

ORDINANCE NO. 759

**AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON,
ADOPTING AN IMMEDIATE MORATORIUM ON BOTH THE
ACCEPTANCE OF APPLICATIONS FOR SEWER SERVICE
CONNECTIONS AND THE ISSUANCE OF SEWER SERVICE PERMITS
UNDER THE GIG HARBOR MUNICIPAL CODE, TO BE EFFECTIVE
FOR A PERIOD OF SIX MONTHS, SETTING A DATE FOR A PUBLIC
HEARING ON THE MORATORIUM, AND DECLARING AN
EMERGENCY.**

WHEREAS, on June 27, 1988, the City of Gig Harbor ("City") obtained a National Pollution Discharge Elimination System ("NPDES") permit from the Department of Ecology ("Ecology") for operation of the City's wastewater treatment plant; and

WHEREAS, on July 19, 1993, Ecology administratively extended the duration of the 1988 NPDES permit until Ecology issued the City a renewal NPDES permit; and

WHEREAS, at present, nearly four years after the extension of the 1988 permit, Ecology is yet to issue a renewal NPDES permit to the City; and

WHEREAS, at this point in the process, it appears that the issuance of the renewal NPDES permit may be delayed due to Ecology's decision to hold a public hearing on the City's application; and

WHEREAS, under the existing NPDES permit, the City's wastewater treatment plant is approaching, and has occasionally exceeded, its limits for effluent flow; and

WHEREAS, the City wishes to impose a moratorium barring the acceptance of new applications for sewer service connections and suspending the issuance of sewer service permits until the renewal NPDES permit is issued;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, DO HEREBY ORDAIN AS FOLLOWS:

Section 1. Purpose. The purpose of this moratorium is to temporarily suspend additional demands on the City's wastewater treatment plant until the City obtains a renewal NPDES permit from the Department of Ecology to increase the allowable flow and capacity limitations for the treatment plant. The wastewater treatment plant is approaching, and has occasionally exceeded, its current NPDES permit limits for effluent flow.

Section 2. Moratorium Imposed. The City Council hereby imposes a moratorium on the acceptance of any new applications for sewer service connections and the issuance of any new sewer service permits pursuant to Chapters 13.24 (Building Sewer Specifications), 13.28 (Sewer System Rules and Regulations) and 13.34 (Water and Sewer Service Outside City Limits) of the Gig Harbor Municipal Code ("GHMC"). During the term of this moratorium (unless earlier terminated by the City Council by ordinance), the City will not accept any new applications for sewer service connections and will not issue any new sewer service permits.

Section 3. Vested Sewer Service Connections. This moratorium shall not prohibit any sewer service connection that is approved by the City and that is described in a building permit application that is submitted to the City on or before the effective date of this moratorium, so long as such building permit application is determined by the City to be complete and determined by the City to conform to existing zoning ordinances and building codes. See GHMC 15.06.050.

Section 4. Duration of Moratorium. The moratorium imposed by this ordinance shall be in effect for a period of six (6) months, beginning on the date of the adoption of this ordinance. During this period, the City will continue to pursue renewal of its NPDES permit from the Department of Ecology.

Section 5. Public Hearing on Moratorium. Pursuant to RCW 36.70A.390, the City Council shall hold a public hearing on this moratorium within sixty (60) days of its adoption. Immediately after the public hearing, the City Council shall adopt findings of fact on the subject of this moratorium, and either justify its continued imposition or cancel the moratorium.

Section 6. Severability. 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 unconstitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 7. Declaration of Emergency. The City Council hereby declares that an emergency exists necessitating that this ordinance take effect immediately upon passage by a unanimous vote of the members of the City Council, and that the same not be subject to a referendum. Without an immediate moratorium on the City's acceptance of new sewer service applications and a moratorium on the issuance of new sewer service permits under Chapters 13.24, 13.28 and 13.34 GHMC, the City risks exceeding its current NPDES permit limits for effluent flow.

Section 8. Effective Date. Pursuant to GHMC 1.08.020(B), the City Council may pass an ordinance on the day of its introduction, upon the affirmative vote of a majority plus

one of the whole membership of the Council. Because the City Council has declared the existence of an emergency, this ordinance shall become effective upon the unanimous vote of the City Council.

Section 9. Publication. This ordinance shall be published by an approved summary, which shall consist of the title.

APPROVED:

MAYOR, GRETCHEN A. WILBERT

ATTEST/AUTHENTICATED:

CITY CLERK, MOLLY M. TOWSLEE

APPROVED AS TO FORM:

CITY ATTORNEY, CAROL A. MORRIS

FILED WITH THE CITY CLERK: 5/22/97
PASSED BY THE CITY COUNCIL: 5/27/97
PUBLISHED: 6/4/97
EFFECTIVE DATE: 5/27/97
ORDINANCE NO. 759

SUMMARY OF ORDINANCE NO. 759
CITY OF GIG HARBOR, WASHINGTON

On the 27th day of May, 1997, the City Council of the City of Gig Harbor passed Ordinance No. 759. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF GIG HARBOR,
WASHINGTON, ADOPTING AN IMMEDIATE
MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS
FOR BOTH SEWER SERVICE CONNECTIONS AND THE
ISSUANCE OF SEWER SERVICE PERMITS UNDER THE GIG
HARBOR MUNICIPAL CODE, TO BE EFFECTIVE FOR A
PERIOD OF SIX MONTHS, SETTING A DATE FOR A
PUBLIC HEARING ON THE MORATORIUM, AND
DECLARING AN EMERGENCY.

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

DATED this 28th day of May, 1997.

CITY CLERK, MOLLY TOWSLEE