

ORDINANCE NO. 1253

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO USE OF PUBLIC DOCKS, PIERS AND FLOATS; AMENDING THE TITLE TO CHAPTER 8.28 OF THE GIG HARBOR MUNICIPAL CODE FOR CLARITY; ADDING A NEW CHAPTER 8.29 ADOPTING REGULATIONS FOR USE OF MARITIME PIER; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City's Maritime Pier was constructed to provide new public access, pick-up/drop-off for passengers and limited commercial loading/off-loading and is now available for certain uses; and

WHEREAS, the Maritime Pier will provide new water access for commercial use that will stimulate the local economy through tourism, recreation, and heritage related activities; and

WHEREAS, the City Council desires to codify regulations regarding use of Maritime Pier and the attached floats; and

WHEREAS, the City Council desires to rename chapter 8.28 of the Gig Harbor Municipal Code from "Public Docks" to "Public Docks – Jerisich" to avoid any confusion with adoption of new provisions relating to Maritime Pier; Now, therefore,

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

Section 1. Chapter 8.28 - Title- Amended. The title of chapter 8.28 of the Gig Harbor Municipal Code is amended to "Public Docks – Jerisich."

Section 2. Chapter 8.29 - Added. A new chapter 8.29 entitled "Public Docks – Maritime Pier - is added to the Gig Harbor Municipal Code to read as follows:

8.29.010 Maritime Pier Public use.

The pier and float known as the Maritime Pier extending into the waters of Gig Harbor Bay are for the use and enjoyment of the general public, with limitations set forth in this chapter.

8.29.020 Alcoholic beverages prohibited.

There shall be no alcoholic beverages consumed on the Maritime Pier.

8.29.030 Boat fueling or repairing prohibited.

There shall be no fueling or repairs of boats on, from or in conjunction with the use of the Maritime Pier.

8.29.040 Motorized vehicles.

There shall be no motorized vehicles on the Maritime Pier unless authorized by the city under a properly executed Maritime Pier Commercial Vessel Use Authorization.

8.29.050 Mooring time limit.

No watercraft may use the Maritime Pier for loading and unloading purposes for a period exceeding 15 minutes, unless authorized by the city under a properly executed Maritime Pier Commercial Vessel Use Authorization.

8.29.060 Commercial activity.

Other than loading and unloading, there shall be no commercial activity conducted from the Maritime Pier.

8.29.065 Unloading/loading zones.

The float shall be set aside and clearly marked and signed for unloading and loading of watercraft passengers for a period of time not to exceed 15 minutes. A person responsible for navigating such watercraft must remain with the vessel while using the Maritime Pier. Any watercraft shall be moved from the unloading/loading zone immediately after loading or unloading if another watercraft needs to use the unloading/loading area.

8.29.070 Penalties and remedies.

A. Violations of this chapter shall be deemed a public nuisance under RCW 35.27.410 and in violation of the safety, health, morals and general welfare of the city.

B. Such remedies given by law for the prevention and abatement of nuisances shall apply hereto.

C. Appropriately located signs shall inform users of the dock of moorage time limits as expressed in GHMC 8.29.050 and shall be deemed notice as warning of impoundment by violations.

D. Violation of any portion of this chapter is an infraction and subject to a penalty of \$100.00 as provided in GHMC 1.16.010D. Said violation shall be just cause for the violating boat to be cabled to the dock or removed to another City property to insure compliance with this chapter. Upon proper notice in accordance with subsections F and G of this section, the violating boat shall be impounded.

E. For the purposes of this chapter, the fact that a boat has been so left beyond the permissible time periods without permission or notification of the police department is prima facie evidence of abandonment.

F. When boats with proper license plates or vehicle registration displayed are found in violation of this chapter, the registered owner shall be notified by certified or registered mail that such boat is in violation of this chapter and that after 24 hours of receipt of the certified or registered mail notice, the violating boat will be impounded by the police department of the city.

G. When boats without proper license plates or vehicle registration displayed are found in violation of this chapter and parties claiming ownership to said boats are not known, notice of violation of this chapter shall be affixed in a prominent portion to the boat stating that 72 hours subsequent to the affixation of such notice of violation the boat will be impounded by the police department of the city.

H. Within five days of the impoundment of violating boats, the city shall notify by registered or certified letter said owner, if known, of the impoundment of the boat, the redemption procedure and the opportunity for hearing to contest the propriety of impoundment. If the owner of the boat is not known, publication of the boat's description, make, model, size, and color, plus details of impoundment, redemption procedure and the opportunity for hearing to contest the propriety of impoundment within a newspaper of general and local readership shall constitute sufficient notice.


I. After 15 days of receipt of the registered or certified mail or publication in a general and local newspaper providing notice of the impoundment, the city shall hold for sale the impounded boat. Proceeds of the sale shall be applied to the towing and storage fees incurred through impoundment and any excess shall be deposited in the city treasury.

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 and effect five days 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 10th day of December, 2012.

CITY OF GIG HARBOR



Mayor Charles L. Hunter

ATTEST/AUTHENTICATED:



Molly M. Towslee, City Clerk

APPROVED AS TO FORM:
Office of the City Attorney



Angela S. Belbeck

FILED WITH THE CITY CLERK: 11/26/12
PASSED BY THE CITY COUNCIL: 12/10/12
PUBLISHED: 12/19/12
EFFECTIVE DATE: 12/24/12
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