

ORDINANCE 1478

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, UPDATING PARKS-RELATED CODES BY ADDING A NEW CHAPTER 8.23 ADOPTING REGULATIONS FOR THE CITY'S COMMUNITY PADDLER'S DOCK AT ANCICH WATERFRONT PARK, AMENDING CHAPTERS 8.28 PUBLIC DOCKS – JERISICH, AND AMENDING CHAPTER 9.24 PARKS; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City's Ancich Waterfront Park, guided by Resolution No. 949, has been constructed in phases and provides new access between the land and water for commercial fishing operators and the general public wanting to launch nonmotorized watercraft; and

WHEREAS, a portion of the Gig Harbor bay in front of the Park includes an existing float system used by the Jerkovich family for mooring vessels, including their own commercial fishing vessels; and

WHEREAS, the Jerkovich family and the City have worked together to provide for a portion of the Jerkoviches current aquatic land lease from the Washington State Department of Natural Resources to be sublet to the City for public use and access for the purposes of providing launch floats for nonmotorized watercraft; and

WHEREAS, the City is currently under construction with the public launch floats for nonmotorized watercraft, commonly known as Community Paddler's Dock, located along the outer end of Jerkovich Pier; and

WHEREAS, these regulations may need to be amended as the City further develops the next phases of Ancich Waterfront Park; and

WHEREAS, the Community Paddler's Dock requires specialized rules that are not covered by existing rules established for City Parks under GHMC 9.24 and the City Council desires to codify regulations regarding use of the Dock; and

WHEREAS, GHMC 9.24 and GHMC 8.28 are also amended to reduce a potential conflict in code related to park operating hours; and

WHEREAS, GHMC 9.24 is also amended to clearly prohibit fireworks in city parks;

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

Section 1. Chapter 8.23 - Added. A new chapter 8.23 entitled "Public Docks – Community Paddler's Dock" is added to the Gig Harbor Municipal Code to read as follows:

8.23.010 Public use.

The Community Paddler’s Dock (Dock), located at approximately N 47° 20’ 03”, W 122° 35’ 09”, is part of the city of Gig Harbor’s Ancich Waterfront Park and extends over the waters of Gig Harbor for the use and enjoyment of the general public for launching nonmotorized watercraft, with limitations set forth in this chapter.

8.23.020 Definitions.

For the purposes of this chapter, the definitions listed under this section shall be construed as specified in this section:

“Community Paddler’s Dock” or “Dock” includes the floats and the gangway waterward of the City’s Jerkovich Pier and located in the City’s aquatic sublease area recorded with the Pierce County Auditor.

“Moor” or “mooring” is to secure by rope, cable, chain, or other connection, a watercraft to the dock.

“User,” also known as an operator, is the person responsible for, or in control of, watercraft.

“Watercraft,” also known as a vessel or boat, includes every description of watercraft on the water used or capable of being used as a means of transportation on the water, other than a seaplane.

8.23.030 Mooring watercraft prohibited.

Users are allowed use the Dock to actively launch human-powered watercraft into or out of Gig Harbor bay. Moorage of watercraft at the Dock is prohibited.

8.25.040 Alcoholic beverages prohibited.

There shall be no alcoholic beverages consumed on the Dock.

8.23.050 Dock operating hours.

- A. The public is permitted access to the Dock and the associated upland boat storage building each day beginning at dawn as defined in GHMC 9.24 and ending at 6:00 pm or dusk, whichever is later.
- B. The tenants of the private float system water-ward of the Dock shall be allowed access to the Dock 24 hours a day for the purposes of accessing their private float system.

8.23.050 Fueling, repairing, and maintaining of Watercraft.

There shall be no fueling, repairing, or maintaining of watercraft while located at or on the Dock.

8.23.060 Motorized watercraft.

Motorized watercraft are prohibited from being located at or on the Dock.

8.23.070 General public use.

The Dock is available to the general public for free public use and access on a first-come, first-served basis.

8.23.080 Queuing of watercraft

Any watercraft queued at the Dock, either from land or from water, shall be allowed access based on their place in the queue and may access the Dock in the order in which watercraft arrive at the dock.

8.23.090 Commercial activity.

There shall be no commercial activity conducted from the Dock.

8.23.100 Storage - Restrictions

Users are prohibited from placement of watercraft or equipment on the Dock for a period of more than 15 minutes and no allowed placement shall create a hazard for other dock users.

8.23.110 Penalties and remedies.

Violations of this chapter shall be remedied in accordance with GHMC 9.24.050

Section 2. Chapter 8.28 - Amended. Jerisich Dock Code Chapter 8.28 adds subsection 8.28.055 as follows:

8.28.055 Dock operating hours.

- A. The public is permitted access the dock each day beginning at dawn as defined in GHMC 9.24 and ending at 6:00 pm or dusk, whichever is later.
- B. Those owning boats moored to the dock may also access the dock and associated upland dock facilities between dusk and dawn.

Section 3. Chapter 9.24 - Amended. Parks Code Chapter 9.24 is amended as follows:

9.24.005 Definitions.

For the purposes of this chapter, the definitions listed under this section shall be construed as specified in this section:

- A. “Dawn” means the time at one-half hour before sunrise as published by the National Weather Service.
- B. “Dusk” means the time at one-half hour after sunset as published by the National Weather Service.
- C. “Park” means any public facility permitted for use by the general public for human enjoyment and recreation purposes. This shall include associated parking areas, water access areas, trails, trailheads, and open spaces, located on city-owned real property and in the City’s right of way, as identified in the city’s adopted Parks Recreation and Open Space Plan.

9.24.040 Park operating hours.

- A. All city parks, ~~except Jerisich Dock,~~ shall be closed from dusk to dawn unless otherwise provided for in the municipal code or posted by the city of Gig Harbor. It is unlawful to enter or remain on any park property while closed unless operating under the authority of a special event or special use permit.
- B. ~~“Dawn” means the time at one half hour before sunrise as published by the National Weather Service~~
- C. ~~“Dusk” means the time at one half hour after sunset as published by the National Weather Service.~~

9.24.045 Fireworks prohibited in parks.

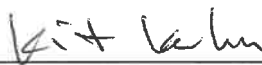
Any type of fireworks, as defined by RCW 70.77.126, are prohibited in city parks.

Section 4. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be 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.

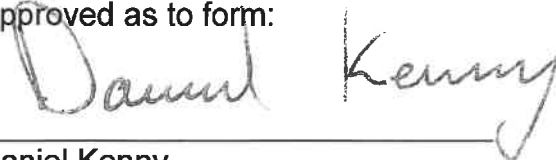
Section 5. Correction of Errors. The City Clerk and codifiers of the ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 6. Effective Date. This ordinance shall take effect and be in full force and effect five days after passage and publication of an approved summary consisting of the title.

ADOPTED by the Council of the City of Gig Harbor at a regular meeting thereof, held this 13th day of December, 2021.



Kit Kuhn
Mayor

Approved as to form:


Daniel Kenny
City Attorney

Attest:


Joshua Stecker
Interim City Clerk

PUBLICATION DATE: December 16, 2021
EFFECTIVE DATE: December 21, 2021