

## ORDINANCE NO. 978

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, REPEALING ORDINANCE NO. 966, AND TERMINATING THE WATER MORATORIUM IMPOSED BY ORDINANCE NO. 966.**

---

WHEREAS, on May 24, 2004, the Gig Harbor City Council passed Ordinance No. 960 imposing an immediate moratorium on the acceptance of development applications and utility extension agreements requiring water service from the City's water system because the capacity in the City's water system was extremely low; and

WHEREAS, the City held a public hearing on the water moratorium on June 28, 2004; and

WHEREAS, on July 26, 2004, the Gig Harbor City Council passed Ordinance No. 966 which established findings and conclusions in support of the continued maintenance of the moratorium for a period of six months after the adoption of the moratorium (which would be on or about November 24, 2004); and

WHEREAS, on October 7, 2004, the State of Washington Department of Ecology issued a Report of Examination (Ecology's Order and Determination) on the City of Gig Harbor Ground Water Application No. G2-29896; and

WHEREAS, the October 7, 2004 Report of Examination granted the City a maximum instantaneous appropriation of 1,000 gallons per minute from Well #6 (non-additive), and 896 acre-feet per year for municipal supply as an additive/primary allocation with the period of use being year-round as needed; and

WHEREAS, the October 7, 2004 Report of Examination was subject to a thirty (30) day appeal period to the Washington State Pollution Control Hearings Board; and

WHEREAS, the appeal period has expired and no appeals have been filed; and

WHEREAS, it is appropriate that this Ordinance terminating the moratorium be adopted to be effective immediately; Now, Therefore,

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

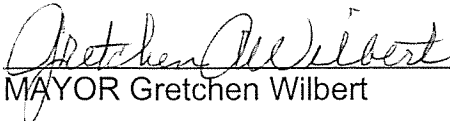
Section 1. Ordinance No. 966 Repealed. Ordinance No. 966 is hereby repealed.

Section 2. Moratorium Terminated. The moratorium on the acceptance of all non-exempt development permit applications established by Ordinance No. 966 is hereby terminated.

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

Section 4. Effective Date. This Ordinance shall take effect and be in full force immediately, as it was passed at the introductory meeting provided for in GHMC 1.08.020 B. by the affirmative vote of a majority plus one of the whole membership of the Council.

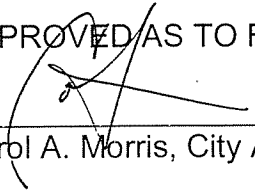
PASSED by the City Council and approved by the Mayor of the City of Gig Harbor, this 22nd day of November, 2004.

  
MAYOR Gretchen Wilbert

ATTEST/AUTHENTICATED:

  
Molly Towslee, City Clerk

APPROVED AS TO FORM:

  
Carol A. Morris, City Attorney

FILED WITH THE CITY CLERK: 11/17/04  
PASSED BY THE CITY COUNCIL: 11/22/04  
PUBLISHED: 12/1/04  
EFFECTIVE DATE: 11/22/04  
ORDINANCE NO.: 978