

**ORDINANCE NO. 685**

**AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO RIGHT-OF-WAY USE PERMITS, ELIMINATING THE REQUIREMENT OF SUCH PERMIT FOR CERTAIN STRUCTURES, AND CLARIFYING THE PERMIT REQUIREMENT FOR CONSISTENCY WITH THE UNDERLYING ZONING; AMENDING SECTIONS 12.02.010 AND 12.02.030 OF THE GIG HARBOR MUNICIPAL CODE.**

WHEREAS, Ordinance No. 653 was adopted to established a procedure for issuance of right-of-way use permits; and

WHEREAS, Section 12.02.010 Permit Required of this Ordinance required a right-of-way permit for property owners with existing retaining walls constructed to preserve and protect the city right-of-way as well as private properties; and

WHEREAS, this portion of the ordinance is found to place an unnecessary burden upon certain property owners;

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

Section 1. Language in the City of Gig Harbor Municipal Code, Section 12.02.010, is hereby amended to read as follows:

12.02.010 Permit Required. No person shall use any public right-of-way, street, sidewalk, or other public place without a right-of-way use permit. The term "use" means to construct, erect, place or maintain in, on, over or under any public right-of-way, street, sidewalk or other similar public place, any building, fence, retaining wall, structure, and scaffolding or objects for commercial uses. ~~in such a way as to obstruct a public parking strip, sidewalk, street or right-of-way within the City.~~

Section 2. Section 12.02.030 of the Gig Harbor Municipal Code shall be amended to read as follows:

12.02.030 Issuance of Permit. All permits shall be issued by the director of public works, or the director's designee. The permit may be issued to the applicant if all requirements deemed relevant by the director of public works are met. Requirements shall include, but are not limited to, the following:

\* \* \*

- C. The requested use must meet all other applicable requirements of this code, including, but not limited to, the underlying zoning regulations applicable to the adjacent property upon which the use will be conducted, constructed or maintained.

\* \* \*

Section 3. This ordinance shall take effect and be in full force five days after publication of an

approved summary consisting of the title.

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Gretchen A. Wilbert, Mayor

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY

BY:

ATTEST:

Mark E. Hoppen  
City Administrator/Clerk

Filed with City Clerk: 11/09/94

Passed by City Council:

Date Published:

Date Effective: