

## ORDINANCE NO. 929

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, ELIMINATING THE MOORAGE FEES FOR THE CITY DOCK, REPEALING GIG HARBOR MUNICIPAL CODE SECTIONS 3.28.010 AND 3.28.020.

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**WHEREAS**, the City of Gig Harbor owns and operates a public dock facility, and charges moorage fees for such use; and

**WHEREAS**, the moorage fee for use of the public dock is extremely low (\$0.25 per foot per night); and

**WHEREAS**, the City has immunity from liability for unintentional injuries to the public using the City's public dock for purposes of outdoor recreation, as long as the City does not charge a fee of any kind (RCW 4.24.210); and

**WHEREAS**, the Washington courts have recently determined that this immunity from liability does not apply to a public dock if the municipality charges a moorage fee to the public; and

**WHEREAS**, the City Council believes that the immunity provided by RCW 4.24.210 outweighs the small amount of money collected by the City through moorage fees imposed in GHMC Section 3.28.010; and

**WHEREAS**, the City Council acknowledges that if the moorage fees are eliminated in GHMC Section 3.28.010, there is no need for GHMC Section 3.28.020, which describes the penalty for failure to pay the moorage fee at the public dock; Now, Therefore,

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

Section 1. Section 3.28.010 of the Gig Harbor Municipal Code is hereby repealed.

Section 2. Section 3.28.020 of the Gig Harbor Municipal Code is hereby repealed.

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  
9<sup>th</sup> day of June, 2003.

CITY OF GIG HARBOR

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GRETCHEN WILBERT, 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: 4/16/03  
PASSED BY THE CITY COUNCIL: 6/9/03  
PUBLISHED: 6/18/03  
EFFECTIVE DATE: 6/23/03  
ORDINANCE NO: 929

**SUMMARY OF ORDINANCE NO. 929  
of the City of Gig Harbor, Washington**

On June 9, 2003, the City Council of the City of Gig Harbor, Washington, approved Ordinance No. 929, the summary of text of which is as follows:

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
GIG HARBOR, WASHINGTON, ELIMINATING THE  
MOORAGE FEES FOR THE CITY DOCK, REPEALING GIG  
HARBOR MUNICIPAL CODE SECTIONS 3.28.010 AND  
3.28.020.**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GIG HARBOR:

The full text of this ordinance will be mailed upon request.

APPROVED by the City Council at their regular meeting of June 9, 2003.

BY: \_\_\_\_\_  
MOLLY M. TOWSLEE, CITY CLERK