

ORDINANCE NO. 1330

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO JERISICH PUBLIC DOCK, AMENDING CHAPTER 8.28 OF THE GIG HARBOR MUNICIPAL CODE TO REFLECT CHANGES IN MOORAGE TIME LIMITS AND FEES; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Chapter 8.28 of the Gig Harbor Municipal Code contains provisions for moorage rules and regulations at Jerisich Public Dock; and

WHEREAS, the City of Gig Harbor will be providing utility upgrades for boaters visiting the public dock in the form of shore power and water; and

WHEREAS, the City Council intends to recover the cost of providing utilities for boaters through moorage fees; and

WHEREAS, the code requires modification to reflect changes to mooring time limits and the levying of fees; Now, therefore,

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

Section 1. Chapter 8.28 - Amended. Chapter 8.28 of the Gig Harbor Municipal Code is amended to read as follows:

Chapter 8.28 PUBLIC DOCKS – JERISICH

- 8.28.010 Public use.**
- 8.28.015 Definitions**
- 8.28.020 Alcoholic beverages prohibited.**
- 8.28.030 Boat fueling or repairing prohibited.**
- 8.28.035 Mooring of vessels.**
- 8.28.040 Motorized vehicles prohibited.**
- 8.28.045 Reserving moorage prohibited.**
- 8.28.050 Mooring time limit.**
- 8.28.060 Commercial activity prohibited.**
- 8.28.065 Load/unload zones**
- 8.28.070 Moorage fees and penalties**
- 8.28.080 Dinghies and human powered craft**
- 8.28.090 Abandoned boats and remedies.**

8.28.010 Public use.

The Jerisich public dock (Dock) extending from Skansie Brother's Park into the waters of Gig Harbor Bay is operated by the City of Gig Harbor for the use and enjoyment of the general

public and is located approximately N 47° 19' 54", W 122° 34' 51." This chapter will also include regulation of any mooring buoys provided by the city in this same vicinity.

8.28.015 Definitions.

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

"Boat," also known as a vessel, includes every description of watercraft on the water used or capable of being used as a means of transportation on the water, other than a seaplane. However, it does not include inner tubes, air mattresses, and small rafts or flotation devices or toys customarily used by swimmers.

"Dinghy," also known as a tender, is a type of boat 13 ft. or less in length whose sole purpose is to carry people or materials between a larger boat and the shore.

"Non-motorized craft" is a type of boat with no propulsion machinery of any type.

"Overnight" shall be considered any time after 7:00 pm and before 7:00 am.

8.28.020 Alcoholic beverages prohibited.

There shall be no alcoholic beverages consumed on the Dock.

8.28.030 Boat fueling or repairing prohibited.

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

8.28.035 Mooring of vessels

Rafting of vessels is allowed on the east side of the Dock, but prohibited on the west side of the dock. Furthermore, stern-tying of vessels is allowed on the east side of the Dock, but prohibited on the west side of the dock. Vessels may only moor temporarily to the marked area adjoining the wastewater pumpout for purposes of using that service.

8.28.040 Motorized vehicles prohibited.

There shall be no motorized vehicles on the Dock except as authorized by the city.

8.28.045 Reserving moorage prohibited

All Dock areas are first come, first served. Moorage areas shall not be reserved unless otherwise granted written permission from the city.

8.28.050 Mooring time limit.

Except for city-owned or boats receiving prior authorization from the city, a boat shall not be moored at the Dock and/or a mooring buoy in excess of 3 overnight periods, whether continuous or not, within any ten-day period. Any prior authorization shall be obtained from the Chief of Police or his/her designee. This authorization does not remove the requirement to pay appropriate moorage fees.

8.28.060 Commercial activity prohibited.

There shall be no commercial activity conducted from the Dock. Commercial boats shall only be allowed to moor temporarily at the Load/Unload zones of the Dock unless otherwise granted written permission from the city.

8.28.065 Load/Unload zones.

A portion of the dock shall be set aside and clearly marked and posted on the Dock for loading and unloading of boats. Boats may temporarily use the load/unload zone only for the purpose of loading and unloading of passengers; a person responsible for navigating such boat shall remain with the vessel while temporarily moored at the Dock; and such boat shall be moved from the load/unload zone immediately after passengers have disembarked.

8.28.070 Moorage fees and penalties

A. Moorage fees are not charged at the following locations, however the time limits prescribed in 8.28.050 of this chapter shall apply:

1. Dinghy and Non-Motorized Craft area
2. Mooring buoys

B. Except as provided in subsection A above, each boat shall pay the moorage fee established by resolution when any one of the following conditions exist:

1. The boat is moored overnight, including rafted boats; or
2. The boat is connected to a power outlet at the Dock; or
3. The boat is connected to a water outlet at the Dock.

C. For each boat showing proof of payment of the moorage fee for mooring overnight the following utilities are provided at no additional charge:

1. Power: typically available year round at the Dock; and
2. Water: typically available between April 1 and October 31 of each year at the Dock

D. Proof of payment of the moorage fee shall be displayed in a visible dock-side window on each boat required to pay moorage fees per subsection B above. If the boat does not have a visible dock-side window, the proof of payment shall be displayed on a dock-side vertical surface above the gunwale.

E. Falsifying vessel identification and/or size on moorage payment information shall be a violation of this chapter.

F. Payment of moorage fees shall be made using a credit card or debit card only at the payment kiosk located on the shoreline adjacent to the Dock.

G. Mooring buoys may be used by boats at no charge; however depth and/or boat length limits may apply as posted. The same moorage time limits outlined in GHMC 8.28.050 shall also apply to city-owned mooring buoys. Vessels using mooring buoys must register and display proof of registration, but there will be no fee charged for use of the buoy.

H. The following violations of 8.28.050 (Mooring time limit) shall be civil infractions:

1. Moorage without registering or without paying the established fee; continuing to moor without paying the established fee as it becomes due. The civil penalty shall be one hundred dollars (\$100). Each calendar day on which a failure to pay the moorage fees occurs shall constitute a separate civil infraction.

2. Moorage in a restricted loading/unloading area or prohibited area. The civil penalty shall be one hundred dollars (\$100). Each calendar day on which a watercraft is moored in a restricted or prohibited area shall constitute a separate civil infraction.
3. Falsifying vessel identification and/or size on moorage payment information. The civil penalty shall be two hundred fifty dollars (\$250). Each calendar day on which a watercraft has falsified such vessel identification and/or size information shall constitute a separate civil infraction.

I. The Police Department shall be responsible for issuing civil infractions pursuant to this section. The Police Department shall utilize the City's standard parking ticket when issuing Notices of Infraction pursuant to this section. The moorage/parking ticket will be issued and served upon the violating boat.

8.28.080 Dinghies and human powered craft.

Dinghies and human powered craft shall only be tied to the following locations on the Dock:

1. Where posted specifically for the type of boat; or
2. Alongside the larger boat to which they are a tender.

Dinghies and human powered craft tied to the Dock and not within a designated area are subject to moorage payment.

8.28.090 Abandoned boats and remedies.

A. Boats that remain moored at the Dock in violation of this chapter beyond ten (10) days 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 moorage fees and time limits as expressed in GHMC 8.28 and shall be deemed notice as warning of impoundment by violations.

D. Violation of any portion of this section shall be just cause for the violating boat to be cabled to the Dock 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 ten (10) days without permission or notification of the police department is prima facie evidence of abandonment.

F. When boats are found in violation of this section, the registered owner shall be notified by certified or registered mail that such boat is in violation of this chapter and has been impounded by the City pending issuance of Notice of Infraction in accordance with Section 8.28.070 and is subject to seizure if not claimed within 30 days.

G. When boats are found in violation of this section and parties claiming ownership to said boats are not known, a notice of violation of this chapter shall be affixed to a prominent portion of the boat stating that the boat is in violation of this chapter and has been impounded by the City

pending issuance of Notice of Infraction in accordance with Section 8.28.070 and are subject to seizure if not claimed within 30 days.

H. Such notice described in subsections F and G of this section shall include 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 30 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 2. 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 3. 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.

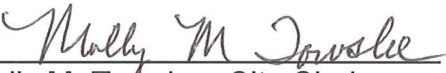
PASSED by the Council and approved by the Mayor of the City of Gig Harbor, this 22nd day of February, 2016.

CITY OF GIG HARBOR



Mayor Jill Guernsey

ATTEST/AUTHENTICATED:



Molly M. Toewslee, City Clerk

APPROVED AS TO FORM:
Office of the City Attorney



Angela G. Summerfield

FILED WITH THE CITY CLERK: 02/03/16
PASSED BY THE CITY COUNCIL: 02/22/16
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EFFECTIVE DATE: 02/29/16
ORDINANCE NO: 1330