

Ordinance No. 2246

ORDINANCE CODIFYING BERTHING RENT STRUCTURES FOR  
CITY OF BILOXI HARBORS AND MARINAS  
(Point Cadet Marina, Biloxi Small Craft Harbor, Commercial Fishing Dock,  
and Sherman Canaan Fishing Dock)

WHEREAS, subsequent to their destruction by Hurricane Katrina, the four primary marinas and harbors of the City of Biloxi have been repaired and are close to being fully on line and in operation; and,

WHEREAS, on January 5, 2010, after the Point Cadet Marina and the Biloxi Small Craft Harbor were re-opened for use, the City adopted Resolution No. 11-10, which established berthing rates at those two marinas based upon the facilities and amenities available and the proposed uses by the tenants; and,

WHEREAS, the Commercial Fishing Dock and the Sherman Canaan Fishing Dock are both back in use or almost completely back in use, and now it is necessary to establish berthing rates for those two marinas; and,

WHEREAS, because these established rates shall be applicable to the general public, could be in place for some time, and need to be easily accessible to and discoverable by the boating public, it is more appropriate to adopt them in ordinance form rather than in resolution form, combining the existing rates established earlier by resolution with the rates for the two additional facilities;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILOXI, MISSISSIPPI, AS FOLLOWS:

SECTION 1: The Code of Ordinances of the City of Biloxi, Mississippi (1992), as amended, is hereby amended by adding the following provisions, which shall be codified as a separate chapter under the heading "Harbors and Marinas", and the articles and sections shall read as follows:

## **CHAPTER: HARBORS AND MARINAS**

### ***Article I. In General***

#### ***Section 1. Definitions.***

The United States Coast Guard definition of "Overall Length", as defined in the Tonnage Guide for Simplified Measurement, shall be utilized for determining feet of boat length in the City's calculation of berthing rates for boat slips at all harbors and marinas where rates are based upon boat length, said definition reads as follows:

"Overall Length (L) is the horizontal distance between the outboard side of the foremost part (bow) of the hull and outboard side of the aftermost part (stern) of the hull. It does not include bowsprits, rudders, outboard motor brackets, swim platforms that do not contain buoyant volume, and other similar fittings and attachments that are not part of the buoyant hull envelope."

### ***Article II. Berthing Rates***

#### ***Section 1. The Point Cadet Marina and the Biloxi Small Craft Harbor berthing rate schedule.***

Berthing fees for the Point Cadet Marina and the Biloxi Small Craft Harbor shall be assessed according to the following schedule:

- A. A charge of \$6.00 per linear foot of boat length, on a monthly basis, plus the following additional rates based upon generator size;
- B. An additional \$0.25 charge per linear foot of boat length per month for boats utilizing no generator or generators under 3.0 kilowatts;
- C. An additional \$0.50 charge per linear foot of boat length per month for boats utilizing generators from 3.0 kilowatts through 5.0 kilowatts;
- D. An additional \$0.75 charge per linear foot of boat length per month for boats utilizing generators greater than 5.0 kilowatts but less than or equal to 10.0 kilowatts;
- E. An additional \$ 1.25 charge per linear foot of boat length per month for boats utilizing generators greater than 10.0 kilowatts but less than or equal to 15.0 kilowatts;
- F. An additional \$ 1.75 charge per linear foot of boat length per month for boats utilizing generators greater than 15.0 kilowatts but less than or equal to 20.0 kilowatts;

- G. An additional \$2.25 charge per linear foot of boat length per month for boats utilizing generators greater than 20.0 kilowatts;
- H. Any boat with multiple generators shall be charged based upon the generator utilizing the greatest amount of wattage;
- I. Transient boat slips shall be charged \$ 1.00 per foot of boat length, per day, for the first three (3) days, and \$0.50 per foot of boat length, per day, for every day thereafter.
- J. For "live aboard" berthing situations, defined as the occupancy of a boat for overnight accommodations for more than ten (10) consecutive nights and not a transient user as hereinabove provided, the City of Biloxi hereby adopts a pricing schedule for berthing rates, inclusive of electricity use, which shall equal the berthing rates as provided for in Sub-Section B hereinabove, plus an additional \$1.00 per foot of slip length or per foot of boat length, whichever is greater, on a monthly basis.

**Section 2. The Sherman V. Canaan Back Bay Fishing Dock berthing rate schedule.**

Berthing fees for the Sherman V. Canaan Back Bay Fishing Dock and the Biloxi Commercial Fishing Dock shall be assessed according to the following schedule, and shall be computed according to the "Overall Length" definition set out above:

- A. Permanent tenants of the commercial slips shall pay a monthly fee of \$3.00 times the "overall length" of the boat.
- B. Tenants for the transient commercial slips shall be charged \$0.50 per linear foot of vessel overall length, per day.

**Section 3. The Biloxi Commercial Fishing Dock berthing rate schedule.**

Berthing fees for the Biloxi Commercial Fishing Dock, which is located west of the Biloxi Small Craft Harbor, shall be determined and assessed based upon the size of the slip being rented and the overall length of the boat. If the "overall length" of the boat times \$3.00 is greater *than the* base slip fee for the particular berthing slip being rented, then that length determined amount shall be the monthly berthing fee; otherwise, the base slip fee for the particular berthing slip being rented will be the monthly berthing fee. If a slip is not identified by number in the following list then the monthly berthing fee shall be based upon the length of the vessel as provided herein. The base slip berthing fees shall be:

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- A. Berthing slip fees for slips 3-10 shall be \$132 per month.
- B. Berthing slip fees for slips 11-19 shall be \$99.00 per month.
- C. Berthing slip fees for slips 20-37 shall be \$180.00 per month.
- D. Berthing slip fees for slips 38-49 shall be \$135.00 per month.
- E. Tenants for the transient commercial slips shall be charged \$0.50 per linear foot of vessel "overall length", per day.

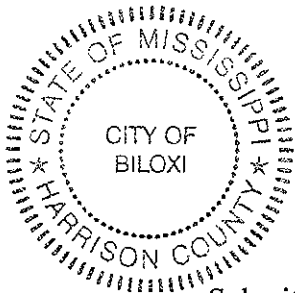
SECTION 2: This ordinance shall be effective one (1) month after its adoption or as soon thereafter as is legal, provided this ordinance is certified, signed, and published as provided by law.

The foregoing Ordinance having first been reduced to writing, was read by the Clerk and moved by Councilmember Lawrence, seconded by Councilmember Deming, and was adopted by the following vote:

YEAS:	Lawrence	Deming	NAYS:	None
	Gines	Tisdale		
	Newman	Glavan		
		Fayard		

The President then declared the Ordinance adopted this the 19<sup>th</sup> day of November,

2013.



ATTEST:

APPROVED:

Karen Brashier  
CLERK OF THE COUNCIL

Paul L. Tisdale  
PRESIDENT OF THE COUNCIL

Submitted to and approved by the Mayor, this the 21<sup>st</sup> day of November, 2013.

APPROVED:

A. J. Holloway  
MAYOR