

ORDINANCE NO. 782

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO PUBLIC WORKS STANDARDS, ADOPTING NEW CRITERIA FOR THE CITY COUNCIL TO ACCEPT OWNERSHIP AND MAINTENANCE RESPONSIBILITIES FOR EXISTING PRIVATE STREETS AND TO ADOPT SUCH STREETS AS PART OF THE CITY'S PUBLIC STREET SYSTEM, AMENDING SECTION 2B.070, ADDING A NEW SECTION 3.080 TO THE CITY'S PUBLIC WORKS STANDARDS, AND AMENDING ORDINANCE NO. 712.

WHEREAS, property outside the City limits has been developed under the Pierce County codes and public works standards; and

WHEREAS, the Pierce County codes and public works standards allowed the development of private streets and other improvements which do not, in all instances, conform to the City's public works standards; and

WHEREAS, property owners with the responsibility of maintaining and operating these private streets and other improvements have requested that the City accept ownership and maintenance responsibilities for these streets and improvements; and

WHEREAS, the City Council desires to develop uniform criteria to determine whether the City should accept ownership and maintenance responsibilities for existing private streets; and

WHEREAS, the City Council finds that the City's current public works standards on this subject are too restrictive and should be changed; now, therefore,

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

Section 1. Section 2B.070 of the City's Public Works Standards, as adopted by Ordinance No. 712, is hereby amended to read as follows:

2B.070 Private Streets. See definition of "private street" in Section 1.025.

A. Private streets may be allowed under the following conditions:

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B. Acceptance of Public Streets. ~~Acceptance of private streets as public streets will be considered only if the street(s) meet all applicable public street standards, including right of way widths. The City Council's decision whether to accept dedication of a private street is wholly discretionary. The City Council's acceptance of private streets as public streets will be considered only if each of the following conditions are met:~~

1. The street(s) have been constructed to approximate City public works standards and would not result in unusually high costs of maintenance, improvement or repair;
2. There is no hazardous waste located upon or under the street(s). The property owners desiring to dedicate the street(s) to the City shall hire a hazardous materials consultant, as approved by the City, and shall pay the cost of the hazardous materials evaluation. The hazardous materials evaluation shall include a Phase I evaluation, and may in the City's sole discretion, include a Phase II evaluation;
3. The owners of the street(s) have agreed in writing to dedicate the street(s) to the City on behalf of the public as required by RCW 64.04.175;
4. If a plat alteration is necessary, the requisite owner(s) have completed and signed the plat alteration application, together with the proposed street dedication, and have paid the requisite fee, the plat alteration has been approved and the street

dedication has been recommended for approval by the City Hearing Examiner;

5. The public interest will be benefitted by accepting dedication of the street(s); and

6. The acceptance of the street(s) does not set a precedent which is detrimental to the public health, safety or welfare.

Section 2. A new Section 3.080 is hereby added to the City's Public Works Standards, as adopted by Ordinance 712, to read as follows:

3.080 Acceptance of Private Storm Drainage Systems as Public Storm Drainage Systems. The City Council's decision whether to accept dedication of a private storm drainage system is wholly discretionary. The City Council's acceptance of private storm drainage system, along with the dedication of the necessary access easement, as a public storm drainage system, will be considered only if each of the following conditions have been met.

1. The storm drainage system(s) have been constructed to approximate City public works standards and would not result in unusually high costs of maintenance, improvement or repair;

2. There is no hazardous waste located within the storm drainage easement. The property owners desiring to dedicate the storm drainage system and easement to the City shall hire a hazardous materials consultant, as approved by the City, and shall pay the cost of the hazardous materials evaluation. The hazardous materials evaluation shall include a Phase I evaluation, and may, in the City's sole discretion, include a Phase II evaluation;

3. The owner(s) of the storm drainage system have agreed in writing to dedicate the system and the requisite easements to the City on behalf of the public as required by RCW 64.04.175;

4. If a plat alteration is necessary, the requisite owner(s) have completed and signed the plat

alteration application, and paid the requisite fee, the plat alteration has been approved and the easement dedication has been recommended for approval by the City Hearing Examiner;

5. The storm drainage easement is adequate for maintaining and servicing the storm drainage system;

6. The public interest will be benefitted by accepting dedication of the storm drainage system; and

7. The acceptance of the storm drainage system and easement does not set a precedent which is detrimental to the public health, safety or welfare.

Section 3. If any section, sentence, clause or phrase of this ordinance should be 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, sentence, clause or phrase of this ordinance.

Section 4. This ordinance shall take effect and be in full force five (5) days after publication of an approved summary consisting of the title.

APPROVED:

MAYOR, GRETCHEN A. WILBERT

ATTEST/AUTHENTICATED:

CITY CLERK, MOLLY TOWSLEE

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY:

BY: CITY ATTORNEY, CAROL A. MORRIS

FILED WITH THE CITY CLERK: 12/3/97
PASSED BY THE CITY COUNCIL: 1/13/98
PUBLISHED: 1/21/98
EFFECTIVE DATE: 1/26/98
ORDINANCE NO. 782

**SUMMARY OF ORDINANCE NO. 782
of the City of Gig Harbor, Washington**

On the 13th day of January, 1998, the City Council of the City of Gig Harbor, passed Ordinance No. 782. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO PUBLIC WORKS STANDARDS, ADOPTING NEW CRITERIA FOR THE CITY COUNCIL TO ACCEPT OWNERSHIP AND MAINTENANCE RESPONSIBILITIES FOR EXISTING PRIVATE STREETS AND TO ADOPT SUCH STREETS AS PART OF THE CITY'S PUBLIC STREET SYSTEM, AMENDING SECTION 2B.070, ADDING A NEW SECTION 3.080 TO THE CITY'S PUBLIC WORKS STANDARDS, AND AMENDING ORDINANCE NO. 712.

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

DATED this 14th day of January, 1998.

Molly Towslee, City Clerk