

ORDINANCE NO. 1348

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO PUBLIC WORKS STANDARDS; REPEALING THE 2014 PUBLIC WORKS STANDARDS AND ADOPTING NEW PUBLIC WORKS STANDARDS FOR NEW DEVELOPMENT IN THE CITY; AMENDING CHAPTERS 12.06, 12.08, 12.16, AND 13.28 OF THE GIG HARBOR MUNICIPAL CODE; REPEALING CHAPTERS 13.08, 13.12, AND 13.24 OF THE GIG HARBOR MUNICIPAL CODE; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City adopted the current Public Works Standards (Standards) in 2014 by Ordinance No. 1273; and

WHEREAS, the City operates under its National Pollution Discharge Elimination (NPDES) Municipal Stormwater Permit requirements; and

WHEREAS, the City's NPDES Permit requires the City adopt Low Impact Development (LID) techniques and Best Management Practices (BMPs) as the City's Standard in order to minimize impervious surfaces, reduce loss of native vegetation, and protect land and water resources; and

WHEREAS, Public Works Staff has seen the need to amend certain sections of Chapters 12.06, 12.08, 12.16, and 13.28 of the Gig Harbor Municipal Code and update sections of the current Standards to implement current City policies, engineering principles and practices, construction techniques to correspond with the City's NPDES Permit; and

WHEREAS, Chapters 13.08, 13.12, and 13.24 of the Gig Harbor Municipal Code (GHMC) currently provide information that is now provided in Chapter 12.06 GHMC and the 2017 Standards and therefore Chapters 13.08, 13.12, and 13.24 are redundant and no longer necessary; and

WHEREAS, the City submitted the draft 2017 Standards for SEPA review and received a SEPA Determination of Non-Significance on September 1, 2016; and

WHEREAS, the City subsequently provided a copy of the draft 2017 Standards to the Washington State Department of Commerce for review as a development regulation

amendment in accordance with RCW 36.70A.106, whereby the 60 day notice period ended on October 31, 2016; and

WHEREAS, the draft 2017 Standards was posted to the City's website and public comment on the document was requested with notice of the comment period that was mailed to the local development community, Master Builders Association, and Association of General Contractors in addition to being posted to the City's website and advertised in the Peninsula Gateway; and

WHEREAS, the City Council held a public hearing on October 24, 2016, and considered this Ordinance during its regular City Council meetings on October 24, 2016 and November 14, 2016; NOW, THEREFORE,

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

Section 1. GHMC 12.06.100 - Amended. Section 12.06.100 of the Gig Harbor Municipal Code is hereby amended to read as follows:

12.06.100 Financial guarantees.

The owner shall submit financial guarantees as a guarantee of performing the work provided by an approved civil permit and as a guarantee of maintenance of the completed work. Financial guarantees may include bonds, cash set-asides, irrevocable lines of credit, or other types of guarantees accepted by the director and approved by the city attorney. At no time shall the financial guarantee for a civil permit duplicate financial guarantees for the same scope of work. Financial guarantees for stormwater-related work shall be established by the City's Stormwater Management and Site Development Manual. The financial guarantees for a civil permit shall be provided as follows:

- A. Performance Guarantee. Prior to the issuance of a civil permit, the owner of the project shall submit a financial performance guarantee for all work related to the improvements proposed by the civil permit. The guarantee shall be in a form acceptable to the city attorney. The value of the financial performance guarantee shall be 125 percent of the project civil engineer's opinion of probable cost of infrastructure that will be dedicated to the public at the completion of the civil construction, as approved by the director.
- B. Maintenance Guarantee. Prior to release of a performance guarantee(s), the owner of the project shall submit a financial maintenance guarantee for a period of two years from the date of the release of the performance guarantee for all work related to the completed improvements. The guarantee shall be in a form acceptable to the city attorney. The value of the financial maintenance guarantee shall be 15 percent of the project civil engineer's opinion of probable cost of

infrastructure that will be dedicated to the public at the completion of the civil construction, as approved by the director.

Section 2. Chapter 12.08 - Amended. Chapter 12.08 of the Gig Harbor Municipal Code is hereby amended by amending GHMC 12.08.140 and GHMC 12.08.190 to read as follows:

12.08.140 Relocation and protection of utilities.

The permittee shall not interfere with any existing facility without the written consent of the administrative authority and the owner of the facility. If it becomes necessary to relocate any existing facility, such work shall be done by its owner. No facility owned by the city shall be moved to accommodate the permittee unless the cost of such work be borne by the permittee. The cost of moving privately owned facilities shall be similarly borne by the permittee unless other arrangements are made with the owners of the facility. The permittee shall support and protect all pipes, conduits, poles, wires, or other apparatus which may be affected in any way by the excavation work and do every thing necessary to support, sustain, and protect them under, over, along, or across said work. In case of any said pipes, conduits, poles, wire or pipe coating or other encasement or devices or apparatus should be damaged, the permittee shall promptly notify the owners thereof. All damaged facilities shall be repaired and restored to fully functioning status per director approval ~~by the agency or person owning them~~ permittee, and the expense of such repairs shall be ~~charged to borne by the~~ permittee. It is the intent of this paragraph that the permittee shall assume all liability for damage to facilities, and any resulting damage or injury to anyone because of such facility damage and such assumption of liability is a contractual obligation of the permittee. The only exception will be such instances where damage is exclusively due to the negligence of the owning utility. The permittee shall inform itself as to the existence and location of all underground facilities and protect the same against damage.

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12.08.190 Breaking through pavement.

~~A hydra hammer or similar equipment may be used in breaking up the pavement.~~ Unstable pavement shall be removed over cave-outs and overbreaks, and the subgrade shall be treated as the main trench. Cutouts outside of the trench lines must be parallel to the trench line. The permittee shall not be responsible for the repair or pavement damage existing prior to the excavation.

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Section 3. GHMC 12.16.010 - Amended. Section 12.16.010 of the Gig Harbor Municipal Code is hereby amended to read as follows:

12.16.010 Adopted.

Those certain guidelines and standards entitled "Public Works Standards" for the city of Gig Harbor, published in 2014 ~~2017~~ and adopted by Ordinance No. ~~1273~~ 13xx, are hereby adopted as the official public works standards for use on all development projects within the city of Gig Harbor and shall be used for all development projects located within the city of Gig Harbor's service areas, annexation areas, or planning areas to the extent that the city has the authority to require such guidelines and standards.

Section 4. GHMC 13.28.105 - Deleted. Section 13.28.105 of the Gig Harbor Municipal Code is hereby deleted in its entirety.

Section 5. Chapter 13.08 - Repealed. Chapter 13.08 of the Gig Harbor Municipal Code is hereby repealed.

Section 6. Chapter 13.12 - Repealed. Chapter 13.12 of the Gig Harbor Municipal Code is hereby repealed.

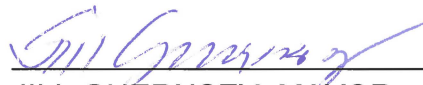
Section 7. Chapter 13.24 - Repealed. Chapter 13.24 of the Gig Harbor Municipal Code is hereby repealed.

Section 8. 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 9. Effective Date. This ordinance shall take effect and be in full force on January 1, 2017 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 November, 2016.

CITY OF GIG HARBOR


JILL GUERNSEY, MAYOR

ATTEST/AUTHENTICATED:

By: 
MOLLY TOWSLEE, CITY CLERK

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

By: 
ANGELA G. SUMMERFIELD

FILED WITH THE CITY CLERK: 10/19/16
PASSED BY THE CITY COUNCIL: 11/14/16
PUBLISHED: 11/16/16
EFFECTIVE DATE: 01/01/2017
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