

ORDINANCE NO. 2267

ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF BILOXI,  
MISSISSIPPI (1992) BY ADDING SECTIONS 10.5.2 AND 10.5.3 TO  
“ARTICLE I. IN GENERAL” OF THE CHAPTER “HARBORS AND MARINAS”

WHEREAS, the harbors and marinas of the City of Biloxi are operated for specific purposes and uses to optimize their usage by the public and their utility to the harbor and marina slip renters; and,

WHEREAS, the Biloxi Small Craft Harbor is the primary municipal marina for the commercial operation of fishing charter boats; and,

WHEREAS, certain amenities have been provided at that harbor for the use of the commercial charter boats which are tenants of the City at that site and which operate from that harbor; and,

WHEREAS, some members of the public have been utilizing facilities provided for the tenants of that harbor to the detriment of the commercial tenants of the City, thus requiring the enactment of certain rules and proscriptions with regard to that facilities use; and,

WHEREAS, members of the public who operate commercial charter boat runs from the boat ramp in the Biloxi Small Craft harbor utilize parking facilities to the detriment of all tenants at the harbor and do not otherwise contribute to the upkeep and maintenance of the harbor based upon that commercial usage;

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

SECTION ONE. The Code of Ordinances of the City of Biloxi, Mississippi (1992) is hereby amended by adding the Sections 10.5.2 and 10.5.3 to “Article I. In General” of the Chapter “Harbors and Marinas” which shall read as follows:

***Section 10.5.2. Unauthorized commercial solicitation and use of harbor facilities.***

a) It shall be unlawful for any person to utilize the amenities provided to the commercial tenants of the Biloxi Small Craft Harbor, specifically the carts, water taps, and cleaning tables, unless that person is either a commercial charter boat slip tenant of the harbor or is in possession of written authorization from a commercial charter boat slip tenant to utilize that slip at that particular time. It shall further be unlawful for any person, whether so authorized or not, to leave those amenities in an unclean or unsanitary condition.

b) It shall be unlawful for any person to solicit business for a commercial fishing charter while in the Biloxi Small Craft Harbor except those slip tenants operating a commercial fishing charter from a slip in that harbor.

c) Each violation of the provisions of this Section shall be a separate misdemeanor subject to the penalties imposed by Section 1-1-8 of this Code of Ordinances, and the individuals responsible for such violation shall be removed from the Biloxi Small Craft Harbor.

***Section 10.5.3. Permits for operation of commercial charter boat runs initiating from Biloxi Small Craft Harbor boat ramp.***

a) Any person who wishes to operate commercial charter boat runs initiating from the Biloxi Small Craft Harbor boat ramp must obtain a permit from the City for an annual

fee of \$500.00. These permits shall be issued by the Port Division and shall be evidenced by decal to be displayed on the hull of the vessel from which the commercial charter boat run is being made. This permit will not authorize any permit holder to solicit charter boat business from the Biloxi Small Craft Harbor or to violate any other rule, regulation, or ordinance affecting the Biloxi Small Craft Harbor. Prior to the issuance of such a permit the applicant must show the same proof of insurance, in the same amount of coverage, as commercial charter tenants of the Biloxi Small Craft Harbor must provide to the City.

b) Each violation of the provisions of this Section shall be a separate misdemeanor subject to the penalties imposed by Section 1-1-8 of this Code of Ordinances, and the individuals responsible for such violation shall be removed from the Biloxi Small Craft Harbor.

SECTION TWO. This ordinance shall become effective thirty (30) days after its adoption, provided it is signed and published in the manner provided by law.

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

YEAS:	Lawrence	Tisdale	NAYS:	Deming
	Gines-*	Fayard		Glavan
	Newman			

(\*-Councilmember Felix Gines participated electronically.)

The President then declared the Ordinance adopted, as amended this the 19<sup>th</sup> day of August, 2014.

ATTEST:  
/s/ Karen Brashier  
CLERK OF THE COUNCIL

APPROVED:  
RETURNED WITHOUT SIGNATURE  
PRESIDENT OF THE COUNCIL

Submitted to and approved by the Mayor, this the 22<sup>nd</sup> day of August, 2014.

APPROVED:  
/s/ A.J. Holloway  
MAYOR