

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

## Ordinance Table

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

ORDINANCE NO. 518

AN ORDINANCE OF THE CITY OF GIG HARBOR, PIERCE COUNTY, WASHINGTON, STATING THE INTENT OF THE CITY COUNCIL TO ANNEX TO AND JOIN PIERCE COUNTY LIBRARY DISTRICT IN ACCORDANCE WITH RCW 27.12.360 THROUGH .390 TO PROVIDE FOR LIBRARY SERVICES WITHIN THE CITY.

WHEREAS, The City Council of the City of Gig Harbor finds that the public interest will be served by extending library services to city residents by annexing to the Pierce County Library District, and

WHEREAS, the City of Gig Harbor qualifies to annex to Pierce County Library District since the city is contiguous to the District and the city presently has a population of less than 100,000 persons, and

WHEREAS, the Pierce County Library District Board has reviewed and concurs with the city annexing to the Pierce County Library District,

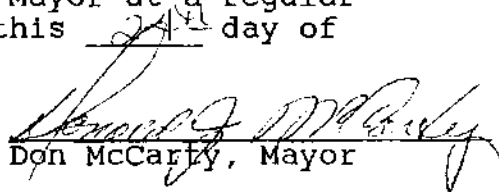
NOW, THEREFORE, the City Council of the City of Gig Harbor, Washington, DO ORDAIN as follows:

Section 1. It is hereby declared to be the intent of the City Council, as legislative authority of the City, to join Pierce County Library District and to be annexed to the district in accordance with RCW 27.12.360 through .390 and,

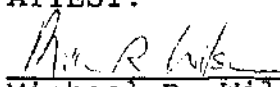
The City Clerk is hereby authorized and directed to notify the County Council of Pierce County of the city's intention to annex to the Pierce County Library District in accordance with RCW 27.12.360.

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

PASSED by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the council held on this 24<sup>th</sup> day of August, 1987.

  
Don McCarty, Mayor

ATTEST:

  
Michael R. Wilson  
City Administrator/Clerk

Filed with city clerk: 8/5/87  
Passed by city council: 8/24/87  
Date published: 9/2/87  
Date effective: 9/7/87

ORDINANCE NO. 519

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF GIG HARBOR TO CHANGE THE ZONING DESIGNATION ON CERTAIN REAL PROPERTY FROM B-2 (GENERAL RETAIL) TO R-3 (HIGH DENSITY RESIDENTIAL) AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Hearing Examiner at a public hearing held July 15, 1987, considered the following amendment to the Official Zoning Map of the City and made his findings and recommendations which were forwarded to the City Council, and

WHEREAS, the City Council at a public meeting on August 24, 1987, reviewed the recommendations of the Hearing Examiner and at the conclusion of said public meeting determined that the proposed rezone should be approved, and

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

WHEREAS, the City Council finds this ordinance necessary to protect the public health, safety and general community welfare, now therefore,

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

Section 1. The Official Zoning Map of the City of Gig Harbor, as adopted by Section 17.12.020 of the Gig Harbor Municipal Code, is hereby amended by changing the zoning classification of certain property legally described below, from B-2 (General Retail) to R-3 (High Density Residential):

The legal description of the property rezoned is as follows:

Lots 3 and 4, as shown on Short Plat No. 8408160294 filed with the Pierce County Auditor, in Pierce County, Washington.

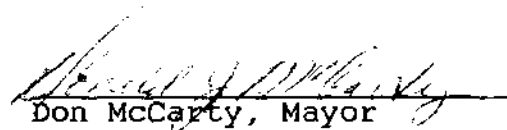
Section 2. The written findings of the Hearing Examiner on this subject dated July 28, 1987, are hereby adopted by the City Council as the basis for the zoning map change effectuated by this ordinance.

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

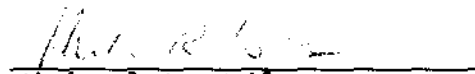
Section 4. Building permits shall be secured and construction shall commence within two years of the sewer availability or said zoning shall revert to B-2.

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

PASSED by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the council held on this 14th day of September, 1987.

  
Don McCarty, Mayor

ATTEST:

  
Michael R. Wilson  
City Administrator/Clerk

Filed with city clerk: 8/20/87  
Passed by city council: 9/14/87  
Date published: 9/30/87  
Date effective: 10/5/87

88 JAN 29 PM 2:20

## ORDINANCE NO. 520

AUDITING DEPARTMENT  
MBY

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, VACATING THE PORTION OF HALL STREET, LYING EAST OF MILTON AVENUE a/k/a COLUMBIA STREET AND WEST OF NORTH HARBORVIEW DRIVE.

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

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

WHEREAS, the City Council passed Resolution No. 211 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 October 12, 1987, and at the conclusion of said 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 Hall Street, originally platted as Ash Street in Gig Harbor, which lies east of the street currently known as Milton Avenue and originally platted as Columbia Street, as shown on the plat files on August 20, 1890, denominated 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.

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 of this ordinance or a summary thereof.

Auditor's Note:  
Legal description omitted.

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

*Don McCarty*  
Don McCarty, Mayor

ATTEST:

*Michael R. Wilson*  
Michael R. Wilson  
City Administrator/Clerk

Filed with city clerk: 9/25/87  
Passed by city council: 10/12/87  
Date published: 10/21/87  
Date effective: 10/26/87

STATE OF WASHINGTON )  
  ) ss.  
COUNTY OF PIERCE         )

On this day personally appeared before me Donald J. McCarty, to me known to be the individuals described in and who executed the foregoing instrument, and acknowledged that he signed the same as his free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN unto my hand and official seal this 13<sup>th</sup> day of October, 1987.



*Donald J. McCarty*  
NOTARY PUBLIC in and for the State of Washington, residing at Gig Harbor.

# CITY OF GIG HARBOR

## SUMMARY OF ORDINANCE #520

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, VACATING THE PORTION OF HALL STREET, LYING EAST OF MILTON AVENUE a/k/a COLUMBIA STREET AND WEST OF NORTH HARBORVIEW DRIVE.

This ordinance, which was passed by the City Council of Gig Harbor, Washington on October 12, 1987, vacates that portion of Hall Street which lies east of the street currently known as Milton Avenue.

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

APPROVED by the City Council at their meeting of October 12, 1987.

*Michael R. Wilson*

Michael R. Wilson  
City Administrator/Clerk

### OFFICE OF PIERCE COUNTY AUDITOR

TO RECORDING CUSTOMER DATE 1-29-88  
FROM RECORDING DEPT.

If you wish to rerecord your document after making the change indicated by "auditor's note", please remit

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M E M O R A N D U M



ORDINANCE NO. 521

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON  
RELATING TO THE MUNICIPAL STORM DRAINAGE UTILITY:  
FIXING RATES FOR THE STORM DRAINAGE UTILITY.

WHEREAS, the Gig Harbor City Council determined the 1987 rate structure needed to be increased to properly fund the storm drainage utility and took action on December 8, 1986, to increase the 1987 utility rate and adopted the 1987 storm drainage budget (Ordinance #500) to be effective on January 1, 1987, and

WHEREAS, it is necessary to modify the municipal code which established the storm drainage utility to reflect such changes;

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

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

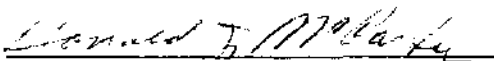
14.10.050 Service charge rates. In accordance with the basis for a rate structure set forth in Sections 14.10.020 and 14.10.030 of this chapter, there is levied upon all developed real property within the boundaries of the utility the following service charges which shall be collected from the owners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

- A. For all detached single-family residences and mobile homes (one equivalent billing unit), the monthly service charge shall be [two dollars and ten cents] three dollars and twelve cents effective January 1, 1987.
- 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.

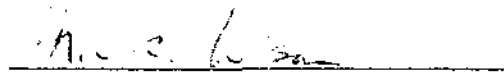
D. For all other developed property within the boundaries of the utility, except as set forth in Section 14.10.060 of this chapter, the monthly service charge shall be (two dollars and ten cents) three dollars and twelve cents effective January 1, 1987, multiplied by the number of equivalent billing units determined by the utility to be contained in such parcel pursuant to Section 14.10.030 of this chapter.

Section 3. This ordinance, shall take effect and be in full force five days after its passage, approval 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 9th day of November, 1987.

  
\_\_\_\_\_  
Don McCarty, Mayor

ATTEST:

  
\_\_\_\_\_  
Michael R. Wilson  
City Administrator/Clerk

Filed with city clerk: 10/19/87  
Passed by city council: 11/9/87  
Date published: 11/18/87  
Date effective: 1/1/87

ORDINANCE NO. 500

AN ORDINANCE of the City Council of the City of Gig Harbor, Washington, providing for the issuance of water and sewer revenue bond anticipation notes of the city in the aggregate principal amount of \$2,000,000 to provide funds to carry out certain improvements to the City's water and sewer utilities pending the issuance of revenue bonds; providing the form, terms and maturity of said notes; creating a special fund for the payment of said notes; and accepting the offer of Boettcher & Company, Inc. to purchase such notes.

PASSED: November 16, 1987

TABLE OF CONTENTS

	<u>Page</u>
ARTICLE I	
<u>Definitions</u>	
Section 1.1	Definitions ..... 2
ARTICLE II	
<u>Authorization, Designation and Purpose of Issue</u>	
Section 2.1	Authorization and Purpose ..... 6
Section 2.2	Authorization of Bonds ..... 7
Section 2.3	Terms ..... 8
Section 2.4	Prior Redemption ..... 9
Section 2.5	Note Fund--Security and Sources of Payment of Note ..... 10
Section 2.6	Execution and Delivery of Notes ..... 11
Section 2.7	Note Registrar ..... 12
Section 2.8	Sale of Notes ..... 12
Section 2.9	Application of Note Proceeds ..... 13
Section 2.10	Defeasance ..... 14
Section 2.11	Lost, Destroyed or Mutilated Notes ..... 14
ARTICLE III	
<u>Representation and Warranties</u>	
Section 3.1	Authority ..... 14
Section 3.2	Due Authorization and Approval of Ordinance and Notes ..... 15
Section 3.3	Ordinance to Constitute Legal, Valid and Binding Obligations of the City ..... 15
Section 3.4	Notes to Constitute Legal, Valid and Binding Revenue Obligations of the City ..... 15
Section 3.5	No Breach or Default ..... 15
ARTICLE IV	
<u>Covenants of the City</u>	
Section 4.1	Priority of Payments from Revenue of the System ..... 16
Section 4.2	Covenants of the City ..... 17
Section 4.3	Bonds or Short-Term Obligations Junior to Notes ..... 25
Section 4.4	Due Regard for Expenses of Operation and Maintenance ..... 25

TABLE OF CONTENTS  
(Continued)

	<u>Page</u>
ARTICLE V	
Form of Notes and Certificate of Authentication .....	26
ARTICLE VI	
Miscellaneous	
Section 6.1      General Authorization .....	30
Section 6.2      Effect of Partial Invalidity .....	31
Section 6.3      Effect of Covenants, Etc. ....	31
Section 6.4      Ordinance to Constitute Contract .....	32

ORDINANCE NO. 515

AN ORDINANCE of the City Council of the City of Gig Harbor, Washington, providing for the issuance of water and sewer revenue bond anticipation notes of the city in the aggregate principal amount of \$2,000,000 to provide funds to carry out certain improvements to the City's water and sewer utilities pending the issuance of revenue bonds; providing the form, terms and maturity of said notes; creating a special fund for the payment of said notes; and accepting the offer of Boettcher & Company, Inc. to purchase such notes.

WHEREAS, the City of Gig Harbor, Washington (the "City") now owns, maintains and operates a combined system water and sewage (the "System") which System is in need of additions and improvements; and

WHEREAS, the City now has outstanding its Water and Sewer Revenue Refunding Bonds, Series 1985, issued pursuant to Ordinance No. 468 and outstanding in the aggregate principal amount of \$700,000; and

WHEREAS, by Ordinance No. 515 passed on August 10, 1987, City created its Utility Local Improvement District No. 2 ("ULID No. 2"), for the purpose of acquiring certain sewerage improvements described with particularity in Resolution No. 206 (the "Project"); and

WHEREAS, in order to pay part of the cost of acquiring, constructing and installing such Project, the City is authorized to issue and sell its water and sewer revenue bonds in an aggregate principal amount not to exceed \$2,000,000; and

WHEREAS, pursuant to Chapter 216, Laws of 1982 and Chapter 267, Laws of 1983, as amended (collectively the "Act"), the City is authorized, among other things, to borrow money in anticipation of the issuance of its revenue bonds; and

WHEREAS, it is deemed necessary and advisable and in the financial interest of the City that at this time the City authorize, sell and issue its water and sewer revenue bond anticipation note in the principal amount of \$2,000,000; and

WHEREAS, the City desires to fix the form, terms, date, covenants, and maturity of the notes to be issued hereunder and to provide for the sale thereof;

WHEREAS, it is deemed advisable and in the best interests of the City that the offer of Boettcher & Company, Inc., Seattle, Washington, to purchase the Notes be accepted;

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

#### ARTICLE I

##### Definitions

Section 1.1. Definitions. As used in this ordinance the following words shall have the following meanings:

"Assessments" means any assessments which may be levied in any utility local improvement district of the City created for the acquisition or construction of additions and improvements to and extensions of the System, including ULID No. 2, if such assessments are pledged to be paid into the Bond Fund. "Assessments"

includes 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.

"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 water and sewer revenue bonds in the principal amount of not to exceed \$2,000,000 herein authorized to be hereafter issued for the purpose of providing funds to pay part of the costs of the Project and to redeem the Notes.

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

"Costs of Maintenance and Operation" means all necessary operating expenses, current maintenance expenses, expenses of reasonable upkeep and repairs, and insurance and administrative expenses, 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 same shall be duly and regularly constituted from time to time.

"Debt Service Account" means the account of that name created in the Bond Fund by Section 14 of Ordinance No. 468.

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

"Junior Lien Obligations" means revenue bonds or short-term obligations that are a charge on the revenues junior or inferior to the payments required to be made therefrom into the Note Fund.

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

"Note Fund" means the Water and Sewer Revenue Bond Anticipation Note Fund, 1987 created by Section 2.5 hereof.

"Note Register" means the books or records maintained by the Note Registrar for the purpose of registration of the Note.

"Note Registrar" means collectively the fiscal agency of the State of Washington in either Seattle, Washington, or New York, New York, for the purposes of registering and authenticating the Bonds, maintaining the Note Register, effecting transfer of

ownership of the Notes, and paying the principal of, and interest on the Notes.

"Notes" means the City's Water and Sewer Revenue Bond Anticipation Notes, 1987, the sale and issuance of which are authorized herein.

"Outstanding Bonds" means the City's Water and Sewer Revenue Refunding Bonds, Series 1985.

"Parity Bond Ordinance" means Ordinance No. 468 of the City Council which authorized the issuance of the Outstanding Bonds.

"Parity Bonds" means any revenue bonds or revenue warrants issued by the City that have a lien upon the Revenue of the System to pay and secure the payment of the principal thereof and interest thereon equal to the lien created upon the Revenue of the System to pay and secure the payment of the principal of and interest on the Outstanding Bonds. "Parity Bonds" includes the Outstanding Bonds and future revenue bonds or revenue warrants issued on a parity therewith.

"Project" means the improvements to the System described in Resolution No. 206.

"Purchase Offer" means the offer of Boettcher & Company, Inc. to purchase the Notes.

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

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

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

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

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

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

"ULID No. 2 Construction Fund" means the 1987 ULID No. 2 Construction Fund created by Section 2.9 hereof.

## ARTICLE II

### Authorization, Designation and Purpose of Issue

Section 2.1. Authorization and Purpose. For the purpose of providing part of the funds to pay the cost of acquiring, constructing, and equipping the Project, including all costs of engineering, architectural, planning, financial, legal, and other services lawfully incurred incident thereto, and in anticipation of the issuance of the water and sewer revenue bonds authorized by Section 2.2 hereof (the "Bonds"), the City is hereby authorized to issue its water and sewer revenue bond anticipation notes (the "Notes") in the principal amount of \$2,000,000.

Nothing herein shall prevent the City from utilizing any remaining proceeds of the Notes or earnings from the investment thereof for other capital improvements to the System after all of the costs and expenses of the Project have been paid or duly provided for and the City has met all its payment obligations hereunder.

Section 2.2. Authorization of Bonds. The City hereby authorizes the issuance of its water and sewer revenue bonds in the principal amount of not to exceed \$2,000,000 (the "Bonds") for the purposes specified and approved in Section 2.1 hereof, to redeem the Notes and to pay for all costs associated with the issuance of such Bonds.

The Bonds to be issued shall be in an aggregate principal amount sufficient, along with other moneys, to pay the principal of and interest on the Notes hereinafter authorized to be issued

and sold. The Bonds shall be payable out of the Bond Fund and shall be in such denominations and form, shall be dated, shall bear such interest rate or rates, shall be payable at such place or places, shall have such option of payment prior to maturity, shall guarantee such coverage and collection of rates, shall provide for such additional funds and accounts, and shall contain and be subject to such provisions or covenants as shall be hereafter provided by ordinance, and may be issued in one or more series or combined with any subsequently authorized revenue bonds and issued as a single combined issue.

Section 2.3. Terms. The Notes shall be designated as the "City of Gig Harbor, Washington, Water and Sewer Revenue Bond Anticipation Notes, 1987," shall be dated as of November 15, 1987, 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 6.25%, and shall mature on May 15, 1989. Interest on the Notes shall be calculated on the basis of a three hundred sixty (360) day year with thirty (30) day months.

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"). Both principal of and interest on the Notes shall be payable in lawful money of the United States of America. Principal of and interest on the Notes shall be paid upon presentation and surrender of the Notes by the registered owners at the principal

offices of the Note Registrar in the cities of Seattle, Washington or New York, New York.

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.

Section 2.4. Prior Redemption.

(a) Optional Redemption. The Notes shall be subject to redemption prior to maturity by lot (or in such other manner determined by the Note Registrar) at the option of the City in whole or in part at any time on or after November 15, 1988 (upon written notice mailed as provided herein) at a price of par plus interest accrued to the date fixed for redemption.

(b) Notice of Redemption. Notice of special or optional redemption shall be given not less than thirty (30) days prior to the date fixed for redemption by first class mail, postage prepaid, to the registered owners at the address appearing on the Note Register. Notice also shall be given to Boettcher & Company, Inc., Seattle, Washington, or to its business successor, if any, provided that such notice shall not be a condition precedent to the redemption of Notes.

(c) Partial Redemption. Portions of the principal amount of any Note, in installments of \$5,000 or any integral multiple of \$5,000, may be redeemed. If less than all of the principal amount of any Note is redeemed, upon surrender of such

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 amount thereof, a new Note or Notes, at the option of the registered owner, of like maturity and interest rate in any denomination authorized by this ordinance.

(d) Effect of Redemption. Interest on the Note or Notes so called for redemption shall cease on such redemption date unless the same shall not be redeemed upon presentation made pursuant to such call.

Section 2.5. Note Fund--Security and Sources of Payment of Note. There is hereby established a special fund of the City to be known as the "Water and Sewer Revenue Bond Anticipation Note Fund, 1987" (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 May 15, 1989, it will deposit in the Note Fund, proceeds of the Bonds and unencumbered revenues, other than tax revenues, in an amount sufficient to pay the principal of and interest on the Notes as the same become due.

The City hereby covenants and agrees that from and after the time of issuance and delivery of the Notes and for as long thereafter as they shall remain outstanding, the City shall set aside and pay into the Note Fund out of the Revenue Fund amounts sufficient to pay the interest on the Notes as they become due. The City hereby further covenants and agrees that if sufficient funds

are not on hand to make the required payment of principal of and interest due on the Notes at maturity or prior redemption, it will take such steps as are necessary to issue and sell the Bonds in one or more series or a subsequent issue or issues of short-term obligations in an aggregate principal amount sufficient along with other available moneys to make such payment.

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 owner 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 2.6. 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 Notes shall cease to be an officer before the delivery of such Notes, 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 hereinbefore recited, 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 2.7. Note Registrar. 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 the 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 depositary 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 Note owners.

Upon the passage of this ordinance the proper officials of the City shall do all things necessary for the prompt execution and delivery of the Notes to the underwriter.

Section 2.8. Sale of Notes. The City hereby accepts the offer of Boettcher & Company, Inc., Seattle, Washington, as underwriter, dated November 16, 1987 to purchase the Notes in accordance with the terms contained in this ordinance and said offer. It is hereby found and determined that such negotiated sale is in the best interests of the City.

Section 2.9. Application of Note Proceeds. The proceeds of sale of the Notes (exclusive of any accrued interest, which shall be paid into the Note Fund) shall be paid into a special fund of the City that is hereby created and designated the 1987 ULID No. 2 Construction Fund (hereinafter called the "ULID No. 2 Construction Fund"). Moneys in the ULID No. 2 Construction Fund shall be used for paying part of the cost of acquiring, constructing and installing the additions and improvements to and extensions of the System authorized in Resolution No. 206 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 in the ULID No. 2 Construction Fund shall be continuously and fully invested in any legal investment for City funds. Interest earned and income or profits derived by virtue of such investments may remain in the ULID No. 2 Construction Fund and be used for the purposes for which the Notes are issued or at the option of the City Council, may be used for other System

purposes. Notwithstanding the foregoing provisions of this Section, moneys in the ULID No. 2 Construction Fund may be transferred to the Note Fund in such amounts as shall be necessary to pay principal of and interest on the Notes.

Section 2.10. Defeasance. In the event that money and/or "Government Obligations," as such Obligations are now or may hereafter be defined in Ch. 39.53 RCW, 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 2.11. 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.

## ARTICLE III

### Representations and Warranties

The City represents, warrants and agrees as follows:

Section 3.1. Authority. 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.

Section 3.2. Due Authorization and Approval of Ordinance and Notes. 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.

Section 3.3. Ordinance to Constitute Legal, Valid and Binding Obligations of the City. This ordinance constitutes the legal, valid and binding obligation of the City.

Section 3.4. Notes to Constitute Legal, Valid and Binding Revenue Obligations of the City. The Notes, when issued, authenticated and delivered, will constitute the legal, valid and binding obligations of the City .

Section 3.5. No Breach or Default. The City is not in breach of or default under applicable judgment or decree or any loan agreement, ordinance, bond, note, resolution, 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 adoption of this resolution, 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, resolution, 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 with 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.

#### ARTICLE IV

##### Covenants of the City

Section 4.1. Priority of Payments from Revenue of the System. 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 the Note Fund and to secure the principal of and interest on the Notes;

Sixth, 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

Seventh, 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 4.2. Covenants of the City. The City hereby covenants with the owners of the Notes as follows:

(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 issue the Bonds or refunding bond anticipation notes in such amount and at such time as will enable it to make the deposit into the Note Fund required by Section 2.5 of this ordinance.

The covenant hereunder duly and punctually to pay the principal of and interest on the Notes is hereby declared to constitute a lien and charge upon available moneys in the Revenue Fund and the ULID No. 2 Construction Fund. The lien and charge upon available moneys in the Revenue Fund shall be prior and superior to all other liens and charges except for the payments described in paragraphs First through Fourth of Section 4.1 hereof. Nothing contained herein shall be construed as preventing or hindering the

Council or the Treasurer from authorizing disbursements from the Revenue Fund in accordance with the Parity Bond Ordinance.

The lien and charge on the ULID No. 2 Construction 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 2.9 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. 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) Designation and Use of Proceeds. The City further covenants that it will not take any action or permit any action to be taken that would cause the Notes to constitute "private activity bonds" under Section 141 of the Code. The City hereby designates the Notes as "qualified tax-exempt obligations" under Section 265(b) of the Code. The City does not expect to issue tax-exempt obligations in an aggregate principal amount in excess of \$10,000,000 during the calendar year 1987.

(d) 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 adversely affect the rights of the owners from time to time of the Notes.

(e) Application of Bond Proceeds. The City covenants that the proceeds of sale of any Bonds shall be applied first to the deposit into the Note Fund to redeem and retire the Notes.

(f) Maintenance of System. The City shall at all time maintain, preserve and keep the properties of the System in good

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

(g) Collection and Application of Assessments. The City will promptly collect all Assessments levied in utility local improvement districts that have been heretofore created by the City and all Assessments levied in utility local improvement districts that are hereafter created to secure the payment of the principal of and interest on Parity Bonds and will pay the same into the Bond Fund. The same may be used to meet required payments into any Account of the Bond Fund and may be used to pay the principal of and interest on any Parity Bonds without said Assessments being particularly allocated to the payment of any particular series of bonds payable out of such Fund. It is hereby further provided, however, that nothing in this ordinance or in this subsection shall be construed to prohibit the City from issuing revenue bonds having a lien on the Revenue of the System and the money in the Revenue Fund junior to the lien on such revenue and money for the payment of the principal of and interest on the Bonds and pledging as security for the payment of such junior lien bonds assessments levied in any utility local improvement district that may have been created to pay part or all of the

cost of improvements to the System for which such junior revenue bonds were specifically issued.

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

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

(2) the Net Revenue together with Assessment Income in each calendar year will equal at least 1.30 times the maximum amount required to be paid in any succeeding calendar year for the principal of and interest on all Parity

Bonds then outstanding. In the event the City issues any Term Bonds, and provides for the payment thereof by a mandatory schedule of payments into a sinking fund account in the Bond Fund, the words "principal of and interest on all outstanding Parity Bonds" in the preceding sentence shall be deemed to exclude from "principal" an amount of Term Bonds equal to such mandatory payments, and from "interest" the interest on such Term Bonds subsequent to the date of the respective deposits, and to include in lieu thereof the mandatory sinking fund deposits as of the date required and interest on Term Bonds provided for by such deposits only to the date of the respective deposits.

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

(1) An amount which will be in the same proportion to the net amount of Parity Bonds and Notes then outstanding

(defined as the total amount of the Parity Bonds and Notes less the amount of cash and investments in the Bond Fund and the Note Fund and Accounts therein) that the Revenue from the portion of the System sold or disposed of for the preceding year bears to the total Revenue of the System for such period; or

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

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

Notwithstanding any other provision of this paragraph, the City may sell or otherwise dispose of any of the works, plant, properties and facilities of the System or any real or personal property comprising a part of the same which shall have become unserviceable, inadequate, obsolete or unfit to be used in the operation of the System, or no longer necessary, material to or

useful in such operation, without making any deposit into the Bond Fund or the Note Fund.

(j) 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.

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

(l) Additional Indebtedness. For so long as any of the Notes shall be outstanding, the City shall not create any indebtedness or issue any bonds, notes, or other evidences of indebtedness, payable as to principal or interest from the Revenue Fund prior to or on a parity with the payment obligation therefrom of the Notes or secured as to principal or interest by a lien, pledge, or charge thereon, provided that nothing herein shall prohibit the City from (i) issuing the Bonds or additional bond anticipation notes for the purpose of redeeming and retiring the Notes or (ii) issuing its water and sewer revenue refunding bonds for the purpose of defeasing any or all of the City's outstanding Parity Bonds.

Section 4.3. Bonds or Short-Term Obligations Junior to Notes. The City may issue obligations with a lien upon Revenues junior to the lien of the Notes.

Section 4.4. Due Regard for Expenses of Operation and Maintenance. The Council hereby declares that, in creating the Note Fund, it has exercised due regard for the 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 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.

ARTICLE V

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, WASHINGTON

WATER AND SEWER REVENUE BOND ANTICIPATION NOTE, 1987

SEE REVERSE SIDE FOR  
CERTAIN ABBREVIATIONS

MATURITY DATE: May 15, 1989  
CUSIP NUMBER:

Registered Owner:

Principal Amount: \_\_\_\_\_ DOLLARS

The City of Gig Harbor, Washington, a municipal corporation of the State of Washington (hereinafter called the "City"), hereby acknowledges itself to owe and for value received promises to pay, but solely from the Note Fund, to the Registered Owner identified above, or registered assigns, on the Maturity Date the Principal Amount of \_\_\_\_\_ Dollars and to pay interest thereon from the date hereof, or the most recent date to which interest has been paid or duly provided for until payment of this note, at the rate of \_\_\_\_% per annum, payable on \_\_\_\_\_, and semi-annually thereafter on the \_\_\_\_ day of each \_\_\_\_\_ and \_\_\_\_\_. 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 (on the date such interest is due) to the Registered Owner or assigns at the address shown on the Note Register as of the 1st day of the month of the interest payment date. Principal shall be paid to the Registered Owner or assigns upon presentation and surrender of this note at the office of the fiscal agency of the State of Washington in either Seattle, Washington or New York, New York (the "Note Registrar").

Reference is hereby made to additional provisions of this note set forth on the reverse side hereof, and such additional provisions shall for all purposes have the same effect as if set forth in this space.

This note shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the Note Ordinance (as hereinafter defined) until the Certificate of Authentication hereon shall have been manually signed by 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 bonded indebtedness that the City may incur.

IN WITNESS WHEREOF, the City of Gig Harbor, Washington, has caused this note to be signed with the facsimile signature of the Mayor and attested by the 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 15th day of November, 1987.

CITY OF GIG HARBOR, WASHINGTON

By \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

CERTIFICATE OF AUTHENTICATION

This note is one of the notes described in the within-mentioned Note Ordinance and is one of the Water and Sewer Revenue Bond Anticipation Notes, 1987 of the City of Gig Harbor, Washington, dated November 15, 1987.

WASHINGTON STATE FISCAL AGENCY  
Note Registrar

By \_\_\_\_\_  
Authorized Officer

ADDITIONAL PROVISIONS

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 \$2,000,000. 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 Ordinance No. \_\_\_\_\_ (herein called the "Note Ordinance") of the City for the purpose of providing funds to acquire, construct, equip, and make additions and improvements to the City's water and sewer system. The Notes are issued in anticipation of the issuance of water and sewer revenue bonds authorized by the Note Ordinance to be issued in an aggregate principal amount of not to exceed \$2,000,000.

This note is a special obligation of the City and is payable solely from the Note Fund of the City. The City has further covenanted to issue the Bonds or additional short-term obligations and to apply money out of the Revenue Fund in amounts sufficient to pay when due the principal of and interest on any and all

outstanding notes. The obligation to apply such funds shall constitute a lien and charge upon available moneys in the Revenue Fund. The lien and charge upon available moneys in the Revenue Fund shall be prior and superior to all other liens and charges save and except that such lien and charge shall be junior, subordinate, and inferior to Costs of Operation and Maintenance and to the lien and charge on the Revenue Fund for the payments required by the Parity Bond Ordinance to be made into the Bond Fund and the Debt Service Account and Reserve Account therein and any sinking fund account hereafter created to amortize the principal of term bonds.

The City has reserved the right to redeem the outstanding notes of this issue prior to maturity in whole or in part on any date on or after November 15, 1988, upon written notice mailed as provided hereafter at the price of par plus interest accrued to the date fixed for redemption. If less than all of the notes are so called for redemption, the notes to be redeemed shall be chosen by lot by the Note Registrar.

Notice of any call for redemption shall be given not less than thirty (30) nor more than forty (40) days prior to the date fixed for redemption by first class mail, postage prepaid, to the registered owner of any note to be redeemed at the address appearing on the Note Register. The requirements of the Note Ordinance shall be deemed to have been 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 any notes so called for redemption shall cease upon such redemption date unless the same shall not be redeemed upon presentation made pursuant to such call.

If less than all of the principal amount of any note is redeemed, upon surrender of such 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 amount thereof, a new note or notes, at the option of the registered owner, 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.

Notes are interchangeable for notes of any authorized denomination of equal aggregate principal amount upon presentation and surrender to the Note Registrar.

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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.

## ARTICLE VI

### Miscellaneous

Section 6.1. General Authorization. The City officials 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 6.2. 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 resolution 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 6.3. 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 City 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 and the Act.

Section 6.4. 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 performed 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.

Read for the first time on October 26, 1987 and finally PASSED by the City Council of the City of Gig Harbor, Washington, at a regular Council meeting this 16th day of November, 1987.

CITY OF GIG HARBOR, WASHINGTON

By *[Signature]*  
Mayor

ATTEST:

*[Signature]*  
City Administrator

Published: 11/18/87

Effective: 11/23/87

CLERK'S CERTIFICATE

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

1. That the attached Ordinance No. 502 (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 9th day of November, 1987, and duly recorded in my office.

2. That said meeting was duly convened and held in all respects in accordance with law, and to the extent required by law, due and proper notice of such meeting was given; that a 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 as of this 15<sup>th</sup> day of November, 1987.

Michael R. K. S.  
City Clerk


SUMMARY OF ORDINANCE NO. 522

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, PROVIDING FOR THE ISSUANCE OF WATER AND SEWER REVENUE BOND ANTICIPATION NOTES OF THE CITY IN THE AMOUNT OF \$2,000,000.

This ordinance which was passed by the City Council of Gig Harbor, Washington on November 15, 1987, provides for the issuance of water and sewer revenue bond anticipation notes of the city in the principal sum of \$2,000,00 to provide funds to carry out certain improvements to the city's water and sewer utilities pending the issuance of revenue bonds; providing the form, terms and maturity of such notes; creating a special fund for the payment of such notes; and accepting the offer of Boettcher and Company, Inc. to purchase such notes.

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

Approved by the city council at their meeting of November 16, 1987.

  
\_\_\_\_\_  
Michael R. Wilson  
City Administrator/Clerk  
City of Gig Harbor



ORDINANCE NO. 523

AN ORDINANCE adopting the budget for the City of Gig Harbor, Washington, for the 1988 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 1988 fiscal year, and a notice was published that the Gig Harbor City Council would meet on November 9 and 23, 1987 at 7:00 p.m., in the council chambers in the city hall for the purpose of making and adopting a budget for 1988 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 1988 proposed budget; and

WHEREAS, the 1988 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 1988 and being sufficient to meet the various needs of Gig Harbor during 1988.

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 1988 is hereby adopted in its final form and content as set forth in the document entitled City of Gig Harbor 1988 Budget, three (3) copies of which are on file in the office of the city administrator/clerk.

Section 2. Estimated resources, including fund balances or working capital for each separate fund of the City of Gig Harbor, and aggregate totals (net of transactions between funds) for all funds combined, for the year 1988 are set forth in summary form below, and are hereby appropriated for expenditure during the year 1988 as set forth below:

1988 Budget Ordinance  
Page Two

<u>Fund</u>	<u>Department</u>	<u>Amount</u>
General (001)	Legislative	\$ 10,200
	Municipal Court	74,280
	Administration/Finance	110,940
	Legal Services	25,000
	Police	340,307
	Hearing Examiner	12,000
	Planning and Community Devel.	97,475
	Parks and Recreation	79,292
	Building	17,800
	Non-departmental	473,999
	Ending Fund Balance	104,825
	Total General Fund	\$1,346,118
Street Operating Fund (101)		430,616
G.O. Fire - Debt Service (200)		18,330
G.O. Sewer - Debt Service (201)		77,100
G.O. P.W. Bldg. - Debt Service (202)		28,840
G.O. Sewer Bond Redemption (203)		140,000
Gen. Govt. Cap. Asset Fund (301)		220,000
Risk Management (306) - new fund created		95,200
ULID No. 2 Note Fund (408) - new fund created	2,135,400	
ULID No. 2 Const. (409) - new fund created	1,991,400	
Water Cap. Asset Fund (420)		223,000
Water Operating Fund (401)		408,688
Sewer Operating Fund (402)		397,030
Storm Drainage Operating Fund (411)		261,633
Sewer Cap. Asset Fund (410)		584,630
Utility Reserve (407)		140,580
Storm Drainage Redemption (412)		16,388
Advanced Refunding Bond Redemp. (413)		276,000
Trust - LID Guaranty (601)		3,035
Trust Fund - Misc. (Performance Pay) (602)		5,000
Total All Funds		\$8,798,988

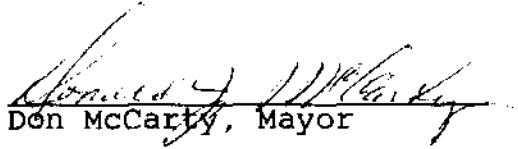
Section 3. Attachment "A" is adopted as the 1988 personnel salary schedule.

Section 4. The city administrator/clerk is directed to transmit a certified copy of the 1988 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.

1988 Budget Ordinance  
Page Three

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

  
Don McCarty, Mayor

ATTEST:

  
\_\_\_\_\_  
Michael R. Wilson  
City Administrator/Clerk

Filed with city clerk: 11/06/87  
Passed by city council: 11/23/87 held 12/7/87  
Date published: 1/6/88  
Date effective: 1/11/88

ATTACHMENT A

1988 SALARY SCHEDULE

<u>POSITION</u>	<u>RANGE</u>	
	<u>Minimum</u>	<u>Maximum</u>
City Administrator	\$ 3,140	\$ 3,925
Public Works Director	2,855	3,570
Chief of Police	2,600	3,250
Planning Director	2,310	2,890
Public Works Supervisor	2,280	2,855
Finance Officer	2,245	2,805
Sewer Plant Supervisor	2,120	2,650
Sewer Plant Operator	1,925	2,410
Fire Marshal/ Building Official	2,020	2,525
Police Sergeant	2,165	2,705
Public Works Foreman	1,990	2,490
Equipment Operator	1,895	2,370
Maintenance Worker	1,805	2,255
Engineering Aide	1,625	2,030
Police Officer	1,970	2,460
Laborer	1,505	1,880
Administrative Assistant	1,495	1,870
Court Clerk	1,425	1,780
Police Clerk	1,280	1,600
Utility Clerk	1,325	1,705
Office Clerk	1,280	1,600
Receptionist	1,100	1,375

ORDINANCE NO. 524

**AN ORDINANCE RELATING TO THE 1987 CITY BUDGET: ADOPTING A BUDGET EMERGENCY FOR ULID NO. 2 CONSTRUCTION FUND (#409) AND ULID NO. 2 NOTE FUND (#408).**

WHEREAS, ULID No. 2 has been created to fund the construction of the westside sewer collection system, and

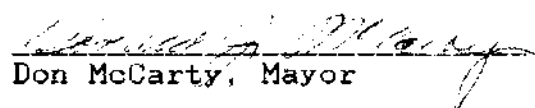
WHEREAS, it is necessary to appropriate monies to the ULID No. 2 construction fund (#409) for the purpose of expending monies for the design, construction and related services for the sewer utility and to ULID No. 2 note fund (#408) for the purpose of expending monies for the financing costs for the issuance of bond anticipation notes.

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


Section 1. The ULID No. 2 construction fund (#409) shall be appropriated \$1,990,000 to cover the expenses incurred for the design and construction for the westside sewer collection system, and ULID No. 2 bond fund (#408) shall be appropriated \$10,000 to cover the expense of note financing. An appropriation totaling \$2,000,000 is hereby made as provided in Exhibit "A".

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

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

  
Don McCarty, Mayor

ATTEST:

  
Michael R. Wilson  
City Administrator/Clerk

Filed with city clerk: 11/5/87  
Passed by city council: 11/23/87  
Date published: 11/27/87  
Date effective: 12/2/87

**EXHIBIT "A"**  
**BUDGET EMERGENCY**

Fund #409 - ULID No. 2 Construction Fund

<u>Increase:</u>	Revenue/Resource	
382.60	BANS Proceeds	\$1,990,000

<u>Increase:</u>	Expenditure/Use	
508.00	Ending Fund Balance	1,910,000
501.35.41	Professional Services	
.41.010	Engineering	80,000

Fund #408 - ULID No. 2 Note Fund

<u>Increase:</u>	Revenue/Resource	
382.60	BANS Proceeds	10,000

<u>Increase:</u>	Expenditure/Use	
501.35.41	BANS Financing	10,000

ORDINANCE NO. 525

AN ORDINANCE of the City of Gig Harbor, Washington, levying the General Property Taxes for the City of Gig Harbor for the fiscal year commencing January 1, 1988.

WHEREAS, the City Council of the City of Gig Harbor has considered the city's anticipated financial requirements for 1988, and the amounts necessary and available to be raised by ad valorem taxes on real and personal property, and

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

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

Section 1. The ad valorem tax general levies required to raise estimated revenues for the City of Gig Harbor for the ensuing year commencing January 1, 1988, shall be levied upon the value of real and personal property which has been set at an assessed valuation of \$144,901,485. Taxes levied upon this value shall be:

- a) approximately \$1.4323 per \$1,000 assessed valuation, producing estimated revenue of \$207,542 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, 1988, shall be levied upon the value of real and personal property which has been set at an assessed valuation of \$143,204,034. Taxes levied upon this value shall be:

- a) approximately \$0.2856 per \$1,000 assessed valuation, producing an estimated amount of \$40,900 for sewer general obligation; and
- b) approximately \$0.054 per \$1,000 assessed valuation, producing an estimated amount of \$7,680 for fire protection facilities general obligation.
- c) approximately \$0.63 per \$1,000 assessed valuation, producing an estimated amount of \$90,000 for the 1987 sewer bond redemption general obligation.

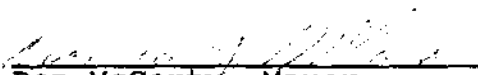
General Property Tax Ordinance

Page Two


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

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

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

  
\_\_\_\_\_  
Don McCarty, Mayor

ATTEST:

  
\_\_\_\_\_  
Michael R. Wilson  
City Administrator/Clerk

Filed with city clerk: 11/6/87  
Passed by city council: 11/23/87  
Date published: 12/2/87  
Date effective: 12/7/87



ORDINANCE NO. 526

AN ORDINANCE OF THE GIG HARBOR CITY COUNCIL REVISING CHAPTERS 15.06, 15.08, 15.10, 15.12, AND 15.18, TO THE GIG HARBOR MUNICIPAL CODE FOR ENFORCEMENT OF BUILDING AND RELATED CODE VIOLATIONS AND ENACTING A NEW CHAPTER 15.02 CREATING A BUILDING ADVISORY BOARD.

WHEREAS, the Gig Harbor City Council has found that the adoption of a Civil Penalty System in Ordinance #488 for violations of Chapters 15.06, 15.08, 15.10, and 15.12 of the Gig Harbor Municipal Code and the Uniform Building, Plumbing, Mechanical and Fire Codes is necessary and appropriate in order to attain effective and prompt code enforcement, and

WHEREAS, it is in the interest of the citizens of Gig Harbor and necessary and appropriate to protect the health, safety, and welfare of the citizens by revising the Civil Penalty System and the Uniform Building Codes as adopted in Ordinances #490, #491, #492 and #493; requiring the Hearing Examiner to act as the Gig Harbor Board of Appeals; and creating a Building Code Advisory Board,

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

Section 1. Section 13.28.270 of the Gig Harbor Municipal Code is hereby amended to read as follows:

13.28.270 Violation--Penalty. [Violation of any portion of this chapter is an infraction and subject to a penalty of five hundred dollars as provided in Section 1.16.010 D and for any costs incurred by the city relative to any violation and as otherwise provided in this chapter.] Any person, firm, or corporation which violates the provisions of this chapter shall incur a cumulative civil penalty in the amount of fifty dollars (\$50.00) per day from the date set for correction thereof, pursuant to Chapter 15.18 of the Gig Harbor Municipal Code until the violation is corrected.

Section 2. Section 15.12.060 5.(V) H(III) of the Gig Harbor Municipal Code is hereby amended to read as follows:

(III) In addition to the above, the Gig Harbor Fire Marshal and/or the Building Official shall issue cease and desist orders whenever any person, firm or corporation is taking any action which is in violation of this regulation. Such cease and

desist order shall not cause any interruption of domestic service provided by a water purveyor. Such order shall specify each violation and shall state that a hearing may be requested by the affected party by sending a written request for the hearing to the [Board of Appeals] Hearing Examiner/ Building Code Advisory Board within ten (10) days of receipt of the said order.

Section 3. Section 15.12.060 5(V) H(IV) of the Gig Harbor Municipal Code is hereby amended to read as follows:

(IV) [Any person who shall violate any of the provisions of the code hereby adopted or fail to comply with any order made thereunder, or who shall building in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order within the time fixed herein, shall severally for each and every violation and noncompliance, respectively, be guilty of an infraction, and subject to a penalty not to exceed THREE HUNDRED AND NO/100 DOLLARS (\$300.00) as provided in Gig Harbor Code 1.16.010(4). The imposition of a penalty for any such violation shall not excuse the violation or permit it to continue; and all such violations or defects within a reasonable time; and when not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense.] Any person, firm, or corporation which violates the provisions of this chapter shall incur a cumulative civil penalty in the amount of fifty dollars (\$50.00) per day from the date set for correction thereof, pursuant to chapter 15.18 of the Gig Harbor Municipal Code until the violation is corrected.

Section 4. Section 15.12.060 5(V) H(V) of the Gig Harbor Municipal Code is hereby amended to read as follows:

15.12.060 5(V) H(V) Appeals - Hearing Examiner/ Building Code Advisory Board. Section 2.302 of the Uniform Fire Code is hereby amended to read as follows:

- A. Appeals of Civil Penalty Citation; and Appeals of Administrative Determinations of a non-technical 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 alternate 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.

Section 5. Section 15.18.010 of the Gig Harbor Municipal Code is hereby amended to read as follows:

15.18.010 Cumulative civil penalty incurred when. Any person, firm, or corporation which violates the provisions of Chapters 15.06, 15.08, 15.10, [or] 15.12 or 15.28 of [this title] the Gig Harbor Municipal Code, or violates the provisions of the Uniform Building Code, Uniform Mechanical Code, Uniform Plumbing Code, or Uniform Fire Code adopted by reference therein, shall incur a cumulative civil penalty in the amount of fifty (\$50.00) dollars per day from the date set for correction thereof, pursuant to this chapter, until the violation is corrected; except for the following violations where prior notice of correction is not required, violations shall be assessed pursuant to the following schedule:

Schedule A

Section 3.101, UFC (Unlawful Continuance of Hazard); Section 3.102, UFC (Failure to Comply with Order or Notice); Section 3.103, UFC (Unlawful Use with Tag Affixed); and Section 3.104, UFC (Unlawful Removal of Tag) assessed at one hundred (\$100.00) dollars per violation.

Schedule B

Section 12.103(b), UFC (Overcrowding); and Section 25.114(c), UFC (Overcrowding) assessed at two hundred-fifty (\$250.00) dollars per violation.

Section 6. Section 15.18.030(F.) of the Gig Harbor Municipal Code is hereby amended to read as follows:

- F. A statement that the building official's and/or Fire Marshal's determination of violation may be appealed to the hearing examiner by filing with the [building department] department of community development written notice of appeal within ten days of service of the notice of violation and that the per diem civil penalty shall not accrue during the pendency of such administrative appeal.

Section 7. Section 15.18.050 of the Gig Harbor Municipal Code is hereby amended to read as follows:

15.18.050 Appeal Procedure.

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

Section 8. Section 15.18.070 of the Gig Harbor Municipal Code is hereby amended to read as follows:

15.18.070 Collection of Civil Penalty.

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

- D. In addition to the penalties hereinabove provided, any condition caused or permitted to exist in violation of any of the provisions of this title is a public nuisance and all remedies given by law for the prevention and abatement of nuisances shall apply thereto. Further, each day that such condition continues shall be regarded as a new and separate offense.

Section 9. Chapter 17.92 of the Gig Harbor Municipal Code is hereby amended to read as follows:

17.92.010 Penalties.

Any person, firm, or corporation [violating any of which violates the provisions of this title shall [be guilty of a misdemeanor and shall be punishable by a fine not to exceed one hundred dollars for each offense] incur a cumulative civil penalty in the amount of fifty dollars (\$50.00) per day from the date set for correction thereof, pursuant to chapter 15.18 of the Gig Harbor Municipal Code until the violation is corrected.

Section 10. A new Chapter 15.02 of the Gig Harbor Municipal Code is hereby enacted to read as follows:

CHAPTER 15.02

BUILDING CODE ADVISORY BOARD

15.02.010 Building Code Advisory Board. There shall be and is hereby created a Building Code Advisory Board in order to:

- A. Consider appeals of administrative determination where alternate materials or methods of construction are proposed to those stated within Title 15 of the Gig Harbor Municipal Code;
- B. review new code standards and ordinance revisions within Title 15 of the Gig Harbor Municipal Code;
- C. make recommendations to the Gig Harbor City Council when new standards or revisions to Title 15 of the Gig Harbor Municipal Code are being considered for adoption; and
- D. provide reasonable interpretations of the building codes and Title 15 of the Gig Harbor Municipal Code as requested by the Gig Harbor Building Official/Fire Marshal.

The Building Code Advisory Board shall consist of three (3) 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 state-licensed contractor, one architect, and one engineer, all of whom must be residents of the Gig Harbor community, at least one of whom is a city resident. 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 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 11. A new section 15.06.037 of the Gig Harbor Municipal Code is hereby enacted to read as follows:

15.06.037 Appeals - Hearing Examiner/Building Code Advisory Board.

Section 204 of the Uniform Building Code is hereby amended to read as follows:

- A. Appeals of Civil Penalty Citation; and Appeals of Administrative Determinations of a non-technical standard or code.
- B. Appeals of Administrative Determination, where alternate 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.

Section 12. A new section 15.06.055 of the Gig Harbor Municipal Code is hereby enacted to read as follows:

15.06.055 Penalties. Any person, firm, or corporation which violates the provisions of this chapter shall incur a cumulative civil penalty in the amount of fifty dollars (\$50.00) per day from the date set for correction thereof, pursuant to chapter 15.18 of the Gig Harbor Municipal Code until the violation is corrected.

Section 13. A new section 15.08.030 of the Gig Harbor Municipal Code is hereby enacted to read as follows:

15.08.030 Penalties. Any person, firm, or corporation which violates the provisions of this chapter shall incur a cumulative civil penalty in the amount of fifty dollars (\$50.00) per day from the date set for correction thereof, pursuant to chapter 15.18 of the Gig Harbor Municipal Code until the violation is corrected.

Section 14. A new section 15.10.035 of the Gig Harbor Municipal Code is hereby enacted to read as follows:

15.10.035 Penalties. Any person, firm, or corporation which violates the provisions of this chapter shall incur a cumulative civil penalty in the amount of fifty dollars (\$50.00) per day from the date set for correction thereof, pursuant to chapter 15.18 of the Gig Harbor Municipal Code until the violation is corrected.

Section 15. A new section 15.08.040 of the Gig Harbor Municipal Code is hereby enacted to read as follows:

15.08.040 Appeals - Hearing Examiner/Building Code Advisory Board. Section 20.14 of the Administration part of the Uniform Plumbing Code is hereby amended to read as follows:

- A. Appeals of Civil Penalty Citation; and Appeals of Administrative Determinations of a non-technical standard or code.
- B. Appeals of Administrative Determination, where alternate materials or methods of construction are propose, shall be considered pursuant to the Building Code Advisory Board, chapter 15.02 of the Gig Harbor Municipal Code.

Section 16. A new section 15.10.038 of the Gig Harbor Municipal Code is hereby enacted to read as follows:

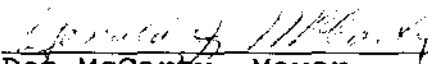
15.10.038 Appeals - Hearing Examiner/Building Code Advisory Board. Section 203 of the Uniform Mechanical Code is hereby amended to read as follows:

- A. Appeals of Civil Penalty Citation; and Appeals of Administrative Determinations of a non-technical standard or code.
- B. Appeals of Administrative Determination, where alternate materials or methods of construction are propose, shall be considered pursuant to the Building Code Advisory Board, chapter 15.02 of the Gig Harbor Municipal Code.


Section 17. Validity. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Gig Harbor City Council hereby declares that it would have passed this ordinance, and each subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 18. This ordinance shall e and is hereby declared to be in full force and effect five (5) days after publication of the attached summary which is hereby approved.

PASSED by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the council held on this 7th day of December, 1987

  
\_\_\_\_\_  
Don McCarty, Mayor

ATTEST:

  
\_\_\_\_\_  
Michael R. Wilson  
City Administrator/Clerk

Filed with city clerk: 10/16/87  
Passed by city council: 12/7/87  
Date published: 2/3/88  
Date effective: 2/8/88



SUMMARY OF ORDINANCE NO. 526

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, REVISING CHAPTERS 15.06, 15.08, 15.10, 15.12 and 15.18 TO THE GIG HARBOR MUNICIPAL CODE FOR ENFORCEMENT OF BUILDING AND RELATED CODE VIOLATIONS AND ENACTING A NEW CHAPTER 15.02 CREATING A BUILDING ADVISORY BOARD.

On December 7, 1987, the City Council of the City of Gig Harbor passed Ordinance # 526, which provides as follows:

Section 1. Amends section 13.28.270 of the Gig Harbor Municipal Code: 13.28.270 Penalties for Violations of the Sewer Ordinance.

Section 2. Amends subsection 15.12.060 5.(V)H(III) of the Gig Harbor Municipal Code: 15.12.060 5.(V)H(III) Cease and Desist Order Appeal to Hearing Examiner.

Section 3. Amends subsection 15.12.060 5.(V)H(IV) of the Gig Harbor Municipal Code: 15.12.060 5.(V)H(IV) Penalties for Violations of the Uniform Fire Code.

Section 4. Amends subsection 15.12.060 5.(V)H(V) of the Gig Harbor Municipal Code: 15.12.060 5.(V)H(V) Appeals - Hearing Examiner/Building Code Advisory Board.

Section 5. Amends section 15.18.010 of the Gig Harbor Municipal Code: 15.18.010 Civil Penalty Incurred When.

Section 6. Amends subsection 15.18.030(F) of the Gig Harbor Municipal Code: 15.18.030(F) Appeal Statement in Citation.

Section 7. Amends section 15.18.050 of the Gig Harbor Municipal Code: 15.18.050 Appeal Procedure.

Section 8. Amends section 15.18.070 of the Gig Harbor Municipal Code: 15.18.070 Collection of Civil Penalty.

Section 9. Amends chapter 17.92 of the Gig Harbor Municipal Code: Chapter 17.92 Penalties for Violations of the Zoning Code.

Section 10. Enacts a new Chapter 15.02 of the Gig Harbor Municipal Code: Chapter 15.02 Building Code Advisory Board.

Section 11. Enacts a new section 15.06.037 of the Gig Harbor Municipal Code: 15.06.037 Appeals - Hearing Examiner/ Building Code Advisory Board.

Section 12. Enacts a new section 15.06.055 of the Gig Harbor Municipal Code: 15.06.055 Penalties for Violations of the Uniform Building Code.

Section 13. Enacts a new section 15.08.030 of the Gig Harbor Municipal Code: 15.08.030 Penalties for Violations of the Uniform Plumbing Code.

Section 14. Enacts a new section 15.10.035 of the Gig Harbor Municipal Code: 15.10.035 Penalties for Violations of the Uniform Mechanical Code.

Section 15. Enacts a new section 15.08.040 of the Gig Harbor Municipal Code: 15.08.040 Appeals - Hearing Examiner/Building Code Advisory Board.


Section 16. Enacts a new section 15.10.038 of the Gig Harbor Municipal Code: 15.10.038 Appeals - Hearing Examiner/Building Code Advisory Board.

Section 17. Validity.

Section 18. Approves this summary and sets an effective date for this ordinance of five (5) days from the date of the summary's publication.

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

Approved by the City Council at their meeting of December 7, 1987.

  
\_\_\_\_\_  
Michael R. Wilson  
City Administrator/Clerk

ORDINANCE NO. 527

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

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

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

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

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	\$4.25/mo.	\$1.90/ccf	\$13.75/mo.
Multi-residential	\$2.50/mo./ liv. unit	\$1.90/ccf	\$10.10/mo.
Commercial/Schools	\$8.00/mo./ bill. unit	\$1.90/ccf	\$21.30/mo.

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

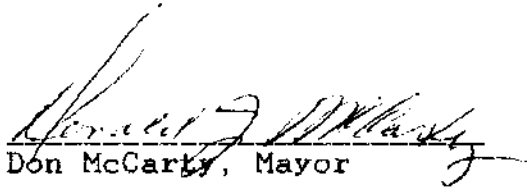
Section 2. Section 13.32.020 of the Gig Harbor Municipal Code is hereby amended to read as follows:

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

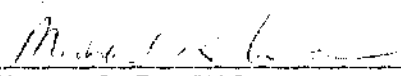
<u>Non-metered Customer Class</u>	<u>Monthly Charge</u>
Residential	\$17.55/unit
Multi-residential	\$13.90/living unit
Commercial	\$36.50/billing unit

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

**PASSED** by the City Council of the City of Gig Harbor, Washington, and approved by its mayor at a regular meeting of the council held on this 28th day of December, 1987.

  
Don McCarty, Mayor

ATTEST:

  
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Michael R. Wilson  
City Administrator/Clerk

Filed with city clerk: 12/3/87  
Passed by city council: 12/28/87  
Date published: 1/6/88  
Date effective: 1/11/88

**AN ORDINANCE RELATING TO THE 1987 CITY BUDGET: ADOPTING A BUDGET EMERGENCY FOR GENERAL GOVERNMENT FUND (#001) AND STORM DRAINAGE FUND (#411).**

**WHEREAS**, insufficient funds were appropriated to cover expenses to conduct business in certain department of the General Government fund (#001), and

**WHEREAS**, the cost of the construction of the Craig Lane storm drainage line and outfall who in excess of the funds appropriated in the 1987 Storm Drainage fund (#411).

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

Section 1.

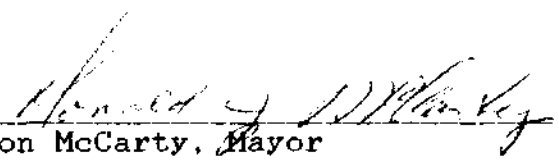
- a) The General Government Fund, Administrative/Finance (#001-04) shall be increased by \$5,500 to cover the purchase of a personal computer, municipal code revision costs and supplies.
- b) The General Government Fund, Parks (#001-15) shall be increased by \$6,900 to cover more staff time expended in the Parks operation than anticipated to perform the Parks improvements planned in 1987.
- c) The General Government Fund, Hearing Examiner (#001-13) shall be increased by \$600 to cover the additional hearing examiner services needed for the year.
- d) The General Government Fund, Non-departmental (#001-01) shall be increased by \$20,000 to provide funding for a transfer to the Storm Sewer Operating fund to cover the additional expense of constructing the Craig Lane storm drainage line and outfall.
- e) The General Government Fund, Building (#001-16) shall be increased by \$1,100 to cover adjustments to public utility service billings at the beginning of 1987 and expense and weatherizing city hall.
- f) The Storm Drainage Fund (#411) shall be increased by \$20,000 to cover the additional cost of constructing the Craig Lane storm drainage line and outfall.

An appropriation totaling \$54,100 is hereby made as provided in Exhibit "A".

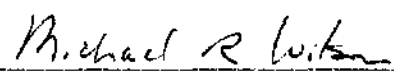
Section 2. This emergency ordinance shall be in full force and take effect five (5) days after its publication,

according to law.

**PASSED** by the City Council of the City of Gig Harbor, Washington, and approved by its mayor at a regular meeting of the council held on this 28th day of December, 1987.

  
Don McCarty, Mayor

ATTEST:

  
Michael R. Wilson  
City Administrator/Clerk

Filed with city clerk: 12/4/87  
Passed by city council: 12/28/87  
Date published: 12/30/87  
Date effective: 1/4/88

0008.160.002  
RPB:prd  
12/11/87  
R:02/03/88

ORDINANCE NO. 529

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, REPEALING TITLE 9 OF THE GIG HARBOR MUNICIPAL CODE GOVERNING CRIMINAL OFFENSES; ADOPTING A NEW TITLE 9 WHICH GOVERNS CRIMINAL OFFENSES AND ESTABLISHES PENALTIES; AND SETTING AN EFFECTIVE DATE.

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WHEREAS, the Gig Harbor City Council finds that certain sections contained in Title 9 of the Gig Harbor Municipal Code governing crimes are outdated and contain omissions, and

WHEREAS, the City Council finds that the following regulations are in the best interest of the health, safety and general welfare of the citizens of the City of Gig Harbor, now, therefore

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

Section 1. Title 9 of the Gig Harbor Municipal Code is hereby repealed.

Section 2. There is hereby added to the Gig Harbor Municipal Code, a new Title 9, entitled Public Peace, Morals and Welfare, a copy of which is attached and incorporated herein by reference.

Section 3. The provisions of this ordinance do not apply to or govern the construction of and punishment for any offense committed prior to the effective date of this ordinance, or to the construction and application of any defense to a prosecution for such an offense. Such an offense must be construed and

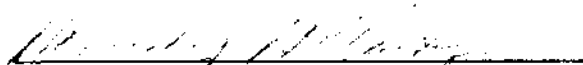
punished according to the provisions of law existing at the time of the commission thereof in the same manner as if this title had not been enacted.

Section 4. Incident to the adoption by reference of certain state laws under Titles 7, 9, 9A, 10, 26, 66, 69 and 70 of the Revised Code of Washington, one copy of the text of the statutes adopted by reference in this ordinance shall be filed as required by RCW 35A.12.140 for use and examination by the public.


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

APPROVED:

  
MAYOR, DONALD McCARTY

ATTEST/AUTHENTICATED:

  
CITY CLERK-ADMINISTRATOR  
MICHAEL R. WILSON



APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

BY \_\_\_\_\_

FILED WITH THE CITY CLERK:  
PASSED BY THE CITY COUNCIL: 2/22/88  
PUBLISHED: 3/16/88  
EFFECTIVE DATE: 3/21/88  
ORDINANCE NO. 529

RPB005120

0008.160.002  
12/11/87  
RPB:prd  
R:02/03/88

SUMMARY OF ORDINANCE NO. 529

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, REPEALING TITLE 9 OF THE GIG HARBOR MUNICIPAL CODE GOVERNING CRIMINAL OFFENSES; ADOPTING A NEW TITLE 9 WHICH GOVERNS CRIMINAL OFFENSES AND ESTABLISHES PENALTIES; AND SETTING AN EFFECTIVE DATE.

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On Feb. 22, 1988, the City Council of the City of Gig Harbor passed Ordinance No. 529, which provides as follows:

Section 1. Repeals Title 9 of the Gig Harbor Municipal Code.

Section 2. Adopts a new Title 9, entitled "Public Peace, Morals and Welfare", governing crimes related to alcoholic beverages, animals, children and minors, civil emergencies, persons, controlled substances, paraphernalia, toxic fumes, false alarms, fire, firearms and dangerous weapons, frauds, persons, property, public morals, public officers and public peace, as well as miscellaneous crimes and general provisions governing defenses and anticipatory crimes. The following penalty section is adopted under Section 9.01.060:

9.01.060 Penalty.

A. Any person convicted of a gross misdemeanor shall be punished by a fine not to exceed five thousand dollars or by imprisonment in jail for a term not to exceed one year, or by both such fine and imprisonment.

B. Unless otherwise provided, any person convicted of violating the provisions of this title shall be guilty of a misdemeanor and shall be punished by a fine not to exceed one thousand dollars or by imprisonment in jail for a term not to exceed ninety days, or by both such fine and imprisonment.

Section 3. Provides that this ordinance governs only those offenses committed after the effective date of this ordinance.


Section 4. Requires the City Clerk to maintain one copy of the state statutes adopted by reference.

Section 5. Contains a severability clause.

Section 6. Sets an effect date of five days from the date of publication of the ordinance summary.

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

APPROVED by the City Council at their meeting of Feb. 22, 1988.

  
\_\_\_\_\_  
CITY CLERK-ADMINISTRATOR  
MICHAEL R. WILSON

RPB005560

0008.160.002  
RPB:prd  
12/11/87  
R:02/03/88  
R:02/11/88

Title 9

PUBLIC PEACE, MORALS AND WELFARE

Chapters:

<u>9.01</u>	<u>Preliminary Article</u>
<u>9.04</u>	<u>Alcoholic Beverages</u>
<u>9.06</u>	<u>Animals, Crimes Relating to</u>
<u>9.08</u>	<u>Anticipatory Offenses</u>
<u>9.10</u>	<u>Children and Minors, Crimes Relating to</u>
<u>9.12</u>	<u>Civil Emergency</u>
<u>9.14</u>	<u>Controlled Substances, Paraphernalia, Poisons and Toxic Fumes</u>
<u>9.16</u>	<u>False Alarms</u>
<u>9.18</u>	<u>Fire, Crimes Relating to</u>
<u>9.20</u>	<u>Firearms and Dangerous Weapons</u>
<u>9.22</u>	<u>Frauds, Swindles and False Representations</u>
<u>9.24</u>	<u>Parks</u>
<u>9.26</u>	<u>Persons, Crimes Relating to</u>
<u>9.28</u>	<u>Property, Crimes Relating to</u>
<u>9.30</u>	<u>Public Morals, Crimes Relating to</u>
<u>9.32</u>	<u>Public Officers, Crimes Relating to</u>
<u>9.34</u>	<u>Public Peace, Crimes Relating to</u>
<u>9.36</u>	<u>Miscellaneous Crimes</u>

Chapter 9.01

PRELIMINARY ARTICLE

Sections:

9.01.010	Title, effective date, applicability.
9.01.020	General provisions.
9.01.030	Principles of liability.
9.01.040	Defenses.
9.01.050	Contempt.
9.01.060	Penalty.
9.01.070	Construction.
9.01.080	Severability.
9.01.090	Amendments and additions.

9.01.010 Title, effective date, applicability. (A) This title shall be known and may be cited as the Gig Harbor Municipal Criminal Code and shall become effective on March 21, 1988.

(B) The provisions of this title shall apply to any offense committed on or after the effective date, which is defined in this title unless otherwise expressly provided or unless the context otherwise requires, and shall also apply to any defense

to prosecution for such an offense.

(C) The provisions of this title do not apply to or govern the construction of and punishment for any offense committed prior to the effective date, or to the construction and application of any defense to a prosecution for such an offense. Such an offense must be construed and punished according to the provisions of law existing at the time of the commission thereof in the same manner as if this title had not been enacted.

9.01.020 General provisions. The following state statutes, including all future amendments, are adopted by reference:

RCW 9.01.055 Citizen immunity if aiding officer.  
RCW 9.01.110 Omission, when not punishable.  
RCW 9.01.130 Sending letter, when complete.  
RCW 9A.04.020 Purposes--Principles of construction.  
RCW 9A.04.040 Classes of crime.  
RCW 9A.04.050 People capable of committing crimes--  
Capability of children.  
RCW 9A.04.060 Common law to supplement statutes.  
RCW 9A.04.070 Who amenable to criminal statutes.  
RCW 9A.04.090 Application of general provisions of the  
code.  
RCW 9A.04.100 Proof beyond a reasonable doubt.  
RCW 9A.04.110 Definitions.

9.01.030 Principles of liability. The following state statutes, including all future amendments, are adopted by reference:

RCW 9A.08.010 General requirements of culpability.  
RCW 9A.08.020 Liability of conduct of another--  
Complicity.  
RCW 9A.08.030 Criminal liability of corporations and  
persons acting under a duty to act in  
their behalf.

9.01.040 Defenses. The following state statutes, including all future amendments, are adopted by reference:

RCW 9A.12.010 Insanity.  
RCW 9A.16.010 Definition.  
RCW 9A.16.020 Use of force--When lawful.  
RCW 9A.16.060 Duress.  
RCW 9A.16.070 Entrapment.  
RCW 9A.16.080 Action for being detained on mercantile  
establishment of premises for investigation--  
"Reasonable grounds" as defense.  
RCW 9A.16.090 Intoxication.

9.01.050 Contempt. The following state statutes including all future amendments, are hereby adopted by reference:

RCW 7.20.010	Contempt of court defined.
RCW 7.20.020	Punishment--General.
RCW 7.20.030	Contempt in presence of court--Summary punishment.
RCW 7.20.040	Procedure in other cases.
RCW 7.20.050	Production of defendant if in custody.
RCW 7.20.060	How prosecuted.
RCW 7.20.070	Return of warrant--Examination of defendant.
RCW 7.20.090	Judgment and sentence.
RCW 7.20.100	Indemnity to injured party.

9.01.060 Penalty.

A. Any person convicted of a gross misdemeanor shall be punished by a fine not to exceed five thousand dollars or by imprisonment in jail for a term not to exceed one year, or by both such fine and imprisonment.

B. Unless otherwise provided, any person convicted of violating the provisions of this title shall be guilty of a misdemeanor and shall be punished by a fine not to exceed one thousand dollars or by imprisonment in jail for a term not to exceed ninety days, or by both such fine and imprisonment.

9.01.070 Construction. In adopting the states statutes by reference, only those crimes and offenses within the jurisdiction of a municipality are intended to be adopted and in those sections adopted which deal with both misdemeanors and felonies, only the language applicable to misdemeanors is to be applied.

9.01.080 Severability. If any section, sentence, clause or phrase of this title 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 title.

9.01.090 Amendments and additions. This chapter is adopted in accordance with the provisions of RCW 35A.12.140, and all amendments and additions to the Revised Code of Washington sections hereinafter enumerated, when printed and filed with the city clerk, shall be considered and accepted as amendments and additions to this chapter.

Chapter 9.04

ALCOHOLIC BEVERAGES

Sections:

9.04.010	Alcoholic beverage control--Enforcement.
9.04.020	Furnishing liquor to minors--Possession--Use.
9.04.030	Opening or consuming liquor in public place.

9.04.010 Alcoholic beverage control--Enforcement. The following state statutes, including all future amendments, are adopted by reference and wherever the word "title" or words "this title" are used therein the same shall be constructed to mean and refer to RCW Title 66 and "this act" shall mean and refer to the Washington State Liquor Act:

- RCW 66.04.010 Definitions.
- RCW 66.20.200 Unlawful acts relating to card of identification and certification card.
- RCW 66.20.210 Licensee's immunity to prosecution or suit--Certification card as evidence of good faith.
- RCW 66.28.080 Permit for music and dancing upon licensed premises.
- RCW 66.28.090 Licensed premises open to inspection--Failure to allow.
- RCW 66.44.010 Local officers to enforce law--Authority of board--liquor enforcement officers.
- RCW 66.44.040 Sufficiency of description of offenses in complaints, informations, process, etc.
- RCW 66.44.050 Description of offense in words of statutes--Proof required.
- RCW 66.44.060 Proof of unlawful sale establishes prima facie intent.
- RCW 66.44.070 Certified analysis is prima facie evidence of alcoholic content.
- RCW 66.44.080 Service of process on corporation.
- RCW 66.44.090 Acting without license.
- RCW 66.44.120 Unlawful use of seal.
- RCW 66.44.130 Sale of liquor by drink or bottle.
- RCW 66.44.140 Unlawful sale, transportation of spirituous liquor without stamp or seal--Unlawful operation, possession of still or mash.
- RCW 66.44.150 Buying liquor illegally.
- RCW 66.44.160 Illegal possession, transportation of alcoholic beverages.
- RCW 66.44.170 Illegal possession of liquor with intent to sell--Prima facie evidence, what is.
- RCW 66.44.175 Violations of law.
- RCW 66.44.180 General penalties--Jurisdiction for violation.
- RCW 66.44.200 Sales to persons apparently under the influence of liquor.
- RCW 66.44.210 Obtaining liquor for ineligible person.
- RCW 66.44.240 Drinking in public conveyance--Penalty against carrier.
- RCW 66.44.250 Same--Penalty against individual.
- RCW 66.44.280 Minor applying for permit.
- RCW 66.44.290 Minor purchasing liquor.
- RCW 66.44.291 Penalty for minor purchasing or attempting to purchase liquor.
- RCW 66.44.300 Treating minor, etc., in public place where liquor sold.

- RCW 66.44.310 Minors frequenting tavern--Misrepresentation of age--Classification of licenses.
- RCW 66.44.316 Musicians eighteen years and older permitted to enter and remain upon licensed premises during employment.
- RCW 66.44.320 Sales of liquor to minors a violation.
- RCW 66.44.325 Unlawful transfer to a minor of an identification card.
- RCW 66.44.328 Unlawful to transfer to a minor of a forged, altered, etc. identification card.
- RCW 66.44.340 Employees eighteen years and over allowed to sell and carry beer and wine for class E and/or F employees.
- RCW 66.44.370 Resisting or opposing officers in enforcement of title.

9.04.020 Furnishing liquor to minors--Possession--Use.

A. It is unlawful for any person under the age of twenty-one years to be or remain in any public place after having consumed liquor.

B. It is unlawful for anyone under the age of twenty-one years to acquire or have in his possession or consume any liquor.

C. It is unlawful for anyone to sell, give or otherwise supply liquor to any person under the age of twenty-one years, or permit any person under that age to consume liquor on his premises or on any premises under his control.

D. This section shall not apply when liquor is given or permitted to be given to a person under the age of twenty-one years by his parent or guardian and consumed in the presence of the parent or guardian. This subsection shall not authorize consumption or possession of liquor by a person under the age of 21 years on any premises licensed under Chapter 66.24 RCW.

E. This section does not apply to liquor given for medicinal purposes to a person under the age of 21 years by a parent, guardian, physician or dentist.

F. This section does not apply to liquor given to a person under the age of 21 years when such liquor is being used in connection with religious services and the amount consumed is the minimal amount necessary for the religious service.

G. Violation of this section is a misdemeanor.

9.04.030 Opening or consuming liquor or possessing an open container of liquor in public place. Except as permitted by RCW Title 66, no person shall open a package containing liquor or possess an open container of liquor, or consume liquor in a public place. Violation of this section is a misdemeanor.

Chapter 9.06

ANIMALS, CRIMES RELATING TO

Sections:

- 9.06.010 Animals--Conduct prohibited.



9.06.020 Cruelty to animals.

9.06.010 Animals--Conduct prohibited. The following state statutes, including all future amendments, are adopted by reference:

RCW 9.08.010 Allowing vicious animal at large.  
RCW 9.08.020 Diseased animals.  
RCW 9.08.030 False certificate of registration of animals--False representation as to breed.  
RCW 9.08.070 Dogs--Taking, concealing, injuring, killing, etc.--Penalty.

9.06.020 Cruelty to animals. A. A person is guilty of cruelty to animals if he:

1. Subjects any animal to cruel mistreatment;
2. Subjects any animal in his custody to cruel neglect;

or

3. Kills or injures any animal belonging to another without legal privilege or consent of the owner.

B. This section shall not be construed to prohibit accepted veterinary practices by veterinarians.

C. Cruelty to animals is a misdemeanor.

#### Chapter 9.08

#### ANTICIPATORY OFFENSES

##### Section:

9.08.010 Anticipatory offenses prohibited.

9.08.010 Anticipatory offenses prohibited. The following state statutes, including all future amendments, are adopted by reference:

RCW 9A.28.020(1), (2), (3)(e) Criminal attempt.  
RCW 9A.28.030 Criminal solicitation.  
RCW 9A.28.040(1), (2), (3)(e) Criminal conspiracy.

#### Chapter 9.10

#### CHILDREN AND MINORS, CRIMES RELATING TO

##### Sections:

9.10.010 Conduct prohibited.  
9.10.020 Contributing to the delinquency of a minor.

9.10.010 Conduct prohibited. The following state statutes, including all future amendments, are adopted by reference:

RCW 9.91.060 Leaving children unattended in parked automobile.  
RCW 9.68A.090 Communicating with a minor for immoral

purposes.

9.10.020 Contributing to the delinquency of a minor.

In all cases when any child is dependent or delinquent as defined in RCW 13.34.030, any person who, by act or omission, encourages, causes, or contributes to the dependency or delinquency of such child, shall be guilty of a misdemeanor.

Chapter 9.12

Civil Emergency

Sections:

9.12.010	Proclamation of civil emergency.
9.12.020	Action which may be taken.
9.12.030	Delivery to news media.
9.12.040	Violation.,

9.12.010 Proclamation of civil emergency. Whenever a civil emergency, or the imminent threat thereof, occurs in the city and results in, or threatens to result in the death or injury of persons or the destruction of or damage to property to such extent as to require, in the judgment of the mayor, extraordinary measures to protect the public peace, safety and welfare, the mayor shall forthwith proclaim in writing the existence of a civil emergency. In the absence of the mayor, such a civil emergency may be declared by the mayor pro tem, and in the absence of the mayor pro tem, by the city administrator. For purposes of this chapter a civil emergency shall mean:

A. A riot, insurrection, enemy attack, sabotage or other hostile action; or

B. A natural or human caused disaster, including fire, flood, storm, explosion, earthquake, volcanic disturbance or other natural cause.

9.12.020 Action which may be taken. Upon the proclamation of a civil emergency by the mayor, and during the existence of such civil emergency, the mayor may take and proclaim any or all of the following orders:

A. An order imposing a general curfew applicable to the city as a whole, or to such geographical area or areas of the city and during such hours as he deems necessary, and from time to time to modify the hours such curfew will be in effect and the area or areas to which it will apply;

B. An order requiring any or all business establishments to close and remain closed until further order;

C. An order requiring the closure of any or all bars, taverns, liquor stores and other business establishments where

alcoholic beverages are sold or otherwise dispensed; provided, that with respect to those business establishments which are not primarily devoted to the sale of alcoholic beverages and in which such alcoholic beverages may be removed or made secure from possible seizure by the public, the portions thereof utilized for the sale of items other than alcoholic beverages may, in the discretion of the mayor, be allowed to remain open;

D. An order requiring the discontinuance of the sale, distribution or giving away of firearms and/or ammunition for firearms in any or all parts of the city;

E. An order requiring the discontinuance of the sale, distribution or giving away of gasoline or other liquid flammable or combustible products in any container other than a gasoline tank properly affixed to a motor vehicle;

F. An order requiring the closure of any or all business establishments where firearms and/or ammunition for firearms are sold or otherwise dispensed; provided, that with respect to those business establishments which are not primarily devoted to the sale of firearms and/or ammunition and in which such firearms and/or ammunition may be removed or made secure from possible seizure by the public, the portions thereof utilized for sale of items other than firearms and ammunition may, in the discretion of the mayor, be allowed to remain open;

G. An order closing to the public any or all public places, including streets, alleys, public ways, schools, parks, beaches, amusement areas and public buildings;

H. An order prohibiting the carrying or possession of firearms or any instrument which is capable of producing bodily harm and which is carried or possessed with the intent to use the same to cause such harm; provided, that any such order shall not apply to peace officers or military personnel engaged in the performance of their official duties;

I. Such other orders as are imminently necessary for the protection of life and property. Provided, however, that any such orders shall be presented to the city council for ratification and confirmation within 7 calendar days from the date of the order, and if not so ratified and confirmed, such orders shall be void.

9.12.030 Delivery to news media. The mayor shall cause any proclamation issued pursuant to the authority of this chapter to be delivered to all news media within the city and shall utilize such other available means, including public address systems, as shall be necessary, in his judgment, to give notice of such proclamations to the public.

9.12.040 Violation. It shall be a misdemeanor to fail or refuse to obey any order proclaimed by the mayor, mayor pro tem

or city administrator pursuant to the provisions of this chapter.

Chapter 9.14

CONTROLLED SUBSTANCES, PARAPHERNALIA, POISONS AND  
TOXIC FUMES

Sections:

9.14.010 State statutes adopted by reference.  
9.14.020 Possession prohibited.  
9.14.030 Inhaling toxic fumes.  
9.14.040 Poisons.  
9.14.050 Laying out of poisons.

9.14.010 State statutes adopted by reference. The following state statutes, including all future amendments, are adopted by reference:

RCW 69.50.101 Definitions.  
RCW 69.50.102 Drug paraphernalia--Definitions.  
RCW 69.50.204(d)(13) Schedule I--Marijuana.  
RCW 69.50.309 Containers.  
RCW 69.50.401(e) Prohibited Acts: A--Penalties.  
RCW 69.50.412 Prohibited Acts: E--Penalties.  
RCW 69.50.505 Seizure and forfeiture  
RCW 69.50.506 Burden of proof.  
RCW 69.50.509 Search and seizure of controlled substances.

9.14.020 Possession prohibited. No person shall possess any drug paraphernalia as defined in RCW 69.50.102 with the intent to use or employ the same for manufacturing and/or consuming controlled substances. Possession of drug paraphernalia is a misdemeanor.

9.14.030 Inhaling toxic fumes. The following state statutes, including all future amendments, are adopted by reference:

RCW 9.47A.010 Definition.  
RCW 9.47A.020 Unlawful inhalation--Exception.  
RCW 9.47A.030 Possession of certain substances prohibited, when.  
RCW 9.47A.040 Sale of certain substance prohibited, when.

9.14.040 Poisons. The following state statutes, including all future amendments are hereby adopted by reference:

RCW 69.38.010 Poison defined.  
RCW 69.38.020 Exceptions.  
RCW 69.38.030 Poison register.  
RCW 69.38.040 Poison register -- Penalty for violations.  
RCW 69.38.050 False representations.

9.14.050 Laying out of poison. A. Any person who lays out or exposes any kind of poison, or leaves exposed any poisoned food or drink for persons, animal or fowl, or any substance or fluid wherein or whereon there is or shall be deposited or mingled any kind of poison or poisonous or deadly substance or fluid, on the premises of another, or in any unenclosed place, or in any place which the person knows is frequented by other persons, animals or fowls, is guilty of a misdemeanor.

B. Nothing in this section shall be construed as preventing any person from poisoning rodents or any other nonvaluable, or nonprotected animals or birds, so long as no danger to other persons, or valuable or protected animals, or birds is created.

### Chapter 9.16

#### FALSE ALARMS

#### Sections:

9.16.010	Purpose.
9.16.020	Definitions.
9.16.030	Emergency response card.
9.16.040	Fees--Corrective action--Disconnection.
9.16.050	Administrative decision--Notice.
9.16.060	Hearing from administrative decision--Finality.
9.16.070	Payment of fees required.
9.16.080	Automatic dialing device--Certain interconnections prohibited.
9.16.090	Automatic reset required.

9.16.010 Purpose. It is the intent of this chapter to reduce the number of false alarms occurring within the city and the resultant waste of city resources by providing for corrective administrative action, including imposition of fees, potential disconnection and/or criminal penalties.

9.16.020 Definitions. In this chapter, unless a different meaning plainly is required, the definitions contained in this section shall apply:

A. "Automatic dialing device" means a device which is interconnected and is programmed to select a predetermined telephone number and transmit by voice message or code signal an emergency message indicating a need for emergency response

B. "Police Chief" means the Gig Harbor Police Chief and includes his designee.

C. "False alarm" means the activation of a burglary and/or robbery alarm by other than a forced entry, attempted forced

entry, unlawful entry or actual robbery or attempted burglary or crime involving a foreseeable risk of grievous bodily harm is being committed or attempted on the premises.

D. "Interconnect" means to connect an alarm system, including an automatic dialing service, to a telephone line, either directly or through a mechanical device that utilizes a telephone , for the purpose of using the telephone line to transmit a message upon the activation of the alarm system.

E. "Owner" means the person having or maintaining a burglary and/or robbery alarm on premises owned and/or occupied by him.

F. "Person" means any natural person, partnership, joint stock company, unincorporated association or society or a corporation of any character whatsoever.

G. "Response" shall be deemed to have occurred when the police department begins to proceed towards the premises as a result of the activation of the alarm.

9.16.030 Emergency response card. It is unlawful to have or maintain on any premises a burglary and/or robbery alarm unless there is on file with the Gig Harbor police department an emergency response card containing the name(s) and current telephone number(s) of person(s) authorized to enter such premises and turn off any such alarm at all hours of the day and night.

9.16.040 Fees--Corrective action--Disconnection. For police response to any false alarms, the city may charge and collect from the owner fees as follows:

A. For a response to a premises at which no other false alarm has occurred within the preceding six-month period, referred to in this chapter as a "first response," no fee shall be charged. Upon a first response, the police chief shall give notice of conditions and requirements of this chapter to the owner.

B. For a second response to the premise within six months after a first response, the police chief may charge the owner a fee of twenty-five dollars. Owner shall, within five working days after notice to do so, make a written report to the police chief ~~of~~ on prescribed forms setting forth:

1. The cause of such false alarm;
2. The corrective action taken;
3. Whether and when such alarm has been inspected by authorized service personnel; and
4. Such other information as the police chief may reasonably require to determine the cause of such false alarm, any mitigating circumstances and corrective action necessary.

The police chief may direct the owner to have authorized service personnel inspect the alarm at such premises and to take other corrective action as prescribed by the chief of police. All costs of inspection and corrective action shall be borne by the owner.

C. For the third response to a premises within six months after a second response, and for each succeeding response within six months of the most recent response, the police chief may charge the owner an administrative fee of fifty dollars. If such third false alarm or any succeeding false alarm occurs as a result of failure to take necessary corrective action prescribed under subsection B of this section, the police chief may order the owner to disconnect such alarm until the prescribed corrective action is provided to the Gig Harbor Police Department; provided, however, that no disconnection shall be ordered for any premises required by law or administrative regulation to have an alarm system in operation.

9.16.050 Administrative decision--Notice.

A. Notice of imposition of any administrative sanction, including the imposition of a fee and/or order of disconnection under the provisions of this chapter shall be sent by mail or delivered personally to the owner; provided, that with respect to business premises, mailing or personal delivery to the manager or chief administrative agency regularly assigned or employed at the premises at the time of the occurrence of a false alarm shall be deemed to be mailing or personal delivery to the owner.

B. The notice shall specify the sanctions imposed and shall advise the owner that unless he requests a hearing with the city administration as set forth in Section 9.16.060 by filing written request with the city administrator within fifteen days of the date of the notice, the sanctions will be imposed.

9.16.060 Hearing from administrative decision--Finality.

A. Any person subject to the imposition of a fee, order of disconnection or other administrative sanction under the terms of this chapter shall have a right to a hearing with the city upon filing a timely written request.

B. The request for a hearing must be made in writing and filed with the city administrator within fifteen days of the date of the notice of administrative decision required in Section 9.16.050. Upon receipt of a timely written request, the city administrator shall schedule a hearing date and inform the owner of the date, time and place of the hearing. The city administrator shall consider the record of past false alarms, any corrective action taken and any inspection reports on the cause of the false alarm. If the city administrator determines that the false alarms are not caused by the owner or his employees or agents and that reasonable steps have been taken to correct the problem, the fee or other sanction may be suspended, in whole or

in part. The city administrator shall keep a written report of the hearing, including a statement of reasons for whatever action is taken.

9.16.070 Payment of fees required. It is a misdemeanor for any person to fail or refuse to pay any fees imposed under this chapter. In addition to institution of any criminal proceeding, the city administrator may authorize the city attorney to collect the fees by appropriate legal action.

9.16.080 Automatic dialing device--Certain interconnections prohibited.

A. It is unlawful for any person to program an automatic dialing device to select any telephone line assigned to the city; and it is unlawful for any person to fail to disconnect or reprogram such device within twelve hours of receipt of written notice from the police chief to disconnect or reprogram the automatic dialing device.

B. By March 30, 1988, all existing automatic dialing services programmed to select a telephone line assigned to the city shall be reprogrammed or disconnected.

9.16.090 Automatic reset required. Within sixty days after the effective date of this section, all burglary and robbery alarms maintained on any premises in the city shall have an automatic reset device which will deactivate the alarm after ten minutes of continuous operation. Any owner failing to install such an automatic reset device as required in this section is guilty of a misdemeanor.

#### Chapter 9.18

#### FIRE, CRIMES RELATING TO

#### Section:

- 9.18.010 Reckless burning
- 9.18.020 False fire alarms and miscellaneous crimes.

9.18.010 Reckless burning. The following state statutes, including all future amendments, are adopted by reference:

- RCW 9A.48.010 Definitions
- RCW 9A.48.050 Reckless burning in the second degree
- RCW 9A.48.060 Reckless burning -- defenses.

9.18.020 False Fire and Miscellaneous Crimes. The following state statutes, including all future amendments, are adopted by reference:

- RCW 9.40.040 Operating engine or boiler without



RCW 9.40.100 spark arrester.  
Injuring or tampering with fire  
alarm apparatus or equipment--  
sounding false alarm or fire.

Chapter 9.20

FIREARMS AND DANGEROUS WEAPONS

Sections:

9.20.010 Firearms and dangerous weapons--Prohibitions.  
9.20.020 Unlawful use of air guns--Penalty.  
9.20.030 Discharge of firearms prohibited.  
9.20.040 Weapons prohibited on liquor sale premises.

9.20.010 Firearms and dangerous weapons--Prohibitions. The following state statutes, including all future amendments, are adopted by reference:

RCW 9.41.010 Terms defined.  
RCW 9.41.050 Carrying pistol.  
RCW 9.41.060 Exception.  
RCW 9.41.080 Delivery to minors and others  
forbidden.  
RCW 9.41.098 Forfeiture of firearms, order by  
courts--Return to owner--  
Confiscation by law enforcement  
officer.  
RCW 9.41.100 Dealers to be licensed.  
RCW 9.41.120 Certain transfers forbidden.  
RCW 9.41.130 False information forbidden.  
RCW 9.41.130 False information forbidden.  
RCW 9.14.140 Alteration of identifying marks  
prohibited.  
RCW 9.41.150 Exceptions.  
RCW 9.41.170 Alien's license to carry firearms--  
Exception.  
RCW 9.41.100 Dealers to be licensed.  
RCW 9.41.230 Aiming or discharging firearms.  
RCW 9.41.240 Use of firearms by minor.  
RCW 9.41.250 Dangerous weapons--Evidence.  
RCW 9.41.260 Dangerous Exhibitions.  
RCW 9.41.270 Weapons apparently capable of pro  
ducing bodily harm, carrying,  
exhibiting displaying or drawing  
unlawful--Penalty--Exceptions.  
RCW 9.41.280 Students carrying dangerous weapons  
on school property.

9.20.020 Unlawful use of air guns--Penalty. A. It is unlawful for any person to point or shoot an air gun at any person or property of another, or to aim or discharge such weapon

in the direction of the person or residence of another, while within such range as to cause of inflict injury to the person or damage the property of another.

B. As used in this section, "air gun" means and includes the following: air gun, air pistol, air rifle, BB gun and toy or other guns of any kind or nature when so designed, contrived, modified and used to propel, by compressed air or spring-loaded plunger, any pellet, dart, hard-tipped arrow, bean, pea, BB, rock or other hard substance a distance of more than twenty-five feet with sufficient force to break windows or inflict injury upon persons or animals.

C. Any person convicted of a violation of the provisions of this section is guilty of a misdemeanor and, in addition to any other punishment imposed by the court, the court shall direct that the weapon so used in violation of the provisions hereof be confiscated.

9.20.030 Discharge of Firearms prohibited. It is a misdemeanor for any person to discharge any firearm in the city except upon a rifle or pistol firing range which has been issued a business license by the city for such purpose, provided that this prohibition does not apply to the discharge of firearms by law enforcement officers engaged in the performance of their official powers or duties.

9.20.040 Weapons prohibited on liquor sale premises. A. It is a misdemeanor for anyone, on or in any premises in the city where alcoholic beverages are dispensed by the drink to:

1. Carry in any manner any firearm, rifle or handgun, whether said person has a license or permit to carry said firearm or not, and whether said firearm is concealed or not;

2. Carry any knife, sword, dagger or other cutting or stabbing instrument, with a blade of a length of three inches or more, or any razor with an unguarded blade, whether said weapon or instrument is concealed or not;

3. Carry any instrument or weapon of the kind usually known as a slingshot, taser, throwing star, bow, sand club, blackjack, metal knuckles, or any stick, chain, metal pipe, bar, club or combination thereof including a device known as num-chuk sticks, or any like device having the same or similar components or parts, whether or not connected by a rope, chain or other device, or any explosive or any poison or injurious gas, or any other instrument or weapon apparently capable of producing bodily harm, whether said instrument or weapon is concealed or not.

B. Exceptions. The provisions of subsection A of this section shall not apply to or affect the following:

1. Any lawful act committed by a person while in his fixed place of business;

2. Any person who by virtue of his office or public employment is vested by law with a duty to preserve public safety, maintain public order, or to make arrests for offenses, whether during regular duty hours or not; or

3. Any person making or assisting in making a lawful arrest for the commission of a felony.

C. Upon conviction, the weapon or instrument involved may be confiscated by order of the court and shall thereafter be disposed of in accordance with statutes or ordinances governing the disposal of confiscated or found property.

#### Chapter 9.22

#### FRAUDS, SWINDLES AND FALSE REPRESENTATIONS

##### Sections:

- 9.22.010 Frauds and swindles.
- 9.22.020 False representations.

9.22.010 Frauds and swindles. The following state statutes, including all future amendments, are adopted by reference:

RCW 9.04.010	False Advertising
RCW 9.45.060	Encumbered, leased or rented personal property
RCW 9.45.062	Failure to deliver leased personal property--Requisites for presentation--Construction.
RCW 9.45.070	Mock auctions.
RCW 9.45.080	Fraudulent removal of property.
RCW 9.45.090	Knowingly receiving fraudulent conveyance.
RCW 9.45.100	Fraud in assignment for benefit of creditors.
RCW 9.45.180	Fraud in operating coin-box telephone or other receptacle.
RCW 9.45.190	Penalty for manufacture or sale of slugs to be used for coin.
RCW 9.45.240	Fraud in obtaining telephone or telegraph service.
RCW 9.45.250	Fraud in obtaining cable television services.
RCW 9A.60.040	Criminal impersonation.
RCW 9A.60.050	False certification.

9.22.020 False representations. The following state statutes, including all future amendments, are adopted by reference:

RCW 9.38.010	False representation concerning credit.
RCW 9.38.020	False representation concerning title.

Chapter 9.24

PARKS

[Reserved]

Chapter 9.26

PERSONS, CRIMES RELATING TO

Sections:

- 9.26.010 Assault and other crimes involving physical harm.
- 9.26.020 Provoking Assault.
- 9.26.030 Menacing.
- 9.26.040 Harassment.
- 9.26.050 Domestic violence--State statutes adopted by reference.
- 9.26.060 Custodial interference.
- 9.26.070 Violation of civil anti-Harassment Order.

9.26.010 Assault and other crimes involving physical harm. The following state statutes, including all future amendments, are adopted by reference:

RCW 9A.36.040	Simple assault.
RCW 9A.36.050	Reckless endangerment.
RCW 9A.36.070	Coercion.
RCW 9.61.230	Telephone calls to harass, intimidate, torment or embarrass.
RCW 9.61.240	Same--Permitting telephone to be used.
RCW 9.61.250	Same--Offenses, where deemed committed.

9.26.020 Provoking Assault. A person is guilty of provoking assault if he or she repeatedly uses fighting words or obscene language or gestures, thereby creating a substantial risk of assault to any person. Provoking assault is a misdemeanor.

9.26.030 Menacing. A person is guilty of menacing when he knowingly causes or attempts to cause another person to believe that he or any member of his family will be the victim of serious physical injury or death. Menacing is a gross misdemeanor.

9.26.040 Harassment. The following state statutes, including all future amendments, are adopted by reference:

RCW 9A.46.020	Definition--Penalties.
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RCW 9A.46.030	Place where committed.
RCW 9A.46.040	Court-ordered requirements upon person charged with crime-- Violation.
RCW 9A.46.050	Arraignment--No-contact order.
RCW 9A.46.060	Crimes included in harassment.
RCW 9A.46.070	Enforcement of orders restricting contact.
RCW 9Aa.46.080	Order restricting contact-- Violation.
RCW 9A.46.090	Nonliability of peace officer.
RCW 9A.46.100	"Convicted," time when.

9.26.050 Domestic violence--State statutes adopted by reference. The following state statutes, including all future amendments, are adopted by reference:

RCW 10.99.020	Definitions.
RCW 10.99.030	Law enforcement officers--Training, powers, duties.
RCW 10.99.040	Restrictions upon and duties of court.
RCW.10.99.045	Appearances by defendant--Orders prohibiting contact.
RCW 10.99.050	Restriction or prohibition of contact with victim -- Procedures.
RCW 10.99.055	Enforcement of orders against defendants.
RCW 26.50.010	Definitions.
RCW 26.50.020	Commencement of action-- Jurisdiction--Venue.
RCW 26.50.030	Petition for an order for for protection--Availability of forms and instructional brochures-- filing fee--Bond not required.
RCW 26.50.040	Application for leave to proceed in forma pauperis.
RCW 26.50.050	Hearing--Service--Time.
RCW 26.50.060	Relief.
RCW 26.50.070	Ex parte temporary order for protection.
RCW 26.50.080	Issuance of order--Assistance of peace officer--Designation of appropriate law enforcement agency.
RCW 26.50.090	Order--Service.
RCW 26.50.100	Order--Transmittal to law enforcement agency--Record in law enforcement information system--Enforceability.
RCW 26.50.120	Violation of order--Prosecuting attorney or attorney for municipality may be requested to assist--Costs and attorney's fees.
RCW 26.50.130	Order--Modification--Transmittal.
RCW 26.50.140	Peace officers--Immunity.

RCW 26.50.200 Title of real estate--Effect.  
RCW 26.50.210 Proceedings additional.

9.26.060 Custodial interference. The following state statutes, including all future amendments are hereby adopted by reference:

RCW 9A.40.070 Custodial interference in the second degree.  
RCW 9A.40.080 Custodial interference--Assessment of costs--Defense--Consent defenses, restricted.

9.26.070 Violation of Civil Anti-Harrassment Orders. It is a gross misdemeanor to willfully disobey a temporary or permanent anti-harrassment order issued pursuant to RCW Chapter 10.14.

#### Chapter 9.28

#### PROPERTY, CRIMES RELATING TO

#### Sections:

9.28.010 Theft, unauthorized issuance of bankchecks and possession of stolen property.  
9.28.020 Malicious mischief and obscuring identity of machines.  
9.28.030 Trespass and related crimes.  
9.28.040 Nuisance.

9.28.010 Theft, unauthorized issuance of bankchecks and possession of stolen property. The following state statutes, including all future amendments, are adopted by reference:

RCW 9A.56.010 Definitions.  
RCW 9A.56.020 Theft--Definition, defense.  
RCW 9A.56.050 Theft in third degree.  
RCW 9A.56.060 (1)(2)(3)(5) Unlawful issuance of checks or drafts.  
RCW 9A.56.140 Possessing stolen property--Definition, credit cards, presumption.  
RCW 9A.56.170 Possessing stolen property in the third degree.  
RCW 9.54.130 Restoration of stolen property--Duty of officers.  
RCW 9A.56.220 Theft of cable television services.  
RCW 9A.56.230 Unlawful sale of cable television services.  
RCW 9A.56.240 Forfeiture and disposal of device used to commit violation.  
RCW 9A.56.260 Connection of channel converter.  
RCW 9A.56.270 Shopping cart theft.

9.28.020 Malicious mischief and obscuring identity of machines. The following state statutes, including all future amendments, are adopted by reference:

RCW 9A.48.090	Malicious mischief in the third degree.
RCW 9A.48.100(1)	Malicious mischief and physical damage defined.
RCW 9A.56.180	Obscuring identity of a machine.

9.28.030 Trespass and related crimes. The following statutes of the state, including all future amendments, are adopted by reference:

RCW 9A.52.010	Definitions.
RCW 9A.52.060	Making or having burglary tools.
RCW 9A.52.070	Criminal trespass in the first degree.
RCW 9A.52.080	Criminal trespass in the second degree.
RCW 9A.52.090	Criminal trespass--Defenses.
RCW 9A.52.100	Vehicle prowling.
RCW 9A.52.120	Computer trespass in the second degree.
RCW 9A.52.130	Computer trespass--Commission of other crime.

9.28.040 Nuisance. The following state statutes, including all future amendments, are adopted by reference:

RCW 9.66.010	Public Nuisance.
RCW 9.66.020	Unequal damage.
RCW 9.66.030	Maintaining or permitting nuisance.
RCW 9.66.040	Abatement of nuisance.
RCW 9.66.050	Deposit of wholesome substance.

#### Chapter 9.30

#### PUBLIC MORALS, CRIMES RELATING TO

#### Section:

9.30.010 Definitions.  
9.30.020 Unlawful public exposure.  
9.30.030 Location of performers providing certain forms of entertainment restricted.  
9.30.040 Unlawful public exposure--Exemptions.  
9.30.050 Prostitution.  
9.30.060 Prostitution--Sex of parties immaterial--No defense.  
9.30.070 Patronizing a prostitute.  
9.30.080 Facilitating offense.  
9.30.090 Sexual exploitation of children.

9.30.010 Definitions. As used in this chapter, the

following words and terms shall have the meaning set forth in this section:

A. "Expressive dance" means any dance which, when considered in the context of the entire performance, constitutes an expression of theme, story, or ideas, but excluding any dance such as, but not limited to, common barroom type topless dancing which, when considered in the context of the entire performance, is presented primarily as a means of displaying nudity as a sales device or for other commercial exploitation without substantial expression of theme, story or ideas, and the conduct appeals to the prurient interest, depicts sexual conduct in a patently offensive way and lacks serious literary, artistic, political or scientific value.

B. "Exposed" means the state of being revealed, exhibited or otherwise rendered to public view.

C. "Person" means and includes natural persons of either sex, firms, corporations and all associations of natural persons, whether acting by themselves or by an agent, servant or employee.

D. "Public exposure" means the act of revealing, exhibiting or otherwise rendering open to public view.

E. "Public place" means any place in which the general public has a right to be present, and any area open to public view, whether or not conditioned upon payment of a fee, and includes, but is not limited to, buildings open to the general public, whether or not access is restricted according to age, including those in which food and drink is served, or entertainment provided.

F. "Sexual contact" means any touching of the sexual or other intimate parts of a person done for the purpose of gratifying sexual desire of either party.

G. "Sexual intercourse":

1. Has its ordinary meaning and occurs upon any penetration, however slight; and

2. Also means any penetration of the vagina or anus, however slight, by an object, when committed on one person by another, whether such persons are of the same or opposite sex, except when such penetration is accomplished for medically recognized treatment or diagnostic purposes; and

3. Also means any act of sexual contact between persons involving the sex organs of one person and the mouth or anus of another whether such persons are of the same or opposite sex.

H. "Unlawful public exposure" means:

1. A public exposure of any portion of the human anus or genitals;

2. A public exposure of any portion of the female breast lower than the upper edge of the areola; or



3. A public exposure consisting of touching, caressing or fondling of the male or female genitals or female breasts, whether clothed or unclothed; or

4. A public exposure consisting of masturbation, or of urination or defecation in a place other than a restroom.

9.30.020 Unlawful public exposure. It is unlawful for any person to intentionally commit any act constituting unlawful public exposure of his person or the person of another. Unlawful public exposure is a misdemeanor, unless such person exposes himself/herself to a person under the age of 14 years, in which case the offense is a gross misdemeanor.

9.30.030 Location of performers providing certain forms of entertainment restricted. No entertainer shall appear in any public place while unclothed or with any portion of the buttocks, genitals, pubic region or female breasts exposed, except upon a stage or other surface raised at least eighteen inches above the level of the floor upon which the closest patrons are seated or standing, nor closer than six feet from the nearest patron. Any violation of this section is a misdemeanor.

9.30.040 Unlawful public exposure--Exemptions. The prohibition set forth in Section 9.30.020 shall not apply to any:

- A. "Expressive dance," as defined in Section 9.30.010;
- B. Play, opera, musical or other dramatic work;
- C. Class, seminar or lecture, conducted for a scientific or educational purpose; or
- D. Nudity within a locker room or other similar facility used for changing clothing in connection with athletic or exercise activities.

9.30.050 Prostitution. A. A person is guilty of prostitution if such person engages or agrees or offers to engage in sexual conduct with another person in return for a fee.

B. For purposes of this section, "sexual conduct" means "sexual intercourse" or "sexual contact" as defined in Section 9.28.010.

C. Prostitution is a misdemeanor.

9.30.060 Prostitution--Sex of parties immaterial--No defense. In any prosecution for prostitution, the sex of the two parties or prospective parties to the sexual conduct engaged in, contemplated, or solicited is immaterial and therefore no defense exists based upon the sex of the parties.

9.30.070 Patronizing a prostitute. A person is guilty of the misdemeanor of patronizing a prostitute if:

A. Pursuant to a prior understanding he or she pays a fee to another person as compensation for such person or a third person having engaged in sexual conduct with him; or

B. He or she pays or agrees to pay a fee to another person pursuant to an understanding that in return therefor such person will engage in sexual conduct with him; or

C. He or she solicits or requests another person to engage in sexual conduct with him in return for a fee.

9.30.080 Facilitating offense. It is a misdemeanor for the owner, lessee, manager, operator or other person in charge of any public place to knowingly permit, encourage or cause to be committed, whether by commission or omission, any offense prohibited by Sections 9.30.020 and 9.30.030 upon such premises.

9.30.090 Sexual Exploitation of Children and Minor Access to Erotic Materials. The following state statutes, including all future amendments, are hereby adopted by reference:

RCW 9.68A.011	Definitions.
RCW 9.68A.070	Possession of depictions of minor engaged in sexually explicit conduct.
RCW 9.68A.080	Processors of depictions of minor engaged in sexually explicit conduct.
RCW 9.68A.110(1)(2)(5)	Certain defenses barred, permitted.
RCW 9.68A.120	Seizure and forfeiture of property.
RCW 9.68A.130	Recovery of costs of suit by minor.
RCW 9.68A.140	Definitions.
RCW 9.68A.150	Allowing minor on premises of live erotic performance.
RCW 9.68A.160	Penalty.

#### Chapter 9.32

#### Public Officers, Crimes Relating to

##### Sections:

- 9.32.010 Obstructing public officers.
- 9.32.020 Obstructing justice, criminal assistance, introducing contraband and related offenses.
- 9.32.030 Escape.
- 9.32.040 Vehicles resembling city vehicles.
- 9.32.050 Interference with and abuse of police dogs prohibited.

9.32.010 Obstructing public officers. It is unlawful for any person to make any willfully untrue, misleading or exaggerated statement to, or to willfully hinder, delay or

obstruct any public officer in the discharge of his or her official powers or duties. Obstructing public officers is a misdemeanor.

9.32.020 Obstructing justice, criminal assistance, introducing contraband and related offenses. The following state statutes, including all future amendments, are adopted by reference:

RCW 9.69.100	Withholding knowledge of felony involving violence--Penalty.
RCW 9A.72.010	Definitions.
RCW 9A.72.040	False swearing.
RCW 9A.72.060	False swearing--Retraction.
RCW 9A.72.070	False swearing--Irregularities no defense.
RCW 9A.72.080	Statement of what one does not know to be true.
RCW 9A.72.140	Jury tampering.
RCW 9A.72.150	Tampering with physical evidence.
RCW 9A.76.010	Definitions.
RCW 9A.76.030	Refusing to summon aid for a peace officer.
RCW 9A.76.040	Resisting arrest.
RCW 9A.76.050	Rendering criminal assistance-- Definition of terms.
RCW 9A.76.060	Relative defined.
RCW 9A.76.090	Rendering criminal assistance in the third degree.
RCW 9A.76.100	Compounding.
RCW 9A.76.160	Introducing contraband in the third degree.
RCW 9A.76.170(1)(2)(d)	Bail jumping.
RCW 9A.84.040	False Reporting

9.32.030 Escape. The following state statutes, including all future amendments, are adopted by reference:

RCW 9.31.090	Escaped prisoner recaptured.
RCW 9A.76.130	Escape in the third degree.

9.32.040 Vehicles resembling city vehicles. No person shall operate a motor vehicle within the city which is painted and contains decals, numbers, name, or insignia so as to simulate a Gig Harbor police or fire department vehicle or any other city vehicle without prior authorization from the city administrator, police chief, fire chief or their designees. Violation of this section is a misdemeanor.

9.32.050 Interference with and abuse of police dogs prohibited. It is a misdemeanor for any person to wilfully or maliciously interfere with, obstruct, torture, beat, kick, strike, or in any way abuse or harass any dog used by any police officer in discharging or attempting to discharge any legal duty or power of his office, under circumstances not amounting to

"Harming a Police Dog," as defined in RCW 9A.76.200.

Chapter 9.34

PUBLIC PEACE, CRIMES RELATING TO

Sections:

- 9.34.010 Disorderly conduct.
- 9.34.020 Riot, failure to disperse and obstruction.
- 9.34.030 Privacy, violating right of.
- 9.34.040 Libel and slander.
- 9.34.050 Malicious prosecutions--Abuse of process.

9.34.010 Disorderly conduct.

- A. A person is guilty of disorderly conduct if he:
  - 1. Uses abusive language and thereby intentionally creates a risk of assault; or
  - 2. Intentionally disrupts any lawful assembly or meeting of persons without authority; or
  - 3. Intentionally obstructs vehicular or pedestrian traffic without lawful authority; or
  - 4. Intentionally and without lawful authority makes noise which unreasonably disturbs others; or
  - 5. Intentionally engages in any conduct which tends to or does disturb the public peace, provoke disorder, or endanger the safety of others.
- B. Disorderly conduct is a misdemeanor.

9.34.020 Riot, failure to disperse and obstruction. The following state statutes, including all future amendments, are adopted by reference:

- |                        |  |
|------------------------|--|
| RCW 9A.84.010(1)(2)(b) | Riot.  |
| RCW 9A.84.020          | Failure to disperse.   |
| RCW 9.27.015           | Interference, obstruction of any court, building or residence--violations. |

9.34.030 Privacy, violating right of. The following state statutes, including all future amendments, are adopted by reference:

- |              |   |
|--------------|---|
| RCW 9.73.010 | Divulging telegram.   |
| RCW 9.73.020 | Opening sealed letter.  |
| RCW 9.73.030 | Intercepting, recording or divulging private communication--Consent required--Exceptions. |
| RCW 9.73.070 | Same--persons and activities excepted.  |
| RCW 9.73.090 | Police and fire personnel exempted from RCW 9.73.030 - 9.73.080--Standards                |
| RCW 9.73.100 | Recordings available to defense counsel.  |

9.34.040 Libel and slander. The following state statutes of the state, including all future amendments, are adopted by reference:

RCW 9.58.010 Libel, what constitutes.  
RCW 9.58.020 How justified or excused--Malice, when presumed.  
RCW 9.58.030 Publication defined.  
RCW 9.58.040 Liability of editors and others.  
RCW 9.58.050 Report of proceedings privileged.  
RCW 9.58.070 Privileged communications.  
RCW 9.58.080 Furnishing libelous information.  
RCW 9.58.090 Threatening to publish libel.  
RCW 9.58.100 Slander of financial institution.  
RCW 9.58.120 Testimony necessary to convict.

9.34.050 Malicious prosecution--Abuse of process. The following state statutes, including all future amendments, are adopted by reference:

RCW 9.62.010 Malicious prosecution.  
RCW 9.62.020 Instituting suit in name of another.

#### Chapter 9.36

#### MISCELLANEOUS CRIMES

##### Sections:

9.36.010 Conduct prohibited.  
9.36.020 Littering and pollution.  
9.36.030 United States and state flags, crimes relating to.  
~~9.36.040 Laying out of poison.~~

9.36.010 Conduct prohibited. The following state statutes, including all future amendments, are adopted by reference:

RCW 9.91.010 Denial of civil rights--Terms defined.  
RCW 9.91.020 Operating railroad, steamboat, vehicle, etc., while intoxicated.  
RCW 9.91.025 Unlawful bus conduct.  
RCW 9.91.110 Meal buyers--Records of purchases--Penalty.  
RCW 9.03.010 Abandoning, discarding, refrigeration equipment.  
RCW 9.03.020 Permitting unused equipment to remain on premises.  
RCW 9.03.030 Violation of RCW 9.03.010 or 9.03.020.  
RCW 9.03.040 Keeping or storing equipment for sale.

9.36.020 Littering and pollution. The following state statutes, including all future amendments, are adopted by reference:

RCW 70.93.060 Littering.

RCW 70.54.010 Polluting water supply.

9.36.030 United States and state flags, crimes relating to. The following state statutes, including all future amendments, are adopted by reference:

RCW 9.68.010 "Flag" etc., defined.  
RCW 9.68.020 Improper use of flag prohibited.  
RCW 9.68.030 Desecration of flag.  
RCW 9.68.040 Application of provisions.

ORDINANCE NO. 530

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF GIG HARBOR TO CHANGE THE ZONING DESIGNATION ON CERTAIN REAL PROPERTY COMMONLY KNOWN AS THE SCOTT HOUSE REZONE, FROM R-1 (SINGLE FAMILY RESIDENTIAL) TO RB-1 (RESIDENTIAL/BUSINESS); AUTHORIZING EXECUTION OF A CONCOMITANT ZONING AGREEMENT AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Hearing Examiner at a public hearing held January 20, 1988, considered the following amendment to the Official Zoning Map of the City and made his findings and recommendations which were forwarded to the City Council, and

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

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

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

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

Section 1. The Official Zoning Map of the City of Gig Harbor, as adopted by Section 17.12.020 of the Gig Harbor Municipal Code, is hereby amended by changing the zoning classification of certain property located at 9017 Peacock Hill Avenue, Gig Harbor, from R-1 (single family residential) to RB-1 (residential/business) subject to a concomitant zoning agreement with the following conditions:

- A. The use of the structure shall be limited to:
1. All permitted uses of the R-1 zoning district.
  2. A bed and breakfast establishment subject to approval of a Conditional Use Permit.

3. Professional, business and personal services. Personal services are construed in this instance to be beauty parlors, barber shops, and other uses which offer merchandise for sale only on a very limited basis and only as incidental activity to complement the primary business purpose, which is to provide personal services.
- B. The use of the property shall be limited to:
1. All activities be conducted within the existing building.
  2. The existing house be repaired to meet existing city codes. Repairs shall occur prior to the commencement of any commercial activity.
  3. Signs for any business shall be constructed of materials which compliment the historic values of the site. Painted or engraved wood are highly desirable.
  4. Business activities are restricted between the hours of 8:00 a.m. and 8:00 p.m.
  5. Any future use of the rest of the property is restricted to residential in strict conformance with development standards and regulations existing at the time of development.

The legal description of the property rezoned is as follows:

Lots 9 to 15 inclusive in Block 16 of PLAT OF THE TOWN OF ARTENA, PIERCE COUNTY, WASHINGTON, as per map thereof recorded in Book 5 of Plats at Page 68, records of Pierce County Auditor.

TOGETHER with the Westerly 6 feet of Front Street attached thereto and abutting thereon as vacated December 12, 1912 by order of the Pierce County Commissioners.

EXCEPT that portion of Lot 15 and that portion of vacated Front Street abutting thereon, conveyed to the Town of Gig Harbor for street by deed recorded under Auditor's Fee No. 1554653.

Situated in the City of Gig Harbor, County of Pierce, State of Washington.

Section 2. The written findings of the Hearing Examiner on this subject dated February 3, 1988 and March 16,



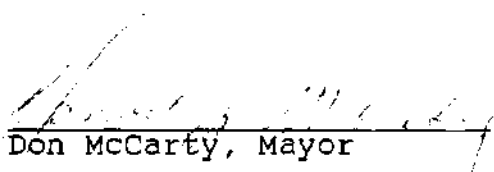
1988, with attachments, are hereby adopted by the City Council as the basis for the zoning map change effectuated by this ordinance.

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

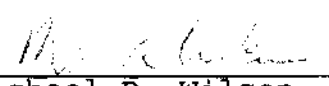
Section 4. The Mayor is hereby authorized to execute and the City Clerk to attest to that certain document entitled "Concomitant Zoning Agreement for Scott House Rezone". The City Clerk is further directed to record said concomitant zoning agreement with the Pierce County Auditor as a covenant running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

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

PASSED by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the council held on this 11th day of April, 1988.

  
Don McCarty, Mayor

ATTEST:

  
Michael R. Wilson  
City Administrator/Clerk

Filed with city clerk: 3/18/88  
Passed by city council: 4/11/88  
Date published: 4/20/88  
Date effective: 4/25/88

ORDINANCE NO. 531

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, AMENDING ORDINANCE # 515 WHICH CREATED UTILITY LOCAL IMPROVEMENT DISTRICT NO. 2 OF THE CITY AND ESTABLISHED THE BOUNDARIES THEREOF.

WHEREAS, the City Council of the City of Gig Harbor, Washington approved Ordinance #515 on August 10, 1987; and

WHEREAS, the ordinance created Utility Local Improvement District No. 2 and established boundaries of the ULID; and

WHEREAS, an error was discovered in the legal description of Exhibit "A" of Ordinance #515; and

WHEREAS, there is an incorrect reference to Exhibits "A" and "B" within Ordinance #515;


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

Section 1. Exhibit "A" attached to Ordinance #515 shall be replaced with the Exhibit "A" attached hereto which contains the following changes: Line 8 of Section A, "Southeast" is changed to "Southwest" and "20" is changed to "17"; and Line 4 of Section B, "20" is changed to "17".


Section 2. Exhibit "A" referenced in Section 1 of Ordinance #515 shall be changed to Exhibit "B", and Exhibit "B" of Section 3 of Ordinance #515 shall change to Exhibit "A".

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

PASSED by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the council held on this 11th day of April, 1988.

  
Don McCarty, Mayor

ATTEST:

  
Michael R. Wilson  
City Administrator/Clerk

Filed with city clerk: 3/25/88  
Passed by city council: 4/11/88  
Date published: 4/27/88  
Date effective: 5/2/88

"EXHIBIT A"

February 24, 1988  
Job #11496

LEGAL DESCRIPTION:

AN EASEMENT, IN SECTIONS 17 AND 20, TOWNSHIP 21 NORTH, RANGE 2 EAST, W.M., IN PIERCE COUNTY, WASHINGTON, OF ADEQUATE WIDTH, FOR THE DESIGN, CONSTRUCTION, USE, AND MAINTENANCE OF A SANITARY SEWER PIPE INCLUDING PUMP STATIONS NEAR TO, OVER, UNDER, AND ACROSS THE FOLLOWING DESCRIBED LINES AND PARCELS:

A. THIS EASEMENT SHALL BE EAST OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 4 OF A LARGE LOT SUBDIVISION AS RECORDED UNDER AUDITORS FILE NO. 8507190134, RECORDS OF PIERCE COUNTY, WASHINGTON, SAID POINT BEING ON THE WEST LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 20; THENCE NORTH, ALONG SAID WEST LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER AND ALONG THE WEST LINE OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 17, TO A POINT ON THE CENTERLINE OF 56TH STREET N.W. AND THE TERMINUS OF THE DESCRIBED LINE.

B. THIS EASEMENT SHALL BE ON THE NORTH, EAST AND SOUTH SIDES OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT THE INTERSECTION OF THE WEST LINE OF THE EAST HALF OF THE WEST HALF OF SAID SECTION 17 AND THE CENTERLINE OF 56TH STREET N.W.; THENCE EAST, ALONG THE CENTERLINE OF 56TH STREET N.W., APPROXIMATELY 800 FEET, TO A LOCATION FOR A SANITARY SEWER MANHOLE AND THE TERMINUS OF THIS DESCRIBED LINE.

C. THE NORTH 60 FEET OF PIERCE COUNTY'S TAX ASSESSOR'S ACCOUNT NO. 022117-03-048 AND THE NORTH 60 FEET OF PIERCE COUNTY'S TAX ASSESSOR'S ACCOUNT NO. 022117-3-049.

D. THIS EASEMENT SHALL BE NORTH OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 17; THENCE EAST, ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, APPROXIMATELY 670 FEET, TO THE CENTERLINE OF RANDLE WAY AND THE TERMINUS OF THE DESCRIBED LINE.

E. THIS EASEMENT SHALL BE NORTH, EAST, AND WEST OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT THE INTERSECTION OF THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 17 AND THE CENTERLINE OF RANDLE WAY; THENCE NORTH, ALONG SAID CENTERLINE OF RANDLE WAY, APPROXIMATELY 1000 FEET, TO A LOCATION FOR A SANITARY SEWER MANHOLE AND THE TERMINUS OF THIS DESCRIBED LINE.

- F. THIS EASEMENT SHALL BE ON THE NORTHERLY SIDE OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 4 OF A LARGE LOT SUBDIVISION AS RECORDED UNDER AUDITORS FILE NO. 8507190134, RECORDS OF PIERCE COUNTY, WASHINGTON; THENCE EASTERLY, ALONG THE SOUTHERLY LINES OF SAID LOT 4 AND LOTS 5, 6 AND 7 OF SAID LARGE LOT SUBDIVISION AND THE EASTERLY PROLONGATION OF SAID SOUTHERLY LINE OF LOT 7, APPROXIMATELY 1340 FEET, TO THE CENTERLINE OF 30TH AVENUE N.W., ALSO KNOWN AS THE POINT FOSDICK - GIG HARBOR ROAD, AND THE TERMINUS OF THIS DESCRIBED LINE.

- G. THIS EASEMENT SHALL BE NORTHERLY, EASTERLY AND WESTERLY, AND NORTHERLY OF THE FOLLOWING DESCRIBED LINE, SAID LINE TO BE LOCATED MORE PRECISELY AT A FUTURE DATE BASED UPON SOUND ENGINEERING DESIGN:

BEGINNING AT THE INTERSECTION OF THE CENTERLINE OF 30TH AVENUE N.W., ALSO KNOWN AS POINT FOSDICK - GIG HARBOR ROAD, AND THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 20; THENCE EAST ALONG SAID SOUTH LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER, APPROXIMATELY 430 FEET, TO A SANITARY SEWER MANHOLE LOCATION; THENCE NORTHEASTERLY ON A DEFLECTION ANGLE TO THE LEFT OF 38 DEGREES, APPROXIMATELY 540 FEET, TO A SANITARY SEWER MANHOLE LOCATION; THENCE NORTHEASTERLY, ON A DEFLECTION ANGLE TO THE LEFT OF 24 DEGREES, APPROXIMATELY 250 FEET, TO A SANITARY SEWER LOCATION; THENCE NORTHERLY, ON A DEFLECTION ANGLE TO THE LEFT OF 28 DEGREES, APPROXIMATELY 770 FEET, TO THE SOUTH LINE OF SAID SECTION 17; THENCE WEST, ALONG SAID SOUTH LINE OF SECTION 17, APPROXIMATELY 460 FEET, TO A SANITARY SEWER LOCATION AND THE TERMINUS OF THIS DESCRIBED LINE.

- H. THIS EASEMENT SHALL BE EASTERLY AND WESTERLY OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT THE INTERSECTION OF THE SOUTH LINE OF THE NORTH HALF OF THE NORTH HALF OF SAID SECTION 20 AND THE CENTERLINE OF 30TH AVENUE N.W., ALSO KNOWN AS POINT FOSDICK - GIG HARBOR ROAD; THENCE NORTH ALONG SAID CENTERLINE OF ROAD, THROUGH SAID SECTIONS 20 AND 17, APPROXIMATELY 4000 FEET, TO THE WESTERLY MARGIN OF SR-16; THENCE NORTHWESTERLY, ALONG SAID WESTERLY MARGIN OF SR-16, APPROXIMATELY 400 FEET, TO A POINT WHERE SAID EASEMENT SHALL CROSS SR-16 AND THE TACOMA - LAKE CUSHMAN POWER LINE EASEMENT, SAID POINT TO BE LOCATED MORE PRECISELY AT A FUTURE DATE BASED UPON SOUND ENGINEERING DESIGN; THENCE NORTHEASTERLY, ACROSS SAID SR-16 AND SAID TACOMA - LAKE CUSHMAN POWER LINE EASEMENT, APPROXIMATELY 350 FEET, TO THE CENTERLINE OF SOUNDVIEW DRIVE; THENCE NORTHERLY, ALONG SAID CENTERLINE OF SOUNDVIEW DRIVE, APPROXIMATELY 650 FEET, TO AN EXISTING GRAVITY FEED SANITARY SEWER MANHOLE AND THE TERMINUS OF THIS DESCRIBED LINE.

I. THIS EASEMENT SHALL BE NORTHERLY AND SOUTHERLY OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT THE INTERSECTION OF 30TH AVENUE N.W., ALSO KNOWN AS THE POINT FOSDICK - GIG HARBOR ROAD, AND OLYMPIC DRIVE N.W.; THENCE WESTERLY, ALONG THE CENTERLINE OF SAID OLYMPIC DRIVE N.W., APPROXIMATELY 500 FEET, TO A SANITARY SEWER LOCATION AND THE TERMINUS OF THIS DESCRIBED LINE.

ORDINANCE NO. 532

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO AND REGULATING THE CONSTRUCTION, INSTALLATION, AND MAINTENANCE OF SIGNS: REPEALING CHAPTER 17.80 OF THE GIG HARBOR MUNICIPAL CODE, SIGN REGULATIONS FOR THE TOWN OF GIG HARBOR; AND PROVIDING NEW SIGN REGULATIONS AND ESTABLISHING ADMINISTRATIVE AND ENFORCEMENT PROVISIONS.

WHEREAS, the existing sign code is antiquated and does not effectively and equitably regulate the usage of signs in the city; and,

WHEREAS, the city council recognizes a need to adopt a new sign code which specifically provides standards of sign usage throughout the business and residential districts of the city that are equitable, understandable and can be effectively administered,

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

Section 1. Chapter 17.80 of the Gig Harbor Municipal Code is hereby repealed.

Section 2. A new section 17.80.010 of the Gig Harbor Municipal Code is hereby enacted to read as follows:

17.80.010 Purpose and Scope.

Purpose:

It is the purpose of this ordinance to promote a quality visual environment by establishing reasonable standards for the size, placement, height and maintenance of outdoor signs, graphics and advertising. It is further intended to encourage quality design and material composition which create an attractive community and business climate. Special emphasis should be placed on achieving harmony with building design, settings and the character of the surrounding areas.

This ordinance shall not regulate traffic and directional signs installed by a governmental entity; signs not readable from nor intended to be viewed from a public right-of-way; merchandise displays; point-of-purchase advertising displays, such as product dispensers; national flags; flags of a political subdivision; symbolic flags of an

institution; legal notices required by law; barber poles; historic site plaques; gravestones; structures intended for a separate use, such as phone booths, Goodwill containers and recycling containers; or lettering or symbols painted directly onto or flush-mounted magnetically onto a motor vehicle operating in the normal course of business.

Section 3. A new section 17.80.020 of the Gig Harbor Municipal Code is hereby enacted to read as follows:

17.08.020 Definitions. The following definitions shall apply for the purpose of this code:

1. ABANDONED SIGN. A sign that no longer correctly identifies, exhorts or advertises any person, business, lessor, owner, product or activity conducted or available on the premises where such sign is located.
2. ADVERTISING COPY. Any letters, figures, symbols, logos or trademarks which identify or promote the sign user or any product or service; or which provides information about the sign user, the building or the products or services available.
3. BUILDING. A roofed and walled structure built for permanent use.
4. BULLETIN BOARD. A board or small sign on which notices, community events or hours of operation are posted.
5. CHANGE. A change to a sign consists of relocating the sign, or replacing 50% or more of the structural material in the sign area. Normal maintenance and a change of name are not changes which require a permit.
6. CODE ADMINISTRATOR. The code administrator shall be the city's planning director, who shall be authorized to enforce all of the provisions of the sign code.
7. DISTRICTS, SIGN OVERLAY.

Area 1 - Those properties situated 300 feet back from the beginning and ending of the Olympic Drive freeway interchange, including those properties located within the Olympic Village and interchange area.

Area 2 - The Westside business district outside the defined interchange area, the commercial zones on Pioneer Way and Kimball Drive, the commercial zones on the westside of Soundview Drive outside the Olympic Village interchange, and the commercial area at the Burnham Drive/Harborview Drive interchange.

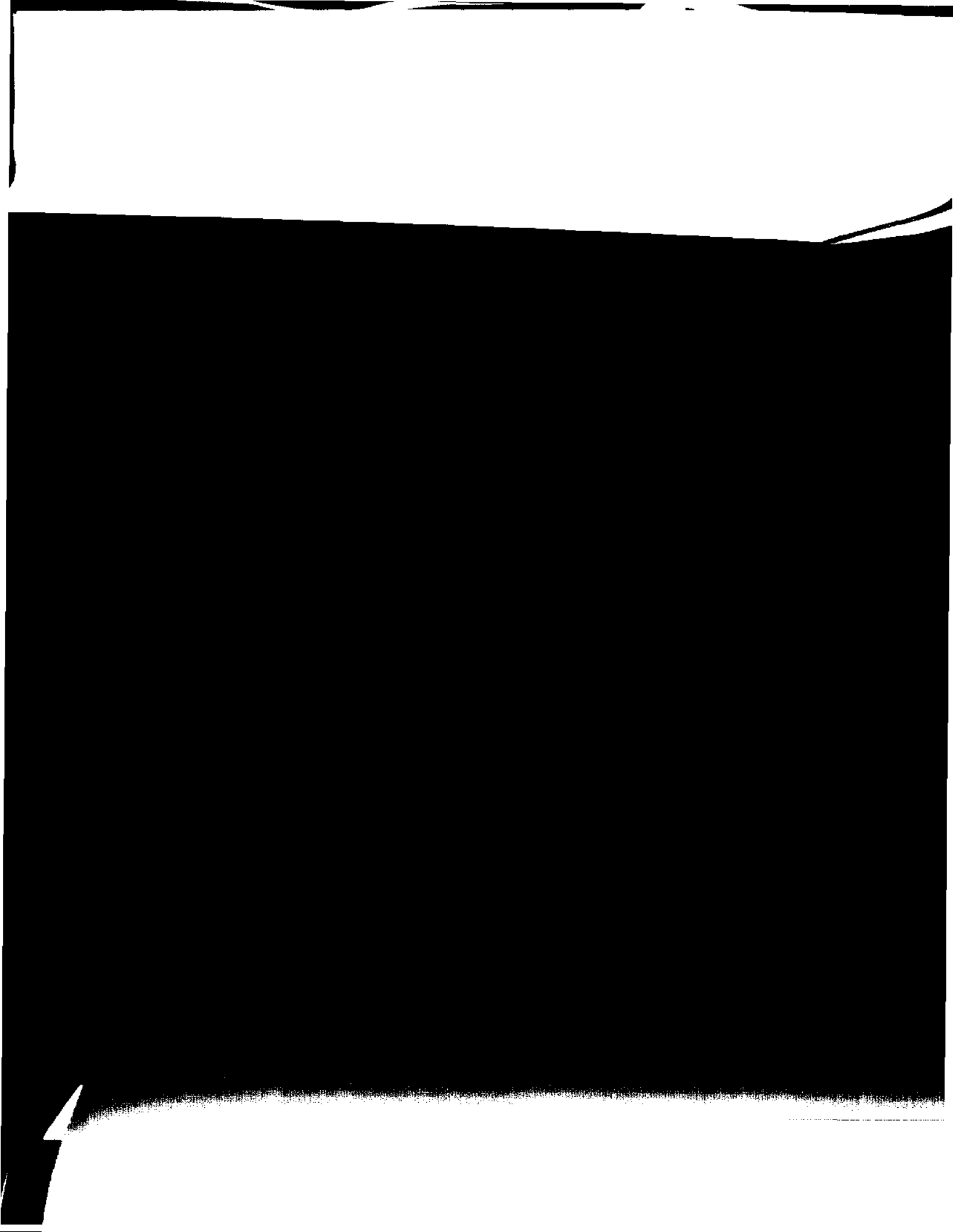
Area 3 - The RB-1 zoning district along Soundview Drive, and all other commercial districts and residential areas.

8. DOUBLE-FACED SIGN. A sign that has advertising copy on opposite sides of a single display surface or sign structure.
9. ELECTRICAL SIGN. A sign or sign structure in which electrical wiring, connections and/or fixtures are used as part of the sign proper.
10. FACADE. The entire building front or street wall face of a building extending from the grade of the building to the top of the parapet or eaves and the entire width of the building elevation.
11. FLASHING SIGN. A sign or a portion thereof which changes light intensity or switches on and off in a constraint pattern or contains motion or the optical illusion of motion by use of electrical energy. Changing message centers shall not be considered flashing signs.
12. FREESTANDING SIGN. A sign attached to the ground by a sign structure and supported by uprights placed on or in the ground.
13. FREEWAY INTERCHANGE AREA. The freeway interchange of State Route 16 (SR 16) shall be the area between where the present or designed future on and off ramps to the highway are situated measured between the intersection of the fog line of the exit and on-ramps that are near SR 16. This designation applies to those properties situated 300 feet back from the freeway interchange.
14. GAS STATION PRICE SIGN. A sign advertising the price of motor fuel and contains no other business advertising.



15. GRADE. The elevation as measured at the relative ground level in the immediate vicinity of the sign.
16. GROUND SIGN. A sign of limited height (maximum of 12 feet) constructed and affixed on a foundation upon or in the ground.
17. INCIDENTAL SIGN. A small non-electric information sign four (4) square feet or less in area which pertains to goods, products, services or facilities which are available on the premises where the sign occurs and is intended primarily for the convenience of the public while on the premises.
18. INSTITUTIONAL SIGN. A sign to identify educational, civic and religious institutions.
19. LANDSCAPING. The planned use of trees, shrubs and other living plant materials used in conjunction with a sign and other decorative features.
20. LOT IDENTIFICATION SIGN. A sign to identify the occupants of the premises.
21. MANSARD ROOF. A sloped roof or roof-like facade architecturally able to be treated as a building wall.
22. MARQUEE. A permanent structure attached to, supported by and projecting from a building and providing protection from the weather elements, but does not include a projecting roof. For purposes of this ordinance, a freestanding permanent roof-like structure providing protection from the elements, such as a service station gas pump island, will also be considered a marquee. This also includes canopies.
23. NEIGHBORHOOD IDENTIFICATION SIGN. A sign to identify a particular residential area or development four acres or greater in size.
24. NEON SIGN. A symbol, logo, or message comprised of illuminated neon tubing used to attract attention for advertising purposes. Neon signs shall not flash, oscillate or revolve.

25. OFF-PREMISE DIRECTIONAL SIGN. A permanently installed sign which provides directional information to a business or service located in the Gig Harbor area, but not located on the same property as the sign in question.
26. ON-PREMISE DIRECTIONAL SIGN. A permanent sign that directs the public to a specific place such as an entrance, exit, or parking or service area, or a particular aspect of a business establishment.
27. OFF-PREMISE SIGN. A sign relating, through its message and content to a business activity, use, product or service not available on the premises on which the sign is erected.
28. ON-PREMISE SIGN. A sign which carries only advertisements and messages strictly applicable to a lawful use of the premises on which it is located.
29. PORTABLE SIGN. A sign made of any material, which by its design is readily movable and is not permanently affixed to the ground, structures or buildings.
30. PROJECTING SIGN. A sign which is attached to and projects more than one foot from a structure, building face or marquee.
31. READERBOARD. A sign face consisting of tracks to hold readily changeable letters allowing frequent changes of copy.
32. REVOLVING SIGN. A sign which rotates or turns in a circular pattern.
33. ROOF SIGN. A sign supported by and erected on and above a roof or parapet of a building or structure (shall not include a sign erected on the face of a mansard roof).
34. SANDWICH BOARD/SIDEWALK SIGN. Such sign shall have a maximum height of three (3) feet and width of two (2) feet located in front of the business.
35. SIGN. Any visual communication device, structure, or fixture which is visible from any right-of-way and is intended to aid the establishment in question in promoting the sale



of products, goods, services, events or to identify a building, using graphics, letters, figures, symbols, trademarks or written copy. Painted wall designs or patterns which do not represent a product, service or registered trademark, or which do not identify the user, shall not be considered signs. If a design or pattern is combined with a sign, only that part of the design or pattern which cannot be distinguished from the sign will be considered as part of the sign.

36. SIGN AREA. The entire area of a sign on which copy is to be placed. Sign structure, architectural embellishments, framework and decorative features which contain no written or advertising copy shall not be included. Sign area shall be calculated by measuring the area of the smallest rectangle that can be drawn around all parts of the sign from the viewpoint exposing the largest sign surface area, excluding simple support structures. Sign supporting structures which are part of the sign display shall be included in the area rectangle.
37. TEMPORARY CONSTRUCTION SIGN. A sign jointly erected and maintained on premises undergoing construction, by an architect, contractor, subcontractor and/or materialman, upon which property such person is furnishing labor or material.
38. TEMPORARY SIGN. Any sign or advertising display constructed of cloth, canvas, light fabric, paper, cardboard or other light materials, with or without frames, intended to be displayed for a limited time only and not permanently attached to a building or site.
39. WALL SIGN. A sign attached or erected parallel to and extending not more than one foot from the facade or face of any building to which it is attached and supported throughout its entire length, with the exposed face of the sign parallel to the plane of said wall or facade. Signs incorporated into mansard roofs, marquees or canopies shall be treated as a wall sign.
40. WALL GRAPHICS. A wall graphic is a wall sign of which color and form are part of an overall design on the building.

Section 4. A new section 17.80.030 of the Gig Harbor Municipal Code is hereby enacted to read as follows:

17.80.030 Permits Required. The following regulations shall apply to all signs.

A special sign overlay district is hereby adopted and portrayed on Map 1. The standards of this chapter shall be applied as defined in the specific overlay areas.

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 ordinance. 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.

A. Permit Requirements:

- 1) Applications/Fees: Applications for sign shall be accompanied by:
  - a) Two (2) site plans showing the location of the affected lot, building(s) and sign(s), showing both existing signs
  - b) Two (2) 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:
    - 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 schedule:

<u>Type of Sign</u>	<u>Size</u>		
	<u>25-50 s.f.</u>	<u>51-99 s.f.</u>	<u>100 s.f./ more</u>
Wall sign, non-electric	\$35.00	\$45.00	\$55.00
Wall sign, elec.	40.00	50.00	60.00
Ground, non-electric	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 ordinance. Variances shall be processed by the code administrator. The hearing examiner may grant a variance from the provisions and/or the requirements of the ordinance 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 ordinance; and
  - c) The signage of the property in question cannot be adequately met under the literal interpretation and strict application of the ordinance; 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-premise commercial signs are prohibited by the city, unless a waiver is granted by the code administrator for an off-premise 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-premise 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 (2) such signs for each business shall be approved.
  - c) The total area of the sign shall not exceed 24 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.

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 wind 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 respects 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.
- 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.
- f) 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.
- g) 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.
- h) Portable signs shall not exceed twelve (12) square feet in sign area and no more than one such sign may be displayed per business. Portable signs must be located on the premise to which they relate, except real estate directional signs.
- i) 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- Ground signs shall not and 2 exceed twelve (12) feet in height.
  - Area 3 - Ground signs shall not exceed six (6) feet in height.
- d) Sign surface standards:
  - Areas 1- 50 square feet for a single and 2 side or 100 square feet total both sides.
  - Area 3 - 24 square feet for a single side or 48 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 freestanding 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 125% 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 (2) square feet of sign area to one lineal foot of building front; provided however, fifty (50) 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 (1.5) 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 of the building front and side wall then divide by two.
    - Area 3 - One (1) square foot of sign area for every lineal foot of wall upon which it is mounted or fifty (50) 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 Section 3a) shall apply.

- b) In addition to the area requirements of a) above, businesses are allowed one painted window sign identifying the business or proprietor and hours of business. The maximum area of these signs is six (6) 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:
    - Areas 1 and 2 - 32 square feet total both sides.
    - Area 3 - 18 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 (15) feet above vehicular ways.
  - c) Sign shall not project more than three (3) feet or 1/3 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 Sections 3a and 4a 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 the areas in which the center is located. Such sign(s) shall be permitted for shopping centers which contain no less than ten (10) 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 ordinance, 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 (4) tenants or any institutional use, and the copy shall include only the name of the office building or insitutional use. A directory or other exclusively informational listing of tenant's names may be attached, provided the area does not exceed twelve (12) 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 premise 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, within twelve (12) 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.
  - d) 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 (12) square feet.

9) Wall Graphics:

There are no area 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. A new section 17.80.040 of the Gig Harbor Municipal Code is hereby enacted to read as follows:

17.80.040 Temporary Signs. No permit is required for temporary signs. These signs are for promotional purposes and are not allowed to continually advertise goods, services or events on a site; permanent signs shall be used for that purpose.

- A) Business Opening Signs.  
Maximum duration shall be one month. Maximum area, per site, shall be twenty (20) square feet.
- B) Sale Signs.  
Maximum duration shall be one month.
- C) Quitting Business, Fire Sale, and Similar Signs.  
Maximum duration shall be not more than two months.
- D) Real Estate (On- and Off-Premise Signs.
  - 1) Residential "For Sale" and "Sold" Signs:  
Such signs shall be limited to one sign per street frontage not to exceed six (6) square feet in sign area per side, placed wholly on the property for sale, and not to exceed a height of six (6) feet.  
Off-premise signs shall not exceed six (6) square feet and are restricted to one per street.
  - 2) Residential Directional "Open House" Signs:  
Such signs shall be limited to one sign per street frontage on the premises for sale and three (3) off-premises signs. However, if a broker/agent has more than one house open for inspection in a single development or subdivision, he is limited to four (4) off-premises "open house" signs in the entire development or subdivision. Such signs are permitted only during daylight hours and when the broker/agent or seller or an agent is in attendance at the property for sale. No such sign shall exceed five (5) square feet in sign area per side. The sign may be placed along the periphery of a public right-of-way, provided it does not interfere with traffic safety, but it may not be attached to a utility pole or traffic safety device.

3) Undeveloped Commercial and Industrial Property "For Sale or Rent" Signs:

One sign per street frontage advertising undeveloped commercial property for sale or for rent is permitted while the building is actually for rent or sale. The sign shall not exceed thirty-two (32) square feet in sign area per side and six (6) feet in height.

4) Developed Commercial and Industrial Property "For Sale or Rent" Signs:

One sign per street frontage advertising a commercial or industrial building for rent or sale is permitted while the building is actually for rent or sale. If one face of the building is less than ten (10) feet from the building line, the sign shall be placed on the building or in a window. If freestanding, the sign shall not exceed six (6) feet in height; it shall be located more than fifteen (15) feet from any abutting property line and a public right-of-way line; and shall not exceed thirty-two (32) square feet in sign area per side. For rental space in multi-occupancy buildings, one sign, four (4) square feet in area, is allowed per window.

E. Construction Signs:

Sign copy shall be limited to information about a building under construction or being remodeled. Maximum duration shall be until construction is completed or one year, whichever is shorter. Maximum area shall be thirty-two (32) square feet.

F. Campaign/Political Signs:

Sign copy shall be limited to information about a candidate, political party or public issue involved in a current election campaign. Campaign/political signs are permissible on the edge of public rights-of-way (provided they are not hazardous to pedestrian or vehicular traffic) for a period not to exceed thirty (30) days prior to and/or five (5) days after the applicable election. It shall be the responsibility of the candidate to have his/her campaign/political signs removed within five (5) days after the election, or the city will remove such signs at the candidate's expense. Campaign/political signs may not otherwise be placed on public property and rights-of-way. Maximum sign area shall be twelve (12) square feet.

G. Seasonal Decoration Signs and Signs Advertising a Public Event:

Maximum duration shall be from one month before the event to five (5) days after the event. Signs shall be removed by the promoters of the event, or the city will remove such signs at the promoters expense.

Section 6. A new section 17.80.050 of the Gig Harbor Municipal Code is hereby enacted to read as follows:

17.80.050 Permits Not Required.

The following shall not require a permit, provided, however, these exemptions shall not be construed as relieving the owner from the responsibility to comply with the provisions of this ordinance or any other law or ordinance.

1. The changing of the advertising copy or message on a lawfully erected, painted or printed sign, readerboard or similar sign specifically designed for the use of replaceable copy.
2. Painting, repainting or cleaning of a lawfully erected sign or the changing of the advertising copy thereof and other normal maintenance unless a structural or electrical change is made.
3. Temporary decorations customary for special holidays erected entirely on private property.
4. On-premise directional signs not exceeding sixteen (16) square feet and distance from the ground level at the base of the sign to the top of the sign shall not exceed eight feet.
5. Incidental signs.
6. Political signs, per city ordinance.
7. One non-electric on-premise bulletin board not exceeding twelve (12) square feet in area for each charitable or religious organization.
8. One temporary construction sign per street frontage.
9. Institutional identification signs not exceeding eighteen (18) square feet on all faces. The top of the sign shall not be higher than six feet from the ground level.

10. One gas station price sign per station limited to maximum of thirty (30) square feet total area on all sides and maximum height from the ground of five feet.
11. One emblem of organization sign per city entrance and the total area of the sign on all of its faces shall not exceed twenty-four (24) square feet.
12. One lot identification sign with the total area not to exceed a) two square feet per residential dwelling unit, not to exceed a maximum of eighteen (18) square feet for multi-family projects, and b) eighteen square feet for nonresidential uses.
13. One neighborhood identification sign not exceeding a total of twelve (12) square feet on all its faces and the height from the base of the sign to the top shall not exceed six feet.
14. One temporary sign not exceeding thirty-two (32) square feet and displayed for thirty-one (31) days per calendar year.
15. One non-electric portable sign not exceeding four (4) square feet located on-premise.

Section 7. A new section 17.80.060 of the Gig Harbor Municipal Code is hereby enacted to read as follows:

17.80.060 Prohibited Signs. The following signs are prohibited:

1. Signs which by coloring, shape, wording or location resemble or conflict with traffic control signs or devices.
2. Signs which the director of public works determines to be a safety hazard for pedestrian or vehicular traffic. Such signs shall be removed if they already exist.
3. Flashing signs or lights.
4. Signs or parts of signs which revolve.
5. Portable signs exceeding six (6) square feet each side.



6. Signs attached to or placed on a vehicle or trailer parked on public or private property; provided however, this provision shall not be construed as prohibiting the identification of a firm or its products on a vehicle operating during the normal course of business. Franchised buses and taxis are exempt from this provision.
7. Off-premise signs, except real estate directional signs, political signs, public service civic event signs, garage sale signs.
8. Any sign affixed to or painted on trees, rocks or other natural features or utility poles.
9. Roof signs.
10. All portable readerboard signs, including portable readerboard signs except such signs used for theaters. Portable readerboard signs may be allowed for special events for a period not to exceed three days.

Section 8. A new section 17.80.070 of the Gig Harbor Municipal Code is hereby enacted to read as follows:

17.80.070 Administration and Enforcement. The code administrator shall be responsible for enforcing the provisions of this code.

- A. Removal of Signs. The Code Administrator may order the removal of any sign erected, installed or maintained in violation of this ordinance. He/she shall give written notice specifying the violation to the holder of the sign permit, or the owner of the property where the sign is erected, to correct said violation specifying the violation to the holder of the sign permit, or the owner of the property where the sign is erected, to correct said violation or remove the sign within thirty (30) days. In the event the violation is not corrected within thirty (30) days, a citation shall be issued to the owner of the sign or the owner of the property where the sign is located. If, in the opinion of the code administrator, the condition of the sign presents an immediate threat to the safety of the public, the enforcing officer may cause immediate removal of the sign at cost to the owner of the premises.

- B. Cumulative Civil Penalty. Any person found in violation of this ordinance shall incur a cumulative civil penalty in the amount of fifty dollars (\$50.00) per day from the date set for correction thereof until the violation is corrected. The civil penalty enforcement procedures, appeal and settlement process shall be followed pursuant to and consistent with those procedures set forth in Chapter 15.18 of the Gig Harbor Municipal Code.
- C. Nonconforming Signs. Nonconforming signs which are permanently installed and were legally installed prior to the adoption of this ordinance shall be allowed to continue in use as long as such signs are continuously maintained, are not relocated, are not structurally altered or made more nonconforming in any way. A nonconforming sign(s) shall be required to be brought into compliance upon: abandonment of the premises, destruction of the sign beyond 50% of its value, or change in the use of the property where the sign(s) is located. Conformance applies to sign height, size and location.

Section 9. A new section 17.80.080 of the Gig Harbor Municipal Code is hereby enacted to read as follows:

17.80.080 Liability. This ordinance shall not be construed to relieve from or lessen the responsibility of any person owning, building, altering, constructing, or removing any sign for damages to anyone injured or damaged either in person or property by any defect or action therein, nor shall the city, or any agent thereof, be held as assuming such liability by reason of permit or inspection authorized herein or a certificate of inspection issued by the city or any of its agents.

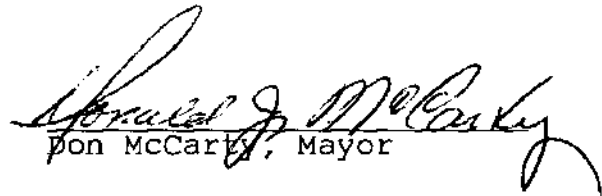
Section 10. A new section 17.80.090 of the Gig Harbor Municipal Code is hereby enacted to read as follows.

17.80.090 Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.


Section 11. The City Clerk is hereby directed to maintain not less than one (1) copy of this ordinance on file in the office of the City Clerk for use and examination by the public pursuant to RCW 35A.12.140.

Section 12. This ordinance shall be and is hereby declared to be in full force and effect five days after official publication of the attached summary which is hereby approved.

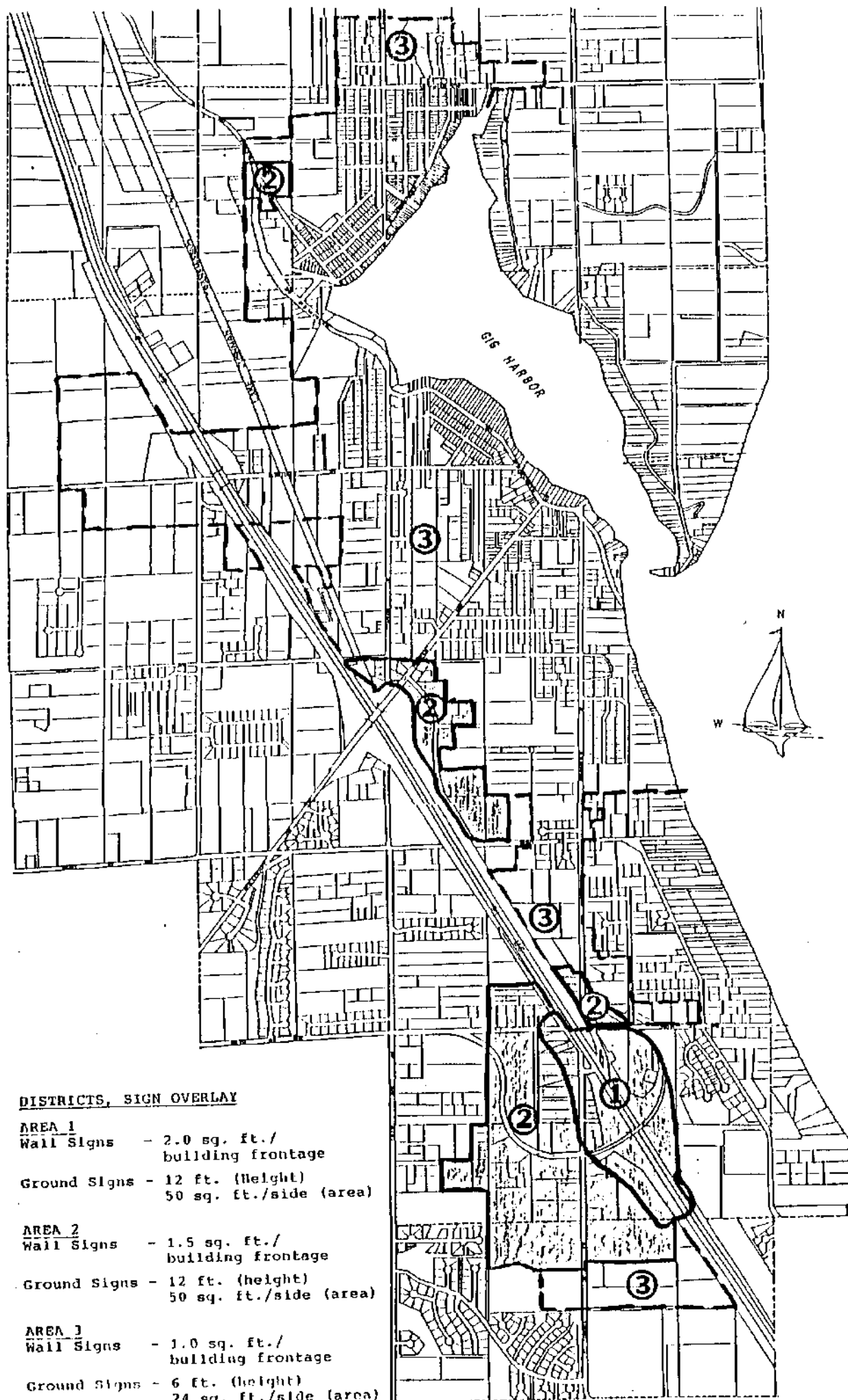
PASSED by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the council held on this 25th day of April, 1988.

  
Don McCarty, Mayor

ATTEST:

  
\_\_\_\_\_  
Michael R. Wilson  
City Administrator/Clerk

Filed with city clerk: 9/11/87  
Passed by city council: 4/25/88  
Date published: 5/4/88  
Date effective: 5/10/88



**DISTRICTS, SIGN OVERLAY**

**AREA 1**

- Wall Signs - 2.0 sq. ft./  
building frontage
- Ground Signs - 12 ft. (height)  
50 sq. ft./side (area)

**AREA 2**

- Wall Signs - 1.5 sq. ft./  
building frontage
- Ground Signs - 12 ft. (height)  
50 sq. ft./side (area)

**AREA 3**

- Wall Signs - 1.0 sq. ft./  
building frontage
- Ground Signs - 6 ft. (height)  
24 sq. ft./side (area)

ORDINANCE NO. 533

AN ORDINANCE RELATING TO THE 1988 CITY BUDGET: ADOPTING  
A BUDGET EMERGENCY FOR THE SEWER CAPITAL ASSET FUND (#410).

WHEREAS, there is a need for the Sewer Capital Asset Fund (#410) to borrow sufficient funds from other city funds to cover capital expenses incurred through the month of July, 1988, or until revenues have been collected from the DOE Referendum 39 grant and connection fees to reimburse such funds from which monies were borrowed,

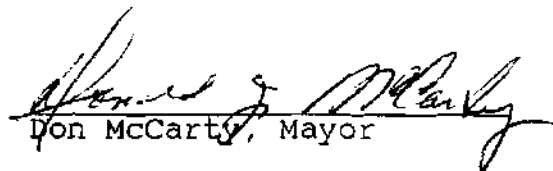
NOW, THEREFORE, the City Council of the City of Gig Harbor, Washington, DO ORDAIN as follows:

Section 1. The Sewer Capital Asset Fund (#410) shall be increased by \$200,000 to cover the expenses incurred through July, 1988, for construction work at the sewer treatment plant. The \$200,000 amount shall be borrowed from ULID No. 2 Construction Fund (#409).


An appropriation totaling \$400,000 is hereby made as provided in Exhibit "A".

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

PASSED by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the council held on this 25th day of April, 1988.

  
Don McCarty, Mayor

ATTEST:

  
Michael R. Wilson  
City Administrator/Clerk

Filed with city clerk: 4/4/88  
Passed by city council: 4/25/88  
Date published: 5/11/88  
Date effective: 5/16/88

EXHIBIT "A"  
BUDGET EMERGENCY

<u>Fund #410</u>	-	Sewer Capital Asset Fund	
<u>Decrease:</u>		Revenue/Resourse	
381.20		Interfund loan disbursement	\$200,000
<u>Increase:</u>		Expenditure/Use	
581.20		Interfund loan disbursement	\$200,000
<u>Fund #409</u>	-	ULID No. 2 Cosntruction Fund	
<u>Decrease:</u>		Expenditure/Use	
581.10		Interfund loan disbursement	\$200,000
<u>Increase:</u>		Revenue/Resourse	
381.20		Interfund loan receipt	\$200,000

CITY OF GIG HARBOR

ORDINANCE NO. 534

AN ORDINANCE RELATING TO THE 1988 CITY BUDGET: ADOPTING A BUDGET EMERGENCY FOR GENERAL GOVERNMENT FUND (#001).

WHEREAS, the city intends to complete the refurbishing of the City Park restroom facility and insufficient funds were appropriated to sufficiently complete the project in 1988, and;

WHEREAS, a need exists to maintain a permanent office clerk position and fully fund this position for the 1988 fiscal year;

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

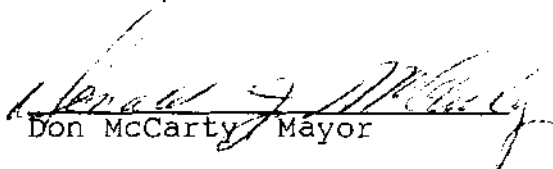
Section 1.

The General Government Fund, Administration/Financial department (Fund #001 04) shall be increased by \$7,500 and the Parks department (Fund #. 001 15) shall be increased by \$17,000.

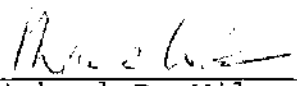
An appropriation totaling \$24,500 is hereby made as provided in Exhibit "A".

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

PASSED by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the council held on this 13th day of June, 1988.

  
Don McCarty Mayor

ATTEST:

  
\_\_\_\_\_  
Michael R. Wilson  
City Administrator/Clerk

Filed with city clerk: 5/20/88  
Passed by city council: 6/13/88  
Date published: 6/29/88  
Date effective: 7/4/88

EXHIBIT "A"  
BUDGET EMERGENCY

Fund #001 - General Government Fund

04 - Administration/Finance

Increase: Expenditure/Use

514	11	11	Salaries	\$2,000
		21	Benefits	500
23	11		Salaries	4,000
		21	Benefits	1,000
			Total	<u>\$7,500</u>

15 - Parks

Increase: Expenditures/Use

576	80	62	020	Park Restroom Imp.	17,000
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19 - Ending Fund Balance

Decrease: Expenditures/Use

508	00	00		Ending Fund Balance	24,500
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CITY OF GIG HARBOR

ORDINANCE NO. 535

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, ADDING A NEW CHAPTER 3.30 TO THE GIG HARBOR MUNICIPAL CODE TO AUTHORIZE THE DEPOSIT OF PROCEEDS FROM DRUG SEIZURES AND FORFEITURES INTO A SEPARATE FUND TO BE USED FOR DRUG ENFORCEMENT PURPOSES; CONTAINING A SEVERABILITY CLAUSE AND SETTING AN EFFECTIVE DATE.

WHEREAS, the Gig Harbor City Council recognizes that pursuant to the provisions of state and federal laws, the Gig Harbor Police Department seizes and forfeits assets and monies each year which are used in drug transactions, and

WHEREAS, the Gig Harbor City Council recognizes that when assets are seized and forfeited pursuant to RCW 69.50.505, the statute provides that after a deduction for expenses, 75% of the money forfeited and the proceeds from the sales of assets forfeited shall be deposited in the City's general fund and the remaining 25% shall be remitted to the state treasurer, and

WHEREAS, the Gig Harbor City Council recognize that RCW 69.50.505 also provides that all of the money and proceeds forfeited may be deposited in the City's general fund if the total amount of money and proceeds does not exceed \$5,000.00 and such funds are used exclusively for drug enforcement, and

WHEREAS, the City of Gig Harbor desires to use the proceeds from drug seizures and forfeitures for drug enforcement purposes and that such uses will cause an unnecessary amount of adjustments and transfers among City funds if the proceeds are deposited in the general fund, and

WHEREAS, the Gig Harbor City Council recognizes that it is difficult to budget such transfers from the general fund because it is not feasible to predict or estimate the quantity of assets and amounts of monies which will be seized and forfeited each year as a result of police narcotics investigations, and

WHEREAS, the Gig Harbor City Council believes that the creation of a separate fund for the proceeds of drug seizures and forfeitures would alleviate the unnecessary transfers created by depositing such monies directly into the general fund, and

WHEREAS, the Gig Harbor City Council also finds that the creation of a separate fund for law enforcement use is advisable under the U.S. Attorney General's Guidelines on Seized and Forfeited Property, dated May 24, 1985, to receive property forfeited by the federal government under the Comprehensive Crime Control Act of 1984 when the Gig Harbor Police Department has directly participated in the acts which led to the seizure or forfeiture,

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

Section 1. There is hereby added to the Gig Harbor City Code, a new chapter 3.30 entitled "Drug Enforcement Fund" to read as follows:

3.30.010 Fund Created. There is hereby created and established a special fund to be know as the "Drug Enforcement Fund" into which all monies and proceeds from the sale of property seized during drug investigations and forfeited pursuant to RCW 69.50.505 and all other applicable state and federal laws shall be deposited after amounts are deducted in accordance with state and federal laws.

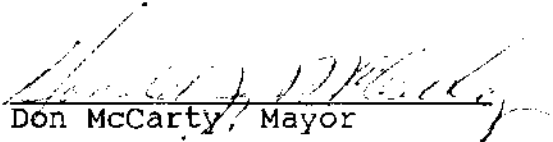
3.30.020 Purposes--Expenditures. This fund has been established for the purpose of accumulating funds for expansion or improvement of law enforcement services including drug enforcement needs, drug awareness educational purposes and the purchase, lease and maintenance of equipment and other items necessary for drug enforcement by the Gig Harbor Police Department. The monies deposited in the Drug Enforcement Fund shall be expended only for such purposes and for no other purpose when appropriated by the City Council and shall not supplant pre-existing funding sources.

3.30.030 Unexpended Funds. Any unexpended funds remaining in the Drug Enforcement Fund at the end of any budget year shall not be transferred to the general fund or otherwise lapse, rather such unexpended funds shall be carried forward from year to year until expended for the purposes set forth in Section 3.30.020.


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

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

PASSED by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the council held on this 27th day of June, 1988.

  
Don McCarty, Mayor

ATTEST:

  
\_\_\_\_\_  
Michael R. Wilson  
City Administrator/Clerk

Filed with city clerk: 6/9/88  
Passed by city council: 6/27/88  
Date published: 7/6/88  
Date effective: 7/11/88

SUMMARY OF ORDINANCE NO. 535

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, ADDING A NEW CHAPTER 3.30 TO THE GIG HARBOR MUNICIPAL CODE TO AUTHORIZE THE DEPOSIT OF PROCEEDS FROM DRUG SEIZURES AND FORFEITURES INTO A SEPARATE FUND TO BE USED FOR DRUG ENFORCEMENT PURPOSES; CONTAINING A SEVERABILITY CLAUSE AND SETTING AN EFFECTIVE DATE.

On June 27, 1988, the City Council of the City of Gig Harbor passed Ordinance No. 535, which provides as follows:

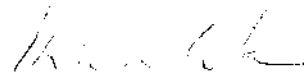
Section 1. Creates a Drug Enforcement Fund for the deposit of all monies and proceeds from the sale of assets seized and forfeited under state and federal laws and specifies that the monies in this fund shall be used for drug enforcement purposes.

Section 2. Contains a severability clause.

Section 3. Sets an effective date of 5 days from the date of publication of this approved summary.

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

APPROVED by the City Council at their meeting of June 27, 1988.



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Michael R. Wilson  
City Administrator/Clerk

0008.160.002  
RFB/tw  
05/17/88

ORDINANCE NO. 536

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, REPEALING THE ADOPTION BY REFERENCE OF THE STATE STATUTE PROHIBITING SIMPLE ASSAULT AND ADOPTING THE NEW STATE STATUTE, RCW 9A.36.041, PROHIBITING ASSAULT IN THE FOURTH DEGREE; CONTAINING A SEVERABILITY CLAUSE AND SETTING AN EFFECTIVE DATE.

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WHEREAS, the Washington State Legislature has repealed the prohibition against simple assault, effective July 1, 1988, and enacted assault in the fourth degree to replace the simple assault statute, and

WHEREAS, the Gig Harbor Municipal Code should be similarly amended to repeal the adoption by reference of simple assault and add the adoption by reference of assault in the fourth degree, and

WHEREAS, this ordinance is in the interests of the public health, safety and welfare, now, therefore,

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

Section 1. Section 9.26.010 of the Gig Harbor Municipal Code is hereby amended to read as follows:

9.26.010 Assault and other crimes involving physical harm. The following statutes, including all future amendments, are adopted by reference:

RCW 9A.36.041	Assault in the fourth degree.
RCW 9A.36.050	Reckless endangerment.
RCW 9A.36.070	Coercion.
RCW 9.61.230	Telephone calls to harass, intimidate, torment or embarrass.
RCW 9.61.240	Same--Permitting telephone to be

RCW 9.61.250                      used.  
   Same--Offenses, where                      deemed  
   committed.

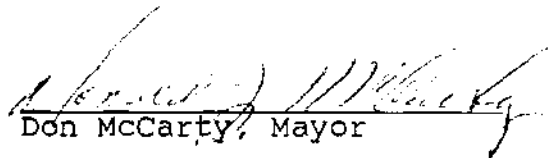
Section 2. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of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

Section 3. The provisions of this ordinance do not apply to or govern the construction of and punishment for any offense committed prior to the effective date of this ordinance, or to the construction and application of any defense to a prosecution for such an offense. Such an offense must be construed and punished according to the provisions of law existing at the time of the commission thereof in the same manner as if this ordinance had not been enacted.

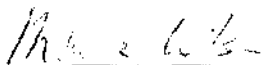
Section 4. The City Clerk is hereby directed to record an authenticated copy of the state statute adopted by reference in this ordinance and to maintain not less than one (1) copy of such statute on file in the office of the City Clerk for use and examination by the public pursuant to RCW 35A.12.140.

Section 5. This ordinance shall take effect five (5) days after passage and publication of the attached summary which is hereby approved.

PASSED by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the council held on this 27th day of June, 1988.

  
Don McCarty, Mayor

ATTEST:

  
\_\_\_\_\_  
Michael R. Wilson  
City Administrator/Clerk

Filed with city clerk: 5/18/88  
Passed by city council: 6/27/88  
Date published: 7/6/88  
Date effective: 7/11/88

SUMMARY OF ORDINANCE NO. 536

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, REPEALING THE ADOPTION BY REFERENCE OF THE STATE STATUTE PROHIBITING SIMPLE ASSAULT AND ADOPTING THE NEW STATE STATUTE, RCW 9A.36.041, PROHIBITING ASSAULT IN THE FOURTH DEGREE; CONTAINING A SEVERABILITY CLAUSE AND SETTING AN EFFECTIVE DATE.

On June 27, 1988, the City Council of the City of Gig Harbor passed Ordinance No. 536 which provides as follows:

Section 1. Repeals the adoption by reference of simple assault and adopts assault in the fourth degree by reference.

Section 2. Contains a severability clause.

Section 3. Contains a savings clause.

Section 4. Requires the City Clerk to maintain one copy of the state statute on file.

Section 5. Sets an effective date of 5 days from the date of publication of this approved summary.

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

APPROVED by the City Council at their meeting of June 27, 1988.



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Michael R. Wilson  
City Administrator/Clerk



## AMENDMENTS TO ASSAULT STATUTES

In 1987, the Washington State Legislature revised the assault statutes, however the amendments do not become effective until July 1, 1988. In 1988, the Legislature enacted additional amendments. See Chapter 151, 158, 206 & 266, Laws of 1988. These amendments also take effect on July 1, 1988. The following chart outlines the elements of both the old and new assault statutes.

OLD: Effective until 7/1/88

NEW: Effective 7/1/88

### Assault 1st

OLD: RCW 9A.36.010

NEW: RCW 9A.36.011

Intent to kill a person or commit a felony and

Intent to inflict great bodily harm and

1) assaults another with firearm or any deadly weapon or by force or means likely to produce death; or

1) assaults another with firearm or any deadly weapon or by force likely to produce death or great bodily harm; or

2) administer or cause to be taken by another, a poison or other destructive or noxious thing so as to endanger life of another.

2) administer or cause to be taken by another, a poison or other destructive or noxious thing; or

3) assaults another and inflicts great bodily harm.

### Assault 2nd

OLD: RCW 9A.36.020

NEW: RCW 9A.36.021

Circumstances not amounting to assault in the first degree:

1) with intent to injure, unlawfully administers or causes to be taken by another, any poison, destructive or noxious thing or any drug or medicine which is dangerous to life or health; or

1) with intent to inflict bodily harm, administers or causes to be taken by another, a poison, the human immunodeficiency virus as defined in RCW 70.24, or other destructive or noxious substance; or

2) knowingly inflicts grievous bodily harm upon another with or without a weapon; or

2) intentionally assaults another and thereby recklessly inflicts substantial bodily harm \*; or

3) knowingly assaults another with weapon or other instrument or thing likely to produce bodily harm; or

4) knowing assaults another with intent to commit felony.

3) assaults another with deadly weapon; or

4) with intent to commit a felony, assaults another; or

5) intentionally and unlawfully causes substantial bodily harm to unborn quick child by intentionally and unlawfully inflicting any injury upon the mother; or

6) knowingly inflicts bodily harm which by design causes such pain or agony as to be the equivalent of that produced by torture.

7) with intent to inflict bodily harm, exposes or transmits human immunodeficiency virus as defined in RCW 70.24.

\*NOTE: The definition of "substantial bodily harm" has been amended to include temporary disfigurement and temporary loss.

### Assault 3rd

OLD: RCW 9A.36.030

NEW: RCW 9A.36.031

Circumstances not amounting to assault in the first or second degree.

1) assaults another with intent to prevent or resist execution of any lawful process or mandate of any court officer or lawful apprehension or detention of himself or another; or

1) same as old; or

2) with criminal negligence, causes physical injury to another with a weapon or other instrument or thing likely to produce bodily harm; or

2) same except physical injury changed to bodily injury; or

3) assaults a person employed as a transit operator or driver while that person is operating or in control over a company vehicle; or

3) same as old; or

4) assaults a firefighter or other fire dept. or fire district employee who was performing his/her official duties at the time of the assault.

4) same as old; or

5) with criminal negligence, causes bodily harm accompanied by substantial pain that extends for a period sufficient to cause considerable suffering.

#### Simple Assault/Assault 4th

OLD: RCW 9A.36.040-Simple Assault NEW: RCW 9A.36.041-Assault 4th

Every person who shall commit an assault or an assault and battery not amounting to assault in the 1st, 2nd or 3rd degree.

Every person who assaults another under circumstances not amounting to assault in the 1st, 2nd or 3rd degree or custodial assault.

#### Custodial Assault

RCW 9A.36.100

The assault does not amount to assault in the 1st or 2nd degree and the person assaults any full or part-time staff member or volunteer, educational personnel, personal service provider or any vendor or agent thereof at any juvenile or adult corrections institution or local adult or juvenile detention facility who was performing official duties at the time of the assault.

Chapter 151, Laws of 1988 amends this statute to add assaults upon community correction officers, employees of a community corrections office and volunteers who assist such officers and employees when the assault occurs while the officer or employee was performing official duties.

CITY OF GIG HARBOR

ORDINANCE NO. 537

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON RELATING TO THE BUILDING HEIGHT AND YARD SETBACK REQUIREMENTS OF THE CITY OF GIG HARBOR: ADDING A NEW CHAPTER 17.62 "HEIGHT OVERLAY DISTRICT" AND AMENDING SECTIONS 17.16.070, 17.20.050(c), 17.24.090, 17.32.050, 17.36.050, AND 17.44.040 PERTAINING TO SETBACKS ON CORNER LOTS IN THE R-1, R-2, R-3, B-1, B-2, AND W-1 ZONING DISTRICTS OF THE GIG HARBOR MUNICIPAL CODE.

WHEREAS, the City of Gig Harbor, pursuant to RCW 35A.63.100, may enact such zoning standards necessary to regulate the use of land, and height, bulk and size of buildings; and

WHEREAS, the present zoning regulations, do not adequately address development on undersized lots; and

WHEREAS, it is in the interest of the public health, safety and welfare to make adjustments to the zoning regulations to provide greater flexibility in limited instances where the size or location of certain properties makes strict compliance unrealistic or extremely difficult.

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

Section 1. A new Chapter 17.62 of the Gig Harbor Municipal Code is hereby enacted to read as follows:

CHAPTER 17.62

HEIGHT OVERLAY DISTRICT

17.62.010 Intent. The purpose of this district is to establish standards for those properties and zoning districts located outside the Gig Harbor view basin where greater building height may be allowed. This is intended to be a limited zone where views from adjacent properties will not be adversely affected.

17.62.020 Map Adopted. The standards of this section shall be an overlay zone and are supplementary to the regulations prescribed by the underlying zones. The application of said standards shall pertain to those properties designated on the official zoning map dated March 8, 1988.

17.62.020 Standards. The maximum height for residential structures containing three or fewer units shall be 25 feet. The maximum height of commercial structures or residential structures containing four or more units shall be 35 feet.

Section 2. Subsection 17.16.070 is hereby amended to read as follows:

~~Every corner lot shall have a setback of twenty-five feet from each street.~~ In the case of a corner lot, the owner of such lot may elect any property line abutting on a street as the front property line provided such choice does not impair corner vision clearance for vehicles and is approved by the Planning and Public Works Directors. The other property line abutting a street shall be deemed the side property line.

Section 3. Subsection 17.20.050(c) is hereby amended to read as follows:

~~C. Each corner lot shall have a setback of twenty-five feet from each street.~~ In the case of a corner lot, the owner of such lot may elect any property line abutting on a street as the front property line provided such choice does not impair corner vision clearance for vehicles and is approved by the Planning and Public Works Directors. The other property line abutting a street shall be deemed the side property line.

Section 4. Subsection 17.24.090 is hereby amended to read as follows:

~~Each corner lot shall have a setback of twenty-five feet from each street.~~ In the case of a corner lot, the owner of such lot may elect any property line abutting on a street as the front property line provided such choice does not impair corner vision clearance for vehicles and is approved by the Planning and Public Works Directors. The other property line abutting a street shall be deemed the side property line.

Section 5. Subsection 17.32.050 is hereby amended to read as follows:

Residences shall provide a front yard of twenty-five feet. In the case of a corner lot, the owner of such lot may elect any property line abutting on a street as the front property line provided such choice does not impair corner vision clearance for vehicles and is approved by the Planning and Public Works Directors. The other property line abutting a street shall be deemed the side property line.

Section 6. Subsection 17.36.050 is hereby amended to read as follows:

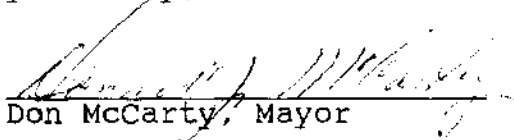
No yards are required except that, where a B-2 district abuts on a residential district, a yard shall be required for the space between a property in this district and that in the residential district, such yard to be landscaped and screened from the residential area. Such yards shall be ten feet if a side yard, twenty feet if a front yard, and fifteen feet if a rear yard. In the case of a corner lot, the owner of such lot may elect any property line abutting on a street as the front property line provided such choice does not impair corner vision clearance for vehicles and is approved by the Planning and Public Works Directors. The other property line abutting a street shall be deemed the side property line.

Section 7. Subsection 17.44.040 is hereby amended to read as follows:


- A. Residences shall maintain a front yard of at least twenty-five feet.
- B. Other uses shall maintain front yards of at least twenty feet.
- C. In the case of a corner lot, the owner of such lot may elect any property line abutting on a street as the front property line provided such choice does not impair corner vision clearance for vehicles and is approved by the Planning and Public Works Directors. The other property line abutting a street shall be deemed the side property line.

Section 8. 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 July, 1988.

  
Don McCarty, Mayor

ATTEST:

  
Michael R. Wilson  
City Administrator/Clerk

Filed with city clerk: 6/23/88  
Passed by city council: 7/11/88  
Date published: 7/20/88  
Date effective: 7/25/88

CITY OF GIG HARBOR

ORDINANCE NO. 538

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO THE MUNICIPAL SEWER SYSTEM: AMENDING SECTION 13.32.060 WHICH PERTAINS TO THE SEWER UTILITY CONNECTION FEES.

WHEREAS, the Gig Harbor City Council adopted Ordinance #515 which established Local Improvement District No. 2 encompassing the Westside Business District; and

WHEREAS, the city has established a connection fee schedule based on assignment of equivalent residential units (ERU's) to classes of service; and

WHEREAS, the connection fee schedule needs to be modified to provide for setting connection fees for larger commercial establishments based on actual sewer flow figures rather than assignment of ERU's;

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

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

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

- a) Inside the city's sewer utility local improvement district No. 1 (ULID #1) - \$555/equivalent residential unit (ERU).
- b) Outside the city's sewer utility local improvement district No. 1 (ULID #1) - \$1,375/equivalent residential unit (ERU).

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

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

Class of Service

ERU Assignment

Residential

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

Non-Residential

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

For commercial establishments in excess of 5,000 square feet of interior floor space, the city may use actual or projected flow calculations approved by the city engineer; provided, however, the minimum connection fee shall not be less than three (3) equivalent residential units. If projected flow calculations are used, the connection fee shall be adjusted after the first year of operation of the establishment to reflect actual flow usage in the event the flows were underestimated.




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


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

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

PASSED by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the council held on this 11th day of July, 1988.

  
Don McCarty, Mayor

ATTEST:

  
\_\_\_\_\_  
Michael R. Wilson  
City Administrator/Clerk

Filed with city clerk: 6/23/88  
Passed by city council: 7/11/88  
Date published: 7/20/88  
Date effective: 7/25/88

CITY OF GIG HARBOR

ORDINANCE NO. 539

AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY TO THE CITY OF GIG HARBOR UNDER THE PROVISIONS OF RCW 35A.14. AND COMPLYING WITH THE PROCEDURES SET FORTH THEREIN.

WHEREAS, the City Council of the City of Gig Harbor passed Resolution #231 on June 27, 1988, declaring its intent to annex to the City of Gig Harbor a certain island of territory contiguous to the city limits of the City of Gig Harbor; and

WHEREAS, the City of Gig Harbor is the owner of this property; and

WHEREAS, the City Council has held a public hearing upon Resolution #231 after proper notice as required by law; and

WHEREAS, the City Council has determined that the interests of the people of the City of Gig Harbor would be best served if such property was annexed,

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

Section 1. The following described property, which comprises less than 100 acres and has more than 80% of its boundary contiguous to the present city limits, should be and the same is hereby annexed to the City of Gig Harbor:

The northwest quarter of the northeast quarter of the southwest quarter of Section 8, Township 21 North, Range 2 East, W.M. to the centerline of Grandview Street.

The foregoing property is located generally as follows: South of Grandview Street, west of Stanich Avenue and east of Harbor Heights Elementary School.

Section 2. The property referred to in Section 1 shall be zoned single family residential (R-1). The Gig Harbor zoning code and the zoning map for the City of Gig Harbor shall be amended to conform to the zoning herein provided.

Section 3. This ordinance shall take effect on the 9th day of September, 1988.

CITY OF GIG HARBOR  
SUMMARY OF ORDINANCE NO. 539

AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY TO THE CITY OF GIG HARBOR UNDER THE PROVISIONS OF RCW 35A.14. AND COMPLYING WITH THE PROCEDURES SET FORTH THEREIN.

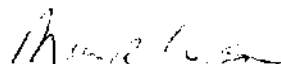
On August 8, 1988, the City Council of the City of Gig Harbor passed Ordinance #539, which provides as follows:

Section 1. Annexes to the City of Gig Harbor a section of property south of Grandview Street, west of Stanich Avenue and east of Harbor Heights Elementary School (Gig Harbor Green Park) within Section 8, Township 21 North, Range 2 East, W.M.

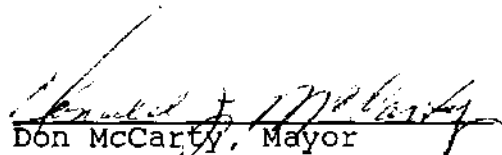
Section 2. The property shall be zoned single family residential (R-1).

Section 3. Sets an effective date for the ordinance.


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

  
\_\_\_\_\_  
Michael R. Wilson  
City Administrator/Clerk

PASSED by the City Council of the City of Gig Harbor,  
Washington, and approved by its Mayor at a regular meeting of  
the council held on this 8th day of August, 1988.

  
Don McCarty, Mayor

ATTEST:

  
\_\_\_\_\_  
Michael R. Wilson  
City Administrator/Clerk

Filed with city clerk: 7/11/88  
Passed by city council: 8/8/88  
Date published: 8/24/88  
Date effective: 9/22/88

CITY OF GIG HARBOR

ORDINANCE NO. 540

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, CREATING A NEW CHAPTER 17.58 IN THE GIG HARBOR MUNICIPAL CODE; ESTABLISHING A FREEWAY COMMERCIAL ZONE.

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

Section 1. A new Chapter 17.58 is hereby created, entitled "District FC" and shall read as follows:

17.58.010 Purpose.

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

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

17.58.020 Permitted Uses. The following are permitted uses:

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

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

- A. Public utilities, government services (in or on public property), public transit centers, and public parks; and
- B. Buildings exceeding 35' in height subject to the criteria of Chapter 17.64 as well as the following factors:
  - 1. The use characteristics of the proposed conditional use that affect adjacent structures and uses in the District.
  - 2. The aesthetics of the proposed structure and its effect upon community appearance, including landscaping, fencing, screening, architectural treatment, and the preservation of views and solar access.
  - 3. An architectural plan, color coded to denote the final structure's color scheme shall be submitted with the conditional use application.

17.58.040 Planned Unit Development.

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

17.58.050 Bulk Regulations.

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

<u>Use</u>	<u>Minimum Lot Size</u>
1. Gasoline station	22,500 sq. ft.
2. Single family dwelling unit	12,000 sq. ft.
3. Multifamily dwelling units	12,000 sq. ft. with at least 2,400 sq. ft. per unit*

35' in height shall be set back two additional feet from a property line for each foot the building exceeds 35' in height.

2. The building height limitations set forth in this chapter apply generally to structures, but shall not apply to chimneys, church spires or flag poles. Vents, mechanical penthouses, elevator equipment, and similar appurtenances that extend above the roofline must be architecturally screened from view except for antennas approved by site plan. The height of the screening must be at least as high as the rooftop appurtenances and be consistent with the architectural style and material composition of the building.

#### 17.58.060 Underground Utilities.

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

#### 17.58.070 Existing Developments.

Existing developments within this zone classification which have existing facilities that do not comply with the bulk or use of this classification will be permitted to continue, subject to the requirements of Chapter 17.68.

#### 17.58.080 Prior Approved Site Plans.

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

#### 17.58.090 Site Plans.

- A. Any non-residential structure or residential development containing more than two units shall be subject to site plan review unless plans have received Pierce County site plan approval as of the

- \* The maximum number of dwelling units permitted shall be calculated by dividing the area in square feet of the building site by 2,400. The maximum number of dwelling units per acre shall be eighteen. Projects utilizing the Planned Unit Development process may be allowed a density increase of up to twenty-two units per acre.

C. Minimum Yard Requirements:

1. Front:

- a. Gasoline station pump island and canopies, 15'.
- b. All other uses and structures, 20'.

2. Side:

- a. Gasoline station, 15' on each side.
- b. Single family dwelling units, 8'.
- c. Duplex, 5' interior lot line, 10' on a flanking street.
- d. Multifamily dwelling, 10' except where abutting single family, then the side yard shall be 20'.
- e. All other uses and structures 0'.

3. Rear:

All uses and structures, 15', or 30' with dense landscaping if the use abuts a single family residential zone or area of single family residential development.

D. Lot Coverage: Percent of impervious cover allowed:

- 1. Residential - 75%.
- 2. Non-residential - 85%.

E. Building Height:

- 1. All uses or structures 35'; however, structures may be built to 60' with the granting of a conditional use permit; provided there shall be a .5% decrease in the percent of impervious cover allowed for every 1' of height over 35'. Additionally, any portion of a structure exceeding



effective date of this ordinance.

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

17.58.100 Landscaping.

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

17.58.110 Parking Lot Landscaping.

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

A. Interior Lot Landscaping.

1. Landscaped Area - Parking lots that contain twenty (20) or fewer parking stalls shall have landscaped islands at the end of each row of parking.
2. Landscaped Area - Parking lots that contain more than twenty (20) parking stalls shall contain landscape islands at the end of the parking rows and shall be a maximum of 20 spaces in length without the provision of a landscaped island to break up the rows of parking.

- B. Minimum Area. The minimum area of required landscaping shall be sixty-four (64) square feet to provide a proper plant environment.

- C. **Maximum Contiguous Area.** To encourage the proper distribution of landscaping throughout parking areas, no required landscaped area shall be larger than 350 square feet in parking lots that are less than 20 stalls and 1,500 square feet in larger lots, unless otherwise permitted by the Hearing Examiner/ City Council. Interior lot landscaping may be peninsular or island in shape and shall accent pedestrian ways.
- D. **Trees Required.** Trees are required at a ratio of at least one per 150 square feet of landscaped area or fraction thereof. Trees shall be planted no closer than four (4) feet from pavement edges where vehicles overhang planted areas.
- E. **Shrubs and Ground Cover.** Required landscaped areas remaining after tree planting shall be planted in shrubs and/or ground cover.
- F. **Vehicle Overhang.** Parked vehicles may overhang landscaped area up to 2.5 feet when curbs or wheel stops are provided.

17.58.120 Perimeter Landscaping.

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

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

- B. In order to soften the visual effects or separate one parking area from another or from other uses, landscaping shall be provided through one or any of a combination of the following methods; provided, that the minimum height of planting shall be 3-1/2 feet.
  1. Retain living groundcover as well as shrubs and trees which will maintain the natural appearance of the site,
  2. Earth mounding or berms covered with lawns, shrubs, trees designed to provide a landscaped vista,

3. Planting of living groundcover as well as hedges, shrubs or small trees.
  4. Parking lot perimeter shall be screened to a minimum height of 3-1/2 feet at time of planting.
- C. Perimeter landscaped areas shall be installed on the property to be developed and the width of the planted areas is measured from the property line.
- D. Screening from State Route 16:  
All development of properties adjacent to SR-16, but outside of the interchange areas as described below, shall be required to leave a buffer between the property line and any development. The minimum width of the buffer area shall be 25 feet and shall totally screen development from views from SR-16. If existing vegetation is not adequate to accomplish this, then additional evergreen vegetation with a minimum height of 4 to 6 feet shall be planted.

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

#### 17.58.130 Alternative Landscaping Plan.

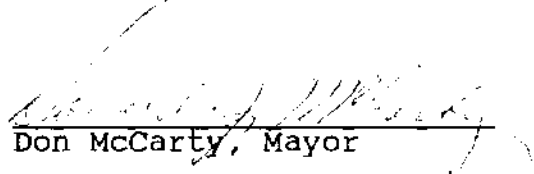
The landscaping requirements of this chapter may be modified to encourage imaginative landscaping design under the following conditions. A request for alternative landscaping shall be submitted to the Hearing Examiner/City Council as part of the site plan review procedure. The Hearing Examiner/City Council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

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

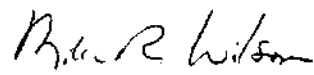
Section 3. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such

invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

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 September, 1988.

  
\_\_\_\_\_  
Don McCarty, Mayor

ATTEST:

  
\_\_\_\_\_  
Michael R. Wilson  
City Administrator/Clerk

Filed with city clerk: 9/8/88  
Passed by city council: 9/26/88  
Date published: 10/26/88  
Date effective: 10/31/88

CITY OF GIG HARBOR

ORDINANCE NO. 541

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO CITY EMPLOYEE'S DEFERRED COMPENSATION PLAN.

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

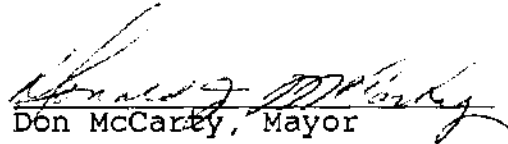
Section 1. Section 2.44.040 of the Gig Harbor Municipal Code is hereby amended to read as follows:

2.44.040 Retirement Component. A. The city shall adopt a deferred compensation money purchase retirement plan as an investment vehicle that will provide retirement income for city employees. The city shall contribute on behalf of each participant to the retirement plan, the amount the city would otherwise make to social security less the cost of survivor and disability insurance. Employees may shall contribute a match sum from portion of their base salary equal to the city's contribution to the retirement plan. This contribution shall be made in compliance with the policies and procedures of the approved plan. The city shall then contribute a matching sum equal to the employee's contribution, but never more than the contribution the city would otherwise make to Social Security less the cost of survivor and disability insurance. The employee's contribution and the city's contribution shall be that portion of an employee's total compensation that is a deferred compensation, computed based on the employee's total earnings, including overtime and bonuses.


B. The administration of the plan shall be governed by Internal Revenue Service rules and the policies of the specific plan. Although the city retains proprietary rights of the funds, the city shall authorize disability, retirement or termination, and distribution to survivor upon death of the employee. All permanent employees who work at least one thousand hours per year are eligible to participate.

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

PASSED by the City Council of the City of Gig Harbor,  
Washington, and approved by its Mayor at a regular meeting of  
the council held on this 10th day of October,  
1988.

  
Don McCarty, Mayor

ATTEST:

  
\_\_\_\_\_  
Michael R. Wilson  
City Administrator/Clerk

Filed with city clerk: 9/21/88  
Passed by city council: 10/10/88  
Date published: 10/26/88  
Date effective: 10/31/88

CITY OF GIG HARBOR

ORDINANCE NO. 542

AN ORDINANCE adopting the budget for the City of Gig Harbor, Washington, for the 1989 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 1989 fiscal year, and a notice was published that the Gig Harbor City Council would meet on November 14 and 28, 1988 at 7:00 p.m., in the council chambers in the city hall for the purpose of making and adopting a budget for 1989 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 1989 proposed budget; and

WHEREAS, the 1989 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 1989 and being sufficient to meet the various needs of Gig Harbor during 1989.

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 1989 is hereby adopted in its final form and content as set forth in the document entitled City of Gig Harbor 1989 Budget, three (3) copies of which are on file in the office of the city administrator/clerk.

Section 2. Estimated resources, including fund balances or working capital for each separate fund of the City of Gig Harbor, and aggregate totals (net of transactions between funds) for all funds combined, for the year 1989 are set forth in summary form below, and are hereby appropriated for expenditure during the year 1989 as set forth below:

1989 Budget Ordinance  
Page Two

<u>Fund</u>	<u>Department</u>	<u>Amount</u>
General (001)	Legislative	\$ 10,300
	Municipal Court	89,489
	Administration/Finance	146,543
	Legal Services	27,000
	Police	456,045
	Hearing Examiner	13,500
	Planning and Community Devel.	115,900
	Parks and Recreation	38,410
	Building	22,500
	Non-departmental	977,218
	Ending Fund Balance	152,727
	Total General Fund	\$2,049,632
Street Operating Fund (101)		582,384
Risk Management (103)		125,500
Trust Fund - Misc. (Performance Pay) (104)		10,000
Drug Investigation Fund (105)		4,180
G.O. Fire - Debt Service (200)		19,685
G.O. Sewer - Debt Service (201)		77,200
G.O. P.W. Bldg. - Debt Service (202)		27,545
G.O. Sewer Bond Redemption (203)		259,500
LID #1-2 (204)		16,150
LID #3 (205)		6,620
Gen. Govt. Cap. Asset Fund (301)		486,100
Water Operating Fund (401)		544,260
Sewer Operating Fund (402)		431,160
Storm Drainage Operating Fund (411)		131,000
ULID No. 2 Note Fund (408)		2,150,000
ULID No. 2 Construction (409)		656,000
Sewer Cap. Asset Fund (410)		351,000
Utility Reserve (407)		150,335
Advanced Refunding Bond Redemp. (413)		212,100
Water Cap. Asset Fund (420)		451,500
Trust - LID Guaranty (601)		3,425
Total All Funds		\$8,745,276

Section 3. Attachment "A" is adopted as the 1989 personnel salary schedule.

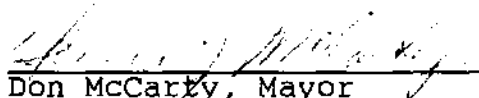
Section 4. The city administrator/clerk is directed to transmit a certified copy of the 1989 budget hereby adopted to the Division of Municipal Corporations in the Office of the State Auditor and to the Association of Washington Cities.



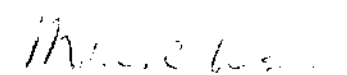
1989 Budget Ordinance  
Page Three

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

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

  
Don McCarty, Mayor

ATTEST:

  
\_\_\_\_\_  
Michael R. Wilson  
City Administrator/Clerk

Filed with city clerk: 11/10/88  
Passed by city council: 11/28/88  
Date published: 12/21/88  
Date effective: 12/26/88

1989 SALARY SCHEDULE

<u>POSITION</u>	<u>RANGE</u>	
	<u>Minimum</u>	<u>Maximum</u>
City Administrator	\$ 3,345	\$ 4,180
Public Works Director	3,040	3,800
Chief of Police	2,840	3,550
Planning Director	2,335	2,920
Public Works Supervisor	2,430	3,040
Finance Officer	2,245	2,805
Sewer Plant Supervisor	2,160	2,700
Sewer Plant Operator	1,965	2,455
Fire Marshal/ Building Official	2,020	2,525
Police Sergeant	2,370	2,960
Public Works Foreman	2,020	2,525
Police Officer	2,060	2,575
Equipment Operator	1,925	2,403
Maintenance Worker	1,830	2,290
Engineering Aide	1,585	1,978
Planning Assistant	1,585	1,978
Administrative Assistant	1,705	2,135
Laborer	1,525	1,905
Court Clerk	1,425	1,780
Police Clerk	1,280	1,600
Utility Clerk	1,325	1,660
Office Clerk	1,280	1,600
Receptionist	1,100	1,375

CITY OF GIG HARBOR

ORDINANCE NO. 543

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, ANNEXING CERTAIN REAL PROPERTY TO THE CITY OF GIG HARBOR PURSUANT TO THE PETITION METHOD, REQUIRING SUCH PROPERTY TO BE ASSESSED AND TAXED AT THE SAME RATE AND BASIS AS OTHER PROPERTY WITHIN THE CITY WITH THE EXCEPTION OF THE FIRE LEVY, CLASSIFYING AND ZONING SUCH PROPERTY, AND FIXING THE EFFECTIVE DATE OF ANNEXATION.

WHEREAS, the City of Gig Harbor, Washington, received a petition for annexation of certain real property, the legal description of which is set forth below, and

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

WHEREAS, the City Council fixed the date of December 12, 1988, as the date for public hearing thereon and caused due and proper notice of said hearing to be posted and published as required by law, and

WHEREAS, the Gig Harbor Planning Commission conducted public hearings on the pre-annexation zoning for the proposed annexation area and recommended to the City Council appropriate zoning for the area, and the Gig Harbor City Council conducted hearings on the zoning for the proposed annexation and adopted such zoning, and

WHEREAS, the proposed annexation was submitted to the Pierce County Boundary Review Board on September 29, 1988, and

WHEREAS, the Pierce County Boundary Review Board will conduct a public hearing on the proposed annexation.

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

Section 1. There has been filed with the City Council of the City of Gig Harbor, a Petition in writing signed by the owners of more than 75% in value, according to the assessed valuation for general taxation of the property for which annexation was petitioned; that said Petition set forth the

fact that the City Council of the City of Gig Harbor required the assumption of City indebtedness by the area requested to be annexed, except the general obligation bonds issued in 1978 to fund construction of a new fire station; that prior to filing of such Petition the City Council had indicated the tentative approval of such annexation; and that Petitioners further understood the city council would require adoption of zoning for the proposed area in substantial compliance with the city's comprehensive plan.

Section 2. Monday, December 12, 1988, was set as a date for public hearing on said Petition; Notice of such hearing was published in the Peninsula Gateway, a newspaper of general circulation in the City of Gig Harbor; Notice of such hearing was also posted in three public places within the territory proposed for annexation; and such Notice specified the time and place of such hearing and invited interested persons to appear and voice approval or disapproval of the annexation.

Section 3. The territory proposed by said Petition to be annexed to said City of Gig Harbor is situated in the County of Pierce in the State of Washington; is contiguous, proximate and adjacent to the present corporate limites of the City, and is more particularly described in Exhibit "A" attached hereto and incorporated in full by this reference.

Section 4. The territory set forth in this ordinance and for which said Petition for Annexation is filed, should be and is hereby made a part of the City of Gig Harbor.

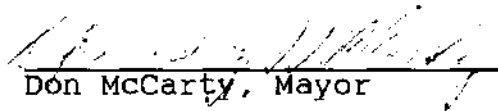
Section 5. Pursuant to the terms of the Annexation Petition, all property within this territory annexed hereby shall be assessed and taxed at the same rate and on the same basis as property within the City, including assessment or taxes in payment of any bonds issued or debts contracted prior to or existing at the date of annexation excluding the general obligation bonds issued in 1978 to fund construction of a new fire station.

Section 6. The property described in Section 3 hereof shall be classified and zoned as "Freeway Commercial", pursuant to the provisions of Ordinance #540, as amended.


Section 7. The Comprehensive Plan shall be hereby amended to incorporate the provisions of this Ordinance.

Section 8. The area annexed hereby shall become a part of the City of Gig Harbor, and this Ordinance shall take effect and be in force upon favorable determination from 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 held on this 12th day of December, 1988.

  
Don McCarty, Mayor

ATTEST:

  
Michael R. Wilson  
City Administrator/Clerk

Filed with city clerk: 11/24/88  
Passed by city council: 12/12/88  
Date published: 12/21/88  
Date effective: 12/26/88

EXHIBIT "A"

LEGAL DESCRIPTION:

THAT PORTION OF SECTION 17 AND THE NORTH HALF OF SECTION 20, ALL OF TOWNSHIP 21 NORTH, RANGE 2 EAST, W.M. DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE LINE BETWEEN SAID SECTIONS 17 AND 20, SAID POINT BEING EAST OF THEIR COMMON ONE QUARTER CORNER AND ON THE EASTERLY MARGIN ON SR-16; THENCE NORTHERLY, ALONG SAID EASTERLY MARGIN, TO AN INTERSECTION WITH SAID EASTERLY MARGIN AND THE GIG HARBOR CITY LIMITS, AS SAID LIMITS EXIST ON JUNE 1, 1987; AS ANNEXED BY ORDINANCE 277, DATED FEBRUARY 27, 1978; THENCE SOUTHWESTERLY ALONG THE GIG HARBOR CITY LIMITS TO A POINT WHICH IS PERPENDICULAR TO AND 40 FEET EAST OF THE A2 LINE OF SR-16 AT STATION A2 57+00; THENCE WESTERLY ON A LINE THROUGH THIS STATION TO THE EAST RIGHT-OF-WAY LINE OF SR-16 SAID POINT ALSO BEING THE EXISTING CITY LIMITS; THENCE SOUTHWESTERLY AND NORTHWESTERLY ALONG THE EAST RIGHT-OF-WAY OF SR-16 AND EXISTING CITY LIMITS TO A POINT WHICH IS 115 FEET SOUTH OF THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHEAST OF THE NORTHWEST OF SECTION 17; THENCE EAST ALONG THE EXISTING CITY LIMITS OF GIG HARBOR TO THE EAST LINE OF THE TACOMA CUSHMAN TRANSMISSION LINE RIGHT-OF-WAY; THENCE NORTHWESTERLY ALONG SAID EAST LINE AND EXISTING CITY LIMITS TO ITS INTERSECTION WITH THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 17; THENCE WEST ALONG SAID NORTH LINE TO THE NORTHWEST CORNER OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 17; THENCE SOUTH, ALONG THE WEST LINE OF SAID SOUTH HALF OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER, APPROXIMATELY 660 FEET, TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 17, SAID NORTHWEST CORNER BEING A POINT ON THE CENTERLINE OF 56TH STREET N.W.; THENCE SOUTH, ALONG THE WEST LINE OF SAID NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, APPROXIMATELY 1320 FEET, TO THE NORTHWEST CORNER OF THE LARGE LOT SUBDIVISION NO. 2042, AS RECORDED UNDER AUDITORS FILE NO. 8407300292, RECORDS OF PIERCE COUNTY, WASHINGTON AND THE NORTHEAST CORNER OF PIERCE COUNTY SHORT PLAT NO. 75-3, THENCE WEST, ALONG THE NORTH LINE OF SAID SHORT PLAT NO. 75-3, AND THE NORTH LINE OF A PARCEL WITH PIERCE COUNTY TAX ASSESSORS ACCOUNT NO. 022117-3-050 TO THE NORTHWEST CORNER OF SAID PARCEL; THENCE SOUTH, ALONG THE WEST LINE OF SAID PARCEL, APPROXIMATELY 480 FEET, TO A POINT ON THE NORTH LINE OF A PARCEL WITH PIERCE COUNTY TAX ASSESSORS ACCOUNT NO. 022117-3-049; THENCE WEST, ALONG THE NORTH LINE OF SAID PARCEL, APPROXIMATELY 150 FEET, TO THE NORTHWEST CORNER OF SAID PARCEL; THENCE SOUTH, ALONG THE WEST LINE OF SAID PARCEL, APPROXIMATELY 400 FEET, TO THE SOUTH LINE OF SAID

PARCEL, SAID LINE ALSO BEING THE SOUTH LINE OF THE NORTH 13 ACRES OF THE SOUTH 26 ACRES OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 17; THENCE EAST, ALONG SAID SOUTH LINE APPROXIMATELY 684 FEET, TO THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SOUTHWEST QUARTER OF SECTION 17; THEN SOUTH, ALONG SAID WEST LINE OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER, APPROXIMATELY 400 FEET, TO THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 17, SAID POINT ALSO BEING THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 20, SAID POINT ALSO BEING THE NORTHWEST CORNER OF LOT 4 OF A LARGE LOT SUBDIVISION AS RECORDED UNDER AUDITORS FILE NO. 8507190134, RECORDS OF PIERCE COUNTY, WASHINGTON; THENCE SOUTH, ALONG THE WEST LINE OF SAID LOT 4, APPROXIMATELY 704 FEET, TO THE SOUTHWEST CORNER OF SAID LOT 4; THENCE NORTHEASTERLY, ALONG THE SOUTHERLY LINE OF SAID LOT 4, APPROXIMATELY 335 FEET, TO THE SOUTHWEST CORNER OF LOT 5, SAID LARGE LOT SUBDIVISION; THENCE SOUTHEASTERLY, ALONG THE SOUTHERLY LINE OF SAID LOT 5 AND LOT 6, SAID LARGE LOT SUBDIVISION, APPROXIMATELY 394 FEET, TO AN ANGLE POINT ON THE SOUTHERLY LINE OF SAID LOT 6; THENCE SOUTHERLY, ALONG THE WESTERLY LINE OF LOT 1, SAID LARGE LOT SUBIDIVISION, APPROXIMATELY 525 FEET, TO THE SOUTHWEST CORNER OF SAID LOT 1, SAID POINT ALSO BEING ON THE SOUTH LINE OF SAID NORTHEAST QUARTER OF THE NORTHWEST QUARTER; THENCE EASTERLY, ALONG SAID SOUTH LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER AND ALONG THE SOUTH LINE OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SAID SECTION 20, APPROXIMATELY 2930 FEET, TO THE EASTERLY MARGIN OF SAID SR-16; THENCE NORTHERLY, ALONG SAID EASTERLY MARGIN OF SR-16, APPROXIMATELY 1600 FEET, TO A POINT ON THE LINE BETWEEN SAID SECTIONS 17 AND 20 AND THE POINT OF BEGINNING.

CITY OF GIG HARBOR

ORDINANCE NO. 544

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON,  
LEVYING THE GENERAL PROPERTY TAXES FOR THE CITY OF GIG  
HARBOR FOR THE FISCAL YEAR COMMENCING JANUARY 1, 1989.

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

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

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

Section 1. The ad valorem tax general levies required to raise estimated revenues for the City of Gig Harbor for the ensuing year commencing January 1, 1989, shall be levied upon the value of real and personal property which has been set at an assessed valuation of \$151,893,198. Taxes levied upon this value shall be:

- a) approximately \$1.5143 per \$1,000 assessed valuation, producing estimated revenue of \$230,000 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, 1989, shall be levied upon the value of real and personal property which has been set at an assessed valuation of \$150,291,107. Taxes levied upon this value shall be:

- a) approximately \$0.2562 per \$1,000 assessed valuation, producing an estimated amount of \$38,500 for sewer general obligation; and
- b) approximately \$0.049 per \$1,000 assessed valuation, producing an estimated amount of \$7,385 for fire protection facilities general obligation.
- c) approximately \$0.3660 per \$1,000 assessed



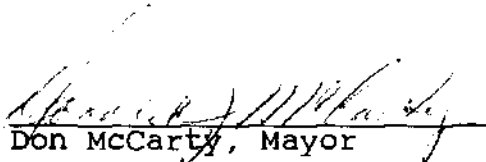
General Property Tax Ordinance  
Page Two

valuation, producing an estimated revenue of \$55,000 for the 1987 sewer bond redemption general obligation.

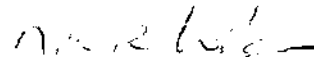
Section 3. This ordinance shall be certified by the city clerk to the clerk of the board of county commissioners/council and taxes hereby levied shall be collected and paid to the Finance Officer of the City of Gig Harbor at the time and in a manner provided by the laws of the State of Washington for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

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

PASSED by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the council held on this 12th day of December, 1988.

  
Don McCarty, Mayor

ATTEST:

  
Michael R. Wilson  
City Administrator/Clerk

Filed with city clerk: 11/22/88  
Passed by city council: 12/12/88  
Date published: 12/21/88  
Date effective: 12/26/88

CITY OF GIG HARBOR

ORDINANCE NO. 545

AN ORDINANCE RELATING TO THE 1988 CITY BUDGET: ADOPTING A BUDGET EMERGENCY FOR THE GENERAL GOVERNMENT FUND (#001), STREET OPERATING FUND (#101), STORM DRAINAGE OPERATING FUND (#411), LID #1-2 (#204), and LID #3 (#205).

WHEREAS, insufficient funds were appropriated to cover operating expenses to conduct business in the police department of the General Government Fund (#001), and

WHEREAS, insufficient funds were appropriated to cover the increased costs for maintenance of the streets in the Street Operating Fund (#101) and overestimation of the Street fund's beginning fund balance, and

WHEREAS, insufficient funds were appropriated to cover the costs for constructing the Soundview storm drainage system in the Storm Operating Fund (#411), and

WHEREAS, local improvement districts are considered debt service funds under state regulations effective January 1, 1988, and budgets need to be developed for the city's LID #1-2 (#204) and LID #3 (#205),

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

Section 1.

- a) The General Government Fund, Police (#001-06) shall be increased by \$8,500 to cover cost of employee medical benefits and the computer hardware and software costs.
- b) The General Government Fund, Non-departmental (#001-01) shall be increased by \$62,900 to provide funding for a transfer to the Street Operating Fund to cover the additional cost of street maintenance and fund transfers, and an additional \$13,000 to provide funding for a transfer to the Storm Operating Fund to cover the construction costs of the Soundview storm drainage system.
- c) The Street Operating Fund (#101) shall be increased by \$62,900 to cover the additional cost of street maintenance and to fund the transfers of monies to the storm drainage fund.

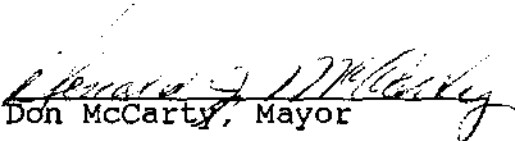
Budget Emergency Ordinance  
Page Two

- d) The Storm Drainage Operating Fund (#411) shall be increased by \$13,000 to cover the costs for constructing the Soundview storm drainage system.
- e) The Local Improvement District #1 & 2 Fund (#204) shall be appropriated \$16,100 to account for the revenues collected and fund balance.
- f) The Local Improvement District #3 Fund (#205) shall be appropriated \$3,400 to cover the interest on long-term debt and account for the revenues collected and fund balance.


An appropriation totaling \$179,800 is hereby made as provided in Exhibit "A".

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

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

  
Don McCarty, Mayor

ATTEST:

  
\_\_\_\_\_  
Michael R. Wilson  
City Administrator/Clerk

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

EXHIBIT "A"  
BUDGET EMERGENCY

Fund #001 - General Government Operating

001-06 Police

<u>Increase</u>	Expenditure/Use	
521.20.20	Benefits	3,000
594.21.64	Machinery & Equipment	<u>5,500</u>
		8,500

001-01 Non-Departmental

<u>Increase</u>	Expenditure/Use	
597.101.00	Transfer/Street	62,900
597.411.00	Transfer/Storm	<u>13,000</u>
		75,900

001-19 Ending Fund Balance

<u>Decrease</u>	Expenditure/Use	
508.00	Ending Fund Balance	84,400

Fund #101 - Street Operating

<u>Increase</u>	Revenue/Resourse	
397.001	Transfer/General Govt.	62,900

<u>Decrease</u>	Revenue/Resourse	
308.000	Beginning Fund Balance	46,400

<u>Increase</u>	Expenditures/Uses	
542.00.11	Salaries	5,000
542.00.12	Benefits	1,500
542.00.31	Operating Supplies	5,000
542.00.48	Repairs & Maintenance	<u>5,000</u>
		16,500

Fund #411 - Storm Operating

<u>Increase</u>	Revenue/Resourse	
397.001	Transfer/General Govt.	13,000

<u>Increase</u>	Expenditures/Uses	
595.400.63	Imp. other than bldg.	13,000

Fund #204 - LID #1 & 2

Expenditure/Use

508.00 Ending Fund Balance 16,100

Revenue/Resource

308.00 Beginning Fund Balance 12,900  
361.11 Investment Interest 1,000  
385.10 Collection of Special  
Assessment - Principal 1,900  
385.20 Collection of Special  
Assessment - Interest 300  
16,100

Fund #205 - LID #3

Expenditure/Use

508.00 Ending Fund Balance 2,780  
592.410.83 Interest on long-term debt 620  
3,400

Revenue/Resource

308.00 Beginning Fund Balance 700  
361.11 Investment Interest 100  
385.10 Collection of Special  
Assessment - Interest 1,100  
385.70 Collection of Special  
Assessment - Principal 1,500  
3,400

0008.150.013  
WDT/tw  
11/02/88

ORDINANCE NO. 546

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, ESTABLISHING A NEW CHAPTER 18.04 IN THE GIG HARBOR MUNICIPAL CODE TO BE ENTITLED "ENVIRONMENTAL REVIEW (SEPA)"; ADOPTING BY REFERENCE PROVISIONS OF THE WASHINGTON ADMINISTRATIVE CODE RELATING TO SEPA; ADOPTING POLICIES AS A BASIS FOR EXERCISE OF SUBSTANTIVE AUTHORITY UNDER SEPA; PROVIDING FOR APPEALS; AND ESTABLISHING FEES.

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WHEREAS, the State Environmental Policy Act (SEPA), RCW 43.21C requires that the City adopt policies and procedures to implement the law, now, therefore,

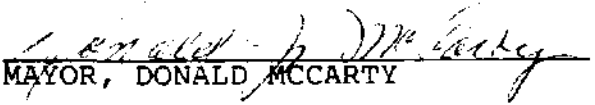
THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. A new chapter 18.04 is hereby created in the Gig Harbor Municipal Code to be entitled "Environmental Review (SEPA)", and to read as set forth on Exhibit A, attached hereto and incorporated herein by this reference as if set forth in full.

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

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

APPROVED:

  
MAYOR, DONALD MCCARTY

ATTEST/AUTHENTICATED:

  
CITY CLERK, MICHAEL WILSON

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

BY \_\_\_\_\_

FILED WITH THE CITY CLERK: 12/9/88  
PASSED BY THE CITY COUNCIL: 12/28/88  
PUBLISHED: 1/11/89  
EFFECTIVE DATE: 1/16/89  
ORDINANCE NO. 546

0008.150.013  
WDT/tw  
11/02/88

SUMMARY OF ORDINANCE NO. 546  
of the City of Gig Harbor, Washington

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On December 28, 1988, the City Council of the City of Gig Harbor, Washington, approved Ordinance No. 546, the main point of which may be summarized by its title as follows:

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, ESTABLISHING A NEW CHAPTER 18.04 IN THE GIG HARBOR MUNICIPAL CODE TO BE ENTITLED "ENVIRONMENTAL REVIEW (SEPA)"; ADOPTING BY REFERENCE PROVISIONS OF THE WASHINGTON ADMINISTRATIVE CODE RELATING TO SEPA; ADOPTING POLICIES AS A BASIS FOR EXERCISE OF SUBSTANTIVE AUTHORITY UNDER SEPA; PROVIDING FOR APPEALS; AND ESTABLISHING FEES.

The full text of this ordinance will be mailed upon request.

APPROVED by the City Council at their meeting of December 28, 1988.

  
\_\_\_\_\_  
CITY CLERK, MICHAEL WILSON



TITLE 18  
CHAPTER 18.04  
ENVIRONMENTAL REVIEW (SEPA)

18.04.010 AUTHORITY

The City of Gig Harbor adopts this ordinance under the State Environmental Policy Act (SEPA), RCW 43.21C.120 and the SEPA rules WAC 197-11-904. The SEPA rules contained in Chapter 197-11 WAC must be used in conjunction with this chapter.

18.04.020 ADOPTION BY REFERENCE

The City adopts the following sections of Chapter 197-11 WAC, as now existing or hereinafter amended, by reference:

197-11-040	Definitions.
197-11-050	Lead agency.
197-11-055	Timing of the SEPA process.
197-11-060	Content of environmental review.
197-11-070	Limitations on actions during SEPA process.
197-11-080	Incomplete or unavailable information.
197-11-090	Supporting documents.
197-11-100	Information required of applicants.

18.04.030 ADDITIONAL DEFINITIONS

In addition to those definitions contained within WAC 197-11-700 through 799, when used in this chapter the following terms shall have the following meanings, unless the content indicates otherwise:

- A. "Department" means any division, subdivision or organizational unit of the City established by ordinance, rule or order.
- B. "SEPA Rules" means Chapter 197-11 WAC adopted by the Department of Ecology.

18.04.040 DESIGNATION OF RESPONSIBLE OFFICIAL

- A. For those proposals for which the City is a lead agency, the responsible official shall be the Planning Director or such other person as the Director may designate in writing.
- B. For all proposals for which the City is a lead agency, the responsible official shall make the threshold determination, supervise scoping and preparation of any required EIS and perform any other functions assigned to the lead agency or responsible official by those sections of the SEPA rules that have been adopted by reference.

18.04.050 LEAD AGENCY DETERMINATION AND RESPONSIBILITIES

- A. The responsible official or the department receiving an application for or initiating a proposal that involves a nonexempt action shall determine the lead agency for that proposal under WAC 197-11-050 and WAC 197-11-922 through 197-11-940, unless the lead agency has been previously determined or the department is aware that another department or agency is in the process of determining the lead agency.
- B. When the City is not the lead agency for a proposal, all departments of the City shall use and consider as appropriate either the DNS or the final EIS of the lead agency in making decisions on the proposal. No City department shall prepare or require preparation of a DNS or EIS in addition to that prepared by the lead agency unless the City determines a supplemental environmental review is necessary under WAC 197-11-600.
- C. If the City, or any of its departments, receives a lead agency determination made by another agency that appears inconsistent with the criteria of WAC 197-11-922 through 197-11-940, it may object to the determination. Any objection must be made to the agency originally making the determination and resolved within fifteen (15) days of receipt of the determination or the City must petition the Department of Ecology for a lead agency determination under WAC 197-11-946 within the fifteen (15) day time period. Any such petition on behalf of the City may be initiated by the responsible official or any department.
- D. The responsible official is authorized to make agreements as to lead agency status or shared lead agency's duties for a proposal under WAC 197-11-942 and 197-11-944.
- E. The responsible official shall require sufficient information from the applicant to identify other agencies with jurisdiction.

18.04.060 CATEGORICAL EXEMPTIONS AND THRESHOLD DETERMINATIONS - ADOPTION BY REFERENCE

The City adopts the following sections of Chapter 197-11 WAC, as now existing or hereinafter amended by reference as supplemented in this chapter:

197-11-300	Purpose of this part.
197-11-305	Categorical exemptions.
197-11-310	Threshold determination required.
197-11-315	Environmental checklist.
197-11-330	Threshold determination process.
197-11-335	Additional information.
197-11-340	Determination of nonsignificance (DNS).
197-11-350	Mitigated DNS.

- 197-11-360 Determination of significance (DS)/  
initiation of scoping.
- 197-11-390 Effect of threshold determination.

18.04.070 CATEGORICAL EXEMPTIONS AND THRESHOLD DETERMINATIONS -  
TIME ESTIMATES

The time estimates contained in this section apply when the City processes licenses for all private projects and those governmental proposals submitted to the City by other agencies. The actual time may vary with the complexity of the project, availability of staff, cooperation of agencies with jurisdiction or expertise, etc. The time estimates contained herein shall not be construed to be mandatory. For the purpose of this section the word "day" shall mean a day upon which the City's administrative offices are open for business.

- A. Categorical Exemptions. The City will normally identify whether an action is categorically exempt within ten (10) days of receiving a completed application.
- B. Threshold Determinations.
  - 1. The City will normally complete threshold determinations that can be based solely upon review of the environmental checklist for the proposal within fifteen (15) days of the date an applicant's adequate application and completed checklist are submitted.
  - 2. When the responsible official requires further information from the applicant or consults with other agencies with jurisdiction:
    - a. The City will normally request such further information within fifteen (15) days of receiving an adequate application and completed environmental checklist.
    - b. The City will normally wait no longer than fifteen (15) days for a consulted agency to respond.
    - c. The responsible official will normally complete the threshold determination within fifteen (15) days of receiving the requested information from the applicant or the consulted agency.
  - 3. When the City must initiate further studies, including field investigations, to obtain the information to make the threshold determination, the City will normally complete the studies within thirty (30) days of receiving an adequate application and a completed checklist.

4. The City will normally complete threshold determinations on actions where the applicant recommends in writing that an EIS be prepared, because of the probable significant adverse environmental impacts described in the application, within fifteen (15) days of receiving an adequate application and completed checklist.
5. The responsible official will normally respond to a request for early notice within ten (10) days. The threshold determination will normally be made within fifteen (15) days of receipt of the changed or clarified proposal, environmental checklist and/or permit application.

18.04.080 CATEGORICAL EXEMPTIONS - ADOPTION BY REFERENCE

The City adopts the following rules for categorical exemption of Chapter 197-11, as now existing or hereinafter amended, by reference, as supplemented in this chapter:

- |            |                                       |
|------------|---------------------------------------|
| 197-11-800 | Categorical exemptions.               |
| 197-11-880 | Emergencies.                          |
| 197-11-890 | Petitioning DOE to change exemptions. |

18.04.090 CATEGORICAL EXEMPTIONS - DETERMINATION

- A. When the City receives an application for a license or, in the case of governmental proposals a department initiates a proposal, the responsible official shall determine whether the license and/or the proposal is exempt. The determination that a proposal is exempt shall be final and not subject to administrative review. If a proposal is exempt, none of the procedural requirements of this chapter shall apply to the proposal.
- B. In determining whether or not a proposal is exempt the responsible official shall make certain the proposal is properly defined and shall identify the governmental license required. If a proposal includes exempt and nonexempt actions, the responsible official shall determine the lead agency even if the license application that triggers the consideration is exempt.
- C. If a proposal includes both exempt and nonexempt actions, the City may authorize exempt actions prior to compliance with the procedural requirements of this chapter, except that:
  1. The City shall not give authorization for:
    - a. Any nonexempt action;
    - b. Any action that would have an adverse environmental impact; or

- c. Any action that would limit the choice of reasonable alternatives.
2. The City may withhold approval of any permit, application or proposal, the basis of which is an exempt action that would lead to modification of the physical environment, when such modification would serve no purpose if the nonexempt actions were not approved, and
3. The City may withhold approval of any permit, application or proposal, the basis of which is an exempt action that would lead to substantial financial expenditures by a private applicant when the expenditures would serve no purpose if the nonexempt actions were not approved.

#### 18.04.100 DETERMINATION - REVIEW AT CONCEPTUAL STAGE

- A. If the City's only action on a proposal is a decision on a building permit or other licenses that requires detailed project plans and specifications, the applicant may request in writing that the City conduct environmental review prior to submission of the detailed plans and specifications.
- B. In addition to the environmental documents an applicant shall submit the following information for early environmental review:
  1. A copy of any permit or license application;
  2. Other information as the responsible official may determine.

#### 18.04.110 THRESHOLD DETERMINATIONS - ENVIRONMENTAL CHECKLIST

- A. A completed environmental checklist shall be filed at the same time as an application for a permit, license, certificate or other approval not exempted by this chapter. The checklist shall be in the form of WAC 197-11-960 with such additions that may be required by the responsible official in accordance with WAC 197-11-906(4).
- B. A checklist is not needed if the City and the applicant agree an EIS is required, SEPA compliance has been completed, or SEPA compliance has been initiated by another agency or adoption of a previous document.
- C. For private proposals, the applicant is required to complete the environmental checklist. The City may provide assistance as necessary. For City proposals the department initiating the proposal shall complete the environmental checklist for that proposal.

- D. The City may decide to complete all or part of the environmental checklist for a private proposal, if any of the following occurs:
  - 1. The City has technical information on a question or questions that is unavailable to the private applicant; or
  - 2. The applicant has provided inaccurate information on previous proposals or on proposals currently under consideration.
- E. The applicant shall pay to the City the actual costs of providing information under subparagraph D(2).

18.04.120 THRESHOLD DETERMINATIONS - MITIGATED DNS

- A. The responsible official may issue a determination of nonsignificance (DNS) based on conditions attached to the proposal by the responsible official or on changes to, or clarifications of, the proposal made by the applicant.
- B. An applicant may request in writing early notice of whether a DS is likely. The request must:
  - 1. Follow submission of a permit application and environmental checklist for a nonexempt proposal for which the department is lead agency; and
  - 2. Precede the City's actual threshold determination for the proposal.
- C. The responsible official's response to the request for early notice shall:
  - 1. State whether the City currently considers issuance of a DS likely and, if so, indicate the general or specific areas of concern that are leading the City to consider a DS; and
  - 2. State that the applicant may change or clarify the proposal to mitigate the indicated impacts, and may revise the environmental checklist and/or permit application as necessary to reflect the changes or clarifications.
- D. When an applicant submits a changed or clarified proposal, along with a revised environmental checklist, the City shall base its threshold determination on the changed or clarified proposal.
  - 1. If the City indicated specific mitigation measures in its response to the request for early notice, and the applicant changed or clarified the proposal to include

those specific mitigation measures, the City shall issue and circulate a determination of nonsignificance if the City determines that no additional information or mitigation measures are required.

2. If the City indicated areas of concern, but did not indicate specific mitigation measures that would allow it to issue a DNS, the City shall make the threshold determination, issue a DNS or DS as appropriate.
  3. The applicant's proposed mitigation measures, clarifications, changes or conditions must be in writing and must be specific.
  4. Mitigation measures which justify issuance of a mitigated DNS may be incorporated in the DNS by reference to agency staff reports, studies or other documents.
- E. The City shall not act upon a proposal for which a mitigated DNS has been issued for fifteen (15) days after the date of issuance.
- F. Mitigation measures incorporated in the mitigated DNS shall be deemed conditions of approval of the licensing decision and may be enforced in the same manner as any term or condition of the permit or enforced in any matter specifically prescribed by the City. Failure to comply with the designated mitigation measures shall be grounds for suspension and/or revocation of any license issued.
- G. If the City's tentative decision on a permit or approval does not include mitigation measures that were incorporated in a mitigated DNS for the proposal, the City should evaluate the threshold determination to assure consistency with WAC 197-11-340(3)(a) relating to the withdrawal of a DNS.
- H. The City's written response under subsection C of this section shall not be construed as a determination of significance. In addition, preliminary discussion of clarification or changes to a proposal, as opposed to a written request for early notice, shall not bind the City to consider the clarifications or changes in its threshold determination.

18.04.130 ENVIRONMENTAL IMPACT STATEMENT (EIS) - ADOPTION BY REFERENCE

The City adopts the following sections of Chapter 197-11 WAC, as now existing or hereinafter amended, by reference as supplemented by this chapter:

197-11-400	Purpose of EIS.
197-11-402	General requirements.

197-11-405	EIS types.
197-11-406	EIS timing.
197-11-408	Scoping.
197-11-410	Expanded scoping.
197-11-420	EIS preparation.
197-11-425	Style and size.
197-11-430	Format.
197-11-435	Cover letter or memo.
197-11-440	EIS contents.
197-11-442	Contents of EIS on nonproject proposals.
197-11-443	EIS contents when prior nonproject EIS.
197-11-444	Elements of the environment.
197-11-448	Relationship of EIS to other considerations.
197-11-450	Cost-benefit analysis.
197-11-455	Issuance of DEIS.
197-11-460	Issuance of FEIS.

18.04.140 EIS - PREPARATION

- A. Preparation of draft and final EISs and SEISs shall be under the direction of the responsible official. Before the City issues an EIS, the responsible official shall be satisfied that it complies with this chapter and Chapter 197-11 WAC.
- B. The draft and final EIS or SEIS shall be prepared at the City's option by the City staff, the applicant or by a consultant approved by the City. If the responsible official requires an EIS for a proposal and determines that someone other than the City will prepare the EIS, the responsible official shall notify the applicant immediately after completion of the threshold determination. The responsible official shall also notify the applicant of the City's procedure for EIS preparation, including approval of the draft and final EIS prior to distribution.
- C. The City may require an applicant to provide additional information which the City does not possess, including information which must be obtained by specific investigations. This provision is not intended to expand or limit an applicant's other obligations under WAC 197-11-100, or other provisions of regulation, statute, or ordinance. An applicant shall not be required to produce information under this provision which is not specifically required by this chapter nor is the applicant relieved of the duty to supply any other information required by statute, regulation or ordinance.

18.04.150 EIS - COMMENTING - ADOPTION BY REFERENCE

The City adopts the following sections of Chapter 197-11 WAC, as now existing or hereinafter amended, by reference as supplemented in this chapter:

197-11-500	Purpose of this Part.
197-11-502	Inviting comment.



197-11-504	Availability and cost of environmental documents.
197-11-508	SEPA Register.
197-11-535	Public hearings and meetings.
197-11-545	Effect of no comment.
197-11-550	Specificity of comments.
197-11-560	FEIS response to comments.
197-11-570	Consulted agency costs to assist lead agency.

18.04.160 PUBLIC NOTICE

Whenever the City issues a threshold determination, or EIS requiring public notice, the City shall give public notice of the determination or the availability of the environmental documents and whether any public hearing will be held as follows:

- A. Threshold Determination Notice - Public notice will be given on the following situations:
  - 1. DNS involving another agency with jurisdiction.
  - 2. DNS involving demolition of any structure or facility not exempted by WAC 197-11-800(2)(f) or WAC 197-11-880.
  - 3. DNS involving issuance of clearing or grading permits not exempted under WAC Part Nine - Categorical Exemptions.
  - 4. DNS under WAC 197-11-350(2) Early Notice.
  - 5. DNS under WAC 197-11-350(3) Mitigated DNS.
  - 6. DNS under WAC 197-11-360(4) change from DS to DNS.
  - 7. DS for scoping purposes.
  - 8. Availability of a DEIS.
- B. Type of Notice - Under subparagraph A, above, notice will be given as follows:
  - 1. Posting the site of the proposed action and at Gig Harbor City Hall.
  - 2. SEPA register.
  - 3. Publication in the official newspaper for the City of Gig Harbor.
- C. Public Hearing - Whenever a public hearing is held notice shall be given. Such notice shall precede the hearing by at least ten (10) days.

D. Type of Notice - Under subparagraph C, above, notice will be given as follows:

1. Posting or near the property for site specific proposals.
2. Mailing to property owners within 300 feet for site specific proposals.
3. Publication in the official newspaper of the City of Gig Harbor.
4. Other methods as deemed necessary and appropriate by the responsible official, provided that a public hearing on a non-project proposal must be preceded by written, published notice in accordance with WAC 197-11-502(6)(b) at least ten (10) days prior to the hearing.

18.04.170 DESIGNATION OF OFFICIAL TO PERFORM CONSULTED AGENCY RESPONSIBILITIES

- A. The responsible official shall be responsible for preparation of written documents for the City in response to a consultation request prior to a threshold determination, participation in scoping and reviewing of a draft EIS.
- B. The responsible official shall be responsible for the City's compliance with WAC 197-11-550 whenever the City is a consulted agency and is authorized to develop operating procedures that will ensure that responses to consultation requests are prepared in a timely fashion and include data from all appropriate departments of the City.

18.04.180 USING EXISTING ENVIRONMENTAL DOCUMENTS - ADOPTION BY REFERENCE

The City adopts the following sections of Chapter 197-11 WAC, as now existing or hereinafter amended, by reference:

197-11-600	When to use existing environmental documents.
197-11-610	Use of NEPA documents.
197-11-620	Supplemental environmental impact statements.
197-11-625	Addenda--Procedures.
197-11-630	Adoption--Procedures.
197-11-635	Incorporation by reference--Procedures.
197-11-640	Combining documents.

18.04.190 SEPA DECISIONS - ADOPTION BY REFERENCE

The City adopts the following sections of Chapter 197-11 WAC, as now existing or hereinafter amended, by reference:

197-11-650	Purpose of this Part.
197-11-655	Implementation.

197-11-660 Substantive authority and mitigation.  
197-11-680 Appeals.  
197-11-700 Definitions.

#### 18.04.200 SEPA DECISIONS

For nonexempt proposals, the DNS or EIS for the proposal shall accompany the City staff's recommendation. If a Final EIS is or becomes available, it shall be substitute for the draft.

#### 18.04.210 SEPA DECISIONS - SUBSTANTIVE AUTHORITY

- A. The City may attach conditions to a permit or approval for a proposal so long as:
1. Such conditions are necessary to mitigate specific adverse environmental impacts clearly identified in an environmental document prepared pursuant to this chapter; and
  2. Such conditions are in writing; and
  3. Such conditions are reasonable and capable of being accomplished; and
  4. The City has considered whether other local, state or federal mitigation measures applied to the proposal are sufficient to mitigate the identified impacts; and
  5. Such conditions are based on one or more policies in Section 18.04.220 and cited in the permit, approval, license or other decision document.
- B. The City may deny a permit or approval for a proposal on the basis of SEPA so long as:
1. A finding is made that approving the proposal would result in probable significant adverse environmental impacts that are identified in a final EIS or final supplemental EIS; and
  2. A finding is made that there are no reasonable mitigation measures sufficient to mitigate the identified impact; and
  3. The denial is based on one (1) or more policies identified in Section 18.04.220 and identified in writing in the decision document.

#### 18.04.220 SEPA - POLICES

- A. The policies and goals set forth in this chapter are supplementary to those in the existing authorization of the City.

B. The City adopts by reference the policies in the following City codes, ordinances, resolutions and plans, as now existing or hereinafter amended, as a possible basis for the exercise of substantive authority in the conditioning or denying of proposals.

1. Chapter 43.21C RCW State Environmental Policy Act.
2. Title 5 - Business Licenses and Regulations.
3. Title 6 - Animals.
4. Title 8 - Health and Safety.
5. Title 10 - Vehicles and Traffic.
6. Title 12 - Streets and Sidewalks.
7. Title 13 - Water and Sewers.
8. Title 15 - Buildings and Construction.
9. Title 16 - Subdivision.
10. Title 17 - Zoning.
11. The Gig Harbor Comprehensive Plan, 1986.
12. The Gig Harbor Shorelines Master Program.
13. 6 Year Street Program.
14. Comprehensive Water Plan (1986).

18.04.230 APPEALS

- A. Any interested person may appeal the adequacy of a final EIS and the conditions 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 (10) 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 and request that a date for considering the appeal be established. The decision of the Hearing Examiner shall be final pursuant to the provisions of Chapter 17.10.

- D. 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.
- E. 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.
- F. 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.

18.04.240 NOTICE/STATUTE OF LIMITATIONS

- A. The City, applicant for, or proponent of an action may publish a notice of action pursuant to RCW 43.21C.080 for any action.
- B. The form of the notice shall be substantially in the form provided in WAC 197-11-990. The notice shall be published by the City Clerk, applicant or proponent pursuant to RCW 43.21C.080.

18.04.250 DEFINITIONS - ADOPTION BY REFERENCE

The City adopts the following sections of Chapter 197-11 WAC, as now existing or hereinafter amended, by reference, as supplemented in this chapter:

197-11-700	Definitions.
197-11-702	Act.
197-11-704	Action.
197-11-706	Addendum.
197-11-708	Adoption.
197-11-710	Affected tribe.
197-11-712	Affecting.
197-11-714	Agency.
197-11-716	Applicant.
197-11-718	Built environment.
197-11-720	Categorical exemption.
197-11-722	Consolidated appeal.
197-11-724	Consulted agency.
197-11-726	Cost-benefit analysis.
197-11-728	County/city.
197-11-730	Decision maker.
197-11-732	Department.
197-11-734	Determination of nonsignificance (DNS).
197-11-736	Determination of significance (DS).

197-11-738 EIS.  
 197-11-740 Environment.  
 197-11-742 Environmental checklist.  
 197-11-744 Environmental document.  
 197-11-746 Environmental review.  
 197-11-748 Environmentally sensitive area.  
 197-11-750 Expanded scoping.  
 197-11-752 Impacts.  
 197-11-754 Incorporation by reference.  
 197-11-756 Lands covered by water.  
 197-11-758 Lead agency.  
 197-11-760 License.  
 197-11-762 Local agency.  
 197-11-764 Major action.  
 197-11-766 Mitigated DNS.  
 197-11-768 Mitigation.  
 197-11-770 Natural environment.  
 197-11-772 NEPA.  
 197-11-774 Nonproject.  
 197-11-776 Phased review.  
 197-11-778 Preparation.  
 197-11-780 Private project.  
 197-11-782 Probable.  
 197-11-784 Proposal.  
 197-11-786 Reasonable alternative.  
 197-11-788 Responsible official.  
 197-11-790 SEPA.  
 197-11-792 Scope.  
 197-11-793 Scoping.  
 197-11-794 Significant.  
 197-11-796 State agency.  
 197-11-797 Threshold determination.  
 197-11-799 Underlying governmental action.

18.04.260 COMPLIANCE WITH SEPA - ADOPTION BY REFERENCE

The City adopts the following sections of Chapter 197-11 WAC, as now existing or hereinafter amended, by reference, as supplemented in this chapter:

197-11-900 Purpose of this part.  
 197-11-902 Agency SEPA policies.  
 197-11-916 Application to ongoing actions.  
 197-11-920 Agencies with environmental expertise.  
 197-11-922 Lead agency rules.  
 197-11-924 Determination the lead agency.  
 197-11-926 Lead agency for governmental proposals.  
 197-11-928 Lead agency for public and private proposals.  
 197-11-930 Lead agency for private projects with one agency with jurisdiction.  
 197-11-932 Lead agency for private projects requiring licenses from more than one agency, when one of the agencies is a county/city.  
 197-11-934 Lead agency for private projects requiring

	licenses from a local agency, not a county/city, and one or more state agencies.
197-11-936	Lead agency for private projects requiring licenses from more than one state agency.
197-11-938	Lead agencies for specific proposals.
197-11-940	Transfer of lead agency status to a state agency.
197-11-942	Agreements on lead agency status.
197-11-944	Agreements on division of lead agency duties.
197-11-946	DOE resolution of lead agency disputes.
197-11-948	Assumption of lead agency status.

18.04.270 ENVIRONMENTALLY SENSITIVE AREAS

(Reserved)

18.04.280 FEES

The City shall require the following fees for its activities in accordance with the provisions of this chapter:

A. Threshold determination.

For every environmental checklist the City will review lead agency, the City shall collect a fee of Forty Dollars (\$40.00) from the proponent of the proposal prior to undertaking the threshold determination. This fee shall not apply if the checklist is required only as a result of Section 18.04.040. The time periods provided by this chapter for making a threshold determination shall not begin to run until payment of fees. When the City assists the applicant or completes the environmental checklist at the applicant's request or under Section 18.04.110(E) of this chapter an additional fee equal to the estimated actual cost of providing the assistance shall be collected.

B. Environmental impact statement.

1. When the City is the lead agency for a proposal requiring an EIS and the responsible official determines that the EIS shall be prepared by employees of the City, the City may charge and collect a reasonable fee from any applicant to cover costs incurred, including overhead, by the City in preparing the EIS. The responsible official shall advise the applicant of the projected costs for the EIS prior to actual preparation.
2. The responsible official may determine that the City will contract directly with a consultant for preparation of an EIS, or a portion of the EIS, for activities initiated by some persons or entity other than the City and may bill such costs and expenses directly to the applicant. Such consultants shall be selected by the City.

3. The applicant shall pay the projected amount to the City prior to commencing work. The City will refund the excess, if any, at the completion of the EIS. If the City's cost exceed the projected costs, the applicant shall immediately pay the excess. If a proposal is modified so that an EIS is no longer required, the responsible official shall refund any fees collected under subparagraphs (1) or (2) of this subsection which remain after incurred costs, including overhead, are paid.
- C. The City may collect a reasonable fee from an applicant to cover the cost of meeting the public notice requirements of this ordinance relating to the applicant's proposal.
  - D. The City may charge any person for copies of any document prepared under this ordinance, and for mailing the document, in a manner provided by Chapter 42.17 RCW.
  - E. If review of the application involves scientific, technical or specialized knowledge beyond the capabilities of City staff, the City may hire experts to review the application and shall charge the applicant for such expense.

18.04.290 FORMS - ADOPTION BY REFERENCE

The City adopts the following forms and sections of Chapter 197-11 WAC, as now existing or hereinafter amended, by reference:

197-11-960	Environmental checklist.
197-11-965	Adoption notice.
197-11-970	Determination of nonsignificance (DNS).
197-11-980	Determination of significance and scoping notice (DS).
197-11-985	Notice of assumption of lead agency status.
197-11-990	Notice of action.