

**APPLICATION FOR BERTHING FACILITIES
AND RENT CONTRACT
CITY OF PASCAGOULA INNER HARBOR**

DATE _____ PHONE: HM _____

CONTRACT NO. _____ WK _____

OWNER _____ Cell _____

ADDRESS _____

CITY, STATE, ZIP _____

E-Mail _____

TYPE OF CRAFT: PLEASURE
 SKIFF (20 FEET OR UNDER)
 CATBOAT (20 FEET OR UNDER)
 SLOOP (20 FEET OR UNDER)
 OUTBOARD MOTOR BOAT (20 FEET OR UNDER)
 OTHER _____

I, the undersigned, do hereby make application for berthing facilities or space in the City of Pascagoula Inner Harbor on the above described watercraft, and agree to abide by the terms, conditions, and provision of Article II, Inner Harbor, of the Code of Ordinances of the City of Pascagoula governing and regulating the use of the said Inner Harbor, and I do hereby acknowledge receipt of a copy of Article II, informing me of such regulations.

WITNESS MY SIGNATURE THIS THE _____ DAY OF _____ 20____.

Signature (Owner, Master or Agent)

Witness _____

(FOR HARBOR MASTER USE ONLY)

DATE OF ARRIVAL _____ SLIP NO. _____

FEES COLLECTED \$ _____

FOR THE MONTH OF _____ (PAYABLE IN ADVANCE)

HARBOR MASTER

Sec. 94-41. – Area of the Inner Harbor defined; scope of article provisions.

- (a) The Inner Harbor shall comprise the submerged water bottoms of the body of water known as Yazoo Lake and the submerged water bottoms of the channel into such lake from East Pascagoula River and the publicly owned submerged water bottoms of all additions to Yazoo Lake which have been created by publicly financed dredging and all land adjacent to such submerged water bottoms subject to the ebb and flow of the tide which are below the watermark of mean low water. There is specifically excluded from this definition all water bottoms created on private land by private dredging, except for the channel into such lake from East Pascagoula River.
- (b) Every person owning, operating, leasing or exercising control of any watercraft in, and publicly owned watercraft in, and publicly owned watercraft facilities of, the Inner Harbor and the publicly owned grounds adjacent thereto shall be governed by and subject to the provisions of this article.

(Code 1967. §6-17)

Cross reference-Definitions generally, § 1-2.

Sec. 94-42. – Penalties for violation of article.

For the violation of any provision of this article, or any other applicable provision of this Code, the city may, in addition to the penalties prescribed by section 1-8, cancel the rent contract of any lessee of berth, slip, dockage or mooring space upon five days' notice in writing addressed to the lessee at his address as shown on application for space. Upon any cancellation, the lessee shall be entitled to a pro rata unearned rental.

(Code 1967. § 6-18)

Sec. 94-43. – Administration of article provisions.

The city manager is hereby charged with the administration of the provisions of this article.

(Code 1967. § 6-19)

Sec. 94-44. Report and registration upon arrival.

The master or owner of all incoming watercraft shall immediately, and in no event later than 24 hours after the arrival of such watercraft in the Inner Harbor, report the arrival of such watercraft to the city manager and register and arrange for berthing facilities therefor.

(Code 1967. § 6-20)

Sec. 94-45. Application for berth required; rent contract.

Before being assigned berthing facilities or space for any watercraft, the owner or master or duly authorized agents of the owner of any watercraft shall make application in writing for berthing facilities or space. Before the owner or master or any person in charge of any watercraft is permitted to occupy any berth, slip or docking space, there must have first been executed a rent contract therefor, in the form provided by the city.

(Code 1967. §6-21)

Sec. 94-46. – Rent contract not assignable.

The rent contract provided for in section 94-45 shall not be assignable and the space thereby rented may not be sublet or used by any watercraft other than the watercraft described in such contract while owned by the person shown in such contract to be the owner.

(Code 1967. § 6-22)

Sec. 94-47. - Rental to person in arrears.

No space shall be rented to any person who has failed to pay to the city all rental charge for space for any watercraft theretofore berthed, moored or docked in the Inner Harbor for which such person is or was liable, until such past due rent or charge by whatsoever name it was incurred is paid in full to the city.

(Code 1967. § 6-23)

Sec. 94-48. – Rates and charges for docking and mooring.

- (a) Established. The rental for docking a watercraft at the city dock of the Inner Harbor shall be \$3.00 per lineal foot of watercraft deck length (bow to stern) per month without regard to the time the watercraft is actually docked at such city dock.
- (b) Payment. All berths, slips or dockage space rented shall be payable monthly in advance and no watercraft shall occupy or utilize any berth, slip or dockage space until such rental has been paid pursuant to the rent contract, nor continue to use such space after the period for which the rent has been paid nor after the expiration of the term of the rent contract.
- (c) Declaration of lien. If any watercraft occupies any berth, slip or mooring space at any wharves or docks in the Inner Harbor without there first having been made application for space, and space having been allotted through execution of a rent contract, except in case of free time which may be granted a visiting yacht, or if the rental is not paid in advance on expiration of the original term, or any renewal term, of a rent contract which is renewable by payment of an additional month rent, there shall be a lien on the watercraft occupying such berth, slip or mooring space for not less than one month's rental regardless of the time such space be occupied.

(Code 1967 §§ 6-24—6-26: Ord. No. 6-2003, §1, 11-4-2003)

State law reference –Lien for dockage, wharfage or anchorage charges, MCA 1972. § 85-7-9

Sec. 94-49. – Minimum rental period.

No space for the berthing or docking of any watercraft at the facilities therefor in the Inner Harbor shall be rented for less than one month, except as otherwise specifically provided by this article.

(Code 1967. § 6-27)

Sec. 94-50. – Visiting craft.

All visiting watercraft shall be allowed free berthing or docking for 48 hours.

(Code 1967. § 6-28)

Sec. 94-51. – Termination of rent contract.

Any rent contract for the berthing or docking of watercraft at the Inner Harbor facilities may be terminated at any time by the city manager if it should develop that the rented space is subject to preemption by anyone.

(Code 1967. §6-29)

Sec. 94-52. – Cancellation of contract.

The sale, leasing, or transfer of title of any watercraft shall immediately cancel the rent contract by which space has been assigned for such watercraft and it shall be necessary for the new owner or lessee of such watercraft to make application for space and procure a rent contract for space within 48 hours after such sale, transfer of title, or leasing.

(Code 1967. § 6-30)

Sec. 94-53. – Changing berths.

No person, owner, master or operator shall transfer any watercraft from one berth, slip or docking space to another, except as a temporary emergency, or upon order or authorization of the city manager.

(Code 1967. § 6-31)

Sec. 94-54. – Number of boats per berth.

No person shall operate more than one boat from a single berth, slip or docking space, except one rowboat, unless so provided by the rent contract.

(Code 1967. § 6-32)

Sec. 94-55. – Use of city water.

Rental for boat slips shall include the provision of potable water from the city water system.
(Code 1967. § 6-33)

Sec. 94-56. – General cleanliness.

All docks adjacent to the berth, slip or dockage space occupied by any watercraft must be kept clean by the owner or operator thereof, and no fish, crabs, shrimp and refuse of any kind is to be thrown overboard into the Inner Harbor by any person.
(Code 1967. §6-34)

Sec. 94-57. – Supplies on dock.

No person shall leave any equipment, material or supplies on any dock and wharf in the Inner Harbor; provided, however, that the owner, master or operator of a watercraft renting space on a dock or wharf for berthing or mooring such watercraft may place supplies on the dock or wharf adjacent to the space rented for immediate transfer to such watercraft then docked or moored.
(Code 1967. § 6-35)

Sec. 94-58. – Unauthorized structures.

No person shall make any alterations or repairs to or attach or erect any sheds or structure, of any kind to or on any dock, wharf or grounds adjacent to the Inner Harbor, unless application therefor has been made in writing, in form sufficient to furnish all details to and permission therefor has been given by the city manager.
(Code 1967. § 6-36)

Sec. 94-59. – Unsightly, dangerous boats.

No watercraft of any kind whatsoever shall be given rented space or be permitted to moor or tie up to any place within the Inner Harbor which is of an unsightly appearance or in a badly deteriorated condition, which is likely to damage the docks or wharves or which might become a menace to navigation. Watercraft in such condition is hereby declared to be a public nuisance.
(Code 1967. § 6-37)

Sec. 94-60. – Liability for damage to facilities.

All persons injuring or damaging the docks or wharves and all persons owning watercraft which injure or damage the docks or wharves shall immediately reimburse the city in the amount equal to the cost of repairing such damage or injury to such docks or wharves. The city shall have a specific lien on any vessel or watercraft, its equipment and appurtenances, which shall damage the docks and wharves due to negligence in the operation or the handling of the watercraft.
(Code 1967. § 6-38)

Sec. 94-61. – Permanent anchors dead-men.

No person shall be permitted to sink or place any permanent anchor or dead-man in the Inner Harbor for the purpose of mooring without first securing the written permission of the city manager so to do, which permission may be revoked in writing on five days' notice given to the owner at the time permission was granted, addressed to him at the address given on the application made for permission to sink or place the permanent anchor or dead-men.
(Code 1967. § 6-39)

Sec. 94-62. – Repairs.

No person shall make any repairs to any watercraft while the watercraft is in the Inner Harbor, except minor repairs, without the written permission of the city manager. If such permission is given, all scrap material, parts and refuse shall be removed from the Inner Harbor property by the owner of the watercraft.
(Code 1967. § 6-40)

Sec. 94-63. – Selling articles.

No person shall solicit business or sell or offer for sale any article or commodities whatsoever on the docks, wharves or grounds adjacent to the Inner Harbor.

(Code 1967. § 6-41)

Sec. 94-64. - Tug, freight, commercial fishing boats.

No tug boats, freight boats, or commercial shrimping, fishing or oyster boats shall use the Inner Harbor for any purpose, except in the case of immediate emergency, and no such vessel shall enter the Inner Harbor except in case of breakdown, storm or other immediate necessity; provided, however, that the vessels prohibited by this section from using the harbor shall not include boats available for charter or for hire and used mainly in connection with recreational pursuits, nor passenger excursion boats.

(Code 1967. § 6-42)

Sec. 94-65. Operation of charter boats.

Charter boats may be operated only by the owner or his licensed master, except upon written permission from the city manager and in compliance with federal regulations.

(Code 1967. § 6-43)

Sec. 94-66. – House boats.

No house boats shall enter or remain in the Inner Harbor except yachting house boats that are power driven.

(Code 1967. § 6-44)

Sec. 94-67. - Transportation and use of gasoline.

No person shall transport, and no owner or master of any watercraft shall permit to be transported for use of his watercraft, any gasoline to or from any watercraft or dock, except by pipeline or in a closed container. In no event shall gasoline be transported to open buckets; and no gasoline shall be, in any matter, placed or stored on any dock or wharf except for immediate transfer into a yacht or vessel that is moored or berthed thereat.

(Code 1967. § 6-47)

Sec. 94-68. – Operation of boats.

- (a) Generally, No person shall operate any boat or watercraft in the Inner Harbor in a reckless or dangerous manner so as to endanger the lives or property of others.
- (b) Speed. No person shall operate any boat or watercraft in the Inner Harbor at a speed greater than five miles per hour.

(Code 1967. §§ 6-48 6-49)

Sec. 94-69. – Deposit of bilge and oil.

No bilge or oil shall be pumped, emptied, or deposited in the Inner Harbor.

(Code 1967. §6-51)

Sec. 94-70. – Equipment, material, and supplies.

No person shall leave any equipment, material, or supplies of any character upon or deposit the same upon the docks, wharves, parkways or grounds adjacent to the Inner Harbor except otherwise provided by this article.

(Code 1967. § 6-52)

Sec. 94-71. – Fishing with seines and trawls.

No person shall be permitted to fish with seines or trawls in the water of the Inner harbor.

(Code 1967. § 6-53)