

**GIG HARBOR  
CITY COUNCIL MEETING**



**September 22, 1997**

**7:00 P.M., CITY HALL COUNCIL CHAMBERS**



**AGENDA FOR GIG HARBOR CITY COUNCIL MEETING**  
**September 22, 1997 - 7:00 p.m.**

**CALL TO ORDER:**

**APPROVAL OF MINUTES:**

**CORRESPONDENCE / PROCLAMATIONS:**

**OLD BUSINESS:**

1. Second Reading of Ordinance - Adult Entertainment Licensing.

**NEW BUSINESS:**

1. First Reading of Ordinance - Planning Commission Recommendation, Amendments to Title 17, GHMC; Wireless Communication Facilities.
2. First Reading of Ordinance - Collection of Debt.
3. Resolution - Setting Charges and Fees for Business Licenses.
4. Employment Contract - Finance Director.
5. Information Systems Specialist - Job Description and Salary Range.
6. Contract Award - Pioneer Way Pavement Repair.
7. Contract Award - Bogue Building Painting.
8. Appointment of Councilmember Ekberg to the DOT Local Interest Committee for Narrows Bridge.
9. Re-appointment of Jerry Crutchfield to the Civil Service Board.
10. Liquor License Application - Baskets to Go.
11. Special Occasion Liquor License - North American Gymnastic Boosters.

**PUBLIC COMMENT/DISCUSSION:**

**MAYOR'S REPORT:** Cities by Nature's Design.

**COUNCIL COMMENTS:**

**STAFF REPORTS:**

**ANNOUNCEMENTS OF OTHER MEETINGS:**

**APPROVAL OF BILLS:**

**EXECUTIVE SESSION:** For the purpose of discussing litigation, potential litigation, and property acquisition.

**ADJOURN:**



## **REGULAR GIG HARBOR CITY COUNCIL MEETING OF SEPTEMBER 8, 1997**

**PRESENT:** Councilmembers Markovich, Picinich, Owel, Ekberg and Mayor Wilbert.  
Councilmember Platt was absent.

**PUBLIC HEARING:** Licensing of Adult Entertainment Facilities.

Mayor Wilbert opened the public hearing at 7:07 p.m. Howard Jensen, legal counsel, explained that this proposed ordinance was designed to work with the zoning ordinance passed in December of last year. He said that the zoning ordinance regulated the location of adult entertainment facilities and the licensing imposes operational conditions on such facilities. He gave an overview of the provisions of the licensing ordinance and explained that the ordinance had been patterned after one adopted by the City of Bellevue, which had been upheld by the Supreme Court in a case in May of this year. He introduced Chief Mitch Barker.

Chief Barker spoke to the law enforcement concerns regarding adult entertainment facilities. He gave his background in dealing with these facilities said that historically, these establishments show the same type of repeated problems. He explained that the proposed fees would help offset staff time involved with background checks on owners and employees. He said that the operation guidelines will help limit contact with entertainers and patrons, and that the lighting requirements helped with visual inspections.

Mayor Wilbert asked if anyone in the audience would like to speak on this issue. There was no response, so the public hearing was closed at 7:20 p.m.

**CALL TO ORDER:** 7:20 p.m.

**SWEARING IN CEREMONY:**

Chief Barker introduced Officer Fred Douglas, who had just graduated from the academy. Mayor Wilbert performed the swearing-in ceremony and congratulated Officer Douglas on his joining the force.

**APPROVAL OF MINUTES:**

**MOTION:** Move approval of the minutes of the August 25, 1997 as presented.  
Picinich/Owel - unanimously approved.

**CORRESPONDENCE/PROCLAMATIONS:**

1. Proclamation - Fire Prevention Week. Mayor Wilbert presented this document proclaiming the week of October 5-11 as Fire Prevention Week.

2. WFOA - Professional Finance Officer Award for 1997. Mayor Wilbert explained that this award to Tom Enlow, Finance Director, had been given to him several years in a row.
3. Thank you letter - Mayor Tadashi Yokoyama, City of Takuma, Japan. Mayor Wilbert presented this letter of appreciation for the two-weeks the group of students and adults visited the area.
4. Proclamation - Constitution Week. Mayor Wilbert explained that the week of September 17 through 23 was traditionally dedicated as constitution week and she was happy to honor the request of a group of interested citizens to proclaim the week.

**OLD BUSINESS:**

1. Third Reading of Ordinance - Harbor Code Revision. Mark Hoppen, City Administrator explained that there had been two prior readings of this ordinance accepting public comment and that those comments, as well as the Council's responses, have been incorporated into the ordinance. He explained that he had received a response from Pierce County stating that they were working further on the issues of navigation and anchorage area, but were not interested in length of stay provisions. He added that this would make it difficult to remove a vessel who had overextended its welcome. He added that the ordinance before Council would deal strictly with the area within our jurisdiction.

Dick Allen - 3603 Ross Avenue. Mr. Allen encouraged Council to use the definition of a houseboat from the first draft of the ordinance as it was more inclusive. Mark Hoppen explained that the change in text involved a request from the public to reconcile language from the Shoreline Management Act. Mr. Allen pointed out that both documents should be adjusted to help prevent abuse. After more discussion, Councilmember Owel suggested inserting language under the definition section to clarify the intent.

**MOTION:** Move to approve Ordinance No. 766 revision the Harbor Code Ordinance with an amendment to the language, adding "but not designed or primarily used as a vessel," after the word 'business' in the definition 8.24.008 (C).  
Owel/Picinich - unanimously approved.

2. Second Reading - Amendment to Sewer Extension Ordinance. Mark Hoppen presented the second reading of this ordinance amending Chapter 13.34 of the Municipal Code dealing with emergency extension of sewer outside the Urban Growth Area. He explained that the purpose of the change was to provide more discretion to serve a broader spectrum of quasi-municipal or municipal needs in the local area. He gave an explanation of the amendments and offered to answer questions.

**MOTION:** Move to approve ordinance No. 767 as presented.  
Markovich/Picinich - unanimously approved.

## NEW BUSINESS:

1. Horizon West - Outside Sewer Request. Mark Hoppen presented this request for an additional 16 ERUs of capacity in addition to the 59 remaining ERUS of capacity already contracted with the city for the Horizon West subdivision. He explained that this additional 16 ERUs would serve the portion of the subdivision area within the Urban Growth Boundary area. He answered questions regarding zoning designations the options if the request was denied.

Walt Smith - 11302 Burnham Dr. Mr. Smith, owner of the project, said that the facts were well presented by Mr. Hoppen and that he'd be happy to answer any questions.

Betty Ringlee - 62<sup>nd</sup> Ave NW. Ms. Ringlee explained that she lived in the neighborhood adjacent to the proposed subdivision and that she was representing the homeowners group. She gave an overview of their concerns about the density of the development, groundwater runoff and drainage problems. She said that she agreed that her development would be better protected by sewers, but that it was the contract to extend sewers that allowed the higher density to occur in the first place. She asked for clarification on the city's policy to extend sewer. Mark Hoppen explained what the city's policy on extensions and clarified that when the original contract to this ULID #3 property was executed, the Urban Growth Area boundary line had yet to be established.

Geoff Moore - Apex Engineering. Mr. Moore introduced himself as a representative of the property owner. He gave the history of the development and how it originally had been approved for 46 lots on septic by Pierce County. He added that the property owner chose to wait and participate in the ULID to obtain sewer to the development. He reinforced that there was no Urban Growth Boundary at the time the sewer contract was obtained. He encouraged Council to approve the additional 16 ERUs so the entire development would be served by sewer.

Betty Ringlee. Ms. Ringlee asked if the property could be changed from single family residential to any other use. Mark Hoppen explained that area being considered with the additional 16 ERUs was bound by contract to be R-1 and if that designation changed, it would nullify the contract and sewer would not be available. He added that the area outside the Urban Growth Boundary was subject to the original contract and short-plat conditions imposed by Pierce County. He checked the current city regulations and said that one ERU equals one dwelling unit.

Walt Smith - Mr. Smith explained that this particular plat had gone through the scrutiny of Pierce County and the City of Gig Harbor, and that it meets all the density requirements and all other requirements of both. He added that there had been three geological studies done on the property and that there was more than an adequate buffer.

After discussion by Councilmembers, the following motion was made.

**MOTION:** Move the city enter into a standard Utility Extension Capacity Agreement as presented for 16 ERUS to Mr. Walt Smith for that portion of the Horizon West Subdivision which lies within the city's UGA.  
Markovich/Ekberg - unanimously approved.

2. First Reading - Adult Entertainment Licensing Ordinance. Mr. Jensen explained that this agenda item was considered during the public hearing portion of the meeting and answered questions regarding alcohol sales, the effectiveness of the ordinance in other communities, and location options. He suggested that the zoning code be revisited to reflect the two recent annexations in regards to allowed locations for adult entertainment facilities. This will come back for a second reading at the next council meeting.

3. Rosedale Street - Project Prospectus and Local Agency Agreement. Wes Hill, Public Works Director, explained that many steps were involved in obtaining federal funds, and that the final step in getting the funds obligated was to submit a local agency agreement and project prospectus.

**MOTION:** Move to execute the local Agency Agreement, and authorize the Mayor to sign the Local Agency Federal Aid Project Prospectus for the Rosedale Street Improvements.  
Markovich/Ekberg - unanimously approved.

4. Rosedale Street - Consultant Services Agreement. Wes Hill explained that three firms had been interviewed to perform the related survey and design work for the Rosedale Street Improvements, and found the engineering firm of Gray & Osborne to be most qualified. He added that the contract amount was well within range and recommended approval of the contract.

**MOTION:** Move to approval of the execution of the Standard Consultant Agreement with Gray & Osborne, Inc., in an amount not to exceed one-hundred four-thousand one-hundred eighty-three dollars and no cents (\$104,183.00).  
Picinich/Owel - unanimously approved.

5. Jerisich Dock - DNR Lease Agreement. Wes Hill said this is a standard form for the DNR Aquatic Lands Lease, at no fee, for a 30-year period. He explained that the lease would allow IAC to authorize reimbursement for their share of the dock improvements.

**MOTION:** Move we authorize the Mayor to execute the Notice of and Agreement to Terminate Agreement and the Aquatic Land Lease for the Jerisich Dock extension.  
Markovich/Picinich - unanimously approved.



6. Copier Maintenance Contract Renewal. Molly Towslee, City Clerk, explained that the maintenance contract for the copier in the Planning Department and recommended renewal of the contract.

**MOTION:** Move to authorize the Mayor to sign the copier maintenance agreement in the amount of \$2,080.00.  
Picinich/Markovich - unanimously approved.

7. Public Comment / Non-Agenda / Presentations Before Council. Mayor Wilbert said she would like to return the public comment portion of the meeting back to the beginning of the council meetings to give the public the opportunity to have a certain time to come speak. Councilmember Owel said she would make such a motion but wanted to give a little background. She explained that in the past the issue on public comment section went on so long that people with agenda items ended up waiting, but the five-minute limit on speaking may address that. She said she would honor the Mayor's right to set the agenda.

**MOTION:** Move to move the public comment section back to the beginning of the meeting.  
Owel/Ekberg -

Councilmember Ekberg said that the public has access to staff and Councilmembers all during the week, and people who have gone through the process and have their attorneys or others present also have a right to expect that their agenda item will be heard in a timely manner. He proposed that Councilmembers could be available fifteen minutes before the council meeting began to take public comment and that the official meeting would begin at 7:00 p.m. and if they couldn't fit it all in, it would hold over until after the new business section of the meeting. Councilmember Markovich said that change is hard to do and that enough time had not been given to see if it would work. He agreed that a person who had an agenda item should have preference over persons who just drop by. He said it won't take long before people get used to the new position on the agenda. Councilmember Picinich said that he agreed that it should be given a couple more meetings to see how it works. He said it may be good for the public to see what the Council does and that the waiting period is an educational opportunity.

After more discussion, Councilmember Owel withdrew her motion and made the following motion.

**MOTION:** Move to table this item one month.  
Owel/Ekberg - unanimously approved.

8. Liquor License Renewals - Bartell Drug; Gig Harbor Yacht Club, Hy-lu-Hee-Hee. No action taken.

9. Special Occasion Liquor License - St. Nicholas Church. No action taken.

**PUBLIC COMMENT:**

Wade Perrow - 9119 No. Harborview Drive. Mr. Perrow said he agreed that Councilmember Picinich was correct that if the public were to sit through a meeting, they would appreciate more the time and energy put forth by Council and staff. Mr. Perrow went on to say that he thought that Council had received his letter regarding an appeal to a decision by Pierce County by the Lutheran Church School on Drummond Drive. He stated his concerns about the traffic impact this school would cause to the streets of Gig Harbor and asked that the City be represented at the appeal hearing on September 24th to represent the citizens.

**MAYOR'S REPORT: Transportation - Taking a Serious Look at Choices.**

Mayor Wilbert said that transportation is an important topic and this seems to be a good time to focus on a small shuttle bus to serve the area residents. She mentioned that Catherine Ridley has shown an interest to chair a committee to work with Pierce Transit on this mode of transportation nicknamed the "Town-Around."

**COUNCIL COMMENTS:** None.

**STAFF REPORT:**

1. Chief Mitch Barker - GHPD. Chief Barker said that calls for service had increased with several accidents occurring on the newly annexed west side. He said that it would take at least a year to get a starting point for good figures to work from, as the old stats did not take this new area into consideration. He gave a brief report on the progress of the training of the new officers.
2. Wes Hill - Public Works. Mr. Hill used a drawing to illustrate an identified area that would make a good north-south connector from Peacock Hill to the future East-West road. He explained that this connector would be one step in taking the pressure off the Peacock Hill and East-West road intersection. He answered questions and asked Council for direction on whether to inform the property owners that the city may be interested in exploring this option. He explained that this would not include any commitment at this time, and that it would only reserve the right to begin discussion on the option to acquire the right of way.

**ANNOUNCEMENT OF OTHER MEETINGS:**

1. AWC Regional Meeting with Legislators - October 29th, 6:00 p.m. at Myhres.
2. Westside Sub-area Planning Committee - Tuesday, September 9th - 5:00 p.m. at City Hall.
3. Ice Cream Social and Town Meeting at Vaughn Elementary - Thursday, September 11th.

4. Public Forum for Elections - Gig Harbor High School Auditorium, Tuesday, September 9th from 6 - 9:00 p.m.
5. Pierce County Auditor Election Center Open House - Friday, September 19th at the County Annex.
6. U.S.D.A. Public Forum - Addressing the Needs of Rural Washington State - Wednesday, September 10th, 4-6:00 p.m in Olympia.

**APPROVAL OF BILLS:**

**MOTION:** Move approval of checks #18382 through #18384 and #18551 through #18640 in the amount of \$135,261.55.  
Owel/Ekberg - unanimously approved.

**APPROVAL OF PAYROLL:**

**MOTION:** Move approval of payroll checks #14539 through #14684 in the amount of \$239,256.74.  
Owel/Ekberg - unanimously approved.

**EXECUTIVE SESSION:**

**MOTION:** Move to adjourn to Executive Session at 9:03 p.m. for approximately 10 minutes for the purpose of discussing litigation, potential litigation, and property acquisition.  
Owel/Picinich - unanimously approved.

**MOTION:** Move to return to regular session at 9:20 p.m.  
Owel/Picinich - unanimously approved.

**ADJOURN:**

**MOTION:** Move to adjourn at 9:13 p.m.  
Picinich/Owel - unanimously approved.

Cassette recorder utilized.  
Tape 468 Side B 092 - end.  
Tape 469 Both Sides.  
Tape 470 Side A 000 - 386.

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Mayor

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City Clerk





*City of Gig Harbor. The "Maritime City."*

3105 JUDSON STREET  
GIG HARBOR, WASHINGTON 98335  
(253) 851-8136

**TO: MAYOR WILBERT AND CITY COUNCIL**  
**FROM: MARK HOPPEN, CITY ADMINISTRATOR** *MH*  
**SUBJECT: SECOND READING OF ORDINANCE - ADULT ENTERTAINMENT LICENSING**  
**DATE: SEPTEMBER 17, 1997**

#### **INFORMATION/BACKGROUND**

The attached licensing ordinance is the second stage in the regulation of adult entertainment facilities. A public hearing was held at the last council meeting to take public testimony and a comprehensive compilation of materials supporting the adoption of the licensing ordinance is available with the City Clerk for review.

#### **POLICY CONSIDERATIONS**

This ordinance and supporting information has been reviewed by the Police Department, Planning Department and the City Clerk to develop the licensing applications and fees. A resolution adopting these fees will follow adoption of this ordinance.

#### **RECOMMENDATION**

Move to approve this ordinance regulating the licensing of adult entertainment.



1           **WHEREAS**, it is the intent of this ordinance to enact time, place and manner  
2 regulations which address the compelling interests of the City in mitigating the adverse  
3 secondary effects of adult entertainment facilities; and  
4

5           **WHEREAS**, it is not the intent of this ordinance to unreasonably suppress any speech  
6 activities protected by the First Amendment or Article I, Section 5 of the Washington State  
7 Constitution, but to enact regulations which address the deleterious secondary effects of adult  
8 entertainment facilities, as well as the health problems associated with such businesses; and  
9

10           **NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GIG HARBOR,**  
11 **WASHINGTON, DO ORDAIN AS FOLLOWS:**  
12

13 **Section 1. Purpose And Intent.** It is the purpose of this ordinance to establish licensing  
14 requirements and operational standards for adult entertainment facilities to promote the health,  
15 safety, and general welfare of the citizens of the City of Gig Harbor. It is not the intent of the  
16 City Council that it should be the purpose or effect of this ordinance to impose a limitation or  
17 restriction on the content of any communicative materials, including sexually-oriented  
18 materials. Similarly, it is not the intent of the City Council that it should be the effect of this  
19 ordinance to restrict or deny access by adults to sexually-oriented materials protected by the  
20 State or Federal Constitutions, or to deny access by the distributors and exhibitors of sexually-  
21 oriented materials to their intended market. Finally, it is not the intent of the City Council to  
22 condone or legitimize the distribution of obscene materials.  
23

24 **Section 2. Findings of Fact.** Based upon a wide range of evidence presented to the Gig  
25 Harbor City Council, including but not limited to studies, publications, articles, case law and  
26 other materials submitted to and reviewed and considered by the City Council and City staff,  
27 the City Council makes the following findings:  
28

- 29           A.     The City Council may rely on the experiences and studies of other cities,  
30                    counties and organizations in assessing the need for licensing and regulating the  
31                    operation of adult entertainment facilities.  
32
- 33           B.     The City Council takes notice of the studies and experiences of other cities and  
34                    counties in combating the specific adverse impacts of adult entertainment  
35                    facilities.  
36
- 37           C.     The City Council finds that the protection and preservation of public health,  
38                    safety and welfare requires establishment of this ordinance.  
39
- 40           D.     Regulation of adult entertainment facilities should be developed to prevent  
41                    deterioration and degradation of the vitality of the community before the  
42                    problem exists, rather than in response to an existing problem.

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- E. There are important and substantial government interests providing a constitutional basis for the reasonable regulation of the time, place, and manner under which adult entertainment facilities can operate.
- F. Certain conduct occurring on the premises of adult entertainment facilities creates secondary impacts that are detrimental to the public health, safety and general welfare of the citizens of the City, and therefore such conduct must be regulated as provided herein.
- G. Regulation of adult entertainment facilities through licensing and operational standards is necessary because, in the absence of such regulation, significant criminal and unlawful activity has historically and regularly occurred. This history of criminal and unlawful activity includes prostitution, illegal employment of minors, narcotics and alcoholic beverage law violations, breaches of the peace, tax evasion and the presence within the industry of individuals with hidden ownership interests and outstanding arrest warrants.
- H. The criminal and unlawful activities described in this ordinance occur, in the absence of regulation, regardless of whether the adult entertainment is presented in conjunction with the sale of alcoholic beverages.
- I. Adult entertainment facilities are increasingly associated with ongoing prostitution, disruptive conduct and other unlawful and criminal activity. Such uses and businesses are currently not subject to effective regulation and constitute an immediate threat to the public peace, health and safety.
- J. Due to the connection between prostitution and adult entertainment facilities, there is concern over sexually-transmitted diseases which is a legitimate health concern of the City and thus requires regulation of adult entertainment facilities in order to protect the health, safety and well-being of the public.
- K. Hidden ownership interests for the purpose of skimming profits and avoiding payment of taxes have historically occurred in adult entertainment facilities in the absence of regulation. These hidden ownership interests have historically been held by organized and white collar criminal elements. In order for the City to effectively protect the public health, safety, morals and general welfare of its citizens and effectively allocate its law enforcement resources, it is important that the City be fully apprised of the actual ownership of adult entertainment facilities, and the identities and backgrounds of persons responsible for management and control of adult entertainment facilities.



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- L. The law enforcement resources available for responding to problems associated with or created by adult entertainment facilities are limited and are best conserved by licensing and regulating the operations of adult entertainment facilities.
- M. In order to ensure that all conditions and regulations of this ordinance are met, the City has established a reasonable time period for review of all license applications for adult entertainment facilities.
- N. Regulation of adult entertainment facilities is necessary to prevent public nuisances including moral nuisances.
- O. Proximity between entertainers and patrons during adult entertainment performances has proven to facilitate unlawful sexual contact, prostitution, narcotics transactions, and other related crimes; the City Council therefore finds it necessary to impose separation requirements between entertainers and patrons.
- P. A lack of lighting in adult entertainment facilities has proven to facilitate unlawful sexual contact, prostitution, and other related crimes; the City Council therefore finds it necessary to impose minimum lighting requirements within adult entertainment facilities to increase visibility for law enforcement purposes.
- Q. It is necessary to license managers of adult entertainment facilities so there will, at all times, be an individual responsible for the overall operation of the establishment, including the actions of entertainers and other employees.
- R. It is necessary to license entertainers in adult entertainment facilities to prevent the exploitation of minors, to ensure that each entertainer is an adult, and to ensure that each entertainer has not assumed a false name, which would make regulation of the entertainers difficult or impossible.
- S. The mandatory disclosure provisions required by this ordinance advance several legitimate goals. They protect minors, assure the correct identification of persons working in adult entertainment facilities, enable the City to deploy law enforcement resources effectively, and detect and discourage the involvement of organized crime in the adult entertainment industry.
- T. It is necessary to regulate the manner in which adult entertainers receive tips or gratuities; the City has a substantial interest in preventing prostitution and narcotics transactions in adult entertainment facilities.

- 1 U. The application fees required by this ordinance are nominal fees necessary to
- 2 defray the costs of processing the application and to help defray the substantial
- 3 expenses incurred by the City in regulating adult entertainment facilities.
- 4
- 5 V. Restricting the hours of operation is necessary to prevent the flow of patrons
- 6 from bars and taverns to adult entertainment facilities.
- 7
- 8 W. It is not the intent of this ordinance to unconstitutionally suppress or censor any
- 9 expressive activities protected by the First Amendment of the United States
- 10 Constitution or Article I, Section 5 of the Washington State Constitution, but
- 11 rather to enact content-neutral time, place, and manner regulations designed to
- 12 mitigate the deleterious secondary effects associated with and caused by adult
- 13 entertainment facilities.
- 14

15 **Section 3. New Chapter.** A new chapter 5.10 entitled "Licensing and Operation of Adult  
 16 Entertainment Facilities" is hereby added to Title 5 (Business Licenses and Regulations) of the  
 17 Gig Harbor Municipal Code ("GHMC") to read as follows:

18  
 19 **Chapter 5.10 Licensing and Operation of Adult Entertainment Facilities**

20  
 21 **PART A: GENERALLY**

- 22
- 23 **5.10.010 Purpose**
- 24 **5.10.020 Scope**
- 25 **5.10.030 Definitions**
- 26 **5.10.040 Penalties**
- 27 **5.10.050 Nuisance**
- 28 **5.10.060 Activities Not Prohibited**
- 29

30 **PART B: LICENSING REQUIREMENTS**

- 31
- 32 **5.10.070 License Required**
- 33 **5.10.080 Application for Adult Entertainment Business License**
- 34 **5.10.090 Application for Manager's or Entertainer's License**
- 35 **5.10.100 Initial Investigation**
- 36 **5.10.110 Issuance and Denial of Licenses**
- 37 **5.10.120 Renewal of Licenses**
- 38 **5.10.130 Nontransferability of Licenses**
- 39 **5.10.140 Suspension and Revocation of Licenses**
- 40 **5.10.150 Appeal of Denial, Suspension, or Revocation of License**
- 41 **5.10.160 Inspections and Public Health and Safety Suspensions**
- 42 **5.10.170 Recordkeeping Requirements and Monthly Reports**



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- C. "Adult entertainment" means:
  - 1. Any exhibition, performance or dance conducted in an adult entertainment facility where such exhibition, performance or dance is distinguished or characterized by a predominant emphasis on matters depicting, describing, or simulating any specified sexual activities or any specified anatomical areas; or
  - 2. Any exhibition, performance or dance intended to sexually stimulate any member of the public and conducted in an adult entertainment facility where such exhibition, performance or dance is performed for, arranged with, or engaged in with fewer than all patrons in the adult entertainment facility at that time, with separate consideration paid, either directly or indirectly, for such performance, exhibition or dance. For purposes of example and not limitation, such exhibitions, performances or dances are commonly referred to as table dancing, couch dancing, taxi dancing, lap dancing, private dancing or straddle dancing.
- D. "Adult entertainment business license" means a license issued by the City Clerk under this chapter to the owner or operator of an adult entertainment facility.
- E. "Adult entertainment facility" means a commercial establishment defined herein as an adult arcade, adult cabaret, adult motel, adult motion picture theater, or adult retail store.
- F. "Adult motel" means a hotel, motel, or similar commercial establishment which:
  - 1. Offers sleeping accommodations to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other visual representations that are distinguished or characterized by a predominant emphasis on matters depicting, describing, or simulating any specified sexual activities or any specified anatomical areas, and that has a sign visible from a public right of way that advertises the availability of this type of sexually-oriented materials; or
  - 2. Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or

1 3. Allows a tenant or occupant of a sleeping room to sub-rent the  
2 room for a period of time that is less than ten (10) hours.  
3

4 G. "Adult motion picture theater" means an enclosed commercial establishment  
5 where, for any form of consideration, motion pictures, films, video cassettes,  
6 slides, or other similar visual representations are regularly shown that are  
7 distinguished or characterized by a predominant emphasis on matters depicting,  
8 describing, or simulating any specified sexual activities or any specified  
9 anatomical areas.  
10

11 H. "Adult retail store" means a commercial establishment such as a bookstore,  
12 video store, or novelty shop which as its principal business purpose offers for  
13 sale or rent, for any form of consideration, any one or more of the following:  
14

15 1. Books, magazines, periodicals or other printed materials, or  
16 photographs, films, motion pictures, video cassettes, slides, or  
17 other visual representations that are distinguished or characterized  
18 by a predominant emphasis on matters depicting, describing, or  
19 simulating any specified sexual activities or any specified  
20 anatomical areas; or  
21

22 2. Instruments, devices, or paraphernalia designed for use in  
23 connection with any specified sexual activities.  
24

25 For the purpose of this definition, the term "principal business purpose" shall  
26 mean the business purpose that constitutes fifty (50) percent or more of the stock  
27 in trade of a particular business establishment. The stock in trade of a particular  
28 business establishment shall be determined by examining either: (i) the retail  
29 dollar value of all sexually oriented materials compared to the retail dollar value  
30 of all non-sexually oriented materials readily available for purchase, rental,  
31 view, or use by patrons of the establishment, excluding inventory located in any  
32 portion of the premises not regularly open to patrons; or (ii) the total volume of  
33 shelf space and display area reserved for sexually oriented materials compared  
34 to the total volume of shelf space and display area reserved for non-sexually  
35 oriented materials.  
36

37 I. "Applicant" means a person or persons applying for a license under this chapter.  
38

39 J. "City" means the City of Gig Harbor, Washington.  
40

41 K. "Employee" means any person, including a manager, assistant manager and  
42 entertainer, who works in or renders any services directly related to the

1 operation of any adult entertainment facility, whether or not such person is paid  
2 compensation by the owner or operator of the adult entertainment facility.

3  
4 L. "Entertainer" means any person who provides live adult entertainment in an  
5 adult entertainment facility during which the person exposes any specified  
6 anatomical areas or performs any specified sexual activities, whether or not the  
7 person is an employee of the adult entertainment facility, and whether or not a  
8 fee is charged or accepted for such entertainment.

9  
10 M. "Entertainer's license" means a license issued by the City Clerk under this  
11 chapter to an entertainer.

12  
13 N. "Licensee" means a person or persons in whose name a license to operate an  
14 adult entertainment facility has been issued under this chapter, as well as the  
15 individual listed as an applicant on the application for a license, and in the case  
16 of a manager, assistant manager or entertainer, a person in whose name a  
17 license has been issued authorizing employment or entertainment in an adult  
18 entertainment facility.

19  
20 O. "Manager" means any person who manages, directs, or administers the affairs  
21 or conduct of a portion of the activity within an adult entertainment facility,  
22 including assistant managers working with or under the direction of a manager  
23 to carry out such purposes.

24  
25 P. "Manager's license" means a license issued by the City Clerk under this chapter  
26 to a manager or assistant manager of an adult entertainment facility.

27  
28 Q. "Nude" means the appearance of less than complete and opaque covering of the  
29 human anus, human male genitals, human female genitals, or the areola or  
30 nipple of the human female breast. The opaque covering shall be made of  
31 material or fabric, but shall not include any liquid substance, including mud,  
32 water, lotion, whipping cream, or other similar substances that are easily broken  
33 down or removed and do not offer the covering intended for an opaque  
34 covering.

35  
36 R. "Owner or operator" means any person who owns, operates, or has a significant  
37 interest in an adult entertainment facility, with significant interest being based  
38 on responsibility for management of the business. Where an adult entertainment  
39 facility is owned or operated by a partnership, then each partner shall be deemed  
40 an owner or operator of the business. Where an adult entertainment facility is  
41 owned or operated by a corporation, including a limited liability organization,  
42 then each officer, director and principal stockholder shall be deemed an owner

1 or operator of the business. For the purposes of this chapter, a principal  
2 stockholder is a person who owns or controls twenty percent (20%) or greater  
3 interest in an adult entertainment facility.  
4

5 S. "Person" means an individual, association, corporation, firm, estate, joint  
6 venture, partnership, proprietorship, or other legal entity.  
7

8 T. "Sexually-oriented materials" means any books, magazines, periodicals or other  
9 printed materials, or any photographs, films, motion pictures, video cassettes,  
10 slides, or other visual representations that are distinguished or characterized by  
11 a predominant emphasis on matters depicting, describing, or simulating any  
12 specified sexual activities or any specified anatomical areas. The term "sexually  
13 oriented materials" includes any instruments, devices, or paraphernalia designed  
14 for use in connection with any specified sexual activities.  
15

16 U. "Specified anatomical areas" means and includes any of the following:  
17

- 18 1. The human male genitals in a discernibly turgid state, even if completely  
19 and opaquely covered; or  
20
- 21 2. Less than completely and opaquely covered human genitals, pubic  
22 region, anus, buttocks, or female breast below the top of the areola.  
23

24 V. "Specified criminal offense" means an offense for prostitution or promotion of  
25 prostitution, sale or distribution of obscenity, sale or display of materials  
26 harmful to minors, public lewdness, indecent exposure, or transactions  
27 involving controlled substances (as that term is defined in Chapter 69.50 RCW)  
28 for which:  
29

- 30 1. Less than two years have elapsed since the date of conviction or the date  
31 of release from confinement imposed for the conviction, whichever is  
32 later, if the conviction is of a misdemeanor offense; or  
33
- 34 2. Less than five years have elapsed since the date of conviction or the date  
35 of release from confinement imposed for the conviction, whichever is  
36 later, if the conviction is of a felony offense; or  
37
- 38 3. Less than five years have elapsed since the date of the last conviction or  
39 the date of release from confinement imposed for the last conviction,  
40 whichever is later, if the convictions are of two or more misdemeanor  
41 offenses occurring within a twenty-four month period.  
42

1 W. "Specified sexual activities" means and includes any of the following:  
2

- 3 1. Sexual intercourse within its ordinary meaning, occurring upon any  
4 penetration, however slight; or  
5  
6 2. Any penetration of the vagina or anus, however slight, by any object; or  
7  
8 3. Any contact between persons involving the sex organs of one person and  
9 the mouth or anus of another; or  
10  
11 4. Masturbation, manual or instrumental, of oneself or of one person by  
12 another; or  
13  
14 5. Touching of the sex organs or anus, whether clothed or unclothed, of  
15 oneself or of one person by another.  
16

17 **5.10.040 Penalties.**  
18

- 19 A. Criminal Penalty. In addition to any other penalty provided in this chapter or  
20 by law, any person who violates any provision of this chapter shall be guilty of  
21 a misdemeanor and shall be subject to a criminal penalty pursuant to RCW  
22 9A.20.021(3).  
23  
24 B. Civil Penalty. In addition to any other penalty provided in this chapter or by  
25 law, any person who violates any provision of this chapter shall be subject to a  
26 civil penalty pursuant to GHMC 1.16.010(D).  
27  
28 C. Separate Offense. Each day during any portion of which a violation of any  
29 provision of this chapter is committed or is permitted is a separate offense.  
30

31 **5.10.050 Nuisance.**  
32

- 33 A. Public Nuisance. Any adult entertainment facility operated, conducted, or  
34 maintained in violation of this chapter or any law of the City of Gig Harbor  
35 shall be deemed a public nuisance, and all remedies given by law for the  
36 prevention and abatement of public nuisances shall apply regardless of any other  
37 remedy.  
38  
39 B. Moral Nuisance. Any adult entertainment facility operated, conducted, or  
40 maintained contrary to the provisions of Chapter 7.48A RCW shall be deemed a  
41 moral nuisance, and all remedies given by law for the prevention and abatement  
42 of moral nuisances shall apply regardless of any other remedy.



1           **5.10.060 Activities Not Prohibited.**

- 2
- 3           A.     This chapter shall not be construed to restrict or prohibit the following activities
- 4                 or products: (a) plays, operas, musicals or other dramatic works that are not
- 5                 obscene; (b) classes, seminars, or lectures which are held for a serious scientific
- 6                 or educational purpose and that are not obscene; and (c) exhibitions,
- 7                 performances, expressions or dances that are not obscene.
- 8
- 9           B.     The provisions of this chapter are not intended to and do not prohibit the
- 10                simulation of sexual acts which are part of non-obscene expression.
- 11
- 12           C.     Whether or not activity is obscene shall be judged by consideration of the
- 13                following factors:
- 14
- 15                1.     Whether the average person, applying contemporary community
- 16                standards, would find that the activity taken as a whole appeals to the
- 17                prurient interest in sex; and
- 18
- 19                2.     Whether the activity depicts or describes sexual conduct in a patently
- 20                offensive way, as measured against community standards, and as
- 21                described in RCW 7.48A.010(2)(b); and
- 22
- 23                3.     Whether the activity taken as a whole lacks serious literary, artistic,
- 24                political or scientific value.
- 25

26 **PART B: LICENSING REQUIREMENTS**

27

28           **5.10.070 License Required.**

- 29
- 30           A.     It is unlawful for any person to operate an adult entertainment facility unless that
- 31                 person is the holder of a valid adult entertainment business license issued by the
- 32                 City Clerk under this chapter.
- 33
- 34           B.     It is unlawful for any person to work as a manager in an adult entertainment
- 35                 facility unless that person is the holder of a valid manager's license issued by
- 36                 the City Clerk under this chapter.
- 37
- 38           C.     It is unlawful for any person to work or perform as an entertainer in an adult
- 39                 entertainment facility unless that person is the holder of a valid entertainer's
- 40                 license issued by the City Clerk under this chapter.
- 41

1 D. It is unlawful for any manager or entertainer to knowingly work in or about, or  
2 to knowingly perform any service or entertainment directly related to the  
3 operation of an adult entertainment facility which is not licensed under this  
4 chapter.  
5

6 **5.10.080 Application for Adult Entertainment Business License.**  
7

8 A. No person shall operate an adult entertainment facility within the City of Gig  
9 Harbor without a valid adult entertainment business license issued by the City  
10 Clerk.  
11

12 B. Each person qualifying as an owner or operator of the proposed adult  
13 entertainment facility shall submit a separate application. Each applicant shall  
14 be separately qualified under this chapter.  
15

16 C. All applications shall be submitted to the City Clerk on a form supplied by the  
17 City and shall contain or be accompanied by all of the following information and  
18 documents:  
19

20 1. *The date of the application.*  
21

22 2. The legal name, any previous names, any aliases, any driver's license  
23 number, any social security number, and the date of birth of the  
24 applicant.  
25

26 3. If the applicant is a partner in a partnership, the applicant shall state the  
27 complete name of the partnership, state whether the partnership is  
28 general or limited, and state the legal names of all partners.  
29

30 4. If the applicant is an officer, director, or principal stockholder of a  
31 corporation, including a limited liability organization, the applicant shall  
32 state the complete name of the corporation, state the date of its  
33 incorporation, state the name of the registered corporate agent, state the  
34 address of the registered office for service of process, and provide  
35 evidence that the corporation is in good standing under the laws of the  
36 State of Washington.  
37

38 5. A description of the principal activities and services to be offered by the  
39 proposed adult entertainment facility, including a summary of the types  
40 of adult entertainment and sexually-oriented materials to be offered for  
41 sale or rent by the proposed adult entertainment facility.

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6. A description of the principal activities and services to be rendered by the applicant with respect to the proposed adult entertainment facility.
7. A statement whether the applicant has been convicted of a specified criminal offense, and if so, the date, place, and jurisdiction of each specified criminal offense.
8. A statement whether the applicant holds any license issued under this chapter or under a similar ordinance from another city or county, and if so, the operating names and locations of the other licensed businesses.
9. A statement whether the applicant has had a previous license issued under this chapter denied, suspended, or revoked, and if so, the name and location of the adult entertainment facility for which the license was denied, suspended, or revoked, as well as the date of the denial, suspension, or revocation.
10. A statement whether the applicant has been a partner in a partnership or an officer, director, or principal stockholder of a corporation that has had a previous license under this chapter denied, suspended, or revoked, and if so, the name and location of the adult entertainment facility for which the license was denied, suspended, or revoked, as well as the date of the denial, suspension, or revocation.
11. The proposed location of the adult entertainment facility, including a legal description of the property, street address, and telephone numbers, if any.
12. The present mailing and residential address of the applicant.
13. Two (2) two-inch by two-inch color photographs of the applicant, taken within six (6) months of the date of the application, showing the full face of the applicant. The photographs shall be provided at the expense of the applicant.
14. Two sets of fingerprints of the applicant, on a form approved by the City of Gig Harbor Police Department.
15. A sketch or diagram showing the configuration of the premises, including a statement of total floor space to be occupied by the adult entertainment facility. The sketch or diagram shall be drawn to a designated scale to an accuracy of plus or minus six (6) inches.

1           16.    Authorization for the City, its agents, and employees to seek information  
2                   to confirm any statements or other information set forth in the  
3                   application.  
4

5           D.    Each applicant shall verify under penalty of perjury that the information  
6                   contained in the application is true to the best of his or her knowledge.  
7

8           E.    An application shall be deemed complete upon receipt of all the information and  
9                   documents requested by this section. Where necessary to determine compliance  
10                   with this chapter, the City Clerk may request information or clarification in  
11                   addition to that provided in a complete application.  
12

13           F.    If any person or entity acquires, subsequent to the issuance of an adult  
14                   entertainment business license, a significant interest in the licensed adult  
15                   entertainment facility, notice of such acquisition shall be provided in writing to  
16                   the City Clerk within twenty-one (21) calendar days following such acquisition  
17                   and the person acquiring the interest shall submit a complete application to the  
18                   City Clerk pursuant to GHMC 5.10.080 within forty-five (45) calendar days of  
19                   acquiring such interest.  
20

21           G.    Each adult entertainment business license application shall be accompanied by a  
22                   non-refundable application fee of five hundred dollars (\$500.00).  
23

24           **5.10.090 Application for Manager's or Entertainer's License.**  
25

26           A.    No person shall work or perform as a manager or entertainer at an adult  
27                   entertainment facility without a valid manager's or entertainer's license issued  
28                   by the City Clerk.  
29

30           B.    All applications shall be submitted to the City Clerk on a form supplied by the  
31                   City and shall contain or be accompanied by all of the following information and  
32                   documents:  
33

34                   1.    The date of the application.  
35

36                   2.    The legal name, any previous names, any aliases, any driver's license  
37                   number, any social security number, and the date of birth of the  
38                   applicant.  
39

40                   3.    Documentation that the applicant has attained the age of eighteen years.  
41                   Any of the following shall be accepted as documentation of age:  
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- a. A valid driver's license issued by any state bearing the applicant's photograph and date of birth;
  - b. A valid identification card issued by any state bearing the applicant's photograph and date of birth;
  - c. An official passport issued by the United States of America;
  - d. An immigration card issued by the United States of America; or
  - e. Any other form of identification that the City Clerk determines to be acceptable.
- 4. The height, weight, hair and eye color of the applicant.
  - 5. The present mailing and residential address of the applicant.
  - 6. The name and address of the adult entertainment facility at which the applicant will work or perform.
  - 7. A description of the principal activities or services to be rendered by the applicant at the adult entertainment facility.
  - 8. Two (2) two-inch by two-inch color photographs of the applicant, taken within six (6) months of the date of the application, showing the full face of the applicant. The photographs shall be provided at the expense of the applicant.
  - 9. Two sets of fingerprints of the applicant, on a form approved by the City of Gig Harbor Police Department.
  - 10. A statement whether the applicant has been convicted of a specified criminal offense, and if so, the date, place, and jurisdiction of each specified criminal offense.
  - 11. A statement whether the applicant holds any license issued under this chapter or under a similar ordinance from another city or county, and if so, the operating names and locations of the other licensed businesses.
  - 12. A statement whether the applicant has had a previous license issued under this chapter denied, suspended, or revoked, and if so, the name and location of the adult entertainment facility for which the license was

1 denied, suspended, or revoked, as well as the date of the denial,  
2 suspension, or revocation.

3  
4 13. Authorization for the City, its agents, and employees to seek information  
5 to confirm any statements or other information set forth in the  
6 application.

7  
8 C. The applicant shall verify under penalty of perjury that the information  
9 contained in the application is true to the best of his or her knowledge.

10  
11 D. An application shall be deemed complete upon receipt of all the information and  
12 documents requested by this section. Where necessary to determine compliance  
13 with this chapter, the City Clerk may request information or clarification in  
14 addition to that provided in a complete application.

15  
16 E. Each manager's and entertainer's license application shall be accompanied by a  
17 non-refundable application fee of one hundred dollars (\$100.00).

18  
19 **5.10.100 Initial Investigation.**

20  
21 A. Upon receipt of a complete adult entertainment business application and filing  
22 fee, the City Clerk shall stamp the application as received and shall send  
23 photocopies of the application to the departments or agencies responsible for the  
24 enforcement of public safety, health, fire, and building codes and laws. Each  
25 interested department or agency shall conduct an investigation of the application  
26 and the proposed adult entertainment facility within twenty (20) calendar days of  
27 receipt of the application by the City Clerk, unless circumstances support  
28 extending the investigation. If the investigation is extended, the City Clerk shall  
29 inform the applicant of the extension and the reasons therefor. The extension  
30 shall not exceed ten (10) additional calendar days from the original expiration of  
31 the twenty (20) day time period stated above. At the conclusion of its  
32 investigation, each interested department or agency shall recommend approval  
33 or disapproval of the application by so indicating on the photocopy of the  
34 application. After indicating its approval or disapproval, each interested  
35 department or agency shall immediately return the photocopy of the application  
36 to the City Clerk. In the event the proposed adult entertainment facility is in a  
37 state of construction at the time of the inspection, then each interested  
38 department or agency shall make a preliminary determination of approval or  
39 disapproval based on the drawings submitted in the application. Any adult  
40 entertainment business license approved prior to final construction of the adult  
41 entertainment facility shall contain a condition that the adult entertainment  
42 facility may not open for business until the facility has been inspected and

1 determined to be in compliance with applicable laws and regulations and  
2 substantially conforms with the drawings submitted with the application.  
3

- 4 B. In the event an interested department or agency recommends disapproval, the  
5 department or agency recommending disapproval shall state the basis for the  
6 disapproval in writing. A department or agency shall recommend disapproval  
7 of an application if it finds that the proposed adult entertainment facility will  
8 violate any provision of any statute, code, ordinance, regulation, or other law in  
9 effect in the City.  
10

11 **5.10.110 Issuance and Denial of Licenses.**  
12

13 A. Issuance of Adult Entertainment Business License.  
14

- 15 1. The City Clerk shall grant or deny an application for an adult  
16 entertainment business license within thirty (30) calendar days from the  
17 date a complete application is filed unless a ten (10) day extension is  
18 granted as provided in GHMC 5.10.100(A) in which case the City Clerk  
19 shall grant or deny an application for an adult entertainment business  
20 license within forty (40) calendar days from the date a complete  
21 application is filed.  
22  
23 2. The City Clerk shall issue an adult entertainment business license unless  
24 one or more of the criteria set forth in GHMC 5.10.110(C)(1) is present.  
25  
26 3. An adult entertainment business license, if granted, shall state on its face  
27 the name of the person or persons to whom it is granted, the expiration  
28 date, and the name and address of the adult entertainment facility. An  
29 adult entertainment business license shall be posted in a conspicuous  
30 place, at or near the entrance to the adult entertainment facility.  
31  
32 4. An adult entertainment business license shall be valid for one year from  
33 the date of issuance.  
34

35 B. Issuance of Manager's or Entertainer's License.  
36

- 37 1. The City Clerk shall grant or deny an application for a manager's or  
38 entertainer's license within fifteen (15) calendar days from the date of its  
39 proper filing.  
40  
41 2. An applicant for a manager's or entertainer's license shall be issued a  
42 temporary license upon receipt of a complete license application and fee.

1 Said temporary license shall automatically expire on the fifteenth day  
2 following the filing of the complete application and fee, unless the City  
3 Clerk has failed to approve or deny the license application in which case  
4 the temporary license shall be valid until the City Clerk approves or  
5 denies the application, or until the final determination of any appeal from  
6 a denial of the application. In no event may the City Clerk extend the  
7 application review time for more than an additional twenty (20) days.  
8

- 9 3. The City Clerk shall issue a manager's or entertainer's license unless one  
10 or more of the criteria set forth in GHMC 5.10.110(C)(1) is present.  
11  
12 4. A manager's or entertainer's license, if granted, shall state on its face the  
13 name of the person to whom it is granted, the expiration date, and the  
14 name and address of the adult entertainment facility at which the  
15 manager or entertainer will work or perform. Each manager and  
16 entertainer shall ensure that his or her license is posted in a conspicuous  
17 place, at or near the entrance to the adult entertainment facility, at all  
18 times the manager or entertainer is working or performing in the adult  
19 entertainment facility.  
20  
21 5. A manager's or entertainer's license shall be valid for one year from the  
22 date of issuance.  
23

24 C. Denial of License Application.  
25

- 26 1. The City Clerk shall deny a license application if it is demonstrated by a  
27 preponderance of the evidence that one or more of the following findings  
28 is true:  
29  
30 a. The premises to be used for the proposed adult entertainment  
31 facility are not in compliance with applicable laws and  
32 ordinances.  
33  
34 b. An applicant is under eighteen (18) years of age.  
35  
36 c. An applicant has failed to provide information required by this  
37 chapter or has falsely answered a question or request for  
38 information on the application form.  
39  
40 d. An application fee required by this chapter has not been paid.  
41



- 1                   2.     In the event the City Clerk denies an application, the City Clerk shall do  
2                   so in writing, and shall state the specific reasons therefor, including  
3                   applicable laws.  
4  
5                   3.     Denial of a license application is subject to appeal as set forth in GHMC  
6                   5.10.150.  
7

8     **5.10.120 Renewal of Licenses.**  
9

- 10     A.    A licensee may apply for renewal of an adult entertainment business license  
11           issued under this chapter. An application for renewal shall contain the  
12           information and documents required in GHMC 5.10.080 and shall be  
13           accompanied by a non-refundable application fee of one hundred dollars  
14           (\$100.00).  
15  
16     B.    A licensee may apply for renewal of a manager's or entertainer's license issued  
17           under this chapter. An application for renewal shall contain the information and  
18           documents required in GHMC 5.10.090 and shall be accompanied by a non-  
19           refundable application fee of one hundred dollars (\$100.00).  
20  
21     C.    Application for renewal of an adult entertainment business license shall be made  
22           within forty (40) calendar days before the expiration date of the currently valid  
23           license.  
24  
25     D.    Application for renewal of a manager's or entertainer's license shall be made  
26           within fifteen (15) calendar days before the expiration date of the currently valid  
27           license.  
28  
29     E.    An application for a renewal license shall be issued or denied according to the  
30           requirements of GHMC 5.10.110.  
31  
32     F.    Denial of a renewal license is subject to appeal as set forth in GHMC 5.10.150.

1           **5.10.130 Nontransferability of Licenses.**

- 2
- 3           A.     Adult Entertainment Business License. The holder of an adult entertainment  
4           business license issued pursuant to this chapter shall not assign or transfer the  
5           license to another person, except that a transfer may be made to the surviving  
6           spouse of a deceased licensee if the transferor and transferee were maintaining a  
7           marital community and the license was issued in the name of one or both of  
8           them.
- 9
- 10          B.     Manager's or Entertainer's License. The holder of a manager's or entertainer's  
11          license issued pursuant to this chapter shall not assign or transfer the license to  
12          another person.

13

14           **5.10.140 Suspension and Revocation of Licenses.**

- 15
- 16          A.     The City Clerk may, subject to this chapter, suspend or revoke any license  
17          issued pursuant to this chapter. In the event a license is suspended or revoked,  
18          all rights of the licensee under this chapter are then suspended or terminated, as  
19          the case may be.
- 20
- 21          B.     Upon receipt of notice of the suspension or revocation of an adult entertainment  
22          business license or manager's license or entertainer's license, the licensee shall  
23          without delay deliver such license to the City Clerk. In the case of a  
24          suspension, the City Clerk shall return the license to the licensee at the  
25          expiration of the suspension period.
- 26
- 27          C.     Suspension of License. The City Clerk shall suspend a license for a period not  
28          to exceed thirty (30) calendar days if the City Clerk determines that:
- 29
- 30                1.     The licensee has refused to allow an inspection of the adult entertainment  
31                facility as required by GHMC 5.10.160; or
- 32
- 33                2.     The licensee has not submitted a timely monthly report as required by  
34                GHMC 5.10.170(B); or
- 35
- 36                3.     The licensee has been convicted of a specified criminal offense  
37                committed on the premises of the adult entertainment facility for which  
38                he or she is licensed within the time periods provided in GHMC  
39                5.10.030(V); or
- 40
- 41                4.     The licensee has violated any applicable requirement of this chapter.
- 42

1           D.     Revocation of License.

2  
3           1.     The City Clerk shall revoke a license if the City Clerk determines that:

- 4  
5                   a.     The licensee has given false information in the material submitted  
6                             during the application process; or  
7  
8                   b.     The licensee has knowingly operated an adult entertainment  
9                             facility during a period of time when the adult entertainment  
10                            business license of the adult entertainment facility was suspended;  
11                            or  
12  
13                   c.     The licensee has knowingly acted as a manager of an adult  
14                            entertainment facility during a period of time when the licensee's  
15                            manager's license was suspended; or  
16  
17                   d.     The licensee has knowingly acted as an entertainer at an adult  
18                            entertainment facility during a period of time when the licensee's  
19                            entertainer's license was suspended; or  
20  
21                   e.     A cause of suspension in GHMC 5.10.140(C) occurs and the  
22                            license has been suspended within the preceding twelve months.

23  
24           2.     In the event the City Clerk revokes a license, the revocation shall  
25                    continue for one year, and the licensee shall not be issued an adult  
26                    entertainment business license, manager's license, or entertainer's  
27                    license for one year from the date the revocation becomes effective. If,  
28                    after revocation, the City Clerk finds that the basis for the revocation has  
29                    been corrected or abated, the applicant may be granted a license if at  
30                    least ninety (90) calendar days have elapsed since the date of revocation  
31                    became effective.

32  
33           **5.10.150 Appeal of Denial, Suspension, or Revocation of License.**

34  
35           A.     In the event the City Clerk denies, suspends or revokes a license issued under  
36                    this chapter, the City Clerk shall notify the applicant or licensee in writing of  
37                    the decision at least ten (10) calendar days prior to the effective date of any such  
38                    denial, suspension, or revocation. The notice shall describe the grounds for  
39                    such denial, suspension or revocation and shall inform the applicant or licensee  
40                    of his or her right to appeal to the City Hearing Examiner within ten (10)  
41                    calendar days of the date of the written decision by filing a written notice of  
42                    appeal with the City Clerk containing a statement of the specific reasons for the

1 appeal and a statement of the relief requested. The notice shall be served either  
2 in person or by mailing a copy of the notice by certified mail, postage prepaid,  
3 return receipt requested, to the applicant or licensee at his or her last known  
4 address.

- 5
- 6 B. If a licensee timely appeals a decision of the City Clerk, then the licensee may  
7 continue to engage in the activity for which the license was issued pending the  
8 decision of the City Hearing Examiner, unless the license was suspended or  
9 revoked based on a threat of immediate serious injury to public health or safety  
10 pursuant to GHMC 5.10.160(B).
- 11
- 12 C. Within ten (10) calendar days of receiving a timely appeal, the City Clerk shall  
13 forward the administrative record of the licensing decision to the City Hearing  
14 Examiner.
- 15
- 16 D. In the event an applicant or licensee timely appeals the denial, suspension, or  
17 revocation of a license issued under this chapter, the City Hearing Examiner  
18 shall hold a hearing on the appeal within twenty (20) calendar days from receipt  
19 of the appeal. Written notice of the date, time, and place of the scheduled  
20 hearing shall be given to the applicant by the City Clerk at least five (5) calendar  
21 days prior to the hearing.
- 22
- 23 E. The City Hearing Examiner shall uphold the decision of the City Clerk unless it  
24 finds the decision is not supported by substantial evidence in the administrative  
25 record.
- 26
- 27 F. The City Hearing Examiner shall issue a written decision within ten (10)  
28 calendar days of hearing the appeal. The decision shall be served either in  
29 person or by mailing a copy of the decision by certified mail, postage prepaid,  
30 return receipt requested, to the applicant or licensee at his or her last known  
31 address. The decision of the City Hearing Examiner shall constitute the final  
32 administrative decision of the City and may be appealed to superior court within  
33 ten (10) calendar days. The applicant or licensee shall be responsible for the  
34 costs of preparing the administrative record for judicial review. If a licensee  
35 timely appeals a decision of the City Hearing Examiner, then the licensee may  
36 continue to engage in the activity for which the license was issued pending the  
37 decision of the court, unless the license was suspended or revoked based on a  
38 threat of immediate serious injury to public health or safety pursuant to GHMC  
39 5.10.160(B).
- 40

41 **5.10.160 Inspections and Public Health and Safety Suspensions.**

42

- 1 A. An applicant or licensee shall permit representatives of the police department,  
2 health department, and other state and local government agencies to inspect the  
3 premises of the adult entertainment facility, at any time the adult entertainment  
4 facility is open for business, for the purpose of insuring compliance with all  
5 applicable statutes, codes, ordinances, regulations, and laws.  
6  
7 B. Where a condition exists upon the premises of an adult entertainment facility  
8 that constitutes a threat of immediate serious injury to public health or safety,  
9 the City Clerk or any other City official may immediately suspend any license  
10 issued under this chapter by issuing a notice setting forth the facts that constitute  
11 a threat of immediate serious injury to public health or safety, and informing the  
12 licensee of the right to appeal the suspension to the City Hearing Examiner  
13 under the appeal provisions set forth in GHMC 5.10.150.  
14

15 **5.10.170 Recordkeeping Requirements and Monthly Reports.**  
16

- 17 A. Each adult entertainment facility licensed under this chapter shall maintain and  
18 retain for a period of two (2) years from the date of termination of employment,  
19 the names, addresses, and ages of all persons employed or otherwise retained as  
20 managers and entertainers.  
21  
22 B. Each adult entertainment facility licensed under this chapter shall file a monthly  
23 report with the City Clerk including the names, addresses, and ages of all  
24 persons employed or otherwise retained as managers and entertainers.  
25

26 **5.10.180 License Requirement for Existing Adult Entertainment Facilities.**  
27

28 Any adult entertainment facility in existence prior to the effective date of this ordinance  
29 shall be deemed to be operating under a temporary adult entertainment business license.  
30 Within forty-five (45) calendar days of the effective date of this ordinance, such adult  
31 entertainment facility shall submit a complete adult entertainment business license  
32 application and license fee pursuant to GHMC 5.10.080 to the City Clerk. The license  
33 application shall be issued or denied in accordance with the requirements of this  
34 chapter. The adult entertainment facility shall be permitted to continue to engage in the  
35 activities specified in the adult entertainment business license application pursuant to  
36 GHMC 5.10.080(C)(5) pending the decision of the City Clerk.  
37

38 **PART C: OPERATIONAL REQUIREMENTS**  
39

40 **5.10.190 Regulations Applicable to All Adult Entertainment Facilities.** All adult  
41 entertainment facilities shall comply with the following regulations:  
42

- 1 A. Manager on Premises. A licensed manager shall be on duty at the adult  
2 entertainment facility at all times the adult entertainment facility is open for  
3 business. The manager shall be stationed at a location within the adult  
4 entertainment facility where he or she shall have an unobstructed view of all  
5 public portions of the adult entertainment facility.  
6
- 7 B. Hours of Operation. Adult entertainment facilities, except adult motels, shall  
8 not be operated or otherwise open to the public between the hours of 2:00 a.m.  
9 and 10:00 a.m.  
10
- 11 C. Admission to Minors Prohibited. Admission to adult entertainment facilities,  
12 except adult motels, shall be restricted to persons of the age of eighteen (18)  
13 years or more. The age of all patrons shall be verified at the time of entry by an  
14 employee of the adult entertainment facility.  
15

#### 16 5.10.200 Regulations Specifically Applicable to Adult Cabarets. 17

- 18 A. General. An adult cabaret shall satisfy the zoning requirements contained in  
19 Chapter 17.58 of the Gig Harbor Municipal Code, the general requirements in  
20 Part A of this chapter, the licensing requirements in Part B of this chapter, the  
21 general operational requirements in GHMC 5.10.190, and the specific  
22 operational requirements applicable to adult cabarets contained in this section.  
23
- 24 B. Separation of Nude Entertainers From Patrons. No entertainer shall appear  
25 nude except on a stage or platform at least twenty-four (24) inches in elevation  
26 above the level of the patron seating areas. The stage shall be separated by a  
27 distance of at least eight (8) feet from all areas of the premises to which patrons  
28 have access. A continuous fixed-barrier railing, of sufficient construction to  
29 prevent encroachment by patrons onto the stage, at least three (3) feet in height  
30 and located at least eight (8) feet from all points of the stage, shall separate the  
31 stage from all patron areas.  
32
- 33 C. General Separation of Entertainers From Patrons. No entertainer shall conduct  
34 any dance, performance, or exhibition in or about the adult cabaret unless that  
35 dance, performance, or exhibition is performed at a torso-to-torso distance of no  
36 less than four feet from the patron for whom the dance, performance, or  
37 exhibition is intended.  
38
- 39 D. Managers. The licensed manager on duty shall not be an entertainer. There  
40 shall be one manager on duty for every stage operating on the premises. No  
41 manager shall knowingly permit an employee or entertainer to violate any  
42 provision of this section.

- 1 E. Tips. No entertainer shall allow a member of the public to place a tip or  
2 gratuity directly upon his or her body or into his or her clothing.  
3
- 4 F. Maintenance. All public areas of the adult cabaret shall be maintained in a clean  
5 and sanitary condition.  
6
- 7 G. Lighting. A minimum lighting level of 30 lux semi-cylindrical measured at  
8 thirty (30) inches from the floor or ten (10) foot centers shall be provided and  
9 equally distributed in and about the public portions of the adult cabaret,  
10 including the patron seating areas, so that all objects are plainly visible at all  
11 times.  
12
- 13 H. Visibility From Outside the Adult Cabaret. No activity or entertainment  
14 occurring at or in the adult cabaret, nor any photograph, drawing, sketch or  
15 other pictorial or graphic representation of any specified sexual activities or  
16 specified anatomical areas, shall be visible at any time from outside the adult  
17 cabaret.  
18
- 19 I. Prohibited Activities.  
20
- 21 1. No manager, entertainer or employee shall perform or simulate any  
22 sexual activities specified in GHMC 5.10.030(W) or RCW  
23 7.48A.010(2)(b).  
24
- 25 2. No manager, entertainer or employee shall expose to view any  
26 anatomical areas specified in GHMC 5.10.030(U) except upon a stage or  
27 platform as set forth in GHMC 5.10.200(B).  
28
- 29 J. Sign. A sign at least two (2) feet by two (2) feet, with letters at least one (1)  
30 inch high, shall be conspicuously and permanently posted at or near the entrance  
31 to the adult entertainment facility which states the following:  
32

33 THIS ADULT CABARET IS REGULATED BY THE CITY OF  
34 GIG HARBOR. ENTERTAINERS ARE NOT PERMITTED TO  
35 ENGAGE IN ANY TYPE OF SEXUAL ACTIVITY AND ARE  
36 NOT PERMITTED TO APPEAR NUDE EXCEPT ON STAGE.  
37 ENTERTAINERS IN THE SEATING AREAS OF THE ADULT  
38 CABARET ARE NOT ALLOWED TO DANCE WITHIN  
39 FOUR FEET OF ANY CUSTOMER. TIPS AND GRATUITIES  
40 MAY NOT BE PLACED ON THE BODY OR IN THE  
41 CLOTHING OF ANY ENTERTAINER.

1           **5.10.210 Regulations Specifically Applicable to Adult Arcades.**  
2

3           A.    General. An adult arcade shall satisfy the zoning requirements contained in  
4           Chapter 17.58 of the Gig Harbor Municipal Code, the general requirements in  
5           Part A of this chapter, the licensing requirements in Part B of this chapter, the  
6           general operational requirements in GHMC 5.10.190, and the specific  
7           operational requirements applicable to adult arcades contained in this section.  
8

9           B.    Physical Layout.

10  
11           1.    Each viewing booth shall be visible from a manager's station and shall  
12           not be obscured by any curtain, door, wall or other enclosure. As used  
13           in this section "viewing booth" means the area where a patron or  
14           customer would be positioned while watching a film, video or other  
15           photographic reproduction.  
16

17           2.    No steps or risers shall be allowed in any viewing booth.  
18

19           3.    No viewing booth shall have more than one stool or seat. In order to  
20           prevent obscuring the occupant of a viewing booth from view, no stool  
21           for seating within a viewing booth shall have any seat back or sides.  
22

23           4.    No viewing booth shall have any holes or openings in its walls other than  
24           ventilation holes. All ventilation holes shall be located one foot from the  
25           top of the booth walls or one foot from the bottom of the booth walls.  
26           All ventilation holes shall be covered with a permanently affixed  
27           ventilation cover.  
28

29           C.    Maintenance. All viewing booths shall be maintained in a clean and sanitary  
30           condition.  
31

32           D.    Lighting. A minimum lighting level of 30 lux semi-cylindrical measured at  
33           thirty (30) inches from the floor or ten (10) foot centers shall be provided and  
34           equally distributed in and about the public portions of the adult arcade,  
35           including the viewing booths, so that all objects are plainly visible at all times.  
36

37           E.    Limit on Number of Persons Within a Viewing Booth. No licensee or employee  
38           shall permit more than one person to occupy a viewing booth at any given time.  
39

40           F.    Prohibited Activities. No licensee or employee shall knowingly permit a patron  
41           to perform any sexual activity specified in GHMC 5.10.030(W) or RCW  
42           7.48A.010(2)(b) within a viewing booth.



1 G. Sign. A sign at least two (2) feet by two (2) feet, with letters at least one (1)  
2 inch high, shall be conspicuously and permanently posted at or near the entrance  
3 to the adult entertainment facility which states the following:  
4

5 THIS ADULT ARCADE IS REGULATED BY THE CITY OF  
6 GIG HARBOR. IT IS UNLAWFUL TO PERFORM SEXUAL  
7 ACTS WITHIN A VIEWING BOOTH, AND IT IS  
8 UNLAWFUL FOR MORE THAN ONE PERSON TO OCCUPY  
9 A VIEWING BOOTH AT ANY GIVEN TIME.  
10

11 H. Visibility From Outside the Adult Arcade. No activity or entertainment  
12 occurring at or in an adult arcade, nor any photograph, drawing, sketch or other  
13 pictorial or graphic representation of any specified sexual activities or specified  
14 anatomical areas shall be visible at any time from outside the adult arcade.  
15

16 Section 4. Limitations of Liability. None of the provisions of this ordinance are  
17 intended to create a cause of action or provide the basis for a claim against the City, its  
18 officials, or employees for the performance or the failure to perform a duty or obligation  
19 running to a specific individual or specific individuals. Any duty or obligation created herein  
20 is intended to be a general duty or obligation running in favor of the general public.  
21

22 Section 5. Severability. If any portion of this ordinance as now or hereafter amended, or its  
23 application to any person or circumstance is held invalid or unconstitutional, such adjudication  
24 shall not affect the validity of the ordinance as a whole, or any section, provision, or part  
25 thereof not adjudged to be invalid or unconstitutional, and its application to other persons or  
26 circumstances shall not be affected.  
27

28 Section 6. Conflicting Ordinances Repealed. Any ordinance or regulation in conflict with  
29 this ordinance is hereby repealed.  
30

31 Section 7. Effective Date. This ordinance or a summary thereof consisting of the title and  
32 penalty section shall be published in the official newspaper of the City, and shall take effect  
33 and be in full force five (5) calendar days after publication.  
34

35 PASSED by the City Council and APPROVED by the Mayor this \_\_\_\_ day of \_\_\_\_\_, 1997.  
36

37 APPROVED:  
38  
39

40 \_\_\_\_\_  
41 MAYOR, GRETCHEN WILBERT  
42

1 ATTEST/AUTHENTICATED:  
2  
3  
4 \_\_\_\_\_  
5 CITY CLERK, MOLLY TOWSLEE  
6  
7 APPROVED AS TO FORM:  
8  
9  
10 \_\_\_\_\_  
11 CITY ATTORNEY, CAROL MORRIS  
12  
13 FILED WITH THE CITY CLERK: 8/28/97  
14 PASSED BY THE CITY COUNCIL:  
15 PUBLISHED:  
16 EFFECTIVE DATE:  
17 ORDINANCE NO.

## Exhibit 'A'

### ADULT ENTERTAINMENT INDEX OF INFORMATION

- A. Two police videotapes.
- B. Memo to Planning Commission - Secondary Land Use Impacts 9/26/96;
- C. Page 7 - Memo to the Redmond Planning Commission - Regulations 4/10/96;
- D. City of Kent - Study on The Land Use Impacts of Adult Uses;
- F. Agenda - GH Planning Commission Meeting - Worksession on A.E. 8/1/96;
- G. City of Los Angeles Dept. of City Planning - Study of the Effects of the Concentration of Adult Entertainment Establishments 6/77;
- H. The City of Bellevue licensing ordinance;
- I. Relevant state court decisions;
- J. Relevant studies prepared by other cities and counties;
  - 1. Commission on Obscenity and Pornography - Minnesota, 9/70;
  - 2. Zoning Controls for Adult-Only Theaters - Seattle, 3/76;
  - 3. Study of the Effects of the Concentration of Adult Entertainment Establishments - Los Angeles, 6/77
  - 4. Smut Shop Outlets - Cleveland, 8/77;
  - 5. Adult Business Study - Phoenix, 3/79;
  - 6. Adult Use Zoning Study - Kent, 11/82;
  - 7. Adult Entertainment Businesses - Indianapolis, 2/84;
  - 8. Materials from Bothell Planning Commission Meeting - Bothell, 7/84;
  - 9. Adult Entertainment Businesses/Survey of Real Estate Appraisers - Oklahoma City, 3/86;
  - 10. Report on Adult Oriented Businesses - Austin City, 5/86;
  - 11. Study on the Need to Regulate the Location of Adult Entertainment Uses - Analysis and Recommendations - Bellevue, 9/87;
  - 12. Report of the Attorney General's Working Group on the Regulation of Sexually Oriented Businesses - Minnesota, 6/89;
  - 13. Director's Report Concerning Regulating the Location of Adult Entertainment Uses - Seattle, 8/89;
  - 14. Adult Entertainment Land Use Analysis Final Report - Lynnwood, 4/90;
  - 15. Adult Entertainment Code Amendments - Federal Way, 8/95;
  - 16. Report of the Adult Entertainment Zoning Committee - Snohomish County, 5/96;
  - 17. Regulation of Sexually Oriented Businesses - Texas, 7/96.



Date of Application: _____	
<input type="checkbox"/>	NEW - \$500 Fee
<input type="checkbox"/>	RENEWAL - \$200 Fee

**City of Gig Harbor**  
**Adult Entertainment Business License Application**

*Non-Refundable Fee Must Accompany Application - No License shall be issued to anyone under the age of 21 (18 where NO alcoholic beverages are served)*

BUSINESS NAME: \_\_\_\_\_ BUSINESS PHONE: \_\_\_\_\_

BUSINESS STREET ADDRESS: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

UBI - WA. STATE TAX ID #: \_\_\_\_\_

ALL owners, partners, corporate officers, directors, and principal stockholders (persons who own 20% or greater interest) are considered applicants and must fill out and sign an individual Personal Information form which is attached and incorporated herein by this reference. Each applicant shall be separately qualified. Additional forms can be obtained from the City Clerk's Office, phone (253) 851-8136.

Indicate ownership status:

- 1)  **Individual** *(fill out and sign the Personal Information form)*  
 Legal Name: \_\_\_\_\_
  
- 2)  **Partnership** \_\_\_\_\_ General \_\_\_\_\_ Limited  
*(all partners must fill out and sign a Personal Information form)*
  - a) Complete Name of Partnership: \_\_\_\_\_
  - b) Legal Names of all Partners: \_\_\_\_\_
  
- 3)  **Corporation**
  - a) Corporation Name \_\_\_\_\_ b) Incorporation Date \_\_\_\_\_
  - c) Registered Agent \_\_\_\_\_
  - d) Registered Agent Address \_\_\_\_\_
  - e) Attach evidence that the corporation is in good standing under the laws of the State of Washington.
  - f) State legal names & titles of all officers, directors, and principal stockholders of the Corporation *(all officers, directors, & principal stockholders must fill out and sign a Personal Information form)*

Legal Name	Title	Legal Name	Title
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Do you, or any of the partners or corporate officers, hold any other licenses under this chapter or any other similar adult entertainment or sexually oriented business ordinance (including motion picture theaters, panoramas, escort services or massage parlors) from the City or another city, county or state?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, please list the names and addresses of all other licensed businesses (use additional sheets if necessary)

<u>Name</u>	<u>Address</u>	<u>City, State, Zip</u>	<u>Phone</u>	<u>Description of Business</u>
-------------	----------------	-------------------------	--------------	--------------------------------

Have you or this entity, in previously operating in this or another city, county or state, had an adult entertainment business license denied, revoked or suspended within the last four (4) years? YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, describe the reason for the denial, suspension or revocation, the activity or occupation of the applicant subsequent to such action, suspension or revocation. Also include the name and location of the sexually-oriented business for which the permit or license was denied, suspended, or revoked, the entity denying the same, as well as the date of the denial, suspension, or revocation:

---

**Attach the following documents with this application:**

- 1) Two (2) two-inch by two-inch color photographs of each individual, partner, officer, director and principal stockholder listed in this application and its attachments, taken within six (6) months of the date of the application, showing the full face of the applicant. (The photographs shall be provided at the expense of the applicant.)
- 2) Two complete sets of fingerprints of each individual, partner, officer, director, and principal stockholder, on a form approved by the Gig Harbor Police Department.
- 3) A copy of the establishment's legal description, including the name and address of each owner and lessee. Scale drawing or diagram showing the configuration of the premises for the proposed adult entertainment establishment, including a statement of the total floor space occupied by the business, and marked dimensions of the interior of the premises. Performance areas, seating areas, manager's office and stations, restrooms and service areas shall be clearly marked on the drawing, including the building plans which demonstrate conformance with the City's current zoning code. Any remodeling of a building structure is subject to the permitting and plan review process.

---

The City of Gig Harbor, its agents and employees are hereby authorized to seek information to confirm any statements or other information set forth in this application and its attachments.

If any person or entity acquires, subsequent to the issuance of an Adult Entertainment Business License, a significant interest in the licensed adult entertainment facility, notice of such acquisition shall be provided in writing to the City Clerk within twenty-one (21) calendar days following such acquisition and the person acquiring the interest shall submit a complete application to the City Clerk pursuant to GHMC Section 5.25 .080 within forty-five (45) calendar days of acquiring such interest.

Chapter 5.25 of the City of Gig Harbor Municipal Code (GHMC) governs the licensing and operation of all adult entertainment facilities within the City of Gig Harbor. The location and siting of adult entertainment facilities is governed by the zoning regulations contained in the Gig Harbor Zoning Code. All adult entertainment facilities shall satisfy the requirements of both Chapter 5.25 and the Gig Harbor Zoning Code.

I hereby certify, under penalty of perjury, that the information contained in this application and its attachments is true and complete to the best of my knowledge.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Business Phone: \_\_\_\_\_

Title: \_\_\_\_\_

Home Phone: \_\_\_\_\_

**FOR OFFICE USE ONLY**

Planning: \_\_\_\_\_ Date: \_\_\_\_\_

Building: \_\_\_\_\_ Date: \_\_\_\_\_

Police: \_\_\_\_\_ Date: \_\_\_\_\_

Administration: \_\_\_\_\_ Date: \_\_\_\_\_

Approved: \_\_\_\_\_ Date: \_\_\_\_\_  
*Mayor*

Denied/Date: \_\_\_\_\_ Revoked/Date: \_\_\_\_\_ Suspended/Date: \_\_\_\_\_

---

Fee Rec'd: \_\_\_\_\_ Treasurer's Receipt #: \_\_\_\_\_

Date Application Rc'vd: \_\_\_\_\_ Utility Acct.#: \_\_\_\_\_

# ADULT ENTERTAINMENT BUSINESS LICENSE APPLICATION PERSONAL INFORMATION

(Complete one form for each owner, partner, corporate officer or others holding a significant interest in the management or operation of this business):

FULL NAME: \_\_\_\_\_ TITLE: \_\_\_\_\_  
Last First M.I.

ALIASES OR OTHER NAMES (INCLUDING MAIDEN): \_\_\_\_\_

SOCIAL SECURITY NUMBER: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ DATE OF BIRTH: \_\_\_\_/\_\_\_\_/\_\_\_\_

DRIVERS LICENSE NUMBER: \_\_\_\_\_ STATE: \_\_\_\_\_ EXP. DATE: \_\_\_\_\_

RESIDENTIAL ADDRESS: \_\_\_\_\_

BUSINESS PHONE: \_\_\_\_\_ HOME PHONE: \_\_\_\_\_

INTEREST IN BUSINESS: \_\_\_\_\_

**Criminal History:** Please list any and all criminal convictions or forfeitures within five (5) years immediately preceding the date of this application (other than parking or minor traffic infractions)

<u>Date of Conviction</u>	<u>Nature of Conviction</u>	<u>Name and Location of Court</u>	<u>Disposition</u>
---------------------------	-----------------------------	-----------------------------------	--------------------

**Business, Occupation & Employment History:** Provide your business, occupation or employment history for the past three years (continue on additional sheet if necessary):

<u>Name of Business</u>	<u>Dates</u>	<u>Nature of Business, Occupation or Employment</u>
-------------------------	--------------	---

**Photographs.** Attach two 2" x 2" color photographs (passport quality) of this owner, partner, corporate officer or interested party. Photographs must have been taken within six months of the date of this application and show only the full face.

**Fingerprints.** Attach two complete sets of fingerprints, on a form approved by the Gig Harbor Police Department, for this owner, partner, corporate officer or interested party.



City of Gig Harbor
Adult Entertainment Manager or Entertainer Application

(Note: No license shall be issued to anyone under the age of 21 (18 where no alcoholic beverages are served))

Original License Renewal For calendar year 19
Date of first business activity in Gig Harbor Adult Entertainment Manager License \$100 Adult Cabaret Entertainer License \$100

Applicant Name: Alias:
Stage or Nicknames: SS#:
Employer Name: Home Address:
Address: Telephone:
Date of Birth:
Place of Birth:
Description: Height: Weight: Hair: Eyes:

Other cities resided in during the last five (5) years: (if more than one, please list on back of this form)
From to City State
Driver's License#, State: Other Photo I.D. - type and #:

Description of principal activities or services to be rendered:

Table with 3 columns: Intended place(s) of business, Business Name, Address, Telephone

Have you been convicted of a crime (other than traffic citations) in the last ten (10) years? Yes No
If yes, please explain on the back of this form. (Include Date, Charge, Action Taken and Location)
(Note: A conviction does not automatically disqualify applicant)

Are there any formal criminal charges pending against you? Yes No
If yes, please explain on back of this form. (Include Charge and Location)

NOTE: FAILURE TO PROVIDE INFORMATION REQUIRED WILL CONSTITUTE AN INCOMPLETE APPLICATION WHICH WILL NOT BE PROCESSED.

I UNDERSTAND THAT FILING A FALSE APPLICATION IS GROUNDS FOR DENIAL OR REVOCATION OF THIS LICENSE. As applicant, I certify or declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Signature Date

- Required documentation to accompany this application:
a) Fingerprints - two sets on a form approved by the Gig Harbor Police Department.
b) Photographs. Attach two 2"x 2" color photographs (passport style). Photographs must have been taken within six months of the date of this application and show only the full face.









*City of Gig Harbor. The "Maritime City."*

3105 JUDSON STREET  
GIG HARBOR, WASHINGTON 98335  
(253) 851-8136

**TO: MAYOR WILBERT AND CITY COUNCIL**  
**FROM: PLANNING-BUILDING STAFF**  
**SUBJECT: FIRST READING OF ORDINANCE/PLANNING COMMISSION  
RECOMMENDATION WIRELESS COMMUNICATION FACILITIES  
ORDINANCE**  
**DATE: SEPTEMBER 18, 1997**

### **Background/Introduction**

Attached is the Planning Commission's recommendation on a draft wireless communications ordinance for the City of Gig Harbor. The Planning Commission conducted a series of worksessions in April and May of this year and a public hearing on the draft ordinance on June 5<sup>th</sup>. Comments were received by three representatives of the telecommunication industry. A follow-up worksession was conducted on August 17<sup>th</sup>. Based upon the staff recommendation, testimony received at the public hearing and review by legal counsel, the Planning Commission prepared the submitted draft of the ordinance.

### **Policy Issues**

On October 28, 1996, the Gig Harbor City Council adopted Ordinance 739 which imposed a one-year moratorium on the siting and location of telecommunications facilities within the city. The moratorium was imposed in order to allow the Planning Commission and City Council sufficient time to develop a telecommunications ordinance which addresses the siting and location of telecommunications facilities throughout the various zoning districts in the city.

The Federal Communications Act of 1996 precludes local government from unduly regulating the siting and construction of personal wireless service facilities (i.e. service systems for pagers, cell phones, etc.). Limitations are established which prohibit local government from unreasonably discriminating amongst providers or which have the effect of prohibiting the provision of personal wireless services. While local zoning authority is maintained, Congress imposed many restrictions on the exercise of this authority. First, cities are prohibited from regulating the environmental effects of radio frequency emissions. Presumably, this refers only to human health effects and not interference with other communications equipment within the vicinity of new or modified facilities. Second, cities may not regulate wireless facilities in such a manner as to prohibit such services. It appears that a city may not simply ban the siting of wireless communication facilities, and, more

likely, that cities must provide for the location of such facilities, either through zoning classifications or special permit process. Finally, cities are prohibited from discrimination against companies which provide equivalent services.

The ordinance recommended by the Planning Commission governs the zoning aspects of telecommunications facilities. The ordinance not only addresses wireless communication facilities but also satellite dish systems, amateur radio towers and broadcast and relay towers. Although these latter facilities are not directly the subject of the Telecommunications Act of 1996, previous federal regulations and state statutes limit local governments' ability to preclude the siting of such facilities.

With the exception of broadcast and relay towers (permitted only in the Employment Districts west of SR-16), the ordinance does not outright prohibit wireless communication facilities within the city. The proposed ordinance emphasizes co-location (attached or grouped with existing facilities) as a preferred siting method. Should that not prove to be a viable option, there is a order of siting preference. Additionally, a proposed facility may require approval by the Hearing Examiner, depending upon the zone in which it is to be located. Council is referred to the General Summary, which shows the order of siting preference.

The standards proposed are deemed reasonable in accomplishing the objectives of meeting state and federal requirements while protecting the public's welfare under through the city's zoning authority. A table which summarizes standards and location requirements is attached.

### **Fiscal Impact**

The ordinance will have negligible impact on the city's financial resources. Appropriate permit review fees will be recommended at the next update of the Fee Resolution so off-set the cost of staff review on applications.

### **Recommendation**

This is the first reading of the ordinance. Because several changes to the ordinance have been recommended by the Planning Commission that were not included in the original draft, a public hearing has been scheduled for the next Council meeting (second reading) on October 13<sup>th</sup>.

## **Summary of the Proposed Wireless/Telecommunications Ordinance Amendments to the City of Gig Harbor Zoning Code**

### **New or Revised Definitions:**

- Amateur radio tower
- Antennae (revised)
- Broadcast and Relay Towers
- Cel-site
- Co-location
- Microcell
- Satellite dish antennae (revised)
- Wireless communication facility
- Wireless communications facility (WCF), attached
- Wireless Services or Wireless Communication Services
- Wireless communications support structure

### **Establishes an order of siting preference for antenna and towers as follows (in descending order of priority):**

1. Public property, if practical
2. On rights-of-way
3. In employment zoned districts
4. In commercial districts, public institutional districts and downtown business districts which do not adjoin or impact residential or waterfront districts
5. On other non-residential property
6. In multi-family zones
7. On multifamily residential structures exceeding 30 feet in height
8. In residential and waterfront districts if locations are not available elsewhere

### **Co-location of New Antenna and WCF's**

1. On existing towers and support structures
2. As stated in the order of siting preference

### **General Performance Standards**

See attached table, "Performance Standard Chart..."

### **Siting Standards**

See attached table, "Land Use Chart..."

### **Special Exceptions**

Available if applicant can demonstrate that the strict application of the performance requirements would result in the obstruction or inability to receive a communication signal

### **Review by Independent Consultant -- Third Party Review**

Provides for technical review of data by a third party acceptable to the City.

## Performance Standard Chart for Wireless Communication Facilities

Facility Type	Maximum Height	Setbacks	Landscaping
<b>Attached WCF</b>	15 feet above existing or proposed roof	Base zone setbacks apply	Requires screening if visible from public right-of-way or from yards and main floor living areas of residential properties within 500 feet.
<b>WCF w/support facilities</b>	85 feet 100 feet with co-location	Base zone setbacks apply; above ground equipment limited to 240 square feet in area.	Requires screening if visible from public right-of-way or from yards and main floor living areas of residential properties within 500 feet.
<b>Small Satellite Dish</b>	Shall not extend above highest point on roof	None	None
<b>Large Satellite Dish</b>	15 feet as measured from the base at existing grade	Base zone setbacks apply; preference is rear yard, side yard and front yard.	Requires screening if visible from public right-of-way or from yards and main floor living areas of residential properties within 500 feet.
<b>Amateur Radio Tower</b>	65 feet; 25 feet above roofline for roof-mounted	Farthest point from lot lines or residential structures on abutting properties.	Requires screening of the bases if visible from public right-of-way or from yards and main floor living areas of residential properties within 500 feet.
<b>Broadcast and Trans. Tower</b>	85 feet 100 feet if co-location is provided	Not Applicable.	Same standards as for the screening of mechanical equipment per the base zone.

## Land Use Chart for Wireless Communication, Broadcast/Relay Towers, Satellite Dish Antenna and Amateur Radio Towers

Facility Type	Commercial and Employment Districts (B-2, C-1, ED, PCD-C and BP)	Multi-Family Residential (R-3, PCD-RMD) Residential Business District - 2 (RB-2) Downtown Business District - (DB)	Single Family Residential; SFD/Duplex (R-1, RB-1, R-2, PCD-RLD), Waterfront Districts (WR, WM, WC) Public Institutional (PI)
Attached WCF	Permitted	Conditional Use Permit	Conditional Use Permit
WCF w/support facilities	Permitted	Conditional Use Permit	Conditional Use Permit
Small Satellite Dish	Permitted	Permitted	Permitted
Large Satellite Dish	Permitted	Permitted	Permitted
Amateur Radio Tower	Permitted	Permitted	Permitted
Broadcast and Trans. Tower	Permitted in ED only, subject to specific location requirements.	Not Permitted	Not Permitted

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF GIG HARBOR RELATING TO LAND USE AND ZONING, ESTABLISHING SITING STANDARDS FOR AMATEUR RADIO ANTENNAE, SATELLITE DISH ANTENNAE, TELEVISION AND RADIO BROADCAST TOWERS, AND TELECOMMUNICATION FACILITIES REGULATED UNDER THE FEDERAL TELECOMMUNICATIONS ACT OF 1996, ADOPTING DEVELOPMENT STANDARDS, AND PROVIDING FOR SPECIAL EXCEPTIONS AND CONDITIONAL USE PERMITS; ADDING A NEW CHAPTER 17.61; ADDING NEW SECTIONS 17.04.041, 17.04.125, 17.04.225, 17.04.756, 17.04.757, 17.04.758 AND 17.64.046; AMENDING SECTIONS 17.04.055, 17.04.710, 17.45.030 AND 17.64.040 ~~TO~~ OF THE GIG HARBOR MUNICIPAL CODE.

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WHEREAS, Wireless Personal Communications Services and Wireless Communication Facilities ("WCF") comprise a rapidly growing segment of the utilities and communications sector and have merit and value for the community and region as a whole; and,

WHEREAS, ~~growth in the~~ use of wireless communication services has grown 20% to 30% annually on a national basis since 1991, and it is estimated that half of the number of households will have wireless services by the Year 2000; and,

WHEREAS, wireless communication services contribute to the public health, safety and welfare in that they provide emergency services communications in the event of accidents and natural disasters; and,

WHEREAS, the FCC requires license holders to provide services to areas within certain, limited time frames where wireless communications licenses have been acquired; and



WHEREAS, ~~WCFs~~ wireless communication facilities are required to provide quality communication services to meet the growing needs of the public and businesses for wireless communication services ~~and;~~ and

WHEREAS, wireless communication services should be accommodated just as infrastructure for utilities has been accommodated; ~~and;~~ by the City just as the City has accommodated infrastructure for other utilities; and

WHEREAS, the Federal Tele-communications Act of 1996 preserves local authority regarding zoning issues related to wireless communication services ~~where~~ as long as local jurisdictions do not unreasonably discriminate among all the service providers, i.e., allowing one or two carriers to provide service rather than all who are in the market ~~and that;~~ and

WHEREAS, the Tele-communications Act allows each jurisdiction must to determine how much regulation, if any, is necessary; and,

WHEREAS, the current zoning code of the City of Gig Harbor was adopted before wireless communication facilities were anticipated, and therefore, appropriate siting and development standards do not exist; and,

WHEREAS, the Gig Harbor Code also does not address other types of communication facilities not regulated under the 1996 Tele-communications Act such as amateur (HAM) radio and satellite dish antennae; and,

WHEREAS, on October 28, 1996, the Gig Harbor City Council adopted Ordinance No. 739, ~~and~~ which declared a moratorium on the siting of wireless and tele-communications facilities for a period not to exceed one year, in order to allow City staff

sufficient time and resources to develop the necessary standards to address telecommunication and wireless communications facilities; and,

WHEREAS, the City Planning Commission held various workshop meetings on the subject of tele-communications, and on June 5, 1997, a public hearing was held on a draft ordinance; and

WHEREAS, the Planning Commission acknowledges that the City Zoning Code (Title 17 GHMC) establishes 19 specific zoning districts, consisting of 7 Residential districts, 8 Commercial and Employment Districts, 3 Waterfront districts and a Public-Institutional district; and,

WHEREAS, the Planning Commission, following its final worksession on August 7, recommends adoption of this ordinance, which describes standards ~~are applied for wireless and telecommunication to be applied to wireless communication services and other types of communication~~ facilities which distinguish between the purely commercial (non-residential) districts from the residential and waterfront (mixed use) districts.

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

Section

1. A new section 17.04.041 is hereby added to the Gig Harbor Municipal Code, to read as follows:

**17.04.041 Amateur radio tower** means an antenna and tower which transmits non-commercial communication signals and is licensed as an amateur radio tower by the Federal Communications Commission. Guy wires for amateur radio towers are considered part of the structure for the purposes of meeting development standards.

Section 2. Section 17.04.055 of the Gig Harbor Municipal Code is amended

to read as follows:

~~17.04.055 "Antenna" means a metallic device used for the transmission or reception of electromagnetic waves. This definition does not include satellite dish antenna. is any system of electromagnetically tuned wires, poles, rods, reflecting discs or similar devices used to transmit or receive electromagnetic waves between terrestrial and/or orbital based points; this includes, but is not limited to, radio antenna, television antenna, satellite dish antenna and cellular antenna. Types of antenna include:~~

~~1. Omnidirectional (or "whip") antenna transmits and receives radio frequency signals in a 360 degree radial pattern.~~

~~2. Directional (or "panel") antenna transmits and receives radio frequency signals in a specific pattern of less than 360 degrees.~~

~~3. Parabolic antenna (or "dish") is a bowl shaped device for the reception and/or transmission of communication signals in a specific directional pattern.~~

Antenna means any exterior apparatus designed for telephonic radio, data, Internet or television communications through the sending and/or receiving of electromagnetic waves, and includes equipment attached to a tower or building for the purpose of providing personal wireless services, included unlicensed wireless tele-communications services, wireless tele-communications services utilizing frequencies authorized by the Federal Communications Commission for "cellular," "enhanced cellular," "enhanced specialized mobile radio," and "personal personal communications services," "tele-communications" "tele-communications services," and its attendant base station. An "antenna array" is one or more rods, panels, discs or similar devices used for the transmission or reception of radio frequency signals, which may include omni-directional antenna (panel) and parabolic (disc). The antenna array does not include the support structure.

Section 3. A new section 17.04.125 is hereby added to the Gig Harbor

Municipal Code, to read as follows:

**17.04.125 Broadcast and Relay Towers** means a freestanding support structure, attached antenna, and related equipment intended for transmitting, receiving or re-transmitting commercial television, radio, telephone, cellular or other

communication services.

Section 4. A new ~~section 17.04.225~~ Section 17.04.203 is hereby added to the Gig Harbor Municipal Code, to read as follows:

**17.04.203 Cel-site** - A tract or parcel of land that contains wireless service facilities, including any antenna, support structure, accessory buildings and parking, and may include other uses associated with and ancillary to wireless services.

Section 5. A new section 17.04.225 is hereby added to the Gig Harbor Municipal Code, to read as follows:

**17.04.225 Co-location** - The placement and arrangement of multiple antenna and equipment on a single support structure and equipment pad area.

Section 6. A new Section 17.04.554 is hereby added to the Gig Harbor Municipal Code, to read as follows:

**17.04.554 Microcell** means a wireless communication facility consisting of an antenna that is either: (i) four feet (4') in height and with an area of not more than five hundred eighty (580) square inches; or (ii) if a tubular antenna, no more than four inches in diameter and no more than six feet (6') in length.

Section 7. Section 17.04.710 of the Gig Harbor Municipal Code is amended to read as follows:

**17.04.710 Satellite dish antenna** means a circular or parabolically shaped device of solid or mesh construction, designed and erected for receiving telecommunication signals. A small satellite dish antennae is defined as having a diameter of one meter or less and located within any zoning district or two meters or less within commercial and employment districts. A large satellite dish antennae is defined as having a diameter of greater than one meter in diameter in any residential zone or two meters in diameter in commercial and employment districts.

Section 6.8. A new section ~~17.04.756~~ 17.04.755 is hereby added to the Gig Harbor Municipal Code, to read as follows:

~~17.04.756~~ ~~17.04.755~~ **Wireless communication facility** means any unstaffed facility for the transmission and/or reception of radio frequency (RF) signals through electromagnetic energy usually consisting of an equipment shelter or cabinet, a support tower or other structure used to achieve the necessary elevation, and the transmission and reception devices or antenna.

Section 7.9. A new section ~~17.04.757~~ **17.04.756** is hereby added to the Gig Harbor Municipal Code, to read as follows:

~~17.04.757~~ ~~17.04.756~~ **Wireless communications facility (WCF), attached** means an Antenna Array that is attached to an existing building or structure (Attachment Structure), which structures shall include but not be limited to utility poles, signs, water towers, with any accompanying pole of device (Attachment Device) which attaches the Antenna Array to the existing building or structure, transmission cables, and an Equipment Facility which may be located either inside or outside of the Attachment Structure.

Section 8.10. A new Section 17.04.757 is hereby added to the Gig Harbor Municipal Code, to read as follows:

**17.04.757 Wireless Services or Wireless Communication Services** means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services, as defined by federal laws and regulations.

Section 11. A new section 17.04.758 is hereby added to the Gig Harbor Municipal Code to read as follows:

**17.04.758 Wireless communications support structure** means a structure designed and constructed specifically to support an Antenna Array (as defined in GHMC 17.04.055), and may include a monopole, self-supporting (lattice) tower, guy-wire support tower and other similar structures. Any device (Attachment Device) which is used to attach an Attached WCF to an existing building or structure (Attachment Structure) shall be excluded from the definition of and regulations applicable to Support Structures.

Section 12. A new chapter 17.61 (Communications Facilities) is hereby added to the Gig Harbor Municipal Code, to read as follows:

## COMMUNICATIONS FACILITIES

### Chapter 17.61

Sections:	17.61.010	Purpose.
	17.61.020	General Guidelines and Permit Regulations.
	17.61.030	Development Standards for all Public Institutional, Residential, Waterfront District and Downtown Business Districts (PI, R-1, R-2, R-3, RB-1, RB-2, PCD-RLD, PCD-RMD, WR, WM, WC, and DB).
	17.61.040	Development Standards for all Commercial Districts (C-1, B-1, B-2, PCD-C, and PCD-BP).
	17.61.050	Siting Standards for Employment Districts (ED).
	17.61.060	Special Exceptions.
	17.61.070	Review by Independent Consultant- Third Party Review.

#### 17.61.010 Purpose

In addition to implementing the general purposes of the Comprehensive Plan and development regulations, this section addresses the issues of permitting, siting, appearance and safety associated with broadcast and relay towers, amateur radio towers, ~~telecommunications~~ - tele-communications monopoles, satellite dish antenna, wireless communications facilities and related equipment. It provides siting opportunities at appropriate locations within the City to support existing communications technologies and to ~~allow~~ adapt to new technologies as needed.

This chapter provides for a wide range of locations and siting options for ~~the provisions for wireless technology which minimizes~~ wireless communications facilities which minimize associated safety hazards and visual impacts ~~sometimes associated with wireless communications facilities.~~ The siting of wireless communication facilities on existing buildings and structures, co-location of telecommunication facilities on a single support structure and visual mitigation strategies are encouraged to preserve neighborhood aesthetics and reduce visual clutter in the community.

#### 17.61.020 General Guidelines and Permit Requirements

- A. General Guidelines. The development standards in this chapter address setback and other site specific location factors. Siting criteria for ~~broadcast and relay towers and wireless~~ all communication facilities are necessary to encourage ~~the siting of these facilities~~ in the most appropriate

locations based upon land use compatibility, neighborhood characteristics and aesthetic considerations.

B. Priority of locations. ~~Wireless communication facilities and antennae should be located, in a~~ The order of priorities for locating new wireless service facilities shall be as follows:

1. Place antennae and towers on public property, if practical.
2. Place antennae on appropriate rights-of-way.
3. Place antennae and towers in employment zoned districts.
4. Place antennae and towers in districts (in descending order of preference, ~~on existing broadcast and relay towers and wireless support structures, within employment districts, publicly owned structures, commercial structures or sites,~~) commercial districts, public institutional districts, and downtown business districts, which do not adjoin or adversely impact residential or waterfront districts.
5. Place antennae and towers on other non-residential property.
6. Place antennae and towers in the City multi-family zoned areas.
7. Place antennae and towers in multi-family residential structures exceeding thirty feet (30') in height.
8. Place antennae and towers in residential and waterfront zones ~~districts~~ only if (a) locations are not available on existing structures or in non-residential districts; and (b) only on or in existing churches, parks, schools, utility facilities or other appropriate public facilities.

B. Co-location, General Requirements

C. General Requirements for Co-location. For new antenna and wireless communications facilities, co-location on existing towers and wireless support structures is preferred. Where co-location has been demonstrated to be impracticable, new towers are most appropriately located ~~in employment districts, followed by, in descending order of preference, commercial districts, public institutional districts, Downtown Business district, residential districts and waterfront districts~~ as stated in

the order of preference in (B), above.

Co-location on existing wireless support structure broadcast and relay towers is encouraged by fewer standards and a simplified permit procedure. Attachment of antennae to existing nonresidential structures and buildings primarily within business park, employment and commercial districts is preferable to installation of new wireless support structures, broadcast and relay towers or monopoles. The City may request that the applicant perform feasibility studies associated with applications for communications facilities in order to demonstrate that locations on existing structures have been explored as the preferred siting alternative, or that any particular height exceeding the development standards in this chapter requested by the applicant is necessary in order to provide telecommunication wireless communications, television, radio or other broadcast services.

The following must be demonstrated:

- a. Applicants are required to demonstrate: (i) that they have contacted the owners of structures in excess of thirty feet (30') within a one-quarter (1/4) mile radius of the proposed site and from which a location standpoint could provide part of a network for transmission of signals; (ii) have asked for permission to install the antenna on those structures; and (iii) were denied for reasons other than economic feasibility.
- b. The information submitted by the applicant shall include (i) a map of the area to be served by the tower or antenna, (ii) its relationship to other cell sites in the applicant's network, and (iii) an evaluation of existing buildings taller than thirty feet (30'), within one-quarter (1/4) mile of the proposed tower or antenna which from a location standpoint could provide part of a network to provide transmission of signals.

In addition to the above, an applicant desiring to locate a new antenna support structure in a residential or waterfront district shall demonstrate that a diligent effort has been made to locate the proposed communications facilities on a government facility, a private institutional structure, or other appropriate existing structures within a non-residential zone, and that due to valid considerations including physical constraints, and economic or technological feasibility, no appropriate location is available.



## **€ D. Permit Processing Requirements**

### **1. Permit Type**

- a. **Small satellite dish antenna.** Small satellite dish antenna shall comply with all Uniform Building Code requirements, and chapter 15.06 GHMC, but are otherwise exempt from the permit application procedures of Title 19 GHMC.
- b. **Large satellite dish antenna.** Large satellite dish antennae and other antenna applications shall be processed as a Type II permit. A building permit shall also be required.
- c. **Amateur radio towers.** Amateur radio towers applications shall be processed as a Type II permit. A building permit shall also be required.
- d. **Wireless communication facilities.** A conditional use permit shall be required for wireless communication facilities in Residential, Waterfront District and Downtown Business Districts, which shall be processed as a Type III permit. For all other districts, wireless communication facilities shall be processed as a Type II permit. A building permit shall also be required.
- e. **Broadcast and relay towers.** Broadcast and relay tower applications shall be processed as a Type II permit. A building permit shall also be required.

### **2. Elements of a complete application.** A complete application for the Type II permits described in this chapter shall consist an original of the following:

- a. **A site plan,** drawn at a scale not less than 1 inch per 50 feet, showing the boundaries and dimensions of the parcel or site, including any adjacent public streets or easements.
- b. **An elevation of the proposed facility,** including any buildings, existing or proposed, associated with the facility, and which shall include all dimensions of proposed structures.

- c. A topographic map, based upon the most recent site survey or information available, at no less than five-foot contour intervals.
  - d. The required application fee as established pursuant to Chapter 3.40 GHMC.
  - e. Three copies of the original of the application.
  - f. A signed statement indicating that (1) the applicant and landowner agree that they will diligently negotiate in good faith to facilitate co-location of additional personal wireless service facilities by other providers on the applicant's structure or within the same site location and (2) the applicant and/or landlord agree to remove the facility within sixty (60) days after abandonment.
  - g. Copies of any environmental documents required by any federal agency. These shall include the environmental assessment required by FCC Para. 1.1307, or in the event that a FCC environmental assessment is not required, a statement that describes the specific factors that obviate the requirement for an environmental assessment.
  - h. A current map and aerial photograph showing the location of the proposed tower, a map showing the locations and service areas of other wireless service facilities operated by the applicant and those proposed by the applicant that are close enough to impact service within the City.
  - i. A statement by the applicant as to whether construction of the tower will accommodate co-location of additional facilities or antennas for future users.
3. A complete application for a conditional use permit shall, in addition to the elements described in 2(a), above, shall include those elements as described in Section GHMC § 17.96.050(B-D) and (L).

**17.61.030 Development Standards for all Public Institutional, Residential, Waterfront District and Downtown Business Districts (PI, R-1 R-2, R-3, RB-1, RB-2, PCD-RLD, PCD-RMD, WR, WM, WC, and DB).**

- A. Small Satellite Dish Antenna - Development Standards. Small satellite dish antenna shall not extend above the highest point of the roof.
- B. Large Satellite Dish Antenna - Development Standards. The following minimum standards apply to all Antennae:
1. Siting on Lot. Large satellite dish antennae shall be ~~to-sited~~ in the rear yard as a first order of preference. If the applicant demonstrates that reception is not available in this location, the second order of preference for siting shall be the side yard. If the applicant demonstrates that reception is not available in this location, the third order of preference shall be the front yard. Finally, if reception is not available in any other location, the satellite dish antenna may be located on or attached to a roof, pursuant to the Special Exception procedures in GHMC 17.61.060.
  2. Height and Size. Antenna, antenna mountings and large satellite dishes shall be no taller than the minimum required for the purposes of obtaining an obstruction-free reception window. Large satellite dish antenna shall not exceed twelve feet (12') in diameter and fifteen feet (15') in height, including their bases. Height shall be measured from existing grade.
  3. Color. To the extent technically feasible, specific paint colors may be required to allow the antenna or large satellite dish and mounting structures to blend better with the surroundings.
  4. Screening, Landscaping. Screening of all large satellite dish antenna may be required with one or a combination of the following methods: fencing, walls, landscaping, structures or topography which will block the view of the antenna as much as practicable from any street and from the yards and main floor living areas of residential properties within approximately five hundred feet (500'). Screening may be located anywhere between the antenna and the above mentioned viewpoints. A dense vegetative screen (pursuant to GHMC § 17.04.269) shall be provided for large satellite dish antenna that are visible from any portion of the right-of-way. Landscaping installed for the

purposes of screening shall be maintained in healthy condition.

5. Signs Prohibited. Satellite dish antenna shall not be used for the purposes of signage or message display of any kind.
6. UBC Conformance. Construction plans and final construction of the mounting bases of all large satellite dish antenna shall be in accordance with the requirements established in the latest edition of the Uniform Building Code adopted by the City.
7. Type of Dish. Aluminum mesh dishes should be used, as practicable, instead of a solid fiberglass type large satellite dish antenna.
8. Number of Dishes allowed. Only one large dish satellite antenna shall be allowed on each residentially-zoned property.

C. Amateur Radio Towers - Development Standards. The following minimum standards apply to amateur radio towers:

1. Siting on Lot. Amateur radio towers may be ground or roof-mounted; however, ground-mounted towers must be located at a point farthest from lot lines as feasible, or the point farthest from residential structures on abutting properties.
2. Height and Size. The height of a ground-mounted tower may not exceed sixty-five feet (65') unless ~~a proposal~~ an applicant demonstrates that physical obstructions impair the adequate use of the tower reception. Telescoping towers may exceed the sixty-five foot (65') height limit only when extended and operating. The combined structure of a roof-mounted tower and antenna shall not exceed a height of twenty-five feet (25') above the existing roofline.
3. Color. To the extent technically feasible and in compliance with safety regulations, specific paint colors may be required to allow the tower to blend better with its setting.
4. Screening, Landscaping. Screening of the bases of ground-

mounted amateur radio towers shall be provided with one or a combination of the following methods: fencing, walls, landscaping, structures, and/or topography which will block the view of the antenna as much as practicable from any street and from the yards and main floor living areas of residential properties within approximately five hundred feet (500') of the tower. Screening may be located anywhere between the base and the above mentioned viewpoints. Landscaping for the purposes of screening shall be maintained in a healthy condition. Bases of amateur radio towers shall be solidly screened by a view-obscuring fence, wall, or evergreen plantings at least six feet (6') in height.

5. Signs Prohibited. No signs shall be placed or posted on amateur radio towers.
6. UBC Conformance. Construction plans and final construction of the mounting bases and towers of amateur radio towers covered by this Section shall meet the structural design requirements of this Section and shall be in accordance with the requirements established in the ~~latest edition of the~~ Uniform Building Code as adopted by the City.

D. Wireless Communication Facilities - Development Standards. The following standards shall be applied to all wireless ~~equipment communication facilities~~, such as antenna and equipment shelters, exclusive of the broadcast and relay tower. Wireless monopoles, lattice, and guy towers are regulated by the sub-sections that govern broadcast and relay towers, Section GHMC § 17.61.050(E)(2-7).

1. Siting on Lot. No wireless ~~equipment reviewed under this Section~~ communications facilities shall be located within required building setback areas.
2. Height and Size. The combined antenna and supporting structure shall not extend more than fifteen feet (15') above the existing or proposed roof structure.
3. Color, Screening, Landscaping.

- a. Wireless communication antenna installed on existing buildings shall be screened or camouflaged to the greatest practicable extent by use of shelters, compatible materials, location, color, and/or other stealth tactics to reduce visibility of the antenna as viewed from any street or residential property. The antenna shall be visually concealed utilizing color and compatible material to camouflage the facility to the greatest extent feasible.
  - b. Screening of wireless ~~equipment communications~~ facilities shall be provided with one or a combination of the following materials: fencing, walls, landscaping, structures, or topography which will block the view of the antenna and equipment shelter as much as practicable from any street and from the yards and main floor living areas of residential properties within 500 five hundred feet (500'). Screening may be located anywhere between the base and the above mentioned viewpoints.
  - c. Landscaping for the purposes of screening the wireless communications facilities shall be maintained in a healthy condition.
  - d. Any fencing required for security shall meet the screening standards of the City's Design Guidelines.
4. Signs Prohibited. No wireless equipment shall be used for the purposes of signage or message display of any kind.
  5. Conform to UBC. Wireless communication facilities shall comply with all applicable UBC requirements.
  6. Abandonment, Disrepair. A wireless communication facility shall be removed by the facility owner within 12 months of the date it ceases to be operational or if the facility falls into disrepair and is not maintained. Disrepair includes structural features, paint, landscaping, or general lack of maintenance which could result in safety or visual impacts.

7. Co-Location. Placement of a freestanding wireless communication facility may be denied if placement of the antenna on an existing structure can accommodate the operator's applicant/operator's communications needs. The applicant shall also comply with the co-location requirements of GHMC § 17.61.020(C). The co-location of a proposed antenna on an existing broadcast and relay tower or placement on an existing structure shall be explored and documented by the ~~operator~~ applicant/operator in order to show that reasonable efforts were made to identify alternate locations.

8. Equipment Shelters.

a. Limit on area. Associated above ground equipment shelters shall be minimized, and shall not exceed ~~240~~ two hundred forty (240) square feet (e.g. 12' x 20') unless operators can demonstrate that more space is needed.

b. Color. Shelters shall be painted a color that matches existing structures or the surrounding landscape.

c. Materials. The use of concrete or concrete aggregate shelters is not allowed.

d. Screening, Landscaping. A dense vegetative screen shall be created around the perimeter of the shelter.

e. Undergrounding. Operators shall consider undergrounding equipment if technically feasible or placing equipment within existing structures.

f. UBC Conformance. Equipment shelters shall comply with all UBC requirements, but may be exempt from building envelope insulation requirements (See, RCW 19.27A.027).

E. Broadcast and Relay Towers - Development Standards. Broadcast and Relay Towers are not permitted in any Residential, Waterfront District and Downtown Business districts.

**17.61.040 Siting Development Standards for all Commercial Districts (C-1, B-2, 1, B-1, 2, PCD-C, PCD-BP)**

- A. Small Satellite Dish Antenna. No additional development standards.
- B. Large Satellite Dish Antenna - Development Standards. In addition to the standards in GHMC § 17.61.030 (1-7), the following standards shall apply:
  - 1. Ground mounted antenna are subject to the following requirements:
    - a. Size. Such antenna shall not exceed twelve (~~12~~) feet (12') in diameter and fifteen (~~15~~) feet (15') in height. Height shall be measured from existing grade.
    - b. Placement. Ground-mounted antenna shall be located outside of any required landscape area and preferably located in service areas or other less visible locations.
    - c. Screening. From the time of installation, ground-mounted antenna shall be screened as high as the center of the dish when viewed from any public right-of-way. Solid screening shall be provided as high as the dish if the proposed location abuts an adjoining residential zone.
  - 2. Roof mounted antenna shall be solidly screened at least as high as the center of the dish. The screening shall be of a material and design compatible with the building, consistent with the City's Design Review Manual, and can include parapet walls or other similar screening.
- C. Amateur Radio Towers - Development Standards. In addition to the development standards in GHMC § 17.61.030(C), the following minimum standards apply:
  - 1. Placement. Amateur radio towers reviewed under this Section shall not be located within any easement, the front yard, side or rear yard building setback areas. Amateur



radio towers may be ground or roof mounted; however, ground mounted towers must be located at a point farthest from lot lines as feasible, or the point farthest from residential structures on abutting properties

2. Paint Colors. To the extent technically feasible and in compliance with safety regulations, specific paint colors may be required to allow the tower to blend better with its setting.
3. Screening. Screening of the bases of ground-mounted amateur radio towers shall be provided with one or a combination of the following methods: fencing, walls, landscaping, structures, or topography which will block the view of the antenna as much as practicable from any street and from the yards and main floor living areas of residential properties within approximately 500 five hundred feet (500'). screening may be located anywhere between the base and the above mentioned viewpoints. Landscaping for the purposes of screening shall be maintained in a healthy condition. Bases of amateur radio towers shall be solidly screened by a view-obscuring fence, wall, or evergreen plantings at least six feet (6') in height.
4. Signs. Amateur radio towers shall not be used for the purposes of signage and shall not display a sign of any kind.
5. UBC Conformance. Construction plans and final construction of the mounting bases and towers of amateur radio towers covered by this Section shall meet the structural design requirements of this Section and shall be subject ~~to~~ to approval by the City Building Official.
7. Commercial Use prohibited. ~~Towers~~ Amateur radio towers located in residential districts shall not be constructed or used for commercial use purposes.
8. Height. The height of a ground-mounted tower may not exceed ~~65~~ sixty-five feet (65') unless ~~a proposal~~ an applicant demonstrates that physical obstructions impair the adequate use of the tower. Telescoping towers may exceed the ~~65~~ sixty-five-foot (65') height limit only when extended

and operating. The combined structure of a roof-mounted tower and antenna shall not exceed a height of 25 twenty-five feet (25') above the existing roofline.

D. **Wireless Communication Facilities - Development Standards.** In addition to the requirements of GHMC § 17.61.030(C), the following standards shall be applied to all wireless equipment communications facilities, such as antenna and equipment shelters, exclusive of any broadcast and relay tower. Wireless monopoles, lattice, and guy towers are regulated by the sub-sections that govern broadcast and relay towers, GHMC § 17.61.050(E)(~~2-7~~).

1. Co-location. Installation of a freestanding wireless communication facility ~~shall~~ may be denied if placement of the antenna on an existing structure can accommodate the operator's communications needs. The applicant shall be required to comply with the co-location requirements of GHMC § 17.61.020(e). The co-location of a proposed antenna on an existing broadcast and relay tower or placement on an existing structure shall be explored and documented by the operator in order to show that reasonable efforts were made to identify alternate locations.
2. Location. No wireless equipment communications facilities reviewed under this Section shall be located within required building ~~setback~~ set back areas.
3. Height. The combined antenna and supporting structure shall not extend more than ~~15~~ fifteen feet (15') above the existing or proposed roof structure.
4. Signs. No wireless equipment shall be used for the purposes of signage or message display of any kind.
5. Visibility. Location of wireless communication antenna on existing buildings shall be screened or camouflaged to the greatest practicable extent by use of shelters, compatible materials, location, color, and/or other stealth tactics to reduce visibility of the antenna as viewed from any street or residential property.
6. Screening. Screening of wireless equipment shall be provided with one or a combination of the following

materials: fencing, walls, landscaping, structures, or topography which will block the view of the antenna and equipment shelter as much as practicable from any street and from the yards and main floor living areas of residential properties within ~~500~~ five hundred feet (500'). Screening may be located anywhere between the base and the above mentioned viewpoints. Landscaping for the purposes of screening shall be maintained in a healthy condition.

7. Fencing. Any fencing required for security shall meet screening codes in the same manner as applied to screening for mechanical and service areas.
8. UBC Conformance. Construction plans and final construction of the mountings of wireless antenna and equipment shelters shall be approved by the City Building Official. Applications shall document that the proposed broadcast and relay tower and any mounting bases are designed to reasonably withstand wind and seismic loads.
9. Abandonment, Disrepair. A wireless communication facility shall be removed by the facility owner within ~~12~~ twelve (12) months of the date it ceases to be operational or if the facility falls into disrepair and is not maintained. Disrepair includes structural features, paint, landscaping, or general lack of maintenance which could result in safety or visual impacts.
10. Equipment Shelters. Associated above-ground equipment shelters shall not exceed ~~240~~ two hundred forty (240) square feet (e.g. 12' x 20') unless operators can demonstrate that more space is needed. A dense vegetative screen shall be created around the perimeter of the shelter. Operators shall consider under-grounding equipment is technically feasible or placing the equipment within an existing structure. Above ground equipment shelters for antenna located on buildings shall be located within, on the sides or behind the buildings and screened to the fullest extent possible.

E. Broadcast and Relay Towers - Development Standards. Broadcast and Relay Towers are prohibited in all Commercial Districts.

**17.61.050 Siting Standards for Employment District (ED).**

- A. Small Satellite Dish Antenna. No additional development standards.
- B. Large Satellite Dish Antenna and other Antenna. The development standards in GHMC § 17.61.030(B) shall apply.
- C. Amateur Radio Towers. The development standards in GHMC § 17.61.030(C) shall apply.
- D. Wireless Communication Facilities. The development standards of GHMC § 17.61.030(D) shall apply.
- E. Broadcast and Relay Towers. The following minimum standards apply to broadcast and relay towers:
  - 1. Location. Broadcast and relay towers are restricted to Employment Districts west of SR-16, north of a line extending east-west from 97th Street NW and south of the Swede Hill interchange
  - 2. Siting on Lot. Broadcast and relay towers reviewed under this Section shall not be located within any required building setback areas.
  - 3. Height and Size. The combined height of a broadcast and relay tower and antenna shall not exceed ~~85~~ eighty-five feet (~~85'~~) except when co-location is specifically provided for, then the broadcast and relay tower shall not exceed ~~100~~ one hundred feet (100').
  - 4. Color. To the extent technically feasible and in compliance with safety regulations, specific colors of paint may be required to allow the broadcast and relay tower to blend better with its setting.
  - 5. Landscaping, Screening. Any fencing required for security shall meet screening codes in the same manner as applied to screening for mechanical and service areas.
  - 6. Signs Prohibited. Broadcast and relay towers shall not be used for

the purposes of signage to display a message of any kind.

7. Co-Location. Placement of a broadcast and relay tower may be denied if an alternative placement of the antenna on a building or other existing structure can accommodate the communications needs. Applicants shall be required to provide documentation that reasonable efforts to identify alternative locations were made.
8. Future Co-Location Accommodation. Owners and operators of a proposed broadcast and relay tower shall provide information regarding the opportunity for the co-location of other antenna and related equipment. If feasible, provision for future co-location may be required.
9. Federal Requirements. All towers and antennas must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas. If those standards and regulations are changed, then wireless service providers governed by this chapter shall bring their towers and antennas into compliance with the revised standards and regulations within three (3) months of their effective date or the timelines provided by the revised standards and regulations, whichever is longer. The revised standards and regulations are not retroactively applicable to existing providers, unless otherwise provided by federal law. Failure to bring towers and antennas into compliance with the revised standards and regulations shall constitute grounds for the City to remove a provider's facilities at the provider's expense.
10. Building Codes, Safety Standards. To ensure the structural integrity of towers, antennas and facilities, the applicant/owner shall ensure that they are maintained in compliance with standards contained in the applicable City building codes and the applicable standards for towers published by the Electronic Industry Association (EIA), as amended from time to time. If, upon application for a building permit or inspection, the City concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30') days to bring the tower into compliance with such standards. If the owner fails to bring the tower into compliance within thirty (30') days, the City may remove the tower at the owner's expense.

11. Structural design. Towers shall be constructed to Electronic Industry Association Standards, which may be amended from time to time, and to all applicable codes adopted by the City. Further, any improvements or additions to existing towers shall require submission of site plans stamped by a professional engineer which demonstrate compliance with EIA Standards and all other applicable industry practices. The plans shall be submitted and reviewed at the time applications for building permits are submitted.
12. Abandonment, Disrepair. All broadcast and relay towers shall be removed by the facility owner within 12 months of the date it ceases to be operational, or if the facility falls into disrepair and is not maintained. Disrepair includes structural features, paint, landscaping, or general lack of maintenance which could result in safety or visual impacts.

#### 17.61.060 Special Exceptions.

- A. Purpose. An applicant may apply for a special exception ~~may be considered~~ where the strict application of the standards for the specific type of facility would result in the obstruction or inability to receive a communication signal.
- B. Complete Application. An application for a Special Exception is processed under the same permit type as the underlying permit. A complete application for a Special Exception shall consist of:
  1. ~~The applicant's justification for the request for Special Exception by demonstrating that the obstruction or inability to receive a communication signal is the result of factors beyond the property owner's or applicant's control. This shall take into consideration potential permitted development on adjacent and neighboring properties respective to future "reception window obstruction". Photographs, scaled drawings, maps and/or manufacturers specifications and other technical information as necessary should be provided to demonstrate to the City that the Special Exception is necessary. A completed application form as required by the City Planning and Buiding Services~~

Department

2. ~~The applicant for a Special Exception shall demonstrate that the proposed material, shape and color of the antenna will minimize negative visual impacts on adjacent or nearby residential uses to the greatest extent possible. The use of certain materials, shapes and colors may be required in order to minimize visual impacts. The required application fee.~~
3. A written statement which satisfactorily demonstrates that all of the Special Exception criteria have been met

C. General Criteria. Each determination granting a Special Exception shall be supported by written findings of fact and conclusions demonstrating that all of the following general criteria and all specific criteria in subsection (D) below have been met:

1. The applicant has demonstrated that strict application of this Code would result in an inability to receive a signal or to effectively provide tele-communications services, and that this is the result of factors beyond the control of the applicant; and,
2. The proposed material, shape and color of the antenna will minimize visual impacts on neighboring properties to the greatest extent possible; and,
3. Where appropriate, the applicant has demonstrated that the antenna will allow co-location for additional antennas and/or/telecommunication facilities.

D. Special Exception Criteria for specific facilities. In addition to the applicant's submission of materials described in subsection B above, a special exception may only be granted in accordance with the following criteria:

1. Large Satellite Dish Antenna and other Antenna - Special Exceptions
  - a. Residential Zones

- (1) Modifications to requirements for setbacks, size, screening and maximum height may be considered by Special Exception-
- (2) If a Special Exception is requested from the height limit for a ground-mounted dish, the height of the dish shall be limited to a maximum of eighteen feet (18') above the existing grade.
- (3) A rooftop location shall only be considered if the requirements of this chapter would result in reception blockage. If a Special Exception is sought to obtain a rooftop location, the diameter of the dish shall be limited to ~~1.8 meters~~ six feet (6') and a maximum permitted height of fifteen feet (15') above the roofline. The approval authority may require the applicant to place the antenna in an area of the roof which takes into consideration view blockage and aesthetics, provided reception is available.

b. Commercial and Employment Districts

- (1) Ground-mounted antenna. Exceptions to be first considered shall be from setback, landscape and service area requirements, size and screening requirements. Only if these waived regulations would still result in reception blockage shall a Special Exception from height requirements be considered. If a Special Exception is sought to vary from the height limit, the height of the dish shall be limited to a maximum of twenty feet (20') above the existing grade.
- (2) Roof-mounted antenna. The first exception to be considered shall be the center of the roof requirement; the second exception shall be from the size and screening requirements, respectively. Only if these waived



regulations would still result in the blockage of an electromagnetic signal, shall a Special Exception from height requirements be considered. A Special Exception from the height limit shall be allowed up to a maximum of twenty feet (20') above the existing or proposed structure. The approval authority may require the applicant to place the antenna in an area on the roof which takes into consideration view blockage and aesthetics, provided there is a useable signal and structural considerations allow the alternative placement.

2. Amateur Radio Towers - Special Exceptions. Residential Zones -- Where a property owner desires to vary from the height, location or setback limitations, the Special Exception Criteria must be met.
3. Wireless Communications Facilities - Special Exceptions
  - a. Residential Zones - An applicant for a proposed wireless facility that exceeds the height limit shall meet the Special Exception Criteria.
  - b. Commercial and Industrial Zones - An applicant for a proposed wireless facility that exceeds the height limit shall meet the Special Exception Criteria.
4. Broadcast and Relay Towers - Special Exceptions
  - a. Commercial and Employment Districts - An applicant for a proposed broadcast and relay tower that exceeds height limits shall be required to obtain a conditional use permit under GHMC § 17.64.046.

**17.61.070 Review by Independent Consultant - Third Party Review**

A. Wireless service providers use various methodologies and analyses, including geographically based computer software, to determine the specific technical parameters of their services and low power mobile radio service facilities, such as expected coverage area, antenna configuration,

~~topographic constraints that affect signal paths, etc. In certain instances, a third party expert may need to review the technical data submitted by a provider. The City may require a technical review as part of the permitting process. The costs of the technical The Planning Director may, at his or her discretion, require that technical information provided by the applicant in justification for a wireless or telecommunication facility, or a broadcast and relay tower at a proposed location be reviewed by a qualified individual or firm selected by the City. The costs for such review shall be borne solely by the applicant. by the provider.~~

~~Section 10 The selection of the third party expert may be by mutual agreement between the provider and the City, or, at the discretion of the City, with a provision for the provider and interested parties to comment on the proposed expert and review his/her qualifications. The expert review is intended to address interference and public safety issues and be a site-specific review of technical aspects of the facilities or a review of the provider's methodology and equipment used. The expert review is not intended to be a subjective review of the site which was selected by the provider. Based on the results of the expert review, the City may require changes to the provider's application. The expert review shall address the following:~~

- ~~1. the accuracy and completeness of submissions;~~
- ~~2. the applicability of analysis techniques and methodologies;~~
- ~~3. the validity of the conclusions reached; and~~
- ~~4. any specific technical issues designated by the City.~~

~~Section 13. Section 17.45.030 of the Gig Harbor Municipal Code is amended to read as follows:~~

~~**17.45.030 Conditional uses**~~

~~Subject to the requirements, standards and procedures for conditional uses set forth in Chapter 17.64 GHMC, the following uses may be permitted in an education district:~~

- ~~A. Hospitals, clinics and establishments for people convalescing from illness or operation;~~

- B. Senior citizen housing;
- C. Commercial child care facilities;
- D. Public utilities and public services such as libraries, electrical substations, telephone exchanges, ~~telecommunication facilities~~, police and fire stations;
- E. Recreational buildings and outdoor recreation;
- F. Houses of religious worship;
- G. Planned unit developments with a minimum of 65 percent of the site consisting of an employment based use; and
- H. Ministorage facilities.

Section 11.14. Chapter 17.64.040 of the Gig Harbor Municipal Code is

amended to read as follows:

**17.64.040 Review criteria**

Each determination granting or denying a conditional use permit shall be supported by written findings of fact showing specifically wherein all of the following conditions are met:

- A. That the use for which the conditional use permit is applied for is specified by this title as being conditionally permitted within, and is consistent with the description and purpose of the zone district in which the property is located;
- B. That the granting of such conditional use permit will not be detrimental to the public health, safety, comfort, convenience and general welfare, will not adversely affect the established character of the surrounding neighborhood, and will not be injurious to the property or improvements in such vicinity and/or zone in which the property is located;
- C. That the proposed use is properly located in relation to the other land uses and to transportation and service facilities in the vicinity; and further, that the use can be adequately served by such public facilities and street capacities without placing an undue burden on such facilities and streets;
- D. That the site is of sufficient size to accommodate the proposed use and all

yards, open spaces, walls and fences, parking, loading, landscaping and other such features as are required by this title or as needed in the opinion of the examiner.

For wireless communication facilities and broadcast and relay towers, the criteria in Section 17.64.046 shall apply.

Section 12.15. A new section 17.64.046 of the Gig Harbor Municipal code is adopted as follows:

**17.64.046 Conditional Use Permits for Review Criteria for Wireless Communication Facilities, Broadcast and Relay Towers.**

- A. Type of Permit. Applications for conditional use permits for wireless communications and broadcast and relay towers shall be processed as a Type III permit.
- B. Criteria for Approval. Applications for conditional use permits for wireless communication facilities and broadcast and relay towers may be approved if the applicant demonstrates all of the following:
  - 1. That there will be no injury to the neighborhood or other detriment to the public welfare;
  - 2. That there is a need for the proposed tower to be located in or adjacent to the residential area, and which shall include documentation on the procedures involved in the site selection and an evaluation of alternative sites and existing facilities on which the proposed facility could be located or co-located;
  - 3. The feasibility of future consolidated use of the proposed facility or co-location with other public utility facilities;
  - 4. The facility shall be designed to be as least intrusive as practicable, including, but not limited to, the exterior treatment of the facility so as to be harmonious with the character of the surrounding neighborhood, the use of landscaping and privacy screening to buffer the facility and activities on the site from surrounding properties and that any equipment that is not enclosed shall be designed and located on the site to minimize impacts related to noise, light and glare onto surrounding properties.

**Section 16. 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 constitutionality of any other section, sentence, clause or phrase of this ordinance.

**Section 14. 17. Effective Date.** This ordinance shall be in effect five (5) days after publication of an approved summary.

PASSED BY THE CITY COUNCIL FOR THE CITY OF GIG HARBOR AT IS  
REGULAR MEETING dated the \_\_\_\_ day of \_\_\_\_\_, 1997.

APPROVED:

By: \_\_\_\_\_

Gretchen Wilbert, Mayor

ATTEST/AUTHENTICATED:

By: \_\_\_\_\_

Molly Towslee, City Clerk

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY

By: \_\_\_\_\_  
CITY ATTORNEY

FILED WITH THE CITY CLERK:  
PASSED BY THE CITY COUNCIL:  
PUBLISHED:  
EFFECTIVE DATE:  
ORDINANCE NO.

SUMMARY OF ORDINANCE NO. \_\_\_\_

of the City of Gig Harbor, Washington

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

AN ORDINANCE OF THE CITY OF GIG HARBOR CITY COUNCIL RELATING TO LAND USE AND ZONING, ADOPTING DEFINITIONS FOR COMMUNICATION FACILITIES SUCH AS AMATEUR RADIO ANTENNA, SATELLITE DISH ANTENNA ESTABLISHING SITING STANDARDS FOR AMATEUR RADIO ANTENNAE, SATELLITE DISH ANTENNAE, TELEVISION AND RADIO BROADCAST TOWERS, AND TELECOMMUNICATION FACILITIES REGULATED UNDER THE FEDERAL TELE-COMMUNICATIONS ACT OF 1996, ADOPTING DEVELOPMENT STANDARDS, AND PROVIDING FOR SPECIAL EXCEPTIONS AND CONDITIONAL USE PERMITS: ADDING A NEW CHAPTER 17.61; ADDING NEW SECTIONS 17.04.041, 17.04.125, 17.04.225, 17.04.756, 17.04.757, 17.04.758 AND 17.64.046; AMENDING SECTIONS 17.04.055, 17.04.710, 17.45.030 AND 17.64.040 OF THE GIG HARBOR MUNICIPAL CODE.

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

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 1997.

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MOLLY TOWSLEE, CITY CLERK



*City of Gig Harbor. The "Maritime City."*

3105 JUDSON STREET  
GIG HARBOR, WASHINGTON 98335  
(253) 851-8136

**TO: MAYOR WILBERT AND CITY COUNCIL**  
**FROM: MARK HOPPEN, CITY ADMINISTRATOR** *MH*  
**SUBJECT: COLLECTION OF DEBT - FIRST READING**  
**DATE: SEPTEMBER 9, 1997**

**INFORMATION/BACKGROUND**

The attached ordinance authorizes the costs of a collection agency involved in the collection of municipal debt to be added to the costs to be paid by the debtor. This capacity increases the proportion of collectible debt that can be realized.

**RECOMMENDATION**

Staff recommends the approval of this ordinance at the second reading.

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, REGARDING COLLECTION OF DEBTS OWED TO THE CITY, PROVIDING THAT THE COSTS OF COLLECTION, INCLUDING COLLECTION AGENCY COSTS, SHALL BE ADDED TO THE AMOUNT OF ANY DEBTS OWED TO THE CITY, AND ADDING A NEW SECTION 3.48.030 TO THE GIG HARBOR MUNICIPAL CODE.**

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WHEREAS, RCW 19.16.500 has authorized cities to assign the collection of any debts owed to the city to a collection agency; and

WHEREAS, a new subsection was added to RCW 19.15.500 by the 1997 Washington State Legislature permitting the costs involved in the collection of debts through the use of a collection agency to be added to and included in the debt to be paid by the debtor; and

WHEREAS, it is prudent and appropriate that the City Council authorize that the costs of collection of debts through collection agencies be added to the debt assigned to a collection agency by the City; NOW THEREFORE,

BE IT ORDAINED by the City Council of the City of Gig Harbor, Washington as follows:

Section 1. A new section 3.48.030 is hereby added to the Gig Harbor Municipal Code to read as follows:

3.48.030 Collection Costs Recoverable. In all instances where the City assigns to a collection agency for a collection of any debt owed to the city, including but not limited to past due utility charges, fines, assessments, and permit and license fees and charges, the costs involved in the collection of the debt through use of the collection agency are costs that shall be added to and included in the debt to be paid by the debtor.

Section 2. - Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum. This ordinance shall take effect five (5) days after passage of publication of an approved summary thereof consisting of the title.



PASSED AND ADOPTED by the Gig Harbor City Council this \_\_\_\_ day of \_\_\_\_\_, 1997.

APPROVED:

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MAYOR, GRETCHEN A. WILBERT

ATTEST/AUTHENTICATED:

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CITY CLERK, MOLLY M. TOWSLEE

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

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FILED WITH THE CITY CLERK:  
PASSED BY THE CITY COUNCIL:  
PUBLISHED:  
EFFECTIVE DATE:  
ORDINANCE NO.

**SUMMARY OF ORDINANCE NO.**

of the City of Gig Harbor, Washington

On the \_\_\_\_\_ day of \_\_\_\_\_, 199\_\_, the City Council of the City of Gig Harbor, passed Ordinance No. \_\_\_\_\_. A summary of the content of said ordinance, consisting of the title, provides as follows:

**AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, REGARDING COLLECTION OF DEBTS OWED TO THE CITY, PROVIDING THAT THE COSTS OF COLLECTION, INCLUDING COLLECTION AGENCY COSTS, SHALL BE ADDED TO THE AMOUNT OF ANY DEBTS OWED TO THE CITY, AND ADDING A NEW SECTION 3.48.030 TO THE GIG HARBOR MUNICIPAL CODE.**

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

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 199\_\_.

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CITY CLERK, MOLLY M. TOWSLEE



*City of Gig Harbor. The "Maritime City."*

3105 JUDSON STREET  
GIG HARBOR, WASHINGTON 98335  
(253) 851-8136

**TO: MAYOR WILBERT AND CITY COUNCIL**  
**FROM: MARK HOPPEN, CITY ADMINISTRATOR** *Mark Hoppen*  
**SUBJECT: RESOLUTION - SETTING CHARGES AND FEES FOR BUSINESS  
LICENSES**  
**DATE: SEPTEMBER 17, 1997**

**INFORMATION/BACKGROUND**

The attached licensing resolution sets the fees for all business licensing for the City of Gig Harbor, including the licensing fees for adult entertainment facilities.

**POLICY CONSIDERATIONS**

This resolution will allow periodic adjustment of licensing fees without the two readings necessary for an ordinance and codification for the Municipal Code.

**RECOMMENDATION**

Move to approve the attached resolution setting charges and fees for business licenses.

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, SETTING CHARGES AND FEES FOR BUSINESS LICENSES.**

WHEREAS, the City of Gig Harbor passed Ordinance No. \_\_\_\_\_, which adopts licensing procedures for Adult Entertainment Facilities, and

WHEREAS, the City Clerk has prepared a schedule of fees that relates to licensing of businesses within city limits, and

WHEREAS, the fees for licensing adult entertainment facilities should be added to this schedule of fees; NOW THEREFORE,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

Section 1. The "Schedule of License Fees" attached as Exhibit A hereto and incorporated herein by this reference as if set forth in full, is hereby updated and adopted as the official schedule of fees and charges for licensing of businesses for the City of Gig Harbor, and shall be effective on the date of Council adoption.

RESOLVED this \_\_\_\_\_ day of \_\_\_\_\_, 1997.

APPROVED:

\_\_\_\_\_  
GRETCHEN A. WILBERT, MAYOR

ATTEST/AUTHENTICATED:

\_\_\_\_\_  
MOLLY M. TOWSLEE, CITY CLERK

FILED WITH THE CITY CLERK:  
PASSED BY THE CITY COUNCIL:  
RESOLUTION NO.

Exhibit 'A'

**BUSINESS LICENSE FEE SCHEDULE  
FOR THE CITY OF GIG HARBOR  
September, 1997**

Business License -	Yearly	\$20.00
	Half-Year	\$10.00
Renewal Fee ( July of each year)		\$20.00
Temporary Business License (Each person doing sales is required to be licensed)		\$20.00 per day, Or \$400 per year
Adult Entertainment Business License		\$500 original application \$100 renewal
Adult Entertainer/Manager		\$100 per year





*City of Gig Harbor. The "Maritime City."*

3105 JUDSON STREET  
GIG HARBOR, WASHINGTON 98335  
(253) 851-8136

**TO: MAYOR WILBERT AND CITY COUNCIL**  
**FROM: MARK HOPPEN, CITY ADMINISTRATOR**  
**SUBJECT: EMPLOYMENT CONTRACT - FINANCE DIRECTOR**  
**DATE: SEPTEMBER 17, 1997**

#### **INFORMATION/BACKGROUND**

Tom Enlow resigned his position as Finance Director in August, requesting to work half-time from September 1 until appointment of the new Finance Director. A search for a new Finance Director resulted in 68 applications of which six were selected for interview through a criterion-oriented screening process. On Friday, September 12, the six applicants were interviewed in successive hour-long sessions by an interview team consisting of Councilman Corbett Platt, University Place Finance Manager John Caufield, and City Administrator Mark Hoppen. The consensus selection was Mr. David Rodenbach.

Mr. Rodenbach, C.P.A., served as Assistant Audit Manager in the Tacoma Washington State Auditor's Office from 1993 to the present. Prior to that post, he worked as an Assistant State Auditor and, briefly, for the State Department of Revenue. He has extensive local audit experience, having conducted audits for the City of Gig Harbor (1990-1993); for the Peninsula School District (1990-91, 1991-92); for the Tacoma School District (1988-89 through 1992-93); and for the City of Tacoma, Pierce County, Intercity Transit, and fire and water districts throughout Pierce County. Since 1989, he has also served as an accounting instructor at Pierce College. He earned his B.A. in Accounting from Saint Martin's College in 1986.

David and Symantha Rodenbach have been married 18 years and have two children, Douglas and Steven, who are 17 and 11 years old.

#### **CONTRACT TERMS**

The starting salary in the attached contract, \$4399, is the mid-range point for the Finance Director position as expressed in the 1997 Salary Schedule. A new employee shall not enter the pay range higher than mid-point of the range unless prior approval is received from the City Council. An employee of high qualifications may enter employment above the salary base at any point up to the mid-point of the range at the discretion of the Mayor and/or the City Administrator (1997 Personnel Regulations, p.19). Mr. Rodenbach will begin employment with 10 days accumulated sick leave and a vacation accumulation rate of 12 hours per month.

#### **RECOMMENDATION**

The City Administrator recommends approval of the attached contract, which has been approved by Legal Council, for a start date of October 1, 1997.

**CITY OF GIG HARBOR  
FINANCE DIRECTOR  
EMPLOYMENT AGREEMENT**

This agreement is entered into as of the 16th day of September, 1997, by and between the City of Gig Harbor, Washington, a noncharter optional municipal code city, hereinafter referred to as "City", and David J. Rodenbach, hereinafter referred to as "Employee", for the mutual benefits to be derived, hereby agree as follows:

WITNESSETH:

WHEREAS, the City of Gig Harbor has gone through a selection process to fill the position of Finance Director, and

WHEREAS, Employee has been selected to fill said position, and

WHEREAS, it is beneficial for both parties to establish and delineate the conditions of said employment,

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the parties hereby agree as follows:

Section 1. Commencement of Employment. The City hereby agrees to employ as Finance Director, and Employee hereby agrees to accept said employment in accordance with the terms and provisions of this agreement hereinafter set forth.

Section 2. Duties. Employee shall perform all duties of the Finance Director, as set forth in the City's personnel rules and procedures, and such other duties as may be assigned from time to time by the Mayor or City Administrator.

Section 3. Commencement of Employment - Term. Employee's employment shall commence effective as of October 1, 1997, and shall continue indefinitely, unless terminated in the manner provided hereinafter in this agreement.

Section 4. Salary - Performance Review. The starting salary for Employee, commencing October 1, 1997, shall be four thousand three hundred ninety nine dollars (\$4,399) per month, which salary shall be paid in accordance with the normal and usual procedure for payment of employees of the City. Employee shall be eligible for a salary adjustment as per city personnel regulations after successful completion of one year of employment.



Employee's performance shall be reviewed at least annually and more frequently if required by the Mayor or City Administrator or if requested by Employee.

Section 5. Benefits, etc.

- A. Employee shall be enrolled in the applicable retirement system available to Employee pursuant to the laws of the State of Washington. Both the City and Employee shall make the contributions that are required to be made in accordance with the applicable laws of the State of Washington.
- B. Employee shall accrue sick leave and all other benefits as provided for general employees of the City in accordance with the general employees' compensation plan; provided, however, that the employee shall begin employment with 10 days accumulated sick leave and that in the event the State of Washington shall legislate a requirement that Employee receive an illness and/or disability leave benefit which otherwise covers the Employee as sick leave would, then Employee shall not be entitled to sick leave in addition to said other benefits. Also, the employee will begin employment at a vacation accumulation rate of 12 hours per month.
- C. Employee shall be entitled to take such paid holidays as are established by the City.

Section 6. Professional Development. In the event the City and Employee agree that Employee should obtain additional education to enhance his professional development and thus directly benefit the City by Employee's expanded educational development the City shall reimburse the Employee for such education course up to \$160 per credit hour upon satisfactory completion of such job-related course that has been approved in advance by the City Administrator. The City agrees to compensate reasonable expenses for textbooks required for such courses and will retain such textbooks.

Section 7. Termination of Employment.

- A. By City. It is recognized that this agreement is a contract for personal services, and Employee acknowledges and agrees that the City may terminate him for cause.
- B. By Employee. Employee agrees that he shall provide the City not less than thirty (30) days prior notice of the effective date of such termination in order to afford the City a reasonable opportunity to find a replacement for Employee. The parties further agree that, in the event a replacement is found who is able to commence employment prior to the expiration of the thirty (30) day notice, the parties agree that they shall, in good faith, negotiate an earlier termination date.

Section 8. General Provisions.

- A. This agreement constitutes the entire agreement between the parties, and both parties acknowledge that there are not other agreements, oral or otherwise, that have not been fully set forth in the text of this agreement.
- B. The parties hereby further agree that this agreement cannot be amended or modified without the written concurrency of both parties.
- C. If any provision or portion of this agreement is held to be unconstitutional, invalid, or unenforceable, either party to this agreement shall have the right, at its option, to declare the agreement void and enter into negotiations with Employee for execution of a new personal service agreement.
- D. Employee understands that he has a right to consult with an attorney concerning the provisions of this agreement, and (1) Employee acknowledges he has done so as is evidenced by the attorney's signature below; or (2) Employee has knowingly and voluntarily selected *not to consult with an attorney.*
- E. Notice. Any notices required to be given by the City to Employee or by Employee to the City shall be delivered to the following parties at the following addresses:

- 1. City of Gig Harbor  
Attn: City Administrator  
3105 Judson Street  
Gig Harbor, WA 98335

- 2. Employee: At either  
3105 Judson Street  
Gig Harbor, WA 98335  
or

\_\_\_\_\_  
\_\_\_\_\_

Any notices may be either delivered personally to the addressee of the notice or may be deposited in the United States mails, postage prepaid, to the address set forth above. Any notice so posted in the United States mails shall be deemed received three (3) days after the mailing.

IN WITNESS WHEREOF, the parties have caused this agreement to be signed and executed as of this \_\_\_\_ day of September, 1997.

City of Gig Harbor

Employee

\_\_\_\_\_  
Gretchen A. Wilbert, Mayor

  
\_\_\_\_\_  
David J. Rodenbach

Attest:

\_\_\_\_\_  
Mark E. Hoppen, City Administrator





City of Gig Harbor. The "Maritime City."

3105 JUDSON STREET  
GIG HARBOR, WASHINGTON 98335  
(253) 851-8136

**TO: MAYOR WILBERT AND CITY COUNCIL**  
**FROM: MARK HOPPEN, CITY ADMINISTRATOR** *MH*  
**SUBJECT: INFORMATION SYSTEM SPECIALIST - JOB DESCRIPTION  
AND SALARY RANGE**  
**DATE: SEPTEMBER 17, 1997**

### **INFORMATION/BACKGROUND**

For the last several years, it has become increasingly apparent that computer services provided through the office of the Finance Director detracts from the Finance Director's ability to conduct the city's financial affairs. Only Tom Enlow's unique background, as both an accounting and computer science major, as well as his willingness to periodically work gratis during weekends and nights, enabled him to effectively accommodate both functional areas. Still, we have recognized that these duties would eventually need to be separated.

Upon Tom's determination to no longer engage full-time employment, and with the selection of David Rodenbach as the next Finance Director, it is timely and appropriate to establish a new direction for computer services. This memo answers the question whether computer services should be provided in-house or out-sourced.

Three capable, relatively local vendors were interviewed, assessed, and compared to an in-house alternative, based on a list of "Computer system tasks" (see attached). The vendors included Davidson and Associates (DAI), Advanced Communication Services (ACS), and Networks (a one-man operation). The in-house alternative is Tom Enlow as a .5 FTE Information Services Specialist with 50% of full benefits paid by the city. *A side-by-side comparison of these alternatives is attached as "Network Maintenance Operations - Summary."*

### **POLICY CONSIDERATIONS**

The comparison shows clearly that the city receives significantly more return and service for the dollar at a comparable or lower overall cost with the in-house alternative, especially when considering the necessary on-site support for the out-source alternatives.

The proposal here is to adopt this new position, adjusting the 1997 salary range through ordinance, and adding the attached job description through Council motion. The salary range is proposed for adoption through ordinance at the first reading. The new half-time position would also be reflected in this year's budget adjustment, which will be brought to Council later in the year. Finally, the part-time position, as proposed, would require personnel policy definition of the city's policy on benefits contribution to part-time regular employees who work half-time or more.

A proposed job description and proposed salary range is attached. The proposed range has been determined in the same manner as other established city ranges. In our typical comparison group of eight cities, both Steilacoom (pop. 6135) and Fife (pop. 4475) already fund similar positions.

### **FISCAL CONSIDERATIONS**

At a comparable cost, the city obtains nearly triple the number of on-task job hours with the proposed in-house alternative as with the Networks proposal, the next best proposal and service option per cost. Moreover, note that the Networks proposal assumes that the city will employ a knowledgeable in-house worker who spends .5 FTE on supporting Network tasks. *The city does not currently have .5 FTE available for such additional support.*

### **RECOMMENDATION**

The City Administrator requests Council action: 1) to motion to approve the Information Systems Specialist job description; 2) to approve an ordinance at this reading to adjust the 1997 salary range to include the Information Systems Specialist position; 3) to direct the Finance Director to adjust the 1997 budget to account for the new position; 4) to direct staff to return to Council with a resolution which defines proportional benefits contribution for part-time, regular employees who work half-time or more; and 5) to direct the City Administrator to transfer Tom Enlow to the Information Systems Specialist position as a .5 FTE regular employee effective October 1, 1997.

Computer system tasks  
(as presented to consultants)

Hardware and software maintenance, upgrades, support. User support. (Request quotes for service only, no software or hardware prices)

**Network/Hardware**

- 1) Novell 3.12 network (needs to be upgraded to Netware 4.11 or NT)
  - a) Gateway 486 server (needs replacement)
  - b) 26 users (Gateway 2000 486's & Pentiums, Windows 95 & 3.1)
  - c) 4 hubs
  - d) 5 print servers
  - e) 1 tape drive
- 2) Team Internet network internet access
- 3) 2 Remote locations with PCAnywhere access

**Applications**

1. Word Perfect Office email-scheduling
2. Word Perfect 6.0, 7
3. Word – various
4. Lotus 1-2-3 R5 & 97
5. Eyescel
6. Access

**Internet**

1. Web page design, update
2. E-mail enhancement

**Application development/maintenance**

Develop and maintain various databases and procedures (Access)

## Network Maintenance Options -- Summary

<u>Task</u>	<u>In House</u>	<u>ACS</u>	<u>Net Works</u>	<u>DAI</u>
Network maintenance	yes	yes	yes	*
Hardware maintenance	yes	no	yes	*
User support	yes	yes	yes	*
Web page maintenance	yes	no	?	*
Application development/enhancement	yes	yes	?	*
Hourly rate	\$27.50	\$105	\$85	*
Estimated hours/month	87	16	30	*
Estimated monthly cost	\$2400	\$1680	\$2550	\$5000

**Davidson and Associates (DAI)** declined to submit a proposal because they did not feel they could meet the City's needs for less than \$60,000 per year.

**Net Works** is a local one-man network support consultant.

### **Advantages**

Net Works is locally based and has a broad knowledge of local-area-networks.

### **Disadvantages**

He has several large clients who consume a large amount of his time and is frequently out of town (although still available by phone). His quote is based on supplementing our knowledgeable employee who spends half his time on network related tasks. We don't currently have an employee who has the spare time or necessary knowledge.

**Advance Communication Services (ACS)** has several Certified Network Engineers and programmers and is based out of Port Orchard.

### **Advantages**

They are locally based with a broad knowledge of local-area-networks and Access programming.

### **Disadvantages**

They do not provide intranet/web page design or PC hardware maintenance. Administering separate software and hardware consultants could be costly and time-consuming for staff. Any services needed beyond 16 hours per month will be charged at \$105/hour (although unused hours are carried forward). Users would need to communicate through a designated contact person.

**In House** would be a half-time position.

### **Advantages**

An employee would have an intimate knowledge of City's network, hardware, software and user needs and would be directly and regularly available to users. He could propose and implement system improvements to the local network and to intranet/internet access and web sites. Additionally, he could provide assistance with various projects and preparation of reports such as budget and annual report.

### **Disadvantages**

An employee would not have the depth of knowledge in all areas that a team of engineers and programmers would and may need occasional assistance from outside consultants. It may be a difficult position to fill in the future.



## INFORMATION SYSTEMS SPECIALIST

### Nature of Work

This is a highly technical position. The person occupying the position will coordinate technical support, training, and system operation and maintenance for the City's information processing, including the Local Area Network, financial management system, Internet site, personal computers, and other data processing systems and devices; and assists with the information processing planning and policy development processes.

### Controls Over Work

Under the general supervisory control of the City Administrator while exercising significant control of job requirements.

### Essential Duties and Responsibilities

Develops overall information processing plans and policy for approval by management; provides recommendations for enhanced system capabilities and features based on organizational growth; develops recommendations on related capital and operating budgets for data processing.

Develops and maintains system documentation, policies, and procedures relating to data processing hardware and software.

Oversees the operation of information processing systems, ensuring that systems run efficiently.

Develops and monitors contracts, agreements, and bid packages for computer hardware and software purchases, maintenance and consulting.

Provides technical assistance and training to staff in the use of data processing systems; diagnoses problems in the system and determines proper action to correct.

Responds to special requests for data from staff by analyzing general request parameters, by identifying options for obtaining data, and by developing reports and applications.

Facilitates hardware moves and changes, user access changes, and security of systems through regular monitoring and review of system logs.

Develops and maintains policies and procedures as they relate to general use of all systems and system security.

Researches software and hardware upgrades and provides recommendations for City-wide acquisitions. Recommends hardware and software solutions for specific department work applications.

Installs equipment and software. Develops training materials and conducts and/or arranges for training sessions.

Updates the City's Internet Website on a regular basis.

Assists the Finance Department on special projects and provides assistance to the Finance Director during the budget process.

Other duties as assigned by the City Administrator.

### Knowledge, Abilities, and Skills

Experience in the use of personal computer hardware and software with specific knowledge of spreadsheet, word processing and database applications; DOS and Windows operating systems, and integrated financial systems; knowledge of microcomputer hardware repair.

Experience with network hardware and operating systems, their installation and maintenance.

Ability to prepare and implement long-range policies and plans specifically related to data processing.

Ability to communicate technical information in a nontechnical manner and to work effectively with users with varying levels of expertise. Ability to develop end user documentation.

Knowledge of fundamental programming theories.

Ability to diagnose and correct system problems.

Ability to prepare clear, concise reports and to compile and analyze financial records and reports.

Ability to communicate effectively both orally and in writing.

### Physical Demands and Work Environment

Work is performed indoors. Walking, sitting, standing, bending and reaching is required. Must be able to lift and accurately place sensitive electronic equipment and connect all wiring necessary to run networked P.C.s. Must be able to work in confined spaces and climb ladders on a regular basis. Some local traveling may be required. Exposure to adverse weather conditions is minimal.

### Qualifications Required

**Minimum:** Four year degree in computer science or other business, accounting, or related field. Work experience in a municipal environment preferred. Two years of progressively responsible work experience in a network administrator capacity which includes responsibility for hardware, software, and computer repair.

**CITY OF GIG HARBOR  
ORDINANCE NO.**

**AN ORDINANCE OF THE CITY OF GIG HARBOR AMENDING ORDINANCE NO. 742, ADDING A INFORMATION SYSTEM SPECIALIST TO THE SALARY SCHEDULE, ADOPTING A NEW JOB DESCRIPTION AND SETTING AN EFFECTIVE DATE.**

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**WHEREAS**, the Gig Harbor City Council has approved the creation of a new Information System Specialist position in 1997; and

**WHEREAS**, the existing personnel policies for the City of Gig Harbor do not currently have a job description for the "Information System Specialist" position;

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

Section 1. The City of Gig Harbor Job Descriptions in Ordinance No. 742 shall be amended to include a new job description titled "Information System Specialist" attached as Attachment 'A' and incorporated herein by this reference.

Section 2. The 1997 Salary Schedule shall be amended to include the new position of Information System Specialist with the salary range to be \$2,880 - \$3,600 per month. The amended 1997 Salary Schedule is attached hereto and incorporated herein by this reference.

Section 3. This ordinance has been passed on the day of its introduction upon the affirmative vote of a majority plus one of the whole membership of the Council, pursuant to GHMC § 1.08.020. and shall take effect and be in full force five days after publication.

PASSED this \_\_\_ day of \_\_\_\_\_, 1997.

\_\_\_\_\_  
Gretchen A. Wilbert, Mayor

ATTEST:

\_\_\_\_\_  
Molly M. Towslee, City Clerk

Filed with City Clerk: 9/17/97  
Passed by City Council:

**ATTACHMENT "A"**

**1997 SALARY SCHEDULE**

<u>POSITION</u>	<u>RANGE</u>	
	<u>Minimum</u>	<u>Maximum</u>
City Administrator	\$4,847	\$6,059
Public Works Director	4,340	5,426
\$2,880 - \$3,600 Chief of Police	4,107	5,134
Finance Director	3,910	4,888
Planning Director	3,826	4,783
Police Lieutenant	3,595	4,494
Public Works Supervisor	3,493	4,366
Police Sergeant	3,425	4,281
Fire Marshal/Building Official	3,350	4,188
Sewer Plant Supervisor	3,343	4,179
Foreman	2,978	3,723
Information Systems Specialist	2,880	3,600
Police Officer	2,872	3,590
Planning Associate	2,867	3,584
Construction Inspector	2,819	3,524
Sewer Plant Operator	2,776	3,471
Maintenance Worker	2,698	3,372
Planning / Building Inspector	2,610	3,262
Engineering Technician	2,508	3,134
Administrative Assistant	2,428	3,036
Public Works Assistant	2,428	3,036
Court Administrator	2,344	2,931
Finance Technician	2,219	2,773
Planning-Building Assistant	2,219	2,773
Laborer	2,178	2,723
Court Clerk	2,125	2,656
Police Services Specialist	2,086	2,609
Administrative Receptionist	1,802	2,251
Public Works Clerk	1,802	2,251



City of Gig Harbor. The "Maritime City."

3105 JUDSON STREET  
GIG HARBOR, WASHINGTON 98335  
(253) 851-8136

**TO: MAYOR WILBERT AND CITY COUNCIL MEMBERS**  
**FROM: WES HILL, P.E., PUBLIC WORKS DIRECTOR** *Wes Hill*  
**SUBJECT: PIONEER WAY PAVEMENT REPAIR - CONTRACT AWARD**  
**DATE: SEPTEMBER 17, 1997**

#### INTRODUCTION/BACKGROUND

During the January 1997 storm, another section of the old asbestos cement (AC) water line in Pioneer Way near the Judson Street intersection ruptured. While the damaged pavement in the immediate vicinity of the broken main was repaired at the time; additional damage has appeared over time as a result of subgrade displacement, and settlement. This has created increasingly uneven driving and walking surfaces involving approximately 210-square yards of pavement in public right-of-way, and approximately 130-square yards of pavement in a private parking lot. The damaged areas are along the northwest side of Pioneer Way extending from Judson Street to Tarabochia Avenue.

The nature and extent of the damage exceeds what our Department is able to pursue under routine maintenance activities. Replacement of the AC line is not scheduled in the near term. The property owner has obtained an independent price quotation for the parking lot repairs, but has deferred the work pending the outcome of the City's price quotation solicitation process, and a determination from the City whether the work will be performed under City contract.

Price quotations were solicited from Contractor's on the City's Small Works Roster in accordance with Resolution 411 (Small Works Roster Process). Price quotations from the two respondents are summarized below:

<u>Respondent</u>	<u>Base Amt.</u>	<u>Add. Alt.</u>	<u>Total</u>
Woodworth & Co., Inc.	\$ 10,950.00	\$ 3,369.60	\$ 14,319.60
Tucci & Sons, Inc.	\$ 30,105.00	\$ 9,926.28	\$ 40,031.28

The lowest price quotation received was from Woodworth & Co., Inc., in the amount of \$10,950 for the portion of work within the City's right-of-way. Addition of the work for the parking lot repair would add \$3,369.60, including sales tax for a total contract amount of \$14,319.60. The price quoted to the property owner for the parking lot portion of the work was \$4,990, plus state sales tax. The Engineer's estimate for the work was \$7,800 for the base price, and \$5,900, including sales tax, for the parking lot, or a total of \$13,700.

Staff is recommending that the contract be awarded for the full contract amount including additive alternate. The property owner has assured staff that if the Council concurs in this recommendation, that he will execute the necessary construction easement and hold-harmless agreements. It is anticipated that the work will be completed within four weeks after contract

**MAYOR WILBERT AND CITY COUNCIL**

**September 17, 1997**

**Page 2**

award, weather permitting. Woodworth & Sons, Inc., has done excellent work on previous projects with the City.

**ISSUES/FISCAL IMPACT**

As an unanticipated repair, this project was not included in the Department's annual budget. The price quotation is within five (5) percent of the Engineer's estimate. Funds are available for the pavement replacement under the Water fund.

**RECOMMENDATION**

Staff recommends that Council move and approve award and execution of the contract for the Pioneer Way Pavement Repair to Woodworth & Sons, Inc., as the lowest responsible respondent, for their price quotation proposal amount of fourteen-thousand three-hundred nineteen dollars and sixty cents (\$14,319.60), including the base price, additive alternate and sales tax for the additive alternate portion of the work, subject to their compliance with the contract provisions.



City of Gig Harbor. The "Maritime City."

3105 JUDSON STREET  
GIG HARBOR, WASHINGTON 98335  
(253) 851-8136

**TO: MAYOR WILBERT AND CITY COUNCIL MEMBERS**  
**FROM: WES HILL, P.E., PUBLIC WORKS DIRECTOR** *Wes Hill*  
**SUBJECT: BOGUE BUILDING PAINTING - CONTRACT AWARD**  
**DATE: SEPTEMBER 17, 1997**

#### **INTRODUCTION/BACKGROUND**

The exterior of the Bogue Building has not been painted for many years, and the need for painting was addressed in the 1997 budget objectives.

The nature and extent of the work exceeds what staff is able to complete this year. Price quotations were solicited from Contractor's on the City's Small Works Roster in accordance with Resolution 411 (Small Works Roster Process). Price quotations from the three responding firms are summarized below:

<u>Respondent</u>		<u>Total</u>
Jones Painting, Inc.		\$ 2,341.55
Long Painting Company	*	\$ 7,054.56
Tracy's Quality Painting		\$16,470.00

\* Corrected from \$7,055.00

The lowest price quotation received was from Jones Painting, Inc. in the amount of \$2,341.55, including state sales tax. The Engineer's estimate for the work was \$2,900 including sales tax. It is anticipated that the work will be completed within four weeks after contract award, weather permitting. The City was pleased with previous work performed by Jones Painting, Inc.

#### **ISSUES/FISCAL IMPACT**

The 1997 budget anticipated that \$2,000 would be needed to paint the Bogue Building. The estimate assumed that City staff would perform the work. The Engineer's revised estimate for contract work was \$2,900. Sufficient funds are available for this work.

#### **RECOMMENDATION**

Staff recommends that the Council move and approve award and execution of the contract for the Bogue Building Painting to Jones Painting, Inc., as the lowest responsible respondent, for their price quotation proposal amount of two-thousand two-hundred forty-one dollars and fifty-five cents (\$2,241.55), including state sales tax, subject to their compliance with the contract provisions.







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3105 JUDSON STREET  
GIG HARBOR, WASHINGTON 98335  
(253) 851-8136

**TO: CITY COUNCILMEMBERS**  
**FROM: GRETCHEN WILBERT, MAYOR** *GW*  
**SUBJECT: APPOINTMENT TO THE LOCAL IMPROVEMENT COMMITTEE**  
**DATE: SEPTEMBER 17, 1997**

#### **INFORMATION/BACKGROUND**

The rules set forth for the formation of a Local Improvement Committee to advise the Washington State Department of Transportation (WSDOT) on establishment of the geographic boundary for the advisory election and on a project description that will be prepared by WSDOT for the Tacoma Narrows Bridge/SR 16 corridor contain the requirement that the City Council must confirm an appointment of an elected official to the committee.

Councilmember Steve Ekberg has accepted the invitation to represent the city on the committee.

#### **RECOMMENDATION**

Council approved the appointment of elected official Councilmember Steve Ekberg to the Local Improvement Committee.



**Washington State  
Department of Transportation**

**Sid Morrison**  
Secretary of Transportation

Transportation Building  
P.O. Box 47300  
Olympia, WA 98504-7300

September 4, 1997

RECEIVED

SEP - 5 1997

CITY OF GIG HARBOR

Mark Hoppen  
City Administrator  
City of Gig Harbor  
3105 Judson Street  
Gig Harbor, WA 98335-1221

Dear Mr. Hoppen:

The Washington State Legislature created a process to gauge public support or opposition to the use of tolls to pay for improvements to the Tacoma Narrows Bridge and SR 16 corridor. This process will lead to a public advisory election that is currently scheduled to occur at the general election on November 3, 1998. As part of this process a Local Involvement Committee (LIC) will advise the Washington State Department of Transportation (WSDOT) on establishing the geographic boundary for the advisory election and a project description that will be prepared by WSDOT.

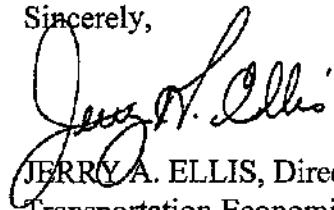
After completing comprehensive and economic studies to determine the geographic area that would be affected by the imposition of tolls at the Tacoma Narrows Bridge, the Department is proposing an "initial affected project area" for the purpose of the advisory ballot. Counties and cities that lie in whole or in part in this geographic area are given specific statutory duties in the formation of a Local Involvement Committee under Revised Code of Washington (RCW) 47.46.030.6(a). In addition, WSDOT adopted Washington Administrative Code (WAC) 468-105 for implementing the public advisory election. Enclosed you will find:

1. General instructions on the Local Involvement Committee (yellow)
2. RCW 47.46
3. WAC 468-105
4. Public information flyer
5. Recent newsletter on the status of the project studies
6. List of jurisdictions located in the initial affected project area

Mark Hoppen  
September 4, 1997  
Page 2

We request that you provide written confirmation of appointments to the LIC by October 20, 1997. The letters should provide the names, organizations, addresses and telephone numbers of the appointees. Send confirmation letters to: Rhonda Brooks, Program Manager, PO Box 47395, Olympia, WA 98504-7395. If you have any questions regarding this matter, please contact Ms. Brooks at (360) 664-2911. If you wish to have Ms. Brooks meet with you or other city/county officials interested in this information, we would be happy to make such arrangements.

Sincerely,

A handwritten signature in black ink, appearing to read "Jerry A. Ellis". The signature is fluid and cursive, with the first name "Jerry" being the most prominent.

JERRY A. ELLIS, Director  
Transportation Economic Partnerships

JAE:nr

**PUBLIC PRIVATE INITIATIVES  
LOCAL INVOLVEMENT COMMITTEE**

SEP 5 1997  
CITY OF SEASIDE

**PURPOSE**

The Public Private Local Involvement Committee for the SR 16/Tacoma Narrows project is referred to as the Local Involvement Committee (LIC). The LIC is created under Revised Code of Washington (RCW) 47.46.030.6 (a). The purpose of the LIC is to advise Washington State Department of Transportation (WSDOT) on matters related to the execution of the advisory election. The two primary functions of the committee are to 1) make recommendations based upon public comment on the final geographic boundary for the advisory election and 2) make recommendations on a project description that is prepared by WSDOT and presented to citizens in the affected project area prior to the election. This information will also be used for the voter's pamphlet, which is prepared by the Secretary of State's Office in coordination with county elections staff.

**LIC MEMBERSHIP**

**City and County Elected Officials**

The law allows for city and county jurisdictions that lie in whole or in part within an affected project area to appoint one elected official to serve on the committee. These elected officials shall be appointed by a majority of the members of the city or county legislative authority.

**Members from groups formed to support or oppose the project**

The county legislative authorities from counties that lie in whole or in part of the affected project area may appoint two representatives each from organizations formed to support or oppose the proposed project, if any groups exist.

For the purpose of appointments to the LIC, the proposed project is defined as: "capacity improvements across the Narrows that will be financed with tolls." Groups may form around any issue related to this proposed project, and it is the county's responsibility to decide which groups should be represented on the LIC from their jurisdiction. The statute contemplates that the county may validate these organizations in any manner they chose.

**Note:** There are two alternatives currently under study for an Environmental Impact Statement (EIS) that provide additional capacity across the Tacoma Narrows Bridge and SR 16 corridor. One alternative involves double decking the existing bridge. The second alternative is a new parallel bridge south of the existing bridge. A new lane in each direction from the vicinity of Cedar Street to the vicinity of Purdy is also being studied in conjunction with these two alternatives. Both of these alternatives are proposed to be funded by tolls. The third alternative under study is "no action" or no "build" related improvements. If the third alternative were to be selected by WSDOT/Federal Highway Administration (FHWA) as the "preferred alternative" under State Environmental Policy Act/National Environmental Policy Act (SEPA/NEPA); then it would not be necessary to conduct an advisory election.

### **Citizens from Statewide Transportation Organizations**

The Governor will appoint four members to serve on the LIC that represent statewide transportation organizations. A statewide transportation organization is defined as any non-government organization that has a statewide membership with a significant interest in transportation policy or programs.

### **Even number of members**

If the committee makeup results in an even number of committee members, there will be an additional appointment of an elected official from Pierce County.

### **MEMBER VACANCIES**

Vacancies on the LIC are filled by the appointing authority of their respective jurisdictions. (e.g. county, city, Governor)

### **COMPENSATION AND EXPENSES**

WSDOT is prohibited from providing reimbursement for subsistence, lodging expenses, or travel expenses for LIC members.

### **DEADLINE FOR APPOINTMENTS**

We request that you provide written confirmation of appointments to the LIC by October 20, 1997. The letters should provide the names, organizations, addresses and telephone numbers of the appointees. Send confirmation letters to: Rhonda Brooks, Program Manager, PO Box 47395; Olympia, Washington 98504-7395. After this date, additional appointments may be made if the final geographic boundary is modified, encompassing new geographic areas that are not currently represented on the LIC.

### **SCHEDULE OF MEETINGS**

The first meeting of the LIC is scheduled for 9:00 a.m. - 3:00 p.m. on November 7, 1997 in Bremerton. LIC members will be notified by mail of the exact location, along with meeting materials. At the first meeting there will be a project orientation for the members and the establishment of LIC meeting procedures.

A second meeting is scheduled for November 24, 1997 - time and location to be announced. The purpose of this meeting is to review public comments on the preliminary boundary and to make a recommendation to WSDOT on any changes to the boundary.

There will be two additional meetings of the LIC which will be scheduled in April and May, 1998 to review a project description that is prepared by WSDOT. The exact times and locations will be announced.

### **MEETING PROCEDURES**

LIC meetings are open to the public. WSDOT will announce the appointments to the Committee and the time and place of the first meeting after October 20, 1997. No public comment is planned for the first meeting, however, the LIC may wish to consider public comment at future meetings. All materials, transcripts, etc. are available to the public.

At the first meeting, WSDOT will request that the LIC establish a few procedures, such as meeting location, public participation at the meetings, format used to make a recommendation, or any other matter identified by the LIC, as long as it is within the intent of the purpose of the Committee and administratively possible.

WSDOT established by administrative rule the requirement to put committee procedures in place within 30 days of the first meeting.

#### **LIC RECOMMENDATIONS**

The LIC will develop its own method of providing recommendations to the Department, provided that all decisions of the LIC shall be made by a simple majority of the LIC members. A simple majority is defined as fifty percent of the members plus one member of the LIC committee. WSDOT will suggest several means for the committee to consider.



*City of Gig Harbor. The "Maritime City."*

3105 JUDSON STREET  
GIG HARBOR, WASHINGTON 98335  
(253) 851-8136

**TO: CITY COUNCILMEMBERS**  
**FROM: GRETCHEN WILBERT, MAYOR** *gw*  
**SUBJECT: RE-APPOINTMENT TO THE CIVIL SERVICE BOARD**  
**DATE: SEPTEMBER 17, 1997**

**INFORMATION/BACKGROUND**

Jerry Crutchfield has served on the Civil Service Board since 1991, and his term expires this year. Mr. Crutchfield has said he would be willing to serve an additional term.

**RECOMMENDATION**

Council approved the re-appointment of Jerry Crutchfield to the Civil Service Board for an additional six year term.



*City of Gig Harbor. The "Maritime City."*

3105 JUDSON STREET  
GIG HARBOR, WASHINGTON 98335  
(253) 851-8136

September 12, 1997

Mr. Jerry Crutchfield  
2800 Harborview Drive  
Gig Harbor, WA 98335

Re: Civil Service Board

Dear Mr. Crutchfield:

I would like to thank you for your past six years of service to the City of Gig Harbor while serving on the Civil Service Board.

I understand that your term is up this year, but that you are interested in serving another term. I would like this letter to serve as an invitation and the appointment for your second term.

Thank you for your willingness to devote your time and energy to this board.

Sincerely,

Gretchen A. Wilbert  
Mayor, City of Gig Harbor





RETURN TO: WASHINGTON STATE LIQUOR CONTROL BOARD  
License Division - 1025 E. Union, P.O. Box 43075  
Olympia, WA 98504-3075  
(360) 664-0012

RECEIVED

SEP 11 1997

DATE: 9/08/97

TO: CITY OF GIG HARBOR

CITY OF GIG HARBOR

RE: NEW APPLICATION

License: 080629 - 2E County: 27

Tradename: BASKETS TO GO

Loc Addr: 3717 101ST ST CT NW  
GIG HARBOR

WA 98332

Mail Addr: 3717 101ST ST CT NW  
GIG HARBOR

WA 98332-7912

APPLICANTS:

SMITH, JOYCE ANN  
08-30-44 545-58-2024

SMITH, PHILLIP LYNN  
(Spouse) 10-20-49 542-62-0542

Phone No.: 253-851-9810 JOYCE ANN SMITH

Classes Applied For:

P Gift delivery service or florist with wine

As required by RCW 66.24.010(8), you are notified that application has been made to the Washington State Liquor Control Board for a license to conduct business. If return of this notice is not received in this office within 20 DAYS from the date above, it will be assumed that you have no objection to the issuance of the license. If additional time is required you must submit a written request for an extension of up to 20 days. An extension of more than 20 days will be approved only under extraordinary circumstances.

- |  | YES                      | NO                       |
|--|--------------------------|--------------------------|
| 1. Do you approve of applicant ? .....   | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Do you approve of location ? .....  | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. If you disapprove and the Board contemplates issuing a license, do you want a hearing before final action is taken? ..... | <input type="checkbox"/> | <input type="checkbox"/> |

If you have indicated disapproval of the applicant, location or both, please submit a statement of all facts upon which such objections are based.

DATE

SIGNATURE OF MAYOR, CITY MANAGER, COUNTY COMMISSIONERS OR DESIGNEE

WASHINGTON STATE LIQUOR CONTROL BOARD-License Services  
1025 E Union - P O Box 43075  
Olympia WA 98504-3075

RECEIVED  
SEP 11 1997  
CITY OF GIG HARBOR

TO: MAYOR OF GIG HARBOR

September 9, 1997

SPECIAL OCCASION # 071561

CLASS: GJ

NORTH AMERICAN GYMNASTIC BOOSTERS  
2905 JAHN AVE NW  
GIG HARBOR WA 98335

DATE: NOVEMBER 22, 1997

TIME: 5:30 PM TO MIDNIGHT

PLACE: GIG HARBOR YACHT CLUB, 8209 STINSON AVE., GIG HARBOR

CONTACT: KATHY CROWLEY 253-851-8960

SPECIAL OCCASION LICENSES

- \* G    License to sell beer on a specified date for consumption at specific place.
- \* J    License to sell wine on a specific date for consumption at a specific place.  
   Wine in unopened bottle or package in limited quantity for off premises consumption.
- \* K    Spirituous liquor by the individual glass for consumption at a specific place.

If return of this notice is not received in this office within 20 days (10 days notice given for Class I) from the date above, we will assume you have no objection to the issuance of the license. If additional time is required please advise.

1. Do you approve of applicant? YES\_\_ NO\_\_
2. Do you approve of location? YES\_\_ NO\_\_
3. If you disapprove and the Board contemplates issuing a license, do you want a hearing before final action is taken? YES\_\_ NO\_\_

<u>OPTIONAL CHECK LIST</u>	<u>EXPLANATION</u>	
LAW ENFORCEMENT	_____	YES__ NO__
HEALTH & SANITATION	_____	YES__ NO__
FIRE, BUILDING, ZONING	_____	YES__ NO__
OTHER:	_____	YES__ NO__

If you have indicated disapproval of the applicant, location or both, please submit a statement of all facts upon which such objections are based.

\_\_\_\_\_  
DATE SIGNATURE OF MAYOR, CITY MANAGER, COUNTY COMMISSIONERS OR DESIGNEE

**MAYOR'S REPORT**  
September 22, 1997



**Cities By Nature's Design**

Recently, the Department of Natural Resources granted a stipend for the Mayor of Gig Harbor to attend the 8<sup>th</sup> National Urban Forest Conference being held in Atlanta September 17-20, 1997.

*Cities by Nature's Design*, the theme of the conference, explores the role of natural resources in the future of healthy thriving cities. Cities that will survive and thrive over time are called "sustainable cities" according to the literature. Creating sustainable cities is both a goal and a challenge.

This conference is designed to address that challenge: to explore the philosophical underpinnings and identify actions that help cities become sustainable by making the best use of their environmental, economic/public policy, and human resources. A community becomes sustainable where these three resources interact and create a synergy, a force greater than the sum of its parts.

A weak link for most communities is the environment. Community leaders are better trained to address social and economic complexities of managing cities than environmental ones. Some leaders believe they must choose between social, economic, and environmental well being. Some see the environment at a negative issue rather than an opportunity.

Urban forests are the most visible element of the urban ecosystem. Understanding urban ecosystems is a fundamental step in creating a sustainable community. Gig Harbor leaders recognized the esthetic and economic value of an urban forest years ago and set in place the policy to preserve urban forest spaces. It's now time to build a strong relationship among environmental, economic and social well being.

*Cities by Nature's Design* builds a framework on three themes; understanding the elements of a sustainable community; building on the three components, environmental, economic / public policy and human resources; and working toward a more sustainable community.

The Puget Sound Basin, and the Gig Harbor Basin in particular, pose unique environmental situations that must be considered in future planning to move our city into a sustainable community.

The information I receive at this conference will be added to the resources in our Urban Forest Library. The challenge for me will be to convey the ideas generated by this 3-day conference to staff, to Council, and to our citizens. Subsequently, we must begin to integrate an urban forest management plan with other elements of our Comprehensive Plan.

