective: 7/1/93

FN: \USERS\molly\ordres\ubcufc-o

Supporting Documents
in file cabinet -

UBC/UFC/UFC
Amendments -



City of Gig Harbor. The "Maritime City."
3105 JUDSON STREET • P.O. BOX 145
GIG HARBOR, WASHINGTON 98335
(206) 851-8136

**WA STATE BUILDING CODE COUNCIL (BCC)
1993 CODE CHANGE SUMMARY**

1. Amendments to Chapter 51-20-3100 WAC
(ADA and Federal FHA Accessibility guidelines)
Technical and clarifying amendments were made to the State Building Code for greater consistency with the Americans with Disabilities and Federal Fair Housing Act Accessibility guidelines.
2. Amendment to Chapter 51-24 WAC
(Fleet Fueling requirements in the Uniform Fire Code)
The Uniform Fire Code was amended to allow Fleet Fueling of vehicles from tank vehicles. The Uniform Fire Code did not allow Fleet Fueling as presently is the common practice within the State of Washington (IE: Fueling of diesel powered vehicles from a tank truck at a construction site).
3. Amendment to Chapter 51-24 WAC
(Repeals Section # 78.201, 1991 UFC - Fireworks)
The Uniform Fire Code was amended to allow the continued use the present State of Washington standards for the regulation of fireworks (RCW 70.77).
4. Amendment to Chapter 51-13 WAC
(Ventilation and Indoor Air Quality Code)
The Washington State Energy Code was required by the Legislature to be revised to include a section which addressed ventilation and air quality per RCW 19.27.190(2) and Chapter 132, Session Laws of 1992. Specific standards were adopted which addresses: duct sizing and materials, radon test kit and radon requirements, ventilation system sizing and methods of testing, and outdoor air requirements.
5. Amendment to Chapter 51-26 WAC
(1993 Water Conservation Performance Standards)
The Washington State Water Conservation Standards were revised to specify quality and performance standards, permanent marking and publication of approved lists for identification of complying fixtures and fittings.

Complete copies of the proposed code changes are available in the office of the Gig Harbor Department of Community Development.

ORDINANCE No. 645

**AN ORDINANCE OF THE CITY OF GIG HARBOR CITY COUNCIL
ADOPTING A REVISED AND UPDATED CITY OF GIG HARBOR
SHORELINE MASTER PROGRAM AND ENVIRONMENT DESIGNATIONS
MAP, PURSUANT TO RCW 90.58 AND THE PROCEDURES ESTABLISHED
UNDER WAC 173-19-061.**

WHEREAS, the City of Gig Harbor Shoreline Master Program has essentially remained unchanged since its adoption in September of 1975; and,

WHEREAS, the City of Gig Harbor has been subject to significant growth pressures over the past fifteen years which have substantially altered the City and its shoreline; and,

WHEREAS, the Shoreline Management Act Administrative Codes have undergone several revisions since 1980 which relate to shoreline permit administration and enforcement procedures and which are not reflected in the current City of Gig Harbor Shoreline Master Program; and,

WHEREAS, a process to update the Shoreline Master Program was commenced in 1984 by a citizens ad-hoc committee; and,

WHEREAS, the City of Gig Harbor Planning Commission initiated its review of the ad-hoc committee recommendations and, following a public hearing on June 16, 1992, transmitted a revised draft document to the City of Gig Harbor City Council; and,

WHEREAS, following a public hearing on August 10, 1992, and a worksession with the Planning Commission on September 24, 1992, the City Council established an ad-hoc technical committee to review the draft and submit a recommendation to the Council; and,

WHEREAS, the technical committee, following six weekly worksessions commencing in January of 1993, have submitted a draft document to the City Council which reflects the recommendations of the Planning Commission and the technical committee; and,

WHEREAS, public notice on the proposed changes have been given in compliance with RCW 90.58.120 (1); and,

WHEREAS, comments received from the Department of Ecology and other interested parties were considered by the Council and, where deemed appropriate, were integrated into the revised Shoreline Master Program; and,

WHEREAS, the SEPA responsible official for the City of Gig Harbor has determined that the proposed changes will not have a substantial impact on the quality of the environment and, consistent with WAC 197-11-340, issued a Determination of Nonsignificance on June 29, 1992; and,


WHEREAS, the proposed revised and updated City of Gig Harbor Shoreline Master Program is in the public's health, safety, welfare and interest and which further implements the goals and objectives of the Shoreline Management Act, RCW 90.58.

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

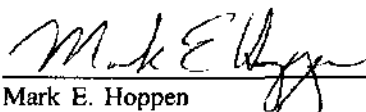
Section 1. The revised City of Gig Harbor Shoreline Master Program, which is attached as "Exhibit 1", is hereby adopted by the City of Gig Harbor and transmitted to the Washington Department of Ecology Shoreline Section for further consideration and approval.

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

Section 3. This ordinance shall take effect and be in full force no later than five days after publication following notification of adoption by the Washington Department of Ecology.


Gretchen A. Wilbert, Mayor

ATTEST:


Mark E. Hoppen
City Administrator/Clerk

Approved as to form:
Office of the City Attorney:



Filed with City Clerk: June 11, 1993
Passed by City Council: July 26, 1993
Date Published: August 4, 1993
Date Effective: Upon adoption by the Department of Ecology

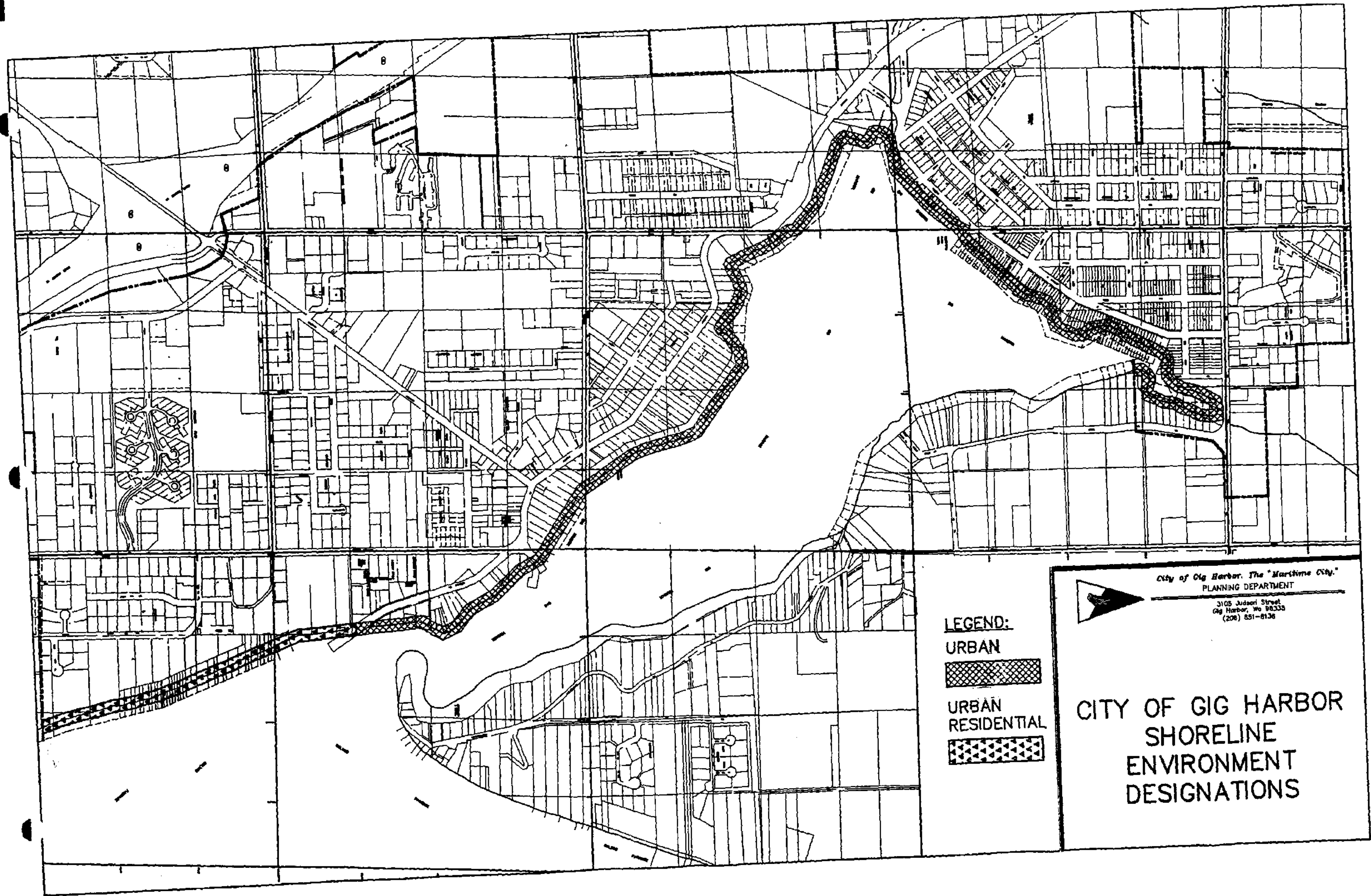


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CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

JUN 28 1994

TIME: 11:40
WSR 44-14-039
(perm)

- 4.06 Statement of Exemptions
- 4.07 Application Fees
- 4.08 Permit Application
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- 4.10 Revisions to Permits
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Appendix 1: DEFINITIONS

PART 1: INTRODUCTION

The City of Gig Harbor has prepared this Shoreline Master Program to help guarantee that its shorelines are used wisely. The Master Program is a response to the State Shoreline Management Act of 1971 which recognizes that the shoreline area is one of our valuable natural resources and should therefore be carefully protected. The following pages present summary information intended to serve as the necessary background for making the Master Program as meaningful as possible to the reader.

THE SHORELINE MANAGEMENT ACT

The Shoreline Management Act was passed by the 1971 legislature and subsequently ratified by the people of the state in November of 1972. Briefly, the law states that the shorelines are being subjected to an increasing number of developments which, in many instances, threaten to destroy their natural features.

The basic intent of this Act is to provide for the management of the shorelines by planning for and fostering all reasonable uses while insuring that, where development takes place, it will be done in a manner which is consistent with the best interest of the general public.

To carry out this intent, the Act provides for cooperation between state and local governments throughout preparation of the Master Program. The program is intended to be put together by each unit of local government so that interests unique to a particular area are properly considered in the management of the state's shorelines. Besides the Master Program, the law provides for local governments to issue permits authorizing development upon the shorelines. These permits are then reviewed by the state to insure that statewide interests have been taken into account.

JURISDICTION:

The Shoreline Management Act generally applies to all marine waters, streams with a mean annual flow of 20 cubic feet per second, and lakes larger than 20 acres in size. The shoreline area includes the water itself, all lands covered by the water and all lands extending 200 feet landward of Ordinary High Water Mark (OHWM) and associated wetlands.

Within the City of Gig Harbor, the Act applies to the marine waters and the land within 200 feet of Ordinary High Water Mark (OHWM) and associated

wetlands.

SHORELINE SUBSTANTIAL DEVELOPMENT PERMITS

A Shoreline Substantial Development Permit or permit exemption is required for any development in the shoreline area of the City. A substantial development permit must be obtained for developments which have a fair market value of over \$2,500 (Two thousand five hundred dollars) or which may interfere with the normal public use of the surface waters. An exemption from a substantial development permit shall be obtained from the City for developments of less than \$2,500, and other activities which the Act specifically allows without acquiring a Shoreline Substantial Development Permit. More detailed information regarding permit requirements is contained in the Administration Procedures, Part 4 of this Master Program.

In issuing the Shoreline Substantial Development Permit, special consideration is given to both oral and written input from concerned citizens. Each permit which is issued must be consistent with the criteria presented in Part 2 and Part 3 of this Master Program.

THE INVENTORY

One of the initial steps toward preparation of the Master Program was to identify those characteristics which comprise the shoreline area of the City of Gig Harbor. The purpose of this exercise was to document existing features worthy of protection and to generally acquaint the City with its shoreline resource.

The shoreline inventory consisted of three separate activities:

1. Pierce County assessed the shoreline of the City as a part of their inventory of all county shorelines. A wide range of features were documented, including land uses and ownerships, bank and beach characteristics, vegetation, and location of protective structures.
2. The City's consultants obtained additional information by spending a full day walking along the City's shorelines. Special note was made of particularly good viewpoints, the fragile nature of the two creek estuaries, places where it was difficult to traverse the beach, high activity areas, and other qualities.
3. The Shoreline Citizens Committee had the opportunity to view the entire shoreline area from water by boat at one of their early meetings.

Information gained from the inventory served as important background reference throughout development of the Master Program. The City of Gig Harbor Shoreline Inventory has been updated as of Spring of 1993.

THE MASTER PROGRAM

The Gig Harbor Shoreline Master Program has been prepared and revised to provide minimum guidelines for the City Council to use in making decisions involving the shoreline area within the City. The original master program was comprehensive enough to address a wide range of shoreline related matters. It was applicable from March of 1975 through June of 1993.

Broad goal statements are presented in Part 2, reflecting the future shoreline conditions desired by the people of Gig Harbor. Part 3 consists of policies and regulations for the purpose of directing shoreline activities towards achieving those future conditions. The administration procedures, Part 4, outlines the process for enforcement and obtaining a Shoreline Substantial Development Permit. This process is designed to translate the goals, policies, and regulations into types of development that will enhance the shoreline character of the City of Gig Harbor.

The goal statements may be thought of as the shoreline plan and the policies and regulations are the criteria applied to specific proposed developments to judge whether they measure up to the plan. If used properly, The Master Program will be an effective tool for managing the City's shorelines.

The City of Gig Harbor Master Program was approved by the Department of Ecology on September 10, 1975.

Environment Designations

The *City of Gig Harbor Shoreline Master Program* recognizes that the urban environment designation is appropriate for the City's shorelines. This was recognized in the original shoreline master program of 1975 which stated in Appendix 4:

The Town of Gig Harbor has selected the urban environment classification for its shorelines area. Urban was chosen because it allows for a variety of water-oriented uses in an urban setting. This is the category most consistent with present uses and the Town's goals. In town, Gig Harbor is densely enough settled to be considered urban in character by most standards.

The environment designation, and the policies and regulations within the master program, took into account the estuarine area of Crescent Creek. Nonetheless, accelerated growth within the City and its surrounding unincorporated area over the past twenty years provides occasion to re-evaluate the current designation as to its appropriateness to guide development along the shoreline over the next twenty years. The development of an urban planning area in 1986 (City of Gig Harbor Comprehensive Plan) and its evolution into an urban growth area under the 1990 Growth Management Act caused the city to consider shoreline areas outside of the harbor and an appropriate range of environment designations should these areas eventually annex to the city over the next twenty to thirty years.

The Shoreline Management Act Administrative Guidelines provide five basic environment categories for local governments to consider. However, local governments may consider environment designations which more closely represent the local conditions. Recognizing that the City of Gig Harbor is urban in character, the basic environment designation of urban is affirmed, with the addition of a new urban category of "Urban Residential." The urban residential category is applied to those shoreline areas which are predominantly residential in nature and character. These areas are identified as follows:

1. The shoreline on the east side of Gig Harbor Bay, from the Crescent Creek weir to the mouth of Gig Harbor Bay, as the affected properties become incorporated into the City of Gig Harbor. These areas are designated Rural Residential under the Pierce County Shoreline Master Program.
2. The shoreline fronting the bluffs overlooking the Tacoma Narrows, extending from the entrance of Gig Harbor Bay south to the City limit.
3. All other shorelines within the urban growth area which are predominantly characterized by residential uses.

Within these urban residential areas, only those uses permitted in the underlying residential zoning district designation would be permitted. The urban designation will continue to apply to those mixed use shorelines along Gig Harbor Bay on the west and north side and to those properties within the urban growth area which are predominantly non-residential in character.

The application of environment designations to those areas outside of the city would occur at the time an annexation petition is considered and processed, consistent with the Shoreline Management Act and the applicable annexation

laws of the state.

PART 2: GOAL STATEMENTS

Following are the goal statements for the City of Gig Harbor's shorelines:

OVERALL GOALS:

1. Character

The shorelines of the City of Gig Harbor support its fishing, boating and tourist industries as well as the residential community. Therefore preservation of the characteristics beneficial to these industries should be a primary consideration in evaluating the effect of all shoreline proposals.

2. Balance

The City of Gig Harbor has achieved its distinctive quality through a beneficial relationship between a variety of uses. It shall be the goal of this Master Program to retain this balance and new development should not emphasize one use at the expense of others.

3. Scale

All changes to existing structures or development of new structures should be constrained as to height and lot coverage as required under the City of Gig Harbor Zoning Code.

4. Views and Natural Features

Because of the natural beauty of the water within the harbor, views and vistas to and from the water should be preserved and developed by the City and private parties alike. Fragile areas such as beaches, streams and estuaries which provide natural habitat should be subject to minimal disruption.

GOALS FOR PARTICULAR TYPES OF USES

5. Fishing

To preserve Gig Harbor's fishing fleet as a significant cultural and economic activity, to maintain supporting services, and to encourage development of moorage and dock facilities.

6. Pleasure Boating and Marinas

To permit uncovered moorage and the development of temporary docking facilities for visiting vessels, while retaining the open surface water area for watercraft circulation.

7. Living Spaces

To provide for individual single family homes as well as for a limited number of multi-family residences.

8. Commercial Areas and Shopping

To permit commercial uses which are water-oriented. Uses which are not strictly water oriented should provide facilities for public enjoyment of the water location.

9. Recreation and Public Use

To maximize use of publicly owned shoreline locations and to provide for additional public access.

PART 3: POLICIES AND REGULATIONS

Policies are those methods used to direct shoreline development towards achieving the City's goals.

Regulations are the direct controls placed upon proposed developments to insure that they will be consistent with the policies and goals. Policies and regulations together comprise the implementation portion of this Master Program.

Proposed activities within the City's shoreline area which are not specifically mentioned in these policies and regulations shall be consistent with the intent of the overall Master Program and shall be subject to the policies and regulations of the activity mentioned which most closely approximates that which is proposed. Existing uses within the shoreline area are not required to comply with these policies and regulations unless they require review as a shoreline management substantial development, conditional use or variance permit pursuant to Section 4 of the Master Program.

Topics within the policies and regulations address specific uses or groups of uses. They were derived by the state in their guidelines for complying with the Shoreline Management Act. The only exception is the category for parking, which was included because it is an activity common to many of the other uses mentioned.

**3.01
OVERALL STATEMENTS APPLICABLE TO ALL USE ACTIVITIES
IN THE SHORELINE AREA**

POLICIES

1. New structures should not dominate the shoreline in terms of size, use, location or appearance.
2. Shoreline developments should provide visual access to the water.
3. After completion of a shoreline project, cleared and disturbed areas should be restored to its pre-project condition. If the previous condition had a negative effect on the shoreline environment, landscaping or other improvements may be required, including maintenance, so that the site will be compatible with adjacent natural terrain. The City Council may require landscaping or other improvements to make the site compatible with other properties.
4. All developments should be designed to minimize their adverse effect on surrounding areas.
5. The estuarine areas of Crescent Valley Creek as designated in the City of Gig Harbor Wetlands Map of May, 1992 and the intertidal area at the mouth of Donkey Creek, should receive special consideration due to their potential as aquatic habitats.
6. All shoreline developments should be assessed by the City of Gig Harbor with special attention given to their cumulative effects on the character, mass, height, scale and balance of the City.
7. All applicants for shoreline management permits or request for exemptions shall comply with any applicable requirements of the Washington State Department of Fisheries and Wildlife, the Department of Natural Resources and the U.S. Army Corps of Engineers, as applicable.

REGULATIONS

1. External structural alterations to existing structures shall adhere to

these use regulations which apply unless construction consists only of repairing deficient structures with materials similar in nature, appearance and character.

2. In accordance with W.A.C. 173-14-055, non-conforming structures and uses which are discontinued for twelve consecutive months or for twelve months during any two year period shall be brought into compliance with the use regulations of the master program. It shall not be necessary to show that the owner of the property intends to abandon such nonconforming use in order for the nonconforming rights to expire.
3. Any shoreline development taking place within the following described areas shall not be allowed to dredge. Dredging shall only be authorized as a Conditional Use subject to special restrictions to assure protection of these fragile areas:
 - a. The estuarine area of Crescent Valley Creek and the intertidal area at the mouth of Donkey Creek including all land and water areas which are under the jurisdiction of this Master Program.
4. Sites undergoing development shall be landscaped consistent with the City Zoning Code.
5. No new and/or additional covered moorage shall be allowed on or over the surface waters within the City of Gig Harbor.

**3.02
AGRICULTURE**

Due to the urbanized nature of the Gig Harbor shoreline and the level and intensity of the uses existing and potential, the shoreline of the City of Gig Harbor is not considered suitable for agricultural uses. Consequently, agricultural uses are not encouraged along the shoreline of the harbor.

GOALS: Agricultural uses should be encouraged to locate outside of the shoreline of Gig Harbor.

POLICIES: Agricultural uses are not considered compatible with the more intense uses and level of activity existing and potential along the shoreline of Gig Harbor. New agricultural uses should be encouraged to locate outside of the shoreline management jurisdiction.

REGULATIONS:

1. Agricultural uses are not permitted along the shoreline of Gig Harbor.

3.03 AQUACULTURE

The raising or farming of food fish, shellfish, or other aquatic plants and animals.

GOALS: Due to the level of intensity of existing development and the trend of providing more moorage facilities for an ever expanding recreational boating community, the shorelines of Gig Harbor are not considered suitable for aquacultural uses. Limited tidal action and the relatively small size of Gig Harbor bay precludes any opportunity for viable, large scale aquacultural activities.

POLICIES:

1. Because of the fishing character of the City of Gig Harbor and the presence of the large recreational boating community, fish farming should not be encouraged.
2. Existing aquaculture uses may continue. Construction activities should be limited to maintenance activities and not for expansion.

REGULATIONS:

1. New aquaculture activities shall not be permitted within Gig Harbor bay.

**3.04
ARCHEOLOGICAL AREAS AND HISTORIC SITES**

Archeological areas and historic sites are cultural and educational links with the past and which are a non-renewable resource. As of the date of the 1993 revisions to the Master Program, no archeological areas or historic sites have been formally designated by the City Council.

GOALS: Archeological Areas and Historic Sites should meet the Overall Goals of the Shorelines Master Program for the City of Gig Harbor and be consistent with the requirements of Chapter 43.51 RCW.

POLICY:

1. Consideration should be given to the historic aspect of each shoreline site and where significant activities, buildings, or trails are documented to have occurred, the sites should be marked and efforts made to preserve them, in accordance with the requirements of Chapter 43.51 RCW and the National Historic Preservation Act.

REGULATION:

1. In all developments, whenever a site is found to have been the location of past significant activities, buildings, or trails, the developer or any citizens shall notify the City of Gig Harbor. The City shall evaluate such sites within 30 days of discovery and shall contact the appropriate state agency having authority or expertise in archeological matters.
2. If it is determined by the appropriate authority that an archeological discovery is of historical importance, the developer, owner or permit applicant must prepare a suitable plan for site recognition, restoration or preservation. The plan must be approved by the appropriate state agency prior to completion of site construction.

**3.05
COMMERCIAL DEVELOPMENT**

Those uses which are involved in wholesale and retail trade, business, or professions, along with accessory activities such as services, storage, and parking. For uses such as marinas, piers, industries, the commercial fishing industry, (), and parking, see Policies and Regulations for the appropriate use activity category.

GOALS: Commercial uses should meet the Overall Goals of this Master Program as well as conform to the goal for Commercial areas and Shopping.

POLICIES:

1. All commercial developments should incorporate visual or public access or public recreational opportunities into the design of their establishments and shall consider the public's health and safety, as appropriate.
2. Commercial users should maintain their non-water oriented activities landward of Ordinary High Water or the existing bulkhead.
3. Commercial developments should provide adequate parking.
4. Within each group of commercial activity, diverse types of uses should be encouraged.

REGULATIONS:

1. Commercial developments within the shoreline area shall provide, at a minimum, visual access to the water. Visual access shall consist of one of the following:
 - a. A public view corridor measuring twenty frontage feet along the street or twenty percent of the total waterfront footage of the parcel, whichever is the greater. View corridors shall be from public rights-of-way. Parking shall not be allowed in view corridors. Fences or railings shall only be permitted where required by the City Building Code.
 - b. A six-foot wide public pathway along the property

perimeter down one side line of the property to the ordinary high water mark or bulkhead or to the waterside face of the structure, whichever is further waterward, thence across the waterside face of the property or structure and back to the street along the other side property line. Landscaping may be interplanted along the pathway.

- c. A public viewing platform at the highest level of any structure on the property, with the platform having a minimum area of fifty square feet. Railings around the platform, consistent with the Uniform Building Code, may extend the maximum allowable height.

If visual access cannot or is not provided to the water, public access or recreational opportunities shall be provided as per Regulation #3 of this section.

- 2. All commercial structures on the shorelines within the City of Gig Harbor shall adhere to the City's zoning and building ordinances.
- ¹ 3. Over-water commercial developments which provide shoreline access opportunities to the general public and which are either water-dependent, water-oriented or water-enjoyment shall be allowed on the shorelines within the City of Gig Harbor. Such uses shall be required to obtain a Conditional Use Permit. (Access opportunities may consist of one of the following:
 - a. A public fishing pier extending out to mean lower low water and connected by a minimum six foot wide public pathway which connects to the frontage street. A minimum of ten feet of open water shall surround the pier.
 - b. A small vessel landing available for transient use by rowboats, canoes, dinghies, or other type of non-motorized watercraft less than 18 feet in length, and extending out to mean lower low water or beyond and connected by a six foot wide public pathway to the frontage street. A minimum of ten feet of open water shall surround the small boat landing.
 - c. A public transient moorage for up to two (2) vessels a

¹. DOE will suggest language

maximum of thirty (30) feet in length, and which moorage must have a minimum water depth of minus eight feet (reference MLLW). The facility must be easily accessible to visiting vessels and posted with signage which is legible to a distance of one hundred feet.

4. An applicant need not provide public access where one or more of the following conditions apply.
 - a. Unavoidable health or safety hazards to the public exist which cannot be prevented by any practical means;
 - b. Inherent security requirements of the use cannot be satisfied through the application of alternative design features or other solutions;
 - c. The cost of providing the access, easement or an alternative amenity is unreasonably disproportionate to the total long-term cost of the proposed development;
 - d. Unacceptable environmental harm will result from the public access provisions and the proposed use and/or adjacent uses would occur and cannot be mitigated.
 - e. Significant undue and unavoidable conflict between any access provisions and the proposed use and/or adjacent uses would occur and cannot be mitigated.
5. In order to meet any of the conditions "a" through "e" above, the applicant must first demonstrate and the finding must show that all reasonable alternatives have been exhausted, including but not limited to:
 - a. Regulating access by such means as maintaining a gate and/or limiting hours of use;
 - b. Designing separation of uses and activities (e.g. fences, terracing, use of one-way glazing, landscaping, etc.); and
 - c. Developing provisions for access at a site geographically separated from the proposal such as a street end, vista or trail system.
6. Six (6) foot wide concrete sidewalks with curbs and gutters shall be constructed at the City's right-of-way edge fronting the

Commercial Development.

- 7. Lighting levels shall not exceed fifteen (15) foot candles when measured at a point twenty (20) feet from the base of a light fixture. Light shall be diverted downward. Direct lamp light from the light fixture shall not be visible from any point which lies one hundred feet or greater from the light fixture base as measured five feet above the fixture base's ground elevation.**
- 8. All public access on or to the property shall be recorded against the property with the Pierce County Auditor.**

3.06 COMMERCIAL FISHING INDUSTRY

The commercial fishing industry consists of the vessels, the moorage facilities and the upland facilities and structures which provide direct support to the industry. It is the historical backbone of the Gig Harbor community and its waterfront environment and has been the focus of the city's development since its incorporation in 1946. In recent times, the fishing industry has experienced a marked decline due to a variety of social, environmental and economic factors, locally, regionally and globally. Although the fishing fleets in Gig Harbor are small in comparison to the fleet of two decades ago, the value of the remaining fleet is recognized as a very important component of the cultural and community environment. The City's Visioning Report of 1992 clearly showed that the community places a very high value on preserving the physical, aesthetic and social components which comprise the fishing industry and its fleet. Preservation of the fishing character of the City is a primary consideration in evaluating the effects of a shoreline proposal.

The policies and standards apply strictly to commercial fishing vessels and support activities. For vessels and moorage which are not commercial fishing related, the appropriate policies and standards of this master program shall prevail.

GOALS: Preserve the fishing industry by providing development standards that reflect the needs of the fishing industry.

Encourage the retention and redevelopment of waterfront parcels which provide a substantial and direct contribution to the commercial fishing industry.

Minimize the pressure to convert waterfront property to non-commercial fishing uses.

Encourage development of moorage and dock facilities consistent with current and future needs.

POLICIES:

- 1) Moorage facilities and marinas which provide moorage space for active commercial fishing or support vessels should be allocated an upland parking ratio which does not impose a hardship on the commercial fishing industry or the respective moorage facility. Active fishing vessels are those which have a current commercial

license issued by the appropriate state or regional authority.

- 2) Developments which are water-dependent and directly supportive of the commercial fishing industry such as net sheds and loading docks, should be permitted waterward of ordinary high water.
- 3) Overwater parking should not be permitted, except for temporary loading and unloading of commercial fishing gear or fisheries products.
- 4) Commercial sales and services directly related to or supportive of the commercial fishing industry should be permitted, consistent with the underlying zoning regulation applicable to the site.
- 5) Public-private joint moorage facilities for commercial fishing and recreational vessels should be encouraged in locations which are appropriate and capable of supporting such a facility.

REGULATIONS:

- 1) New or existing marinas or moorage facilities which provide moorage and support facilities for active commercial fishing vessels shall be exempt from the parking requirements of Section 3.13 for those active commercial fishing vessels which have active license or a contract from the previous fishing season or the next fishing season, provided the following requirements are met:
 - a) One load/unloading parking space on the applicant's property is continuously provided
 - b) Proof of active license for commercial fishing vessels or an active contract for commercial fishing boat tenders shall be provided to the City to qualify for this exemption initially. The City may request from the applicant or subsequent assignee in future years that the applicant affirm within thirty (30) calendar days of written request by the City the status of each active commercial fishing vessel on the site by providing copies of the appropriate license or contract.
 - c) Development activities associated with pleasure craft or other non active commercial fishing vessels shall comply with the other relevant sections of this Shoreline Master Program including but not limited to Section 3.13, Parking.

- 2) **Developments which are water-dependent and directly supportive of commercial fishing activities may be permitted waterward of ordinary high water, subject to a conditional use permit and the public access requirements of Section 3.05 and providing that the use or structure is permitted in the underlying zoning district for the site.**

- 3) **The sale of processed or semi-processed commercial fish products at moorage facilities which accommodate commercial fishing vessels is permitted, consistent with the underlying zoning code district for the site and applicable health codes of the State.**

Fish and Wildlife Department requirements.

6. Dredging shall not take place in the following areas except only for the purpose of maintenance dredging of navigational channels for existing, authorized developments. Maintenance dredging shall only be allowed as a conditional use:
 - a. The estuarine area of Crescent Valley Creek and the intertidal area at the mouth of Donkey Creek, including all land and water areas which are under the jurisdiction of this Master Program.

**3.08
FOREST MANAGEMENT PRACTICES**

Those methods used for protecting, producing and harvesting timber.

POLICY:

1. No appropriate area for forest management exists along the shorelines of the City of Gig Harbor.

REGULATION:

1. Forest management practices within the shoreline area of the City of Gig Harbor shall be prohibited.

**3.09
INDUSTRIAL DEVELOPMENT**

Industrial development consists of facilities for processing, manufacturing and storing finished or semi-finished goods. Due to the severe environmental constraints and physical limitations of Gig Harbor Bay and the bluffs along east Gig Harbor, suitable sites for new or expanded industrial development is severely limited.

GOALS:

Industrial development is not an appropriate use for the shorelines of Gig Harbor and should be discouraged.

POLICIES:

1. Industrial development within Gig Harbor is not considered appropriate due to the severe environmental constraints and physical limitations of the harbor.

REGULATIONS:

1. Industrial uses shall not be permitted within the shoreline area of the City of Gig Harbor.

3.10 LANDFILL

Extension of dry upland area into the shorelines or water by the deposit of sand, soil, gravel, rock or other materials.

GOALS: Landfill uses should meet the Overall Goals of the Shorelines Master Program for the City of Gig Harbor.

POLICIES:

1. The construction of sloping or vertical bulkheads to retain landfills should be restricted to specific maximum tidal elevations based on the slope of the structure.
2. Landfills should not interfere with views to or from the water's surface.
3. Landfills should be protected from erosion by planting exposed surfaces with vegetation or providing retaining structures where appropriate.
4. In designing landfills behind permitted bulkheads, measures should be encouraged to retain the maximum amount of access along the water's edge.
5. Landfills waterward of OHWM should be allowed only when necessary to facilitate water-dependent and/ or public access uses consistent with this master program.
6. In evaluating fill projects, such factors as total surface-water reduction, navigation restriction, impediment to water flow and circulation, reduction of water quality and habitat destruction should be considered.

REGULATIONS:

1. The waterward face of a new bulkhead or rockwall shall be located only as far from the Ordinary High Water Mark as is necessary to excavate for footings or place base rocks for the structure.
2. Landfill waterward of OHWM or in marshes, bogs and swamps shall be permitted as a conditional use only and;

- a. In conjunction with a water-dependent or public use permitted by this master program;
 - b. In conjunction with a bridge or navigational structure for which there is a demonstrated public need and where no feasible upland sites, design solutions or routes exist;
 - c. As part of an approved beach restoration project; or
 - d. For fisheries, aquaculture or wildlife habitat enhancement projects.
3. Landfill shall be permitted only where it is demonstrated that the proposed action will not;
 - a. Result in significant damage to water quality, fish, shellfish and/or wildlife habitat; or
 - b. Adversely alter natural drainage and circulation patterns, currents, tidal flows or significantly reduce flood water capacities.
 4. All landfills shall utilize material which will minimize the potential for degrading water quality.
 5. Normal drainage runoff patterns in the area immediately surrounding a landfill site shall not be altered.
 6. Vegetation or retaining structures shall be established around the perimeter of a landfill to protect against erosion and migration of fill material to adjacent properties.
 7. No landfill shall block existing views to or from the water.
 8. Landfills for the purpose of artificially raising a building's height shall not be permitted.
 9. Landfills may be permitted only in conjunction with a specific development already permitted by this master program or as proposed (permit applied for) simultaneously with such development. Speculative landfills are prohibited.

3.11

MARINAS, MOORAGE FACILITIES, PIERS, DOCKS AND FLOATS

Marinas and moorage facilities provide commercial moorage, launching, storage for watercraft, including services, supplies, parking and other supporting activities. Due to the commercial nature of marina activities, marinas should also be consistent with Policies and Regulations under Commercial Development.

Piers, docks and floats are structures built over or floating upon the water, including ramps used as a landing place for marine transport or for recreational purposes. Although most private piers with a value less than \$2,500 used non-commercially are exempted from obtaining a Shoreline Substantial Development Permit per WAC 173-14-040 (1), they are nonetheless required to meet the following Policies and Regulations.

GOALS: Marina users should meet the Overall Goals of this Master Program as well as conform to the goals for Pleasure Boating and Marinas and Commercial Areas and Shopping.

Piers, Floats, and Moorage should meet the Overall Goals of this Master Program as well as conform to the goals for Recreation .

POLICIES:

1. Marina developments should be designed and constructed to minimize interference with views.
2. Marinas should be designed so that they will have minimum interference with public use of the surface of the water and should not extend beyond the Outer Harbor Line.
3. Marinas should be designed to provide vessel access consistent with the established private property and state lease land boundaries.
4. Marinas should be located and constructed so that they minimize harmful effects to the water quality or the aquatic life and habitat.
5. Piers and floats should be designed so that they will have

- minimum interference with the public use of the water's surface and access along the water's edge.
6. Piers and floats should be designed to accommodate a wide range of uses wherever feasible.
 7. Adjoining waterfront property owners should be encouraged to share a common pier or float.
 8. Where liveaboard vessels are moored, provision should be made to transfer waste discharges from vessels to a permitted or approved waste water treatment facility.

REGULATIONS:

1. New marina facilities, and alterations to existing facilities, shall submit the following information as part of their application for a Shoreline Substantial Development Permit:
 - A. The number of users.
 - B. The size of water-craft which will be moored in the new facility.
 - C. The number of liveaboard vessels or slips allocated for liveaboard vessels.
 - D. A general plan showing water supply lines, pump-out facilities, solid waste collection points, and outdoor lighting.
 - E. In addition to the application requirements of WAC 173-14-110, the application shall include a site plan drawn to scale showing adjacent property structures and uses, including existing and proposed state lease land boundaries.
2. The applicant shall be responsible for obtaining all other necessary state and federal permits for marina development.
3. Automobile parking shall be provided by the marina developer at the following ratios:
 - A. One space for every two berths of moorage less than

forty-five feet in length.

- B. One space for every berth of moorage forty-five feet or greater.

The balance of parking shall be provided as described in Section 3.13 and the requirements of the applicable underlying zoning district.

4. Marinas shall be designed, built, and operated so that no part of a pier or float or moored watercraft extends waterward of the outer harbor line at any time.
5. Marine fueling stations on docks, floats and/or shore shall be considered on an individual basis and shall require a shoreline management conditional use permit.
6. Marinas shall be consistent with the Policies and Regulations for Commercial Development and Parking.
7. All moorages, wharves, piers, floats and vessels moored at marina facilities shall be located no closer than twelve feet from the property line, either private property or state lease land. Location closer than twelve feet from the property line may be permitted upon the submission to the City of a covenant executed between the property owner/applicant and the adjacent property owner covering the agreement for the joint use of common lot lines, which covenant shall run with the land and be filed with the Pierce County Auditor as a covenant with the land. The intent of this regulation is to provide a minimum ingress/egress of twenty-four (24) feet. All space greater than twenty-four feet in width is intended to be provided by the applicant or through an agreement with the adjacent property owner/lessee.
8. All authorized piers and floats shall be for the purpose of conducting water related or water-dependent activities.
9. Where moorage is offered in new, expanded or renovated existing marinas, pump-out, holding and/or treatment facilities shall be provided for sewage contained on boats and/or vessels. Such facilities shall be located so as to be conveniently accessible to all boats. The responsibility for the adequate and approved collection and disposal of marina originated sewage, solid waste and petroleum waste lies with the marina operator.

10. Marinas shall have adequate facilities and establish posted operational procedures for fuel and sewage handling and storage in order to prevent and minimize accidental spillage.
11. Marinas shall have facilities, equipment and established, posted procedures for the containment, recovery and mitigation for spilled petroleum, sewage and toxic products and debris from maintenance and repair.
12. Marina operators shall post the following signs where they are readily visible to all marina users;
 - a. Regulations pertaining to handling and disposal of waste including gray water, sewage and toxic materials;
 - b. Regulations prohibiting the use of marine toilets while moored unless these toilets are self-contained or have an approved treatment device;
 - c. Regulations prohibiting the disposal of fish and shellfish cleaning wastes, scrap fish, viscera or unused bait in or near the marina waters;
 - d. Rules and BMP's for boat maintenance and repairs in the marina.

3.12 MINING

The removal of any naturally-occurring materials of commercial value, such as sand, gravel, or minerals.

POLICY:

1. No appropriate areas for mining exist along the shorelines of the City of Gig Harbor.

REGULATION:

1. Mining activities on shorelines within the City of Gig Harbor shall be prohibited.

3.13 PARKING

Those facilities for temporary storage of automobiles accessory to primary activities such as commercial, marinas, multi-family residential, and recreational uses (except loading and unloading of vehicles).

GOALS: Parking uses should meet the Overall Goals of this Master Program as well as conform to the goal for Commercial Uses and Shopping.

POLICIES:

1. Parking facilities should not extend over the surface of Gig Harbor nor interfere with any views to or from the water's surface.
2. Parking should not be located any further than four hundred feet from the activity.
3. All parking facilities should be appropriately screened, landscaped, and maintained so as not to have detrimental aesthetic effects on their surroundings.
4. Surface drainage from parking facilities should not adversely affect the water quality of Gig Harbor.
5. Parking lot surfaces should be constructed to minimize erosion and siltation of materials into Gig Harbor Bay.
6. Common parking areas are encouraged between uses.

REGULATIONS:

1. Parking facilities shall be designed, screened, and landscaped in accordance with the landscaping standards for the underlying zoning district to minimize adverse effects on the shoreline area of the City of Gig Harbor.
2. Pedestrian access walkways shall be provided between upland parking areas and the site which they serve.
3. Parking facilities for boat trailers shall be by Conditional Use Permit.
4. Parking over the water surface shall be prohibited.

5. Primary purpose commercial parking lots shall be prohibited from the shoreline areas.
6. Parking areas shall be surfaced with asphalt or concrete. Grasscrete or other similar hard surface may be utilized for a portion of the parking area as determined by the Public Works Director.
7. Parking shall not be located any further than four hundred feet from the activity and should preferably be located on the upland side of Harborview Drive.
8. Condominium moorage facilities shall provide upland parking by one of the following methods:
 - a. Jointly owned by the condominium moorage owners or users, or;
 - b. The submission to the City of a covenant between the condominium moorage association and an upland property owner providing the required parking, which covenant shall state that should parking requirements for the facility cease to be available at a future date, the condominium moorage association shall cease to use the property and/or moorage as originally permitted and shall restrict the level of use to the parking which they can provide, in conformance with the requirements of the parking standards of the City zoning code. The covenant shall be recorded with the Pierce County Auditor and run with the land subject to the agreement.
9. Parking may be provided on lease property, so long as the owner of the moorage facility files a covenant between the property owner/applicant and the moorage facility owner to the City, providing that the portioned share of the facility shall cease to be used at such time as some or all of the leased parking is lost or no longer available for use by the moorage facility. The covenant shall run with the land and be filed with the Pierce County Auditor.

3.14 RECREATION

The refreshment of body and mind through forms of play, amusement, or relaxation.

GOALS: Recreational uses should meet the Overall Goals of this Master Program as well as conform to the goal for Recreation.

POLICIES:

1. Existing shoreline areas such as street ends should be planned and developed.
2. Development of recreational facilities should enhance the natural character of an area while providing, where appropriate, for both active and passive forms of recreation.
3. Each recreational use should be consistent with the physical ability of the shoreline and water body to support such use.
4. Views should be retained wherever possible to provide for public enjoyment of views.

REGULATIONS:

1. Recreational use activities must meet all applicable standards of local and state health departments for water supply, sewage disposal, solid waste disposal, and other health considerations.
2. Public recreational piers designed for temporary day use may be used for overnight moorage.
3. Development of waterfront street ends owned by the City of Gig Harbor for recreational use shall provide, where appropriate, for passive forms of recreation.
4. All recreational development shall be designed, screened and landscaped in accordance with the landscaping standards of the underlying zoning district and shall retain as much natural vegetation and open space as possible in preparing the site for its intended uses.

3.15 RESIDENTIAL DEVELOPMENT

Residential development consists of the construction of single and multiple-family residences, including the act of subdividing property. Single family residences on individual lots are exempt from obtaining a Shoreline Substantial Development Permit, but are nonetheless required to meet the following policies and regulations.

GOALS: Residential uses should meet the Overall Goals of this Master Program as well as conform to the goal for Living Spaces.

POLICIES:

1. Subdivisions and multi-family developments should be encouraged to provide for public contact with the water.
2. Residences should not extend into the water, thereby diminishing surface water area and restricting movement over the surface of the water and tidal areas.
3. Multiple family developments should cluster residential structures to help preserve views and vistas and a maximum amount of open space.
4. Overwater residential living other than on watercraft should not be permitted.

REGULATIONS:

1. Vegetation, or other suitable means to protect against erosion, shall be maintained in the area between structures and the beach.
2. Subdivisions and multiple-family developments shall provide for visual access or physical access from public rights-of-way to the water and for public access along the water's edge.
3. Residential facilities floating on or constructed over the water, including floating homes, and other than watercraft shall not be allowed on the waters under the jurisdiction of the City of Gig Harbor.

Residential use of vessels shall comply with the requirements of Section 3.11.

4. Private residential piers shall comply with the standards established under Section 3.11.

**3.16
SHORELINE PROTECTIVE STRUCTURES**

Means of protecting property from damage due to wind, wave action, and upland erosion caused by surface runoff. Protective devices include bulkheads, jetties, groins, vegetative buffers, and other similar techniques.

GOALS: The use of Shoreline Protective Structures should meet the Overall Goals of the Shorelines Master Program for the City of Gig Harbor.

POLICIES:

1. Breakwaters and jetties within Gig Harbor Bay are inconsistent with the setting of the City of Gig Harbor, as the harbor's location affords protection from the elements and it has a limited surface water area for navigation.
2. There should be no construction of groins, or other similar protective structures unless there is a demonstrated need for them and no other practical alternatives exist.
3. Bulkheads should not intrude into the water more than necessary for installation with minimum alteration of existing banks.
4. Bulkheads should be designed to blend in with the surroundings and not to detract from the aesthetic qualities of the shoreline.
5. Vegetation along shorelines, especially the estuarine area of Crescent Valley Creek and the intertidal areas at the mouth of Donkey Creek should be maintained for the purpose of protecting fish from increased water temperature and inhibiting upland erosion.

REGULATIONS:

1. Bank stabilization or other protective measures within the shoreline management jurisdiction of the Crescent Valley Creek and the intertidal area at the mouth of Donkey Creek shall only be authorized as a Conditional Use.

2. Vegetation shall be used to protect exposed banks from erosion whenever possible. Bulkheads may be permitted in those cases where natural vegetation cannot control erosion.
3. Jetties and breakwaters are prohibited in the shoreline area within the City of Gig Harbor.
4. Groins or other similar protective structures shall only be authorized as a Conditional Use .
5. Bulkheads for the sole purpose of creating land area by filling behind them shall be prohibited.
6. Bulkhead facing material must be permanent in nature, not subject to erosion. The use of demolition debris or abandoned or discarded machinery as bulkhead material is prohibited.
7. Bulkheads which pose a potential hazard to navigation shall be prohibited.
8. All new bulkheads shall be located landward of the Ordinary High Water Mark (OHWM), except that: Bulkheads may tie in flush with existing bulkheads on adjoining properties, provided that the adjoining bulkheads were built at or near the OHWM and the new bulkhead does not extend more than three feet waterward of OHWM at any point. If there is an existing bulkhead on only one of the adjacent properties, the proposed bulkhead may tie in flush with it at or landward of the OHWM and shall be contoured to minimize the land area waterward of the required setback, which shall be met on the side not abutting an existing bulkhead.
9. In cases where rip-rap is used to construct a bulkhead, it must be designed with a 1-1/2 to 1 slope with the most waterward point of the bulkhead extending toward the water no further than Ordinary High Water Mark (O.H.W.M.) except as noted on Regulation 8 above.
10. Bulkheads shall be limited to the minimum height necessary to prevent erosion and stabilize an affected bank.
11. Existing banks behind protective bulkheads shall not be altered unless necessary to prevent erosion or necessary to help correct

- a potential safety hazard.
12. Bulkheads shall be designed to blend in with the surrounding structures so as not to detract from the aesthetic quality of the shoreline.
 13. Any new or repaired bulkhead which will substantially interfere with public access to publicly owned shoreline areas shall only be authorized as a Conditional Use .
 14. Bulkheads constructed for the purpose of protecting public property shall be designed to accommodate public access to the water and along the water's edge.
 15. Replacement of existing bulkheads shall be subject to the following:
 - A. Location is limited to the portion of the shoreline immediately fronting the existing bulkhead.
 - B. Replacement of an existing bulkhead by constructing a new bulkhead in front of the existing bulkhead shall be available only once.
 16. Bulkhead design and development shall conform to all other applicable state agency policies and regulation, including department of Fish and Wildlife.

3.17
SIGNS AND OUTDOOR ADVERTISING

Publicly displayed messages or symbols whose purpose is to provide information, direction, or advertising. These are often placed in conspicuous areas which could obstruct views.

GOALS: Signs and Outdoor Advertising uses should meet the Overall Goals of this Master Program as well as conform to the goal for Commercial Areas and Shopping.

POLICY:

1. Signs should be designed and located in such a manner that they minimize visual obstruction of the shoreline and water surface of Gig Harbor.

REGULATIONS:

1. Outdoor advertising shall consist of on premise signs as provided in the City of Gig Harbor Sign Ordinance.
2. All signs shall be located in such a manner that they minimize interference with public views. Free standing signs which may disrupt views to the water due to their parallel orientation with the shoreline shall be placed so that the message surface is located generally perpendicular to the shoreline or at a maximum height of thirty-six inches above the adjacent sidewalk.
3. Signs in shoreline areas shall be located against existing buildings wherever feasible.

**3.18
SOLID WASTE DISPOSAL**

Solid waste disposal is the discarding of garbage, trash, or other waste materials resulting from any activity or use. Temporary storage of solid waste material for regular collection is not included in this definition.

POLICY:

1. Due to the nature of solid waste materials and the confinement aspects of Gig Harbor, there are no appropriate areas in the harbor for solid waste disposal or storage within the shoreline management jurisdiction.

REGULATION:

1. Disposal or storage of solid waste matter into the shoreline area or waters shall be prohibited.

3.19
TRANSPORTATION FACILITIES

Transportation facilities are those structures and developments that aid in land and water surface movement of people, goods and services. These include railroad facilities, ferry terminals, float plane terminals, heliports and other related facilities.

GOALS: Transportation uses should meet the Overall Goals of this Master Program.

POLICIES:

1. Railroads are inappropriate along the shoreline of Gig Harbor due to surrounding topography and the existing development pattern.
2. Since all shoreline properties are presently served by an arterial parallel to the shoreline, no additional public roads should be constructed in the shoreline area.
3. Local private access roads and pedestrian routes should be designed to fit into the topography.
4. Pedestrian and bicycle routes should be encouraged in the shoreline area along public rights-of-way and whenever appropriate in conjunction with shoreline development.
5. Foot passenger only ferry service should be encouraged in areas of the waterfront which are capable of accommodating the necessary wharves and loading areas.

REGULATIONS:

1. Railroads shall be prohibited within the shoreline area of the City of Gig Harbor.
2. Existing public rights-of-way generally perpendicular to the shoreline of Gig Harbor (street-ends) shall be developed, as feasible, into passive public recreational areas consistent with

the Master Program regulations for Recreation.

3. Vehicular access to properties within the shoreline area shall be designed and maintained to minimize erosion and exert the least possible influence on normal drainage runoff patterns in the area.
4. Vehicular access to properties within the shoreline area shall conform to all applicable zoning and building regulations and Public Works Standards of the City of Gig Harbor.
5. New public roads parallel to the shoreline of Gig Harbor shall not be permitted within the shoreline area.
6. Any alteration to Harborview Drive, or public projects undertaken within its right-of-way, shall take maximum advantage of opportunities to increase public access to views of the City of Gig Harbor as well as to the waters of Gig Harbor.

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the water.

8. Determining if a shoreline Substantial Development Permit, Conditional Use Permit or Variance Permit is required.
9. Conducting a thorough review and analysis of shoreline Substantial Development Permit applications making written findings and conclusions and recommending approval, approval with conditions, or denial of such permits to the Hearing Examiner.
10. Submitting Variance and Conditional Use Permit Applications and making written recommendations and findings on such permits to the City Hearing Examiner and the City Council for their consideration and official action. The Administrator shall assure that all relevant information and testimony regarding the application is made available to the Council during its review.
11. Assuring that proper notice is given to appropriate persons and the public for all hearings.
12. Providing technical and administrative assistance to the City Council as required for effective and equitable implementation of this program and the Act.
13. Provide summary report of the shoreline management permits issued during the past calendar year to the City Council in February of each year. The report should include findings and conclusions on significant administrative determinations and appeals, identification of problem areas and recommendations on how the Master Program can be improved.
14. Informing the citizens of the purposes, goals, policies, and regulations of this program and any changes or amendments thereto.
15. Investigate, develop, and propose amendments to this program as deemed necessary to more effectively and equitably achieve its goals and policies.
16. Seeking remedies for alleged violations of this program, the provisions of the act, or of conditions of any approved Shoreline Permit issued by the City.

8. **Determining if a shoreline Substantial Development Permit, Conditional Use Permit or Variance Permit is required.**
9. **Conducting a thorough review and analysis of shoreline Substantial Development Permit applications making written findings and conclusions and recommending approval, approval with conditions, or denial of such permits to the Hearing Examiner.**
10. **Submitting Variance and Conditional Use Permit Applications and making written recommendations and findings on such permits to the City Hearing Examiner and the City Council for their consideration and official action. The Administrator shall assure that all relevant information and testimony regarding the application is made available to the Council during its review.**
11. **Assuring that proper notice is given to appropriate persons and the public for all hearings.**
12. **Providing technical and administrative assistance to the City Council as required for effective and equitable implementation of this program and the Act.**
13. **Provide summary report of the shoreline management permits issued during the past calendar year to the City Council in February of each year. The report should include findings and conclusions on significant administrative determinations and appeals, identification of problem areas and recommendations on how the Master Program can be improved.**
14. **Informing the citizens of the purposes, goals, policies, and regulations of this program and any changes or amendments thereto.**
15. **Investigate, develop, and propose amendments to this program as deemed necessary to more effectively and equitably achieve its goals and policies.**
16. **Seeking remedies for alleged violations of this program, the provisions of the act, or of conditions of any approved Shoreline Permit issued by the City.**

17. Coordination of information with affected agencies.

4.03 CITY COUNCIL

- A. The City Council, hereinafter known as the Council, is vested with authority to:
 1. Approve, approve with conditions, or deny shoreline substantial Development, Variance and Conditional Use Permits after considering the findings and recommendations of the Administrator and Hearing Examiner; PROVIDED that any decisions on this matter made by the Council may be further appealed to the State Shorelines Hearings Board as provided for in the Act;
 2. Decide local administrative appeals of the Hearing Examiner's actions and interpretations;
 3. Approve any revisions or amendments to the Master Program in accordance with the requirements of the Act and related WACs;
 4. Conduct its own public hearing in accordance with Section 4.09 (C)(1).
- B. The duties and responsibilities of the Council shall include:
 1. Consideration of Variances, Conditional Uses and Substantial Development, by recommendation of the Hearing Examiner.
 2. Approval, approval with conditions, or denial of shoreline Substantial Development, Variance and Conditional Use permits.
 3. Basing all decisions on shoreline permits or administrative appeals on the criteria established in the Master Program.
 4. Reviewing and acting upon any recommendations of the Planning Commission and Administrator for amendments to or revisions of this Program. The Council shall enter findings and conclusions setting forth the factors it considered in reaching its decision. To become effective, any amendments to the Program must be reviewed and approved by the Department of Ecology, pursuant

to RCW 90.58.190 and Chapter 173-19 WAC.

4.04 COUNTY TAX ASSESSOR

As provided for in RCW 90.58.290, the restrictions imposed upon the use of real property through the implementation of the policies and regulations of the Act and this Master Program shall be duly considered by the County Assessor and the County Board of Equalization in establishing the fair market value of such properties.

4.05 APPLICABILITY TO SUBSTANTIAL DEVELOPMENT STATEMENT OF EXEMPTION

Any person wishing to undertake substantial development or exempt development on shorelines shall apply to the Administrator for a shorelines permit or a Statement of Exemption.

Whenever a development falls within the exemption criteria pursuant to WAC 173-14-040 and the development is subject to a U.S. Army Corps of Engineers Section 10 or Section 404 Permit, the Administrator shall prepare a Statement of Exemption, and transmit a copy to the applicant and the Washington State Department of Ecology. Exempt development as defined herein shall not require a Substantial Development Permit, but may require a Conditional Use Permit, Variance and/or a Statement of Exemption.

Before determining that a proposal is exempt, the Administrator may conduct a site inspection to ensure that the proposal meets the exemption criteria. The exemption granted may be conditioned to ensure that the activity is consistent with the Master Program and the Shoreline Management Act.

The applicant shall submit a written request for exemption to the City of Gig Harbor, including a listing of the real property owners of record within three hundred feet of the project site, based upon the latest listings of the Pierce County Assessor's office, and stamped, addressed envelopes bearing first class postage.

Note: EXEMPTION FROM SUBSTANTIAL DEVELOPMENT PERMIT REQUIREMENTS DOES NOT CONSTITUTE EXEMPTION FROM THE

POLICIES AND USE REGULATIONS OF THE SHORELINE MANAGEMENT ACT, THE PROVISIONS OF THIS MASTER PROGRAM, AND OTHER APPLICABLE CITY, STATE OR FEDERAL PERMIT REQUIREMENTS.

Applicants for all non-shoreline permits or approvals within the shoreline area must obtain a written "Statement of Exemption" from securing a Substantial Development Permit.

This process verifies that the action is exempt and offers an applicant an itemization of SMP and other requirements applicable to the proposed project. In the case of development subject to the policies and regulations of this Master Program but exempt from the Substantial Development Permit process, the Building Official or other permit authorizing official shall attach shoreline management terms and conditions to the building permits and other permits and approval pursuant to RCW 90.58.140, to achieve consistency with the Master Program. The administrator's statement of exemption shall be transmitted to the applicant and to all real property owners within three hundred (300) feet of the site and shall also include a notice of appeal of an administrative decision to the hearing examiner as provided for under Section 17.10.100.

4.06 FEES

An application filing fee in an amount established by Section 3.40 of the Gig Harbor Municipal Code shall be paid to the City.

4.07 PERMIT APPLICATION

The Administrator shall provide the necessary application forms for shoreline substantial Development, conditional Use and Variance Permits. In addition to the information requested on the application the applicant shall provide, at a minimum, the following information:

A. Site Plan drawn to scale and including:

- 1. Site boundary, extending from the street frontage (as applicable) to the outer harbor line, all state lease lands (existing and proposed), structures on adjacent properties from OHW to the outer harbor line, tideland leases and ownerships, and harborline**

- lease areas on adjacent properties.
- 2. Property dimensions in vicinity of project;
- 3. Ordinary high water mark;
- 4. Typical cross section or sections showing:
 - a) existing ground elevation
 - b) proposed ground elevation
 - c) height of existing structures
 - d) height of proposed structures
- 5. Where appropriate, proposed land contours using five-foot intervals in water area and ten-foot intervals on areas landward of ordinary high water mark, if development involves grading, cutting, filling, or other alteration of land contours;
- 6. Show dimensions and location of existing structures which will be maintained;
- 7. Show dimensions and locations of proposed structures; parking and landscaping.
- 8. Identify source, composition, and volume of fill material;
- 9. Identify composition and volume of any extracted materials, and identify proposed disposal area;
- 10. Location of proposed utilities, such as sewer, septic tanks and drain fields, water, gas and electricity and sewage pump-out facilities if being installed;
- 11. If the development proposes septic tanks, they must comply with local and state health regulations;
- 12. Shoreline designation according to the Master Program; and
- 13. Show which areas are shorelines and which are shorelines of state-wide significance.

B. Vicinity Map

1. Indicate site location using natural points of reference (roads, state highways, prominent landmarks, etc.)
2. If the development involves the removal of any soils by dredging or otherwise, identify the proposed disposal site on the map. If disposal site is beyond the confines of the vicinity map, provide another vicinity map showing the precise location of the disposal site and its distance to the nearest city or town.
3. Give brief narrative description of the general nature of the improvements and land use within 1,000 feet in all directions from development site.

C. Adjacent Land Owners

It is the responsibility of the applicant to provide names and addresses of all real property owners within 300 feet of property where development is proposed.

Complete application and documents for all shoreline permits shall be submitted to the Administrator for processing and review. Any deficiencies in the application or documents shall be corrected by the applicant prior to further processing.

4.08 PERMIT PROCESS

When a complete application and associated information have been received by the Administrator, the Administrator shall mail notice of the proposed project to all real property owners named on the list as supplied by the applicant, and shall post notice in a conspicuous manner on the property upon which the project is to be constructed. The Administrator shall also be responsible for delivering legal notice to the newspaper, to be published at least once a week on the same day of the week for two consecutive weeks in a newspaper of general circulation within the area in which the development is proposed. Advertising costs will be the responsibility of the applicant. Further, the applicant shall bear the burden of proving that proposed development is consistent with the approval criteria and master program policies and regulations.

The Administrator shall schedule a public hearing before the City Hearing Examiner within 45 days of the date of application. For the

purpose of scheduling a public hearing, the date of submittal of a complete application shall be considered the date of application. All persons who so submit their views shall be notified in a timely manner of the action taken upon the application.

A. Application Review/Administrator Action

The Administrator shall make recommendations based upon:

1. The policies and procedures of the Act, and related WAC's as amended.
2. The Shoreline Master Program for the City of Gig Harbor, as amended.

B. Public Hearings

1. At least one public hearing shall be held by the Hearing Examiner regarding applications for Substantial Development, Variance and Conditional Use permits.
2. The Hearing Examiner shall review an application for a permit based upon any or all of the following:
 - a. The application.
 - b. Applicable SEPA documents.
 - c. Evidence presented at the public hearing.
 - d. Written and oral comments from interested persons.
 - e. The findings and conclusions and recommendation of the Administrator.
3. The Hearing Examiner shall transmit to the City Council written findings, conclusions and recommendation on a permit application as per Section 17.10 of the Gig Harbor Municipal Code.

C. City Council Action

1. At its next regularly scheduled meeting, the City Council may decide to conduct its own de novo hearing on the application or to affirm, modify or deny the Hearing Examiner's recommendation based upon the record. In the alternative, the City Council may decide to modify the Hearing Examiner's

recommendation and remand the application back to the Hearing Examiner to hold a public hearing and make a final decision consistent with the Council's findings and conclusions on modification.

2. The Council shall review the application and make decisions regarding permits based upon:
 - a. The Master Program for the City of Gig Harbor.
 - b. Policies and Procedures of Chapter 90.58RCW.
 - c. Written and oral comments from interested persons.
 - d. The findings and conclusions of the Hearing Examiner.

3. Except where the Council remands an application to the Hearing Examiner for final action as described in C(1) above, the decision of the Council shall be the final decision of the City on all applications. The City shall render a written decision including findings, conclusions, and a final order and transmit copies of the decision within seven days of the City's final action on the permit to the following:
 - a. The applicant.
 - b. The Department of Ecology.
 - c. Attorney General.

D. Washington State DOE Review

The City's final action on an application for a permit shall be filed with the Department of Ecology and Attorney General within eight days of issuance. Construction pursuant to a substantial development, conditional use or variance permit shall not begin until 30 days from the date of filing, or until all review proceedings initiated within 30 days of the date of filing has been terminated. The date of filing is determined as defined in WAC 173-14-090.

Development pursuant to a shoreline permit shall not begin and is not authorized until 30 days from the date the Administrator files the approved permit with the Department of Ecology and the Attorney General, in the case of a Substantial Development Permit, or up to 60 days in the case of a Variance or Conditional Use Permit PROVIDED all review and appeal proceedings initiated within 30 days of the date of such filing of a Substantial Development Permit or within 30 days of

final approval by the Washington State Department of Ecology for a Conditional Use Permit or Variance have been terminated.

E. Duration of Permits

The city may issue permits with termination dates of up to five years. If a permit does not specify a termination date, the following requirements apply, consistent with WAC 173-14-060:

1. **Time Limit for Substantial Progress.** Construction, or substantial progress toward completion, must begin within two years after the City's approval of the permits.
2. **Extension for Substantial Progress.** The City may at its discretion, with prior notice to parties of record and the Department, extend the two-year time period for the substantial progress for a reasonable time up to one year based on factors, including the inability to expeditiously obtain other governmental permits which are required prior to the commencement of construction.
3. **Five Year Permit Authorization.** If construction has not been completed within five years of approval by the City, the Administrator may review the permit and, upon showing of good cause, either extend the permit for one year, or terminate the permit. Prior to the City authorizing any permit extensions, it shall notify any parties of record or the Department of Ecology. The City may authorize only one extension.

4.09 Revision of Permits

When an applicant desires to revise a permit, the applicant must submit detailed plans and text describing the proposed changes. If the Administrator determines that the revisions proposed are within the scope and intent of the original permit, consistent with WAC 173-14-064, the Administrator may approve the revision. "Within the scope and intent of the original permit" means all of the following:

- A. No additional over-water construction is involved, except that pier, dock or float construction may be increased by five hundred (500) square feet or ten percent (10%), whichever is less;

- B. Ground area coverage and height is not increased more than ten percent (10%);
- C. Additional structures do not exceed a total of two hundred fifty (250) square feet;
- D. The revision does not authorize development to exceed height, setback, lot coverage, or any other requirement of the City Shoreline Master Program;
- E. Additional landscaping is consistent with conditions (if any) attached to the original permit;
- F. The use authorized pursuant to the original permit is not changed; and
- G. No substantial adverse environmental impact will be caused by the project revision.

If the sum of the proposed revision and any previously approved revisions do not meet the criteria above, an application for a new shoreline permit must be submitted. If the revision involves a Conditional Use or Variance which was conditioned by the Department of Ecology, the revision also must be reviewed and approved by the Department of Ecology (see WAC 173-14-064).

The decision on a revision to a permit may be appealed within thirty (30) days of such decision, in accordance with RCW 90.58.180 and WAC 173-14-064.

The decision of the Administrator shall be transmitted to the applicant and adjacent property owners.

Construction allowed by the revised permit that is not authorized under the original permit is undertaken at the applicant's own risk until the expiration of the appeals deadline.

4.10 Local Appeals

Any decision made by the Administrator on a master program policy or regulation interpretation or permit revision may be appealed by the applicant, private or public organization, or individual to the City Hearing Examiner

within ten days following the issuance of a written decision by the Administrator. Such appeals shall be initiated by filing with the City, a notice of appeal setting forth the action being appealed and the principal points upon which the appeal is based, together with a filing fee as prescribed by Section 3.40 of the Gig Harbor Municipal Code.

The Hearing Examiner shall hear the appeal at its next regularly scheduled public meeting, or as soon thereafter as is feasible. The Hearing Examiner, using the applicable decision making criteria established in this master program, shall affirm, modify, or reverse the decision of the Administrator. This decision of the Hearing Examiner shall be the final local government decision, unless an appeal is filed with the Gig Harbor City Council, in accordance with the provisions of Title 17.10.160.

4.11 Appeal to State Shorelines Hearings Board

Any person aggrieved by a final decision of the City granting, denying, rescinding or modifying of a Shoreline Permit may seek review from the State Shorelines Hearings Board by filing an original and one copy of the request for review with the Hearings Board within 30 days of receipt of the final decision by the City Council. Said request shall be submitted as required by the rules for practice and procedure before the Hearings Board, as contained in WAC 461-08. The person seeking review shall file a copy of the request for review with the State Department of Ecology and the Attorney General.

4.12 Variances and Conditional Uses Permits

The Shorelines Management Act states that Master Programs shall contain provisions covering conditional uses and variances. These provisions should be applied in a manner which, while protecting the environment, will assure that a person will be able to use his/her property in a fair and equitable manner.

- A. Variance: The purpose of a Variance Permit is strictly limited to granting relief to specific bulk, dimensional, or performance standards set forth in the Master Program, and where there are extraordinary or unique circumstances related to the property such that the strict implementation of the Master Program would impose unnecessary hardships on the applicant or thwart the Shoreline Management Act policies as stated in RCW 90.58.020.

Construction pursuant to this permit shall not begin nor can

construction be authorized except as provided in RCW 90.58.020. In all instances, variances shall only be approved where extraordinary circumstances are shown and there will be no substantial detrimental effect on the public interest.

1. **Application:** An application for a Shoreline Variance shall be submitted on a form provided by the City accompanied by maps, completed environmental checklist, applicable fees, and any other information specified in this Master Program or requested by the Administrator.
2. **Criteria for Granting Variances:** Variance Permits for development that will be located landward of the ordinary high water mark, except those areas designated by DOE as marshes, bogs, or swamps pursuant to WAC 173-22, may be authorized provided the applicant can demonstrate all of the following:
 - a. That the strict requirements of the bulk, dimensional, or performance standards set forth in the Master Program preclude or significantly interfere with a reasonable use of the property which is not otherwise prohibited by the Master Program.
 - b. That the hardship described above is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size or natural features and the application of the Master Program, and not, for example, from deed restrictions or the applicant's own actions.
 - c. That the design of the project will be compatible with other permitted activities in the area and will not cause adverse effects to adjacent properties or the shoreline environment.
 - d. That the proposed variance does not constitute a grant of special privilege not enjoyed by the other properties in the area, and will be the minimum necessary to afford relief.
 - e. That the public interest will suffer no substantial detrimental effect.

Variance Permits for development that will be located either waterward of the ordinary high water mark or within marshes, bogs, or swamps as designated in WAC 173-22, may be authorized provided the applicant can demonstrate all the criteria stated above as well as the following:

- f. That the public rights of navigation and use of the shorelines will not be adversely affected by granting the Variance.

In the granting of all Variance Permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if Variances were granted to other developments in the area where similar circumstances exist, the total impact of the Variances should also remain consistent with the policies of RCW 90.58 and should not produce substantial adverse effects to the shoreline environment.

Requests for varying the use to which a shoreline area is to be put are not requests for Variances, but rather requests for Conditional Uses. Such requests shall be evaluated using the criteria set forth below.

B. Conditional Uses

The purpose of a Conditional Use Permit is to allow greater flexibility in varying the application of the use regulations of the master program in a manner consistent with the policies of RCW 90.58.020; provided, that Conditional Use Permits should also be granted in a circumstance where denial of the permit would result in a thwarting of State policy enumerated in RCW 90.58.020. In authorizing a Conditional Use, special conditions may be attached to the permit by the City or the Department of Ecology to prevent undesirable effects of the proposed use. Uses which are specifically prohibited by the master program may not be authorized with approval of a conditional use permit.

Uses classified as conditional uses may be authorized provided that the applicant can demonstrate all of the following:

1. That the proposed use will be consistent with the policies of RCW 90.58.020 and the policies of the Master Program.
2. That the proposed use will not interfere with the normal public use of public shorelines.
3. That the proposed use of the site and design of the project will be compatible with other permitted uses within the area.
4. That the proposed use will cause no unreasonably adverse effects to the Shoreline Environment designation in which it is to be located.
5. That the public interest suffers no substantial detrimental effect.

4.13 Unclassified Uses

Other uses which are not classified may be authorized as Conditional Uses provided the applicant can demonstrate, in addition to the criteria set forth above, that extraordinary circumstances preclude reasonable use of the property in a manner consistent with the use regulations of the City SMP.

The total or cumulative impact of the Conditional Uses should also remain consistent with the policies of RCW 90.58.020 and should not produce significant adverse effects on the shoreline environment. Uses which are specifically prohibited by the Master Program may not be authorized.

4.15 Nonconforming Development

Nonconforming development is a shoreline use or structure which was lawfully constructed or established prior to the effective date of the act or the Master Program, or amendments thereto, but which does not conform to present regulations or standards of the Master Program or policies of the act. In such cases, the following standards shall apply.

- A. Nonconforming development may be continued provided that it is not enlarged, intensified, increased, or altered in any way which increases its nonconformity;
- B. A nonconforming development which is moved any distance must be brought into conformance with the Master Program and the Act;
- C. If a nonconforming development is damaged to an extent not exceeding seventy-five (75) percent replacement cost of the original structure, it may be reconstructed to those configurations existing immediately prior to the time the structure was damaged, so long as restoration is completed within one year of the date of damage, with the exception that, exempt single family nonconforming development may be one hundred (100) percent replaced if restoration is completed within three years of the date of damage.
- D. If a non-conforming use is discontinued for twelve (12) consecutive months or for twelve (12) months during any two-year period, any subsequent use shall be conforming; it shall not be necessary to show that the owner of the property intends to abandon such nonconforming use in order for the nonconforming rights to expire;
- E. A nonconforming use shall not be changed to another nonconforming use, regardless of the conforming or nonconforming status of the building or structure in which it housed; and
- F. An undeveloped lot, tract, parcel, site, or division which was established prior to the effective date of the act and the Master Program but which does not conform to the present lot size or density standards may be developed so long as such development conforms to all other requirements of the Master Program and the act.

4.16 Enforcement and Penalties

The choice of enforcement action and the severity of any penalty should be based on (1) the nature of the violation; (2) the damage or risk to the public or to public resources; (3) the existence or degree of bad faith of the persons subject to the enforcement action; (4) the benefits that accrue to the violator; and (5) the cost of obtaining compliance.

A. Civil Penalty

1. Action

The City Attorney shall bring such actions as are necessary to insure that no uses are made of the shorelines of the state in conflict with the provisions of the Act and this Master Program and to otherwise enforce the provisions of the Act and the Master Program.

2. Non-Compliance

Any person who fails to conform to the terms of a permit issued under this Master Program or who undertakes a development or use on the shorelines of the state without first obtaining any permit required under the Master Program or who fails to comply with a cease and desist order issued under regulations shall also be subject to a civil penalty not to exceed one thousand (1000) dollars for each violation. Each permit violation or each day of continued development without a required permit shall constitute a separate violation.

3. Aiding and Abetting

Any person who, through an act of commission or omission procures, aids, or abets in the violation shall be considered to have committed a violation for the purposes of the civil penalty.

4. Notice of Penalty

The penalty provided for in this section shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the same from the City. The notice shall include the "content of order" specified in subsection 6., Regulatory Order.

5. Remission and Joint Order

Within thirty (30) days after the notice is received, the person

incurring the penalty may apply in writing to the City for remission of mitigation of such penalty. Upon receipt of the application, the City may remit or mitigate the penalty only upon a demonstration of extraordinary circumstances, such as the presence of information or factors not considered in setting the original penalty. Any penalty imposed pursuant to this section by the City shall be subject to review by the City Council. In accordance with RCW 90.58.050 and RCW 90.58.210(4), any penalty jointly imposed by the City and the Department of Ecology shall be appealed to the Shorelines Hearings Board. When a penalty is imposed jointly by the City and the Department of Ecology, it may be remitted or mitigated only upon such terms as both the City and the Department agree.

6. Regulatory Order

The Content of order shall set forth and contain:

- a. A description of the specific nature, location, extent and violation and the damage or potential damage; and
- b. A notice that the violation or the potential violation cease and desist or, in appropriate cases, the specific corrective action to be taken within a given time. A civil penalty under this section may be issued with the order and same shall specify a date certain or schedule by which payment will be complete.

7. Effective Date

The cease and desist order issued under this subsection shall become effective immediately upon receipt by the person to whom the order is directed.

8. Compliance

Failure to comply with the terms of a cease and desist order can result in enforcement actions including, but not limited to, the issuance of a civil penalty.

B. Delinquent Permit Penalty

Permittees applying for a permit after commencement of a use or activity may, at the discretion of the City, be required, in addition, to pay a delinquent permit penalty not to exceed three times the appropriate permit fee paid by the permittee. A person who has

caused, aided, or abetted a violation within two (2) years after the issuance of a regulatory order, notice of violation, or penalty by the City or the Department against said person may be subject to a delinquent permit penalty not to exceed ten times the appropriate permit fee paid by the permittee. Delinquent permit penalties shall be paid in full prior to resuming the use or activity.

C. Property Lien

Any person who fails to pay the prescribed penalty as authorized in this section shall be subject to a lien upon the affected property until such time as the penalty is paid in full. The City Attorney shall file said lien against the affected property at the office of the County Assessor.

D. Mandatory Civil Penalties

Issuance of civil penalties is mandatory in the following instances:

1. The violator has ignored the issuance of an order or notice of violation.
2. The violation causes or contributes to significant environmental damage to shorelines of the state as determined by the City.
3. A person causes, aids, or abets in a violation within two (2) years after issuance of a similar regulatory order, notice of violation, or penalty by the City or the Department against said person.

E. Minimum Penalty Levels

1. For all violations for which penalties are mandatory, the minimum penalty is two hundred and fifty (250) dollars.
2. For all other penalties, the minimum penalty is one hundred (100) dollars.

F. General Criminal Penalty

In addition to incurring civil liability, any person found to have willfully engaged in activities on the shorelines of the state in violation of the provisions of the Act or the Master Program shall be guilty of a gross misdemeanor and shall be punished by a fine of not less than one hundred (100) dollars nor more than one thousand (1000) dollars or by

imprisonment in the county jail for not more than ninety (90) days for each separate offense, or by both such fine and imprisonment. Provided, that the fine for each separate offense for the third and all subsequent violations in any five-year period shall be not less than five hundred (500) dollars nor more than ten thousand (10,000) dollars.

G. Violators Liabilities - Damages, Attorney's Fees/Costs.

Any person subject to the regulatory program of the Act or the Master Program who violates any provision thereof or permit issued pursuant thereto shall be liable for all damage to public or private property arising from such violation, including the cost of restoring the affected area to its condition prior to violation. The City Attorney shall bring suit for damages under this section on behalf of the City. Private persons shall have the right to bring suit for damages under this section on their own behalf and on the behalf of all persons similarly situated. If liability has been established for the cost of restoring an area affected by a violation, the court shall make provisions to assure that restoration will be accomplished within a reasonable time at the expense of the violator. In addition to such relief, including money damages, the court in its discretion may award attorney's fees and costs of the suit to the prevailing party.

4.17 Master Program Review

This Master Program shall be periodically reviewed and adjustments shall be made as are necessary to reflect changing local circumstances, new information or improved data, and changes in State Statutes and regulations. This review process shall be consistent with WAC 173-19 requirements and shall include a local citizen involvement effort and public hearing to obtain the views and comments of the public.

4.18 Amendments to Master Program

Any of the provisions of this Master Program may be amended as provided for in RCW 90.58.120 and .200 and Chapter 173-19 WAC. Amendments or revisions to the Master Program, as provided by law, do not become effective until approved by the Washington State Department of Ecology.

Proposals for shoreline environment redesignations must demonstrate consistency with the criteria set forth in Shoreline Environment Designation

Criteria.

4.19 Severability

If any provisions of this Master Program, or its application to any person or legal entity or parcel of land or circumstances, is held invalid, the remainder of the Master Program, or the application of the provisions to other persons or legal entities or parcels of land or circumstances, shall not be affected.

APPENDIX 1: DEFINITIONS

Administrator - the City Planning Director or his/her designee

Active Commercial Fishing Vessels - Active commercial fishing vessels are those which have a current commercial license issued by the appropriate state or regional authority or a contract from the previous fishing season or for the next fishing season.

Accessory structure - a subordinate building or use incidental to the use of the main building or use.

Boat - see definition under "Vessel".

Breakwater - a barrier constructed to break the force of waves, as at the entrance to some harbors.

Building - a structure whose assessed value is more than \$300.00, built for the support, shelter, or enclosure of persons, animals, or movable property of any kind.

Bulkhead - a solid, open pile, or irregular wall of rock, rip-rap, concrete, steel, or timber or combination of these materials erected parallel to and near Ordinary High Water Mark to provide a protective wall resistant to water and wave action.

City - the City of Gig Harbor, Washington

Conditional Use - a use which is only allowed subject to special safeguards to protect other uses and the environment from adverse effects or a use, development or substantial development which is classified as a conditional or

unclassified use in this shoreline master program.

Condominium Moorage - Moorage facilities in which individual slips and moorage space are offered for sale and which are privately owned, collectively or individually. An association may be formed to provide owner services such as common facilities maintenance, collection of dues, etc..

Dredging - the removal of earth, sand, sludge or other material from the bottom of a water body, by mechanical means.

Dredging spoils - bottom material obtained from dredging.

Development - an activity consisting of the construction or exterior alteration of structures; dredging; drilling, dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which may interfere with the normal public use of the surface of the waters overlying lands subject to the Shorelines Management Act of 1971 at any state of water level.

Float - a raft or similar structure not attached to the shoreline above Ordinary High Water Mark; but which may be anchored to the bottom or attached to a pier or piling so as to provide pedestrian and other access between the shore and navigable water.

Floating home - a building constructed on a float, used whole or in part for human habitation as a dwelling, and which is moored, anchored, or otherwise secured, as distinguished from the mooring or anchoring of a vessel.

Gig Harbor, water of Gig Harbor - that portion of the water and tidal area of the harbor and the lands lying beneath that portion, within the jurisdiction of the City of Gig Harbor.

Groin - a barrier structure extending from the shore to the water. It is used to interrupt lateral sediment movement along the shore.

Jetty - an artificial barrier used to change the natural littoral drift to protect inlet entrances from clogging by excess sediment, or to improve a harbor area.

Landfill - the creation of dry upland area by the filling or depositing of sand, soil, or gravel into a wetland area; also, the replacement of shoreland areas removed by wave action or the normal erosive processes of nature.

Marina - A water-dependent facility which provides moorage and related services.

Master Program - the comprehensive shoreline use plan for the City of Gig Harbor, and the use regulations together with maps, diagrams, charts or other descriptive material and text, and a statement of desired goals and standards developed in accordance with the policies enunciated in Section 2 of the Shorelines Management Act of 1971.

Mean Higher High Water - the line on tidal beaches where the mean of the higher of each day's high tides has left a mark upon the beach distinctly separating the tidal area from adjoining uplands. For Gig Harbor, 11.80 feet above

Mean Lower Low Water shall constitute the line of Mean Higher High Water, in those cases where the line of Ordinary High Water cannot be determined or established.

Moorage - a pier or float, either fixed or floating, to which vessels may be secured.

Moorage, covered - a pier, or float, or a system of floating or fixed access ways to which boats may be secured, and which has a roof.

Moored Boat - A vessel that is secured to a pier, float, dock, buoy or other vessel.

Navigational channels - those logical routes on the waters of Gig Harbor beyond the outer harbor line, commonly used by ships for useful commerce.

Non-conforming use - a use which lawfully occupied a building or land at the time this Master Program becomes effective and which does not conform with the use regulations for the particular use activity under which it falls.

Ordinary High Water Mark - the mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or Department.

Outer harbor line - the line located and established by the State Department

of Natural Resources in navigable waters beyond which the State shall never sell or lease any rights whatever. This line determines the extent of water area that may be leased to private interests.

Over-water building - a structure or other construction erected on piling above the surface of the water, or upon a float.

Pier - a structure over the water, used as a landing place for marine transport or for recreational activities or as a pedestrian walkway.

Principal use parking - parking which is the principal use on the property and is not accessory to another use.

Public access - a provision of physical or visual approach from upland or adjacent properties or public waters or from shorelines or public waters to upland or adjacent properties, available to the general public.

Rip-rap - a foundation or retaining wall of stones or rock placed in along the water's edge or on an embankment to prevent erosion.

Shoreline substantial development permit - that permit required by this Master Program for uses which are substantial developments in the shoreline area.

Shorelines, shoreline area - the waters of Gig Harbor; all lands underlying those waters; all land lying within 200 feet landward of ordinary high water; all land lying waterward of the bay's perimeter roads: Harborview Drive, North Harborview Drive and Vernhardson Street from North Harborview to the eastern City limits.

Shorelines of Statewide Significance - As defined under the Shoreline Management Act per RCW 90.58.030 (3)(e)(iii), shorelines of statewide significance are those waters of Puget Sound and Gig Harbor Bay lying seaward of extreme low water.

State Shorelines Hearings Board - the hearings board established by the Shorelines Management Act of 1971 to decide appeals of cases involving shorelines substantial development permits.

Structure - A combination of materials constructed and erected permanently on the ground or on a pier or float, or attached to something having a permanent location on the ground, excluding residential fences, retaining

walls, rockeries and similar improvements of a minor character.

Substantial development - any development of which the total cost or fair market value exceeds two thousand five hundred dollars , or any development which materially interferes with the normal public use of the water or shorelines of the state; except as provided in WAC 173-14-040.

Vessel - A waterborne craft capable of independent movement under its own power, sail or by rowing or paddling. A vessel must be capable of releasing moorage within sixty (60) minutes notice and cruising a distance of one mile in less than sixty (60) minutes and return to the original place of moorage within the following sixty (60) minutes.

Unique or fragile areas - those portions of the shoreline which:

- 1.) Contain or substantially contribute to the maintenance of endangered or valuable forms of life, or
- 2.) Contain steep slopes, unstable banks, marshes, or other areas having unstable or potentially hazardous topographic, geologic, or hydrologic features, or
- 3.) Have significant historical, cultural, scientific, or educational value.

Uplands - land above the ordinary high water mark of lakes, streams, or tidal waters. For tidal waters that mark shall be the line of Ordinary High Water Mark

Watercraft - a vessel designed to move through water carrying persons or goods.

Water-dependent - referring to uses or activities which necessarily require a shoreline location as a major and integral part of that use or activity and which cannot exist at a non-water location due to the intrinsic nature of its operation.

Water-enjoyment - A recreational use or other use facilitating public access to the shoreline as a primary characteristic of the use; or a use that provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as a general character of the use and which through the location, design and operation assure the public's ability to enjoy the physical

of Natural Resources in navigable waters beyond which the State shall never sell or lease any rights whatever. This line determines the extent of water area that may be leased to private interests.

Over-water building - a structure or other construction erected on piling above the surface of the water, or upon a float.

Pier - a structure over the water, used as a landing place for marine transport or for recreational activities or as a pedestrian walkway.

Principal use parking - parking which is the principal use on the property and is not accessory to another use.

Public access - a provision of physical or visual approach from upland or adjacent properties or public waters or from shorelines or public waters to upland or adjacent properties, available to the general public.

Rip-rap - a foundation or retaining wall of stones or rock placed in along the water's edge or on an embankment to prevent erosion.

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State Shorelines Hearings Board - the hearings board established by the Shorelines Management Act of 1971 to decide appeals of cases involving shorelines substantial development permits.

Structure - A combination of materials constructed and erected permanently on the ground or on a pier or float, or attached to something having a permanent location on the ground, excluding residential fences, retaining

and aesthetic qualities of the shoreline. The use must be open to the general public and must be devoted to provisions that accommodate public shoreline enjoyment. Examples include, but are not limited to, parks, piers, museums, restaurants, education/scientific reserves, resorts and mixed use projects.

Water-oriented - referring to any combination of water-dependent, and/or water enjoyment uses and serves as an all encompassing definition for priority uses under the SMA. Non-water oriented serves to describe those uses which have little or no relationship to the shoreline and are not considered priority uses under the SMA. Examples of non-water oriented include, but are not limited to, professional offices, automobile sales and repair, mini-storage, gasoline service stations, multifamily residential development and department stores.

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07/12/93

ORDINANCE NO. 646

AN ORDINANCE OF THE GIG HARBOR CITY COUNCIL, RELATING TO THE STATE ENVIRONMENTAL POLICY ACT; ADDING A NEW SECTION TO THE CITY OF GIG HARBOR ENVIRONMENTAL POLICY ORDINANCE, TITLE 18.04 OF THE GIG HARBOR MUNICIPAL CODE, TO INCLUDE THE REQUIREMENTS FOR A COMPLETE ENVIRONMENTAL CHECKLIST AND TO AMEND THE SEPA APPEAL PROCESS TO INCLUDE CERTAIN TYPES OF ADMINISTRATIVE APPEALS AND THEIR TIME LIMITS FOR APPEAL, ADDING A NEW SECTION 18.04.115 AND AMENDING SECTION 18.04.230 OF THE GIG HARBOR MUNICIPAL CODE.

WHEREAS, the State of Washington has required that local government adopt criteria by ordinance for defining a completed environmental checklist; and,

WHEREAS, the proposed amendment is intended to assure timely processing of permit applications which require SEPA review and to render a SEPA decision based upon complete and accurate information within the time frames as prescribed by law; and,

WHEREAS, the City Environmental Policy Ordinance currently does not properly provide for the appeals on the conditioning or denying of permits before the legislative body as per RCW 43.21(C).060 and WAC 917-11-680; and,

WHEREAS, the City Environmental Policy Ordinance provides for administrative appeals of agency determinations on final environmental impact statements, but does not provide same for procedural determinations on environmental threshold

determinations, as is required by RCW 43.21(C).075 and WAC 197-11-680(3); and,

WHEREAS, it is in the public's best interest to amend the City of Gig Harbor Environmental Policy Ordinance accordingly, consistent with state law; NOW, THEREFORE,

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

Section 1. A new section 18.04.115 is hereby added to title 18.04 of the Gig Harbor Municipal Code to read as follows:

18.04.115. Completed Environmental Checklist.
defined. An environmental checklist is deemed completed when the following information is provided:

1. All information as requested in the checklist is provided, including complete responses to all questions in the checklist.
2. All plans and illustrations as required per the applicable City code are submitted with the environmental checklist.
3. The required number of copies of the checklist and associated plans and illustrations are submitted, as per the applicable City code.

4. Checklist is properly signed
and dated.

Incomplete or inaccurate responses to the questions within the checklist shall be grounds for reserving a threshold determination on a proposal, including the scheduling of any public hearings as may be required, until such time as the information is provided by the applicant.

Section 2. Section 18.04.230 of the Gig Harbor Municipal Code is hereby amended to read as follows:

18.04.230. Appeals.

- A. Any interested person may appeal the adequacy of a final threshold determination, final EIS, and the conditionings or denial of a requested action made by a non-elected city official pursuant to the procedures set forth in this section. No other SEPA appeal shall be allowed.
- B. All appeals filed pursuant to this section must be filed in writing with the Planning Director within ten calendar days of the date of the decision appealed from.
- C. On receipt of a timely written notice of appeal, the Planning Director shall transmit said appeal to the Hearing

Examiner or City Council, and request that a date for considering the appeal be established. Appeals shall be considered as follows:

1. Procedural Determinations.

Appeals of the final threshold determination and a final environmental impact statement shall be made to the City of Gig Harbor Hearing Examiner pursuant to the provisions of Title 17.10 of the Gig Harbor Municipal Code. The Hearing Examiner's decision on these matters is final unless an appeal is filed with the Superior Court of the State of Washington, Pierce County, pursuant to subsection 18.04.230(H).

2. Conditioning or Denying of Proposals. Appeals of the conditioning or denying of a proposal under the authority of SEPA shall be to the City Council. The City Council shall hold a public

hearing, and provide for a record consistent with GHMC subsection 18.04.230(E) herein. Appeals of the City Council's decision shall be final unless an appeal is filed with the Superior Court of the State of Washington, Pierce County, pursuant to subsection 18.04.230(H).

D. If a decision has been made on a proposed action, the appeal shall consolidate any allowed appeals of procedural and substantive determinations under SEPA.

E. All relevant evidence shall be received during the hearing of the appeal and the decision shall be made de novo. The procedural determination by the City's responsible official shall carry substantial weight in any appeal proceeding.

F. For any appeal under this section, the City shall provide for a record that shall consist of the following:

1. Findings and conclusions;
2. Testimony under oath; and
3. A taped or written transcript.

G. The City shall give official notice whenever it issues a permit or approval for which a statute or ordinance establishes a time limit for commencing judicial appeal.

H. ~~The time limitations and procedures for judicial appeals of administrative decisions shall be as set forth in WAC 197-11-680(4), which is adopted by reference herein.~~

Section 3. A copy of Washington Administrative Code Section 197-11-680(4) is hereby adopted by reference. A copy of WAC 197-11-680(4) is filed with the City Clerk for public viewing, along with a copy of this ordinance.

Section 4. Severability. 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 5. Effective Date. This ordinance shall take effect and be in full force five (5) days after publication of the attached summary which is hereby approved.

APPROVED:


MAYOR, GRETCHEN WILBERT

MAYOR, GRETCHEN WILBERT

ATTEST/AUTHENTICATED:


CITY ADMINISTRATOR, MARK HOPPEN

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY: 

FILED WITH THE CITY CLERK: July 12, 1993

PASSED BY THE CITY COUNCIL:

PUBLISHED:

EFFECTIVE DATE:

ORDINANCE NO. 646

ORDINANCE NO. 647

AN ORDINANCE OF THE GIG HARBOR CITY COUNCIL AMENDING SECTION 16.40 OF THE GIG HARBOR MUNICIPAL CODE WHICH MODIFIES THE REQUIREMENTS FOR SIDEWALKS CURBS AND GUTTERS IN SHORT PLATS FRONTING RIGHT-OF-WAY WHICH IS FORTY FEET OR LESS IN WIDTH.

WHEREAS, the Gig Harbor City Council finds that the current requirement in Section 16.40.130 for the provision of sidewalks, curbs and gutters for all short plats does not distinguish between the various right-of way widths and street geometrics within the city; and,

WHEREAS, there are certain streets within the city which have substandard right-of-way of forty feet or less which will most likely never be developed to full right-of-standard configuration due to existing constraints of limited access; and,

WHEREAS, it is in the public's interest in terms of future maintenance and repair costs to not require nor construct sidewalks, curbs and gutters along right-of-way of forty feet or less; and,

WHEREAS, it is within the public's health, safety, welfare and interest to require, as and when appropriate, the surfacing of public right-of-way fronting property which is proposed to be short platted, pursuant to Title 16.40 of the Gig Harbor Municipal Code.

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

Section 1. Title 16.40 of the Gig Harbor Municipal Code is amended as follows:

16.40.130 Minimum Standards and Improvements Required. A. Street right of way, Surface Width and Surfacing Requirements. Public roads shall conform to the requirements of the City Public Works Department, and shall also include the provisions for sidewalks, curbs and gutters for all short plats which front a public street with a minimum right-of-way width greater than forty feet or which are required to provide the minimum public right-of-way, as required specified by the Department of Public Works. Notwithstanding the requirements for sidewalks, curbs and gutters, surfacing of new public streets or the public right-of-way fronting the property shall be required for all short plats. As-built plans, bearing the stamp of a civil engineer licensed in the State of Washington shall be provided. Additionally, dedicated right-of-way shall be provided, as required, and shall conform to City standards. Public streets shall be dedicated to the City on the final plat and shall be maintained by the City ~~thereafter~~.


Private streets may be permitted for any short subdivision where access to three or

less lots will be provided to a public street. Private streets shall meet the following minimum standards:

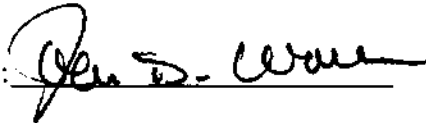
1. A minimum surface width of twenty-four feet, consisting of an all-weather compacted surface;
2. A minimum easement width of twenty-four feet. Upon execution of a written agreement between adjacent property owners, an easement may be combined with an easement on neighboring property to create the required thirty-foot minimum width.

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

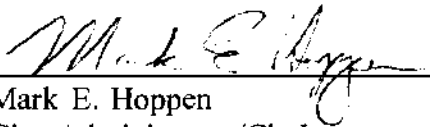
Section 3. This ordinance shall take effect and be in full force no later than five days after publication.


Gretchen A. Wilbert, Mayor

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY: 

ATTEST:


Mark E. Hoppen
City Administrator/Clerk

Filed with City Clerk: July 9, 1993
Passed by City Council: July 26, 1993
Date Published: August 4, 1993
Date Effective: August 9, 1993

CITY OF GIG HARBOR

ORDINANCE NO. 648

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, ADDING A NEW CHAPTER TO THE ADMINISTRATION AND PERSONNEL SECTION OF THE MUNICIPAL CODE DESIGNATING THE PUBLIC WORKS DIRECTOR AS THE CITY ENGINEER, AND THE CITY TRAFFIC ENGINEER, AND TO AUTHORIZE THE ADDITION OF THOSE TITLES TO THE PUBLIC WORKS DIRECTOR JOB TITLE.

WHEREAS, Title 46 of the RCWs, Section 46.90.260, states that each city have a designated traffic engineer; and

WHEREAS, there are several references in the public works standards referring to a City Engineer;

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

Section 1. Language in the City of Gig Harbor Municipal Code, Chapter 2.24, is hereby added to read as follows:

Chapter 2.24

CITY ENGINEER AND CITY TRAFFIC ENGINEER

Sections:

2.24.01 City Engineer and City Traffic Engineer.

2.24.01 City Engineer and City Traffic Engineer. The City shall designate the Public Works Director as the City Engineer and City Traffic Engineer to comply with RCW Title 46, Section 46.90.260.

Section 2. The Public Works Director title in the personnel job description handbook is hereby amended to read: "Public Works Director / City Engineer / City Traffic Engineer" to reflect the changes in the municipal code.

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

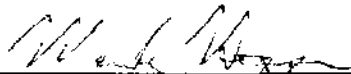
PASSED by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the council held on this 27th day of September, 1993.

APPROVED:



Gretchen A. Wilbert, Mayor

ATTEST:



Mark Hoppen, City Administrator

Filed with city clerk: 9/2/93
Passed by the city council: 9/27/93
Date published: 10/06/93
Date effective: 10/11/93

CITY OF GIG HARBOR

ORDINANCE NO. 649

AN ORDINANCE of the City of Gig Harbor relating to the Gig Harbor Building Code Advisory Board; changing the number of active members from three to six; changing the authority of the Hearing Examiner and Building Code Advisory Board; and amending Sections 15.02.010 B and 15.06.037 of the Gig Harbor Municipal Code.

NOW, THEREFORE, THE CITY OF GIG HARBOR DOES ORDAIN;

Section 1. Section 15.02.010 of the Gig Harbor Municipal Code is hereby amended to read as follows:

15.02.010 Building code advisory board.

A. There is created a building code advisory board in order to:

1. Consider appeals of administrative determination where alternate materials or methods of construction are proposed to those stated within Title 15 of this code;
2. Review new code standards and ordinance revisions within Title 15 of this code;
3. Make recommendations to the Gig Harbor city council when new standards or revisions to Title 15 of this code are being considered for adoption; and
4. Provide reasonable interpretations of the building codes and Title 15 of this code as requested by the Gig Harbor building official/fire marshal.

B. The building code advisory board shall consist of ~~three~~ **six** members who are qualified by experience and training to pass upon matters of building construction and who are not employees of the jurisdiction. The board shall be comprised of ~~one~~ **two** state-licensed contractors, ~~one~~ **two** architects, and ~~one~~ **two** engineers, all of whom must be residents of the Gig Harbor community, at least ~~one~~ **two** of whom ~~is a~~ **are** city residents. The building code advisory board shall be appointed by the mayor and approved by the city council and shall hold office for a four-year term. The terms shall not run concurrently, and the first selected board member's terms shall run for two, three, and four years, respectively. The mayor may remove any board member at his/~~her~~ pleasure and discretion. The board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the applicant with a duplicate copy to the building official.

Section 2. Section 15.06.037 of the Gig Harbor Municipal Code is hereby amended to read as follows:

15.06.037 Appeals -- Hearing examiner/building code advisory board. Section 204 of the Uniform Building Code is amended to read as follows:

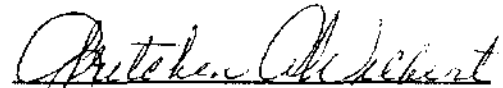
- A. Appeals of Civil Penalty Citation; and Appeals of Administrative Determinations of a nontechnical standard or code shall be considered pursuant to the Hearing Examiner, Chapter 17.10 of the Gig Harbor Municipal Code.
- B. Appeals of Administrative Determination, where alternative materials or methods of construction are proposed, shall be considered pursuant to the Building Code Advisory Board, Chapter 15.02 of the Gig Harbor Municipal Code.
- C. Limitations of Authority. The Hearing Examiner and Building Code Advisory Board shall have no authority relative to interpretation of the administrative provisions of this code nor shall the Hearing Examiner and Building Code Advisory Board be empowered to waive the requirements of the code.

Section 3. Whenever any conflict occurs between any section of this Ordinance and the Code referred to in this Ordinance, the Code shall prevail.

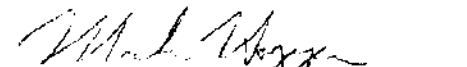
Section 4. This Ordinance shall take effect and be in full force on the first day of January, 1994.

PASSED by the Gig Harbor City Council and approved by its Mayor at a regular meeting of the council held on the 27th day of September, 1993.

APPROVED:


Gretchen A. Wilbert, Mayor

ATTEST:


Mark Hoppen, City Administrator

Filed with city clerk: 9/12/93
Passed by city council: 9/27/93
Date published: 10/6/93
Date effective: 1/1/94

CITY OF GIG HARBOR

ORDINANCE NO. 650

AN ORDINANCE relating to the Uniform Fire Codes; adopting by reference appendix III-A and III-B of the Uniform Fire Code as adopted by the City of Gig Harbor and amending the fire flow requirements for buildings within the City of Gig Harbor; and amending Chapter 15.12 of the Official Code of the City of Gig Harbor.

NOW, THEREFORE, THE CITY OF GIG HARBOR DOES ORDAIN;

Section 1. A new Section 15.12.017 is hereby adopted to read as follows:

15.12.017 Fire Flow Appendix. Appendix III-A and Appendix III-B of the Uniform Fire Code, as most currently adopted by the City of Gig Harbor, is hereby adopted by reference for use within the City of Gig Harbor. An row of figures shall be added to the top of table A-III-A-1 as shown below:

**TABLE NO. A-III-A-1
MINIMUM REQUIRED FIRE FLOW AND FLOW DURATION FOR BUILDINGS**

FIRE AREA (square feet)					FIRE FLOW (gal. per min.)	FLOW DURATION (hrs.)
Type I-F.R. II-F.R.(1)	Type II One-HR. III One-HR.(1)	Type IV-H.I. V-One-HR.(1)	Type II-N III-N(1)	Type V-N(1)		
10,900	6,100	4,100	NA	NA	750	2

Section 2. That Sub-Section 15.12.060 F. of the Gig Harbor Municipal Code is hereby amended to read as follows:

F. Section 10.401. Water Supply.

- (1) An approved water supply capable of supplying required fire flow for fire protection shall be provided to all premises upon which buildings or portions of all buildings are hereafter constructed. When any portion of the building protected is in excess of 150 feet from a water supply on a public street or a private road, there shall be provided, when required by the Fire Marshal, on-site fire hydrants and mains capable of supplying the required fire flow. Water supply may consist of reservoirs, pressure tanks, elevated tanks, water mains or other fixed system capable of supplying the required fire flow.

(2) Fire flow for all new construction, new subdivisions of land, substantial alterations or additions to existing commercial or industrial Projects, multiple dwelling occupancies, mobile home parks, and RV parks, shall be in accordance with Appendix III-A and III-B of the Uniform Fire Code as adopted by the City of Gig Harbor I.S.O. Standards:

Exceptions:

a. Dwellings. The minimum fire flow requirements for one- and two-family dwellings (Group R Division 3), shall be 750 Gallons per Minute at 20 p.s.i. for a period of forty-five (45) minutes. Fire flow for buildings of three thousand six hundred (3600) square feet or more in floor area including attached garage, shall be one thousand (1,000) GPM for one (1) hour. For buildings of 3600 square feet or more, duration of fire flow may be reduced to not less than forty-five (45) minutes when using fire protection credits as described in Table III of this Section. Fire protection credits as described in Table III may be used in lieu of providing fire flow for one- and two-family dwellings (Group R Division 3) when:

- (1) built on lots which are one gross acre or more in area; or
- (2) if the cost of providing fire flow exceeds the cost of adding a hydrant to a water main capable of providing at least 500 GPM of fire flow to the building, portion of a building, or substantial alteration thereto. If the above fire flow can be provided by the addition of a hydrant, the hydrant shall be installed. When at least five hundred (500) GPM is available from an approved hydrant it shall be credited toward the required fire flow. The additional fire flow requirement may be provided by using fire protection credits as described in Table III in lieu of providing additional fire flow.

b. Private Garages. The minimum fire flow requirements for private garages (Group M Division 1) shall be seven hundred fifty (750) GPM for forty-five (45) minutes. Fire protection credits as described in Table III may be used in lieu of providing fire flow for private garages (Group M Division 1) when:

- (1) built on lots which are one gross acre or more in area; or
- (2) if the cost of providing fire flow exceeds the cost of adding a hydrant to a water main capable of providing at least 500 GPM of fire flow to the building, portion of a building, or substantial alteration thereto. If the above fire flow can be provided by the addition of a hydrant, the hydrant shall be

installed. When at least five hundred (500) GPM is available from an approved hydrant it shall be credited toward the required fire flow. The additional fire flow requirement may be provided by using fire protection credits as described in Table III in lieu of providing additional fire flow.

However, fire flow is not required for a private garage meeting all of the following criteria:

- (i) It does not exceed two thousand five hundred (2,500) square feet; and
- (ii) it is accessory to a one- or two-family dwelling (Group R Division 3) that meets the requirements of this Section; and
- (iii) it has setbacks from side and rear lot lines of at least twenty (20) feet, and at least ten (10) feet from other buildings on the same lot.

c. Other Buildings. Fire protection features consisting of approved monitored automatic sprinkler system, or fire resistive building construction as specified in Appendix III-A, of the Uniform Fire Code, may be used in lieu of providing the full fire flow required by Appendix III-A for all buildings other than one- and Two-family dwellings (Group R Division 3) or private garages (Group M Division 1).

- (1) The reduction of required fire flow for approved monitored sprinkler systems may be up to 75%, as approved by the Fire Marshal. However, the minimum amount of fire flow required shall at no time be less than 1500 GPM except as noted in (2) below. Duration of fire flow shall be the duration of the actual fire flow required after reductions for fire protection features described above.
- (2) When at least seven hundred fifty (750) GPM is available from an existing approved hydrant, it shall be credited toward the required fire flow. The additional fire flow requirement may be provided by using fire protection features such as approved monitored automatic sprinkler systems or fire resistive building construction as specified in Appendix III-A of the Uniform Fire Code in lieu of additional fire flow. Duration of fire flow shall be the duration of the actual fire flow required after reductions for fire protection features described above.

d. The use of any of the above exceptions to the fire flow as prescribed in the Uniform Fire Code shall not be allowed if the fire

protection is required for compliance with the Uniform Building or other adopted Code.

Table III

FIRE PROTECTION CREDITS

Options to Reduce Fire Flow (1)	(% of Reduction)		
	Group R-3 & M-1	Group R-1	
		I-2 LV	3-4 LV
OFF SITE WATER (2)			
Building < 3,600 sq. ft.	-35	-0	0
Building ≥ 3,600 sq. ft.	-25	-0	0
NFPA* 13 sprinkler system (3)	-50	-50	0
NFPA* 13 monitored system (3)	-65	-75	0
NFPA* 13 D/R sprinkler system	-35	-50	0
Building < 2,000 sq. ft.	-35	-0	0
30 ft. Min setback all P.L. ** (4)	-25	-20	20
60 ft. Min setback all P.L. ** (4)	-25	-30	30
Monitored fire alarm (3)	-25	-15	-0
One-Hour Construction (5)	-15	-20	-20
Class A or B roof	-15	-20	-20
60% brick/stone exterior	-15	-20	-20

(1) Credits used for or with substantial alterations shall be applied to the entire structure.

(2) May be taken if the responding Fire Department has the capability to provide area-wide (not site-specific) off site water.

(3) These reductions may not be taken together.

(4) These reductions may not be taken together. The 30 ft and 60 ft setbacks are from side and rear property lines. Front setback may be that allowed by the zoning of the property.

(5) Consists of a minimum of 1/2 inch type X drywall throughout the interior for Group R-3 occupancies. Other occupancy groups shall meet the requirements for one-hour construction in the building code.

* National Fire Protection Association

** Property lines

I.V. living Units

~~(2) Industrial and Commercial Area Requirements. The requirements stated in this section apply to all commercial and industrial areas.~~

~~(1)~~

Table 3

~~MINIMUM DURATION FOR REQUIRED FIRE FLOW~~

~~*Gallons per minute ——— Hours~~

~~1,000 ——— One (1)~~

~~1,250 ——— One and one half (1 1/2)~~

~~2,000 ——— Two (2)~~

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

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

Section 3. That Sub-Section 15.12.060 F. (4) (II) of the Gig Harbor Municipal Code is hereby amended to read as follows:

(II) Standard hydrants shall have not less than five (5") inch main valve openings (MVO) with two (2) two-and-one-half (2-1/2") inch outlet ports and one four-and-one-half (4 1/2") inch steamer outlet. All two and one-half (2-1/2") inch outlet ports and the steamer port outlet shall have National Standard Threads that correspond with and meet the approval of Pierce County Fire District #5. Hydrants shall meet the current A.W.W.A. Standards (IOWA or equal). All four-and-one-half (4 1/2") inch outlet ports shall have five (5") inch storz fittings.

Section 4. That Sub-Section 15.12.060 F. (4) (IX) (A) of the Gig Harbor Municipal Code is hereby amended to read as follows:

(A) Commercial building requirements.

(i) All new commercial buildings and substantial alterations or additions to existing buildings shall be provided with water mains and fire hydrants capable of supplying the required fire flow. Hydrants and

mains shall be operational when building construction commences.
(Prior to bringing combustible materials to the site.)

- (ii) Change of occupancy from a lower to a higher classification per the Uniform Building Code shall require that the existing building be provided with water mains and fire hydrants capable of supplying the required fire flow per this ordinance.
- (iii) Commercial buildings and additions so located that a portion is more than one hundred fifty (150') feet from a street property line as measured by vehicular travel shall have mains extended to them, with fire hydrants, capable of supplying the required fire flow in accordance with Appendix III-A and III-B of the Uniform Fire Code as adopted by the City of Gig Harbor.
- (iv) ~~Commercial buildings with a ground floor area of over twenty thousand square feet or a group of buildings with a required fire flow of more than three thousand gallons per minute shall require fire hydrants located around the buildings or group of buildings as determined by the Fire Marshal. Other buildings may have fire hydrants located only on one side, but the required number of hydrants shall be located within one hundred fifty (150') feet of all portions of the building.~~
- (v) (iv) The number of fire hydrants required shall be determined on an average of three hundred (300') feet, computed on an imaginary perimeter that is parallel to and fifty (50') feet from the building or group of buildings. The number of fire hydrants required shall be increased by one for each story over two stories and basement. See ~~table in paragraph (B) of this section for minimum number of hydrants.~~
- (vi) (v) The fire marshal shall determine the location of fire hydrants depending on utility, topography and building location. Hydrants shall be a minimum of fifty (50') feet out from the building except when it is impractical due to topography or property lines.

Section 5. That Sub-Section 15.12.060 F. (4) (IX) (B) of the Gig Harbor Municipal Code is hereby amended to read as follows:

(B) Fire flow criteria. Required fire flows determined by the fire marshal shall be based on criteria set forth in Appendix III-A of the Uniform Fire Code as currently adopted by the City of Gig Harbor. ~~Guide for Determination of Required Fire Flow, 1974 Edition, Published by the Insurance Service Office. Such required fire flow shall be for a minimum of two hours of continuous flow, with a minimum number of fire hydrants per the following table:~~

~~REQUIRED FIRE FLOW PER I.S.O. GUIDE~~

~~(GPM) — 500 — 1251 — 2501 — 3751 — 5001 — 6251 —~~

	1250	2500	3750	5000	6250	7500
Minimum						
No. Of	1	2	3	4	5	6
Hydrants						

Section 6. Pursuant to RCW 35 A. 12.140, one copy of Appendix III-A and III-B, 1991 Uniform Fire Code has been filed in the office of the City Clerk for examination by the public.

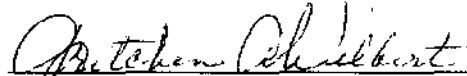
Section 7. Severability Clause. If any section or provision of this Ordinance or the State Building Code or its application to any person or circumstance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 8. Whenever any conflict occurs between any section of this Ordinance and the Code referred to in this Ordinance, the Code shall prevail.

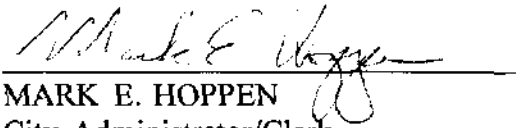
Section 9. This Ordinance shall take effect and be in full force on the first day of January, 1994.

PASSED by the Gig Harbor City Council and approved by its Mayor at a regular meeting of the council held on the 27th day of September, 1993.

APPROVED:


Gretchen A. Wilbert, Mayor

ATTEST:


MARK E. HOPPEN
City Administrator/Clerk

Filed with city clerk: 8/9/93
Passed by city council: 9/27/93
Date published: 10/6/93
Date effective: 1/1/94

ORDINANCE NO. 651

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, ADDING TO TITLE 6 OF THE GIG HARBOR MUNICIPAL CODE RELATING TO ANIMAL CONTROL AND ESTABLISHING A MISDEMEANOR FOR FAILURE TO REMOVE AND DISPOSE OF FECES DEPOSITED ON PUBLIC PROPERTY.

WHEREAS, accumulation of fecal matter from animals on public property is an unsanitary and noisome condition which interferes with the public's use of sidewalks, parks and other public areas; and

WHEREAS, creation of this nuisance rests with animal owners who do not remove their animals' feces in public areas;

NOW, THEREFORE, THE CITY OF GIG HARBOR DOES ORDAIN;

Section 1. Language in the City of Gig Harbor Municipal Code, Chapter 6.06, is hereby added to read as follows:

Chapter 6.06

ANIMAL FECAL MATTER

Sections:

6.06.010	Control of Animals
6.06.020	Removing Fecal Matter
6.06.030	Possession of Removal Equipment
6.06.040	Set Aside Areas
6.06.050	Violation - Penalty

6.06.010 Control of Animals. It is unlawful for the owner of any animal to cause, permit or allow such animal to roam, run, stray, or to be away from the premises of such owner unless the animal is under tethered control.

6.06.020 Removing Fecal Matter. It is unlawful for the owner or handler of any animal to fail to remove fecal matter deposited by their animal on public property or public easement, or private property of another, before the owner leaves the immediate area where the fecal matter was deposited.

6.06.030 Possession of Removal Equipment. It is unlawful for the owner or handler of any animal to fail to have in their possession the equipment necessary to remove

their animal's fecal matter when accompanied by said animal on public property or public easement, or private property of another.

6.06.040 Set Aside Areas. The above prohibitions shall not extend to areas set aside and designated by the city as areas where animals can be off-leash for exercise or training.

6.06.050 Violation - Penalty. Any person violating this section is guilty of a misdemeanor, and upon conviction shall be punished:

- A. By a fine of not less than twenty dollars or more than fifty dollars for the first offense; or
- B. For the second and subsequent offenses occurring within one year, a fine of not less than thirty dollars or more than one hundred dollars.

The minimum fines provided for by this section are mandatory minimums, and shall not be either suspended or deferred except in cases in which the court determines that the defendant is indigent and unable to pay any fine.

Section 2. Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance.

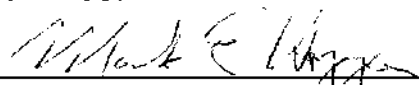
Section 3. This ordinance shall be in force and take effect five (5) days after its publication according to law.

APPROVED:



Gretchen A. Wilbert, Mayor

ATTEST:



MARK E. HOPPEN
City Administrator/Clerk

Filed with City Clerk: 9/3/93
Passed by City Council: 9/27/93
Date Published: 10/06/93
Date Effective: 10/11/93

ORDINANCE NO. 652

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO LAND USE AND ZONING, AMENDING THE ZONING CODE TO INCLUDE A NEW DEFINITION FOR DENSE VEGETATIVE SCREENING, CLARIFY PUBLIC HEARING NOTICE REQUIREMENTS, FENCE HEIGHTS STANDARDS, LANDSCAPING STANDARDS APPLICABLE TO ALL RESIDENTIAL SUBDIVISIONS AND DESCRIBING THE REQUIREMENTS FOR A COMPLETE ZONING APPLICATION; AMENDING SECTIONS 17.01.070, 17.08.010, 17.10.110 AND 17.78.020 and .060.; ADDING NEW SECTION 17.04.269

WHEREAS, the City Planning Commission considered at a public meeting worksession several changes to the zoning code as directed by Council and as recommended by staff; and,

WHEREAS, the Planning Commission conducted a public hearing on July 20, 1993, to accept public comment and testimony on the proposed changes, following public notice; and,

WHEREAS, no public comment was offered at the public hearing; and,

WHEREAS, the proposed changes are intended to clarify existing language, to eliminate inconsistencies and ambiguous language in those sections applying to public hearings, fence height, minimum application requirements; and,

WHEREAS, following a worksession on August 17, 1993, the Planning Commission, unanimously recommended adoption of the proposed zoning code revisions by the City Council; and,

WHEREAS, the City Council, in review of the Planning Commission's recommendation, concurs that the proposed revisions to the zoning code provide better policy guidance in the administration of the zoning code and furthers the intent of the City of Gig Harbor Comprehensive Plan of 1986; and,

WHEREAS, the City of Gig Harbor SEPA Responsible Official considered the likely environmental impacts of the proposed amendments and determined that the proposed changes would not have an adverse environmental impact and issued an environmental determination of non-significance on July 19, 1993; and,

WHEREAS, the proposed changes to the zoning code protect and promote the public's health, safety, welfare and interest.

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

Section 1. Section 17.04.269 of the Gig Harbor Municipal Code is hereby amended to read as follows:

17.04.269 Dense Vegetative Screen. A dense vegetative screen consists of a physical buffer which is opaque to a height of six feet and broken to a height of twenty feet. Screening may be achieved through any one or a combination of the following methods:

- A solid row of evergreen trees or shrubs.
- A solid row of evergreen trees or shrubs planted on an earthen berm.
- A combination of trees and shrubs and fencing where the amount of fencing does not exceed fifty percent of the lineal distance of the side to be buffered. Ground cover plants which are capable of providing complete ground coverage within three years of planting shall also be provided.

Section 2. Section 17.08.010 of the Gig Harbor Municipal Code is hereby amended to read as follows:

17.08.010 Conformance Required - Fence or Shrub Height.

A. No building or structure shall be erected and no existing building or structure shall be moved, altered, added to or enlarged, nor shall any land, building, structure, or premises be used, designed, or intended to be used for any purpose or in any manner other than a use listed in this title as permitted in the use district in which such land, building, structure, or premises is located.

B. In order to maintain and preserve safe vision purposes on all corner lots, there shall be no fences, shrubs, or other physical obstructions within twenty feet of the corner property line apex of the property corner at the intersecting streets, higher than thirty-six inches above the existing grade.

C. On interior lots, a fence, ~~shrub, or hedge~~ not exceeding six feet in height above the existing grade may be located anywhere from the front yard setback line to the rear property line. Within the front yard, a fence not exceeding three (3) feet in height may be constructed to the side yard property lines with provisions for safe vision clearance where a driveway intersects the fronting street.

D. Fences shall be of board and post construction. The use of plywood or composition sheeting as fence material shall not be

~~permitted.~~

Section 3. Section 17.01.070 of the Gig Harbor Municipal Code is hereby amended to read as follows:

17.01.070 Public Notice hearings-

A. When Required. A public hearing notice is required whenever action is to be taken on the following:

1. A project which requires a conditional use permit;
2. A project for which a site plan is required;
3. A project or activity for which a variance permit is required.
4. Appeals as allowed in Chapter 17.10; and,
5. Amendments to this title or the comprehensive plan zoning code district designations.

B. Public Hearing by Whom. Public hearings shall be held by the Hearings Examiner on all the subjects set forth in subsection A of this section, ~~except in the ease of appeals for text amendments to the zoning code. Public hearings on appeals shall be by the city council only.~~

C. Procedure.

~~1. Upon receipt of an application or petition for an action on any of the subjects, excepting appeals, requiring a public hearing, the Planning Director shall set a date for a public hearing before the Hearings Examiner.~~

~~2. The Hearings Examiner shall forward in writing the results of its public hearing to the City Council. Upon receipt of the Hearings Examiner's report, the City Council, at a regular meeting, shall set a time and place for a public hearing for its consideration of the subject.~~

~~3. Upon receipt of an appeal, the Planning Director shall set a date for a public hearing before the City Council.~~

14. The Planning Director shall give notice at least ten days in advance of the public hearings by publication in a local newspaper of general circulation.

25. In addition to the above notices, if an action which is subject to a public hearing affects the use of a particular real property, or properties, individual written notice, by the U.S. Postal Service, shall be given to all owners of properties within three hundred feet of the exterior boundaries of particular real property, or properties, whose use will be affected. Those owners to whom individual written notice will be given shall be those who are shown on the tax rolls. Such notice requirement shall not apply to area wide amendments to the comprehensive plan or rezones as initiated by the City Planning Commission or Gig Harbor City Council. Nonetheless, city staff should attempt to provide such reasonable notice as necessary to the property owners who may, in staff's discretion, be affected by a comprehensive plan amendment or rezone.

36. In addition to the above notices, if an action which is subject to a public hearing affects the use of a particular real property, or properties, written

notices shall be posted as follows:

a. At a prominent location and easily viewed by the public, on the subject property and in a manner so as to be weather resistant until the date of the public hearing,

b. In the lobby of the city hall in a prominent location and easily viewed by the public.

§7. All notices shall state as follows:

a. Reference to the authority under which such matters are being considered,

b. The general nature of the matters to be considered and issues involved, and

c. The time and place of said hearing, and the manner in which interested persons may present their views thereon.

§8. The Planning Director shall also inform the following persons of the time, place and substance of such hearing:

a. Members of the City Council or Planning Commission, as the case may be,

b. The applicant or his agent, and

c. Property Owner(s) whose property is under consideration.

Section 4. Section 17.10.110 of the Gig Harbor Municipal Code is hereby amended to read as follows:

17.10.110 Applications. Applications for all matters to be heard by the examiner shall be presented to the Department of Community Development. ~~When it is found an application meets all of the filing requirements of the Department of Community Development, it shall be accepted.~~ The department shall be responsible for assigning a date of public hearing for each application which date shall not be more than forty-five days after the applicant has ~~complied with all requirements and furnished all necessary data to the Department of Community Development~~ submitted a complete application.

The Department shall deem complete, and shall only accept, applications containing the following:

A. Site Plan Review: Information as required per Section 17.96.050, A through I. An original and twelve (12) copies must be submitted to the Department of Community Development.

B. Variance: Information as required per Section 17.96.050, B through D, including written statement of justification for granting the variance per the criteria stated in Section 17.66.030(B). The original and seven (7) copies must be submitted to the Department of Community Development.

C. Conditional Use Permit: Information as required, per Section 17.96.050, B through D, including written justification for granting the conditional use, per Section 17.64.040. An original and seven (7) copies must be submitted to

the Department of Community Development.

Section 5. Section 17.78.020 of the Gig Harbor Municipal Code is hereby amended to read as follows:

17.78.020 Applicability. The standards as required by this Chapter shall apply to all nonresidential and nonagricultural uses of land, to the construction or location of any residential building or development in which ~~more than two attached dwelling units would be contained~~ multifamily structure of three or more attached dwelling units and to any new subdivision plat, ~~and where practicable, to changes in the use of land or structures.~~

Section 6. Section 17.78.060 of the Gig Harbor Municipal Code is hereby amended to read as follows:

17.78.060 Requirements for residential landscaping.

A. Perimeter Areas.

1. Notwithstanding other regulations found in this chapter, perimeter areas not covered with buildings, driveways, and parking and loading areas shall be landscaped. The required width of perimeter areas to be landscaped shall be at least the depth of the required yard or setback area. Areas to be landscaped shall be covered with live plant materials which will ultimately cover seventy-five percent of the ground area, within three years. One deciduous tree a minimum of two-inch caliper, or one six-foot evergreen, or three shrubs which should attain a height of three and one-half feet within three years, shall be provided for every five hundred square feet of the area to be landscaped.

2. A minimum of forty percent of the required plantings shall be evergreen trees a minimum of six feet in height for properties located within the boundaries of the height overlay district referenced in Chapter 17.62. Trees shall be of a species that will ultimately grow to the height of the planned building. In the selection of trees and shrubs, consideration should be given to overall aesthetic impacts at maturity.

B. Buffer Areas. All residential plats shall have a minimum twenty five foot buffer consisting of a dense vegetated screen shall be required along the perimeters of the plat, and said buffer shall be established as a covenant on the final plat.

The screening may be achieved through any one or a combination of the following methods:

1. A solid row of evergreen trees or shrubs;
2. A solid row of evergreen trees and shrubs be planted on an earthen berm ~~an average of three and one-half feet high along its midline.~~
3. A combination of trees or shrubs and fencing where the amount

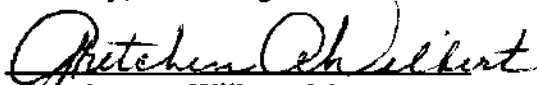
of fence does not exceed fifty percent of the lineal distance of the side to be buffered as well as other plant materials, planted so that the ground will be covered within three years.

4. Use of existing native vegetation which meets the definition of a dense vegetative screen.

C. Parking Areas. Parking areas shall be landscaped subject to the standards for parking lots found in Chapter 17.72 of this title.

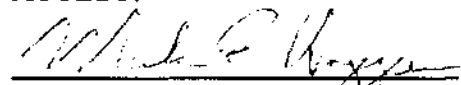
Section 7. If any section, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or constitutionality shall not affect of any other section, clause or phrase of this ordinance.

Section 8. This ordinance shall take effect and be in full force no later than five days after publication of an approved summary, consisting of the title.


Gretchen A. Wilbert, Mayor

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY: _____

ATTEST:

Mark E. Hoppen
City Administrator/Clerk

Filed with City Clerk: 10/3/93
Passed by City Council: 10/11/93
Date Published: 10/20/93
Date Effective: 10/25/93

ORDINANCE NO. 653

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, ESTABLISHING A PROCEDURE FOR APPLICATION AND ISSUANCE OF RIGHT-OF-WAY USE PERMITS AND CREATING A NEW CHAPTER 12.02 TO THE CITY OF GIG HARBOR MUNICIPAL CODE ENTITLED RIGHT-OF-WAY USE PERMITS.

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

Section 1. A new chapter, Chapter 12.02, entitled Right-of-Way Use Permits, is hereby added to the City of Gig Harbor Municipal Code to read as follows:

12.02.010 Permit Required. No person shall use any public right-of-way, street, sidewalk, or other public place without a right-of-way use permit. The term "use" means to construct, erect, or maintain in, on, over or under any public right-of-way, street, sidewalk or other similar public place, any building, fence, retaining wall, structure, scaffolding, or object in such a way as to obstruct a public parking strip, sidewalk, street or right-of-way within the City.

12.02.020 Applications. Application shall be made to the Director of Public Works on a format as prescribed and provided by said Director. The application shall contain such information as the Director deems necessary, including but not limited to evidence that the applicant is either the owner or entitled to possession of the property adjoining the public right-of-way or place sought to be used, and a full and complete description of the use to be made of the public right-of-way or place by the applicant and the duration of such proposed use. The decision to issue or not issue a right-of-way use permit, as authorized under this chapter, shall be at the sole discretion of the City. This ordinance shall in no way be construed as granting or creating a right in any applicant to obtain a right-of-way use permit. An application fee shall be paid at the time of filing of the application with the City. The fee shall be in such amount as established from time to time by the City Council, by ordinance, or by resolution.

12.02.030 Issuance of Permit. All permits shall be issued by the Director of Public Works, or the Director's designee. The permit may be issued to the applicant if all requirements deemed relevant by the Director of Public Works are met. Requirements shall include, but are not limited, to the following:

- A. The proposed use will not protrude into or over any portion of a public right-of-way or public place open to vehicle or pedestrian travel in such a manner as to create a likelihood of endangering the use of such public place by vehicle or pedestrian traffic.
- B. The proposed use will not protrude into or over any public utility lines including, water, sewer, storm drainage, cable, gas, power, or will not block

access to said utility lines.

- C. The requested use must meet all other applicable requirements of the City of Gig Harbor Municipal Code.
- D. The applicant shall be required to indemnify and hold the City harmless from any and all claims for bodily injury or property damage that may arise out of or in connection with the applicant's permitted use.
- E. During all periods of use for temporary and commercial permits, the applicant shall maintain public liability and property damage insurance acceptable to the City and/or other insurance necessary to protect the public and the City on premises to be used unless waived by the Director of Public Works. The limits of said insurance shall be established by the Director of Public Works. A certificate evidencing the existence of said insurance or, upon written request of the Director of Public Works, a duplicate copy of the policy shall be provided to the City as evidence of the existence of the insurance protection. Said insurance shall not be cancelable or reduced without prior written notice to the City, not less than thirty (30) days in advance of the cancellation or alteration. Said insurance shall name the City as a named or additional insured and shall be primary as to any other insurance available to the City.
- F. Such other conditions as may be imposed by the Director of Public Works to reasonably assure that the requested use does not in any way create a likelihood of endangering those who are lawfully using the public right-of-way or public place.
- G. All conditions shall be subscribed on or attached to the permit.
- H. Applicant shall consent that in the event the City is required to take enforcement actions to enforce the terms and conditions of the permit, that the City shall be entitled to recover its costs, disbursements, and expenses including its attorneys fees, which sums may be filed as a lien against applicant's premises and enforceable in the manner provided for the enforcement of mortgages on real property.

12.02.040 Term of Permit Notwithstanding the provisions of Section 12.02.040 - Revocation, Right of Way Use Permits shall be issued for varying terms, at the discretion of the Director of Public Works and as generally set forth below:

- A. Right-of-Way Permit - Residential issued for construction of any fence or retaining wall shall be valid indefinitely unless revoked under Section 12.02.050. Any other non-commercial use of the public right-of-way will require a Right-of-Way Permit issued under the same terms as described under Right of Way Permit - Commercial (paragraph B.)

- B. Right-of-Way Permit - Commercial issued for any use of the right-of-way (as defined in Section 12.02.010) in connection with the operation of a business in the City of Gig Harbor, shall be for a period of twelve months from the date of approval. Property owners may make application to renew the Right-of-Way Permit upon permit expiration.
- C. Right-of-Way Permit - Temporary issued to property owners for uses of the right-of-way of a temporary nature and which involves the obstruction of a portion of a public sidewalk or other walkway, shall be issued for a period not to exceed thirty (30) days. Property owners may make application to renew the Right-of-Way Permit upon expiration.

12.02.050 Revocation.

- A. All permits issued pursuant to this chapter shall be temporary, shall vest no permanent right in the applicant, and may be revoked by the Director of Public Works upon the occurrence of any of the following:
 - 1. Immediate revocation in the event of a violation of any of the terms and conditions of the permit;
 - 2. Immediate revocation, in event such use becomes, for any reason, dangerous or any structure or obstruction permitted becomes insecure or unsafe;
 - 3. Upon thirty (30) days notice if the permit is not otherwise for a specified period of time and is not covered by the preceding subsections.
- B. If any use or occupancy for which the permit has been revoked is not immediately discontinued, the Director of Public Works may remove any such structure or obstruction or cause to be made to such repairs upon the structure or obstruction as may be necessary to render the same secure and safe, the cost and expense of which shall be assessed against the permittee, including all fees, costs, and expenses incurred, including attorneys fees associated with the enforcement of or collection of the same.

12.02.060 Appeal. Any decision of the Director of Public Works or the Director's designed, with respect to the issuance, refusal to issue, or revocation or refusal to revoke a permit may be appealed to the City Council by filing a notice of intent to appeal such decision with the City Administrator/Clerk within ten (10) days of the date of issuance of the decision being appealed. If an appeal from any such decision is taken, the appellant shall be required to pay a non-refundable appeal fee in an amount of not less than one hundred dollars (\$100.00). Said appeal shall include a complete statement of the reason or reasons that form the basis of the appeal. The decision of the City Council shall be final, binding and conclusive, said decision being solely within the discretion of the legislative

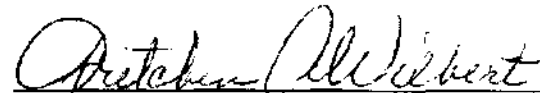
body.

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. A Right-of-Way Permit will be required for any existing use of any public right-of-way, street, sidewalk, or other public place. The owner or person entitled to possession of commercial property adjoining the public right-of-way that is responsible for the existing use, must make application for the appropriate Right-of-Way Permit within 90 days of the effective date of this ordinance in order to continue this use. Residential owners must obtain a permit within 730 days. Owners seeking temporary use of city right of way must obtain a permit before the use begins.

Section 4. Penalty for violation. Any person violating any of the provisions hereof shall, upon conviction, be subject to a penalty of \$100.00 as provided in Section 1.16.010D3 and for any costs incurred by the city relative to any violation. (Ord. 460 §17, 1985; Ord. 184 §2, 1974; Ord. 18 §6, 1949.)


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


Gretchen A. Wilbert, Mayor

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

BY: _____

ATTEST:


Mark E. Hoppen
City Administrator/Clerk

Filed with City Clerk:	10/13/93
Passed by City Council:	10/25/93
Date Published:	11/3/93
Date Effective:	11/8/93

CITY OF GIG HARBOR

ORDINANCE NO. 654

AN ORDINANCE ADOPTING THE BUDGET FOR THE CITY OF GIG HARBOR, WASHINGTON, FOR THE 1994 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 1994 fiscal year, and a notice was published that the Gig Harbor City Council would meet on November 8 and November 22, 1993 at 7:00 p.m., in the Council Chambers in the City Hall for the purpose of making and adopting a budget for 1994 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 1994 proposed budget; and

WHEREAS, the 1994 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 1994 and being sufficient to meet the various needs of Gig Harbor during 1994.

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 1994 is hereby adopted in its final form and content.

Section 2. Estimated resources, including beginning cash balances for each separate fund of the City of Gig Harbor, and aggregate total for all funds combined, for the year 1994 are set forth in summary form below, and are hereby appropriated for expenditure during the year 1994 as set forth below:

**CITY OF GIG HARBOR
1994 BUDGET APPROPRIATIONS**

<u>FUND / DEPARTMENT</u>	<u>AMOUNT</u>
001 GENERAL GOVERNMENT	
01 NON-DEPARTMENTAL	\$323,450
02 LEGISLATIVE	14,950
03 MUNICIPAL COURT	185,977
04 ADMINISTRATIVE/FINANCIAL	282,023
06 POLICE	749,107
14 COMMUNITY DEVELOPMENT	251,715
15 PARKS AND RECREATION	218,803
16 BUILDING	60,700
19 ENDING FUND BALANCE	<u>132,613</u>
001 TOTAL GENERAL FUND	2,219,338
101 STREET FUND	1,744,500
105 DRUG INVESTIGATION FUND	15,000
107 HOTEL-MOTEL FUND	1,804
200 '78 GO BONDS - FIRE	20,917
201 '75 GO BONDS - SEWER	76,130
202 '85 GO BONDS - PW BLDG.	33,400
203 '87 GO BONDS - SEWER CONSTRUCTION	598,299
208 '91 GO BONDS - SOUNDVIEW DRIVE	97,335
301 GENERAL GOVT. CAPITAL ASSETS	321,000
305 GENERAL GOVT. CAPITAL IMPROVEMENT	141,000
401 WATER OPERATING	506,602
402 SEWER OPERATING	712,666
407 UTILITY RESERVE	426,000
408 '89 UTILITY BOND REDEMPTION FUND	410,583
410 SEWER CAPITAL CONSTRUCTION	2,621,851
411 STORM SEWER OPERATING	183,380
413 ADV. REFUNDING BOND REDEMPTION	118,604
420 WATER CAPITAL ASSETS	75,000
605 LIGHTHOUSE MAINTENANCE TRUST	<u>4,140</u>
TOTAL ALL FUNDS	<u>\$10,327,549</u>

1994 Budget Ordinance

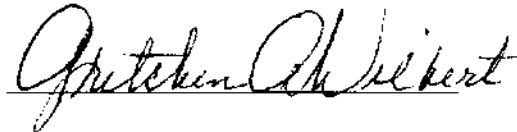
Page 3

Section 3. Attachment "A" is adopted as the 1994 personnel salary schedule.

Section 4. The city administrator/clerk is directed to transmit a certified copy of the 1994 budget hereby adopted to the Division of Municipal Corporations in the Office of the State Auditor and to the Association of Washington Cities.

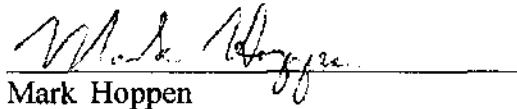
Section 5. This ordinance shall be in force and take effect five(5) days after its publication according to law.

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 November, 1993.



Gretchen A. Wilbert, Mayor

ATTEST:



Mark Hoppen
City Administrator/Clerk

Filed with city clerk: 11/5/93
Passed by the city council: 11/22/93
Date published: 12/1/93
Date effective: 12/6/93

ATTACHMENT "A"

1994 SALARY SCHEDULE

<u>POSITION</u>	<u>RANGE</u>	
	<u>Minimum</u>	<u>Maximum</u>
City Administrator	\$4,410	\$5,513
Public Works Director	3,949	4,936
Chief of Police	3,736	4,670
Planning Director	3,481	4,351
Finance Director	3,358	4,197
Police Lieutenant	3,209	4,012
Police Sergeant	2,869	3,587
Public Works Supervisor	*2,934	*3,668
Sewer Plant Supervisor	*2,729	*3,411
Fire Marshal/Building Official	*2,633	*3,291
Construction Inspector	*2,490	*3,113
Associate Planner	*2,485	*3,106
Police Officer	2,491	3,114
Sewer Plant Operator	*2,394	*2,993
Equipment Operator	*2,381	*2,976
Maintenance Worker	*2,229	*2,786
Engineering Technician	*2,214	*2,768
Administrative Assistant	2,210	2,762
Court Administrator	*2,021	*2,526
Laborer	*1,887	*2,359
Court Clerk	*1,837	*2,296
Police Clerk	*1,774	*2,218
Accounting Clerk	*1,774	*2,218
Utility Clerk	*1,774	*2,218
Office Clerk	*1,620	*2,025
Assistant Municipal Court Clerk	*1,620	*2,025
Administrative Receptionist	*1,591	*1,989

Note: Salaries marked with "*" are under negotiation and have not yet been adjusted for 1994.

CITY OF GIG HARBOR

ORDINANCE NO. 655

**AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON,
LEVYING THE GENERAL PROPERTY TAXES FOR THE CITY OF GIG
HARBOR FOR THE FISCAL YEAR BEGINNING JANUARY 1, 1994.**

WHEREAS, the City Council of the City of Gig Harbor has considered the city's anticipated financial requirements for 1994, 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, 1994, shall be levied upon the value of real and personal property which has been set at an assessed valuation of \$297,659,873. Taxes levied upon this value shall be:

- a. approximately \$1.5790 per \$1,000 assessed valuation, producing estimated revenue of \$470,000 for general government, or the maximum amount allowed by law in the State of Washington; 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, 1994, shall be levied upon the value of real and personal property which has been set at an assessed valuation of \$297,659,873. Taxes levied upon this value shall be:

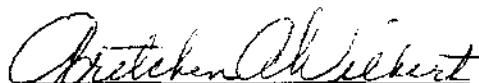
- a. approximately \$0.0202 per \$1000 assessed valuation, producing an estimated amount of \$6,000 for 1978 fire protection facilities general obligation.
- b. approximately \$0.1008 per \$1000 assessed valuation, producing an estimated amount of \$30,000 for 1975 sewer construction general obligation.

- c. approximately \$0.4636 per \$1000 assessed valuation, producing an estimated amount of \$138,000 for 1987 sewer construction general obligation.

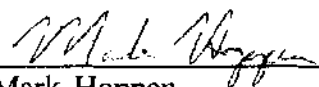
Section 3. This ordinance shall be certified by the city clerk to the clerk of the board of county commissioners/council and taxes hereby levied shall be collected and paid to the Finance Director of the City of Gig Harbor at the time and in a manner provided by the laws of the state of Washington for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

PASSED by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the council held on this 22nd day of November, 1993.


Gretchen A. Wilbert, Mayor

ATTEST:


Mark Hoppen
City Administrator/Clerk

Filed with city clerk: 11/4/93
Passed by the city council: 11/22/93
Date published: 12/1/93
Date effective: 12/6/93

CITY OF GIG HARBOR

ORDINANCE NO.656

AN ORDINANCE AMENDING THE 1993 BUDGET FOR THE CITY OF GIG HARBOR, WASHINGTON.

WHEREAS, adjustments to the 1993 annual appropriations are necessary to conduct city business,

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

Section 1.

The annual appropriations in the funds listed below shall be increased to the amounts shown:

<u>Fund/Dept.</u>	<u>Original Appropriations</u>	<u>Amendment</u>	<u>Amended Appropriations</u>
001-General Government			
02-Legislative	\$ 12,620	\$ 1,000	\$ 13,620
03-Municipal Court	159,946	20,000	179,946
04-Admin/Finance	237,618	20,000	257,618
108-Soundview Const.	0	120,000	120,000
401-Water Operating	460,008	25,000	485,008

Section 2.

The following additional interfund transfers are within 1993 appropriations, as amended, and are hereby authorized:

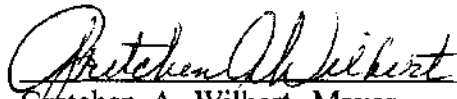
<u>Originating Fund</u>	<u>Receiving Fund</u>	<u>Amount</u>
108-Soundview Drive Construction	101-Street	\$20,000
410-Sewer Capital Assets	413-Adv.Ref. Bond Red.	68,945

Section 3.

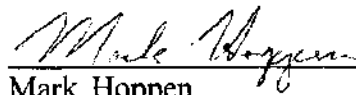
This ordinance shall be in force and take effect five(5) days after its publication according to law.

Ordinance No. 656 - Budget Amendment
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 held on this 22nd day of November, 1993.


Gretchen A. Wilbert, Mayor

ATTEST:



Mark Hoppen
City Administrator/Clerk

Filed with city clerk:	11/4/93
Passed by the city council:	11/22/93
Date published:	12/1/93
Date effective:	12/6/93

CITY OF GIG HARBOR

ORDINANCE NO. 657

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, DELETING SUBSECTION 9.34.010(4) AND ESTABLISHING A NEW SECTION 9.34.015 DEFINING DISTURBANCE OF THE PUBLIC PEACE, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City staff have recommended that the City's code outlining disorderly conduct be amended to provide further definition in order to provide more effective enforcement; and

WHEREAS, City Council finds that this ordinance is necessary to preserve the public health, safety and welfare;

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

Section 1. Subsection 9.34.010(4) of the Gig Harbor Municipal Code is hereby deleted in its entirety, and subsection 9.34.010(5) shall be renumbered to subsection 9.34.010(4).

Section 2. Definition of Disturbance of the Public Peace. Section 9.34.015, entitled "Definition of Disturbance of the Public Peace", is hereby created and added to the Gig Harbor Municipal Code to read as follows:

9.34.015 Definition of Disturbance of the Public Peace. The following are determined to disturb the public peace:

1. The frequent, repetitive or continuous sounding of any horn or siren, except as a warning of danger or as specifically permitted or required by law;
2. The creation of frequent, repetitive or continuous sounds in connection with the starting, operation, repair, rebuilding, or testing of any motor vehicle, motorcycle, off-highway vehicle, watercraft, or internal combustion engine within a residential district, so as to unreasonably disturb or interfere with the peace, comfort and repose of owners or possessors of real property, unless otherwise authorized by law;
3. Yelling, shouting, whistling, or other raucous noises, on or near the public streets between the hours of 11:00 p.m. and 7:00 a.m.;
4. The creation of frequent, repetitive or continuous sounds which emanate from any building, structure, apartment, or condominium, which unreasonably interfere with the peace, comfort, and repose of owners or possessors of real property, such as

sounds from audio equipment, musical instruments, band sessions, or social gatherings;

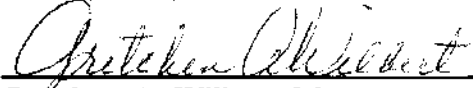
5. Sound from motor vehicle sound systems, such as tape players, radios, and compact disc players, operated at a volume so as to be audible greater than fifty (50) feet from the vehicle itself;
6. Sound from audio equipment, such as tape players, radios, and compact disc players, operated at a volume so as to be audible greater than thirty (30) feet from the source, unless it occurs within a multi-family unit such as a duplex, apartment or condominium, in which case it shall be a disturbance if it is clearly audible to a neighbor, and disturbs his/her peace as described in subsection (4) above;
7. The repetitive noise created by animals under the control of individuals within the City, such as barking, or yelping dogs, or other such noises from animals, that unreasonably disturb or interferes with the peace, comfort and repose of owners or possessors of real property; and
8. The foregoing provisions shall not apply to regularly scheduled events such as public address systems for baseball games, authorized street dances or other authorized community sponsored events. Safety devices, fire alarms, and emergency vehicles are exempt from these provisions.

Section 3. Severability. 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.

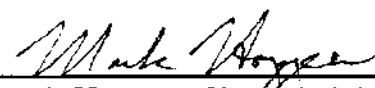
Section 4. Effective Date. This ordinance shall be in force and take effect five (5) days after its publication according to law.

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 13th day of December, 1993.

APPROVED:


Gretchen A. Wilbert, Mayor

ATTEST:


Mark Hoppen, City Administrator

Filed with city clerk: 11/22/93
Passed by the city council: 12/13/93
Date published: 12/22/93
Date effective: 12/27/93

CITY OF GIG HARBOR

ORDINANCE NO. 658

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, LEVYING THE GENERAL PROPERTY TAXES FOR THE CITY OF GIG HARBOR FOR THE FISCAL YEAR BEGINNING JANUARY 1, 1994 AND REPEALING ORDINANCE 655.

WHEREAS, the City Council of the City of Gig Harbor has considered the city's anticipated financial requirements for 1994, 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, and

WHEREAS, Ordinance 655 contained underestimates of available property taxes based on preliminary information,

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

Section 1. Ordinance 655 is hereby repealed; and

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, 1994, shall be levied upon the value of real and personal property which has been set at an assessed valuation of \$287,095,503. Taxes levied upon this value shall be:

- a. approximately \$1.7067 per \$1,000 assessed valuation, producing estimated revenue of \$490,000 for general government; and

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, 1994, shall be levied upon the value of real and personal property which has been set at an assessed valuation of \$287,095,503. Taxes levied upon this value shall be:

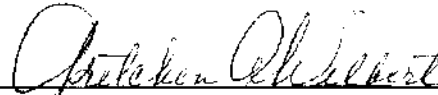
- a. approximately \$0.0209 per \$1000 assessed valuation, producing an estimated amount of \$6,000 for 1978 fire protection facilities general obligation.

- b. approximately \$0.1045 per \$1000 assessed valuation, producing an estimated amount of \$30,000 for 1975 sewer construction general obligation.
- c. approximately \$0.4807 per \$1000 assessed valuation, producing an estimated amount of \$138,000 for 1987 sewer construction general obligation.

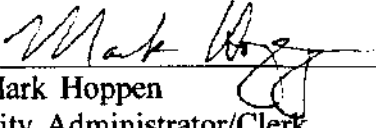
Section 4. This ordinance shall be certified by the city clerk to the clerk of the board of county commissioners/council and taxes hereby levied shall be collected and paid to the Finance Director of the City of Gig Harbor at the time and in a manner provided by the laws of the state of Washington for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

Section 5. 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 its publication.

PASSED by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the council held on this 14th day of December, 1993.


Gretchen A. Wilbert, Mayor

ATTEST:


Mark Hoppen
City Administrator/Clerk

Filed with city clerk: 12/7/93
Passed by the city council: 12/14/93
Date published: 12/22/93
Date effective: 12/27/93

ORDINANCE NO. 659

**AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON,
ESTABLISHING THE 1994/1997 COMPENSATION FOR MUNICIPAL COURT
JUDGE.**

WHEREAS, the City has established a municipal court pursuant to RCW Chapter 3.50; and


WHEREAS, said statute requires that judicial compensation be established by ordinance;
NOW, THEREFORE,

THE CITY OF GIG HARBOR DOES ORDAIN;


Section 1. The monthly base salary shall be \$1,000 for general administrative time, occasional in-custody arraignments, regular Tuesday court calendars, and related activities not specified herein. Non-jury and jury trials and hearings scheduled on days other than Tuesday afternoons shall be compensated at a rate of \$60 per hour with a limit of 45 compensated hours annually.

Section 2. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

APPROVED:


Gretchen A. Wilbert, Mayor

ATTEST:


MARK E. HOPPEN
City Administrator/Clerk

Filed with City Clerk: 12/6/93
Passed by City Council: 1/10/94
Date Published: 1/19/94
Date Effective: 1/24/94

ORDINANCE NO. 660

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO THE CITY'S PROVISION OF WATER AND SEWER SERVICE TO PROPERTY OUTSIDE THE CITY LIMITS, DESCRIBING THE CONDITIONS UNDER WHICH SUCH SERVICE SHALL BE PROVIDED, ADDING A NEW CHAPTER 13.34 TO THE GIG HARBOR MUNICIPAL CODE.

WHEREAS, the City is statutorily authorized to provide water and sewer service to property beyond the City limits (RCW 35.67.310 and 35.92.200); and

WHEREAS, the City may provide water and sewer service to property beyond its limits under such terms, conditions and payments as may be prescribed by the City and evidenced in a written agreement between the City and property owners; NOW, THEREFORE,

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

Section 1. A new chapter 13.34 is hereby added to the Gig Harbor Municipal Code to read as follows:

13.34 WATER AND SEWER SERVICE OUTSIDE CITY LIMITS

13.34.010 City's Authority to Provide Service Outside City Limits.

- A. The City is authorized, pursuant to RCW 35.37.310 and RCW 35.92.200 to provide sewer and water service to property outside the City limits. The provision of such service is not mandatory. In all circumstances in which the City agrees to provide water or sewer service to property beyond its limits, the applicants for such service must comply with all the terms and conditions of this chapter.
- B. After designation of the City's Urban Growth Area boundary by the County as contemplated by RCW 36.70A.110, the City is prohibited from annexing territory beyond such boundary (RCW 35A.14.005). Therefore, the City's extension of water and sewer service outside the City limits to property not contained within the City's Urban Growth Area is not appropriate under GHMC Section 13.34.060(H) below.

13.34.020 Water or Sewer Service Application. Any person desiring to have their property connected with the City's water supply system or with sewer service shall make application at the office of the City Clerk-treasurer on the appropriate form. Every such application shall be made by the owner of the property to be supplied the service, or by his/her authorized agent. The applicant must state fully the purposes for which the water and/or sewer service is required. Applicants must agree to conform to the City's rules and regulations concerning water and sewer service set forth in Title 13 of the Gig Harbor Municipal Code, as the same now exists or may be amended in the future.

13.34.040 Charges for Water or Sewer Service. Applicants for water and/or sewer service to property outside the City limits shall be charged the rates for such service as set forth in GHMC Section 13.04.030 (water service) and 13.32.030 (sewer service), as those code sections now exist or may hereafter be amended. All other additional charges applicable to water and/or sewer service to property within the City limits in Title 13 shall also be imposed, where appropriate.

13.34.060 Utility Extension Agreement. Every applicant for water and/or sewer service outside the City limits must agree to sign an agreement with the City, which conditions the provision of the service on the following terms:


- A. **Agreement to Run with the Property.** The agreement shall be recorded against the property in the Pierce County Auditor's office, and shall constitute a covenant running with the land. All covenants and provisions of the agreement shall be binding on the owner and all other persons subsequently acquiring any right, title or interest in or to said property.
- B. **Warranty of Title.** The agreement shall be executed by the Owner of the property, who shall also warrant that he/she is authorized to enter into such agreement.
- C. **Costs of Design, Engineering and Construction of Extension.** The Owner shall agree to pay all costs of design, engineering and construction of the extension, which shall be accomplished to City standards and conform to plans approved by the City Public Works Director. Costs of plan review and construction inspection shall also be paid by the Owner.
- D. **Capacity Commitment Payments.** The Owner shall agree to pay for the City's reservation of sewer and/or water capacity, which is calculated as a percentage of the connection fee for the sewer and/or water service. Such payments shall be made under the payment schedule determined by the City.
- E. **Easements and Permits.** The Owner shall secure and obtain at the Owner's sole cost and expense, all permits, easements and licenses necessary to construct the extension.
- F. **Dedication of Capital Facilities.** The Owner shall agree to dedicate all capital facilities constructed as part of the water and sewer extension, (such as water or sewer main lines, pump stations, wells, etc.), at no cost to the City, upon the completion of construction, approval and acceptance by the City.
- G. **Connection Charges.** The Owner shall agree to pay the connection charges set by the City in GHMC Sections 13.04.080(C) and/or 13.32.070 (as these sections now exist or may hereafter be amended), as a condition of connecting to the City water and/or sewer system. Such connection charges shall be calculated at the rate schedules applicable at the time of actual connection.

- H. **Agreement Not to Protest Annexation.** The Owner shall agree to sign a petition(s) for annexation of his/her property when requested to do so by the City.
- I. **Waiver of Right to Protest LID.** If, at the time of execution of the agreement, the City has plans to construct certain improvements that would specially benefit the Owner's property, the agreement shall specifically describe the improvement. The Owner shall agree to sign a petition for the formation of an LID or ULID for the specified improvements at the time one is circulated, and to waive his/her right to protest formation of any such LID or ULID.
- J. **Development of Property to Conform to City Code.** The Owner shall agree to comply with all requirements of the City's comprehensive land use plan, zoning and building codes, and the City of Gig Harbor Public Works Standards when developing or redeveloping the property subject to the agreement.
- K. **Termination for Non-Compliance.** In addition to all other remedies available to the City for the Owner's non-compliance with the terms of the agreement, the City shall have the ability to disconnect the utility, and for that purpose may at any time enter upon the property.


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 be in force and take effect five (5) days after its publication of an approved summary consisting of the title.

APPROVED:


Gretchen A. Wilbert, Mayor

ATTEST/AUTHENTICATED:


Mark E. Hoppen, City Administrator

APPROVED AS TO FORM OFFICE OF THE CITY ATTORNEY:

BY _____

Filed with City Clerk: 1/5/94
Passed by City Council: 1/24/94
Date Published: 2/2/94
Date Effective: 2/7/94

**CITY OF GIG HARBOR
ORDINANCE NO. 661**

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

WHEREAS, it is necessary to increase the sewer service rates and charges to reflect the increased costs of providing those services and to maintain a viable sewer 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> (per month)	<u>Commodity Charge</u> (per ccf)	<u>Minimum Charge</u> (per month)
Residential	\$4.62	\$2.03	\$14.77
Multi-residential (per living unit)	2.72	2.03	10.84
Commercial/School (per billing unit)	8.66	2.03	14.75

Section 2. Section 13.32.015 of the Gig Harbor Municipal Code is hereby amended 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	\$164.01/system
Shore Crest System	23.10/living unit

Section 3. Section 13.32.020 of the Gig Harbor Municipal Code is hereby amended to read as follows:

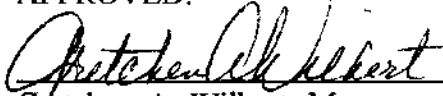
13.32.020 Non-metered uses. Until a water meter has been installed to measure water flow by a residential unit, multi-residential building, or commercial facility, the sewer service charge for each unmetered unit/facility shall be as follows:

<u>Non-metered Customer Class</u>	<u>Monthly Charge</u>
Residential	\$18.77/unit
Multi-residential	14.85/living unit
Commercial	38.99/billing unit

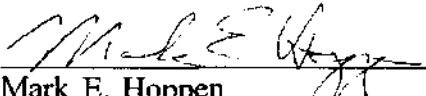
Section 4. This ordinance shall be in full force and take effect five (5) days after its publication of an approved summary consisting of the title. The increases provided for herein will be reflected in utility billings issued after February 1, 1994.

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 January, 1994.

APPROVED:


Gretchen A. Wilbert, Mayor

ATTEST:


Mark E. Hoppen
City Administrator/Clerk

Filed with city clerk: 1/6/94
Passed by city council: 1/24/94
Date published: 2/2/94
Date effective: 2/5/94

**CITY OF GIG HARBOR
ORDINANCE NO. 662**

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON RELATING TO THE MUNICIPAL STORM DRAINAGE UTILITY: PROVIDING INCREASES IN THE STORM DRAINAGE RATES AND CHARGES AND SETTING AN EFFECTIVE DATE.

WHEREAS, it is necessary to increase the storm drainage service rates and charges to reflect the increased costs of providing those services and to maintain a viable storm drainage system;

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

Section 1. Section 14.10.050 of the Gig Harbor Municipal Code is hereby amended to read as follows:

14.10.050 Service charge rates. In accordance with the basis for a rate structure set forth in Sections 14.10.020 and 14.10.030 of this chapter, there is levied upon all developed real property within the boundaries of the utility the following service charges which shall be collected from the owners of such properties:


- A. For all detached single-family residences and mobile homes (one equivalent billing unit), the monthly service charge shall be three dollars and sixty cents (\$3.60).
- B. Those developed properties that are riparian to the harbor or Puget Sound from which storm and surface waters flow directly into the harbor or Puget Sound, without the aid of any watercourse or natural or artificial drainage facilities, and all developed properties with city-approved detention facilities will be billed at one equivalent billing unit.
- C. Duplexes shall be charged at 1.5 equivalent billing units for the two units.
- D. For all other developed property within the boundaries of the utility, except as set forth in Section 14.10.060 of this chapter, the monthly service charge shall be three dollars and sixty cents (\$3.60) multiplied by the number of equivalent billing units determined by the utility to be contained in such parcel pursuant to Section 14.10.030 of this chapter.

Storm Drainage Rate Ordinance
Page 2

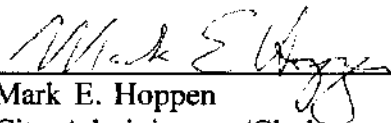
Section 2. This ordinance shall be in full force and take effect five (5) days after its publication of an approved summary consisting of the title. Increases provided for herein will be reflected in utility billings issued after February 1, 1994.

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 January, 1994.

APPROVED:


Gretchen A. Wilbert, Mayor

ATTEST:


Mark E. Hoppen
City Administrator/Clerk

Filed with city clerk: 1/6/92
Passed by city council: 1/24/94
Date published: 2/2/94
Date effective: 2/7/94

**CITY OF GIG HARBOR
ORDINANCE NO. 663**

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO THE MUNICIPAL WATER SYSTEM: PROVIDING INCREASES IN THE WATER RATES AND SETTING AN EFFECTIVE DATE.

WHEREAS, it is necessary to increase the water service rates to reflect the increased costs of providing those services and to maintain a viable water 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/Meter</u>	<u>Customer Base Charge</u> (per meter/month)	<u>Commodity Charge</u> (per ccf)
Residential	\$7.59	\$1.13
Multi-residential		
5/8" & 3/4" meter	\$ 12.94	\$1.13
1"	21.98	1.13
1-1/2"	42.97	1.13
2"	68.77	1.13
3"	129.25	1.13
4"	214.96	1.13
Commercial/Schools		
5/8" & 3/4" meter	\$ 9.11	\$1.13
1"	15.18	1.13
1-1/2"	30.36	1.13
2"	47.52	1.13
3"	91.08	1.13
4"	151.80	1.13

Water Rate Ordinance

Page 2


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 a residential unit or a multiple residential building, the water service charge applicable to such unmetered unit shall be twenty two dollars and thirty-five cents (\$22.35) per month per unit.


Section 3. This ordinance shall be in full force and take effect five (5) days after its publication of an approved summary consisting of the title. Increases provided for herein will be reflected in utility billings issued after February 1, 1994.

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 January, 1994

APPROVED:


Gretchen A. Wilbert, Mayor

ATTEST:


Mark E. Hoppen
City Administrator/Clerk

Filed with city clerk: 1/6/94
Passed by city council: 1/24/94
Date published: 2/2/94
Date effective: 2/7/94

ORDINANCE NO. 664

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO DEVELOPMENT FEES, CHANGING THE MANNER IN WHICH SUCH FEES ARE ADOPTED FROM THE ORDINANCE TO THE RESOLUTION PROCEDURE; AMENDING GHMC SECTIONS 3.40.010 AND 17.80.030; AND REPEALING GHMC SECTIONS 3.40.020 AND 3.40.030.

WHEREAS, the City of Gig Harbor has adopted application fee schedules by ordinance for various land use development permits and building inspections as necessary to ensure adherence to municipal and state regulations; and

WHEREAS, in order to also ensure that the fees charged by the City for permit processing and building inspections adequately cover the City's cost of providing such services to the public, it is necessary for City staff to review current fee schedules and to evaluate the actual costs involved in processing permit applications and conducting inspections; and

WHEREAS, the existing procedure for amending the fee schedules is to require approval by the Council by ordinance, which fees are then codified in the Gig Harbor Municipal Code; and

WHEREAS, given that the fees are subject to change, a fee schedule adopted by ordinance could become outdated before codified and the City desires to change this procedure; now, therefore,

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

Section 1. The title of chapter 3.40 of the Gig Harbor Municipal Code and Section 3.40.010 are hereby amended to read as follows:

Chapter 3.40

**ADOPTION OF FEES FOR LAND USE DEVELOPMENT
APPLICATIONS, PERMITS AND INSPECTIONS**

3.40.010. Fees for Land Use Development Applications, Permits and Inspections.

The City Council shall establish fee schedules for planning and building applications and permits, engineering plan review fees, and construction inspection fees by resolution, and may similarly adjust such fees periodically.

Section 2. Section 3.40.020 of the Gig Harbor Municipal Code is hereby repealed.

Section 3. Section 3.40.030 of the Gig Harbor Municipal Code is hereby repealed.

Section 4. Section 17.80.030 of the Gig Harbor Municipal Code is hereby amended to read as follows:

17.80.030 Permits Required. The following regulations shall apply to all signs.

A. A special sign overlay district is adopted and portrayed on Map 1. The standards of this chapter shall be applied as defined in the specific overlay areas.

B. No sign shall be installed, constructed, painted, structurally altered, posted or applied without first obtaining a sign permit from the code administrator, unless exempted by this chapter. A separate permit shall be required for each group of signs on a single supporting structure installed simultaneously. Thereafter, each additional sign erected on the structure must have a separate permit.

C.A. Permit Requirements.

1. ~~Application/Fees.~~ Applications for signs shall be accompanied by:
 - a. Two site plans showing the location of the affected lot, building(s) and sign(s), showing both existing signs;
 - b. Two copies of a scale drawing of the proposed sign or sign revision, including size, height, copy, structural, footing details, material specifications, method of attachment, illumination, front and end views of marquees, calculation for dead load and wind pressure, photograph of site and building marked to show where sign or marquee is proposed, and any other information required to ensure compliance with appropriate laws;
 - c. Written consent of the owner of the building, structure, or property where the sign is to be erected;
 - d. A permit fee ~~as provided in the following fee schedule~~ is adopted by Resolution of the City Council.
 - i. Exemptions. The code administrator may waive submission of plans and specifications when the structural aspect is of minor importance.
 - ii. ~~Permit fees. Permit fees shall be in accordance with the following fee structure:~~

<u>TYPE OF SIGN</u>	<u>SIZE</u>		
	25-50 sq ft	51-99 sq ft	100-sq ft/more
Projecting	\$35.00	\$45.00	\$55.00
Wall sign, nonelectric	35.00	45.00	55.00
Wall sign, electric	40.00	50.00	60.00
Ground, nonelectric	50.00	65.00	70.00
Ground, electric	60.00	70.00	80.00
All signs less than 25 sq. ft.: \$10.00-			
Change of sign, all sizes: \$10.00-			
Variance Application: \$100.00			

2. Administrative Requirements. The code administrator shall ascertain that the sign installer has a valid Washington State contractors license, unless the sign is being installed by the owner of the sign.
3. Variances. Any person may apply to the hearing examiner for a variance from the requirements of this chapter. Variances shall be processed by the code administrator. The hearing examiner may grant a variance from the provisions and/or the requirements of the chapter when:
 - a. The granting of the variance would not be materially detrimental to the property owners in the vicinity and the variance sought is of minimum sign size, height, and scope to meet the conditions and needs of the applicant; and
 - b. The granting of the variance would not be contrary to the objectives of this chapter; and
 - c. The signage of the property in question cannot be adequately met under the literal interpretation and strict application of the chapter; and
 - d. The granting of the variance is necessary because of special circumstances relating to property location, topography, shape, and size; site distance and limited view to property; and/or dependency of business to visual access of freeway traffic in the freeway interchange area (Area 1).
4. Administrative Waiver -- Off-premises Signs. Off-premises commercial signs are prohibited by the city, unless a waiver is granted by the code administrator for an off-premises directional sign. Waivers shall only be granted upon a clear demonstration that the applicant's business or property is not visible from any

streets or roads or on-premises signing cannot adequately convey the location and identity of the business to consumers who would normally use the business.

- a. Such signs shall be directional only (no advertising other than name and location).
- b. No more than two such signs for each business shall be approved.
- c. The total area of the sign shall not exceed twenty-four square feet, such sign(s) must be permanently installed on private property, and the application must be accompanied by written permission of the owner of the property where the sign is to be located. Portable directional signs are not permitted, except real estate directional signs.
- d. Such sign shall meet all other applicable provisions of this chapter.
- e. If more than one business in an immediate area has need for an off-premise directional sign, all must be identified on the same sign.

D.B.—Sign Standards and Conditions.

1. General Regulations.

- a. No sign or any part of a sign shall be designed or constructed to be moving by any means, and shall not contain items such as banners, ribbons, streamers and spinners. These devices, when not part of any sign, are also prohibited. Limited use of thematic flags, banners and pennants, which are complementary to a specific location or structure may be permitted upon approval of the code administrator. This waiver is not intended to permit the use of numerous types of devices which as a result of win pressure may move to a point of attracting attention of vehicular and pedestrian traffic.
- b. Exposed braces and angle irons are prohibited. Guywires are prohibited unless there are no other practical means of supporting the sign.
- c. No sign shall have blinking, flashing, fluttering or moving lights or other illuminating device which has a changing light intensity or color; provided, however, temperature and/or time signs that conform in all other aspects to this chapter are allowed.
- d. No window signs above the first floor shall be illuminated.
- e. The structure and installation of all signs shall comply with the latest adopted edition of the Uniform Building Code.

- f. Such sign shall meet all other applicable provisions of this chapter.
- g. If more than one business in an immediate area has need for an off-premises directional sign, all must be identified on the same sign.
- h. All signs, together with all of their supports, braces, guys and anchors, shall be maintained in good repair and in a safe, neat, clean and attractive condition.
- i. The light directed on, or internal to, any sign shall be so shaded, shielded and/or directed so that the intensity or brightness shall not adversely affect safe vision of operators of vehicles moving on private or public property or pedestrians on a public right-of-way. Electric signs shall not use incandescent bulbs for internal illumination. Lighted signs visible from nearby residences shall have low or soft illumination or be shielded in a manner to not adversely affect such residents.
- j. Portable signs shall not exceed twelve square feet in sign area and no more than one such sign may be displayed per business. Portable signs must be located on the premises to which they relate, except real estate directional signs.
- k. Abandoned signs shall be removed by the owner or lessee of the premises upon which the sign is located after the business or service advertised is no longer conducted on the premises.

2. Freestanding Ground Signs.

- a. Sign height is the vertical distance from the highest point of the sign to the finished grade at the base of the supports.
- b. Freestanding signs shall not be permitted in any area of the city.
- c. Height standards:

Areas 1 and 2	Ground signs shall not exceed twelve feet in height.
Area 3	Ground signs shall not exceed six feet in height.
- d. Sign surface standards:

Areas 1 and 2	Fifty square feet for a single side or one hundred square feet total both sides.
Area 3	Twenty-four square feet for a single side or forty-eight square feet total both sides.

e. Location. Ground signs may not be located on public property. Sites on a corner of two public streets may have one sign on the corner instead of a sign for each frontage. Placements in these locations are subject to approval by the public works director. The placement of ground signs shall be in such a fashion and location as to not obstruct the view of signs of adjacent property owners.

f. Number.

i. One ground sign shall be permitted on each street frontage of property on which the business is located.

ii. If a projecting sign is used, no free-standing sign shall be permitted on the property.

g. Landscaping.

i. Each sign shall have a landscaped area twice the size of the sign area at the base of the sign. The landscaping and sign base shall be protected from vehicles by substantial curbing.

ii. Permits for signs shall not be granted until required landscaping is installed or a bond or assigned funds in the amount of one hundred twenty-five percent of the estimated cost of the landscaping is provided.

iii. These requirements may be waived if the sign is located in an area that is part of an approved overall site landscape plan.

3. Wall Mounted Signs.

a. Total area. Painted or attached signs on any wall shall not exceed the following ratios:

Area 1 Two Square feet of sign area to one lineal foot of building front; provided however, fifty square feet of sign area is guaranteed each business frontage. Those businesses with both a building front and one side wall exposure to vehicular and pedestrian traffic may, as an option for purposes of calculating total wall sign area, add the lineal footage of the building front and side wall then divide by two.

Area 2 One and one-half square feet of sign area to one lineal foot of building front. Those businesses with both a building front and one side wall exposure to vehicular and pedestrian

traffic may, as an option for purposes of calculating total wall sign area, add the lineal footage of the building front and side wall then divide by two.

Area 3 One square foot of sign area for every lineal foot of wall upon which it is mounted or fifty square feet, whichever is less.

b. Wall signs shall not project above roof-lines.

4. Window Signs.

a. Where a window sign is utilized in place of a wall sign, the area standards contained in paragraph 'a' of subdivision '3' of this subsection shall apply.

b. In addition to the area requirements of paragraph 'a' of this subdivision, businesses are allowed one painted window sign identifying the business. The maximum area of these signs is six square feet.

c. Signs above the first floor are not included in the maximum sign area of a site, and are allowed to businesses located above the first floor with a maximum area of one square foot of sign area for each lineal foot of window frontage.

5. Projecting Signs.

a. Surface area:

Area 1 and 2 Thirty-two square feet total both sides.

Area 3 Thirty-two square feet total both sides and shall be engraved or painted wood or painted metal.

b. All projecting signs must be at least eight feet above sidewalks and walkways and fifteen feet above vehicular ways.

c. Sign shall not project more than three feet or one-third the width of the sidewalk or walkway.

d. Businesses choosing to use projecting signs shall reduce the amount of allowable wall mounted or window sign area by the proportionate amount of sign area allowed under subparagraph 'a' of subdivision '3' and paragraph 'a' of subdivision '4' of this subsection respectively.

6. Shopping Center Identification Sign(s). Each shopping center as qualified below may be permitted a shopping center identification sign(s). The shopping center

identification sign shall be limited to one sign per street frontage, and subject to the height and size requirements of shall be permitted for shopping centers which contain no less than ten separate tenants, and restricted to only the identification of the shopping center. The shopping center identification sign shall be located in a planter of appropriate dimension. Individual tenants/businesses within a planned shopping center shall only be allowed to use wall signs.

7. Office Building Identification Sign. In addition to those signs permitted by this chapter, each office building as qualified below may be permitted a building identification sign. The sign shall be in architectural harmony with the design of the buildings to be identified. The office building identification sign shall be limited to one sign per street frontage, and subject to the height and size requirements of the areas in which the building is located. One such sign(s) shall be permitted for office buildings which contain no less than four tenants or any institutional use, and the copy shall include only the name of the office building or institutional use. A directory or other exclusively informational listing of tenant's names may be attached, provided the area does not exceed twelve square feet.
8. Sidewalk/Sandwich Board. One sidewalk or sandwich board sign per business shall be permitted subject to the following:
 - a. Signs shall be located next to the curb edge of a sidewalk on premises in such a manner so as not to interfere with the opening of car doors, bus stops, loading zones, or pedestrian traffic.
 - b. Signs shall be located directly in front of the sponsoring business, with twelve feet of the main entrance to the business and during business hours only.
 - c. Owners of such signs shall assume liability for damage resulting from their use and shall provide the city with an appropriate legal document holding the city harmless for such resulting loss.
 - c. No sign shall be located so as to create a traffic safety hazard by interfering with the vision of drivers entering or leaving the premises.
 - e. Maximum allowable sign area shall be twelve square feet.
9. Wall Graphics. There are no restrictions on wall graphics provided that they do not constitute advertising of a business or product normally subject to the provisions for painted signs.

Section 5. Annual Review and Update. The Department of Planning and Building shall evaluate and review the fee schedule on an annual basis in the month of June and shall recommend adjustments as necessary for the following budget year.

Section 6. Severability. 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 7. This ordinance shall take effect and be in full force five (5) days after publication of an approved summary consisting of the title.

APPROVED:


MAYOR, GRETCHEN WILBERT

ATTEST/AUTHENTICATED:


CITY ADMINISTRATOR, MARK HOPPEN

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY _____

FILED WITH THE CITY CLERK: January 20, 1994
PASSED BY THE CITY COUNCIL: February 14, 1994
PUBLISHED: February 23, 1994
EFFECTIVE DATE: February 28, 1994

ORDINANCE NO. 665

**AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, AMENDING
ORDINANCE 654, RELATING TO THE ESTABLISHMENT OF THE 1994 CITY
PERSONNEL SALARY SCHEDULE.**

WHEREAS, RCW Chapter 35A.33.075 requires that the City adopt a yearly budget ordinance setting the next year's salary schedule for city employees; and

WHEREAS, the City complied with the above and adopted Ordinance No. 654 setting the next year's salary schedule for city employees, but because of on-going negotiations with the employee guilds, not all salaries had been established at that time;

WHEREAS, the City's collective bargaining agreements with the employee guilds contemplated that the final salaries established through such negotiation would be effective January 1, 1994;

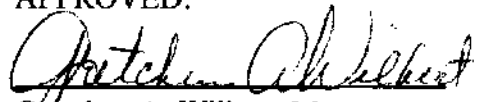
WHEREAS, Ordinance No. 654 must be amended to set forth the salaries established in the collective bargaining agreements; now, therefore,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR DO ORDAIN AS FOLLOWS;

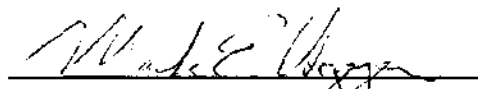
Section 1. Ordinance No. 654 is hereby amended to establish and adopt the 1994 personnel salary schedule as set forth in Attachment 'A', attached hereto and incorporated herein by this reference. As provided in the collective bargaining agreements, the salaries are effective January 1, 1994.

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

APPROVED:


Gretchen A. Wilbert, Mayor

ATTEST:


MARK E. HOPPEN
City Administrator/Clerk

Filed with City Clerk: 1/14/94
Passed by City Council: 2/14/94
Date Published: 2/23/94
Date Effective: 2/28/94

ATTACHMENT "A"

1994 SALARY SCHEDULE

<u>POSITION</u>	<u>RANGE</u>	
	<u>Minimum</u>	<u>Maximum</u>
City Administrator	\$4,410	\$5,513
Public Works Director	3,949	4,936
Chief of Police	3,736	4,670
Planning Director	3,481	4,351
Finance Director	3,358	4,197
Police Lieutenant	3,209	4,012
Police Sergeant	2,869	3,587
Public Works Supervisor	((2,934))3,088	((3,668))3,860
Sewer Plant Supervisor	((2,729))2,872	((3,411))3,590
Fire Marshal/Building Official	((2,633))2,830	((3,291))3,538
Construction Inspector	((2,490))2,565	((3,113))3,206
Associate Planner	((2,485))2,559	((3,106))3,199
Police Officer 2,491	3,114	
Sewer Plant Operator ((2,394))2,526	((2,993))3,158	
Equipment Operator	((2,381))2,500	((2,976))3,125Maintenance
Worker ((2,229))2,340	((2,786))2,925	
Engineering Technician	((2,214))2,281	((2,768))2,851
Administrative Assistant	2,210	2,762
Court Administrator	((2,021))2,132	((2,526))2,665
Laborer	((1,887))1,982	((2,359))2,477
Court Clerk	((1,837))1,933	((2,296))2,416
Police Clerk	((1,774))1,854	((2,218))2,318
Accounting Clerk	((1,774))1,943	((2,218))2,429
Utility Clerk	((1,774))1,943	((2,218))2,429
Office Clerk	((1,620))1,685	((2,025))2,106
Assistant Municipal Court Clerk	((1,620))1,750	((2,025))2,187
Administrative Receptionist	((1,591))1,639	((1,989))2,049

ORDINANCE NO. 666

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO GENERAL BUSINESS LICENSING, DESCRIBING THE PROCESS FOR BUSINESS LICENSING APPLICATION, REVIEW, APPROVAL, AND APPEALS, SETTING FEES FOR INITIAL APPLICATION AND RENEWAL, DEFINING VIOLATIONS AND PROVIDING PENALTIES; AMENDING GIG HARBOR MUNICIPAL CODE TITLE 5 TO ADD A CHAPTER 5.01; AND REPEALING GHMC SECTIONS 3.16.030; 3.16.031; 3.16.040; AND 3.16.080; AND REPEALING GHMC SECTION 5.12 - MERCHANT PATROLMEN PURSUANT TO RCW 18.170.140.

WHEREAS, the City of Gig Harbor has inadequate guidelines for the regulation and licensing of business and occupations, and

WHEREAS, it is necessary to establish these guidelines for the purpose of insuring adherence to municipal regulations, and

WHEREAS, in order to insure uniformity in licensing, and to be more administratively efficient, these guidelines will appear in whole under Title 5 Business and Occupation Licenses and Regulations rather than under Title 3 Chapter 3.16 Business and Occupation Tax; and

WHEREAS, the State has preempted the licensing of Security Guards and Merchant Patrolmen pursuant to RCW 18.170.140, it is necessary to repeal Chapter 5.12 of the Gig Harbor Municipal Code;

NOW, THEREFORE,

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

Section 1. Chapter 5.01 of the Gig Harbor Municipal Code is hereby amended to read as follows:

Chapter 5.01

PURPOSE AND POLICY

Sections:

5.01.010 Definitions.

5.01.020 Requirements.

5.01.030 Exemptions.

- 5.01.040 Transferability.**
- 5.01.050 Disclaimer.**
- 5.01.060 Prohibited Use.**
- 5.01.070 General qualifications.**
- 5.01.080 Application procedure.**
- 5.01.090 Renewal.**
- 5.01.100 Businesses outside city limits.**
- 5.01.120 Approval or denial.**
- 5.01.130 Suspension or Revocation.**
- 5.01.140 Exercise of power.**
- 5.01.150 Inspections - Right of Entry.**
- 5.01.160 Notice and Order.**
- 5.01.170 Civil Penalty.**
- 5.01.180 Criminal Penalties.**
- 5.01.190 Additional Relief.**

5.01.010 Definitions. For the purposes of this Chapter, the following terms, phrases, words, and their derivations shall have the meanings given herein.

- A) "Business" included all activities, occupations, pursuits or professions located and/or engaged in within the city with the object of gain, benefit or advantage to the licensee or to another person or class, directly or indirectly, whether part-time or full-time. Each business location shall be deemed a separate business. Utility companies are defined as businesses.
- B) "Person" means any individual, firm, partnership, company, corporation, association, receiver, assignee, trust, estate, joint venture, group, joint stock company, business trust, society or any group of individuals acting as a unit.
- C) "Licensee" means any business granted a business license by the city.
- D) "Premises" includes all lands, structures and places, and also any personal property which is either affixed to or is otherwise used in connection with any such business conducted on such premises.
- E) "City license officer" is the City Administrator or his/her designee.

5.01.020 Requirements. It is unlawful for any person, firm, or corporation to engage in or carry on within the city any business, profession, trade or occupation designated in this chapter without first having obtained from the city a license to do so. All licenses issued pursuant to the provisions of this ordinance shall be posted in a prominent location at the premises where the license business, profession, trade or occupation is carried on. In addition to the business license other permits or licenses may be required for certain businesses.

5.01.030 Exemptions. All businesses operated not-for-profit shall be exempt from paying a business license fee upon application and satisfactory proof to the City license officer of said not-for-profit status.

5.01.040 Licenses not transferable. No license issued under the provisions of this chapter shall be transferable or assignable. When a business changes ownership, or upon substantial change in the type of business operated, a new business license shall be required.

5.01.050 Disclaimer of city liability. Issuance of a license pursuant to this chapter does not constitute the creation of a duty by the city to indemnify the licensee for any wrongful acts against the public, or to guarantee the quality of goods, services or expertise of a licensee. The issuance of a license does not shift responsibility from the licensee to the city for proper training, conduct or equipment of the licensee or his agents, employees or representatives, even if specific regulations require standards of training, conduct or inspection.

5.01.060 Prohibited use. A license hereunder shall not be issued to any person who uses or occupies or proposes to use or occupy any real property or otherwise conducts or proposes to conduct any business in violation of the provisions of any ordinance of the City of Gig Harbor or of the statutes of the State of Washington. The granting of a business license shall in no way be construed as permission or acquiescence in a prohibited activity or other violation of the law.

5.01.070 General qualifications of licensees. No license shall be issued, nor shall any license be renewed, pursuant to the provisions of this chapter to:

- A) An applicant who is not 18 years of age at the time of the application, unless he shall obtain the written consent of said applicant's parent or guardian to make said application, together with a covenant on behalf of said parent or guardian that he or she will be responsible for a guarantee of performance of the minor making application;
- B) An applicant who has had a similar license revoked or suspended, pursuant to Section 5.01.130, or its predecessor;
- C) An applicant who shall not first comply with the general laws of the state;
- D) An applicant who seeks such a license in order to practice some illegal act or some act injurious to the public health or safety;
- E) Any person who is not qualified under any specific provision of this title for any particular license for which application is made.

Any person, including city officials, may submit complaints or objections to the City license officer regarding the application for any license, and the city license officer is additionally authorized to request and receive information from all city departments as will tend to aid him in determining whether to issue or deny the license. Such information shall be confidential unless

a hearing is requested on the application, or if the applicant shall request the information in writing. All information, complaints or objections shall be investigated and considered by the City license officer prior to issuing, denying or renewing any license.

5.01.080 Application Procedure.

- A) The City license officer is authorized to prepare a schedule of fees for general business licenses issued, and when approved by the city council by resolution, such schedule shall govern the amount of the license fee.
- B) Application for a business license shall be made at the office of the City license officer on a form to be furnished for that purpose and shall be accompanied by the proper fee. Each such application shall be signed by the person, or other authorized representative of the firm or corporation to be licensed. If the application is denied, the fee shall be returned to the applicant.
- C) No license shall be issued until the application has been fully completed and all applicable ordinances have been fully complied with. In addition, any business requiring a state or federal license shall obtain said licenses and provide the city with proof of their issuance prior to the issuance of a city business license or any renewal thereof
- D) Business licenses shall be granted annually, and due July 1st. If a new business application is made within six (6) months of the date fixed for expiration, the fee shall be one-half the annual fee.

5.01.090 Renewal. Applications for renewal of business licenses must be completed and returned to the City license officer, together with the renewal fee, prior to July 1st of each year. The City license officer shall send a renewal notice to each licensee at the last address provided to the city. Failure of the licensee to receive any such form shall not excuse the licensee from making application for and securing the required renewal license, or from payment of the license fee when and as due hereunder. A business license shall expire on July 1st of the year following issuance, if not renewed as described herein. A penalty of \$5.00 per month, which shall not be prorated, shall be assessed on any delinquent license renewal which has not been paid on or before August 1st of any year.

5.01.100 Licenses for businesses located outside City limits. Businesses located outside the city which furnish or perform services within the city limits, and which conduct business during more than thirty (30) calendar days within a calendar year, shall hereafter apply and pay for a business license.

5.01.120 License approval or denial. The City license officer shall collect all business license fees and shall issue business licenses to all persons who submit an application, pay the fee and are qualified under the requirements of this chapter and shall:

- A) Submit all applications to the planning department, building division, fire marshal, public works department, utility department and police department for their endorsements as to compliance by applicant with all city regulations which they have the duty of enforcing.
- B) Upon approval of the application, the license shall be issued and delivered to the applicant.
- C) No business license shall issue if any of the conditions listed in Section 5.01.130(A)(1) through (6) exist or apply to the license applicant or premises proposed to be licensed.
- D) The City license officer shall notify the applicant in writing by certified mail of the denial of the application and the grounds therefore. Within 10 calendar days after receipt of the city's notification of application denial, the applicant may request an appeal and hearing before the hearing examiner, by filing a written notice of appeal and paying the hearing examiner filing fee. The City Licensing Officer shall notify the applicant by mail of the time and place of the hearing. If request for hearing is not received within the time specified, the license officer's decision shall be final.
- E) If an application for a business license is denied and the applicant has filed a timely appeal of such denial, the applicant shall not conduct any business for which a business license was denied, during the pendency of the appeal.

5.01.130 Suspension or Revocation procedure.

- A) In addition to the other penalties provided herein or by law, any business license issued under the provisions of this chapter may be revoked or suspended, should any or all of the following conditions apply:
 - 1. The license was procured by fraud, false representation, or material omission of fact; or
 - 2. The licensee or any of its employees, officers, agents or servants, while acting within the scope of their employment, violates or fails to comply with any of the provisions of this chapter; or
 - 3. The licensee's continued conduct of the business for which the license was issued has or will result in a danger to the public health, safety or welfare, or the violation of any federal or state law or any ordinance or regulation of the city; or
 - 4. The licensee, or any of its employees, officers, agents or servants has been convicted in any court of violating any federal, state or city criminal statute or ordinance upon the business premises stated in the license; or
 - 5. The place of business does not conform to city ordinance; or
 - 6. The license is being used for a purpose different from that for which it was issued.
- B) If the City license officer has reasonable cause to believe that any of the conditions listed in subsection A(1) through A(6) above have occurred or exist with respect to any existing

business license, licensee or licensed premises, the City license officer shall send a notice to the licensee of a hearing to be held before the City Council, for the purpose of determining whether these conditions have occurred, and whether a revocation or suspension hearing is warranted under the circumstances. Such notice shall state the conditions listed in subsection A(1) through A(6) that the City license officer has reason to believe exist or have occurred, and shall also contain the date and time of the City Council hearing at which the issue will be considered. Notices to the licensee of the hearing shall be given by certified mail at least fourteen days prior to the date of the hearing. At the hearing, the licensee shall have an opportunity to present evidence and testify in opposition to any evidence or information submitted or presented by the City license officer.

- C) If the Council decides at the pre-determination hearing described in subsection B above that the conditions listed in subsection A(1) through A(6) have occurred or exist with respect to a licensee, its employees, officers, agents or premises, the Council may direct the City license officer to send notice to the licensee of a hearing to be held on the issue whether the business licensee of the licensee or licensed premises shall be revoked or suspended. Said notice shall state the intention of the city to revoke or suspend said license, the reason for such suspension or revocation, and the date and time of the meeting of the city council at which such will be considered. The licensee shall have the right to appear at said meeting to present evidence and testify in opposition to such revocation or suspension. Such notice shall be given by certified mail to the licensee at least fourteen days prior to the date of said hearing.
- D) If the Council decides at the pre-determination hearing described in subsection B above that the conditions listed in A(1) through A(6) above have occurred or exist with respect to a licensee, its employees, officers, agents or premises, the Council may, as an alternative to setting a date for a revocation or suspension hearing, request that the City license officer address the conditions through the enforcement procedures set forth in Section 5.01.150 through 5.01.190 of this chapter.
- E) Upon revocation of any license as provided in this chapter, no portion of the license fee shall be returned to the licensee.
- F) The city council's decision on such business license shall represent the final action by the city, unless an appeal is made to the Superior Court of Pierce County, within 10 working days of such decision.
- G) It is unlawful for any person whose license has been revoked or suspended to continue operation of the business enterprise, or to keep the license issued to him/her in his/her possession and control, and the same shall immediately be surrendered to the City license officer. When revoked, the license shall be canceled, and when suspended, the City license officer shall retain it during the period of suspension.

5.01.140 Exercise of Power. This ordinance shall be deemed an exercise of the power of the city to license for revenue and regulation, and nothing in this ordinance shall be construed to repeal or affect any other ordinance of the city which purports to regulate some business or activity pursuant to the general police power of the city, notwithstanding the fact that such ordinance may or might contain provisions relating to the licensing of such activity.

5.01.150 Inspections - Right of Entry.

- A) The City license officer is authorized to make such inspections and take such action as may be required to enforce the provisions of this ordinance.
- B) Whenever necessary to make an inspection to enforce any of the provisions of this ordinance, or whenever the City license officer has reasonable cause to believe that a licensee is operating in violation of this ordinance, the license officer may enter the licensee's place of business at all reasonable times to inspect the same or perform any duty imposed on the license officer by this ordinance, provided that:
 - 1. If the place of business is occupied, the license officer shall first present proper credentials and demand entry; and
 - 2. If the place of business is unoccupied, the license officer shall first make a reasonable effort to locate the licensee or other persons having charge or control of the place of business and demand entry; and
 - 3. If entry is refused, the license officer shall have recourse to the remedies provided by law to secure entry.

5.01.160 Notice and Order.

- A) Issuance. The City license officer shall issue a notice and order, directed to the licensee or owner of the premises determined to be in violation of any of the terms and provisions of this ordinance. The notice and order shall contain:
 - 1. The street address, when available, and a legal description sufficient for identification of the premises upon which the violation has occurred;
 - 2. A statement that the license officer has found the conduct of the licensee or condition of the premises to be in violation of this ordinance, with a brief and concise description of the conditions found to render such licensee or premises in violation;
 - 3. A statement of any action required to be taken to comply with this ordinance, as determined by the City license officer. If the license officer has determined to

assess a civil penalty, the order shall require that the penalty shall be paid within a time certain from the date of order;

4. A statement of any action taken by the City license officer;
5. Statements advising (a) that the person may appeal from the notice and order to the City Hearing Examiner, provided that the appeal is made in writing as provided in this ordinance and filed with the City license officer within fifteen (15) days from the date of service of such notice and order; and (b) the failure to appeal will constitute a waiver of all right to an administrative hearing and determination of the matter.

B) Method of Service. The notice and order shall be served upon the licensee either personally or by mailing a copy of such notice and order by certified mail, postage prepaid, return receipt requested, to such licensee at his/her address as it appears on the most recently issued business license. The failure of any person to receive such notice shall not affect the validity of any proceedings taken under this section. Service by certified mail in the manner herein provided shall be provided shall be effective on the date of mailing.

C) Appeals. Appeals of any notice and order and any penalty imposed hereunder may be brought by any person entitled to service of the notice and order within fifteen (15) calendar days after service of the notice and order. Such requests for an appeal and hearing shall be filed with the City license officer, and be accompanied by the hearing examiner filing fee.

The City license officer shall notify the applicant by mail of the time and place of the hearing before the Hearing Examiner.

5.01.170 Civil Penalty.

A) In addition to or as an alternative to any other penalty provided herein or by law, civil penalties shall be assessed against any licensee or person who violates any provision of this ordinance as follows:

1. Operation of Business Without a License. The penalty for operation of a business without a license shall be assessed by the city license officer in an amount not to exceed five hundred dollars (\$500.00). This penalty shall not apply to business enterprises failing to pay the license renewal fee as set forth in subsection 2 below.
2. Operation of Business After License Expiration. Failure to pay the license fee within thirty (30) days after the date of expiration shall subject the licensee to the penalty set forth in section 5.01.090 to reinstate the license, which shall be assessed in addition to the required license fee.

3. Violations of the Business Licenses Ordinance. The penalty for violations of this ordinance shall be assessed by the city license officer in an amount not to exceed five hundred dollars (\$500.00).

B) The City license officer may vary the amount of the penalty to be assessed in subsections A(1) and A(3) above, upon consideration of the appropriateness of the penalty to the size of the business of the violator; the gravity of the violation; the number of the past and present violations committed and the good faith of the violator in attempting to achieve compliance after notification of the violation.

5.01.180 Criminal Penalties. Any person violating or failing to comply with any of the provisions of this business license ordinance and who has had a civil penalty entered against him or her pursuant to Section 5.01.170 within the past five years, shall be subject to criminal prosecution and upon conviction of a subsequent violation, shall be fined in a sum not exceeding one thousand dollars or by imprisonment for a period not to exceed ninety days. Each day of noncompliance with any of the provisions of this ordinance shall constitute a separate offense.

5.01.190 Additional Relief. The City license officer may seek legal or equitable relief to enjoin any acts or practices and abate any condition which constitutes or will constitute a violation of this ordinance when civil or criminal penalties are inadequate to effect compliance.

Section 2. Gig Harbor Municipal Code sections 3.16.030, 3.16.031, 3.16.040 and 3.16.080 are hereby repealed.

Section 3. Chapter 5.12 of Gig Harbor Municipal Code has been repealed in its entirety.

Section 4 - Severability. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is declared unconstitutional or invalid for any reason, such invalidity shall not affect the validity or effectiveness of the remaining portions of this ordinance.

Section 5 - Effective Date. This ordinance shall take effect and shall be in full force and effect five (5) days after its passage, approval and publication as required by law.


PASSED by the Council of the City of Gig Harbor, this 14th day of March, 1994.

APPROVED:



Gretchen A. Wilbert, Mayor

ATTEST:



MARK E. HOPPEN
City Administrator/Clerk

Filed with City Clerk: 2/2/94
Passed by City Council: 3/15/94
Date Published: 3/30/94
Date Effective: 4/4/94

**CITY OF GIG HARBOR
ORDINANCE # 667**

AN ORDINANCE RELATING TO LAND USE AND ZONING, AMENDING SECTION 17.04.340 AND 17.08.010 OF THE GIG HARBOR MUNICIPAL CODE TO ALLOW ADDITIONAL TYPES OF FENCE MATERIALS WITHIN CITY LIMITS.

WHEREAS, the City Council recently adopted ordinance #652 which limits fences in Gig Harbor to board and post construction only; and,

WHEREAS, the Planning Staff and Planning Commission and have found that the new standards had the unintended effect of prohibiting other types of fences which would reflect the architectural style, visual quality and character of Gig Harbor consistent with the stated goals and policies in the City's comprehensive plan including the goal to create visual interest defined on pg. 40 of the plan, and the goal to create visual identity defined on pg. 42 of the plan; and,

WHEREAS, the Planning Department has recommended to the Planning Commission a text amendment to the fence standards in a report dated February 15, 1994; and,

WHEREAS, the City of Gig Harbor Planning Commission conducted a public hearing on the proposed text amendment on January 15, 1994 to accept public comment on; and,

WHEREAS, there was no public input received on the proposed text amendment and the City of Gig Harbor Planning Commission has determined that the plan is consistent with all stated goals and policies of the Comprehensive Plan and is consistent with the intent of the recent amendments defined in Ordinance #652;

WHEREAS, the City Council has also considered the text amendment during its regular meeting of February 28, 1994 and March 14, 1994 and found that revisions to the Planning Commission's recommendation are necessary and essential; and,

WHEREAS, the City Council has reviewed the recommendation of staff in a memo dated March 9, 1994, and, with modification, accepts a revised definition of fence per section 17.04.340; and,

WHEREAS, the City Council finds that the design standards for fences, as recommended by the Planning Commission should be part of a more comprehensive design review program and should not be approached as a separate issue from the more substantive design review issues within the city.

NOW, THEREFORE, THE GIG HARBOR CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:

Section 1. Sections 17.04.340 of the Gig Harbor Municipal Code is hereby amended to read as follows:

...

17.04.340 Fence. "Fence" means a barrier that is constructed of one or more of the following materials, or a combination thereof, of wood, metal, plastics and masonry materials and which the prime purpose is to separate, screen or partition a parcel or parcels along the perimeters from adjoining parcels, or to screen or partition within a portion of a parcel.

...

Section 2. Section 17.08.010 of the Gig Harbor Municipal Code is hereby amended to read as follows:

...

17.08.010 Conformance Required - Fence or Shrub Height.

...

D. Fences shall ~~not be constructed of a board and post construction, The use of plywood or composition sheeting, as fence material shall not be permitted.~~ The use of plywood or composition sheeting, as fence material shall not be permitted.


...

Section 3. Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 4. Effective Date. This ordinance shall be in force and take effect five (5) days after its publication according to law.

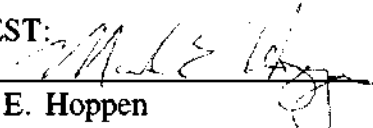
PASSED by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the Council held on this 28th day of March, 1994.

APPROVED:



Gretchen A. Wilbert, Mayor

ATTEST:



Mark E. Hoppen
City Administrator/Clerk

Filed with City Clerk: 3/14/94
Passed by City Council: 3/28/94
Date published: 4/6/94
Date effective: 4/11/94