

ORDINANCE NO. 1172

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO FLOOD HAZARD CONSTRUCTION STANDARDS; AMENDING SUBSECTION 18.10.040(CC) AND SECTION 18.10.060 OF THE GIG HARBOR MUNICIPAL CODE TO EXCLUDE ALTERATION OF A STRUCTURE LISTED ON THE CITY'S REGISTER OF HISTORIC PLACES FROM THE REQUIREMENTS OF CHAPTER 18.10 OF THE GIG HARBOR MUNICIPAL CODE; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the National Flood Insurance Program provides for the exclusion of historic structures from the definition of substantial improvement; and

WHEREAS, the City's existing Flood Hazard Construction Standards set forth in Gig Harbor Municipal Code (GHMC) Chapter 18.10 exclude structures listed on the National Register of Historic Places or a State Inventory of Historic Places from the definition of substantial improvement; and

WHEREAS, the Gig Harbor City Council desires to exclude structures listed on the City's Register of Historic Places from the definition of substantial improvement; and

WHEREAS, Section 18.10.060 (Administration) of GHMC Chapter 18.10 is currently unclear regarding the need for a Flood Hazard Permit for development proposals that are excluded from the definition of substantial improvement; and

WHEREAS, the Gig Harbor City Council desires to clarify that development proposals excluded from the definition of substantial improvement do not require a Flood Hazard Permit; and

WHEREAS, the Gig Harbor City Council considered the Ordinance at first reading and public hearing on August 10, 2009; and

WHEREAS, on September 14, 2009, the City Council adopted this Ordinance at second reading during a regular City Council meeting; Now, therefore,

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

Section 1. Subsection 18.10.040(CC) of the Gig Harbor Municipal Code is hereby amended to read as follows:

18.10.040 Definitions.

Unless specifically defined below, terms or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

....

CC. "Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

1. Before the improvement or repair is started; or
2. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term can exclude:

1. Any project for improvement of a structure to correct pre-cited existing violations of state or local health, sanitary, or safety code specifications which have been previously identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
2. Any alteration of a structure listed on the National Register of Historic Places, ~~or~~ a State Inventory of Historic Places, or the city's Register of Historic Places.

Section 2. Section 18.10.060, Administration, of the Gig Harbor Municipal Code is hereby amended to read as follows:

18.10.060 Administration.

A. Establishment of Development Permit – Flood Hazard Permit Required. A flood hazard permit shall be obtained before construction or development begins within any area of special flood hazard established in GHMC 18.10.050. The permit shall be for all structures including manufactured homes, as set forth in GHMC 18.10.040, Definitions, and for all development including fill and other activities, also as set forth in GHMC 18.10.040. However, structures that are excluded from the definition of substantial improvement shall not be subject to the Flood Hazard Permit requirement. The permit shall be exempt from the following project permit processing requirements of GHMC Title 19: GHMC 19.02.003, Submission and acceptance of application; GHMC 19.02.004, Notice of application; GHMC 19.01.003(B), Optional Consolidated Permit Processing; RCW 36.70B.060(5) (single staff report with all decisions made as of the date of the report as to all project permits); RCW 36.70B.060(6) (requirement that there be no

more than one open record hearing and one closed record appeal); GHMC 19.05.009, Notice of final decision; and GHMC 19.05.009(A) (completion of application review within any applicable deadline).

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 five (5) 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 14th day of September, 2009.

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: 08/05/09
PASSED BY THE CITY COUNCIL: 09/14/09
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EFFECTIVE DATE: 09/28/09
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