

Ordinance No. 2520

ORDINANCE AMENDING SECTIONS 10.5-2-1 and 10.5-2-2, 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 POINT CADET MARINA, SHERMAN V. CANAAN BACK BAY FISHING DOCK, AND BILOXI COMMERCIAL FISHING DOCK

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

- (1) Month-to-month berth slip fee: \$6.00 per foot per month, plus power utility fee, environmental fee, and seven percent Mississippi sales tax;
- (2) Charter boat berth slip fee: \$34.00 per foot per month, plus power utility fee, environmental fee, and seven percent Mississippi sales tax. To request a charter boat rate, owners shall submit a valid business license, sales tax permit, and any other documents deemed necessary, in the discretion of the mayor, for approval;
- (3) Vessels under repair berth slip fee: \$2.00 per foot per month, plus power utility fee, environmental fee, and seven percent Mississippi sales tax. This rate applies only to vessels which are inoperable. Upon return to operable conditions, the normal rates shall apply;
- (4) Transient slip fee: \$1.00 per foot per day, plus power utility fee, environmental fee, and seven percent Mississippi sales tax. Transients are limited to 25 consecutive nights. Other than special event vessels who are part of a special event agreement, all vessels moored and occupied overnight for longer than 25 consecutive nights shall be classified as live-aboard and charged according to live-aboard rates;

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- (5) Tournament/special events berth slip fee: ~~\$2.50~~ 3.00 per foot per day, plus power utility fee, environmental fee, and seven percent Mississippi sales tax;
- (6) Month-to-month live-aboard berth slip fee: If a vessel is not berthed under a transient berth slip agreement or a tournament/special events berth slip agreement and if the vessel is occupied overnight for more than ten nights within any calendar month period, then the vessel shall be considered a live-aboard vessel that shall pay \$10.00 per foot per month live-aboard berth slip fee, plus power utility fee, environmental fee, and seven percent Mississippi sales tax, on a monthly basis. Owners of all live-aboard vessels 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 day of receipt;
- (7) Excursion vessels: An excursion vessel is defined as a vessel used to carry passengers on short trips for the purpose of pleasure or sightseeing. The berthing rate for excursion vessels will be negotiated separately based on size, passenger capacity, and requirement for marina services.
- (8) Power utility fees:
  - a. For month-to-month lessees, live-aboards, transient tenants, and special event tenants, per generator:
    - i. 1/30 amps (minimum):\$30.00/month
    - ii. 2/30 amps:60.00/month
    - iii. 1/50 amps:50.00/month
    - iv. 2/50 amps:100.00/month
    - v. 100 amps:100.00/month
    - vi. Over 100 amps: An amount per month to be determined by the port manager of Biloxi Ports and Harbors in his/her sole and absolute discretion.
    - vii. Vessels with no electrical usage.....:0.25/foot per month
  - 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 manager of Biloxi Ports and Harbors in his/her sole and absolute discretion.
- (9) Environmental fees: The amount of this monthly or daily fee shall be a reasonable amount determined by the port manager of Biloxi Ports and Harbors in his/her sole and absolute discretion, based on vessel size and estimate of guests.

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- (10) Late fee: \$25.00 late fee if 20 days in arrears.

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

Sec. 10.5-2-2. 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:

- (1) Permanent tenants of the commercial slips shall pay a monthly fee of \$3.00 times the "overall length" of the boat, plus power utility fee and environmental fee.
- (2) Tenants for the transient commercial slips shall be charged ~~\$0.50~~ 1.00 per linear foot of vessel overall length, per day.
- (3) Power utility fees:
  - a. For permanent tenants, per generator:
    - i. 1/30 amps (minimum): \$30.00/month
    - ii. 2/30 amps:60.00/month
    - iii. 1/50 amps:50.00/month
    - iv. 2/50 amps:100.00/month
    - v. 100 amps:100.00/month
    - vi. Over 100 amps: An amount per month to be determined by the port manager of Biloxi Ports and Harbors in his/her sole and absolute discretion.
    - vii. Vessels with no electrical usage:0.25/foot per month
  - b. For transient commercial slips, the power utility fee shall be a reasonable amount, for each berth, estimated by the port manager of Biloxi Ports and Harbors in his/her sole and absolute discretion, based on the estimated total amount for the days of occupancy.
- (4) Environmental fees: The amount of this monthly or daily fee shall be a reasonable amount determined by the port manager of Biloxi Ports and Harbors in his/her sole and absolute discretion, based on vessel size and estimate of guests.

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SECTION THREE: This Ordinance shall become effective 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 Gines, and was adopted by the following vote:

YEAS:	Gines	Glavan	NAYS:	Lawrence
	Newman	Barrett		Deming
				Tisdale

The President then declared the Ordinance adopted, as amended, this the 1<sup>st</sup> day of August, 2023.



ATTEST:

APPROVED:

*Keir Campbell*  
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 CLERK OF THE COUNCIL

*Nathan Barrett*  
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 PRESIDENT OF THE COUNCIL

Submitted to and approved by the Mayor, this the 1<sup>st</sup> day of August, 2023.

APPROVED:

*[Signature]*  
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 MAYOR