

CITY OF GIG HARBOR

ORDINANCE NO. 608

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON,
REPEALING CHAPTER 16.40 AND ADOPTING A NEW CHAPTER 16.40 FOR
THE REGULATION AND MANAGEMENT OF SHORT SUBDIVISIONS WITHIN
THE INCORPORATED LIMITS OF THE CITY OF GIG HARBOR AND
ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Gig Harbor adopted its short subdivision ordinance, Chapter 16.40 of the Gig Harbor Municipal Code in 1975; and,

WHEREAS, Chapter 16.40 has not been updated since its adoption; and,

WHEREAS, it is in the public's interest and welfare to update Chapter 16.40 of the G.H.M.C. to provide more definitive standards for the development of streets, subdivision design, street layout, dedication of right-of-way, storm drainage control, fire protection, common facilities maintenance, application requirements and revised administrative procedures; and,

WHEREAS, the updated Chapter 16.40 of the G.H.M.C. reflects the most recent revisions to Chapter 58.17 (State Subdivision Act).

NOW, THEREFORE, the City Council of the City of Gig Harbor, Washington, ORDAINS as follows:

Section 1. Chapter 16.40 is hereby repealed.

Section 2. The following chapter is hereby enacted:

Chapter 16.40

SHORT SUBDIVISIONS

- 16.40.010 Title
- 16.40.020 Applicability
- 16.40.030 Definitions

16.40.035 Exemptions
16.40.040 Administration
16.40.050 Short Sub Application Info Requirement
16.40.060 Short Sub Application Procedure
16.40.070 Adequacy Distribution
16.40.080 Administrator's Action
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16.40.010 Title. The ordinance codified in this chapter shall be referred to as the City short subdivision ordinance.

16.40.020 Applicability. Every division of land into four or fewer lots, tracts, parcels or sites for the purpose of sale, lease or transfer shall be considered a short subdivision of land within the City of Gig Harbor and shall proceed in conformance with this Chapter.

16.40.030 Definitions. Whenever the following words or phrases appear in this Chapter, they shall be given the meaning attributed to them by this section. "Shall" is always mandatory and the word "may" indicates a use of discretion in making a decision. Words not specifically defined herein shall be defined in the edition of Webster's New Collegiate Dictionary published in 1990.

1. Administrator: The City of Gig Harbor Planning Director or his/her designee.
2. Cul-de-sac: A road closed at one end with no through access; a dead-end street.
3. Dedication: The deliberate appropriation of land by an owner for any general or public uses, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property

has been devoted. The intention to dedicate shall be evidenced by the owner of the presentment for filing of a final plat or short plat showing the dedication thereon and the acceptance by the public shall be evidenced by the approval of such plat for filing by the appropriate governmental unit.

4. Easement: A written grant by a property owner of one or more property rights to a person.
5. Final short plat: The final drawing of the short subdivision and dedication prepared for recording with the Pierce County Auditor and containing all elements and requirements of this chapter and any conditions of preliminary short subdivision approval.
6. Owner: An individual, firm, association, syndicate, partnership or corporation having sufficient proprietary interest to seek the development of land.
7. Short Subdivision: The subdivision or redivision of land into four or fewer lots, tracts parcels or sites, any one of which is less than five acres or 1/128th of a section in area for the purpose of sale, lease, transfer or ownership.
8. Utilities: Utilities shall consist of all necessary utilities for construction and habitation purposes such as sewer, potable water, electrical and phone.

16.40.035 Exemptions. The following are excluded from the provisions of this chapter:

- A. Cemeteries and other burial plots while used for that purpose.
- B. Divisions made by testamentary provisions, or the laws of descent.
- C. Divisions of land into lots or tracts classified or designated for industrial use or commercial use when the City has approved a binding site plan for the use of the land in accordance with local regulations.
- D. A division for the purpose for lease when no residential structure other than mobile homes or travel trailers are permitted to be placed upon the land when the City has approved a binding site plan for the use of the land in accordance with local regulations.
- E. A division made for the purpose of alteration by boundary line adjustment, between platted or

unplatted lots or both, which does not create any additional lot, tract, parcel, site or division nor create any lot, tract, parcel, site or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site

16.40.040 Administration. The City of Gig Harbor Planning Director or his/her designee is vested with the responsibility to administer the provisions of this chapter and shall have the authority to approve or disapprove short subdivisions.

16.40.050 Preliminary Short Subdivision Application Information Requirements. The preliminary short subdivision application shall consist of a short subdivision map drawn to scale, together with written data in such form that when the maps and written data are considered together, they shall fully and clearly represent the proposed short subdivision. The following data shall be furnished:

1. The name of the short subdivision.
2. A legal description of the boundary of the short subdivision.
3. A map depicting: the boundaries of the subject property, including exterior dimensions; the dimensions of the lots created; the date of the map, and a north arrow; a scale of the map not to be less than 1 inch equals 50 feet; the total area of the short plat and the total area of each lot created.
4. The name and addresses of the land owner(s), land dividers, engineer and surveyor.
5. Existing zoning district map designation.
6. Existing land use, including location of all existing structures and setbacks (in feet) from property lines.
7. Proposed uses for each lot.
8. A vicinity map which clearly relates the property's location respective to public roads, natural water courses (lakes, streams or ponds), including wetlands, and any bluffs or slopes exceeding 15%.
9. Location of proposed streets and access to public road and location of all existing and proposed easements on the property or lots to be created.
10. A preliminary stormwater management plan which shows the current slope and drainage vectors and

which also describes the approximate degree and extent of storm water to be generated and how it will be contained.

11. A preliminary utilities plan which shows the general layout of water, sanitary and storm sewer power lines.
12. Names and addresses of adjacent property owners on all sides of the property.
13. Environmental impact evaluation as may be required by the State Environmental Policy Act, RCW 43.21c, and the City of Gig Harbor Environmental Policy Ordinance, Title 18, of the Gig Harbor Municipal Code.

16.40.060 Preliminary Short Subdivision Application

Procedure. Any person seeking approval of a short subdivision shall complete the preliminary application forms provided by the Administrator, submit the required copies of the application including the application fee, as set forth in Chapter 3.40, G.H.M.C.

16.40.070 Adequacy, Distribution and Agency Response to Preliminary Short Subdivision Application. Upon a determination by the Administrator that an application for a short subdivision is complete as required by this Chapter, the Administrator shall affix a file number and date of receipt to the application and distribute copies of the application to all or a portion to the below listed agencies which may have an interest in the proposal. Distribution of the application to review agencies shall occur by no later than three days from the receipt of the complete application. Upon receipt of the application, the review agencies may submit comments to the Administrator by no later than fifteen (15) days from their receipt of the application. Review agencies are:

1. City Department of Public Works
2. City Fire Marshal
3. Pierce County Assessor's Office
4. Peninsula Light Company
5. Telephone Utilities
6. Other agencies as deemed appropriate by the Administrator.

Comments from the Department of Public Works and the Department of Community Development shall reference any requirements of City Code or Washington State law.

16.40.080 Administrator's Action. Within forty-five (45) days following the filing of a complete application or such additional period as the land divider may authorize, the Administrator shall approve or disapprove the preliminary short subdivision and shall notify the applicant, in writing, of the specific findings for the decision.

16.40.090 Administrator's Decision. The Administrator shall consider the recommendations of the responding agencies. Based upon the information provided, the Administrator shall determine if the preliminary short subdivision is consistent with the requirements of this chapter; the City Comprehensive Plan; the City Zoning Code; the City Wetland Management Ordinance; the City Environmentally Sensitive Areas Ordinance and Environmental Policy Ordinance; the City Shoreline Master Program, as applicable; the City Floodhazard Protection Ordinance; the City Fire Code Ordinance, and; the public health, safety, welfare, use and interest.

If the Administrator finds that the preliminary short subdivision complies with the above requirements, the preliminary short subdivision shall be approved. If the Administrator finds that the preliminary short subdivision does not comply with the above requirements, the preliminary short subdivision shall be denied.

The Administrator shall apply such reasonable conditions to the approval as may be necessary to assure that the preliminary short subdivision is consistent with the requirements of this section. The administrator shall provide written findings of fact for a decision to approve or deny a preliminary short subdivision.

16.40.100 Appeal of Administrator's Decision. Any decision of the Administrator regarding a preliminary short subdivision application may be appealed in writing to the City of Gig Harbor Hearing Examiner by the applicant or any interested person as defined below by no later than ten (10) days from the date of the decision. The written appeal shall be on forms supplied by the Administrator and shall be filed with the City. An interested person shall be defined as a property owner immediately adjacent to all boundaries of the proposed short subdivision.

The appeal to the Hearing Examiner shall be conducted in accordance with the procedures established under Chapter

17.10 for hearings conducted by the Hearing Examiner. The Examiner's decision is final and shall be supported by findings and conclusions, and is final unless appealed to the City Council, pursuant to Chapter 17.10.

16.40.110 Expiration. Proposed final short subdivisions shall be submitted within one year of preliminary short subdivision approval unless an extension of not more than one year is granted by the Administrator in writing prior to the expiration date.

If the proposed final short subdivision is not submitted within the required time period, or an extension is not granted, the approval of the preliminary short subdivisions shall be null and void. Requests for an extension shall be submitted not later than ten (10) days prior to the expiration of the original approval period. No extension shall be considered after that date. Approval of an extension shall be based upon a determination that the land divider is making reasonable progress towards completing the requirements for finalization of the short subdivisions. The Administrator shall not grant more than one extension.

16.40.120 Requirements for Short Subdivisions. All short subdivisions shall comply with the minimum standards and improvements as set forth in Section 16.40.130 of this chapter. All required improvements shall be installed after preliminary approval and prior to final approval of the short subdivision.

16.40.130 Minimum Standards and Improvement Requirements.

A. Street Right-of-Way, Surface Width and Surfacing Requirements.

Public roads shall conform to the requirements of the City of Gig Harbor Public Works Department, and shall also include the provisions for sidewalks and other safe pedestrian walking areas, and curbs and gutters, as required. As built plans, bearing the stamp of a civil engineer licensed in the State of Washington shall, be provided. Additionally, dedicated right-of-way shall be provided, as required, and shall conform to City standards. Public streets shall be dedicated to the City on the final plat and shall be maintained by the City.

Private streets may be permitted for any short subdivision where access to three or less lots will be provided to a public street. Private streets shall meet the following minimum standards:

1. A minimum surface width of 24 feet, consisting of an all-weather compacted surface.
 2. A minimum easement width of thirty feet. Upon execution of a written agreement between adjacent property owners, an easement may be combined with an easement on neighboring property to create the required thirty foot minimum width.
- B. Access: Each lot created shall adjoin a dedicated public street or have access to such a public street by recorded easement of not less than thirty (30) feet.
- C. Road Design Geometrics and Alignment:
1. Curves - The centerline radii of street curves shall not be less than 100 feet. If the Department of Public Works determines that a greater radii is required for public safety, based upon anticipated speed limits and superelevation, such radii may be required.
 2. Grades - Street grades shall not exceed fifteen (15) percent.
 3. Street Intersection Requirements - Streets intersecting with other streets shall have an approach angle of not less than 75 degrees. Streets must be aligned with streets approaching from the opposite direction. If an off-street approach is requested, the off-set interval shall not be less than 125 feet. Edge of lane radii at intersections shall be 55 feet.
 4. Dead-end Streets - Dead-end streets shall terminate in a turnaround which has a minimum radius of 45 feet or with a hammerhead design consistent with the requirements of the City Fire Code, Title 15 of the Gig Harbor Municipal Code.

D. Right-of-Way Dedication, When Required.

The City may require the dedication of right-of-way within a portion of the short plat for future public road development. The determination of the need for the dedication of right-of-way shall be based upon:

1. The potential for alignment of internal streets within the plat and on adjacent properties with existing or proposed public streets; or,
2. Implementation of the City's Six Year Road Improvement Program; or,
3. A determination by the City that the dedication of right-of-way would further the public's health, safety, convenience and welfare; or,
4. The property fronts a public street which currently has insufficient right-of-way width and additional right-of-way is required to bring right-of-way width up to City standards.

Right-of-way shall be dedicated on the final short plat.

- E. Street Name Sign: Street name signs shall be placed at all street intersections within or abutting the short subdivision. Sign type and location shall conform to the applicable City standards.
- F. Traffic Control: Streets in a short subdivision shall be marked and signs posted for traffic control in conformance with the Manual of Uniform Traffic Control Devices.
- G. Fire Protection Facilities and Improvements: Fire protection facilities and improvements as required by the City Fire Code, Title 15 of the Gig Harbor Municipal Code, shall be installed, as per the requirements of the City Fire Marshal. Prior to final plat approval, detailed plans for the fire protection system, bearing the stamp of a civil engineer licensed by the State of Washington, shall be submitted to the City for Approval.
- H. Storm Drainage Control and Improvements:

1. **Preliminary Short Subdivision Drainage Plans:**
Preliminary drainage plans necessary for common drainage improvements shall be provided with the application by the land divider. Preliminary drainage plans shall be reviewed and approved by the Department of Public Works prior to preliminary approval of the short subdivision. The drainage plan submitted shall be reviewed in conjunction with adopted or accepted area-wide City of Gig Harbor storm drainage plans or programs.

Prior to final short plat approval, the land divider shall submit to the Department of Public Works a final detailed storm drainage plan, if required during preliminary short subdivision approval. The final storm drainage plan shall be submitted to the Department of Public Works for approval at least thirty (30) days prior to final short subdivision approval. The final plan shall be designed by, and bear the stamp of, a civil engineer licensed by the State of Washington.

2. **Drainage improvements for individual lots:**
Each final short subdivision shall include a statement which requires the lot owner to submit a site drainage plan prior to approval of a building permit for each lot. Drainage improvements required by the City approved drainage plan shall be installed by the land owner at the time the lot is developed and shall be inspected by the City for conformance with the approved drainage plan prior to occupancy. Lot-by-lot improvements shall be maintained by the lot owner within the short subdivision.

- I. **Utility Installation and Requirements:** All necessary utilities serving the lots within the short subdivision shall be installed underground. Installation shall occur prior to final short subdivision approval.
- J. **Utility Easements:** Utility easements shall be reserved as required by the City.
- K. **Zoning:** All short subdivisions shall conform to City Zoning Code requirements in effect at the time the short subdivision is submitted for preliminary

approval.

- L. Appropriate provisions shall be made for open space, recreation areas and parks, consistent with the City Comprehensive Plan or other recreation plan or program of the City.

16.40.140 Common Facilities Ownership and Maintenance. The responsibility for the maintenance and operation of common facilities and improvements which are not under public ownership shall be the responsibility of the lot owners within the short plat. The maintenance of such facilities may be the responsibility of the land divider, a lot owner's association, a public agency or a private entity consistent with applicable state requirements. The determination of the maintenance entity shall be made prior to a preliminary decision on the short subdivision.

If common facilities are to be maintained by a lot owners association, the lot owners' association shall be established and incorporated prior to final short subdivision approval. The bylaws of such an association shall authorize, at a minimum, the following authorities and responsibilities:

1. The enforcement of covenants imposed by the landowner or developer, and which shall be stated on the final plat.
2. The levying and collection of assessments against all lots to adequately accomplish the association's responsibilities.
3. The collection of money from lot owners to finance future improvements.
4. The collection of delinquent assessments through the courts, including monies to pay for the costs of court actions.
5. The letting of contracts to build, maintain and manage common facilities.

The final short subdivision shall include a covenant which requires indefinite existence of the association and automatic membership in the association upon the purchase or ownership of a lot. Articles and bylaws of incorporation of the association shall be submitted and approved by the Administrator prior to final short subdivision approval.

The covenant shall be filed with the County Auditor and the Auditor's file number for the short plat and covenants shall

be submitted to the City within thirty days of the filing date.

16.40.150 Improvements - Installation, Construction and Inspection Procedures. All required improvements shall be installed by the land divider prior to final short subdivision approval. Work shall not commence until final plans have been approved by the City and the City has given authority to proceed. All improvements shall be installed in accordance with applicable City construction and performance standards.

16.40.155 Monuments, Standards and Requirements.

- A. Permanent control monuments shall be established at:
 1. All controlling corners on the boundaries of the short subdivision;
 2. The intersections of centerlines of roads within the short subdivision;
 3. On the centerlines of roads within the short subdivision at point of curve and point of tangency, or points of intersection, as required by the City Engineer.
- B. Permanent control monuments may be placed on offset lines. The position and type of every permanent monument shall be noted on all plats or short plats.
- C. Permanent control monuments within the streets shall be set after the roads are paved.
- D. Every lot corner shall be marked by a 1/2" galvanized iron pipe or equivalent monument which shall be driven into the ground.
- E. All monuments must be at least partially composed of a ferrous material.

16.40.160 Format of Short Plat. The proposed final short plat may be presented to the Administrator at any time following preliminary short subdivision approval. The final short plat shall be accompanied by three copies.

Every final short plat shall consist of one or more pages, each 18 inches wide by 24 inches in length, clearly and legibly drawn on polyester base (mylar) film with a minimum thickness of three mil. All drawings and letterings on the final short plat shall be in permanent black ink or, as an acceptable alternative, photographically processed mylar film copies.

The perimeter of the short plat shall be depicted with

heavier lines than appear elsewhere on the plat and shall be at a scale of not less than one inch to one hundred (100) feet. The map shall include, but not be limited to, the following:

- A. All section, township, City or County lines lying within or adjacent to the short subdivision.
- B. Description of all corners necessary to determine the exterior boundaries of the short subdivision and show bearing and distance ties to a minimum of two monumented corners of record which were utilized for the construction of the survey.
- C. The location of all permanent monuments found and established within the short subdivision.
- D. The boundary of the short subdivision complete with the bearings to the nearest one second and lineal dimensions to the nearest one-hundredth of a foot.
- E. The lengths and bearings of all straight lines; the radii, length of arcs and central angles of all curves.
- F. The location, width, centerline and name of all streets within and adjoining the short subdivision.
- G. The location and width of all easements.
- H. Numbers assigned to all lots.
- I. The required minimum yards of the City Zoning Code or any setbacks which may be more restrictive than the Zoning Code. In lieu of dashed lines representing the required setback, a notation may be entered on the face of the plat to describe the required setbacks.
- J. Statements identifying the purpose of all dedicated common areas, other than streets.
- K. Dedications of land to the public or to the lot owners association shall be clearly indicated on the face of the final short plat for road rights-of-way, drainage ways, utility easements, recreation and open space.
- L. The name of the short subdivision, scale, north arrow and the date of preparation.
- M. A legal description of the land contained within the short subdivision.
- N. A signed statement by the surveyor of the short subdivision, attesting that it is a true and correct representation of the land surveyed, substantially as follows:

"I _____"

registered as a land surveyor by the State of Washington, certify that this short subdivision is based on an actual survey of the land described herein conducted by me or under my supervision; that the distances, courses, angles are shown thereon correctly; and that the monuments other than those monuments approved for setting at a later date, have been set on lot corners staked on the ground as depicted on the this short plat.

- O. A statement that all lots shall be a valid land use notwithstanding a change in zoning laws for a period of five years from the date of recording of the final short plat.
- P. A statement in substantially the following language:
"No portion of the this short subdivision may be altered, amended, deleted, added to or changed in any manner except by the short subdivision procedures set forth under this Title and in conformance with Chapter 58.17 RCW."
- Q. A statement of approval with signature space for the City Public Works Director as to:
 1. Survey data, for correct mathematical closure of all lots, blocks and boundaries.
 2. Certification that all required drainage and utility improvements have been constructed in conformance with approved plans.
- R. A statement of approval with signature space for the City Administrator which attests that there are not any delinquent assessments outstanding on the property.
- S. A statement of approval with signature space for the Administrator which attests that the short plat conforms to the City Zoning Code and the provisions of this Chapter.
- T. Where common facilities are to be owned and maintained by a lot-owners association, the short plat must contain a statement specifying that all lot owners are automatically members of the lot owners association upon assumption of ownership of a lot and that the association is responsible for the maintenance and management of specified common facilities consistent with the articles of incorporation.
- U. A full and correct legal description of the land divided by the short plat, including a declaration that the short plat is made with the free consent and in accordance with the desires of the owners.

- Signature spaces for the land divider shall be provided.
- v. Where dedication for road right-of-way is required or provided, the final short plat or a separate written instrument shall contain and specify the dedication to the City and shall include a waiver of all claims for damages against any governmental authority which may be occasioned to the adjacent land by the established construction, drainage and maintenance of said street. The certificate of dedication or instrument of dedication shall be signed and acknowledged before a notary public by all parties having any ownership interest in the lands divided and shall be recorded as part of the final plat.
 - w. A title report of not less than thirty days from the date of submission of the final short plat which confirms that the title of the land as described and shown on the short plat is in the name of the owners signing the plat and any instrument of dedication.
 - x. A signature space for the Pierce County Treasurer and a statement that all state and county taxes levied against the short platted property described hereon have been fully paid and discharged.
 - y. A signature space for the Pierce County Auditor, as required.

16.40.170 Administrator Action on Final Short Plat. The Administrator shall approve the final short plat if all of the following are met:

- A. That the requirements of state law and this Chapter pertaining to finalization of the short subdivision has been satisfied by the land divider.
- B. That a current title insurance report of not less than thirty days confirms the ownership interest in the divided land is in the names of the person whose signatures appear on the final short plat.
- C. That the conditions imposed as part of the preliminary approval have been met.

16.40.180 Variances Authorized. Variances to the standards prescribed by this section may be authorized by the City Hearing Examiner, provided that variances to dwelling density and minimum lot size may not be considered under this section. Request for variances shall be submitted

simultaneously with the application. A variance may only be granted by the Hearing Examiner if all of the following are met:

- A. The variance does not constitute a grant of special privilege inconsistent with the limitations upon other, similarly situated property in the City.
- B. There are special circumstances applicable to the property, including size, shape, drainage, topography, location and surroundings which under a strict application of the regulations would deprive the property of rights and privileges enjoyed by other property in the vicinity.
- C. Granting of the variance would not be materially detrimental to the public health, safety, welfare, use or interest, or injurious to property or improvements in the vicinity.
- D. The variance is necessary to correct a special circumstance and not simply for economic convenience.
- E. The granting of the variance will not materially compromise the goals and policies of the Comprehensive Plan or be inconsistent with other City land use ordinances.

16.40.190 Performance Assurance in Lieu of Required Improvements. In lieu of required minimum improvements, a bond in the amount of 150% of a contractor's bid for the cost of the required minimum improvements shall be posted with the city prior to final plat approval. If accepted by the City, the bond shall have a term not to exceed eighteen (18) months from the filing of the final plat with the Pierce County Auditor. Required improvements shall be constructed and installed within twelve (12) months of the filing of the final plat. Failure on the part of the land divider or land developer to construct or install the required improvements shall result in the city's foreclosure of the bond. Upon foreclosure of the bond, the City shall construct or complete the required improvements or contract for the construction or completion of the improvements.

16.40.200 Penalties and Enforcements. Any firm, corporation, partnership or individual found in violation of this Chapter or the applicable provisions of Chapter 58.17 RCW, or who subdivides land in violation of this Chapter shall be subject to civil penalties in an amount not to exceed fifty dollars (\$50) per day for each and every day

the violation continues. Assessment of a civil penalty shall be in accordance with the procedures established pursuant to Chapter 15.06, Gig Harbor Municipal Code. Appeal of a civil penalty order shall be to the City of Gig Harbor Hearing Examiner, pursuant to the procedures established under Chapter 17.10.

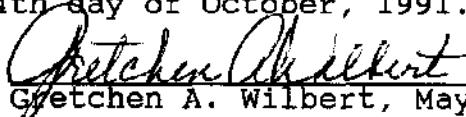
16.40.210 Severability.

If any section, sentence, clause or phrase of this ordinance, or the statutes adopted herein by reference, should be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 3. If any section, sentence, clause or phrase of this ordinance, or the statutes adopted herein by reference, should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any other section, sentence, clause or phrase of this section.

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

PASSED by the City Council of the City of Gig Harbor, Washington, and approved by its mayor at a regular meeting of the Council held on this 14th day of October, 1991.



Gretchen A. Wilbert, Mayor

ATTEST:



Michael R. Wilson
City Administrator/Clerk

Filed with the City Clerk: 8/18/91
Passed by City Council: 10/14/91
Date Published: 10/30/91
Date Effective: 11/4/91