

ORDINANCE NO. 335

ORDINANCE AMENDING ORDINANCE NO. 330 OF THE TOWN OF GIG HARBOR, WASHINGTON, RELATING TO REGULATIONS FOR USE OF DOCK EXTENDING FROM JERISICH PARK:

Whereas, the Council of the Town of Gig Harbor enacted Ordinance No. 330 relating to the regulations for use of the dock extending from Jerisich Park; and

Whereas, said Ordinance No. 330 has been found to be deficient in the Town's ability to enforce the ordinance as to dock and moorage time limits; and

Whereas, the Town has a considerable interest in imposing the costs of removal of boats in violation of said ordinance upon the owners of such boats; and

Whereas, the Town Council of the Town of Gig Harbor has found it to be in the best interests of the health, safety, morals and general welfare of the residents of the Town of Gig Harbor to amend said Ordinance No. 330 in order to correct such deficiency by the addition of specific provisions for the enforcement of dock moorage and time limits;

NOW, THEREFORE, BE IT ORDAINED that Section 6 of Ordinance No. 330 be and is hereby amended to read as follows:

6. Penalties and Remedies

A. Violations of Ordinance No. 330 shall be deemed a public nuisance under RCW 35.27.410 and in violation of the safety, health, morals and general welfare of the Town of Gig Harbor.

B. Such remedies given by law for the prevention and abatement of nuisances shall apply hereto.

C. Appropriately located signs shall inform users of the dock of moorage time limits as expressed in Ordinance No. 330 and shall be deemed notice as warning of impoundment by violations.

D. Violators of the moorage time limit shall constitute a misdemeanor punishable by a fine not to exceed \$250 for each violation and shall be a just cause for impoundment of said violating boat to insure compliance with the ordinance.

E. For the purposes of this ordinance, the fact that a boat has been so left beyond the permissible time periods without permission or notification of the Police Department of the City of Gig Harbor is prima facie evidence of abandonment.

F. When boats with proper license plates or vehicle registration displayed are found in violation of said ordinance, the registered owner shall be notified by certified or registered mail that such boat is in violation of such Ordinance No. 330 and that after 24 hours of receipt of the certified or registered mail notice, the violating boat will be impounded by the Police Department of the City of Gig Harbor.

G. When boats without proper license plates or vehicle registration displayed are found in violation of said ordinance and parties claiming ownership to said boats are not known, notice of violation of Ordinance No. 330 shall be affixed in a prominent portion

to the boat stating that 72 hours subsequent to the affixation of such notice of violation the boat will be impounded by the Police Department of the Town of Gig Harbor.

H. Within five days of the impoundment of violating boats, the Town of Gig Harbor shall notify by registered or certified letter said owner, if known, of the impoundment of the boat, the redemption procedure and the opportunity for hearing to contest the propriety of impoundment. If the owner of the boat is not known, publication of the boat's description, make, model, size, and color, plus details of impoundment, redemption procedure and the opportunity for hearing to contest the propriety of impoundment within a newspaper of general and local readership shall constitute sufficient notice.

I. After 15 days of receipt of the registered or certified mail or publication in a general and local newspaper providing notice of the impoundment, the Town of Gig Harbor shall hold for sale the impounded boat. Proceeds of the sale shall be applied to the towing and storage fees incurred through impoundment and any excess shall be deposited in the Town Treasury.

Passed at a regular meeting of the Town Council held on the 24 day of MARCH, 1980.

Ruth M. Bogue
RUTH M. BOGUE, Mayor

ATTEST:

DONALD J. AVERY
DONALD J. AVERY, Town Clerk