

Minutes of Bay St. Louis Municipal Harbor Commission

Date: Tuesday, October 29, 2013

Location: Bay St. Louis Central Fire Station Training Room, 543 Main Street, Bay St. Louis

The meeting of the Bay St. Louis Municipal Harbor Commission convened at 3:00 p.m.

Commissioners Present: Chairman Lee Seal presiding, Vice Chairman Ken Barbor, Charles LaFleur, Chet LeBlanc, Rod Ward, J.P. Compretta, Chris Roth, Mike Hemsley, (alternate)

City Staff Present: Buz Olsen, Paula Fairconnetue

The meeting was called to order by Chairman Seal.

APPROVAL OF MINUTES

RE: October 22, 2013

Commissioner LaFleur moved, seconded by Commissioner Barbor, to approve the minutes of the October 22nd Harbor Commission meeting, as presented.

A VOTE WAS CALLED FOR WITH THE FOLLOWING RESPONSE:

Voting Yea: Seal, Barbor, LaFleur, LeBlanc, Ward, Compretta, Roth

Voting Nay: None

ORDINANCE DISCUSSION/RECOMMENDED CHANGES

Review Sec. 18-32 – Area division of the Harbor (Tabled)

The Commission reviewed the suggested area division of the harbor submitted by Commissioner LaFleur. The commissioners were not sure if a charter zone was needed or if there is enough demographics in the area to divide the harbor. However; division of the harbor would be beneficial for insurance or budgetary purposes. The commission agreed to table discussion on area division of the harbor until a later date.

Sec. 18-46 Number of boats per berth (no change)

Commissioner Seal suggested the idea of utilizing the larger 60' boat slips to moor two smaller vessels when the slips are vacant or available to give more flexibility on usage of the slips. This would require leaving out pilings on the larger boat slips to allow easy berthing of the smaller vessels.

During discussion, it was questioned if the commission has the authority to make the decision of leaving the pilings out or not.

Buz Olsen stated that the commission could make a recommendation on any area of the harbor, but the mayor and council would take their recommendation into consideration and make the final decision.

The Commissioners questioned using the slips in that manner and were not in complete agreement for various reasons, including it would not be an attractive option for the harbor, and without pilings the boats could possibly bump or wade against neighboring boats.

The commissioners requested an answer from Jason Chiniche on how long could the decision to place pilings in the larger slips be deferred.

Commissioner Seal suggested that perhaps one or two of the larger slips could be utilized for this purpose.

Sec. 18-47 Charges for utilities and auxiliary uses

Watercraft used as living quarters

1.) The commissioners discussed the rate, lease and length of stay for live aboards, and how live aboards could be good for the harbor, if implemented correctly. Live aboards could be helpful to security for harbor as well.

Commissioner Seal stated that the matter was discussed at a City Council meeting and they were not in favor of the live aboard idea. **(Further information needed on this section.)**

2.) **Advance payment; minimum term.** (no changes) All rent shall be payable in advance, and no berth, slip or space shall be rented for less than one month, except for overnight berthing.

3.) **Utility charge.** (Ruling needed from Rafferty on reselling electricity)

Sec. 18-48. Cleanliness and sanitation within the harbor and upon wharves and piers.

All docks adjacent to the berth, slip, or mooring or docking space occupied by any watercraft must be kept clean by its owner, lessee or master; and no fish, crabs, shrimp or refuse of any kind shall be thrown overboard in the municipal harbor; but all garbage, seafood wastes, oil sludge, refuse material, sewage and all other waste material of any kind shall be deposited in refuse containers provided for that purpose or if no such containers are available such materials shall be removed and disposed of by the owner or lessee; not shall bilge or oil, sewage, treated or untreated, be pumped, emptied or deposited in the municipal harbor. Owners, lessees, tenants and visiting boats with toilet facilities aboard with equipped sewage holding tanks and/or direct lines overboard will not be allowed to pump, drain and deposit sewage overboard in the harbor or in the open water in the immediate vicinity of the harbor facilities **and y-valve must be locked.** Boats with direct toilet sewage lines overboard shall not be allowed the use of their onboard toilet facilities in or around the harbor facilities, but restroom facilities are available at the harbor master's office or in portable sanitary facilities on the eastern side of the harbor facilities.

Sec. 18-49. Leaving supplies on dock prohibited (no change)

No person shall leave any equipment, material or supplies of any character upon or deposit them upon the docks, wharves, parkways, sidewalks or streets adjacent to the municipal harbor except as otherwise provided in this article.

(Eliminated original Sec. 18-50 Leaving supplies on adjacent property prohibited)

Sec. 18-50. Unauthorized alterations, repairs, signs prohibited. (no changes)

No person shall place, erect or construct any signs or make any alterations or repairs to or attach or erect any sheds or structures of any kind to or on any dock, wharf, berth, slip or ground adjacent to the municipal harbor unless application has been made in writing, in form sufficient to furnish all details to and permission has been given by the mayor and **city council.**

Sec. 18-51. Major repairs, alterations, additions to boats prohibited. (no changes)

No person shall make any major repairs to any watercraft while the watercraft is in the municipal harbor without the permission of the harbor master; and if such permission (whether for major or minor repairs, alterations or additions) is given, all scrap materials, parts and refuse shall be removed from the municipal harbor property by owner, lessee or master of the watercraft. Failure of such person to remove the scrap materials or refuse will result in the lessee's, owner's or master's being billed for the amount of the cleanup expenses, which will be added to the lessee's, owner's or master's next monthly billing.

Sec. 18-52. Dangerous or deteriorated condition of boats prohibited; boats in distress.

(Ask Rafferty to review last sentence)

- (a) No watercraft of any kind whatsoever which is in a ad state of repair, or in a badly deteriorated condition, or which is likely to damage the docks or wharves and/or wharves and/or which might become a menace to navigation shall be rented space or be permitted to moor or tie up to any space within the municipal harbor. A watercraft in such condition is declared to be a public nuisance.
- (b) If a watercraft becomes a public nuisance either because of its condition, **or partially sinks in the basin, the harbor master shall give written notice** to the owner or lessee, to require that the dangerous condition and/or public nuisance be corrected by the owner or lessee within seven days from the date of such notice, failing in which the city shall be entitled to take such steps which are necessary to remove such nuisance or to eliminate such danger and to charge the owner of the vessel or watercraft with such costs. If the danger and/or nuisance will not permit the delay of seven days, the city in its sole discretion shall have the power to take all action necessary and incidental and remove such danger and/or nuisance. Upon the filing of an application for a berth or slip in the harbor, the applicant or lessee shall execute boarding pass or authority in favor of the city in furtherance of the provisions contained in this section; but nothing contained in this section shall be construed to require or place a duty or liability upon the city to notify the owner or lessee of the watercraft of its condition or state of distress. In those cases where the owner or lessee cannot be determined or if notice is returned from the last known address of the owner or lessee, notice shall be given by posting such notice on the vessel or object involved and in two other public places, one of which shall be the city hall, notifying such owner or lessee of the hearing to e held before the city judge to determine whether the vessel or object should be removed at the owner's expense, the hearing to be no sooner than 14 days no later than 30 days from publication. If the city court determines that the object is a public nuisance and should be removed at the expense of the owner, a lien shall attach against that watercraft or object, to be enforced as other liens.

(Eliminated Original Sec. 18-54 – Beaching watercraft)

Sec. 18-53. Damages to facilities, liability. (no changes)

All person injuring or damaging the berths, slips, docks or wharves shall immediately reimburse the city in an amount equal to the cost to repair such damage or injury to the facilities. The city shall have a specific lien on any watercraft or vessel, its equipment and appurtenances, which shall damage the facilities.

Sec. 18-54. Temporary or permanent anchors.

- (a) Temporary anchorage within the open area of the municipal harbor may be permitted after first securing the written permission of the harbor master.
- (b) No person shall be permitted to permanently **sink or place** any permanent anchor or deadman in the municipal harbor for the purpose of mooring a watercraft.

Will pick up next week with Sec. 18-55. Misdemeanors or unlawful acts within harbor confines.

Commissioner Compretta requested that Mr. Rafferty review statutes of violations listed in this section.

MOTION TO ADJOURN

Commissioner Compretta moved, seconded by Commissioner Barbor, to adjourn the October 29th meeting, there being no further business to discuss.

A VOTE WAS CALLED FOR WITH THE FOLLOWING RESPONSE:

Voting Yea: Seal, Barbor, LaFleur, LeBlanc, Ward, Compretta, Roth

Voting Nay: None

Lee Seal, Chairman