

ORDINANCE NO. 1088

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO THE CITY'S ORDINANCE PASSING PROCEDURE, ALLOWING FOR CERTAIN ORDINANCES TO BE PASSED ON THE DAY OF THE ORDINANCE'S INTRODUCTION, WITHOUT A DECLARATION OF EMERGENCY, AND ADOPTING THE REQUIREMENTS FOR CHANGES TO ORDINANCES AS SET FORTH IN RCW 36.70A.035, AMENDING GIG HARBOR MUNICIPAL CODE SECTION 1.08.020.

WHEREAS, there is no state law requirement that an ordinance have two readings prior to adoption; and

WHEREAS, the City adopted GHMC Section 1.08.020, which requires that every ordinance have two readings prior to adoption, unless there is an affirmative vote of a majority plus one of the whole membership of the council; and

WHEREAS, the Council desires to change this procedure so that certain types of ordinances may be adopted after one reading; and

WHEREAS, GHMC Section 1.08.020(C) covers amendments to an ordinance, and should be changed to be consistent with RCW 36.70A.035, which describes the manner in which the public shall be provided additional opportunities for public comment and testimony when ordinances dealing with development regulations or comprehensive plan amendments are changed prior to adoption; and

WHEREAS, the City's SEPA Responsible Official issued a determination that the adoption of this Ordinance is merely procedural and is therefore exempt from SEPA under WAC 197-11-800(20); and

WHEREAS, the City Council held a public hearing and considered this Ordinance during its regular City Council meetings of May 14, 2007 and May 29, 2007; and

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

Section 1. Section 1.08.020 of the Gig Harbor Municipal Code is hereby amended to read as follows:

1.08.020 Adoption.

A. A proposed ordinance:

1. Shall not be adopted on the date of its introduction except as provided in subsection B and C below:
2. Shall only be adopted at a regular meeting except as provided in subsection B below; and
3. Should be reintroduced if not adopted at or prior to the third regular meeting after the introductory meeting. Failure to reintroduce the proposed ordinance shall not affect the validity of any ordinance passed by the city council.

B. Notwithstanding the foregoing, the city council may take action on a proposed ordinance on the day of introduction, or at a special meeting, upon the affirmative vote of a majority plus one of the whole membership of the council.

C. The city council may take action on a proposed ordinance on the day of introduction upon the affirmative vote of a majority of a quorum of the council, if the proposed ordinance relates to annexations or site specific rezones.

D. Amendments.

1. A proposed ordinance that is not a development regulation or comprehensive plan amendment, may be amended at any regular or special meeting of the council, including the introductory meeting; provided, however, that amendments shall not be considered unless the proposed ordinance appears on the official agenda of the meeting at which amendments are proposed.

2. If the city council chooses to consider a change to an ordinance relating to a development regulation or comprehensive plan amendment, and the change is proposed after the opportunity for review and comment has passed under the city's ordinance passing procedures, an opportunity for review and comment on the proposed change shall be provided before the city council votes on the proposed change. An additional opportunity for public review and comment is not required for any of the following situations:

a. An environmental impact statement has been prepared under chapter 43.21CRCW for the pending ordinance and the proposed change is within the range of alternatives considered in the environmental impact statement;

b. The proposed change is within the scope of the alternatives available for public comment;

- c. The proposed change only corrects typographical errors, corrects cross-references, makes address or name changes, or clarifies language of a proposed ordinance without changing its effect;
- d. The proposed change is to an ordinance making a capital budget decision as provided in RCW 36.70A.120; or
- e. The proposed change is to an ordinance adopting a moratorium or interim control adopted under RCW 36.70A.390.
- f. Site-specific rezones.

Section 2. 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 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 City Council and approved by the Mayor of the City of Gig Harbor this 29th day of May, 2007

CITY OF GIG HARBOR

CHARLES L. HUNTER, MAYOR

ATTEST/AUTHENTICATED:

By: _____
MOLLY TOWSLEE, City Clerk

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

By: _____
CAROL A. MORRIS

FILED WITH THE CITY CLERK: 05/08/07
PASSED BY THE CITY COUNCIL: 05/29/07
PUBLISHED: 05/30/07
EFFECTIVE DATE: 05/04/07

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