

CITY OF BILOXI  
AGENDA ITEM  
FACT SHEET

Item No.: 4B

Council Meeting Date: March 1, 2016

ITEM TITLE: ORDINANCE  
INTRODUCED BY: Mayor Andrew "FoFo" Gilich  
CONTACT PERSON: David Nichols, CAO

Gerald Blessey, City Attorney &  
Counsel for Economic Development



**SUMMARY EXPLANATION:** Ordinance amending Sections 10.5-1-1 and 10.5-2-1 of the Code of Ordinances, City of Biloxi, Mississippi of 1992 relating to the berthing rates charged by the City of Biloxi for the Biloxi Small Craft Harbor and Point Cadet Marina.

Resolution \_\_\_ Ordinance X Public Hearing \_\_\_ Routine Agenda \_\_\_

Exhibits for Review

Contract \_\_\_ Minutes \_\_\_ Plans/Maps \_\_\_ Deed \_\_\_ Lease \_\_\_

Other (Specify):

Submittal Authorization: Council President \_\_\_ Mayor X

**STAFF RECOMMENDATION:**

Staff recommends approval

COUNCIL ACTION: Motion By: \_\_\_\_\_ Second By: \_\_\_\_\_

Vote: <u>Councilmember</u>	<u>Yes</u>	<u>No</u>	<u>Other</u>	<u>Councilmember</u>	<u>Yes</u>	<u>No</u>	<u>Other</u>
Lawrence	___	___	___	Tisdale	___	___	___
Gines	___	___	___	Glavan	___	___	___
Newman	___	___	___	Fayard	___	___	___
Deming	___	___	___				

**ACTION TAKEN:**

GB/rq 030116cleg

ORDINANCE NO.

ORDINANCE AMENDING SECTIONS 10.5-1-1 and 10.5-2-1, CODE OF ORDINANCES, CITY OF BILOXI, MISSISSIPPI, OF 1992 RELATING TO THE BERTHING RATES CHARGED BY THE CITY OF BILOXI FOR THE BILOXI SMALL CRAFT HARBOR AND POINT CADET MARINA

WHEREAS, in order to bring into balance the cost of maintaining and operating the harbors serving the citizens of the City of Biloxi with the revenue received from the users of those harbors, it is necessary to adjust certain fees and expenses charged for berth rental rates for the Biloxi Small Craft Harbor and Point Cadet Marina.

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

SECTION 1: Section 10.5-1-1, Code of Ordinances, City of Biloxi, Mississippi of 1992, is hereby amended to read as follows:

Sec. 10.5-1-1. - Definitions.

The Slip Rental Fee is calculated in feet based on the length of the vessel measured by furthest point to furthest point. The Slip Rental Fee portion of the grand total, monthly Berth Rental Fee for Live-aboard Lessees, month-to-month Recreational lessees, Special Event Lessees, and Transient Lessees is determined, in the sole and absolute discretion of the Port Manager of Biloxi Ports and Harbors, by the overall boat length or the length of the slip, whichever is greater.

...

SECTION 2: Section 10.5-2-1, Code of Ordinances, City of Biloxi, Mississippi of 1992, is hereby amended to read as follows:

Sec. 10.5-2-1. - 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:

(1) Month-to-month Recreational Slip Fee: \$6.00 per foot, plus Power Utility Fee, Clean Marina Environmental Fee, and seven percent (7%) Mississippi sale tax;

(2) Transient Slip Fee: \$1.00 per foot per day, plus Power Utility & Clean Marina Fees plus seven percent (7%) Mississippi sales tax. Transients are limited to ten (10) consecutive nights. Vessels moored longer than 10 consecutive nights shall be classified as Live-aboard and charged according to Live-aboard rates;

(3) Tournament/Special Events Slip Fee: \$4.00 per foot per day, plus Power Utility Fee, Clean Marina Fee, and seven percent (7%) Mississippi Sales tax;

(4) Month-to-Month Live-aboard Slip Fee: If overnight for more than ten (10) consecutive nights, \$10.00 per foot, plus Power Utility Fee, Clean Marina Fee, and seven percent (7%) Mississippi Sales tax, on a monthly basis. All live-aboards are required to empty their holding tanks on at least a monthly basis at the designated dump station at the harbor or marina and receive a dump ticket, a copy of which is required to be delivered to the Biloxi Ports and Harbors' office within one (1) day of receipt;

(5) Power Utility Fees:

(a) For month-to-month Recreational Lessees, Live-Aboards, Transient Tenants, and Special Event Tenants, per generator:

(i.) 30 Amps (minimum): \$30/month

(ii.) 30 Amps: \$60/month

(iii.) 50 Amps: \$50/month

(iv.) 50 Amps: \$100/month

(v.) 100 Amps: \$100/month

(vi.) Over 100 amps: An amount to be determined by the Port Master of Biloxi Ports and Harbors in his/her sole and absolute discretion.

(vii.) Vessels with no electrical usage: \$0.25/foot of vessel length or slip length, whichever is greater

(b) For Live-aboard, Special Event, and Transient lessees: based on the estimated total amount for the days of occupancy, the Power Utility Fee

shall be a reasonable amount, for each berth, estimated by the Port Master of Biloxi Ports and Harbors in his/her sole and absolute discretion.

(6) Clean Marina Fees: The amount of this monthly or daily fee shall be a reasonable amount determined by the Port Master of Biloxi Ports and Harbors in his/her sole and absolute discretion, based on vessel size and estimate of guests.

(7) Late Fee: \$25.00 Late fee if 20 days in arrears.

SECTION 3: The purpose of this Ordinance is to enable the City of Biloxi to provide for the orderly conduct of government as it specifically relates to the operation and maintenance of the City's harbors. Due to this purpose, the City Council hereby finds that this Ordinance is essential to the efficient operation of government; therefore, this Ordinance shall become effective as soon thereafter as is legal, provided this ordinance is certified, signed, and published as provided by law.