

ORDINANCE NO. 1273

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO REPEALING THE CURRENT PUBLIC WORKS STANDARDS, ADOPTING NEW PUBLIC WORKS STANDARDS FOR NEW DEVELOPMENT IN THE CITY, AND, AMENDING CHAPTER 12.06 AND 12.16 OF THE GIG HARBOR MUNICIPAL CODE.

WHEREAS, the City adopted the current Public Works Standards (Standards) in 1994 by Resolution No. 403 and re-adopted the same document in 1996 by Ordinance No.712 ; and

WHEREAS, Public Works Staff has seen the need to update sections of the current Standards to implement current City policies, engineering principles and practices, and construction techniques; and

WHEREAS, the City submitted the draft 2014 Standards for SEPA review and received a SEPA Determination of Non-Significance on August 28, 2013; and

WHEREAS, the City subsequently provided a copy of the draft 2014 Standards to the Washington State Department of Commerce for review as a development regulation amendment in accordance with RCW 36.70A.106, whereby the 60 day notice period ends on October 27, 2013; and

WHEREAS, the draft 2014 Standards was posted to the City's website and public comment on the document was requested with notice of the comment period posted to the City's website, emailed to owners of the 1993 Standards, advertised in the Daily Journal of Commerce, advertised in the Tacoma News Tribune, and advertised in the Peninsula Gateway; and

WHEREAS, the City Council held a public hearing on October 14, 2013, and considered this Ordinance during its regular City Council meetings on October 14, 2013 and October 28, 2013; NOW, THEREFORE,

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

Section 1. Chapter 12.06 of the Gig Harbor Municipal Code is hereby amended to read as follows:

12.06.010 Purpose.

The purpose of this code is to:

A. Establish a permit process for submittal, review, and issuance of a permit for construction of civil improvements not already required by Chapter 12.02 GHMC and Chapter 14.40 GHMC; and

B. Provide for inspection and maintenance of civil construction activities to ensure an effective and functional water system, wastewater system, transportation system, and stormwater drainage system; and

C. ~~Establish provisions for the recording of civil construction activities.~~

12.06.020 Definitions.

For the purposes of this chapter, the definitions listed under this section shall be construed as specified in this section:

“Civil construction activity” means manmade action to install or create civil improvements.

“Civil engineer” means a professional engineer licensed to practice in the state of Washington in civil engineering.

“Civil improvement” means a manmade object or entity that benefits humankind or mitigates the impact of humankind, including, but not limited to, motorized and nonmotorized ways of travel, street lighting, stormwater facilities, underground utilities, and overhead utilities, both public and private.

“Development” means any manmade change to improved or unimproved real estate including, but not limited to, buildings or other structures, utilities,

placement of manufactured home/mobile home, mining, dredging, clearing, filling, grading, paving, excavation, drilling operations, or the subdivision of property.

"Public Works Standards" is the document adopted in Chapter 12.16 GHMC.

12.06.060 Variances.

The director may grant a variance from the provisions of this code in accordance with the variance process outlined in the Public Works Standards; provided, that all criteria are met as adopted in GHMC 12.16.010

12.06.070 Permit requirements.

The director shall establish requirements for the submittal of civil permits, subject to the following criteria:

- A. Each applicant shall first file a written permit application on a form furnished by the city for that purpose.
- B. All site-development activities and civil construction activity shall comply with the standards, specifications Public Works Standards and requirements contained in GHMC Titles 12, 13, and 14.
- C. Before accepting a permit application, the permit authority shall collect a permit fee. Such fee shall be determined according to the standard fee schedule approved by the city council by resolution.
- D. The director shall establish a checklist demonstrating the information that shall be provided by the applicant for review of a civil permit.
- E. Time Limitation on Permit Application. An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing and expired, unless such application has been pursued in good faith or a permit has been issued; except that the director is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing with justifiable cause demonstrated.
- F. Time Limitation on Approved Civil Permit. A civil permit that has been approved more than 180 days before construction begins (i.e., a preconstruction meeting scheduled and inspection fees paid) shall be subject to an additional review prior to commencement of construction based on the hourly rate as established for third submittal.

G. Time Limitation on Approved Civil Permit under Construction. A civil permit that has been approved and construction related to the permit has begun (i.e., a preconstruction meeting has been held and inspection fees paid) shall expire 180 days after construction has begun unless such construction has been pursued in good faith; except that the director is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing with justifiable cause demonstrated.

H. Record Drawings. The applicant shall provide to the city both a final record drawing and a final record survey of the proposed development, each in both mylar format and digital format. These drawings shall have the seal of a civil engineer and be provided after the city accepts the construction improvements shown on the civil plans but prior to any certificate of occupancy for any buildings or structures located on the site plan. The digital format of the drawings shall be in AutoCAD compatible file and include all improvements in the right of way and all stormwater, water, and sewer utilities. The horizontal datum shall be NAD 1983 HARN State Plane South FIPS 4602 feet, or as otherwise approved by the director. The vertical datum shall be NGVD 29, or as otherwise approved by the director.

Section 2. Chapter 12.16 of the Gig Harbor Municipal Code is hereby amended to read as follows:

12.16.010 Adopted.

Those certain guidelines and standards entitled "Public Works Standards" for the city of Gig Harbor, published in 1994 2014 and adopted by Ordinance No. 1273 Resolution No. 403, are hereby adopted as the official public works standards for use on all development projects within the city of Gig Harbor and shall be used for all development projects located within the city of Gig Harbor's service areas, annexation areas, or planning areas to the extent that the city has the authority to require such guidelines and standards.

12.16.015 Chapter 3 repealed.⁴

Chapter 3, "Storm Drainage," of the Gig Harbor public works standards as adopted in GHMC 12.16.010 is hereby repealed.

Section 3. Severability. If any section, sentence, clause or phrase of this Ordinance is 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, clause or phrase of this Ordinance.

Section 4. Effective Date. This ordinance shall take effect and be in full force on January 1, 2014 after passage and publication of an approved summary consisting of the title.

PASSED by the Council and approved by the Mayor of the City of Gig Harbor this 12th day of November, 2013.

CITY OF GIG HARBOR

Charles L. Hunter
CHARLES L. HUNTER, MAYOR

ATTEST/AUTHENTICATED:

By: Molly Towslee
MOLLY TOWSLEE, CITY CLERK

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

By: Angela Belbeck
ANGELA S. BELBECK

FILED WITH THE CITY CLERK: 10/09/13
PASSED BY THE CITY COUNCIL: 11/12/13
PUBLISHED: 11/20/13
EFFECTIVE DATE: 01/01/2014
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