

ORDINANCE NO. 1050

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO THE HARBOR CODE, CORRECTING OUTDATED STATUTORY REFERENCES AND ADOPTING PENALTIES FOR VIOLATIONS OF THE HARBOR CODE, AMENDING GIG HARBOR MUNICIPAL CODE SECTIONS 8.24.016, ADOPTING A NEW SECTION 8.24.015.

WHEREAS, the City's Harbor Code adopts chapter 88.12 RCW by reference; and

WHEREAS, the Washington State Legislature recodified chapter 88.12 RCW into chapter 79A.60 RCW, "Regulation of Recreational Vessels; and

WHEREAS, a penalty section is needed for the enforcement of chapter 8.24 of the Gig Harbor Municipal Code; and

WHEREAS, WHEREAS, the City Council considered this Ordinance during its regular City Council meetings of June 12th and June 26th, 2006; Now, Therefore,

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

Section 1. Section 8.24.016 of the Gig Harbor Municipal Code is hereby amended to read as follows:

8.24.016 Chapter ~~88.12~~ 79A.60 RCW adopted by reference.

Chapter ~~88.12~~ 79A.60 RCW, 'Regulation of Recreational Vessels,' as the same now exists or may hereafter be amended, is hereby adopted by reference, as if fully set forth herein.

Section 2. A new Section 8.24.015 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

8.24.015 Penalties.

A. The penalties for violations of Gig Harbor Municipal Code Sections 8.24.012, 8.24.017, 8.24.018, 8.24.020, 8.24.022, 8.24.024, 8.24.026, 8.24.028, 8.24.030, and 8.24.034 shall be a civil infraction pursuant to chapter 7.84 RCW, and shall be subject to a monetary penalty of One Hundred Dollars (\$100.00). Each day

during any portion of which a violation of any provision of the aforementioned sections is committed is a separate offense.

B. The penalties for violations of chapter 79A.60 RCW shall be as specifically identified in that chapter. Violations designated as infractions in chapter 79A.60 RCW shall be misdemeanors, as set forth in RCW 79A.60.020. Violations designated as civil infractions in chapter 79A.60 RCW shall be a civil infraction pursuant to chapter 7.84 RCW, subject to a monetary penalty of One Hundred Dollars (\$100.00).

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. Adoption of Chapter 79A.60 RCW by Reference. Pursuant to RCW 35A.12.140, a copy of chapter 79A.60 RCW is attached to this ordinance as Exhibit A. While this ordinance and the attached statute are being considered for adoption, a copy shall be filed in the office of the City Clerk for examination by the public.

Section 5. 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 26th day of June, 2006.

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: 6/7/06
PASSED BY THE CITY COUNCIL: 6/26/06
PUBLISHED: 7/5/06
EFFECTIVE DATE: 7/10/06
ORDINANCE NO: 1050