

There came on for consideration at a duly constituted meeting of the Mayor and Members of the City Council of the City of Gulfport, Mississippi, held on the 7th day of November, 2017, the following Ordinance:

ORDINANCE NO. 2924

**AN ORDINANCE TO AMEND SECTION 2-218
OF THE CODE OF ORDINANCES OF
THE CITY OF GULFPORT, MISSISSIPPI, AND FOR RELATED PURPOSES**

WHEREAS, Hurricane Nate was the first tropical system to impact Gulfport since the enactment of new ordinances concerning the use and enjoyment of the Gulfport Municipal Marina (Gulfport Small Craft Harbor); and

WHEREAS, despite a mandatory order from the harbormaster to evacuate the Marina and remove all vessels from the Marina, several vessels remained in the Marina with the potential to cause damage to other boats, the Marina and its infrastructure and to persons who may be injured by uncontrolled vessels coming loose from their mooring as a result of wind, surge, waves and tide; and

WHEREAS, in order to provide for additional required posting locations and to provide penalties for those who fail to comply with a mandatory evacuation order beyond the liabilities currently stated in the applicable ordinance (Section 2-218 of the Code) intent of the statutory amendments, it is necessary to amend the applicable ordinance to establish such penalties.

WHEREAS, the City of Gulfport hereby finds that it is in the best interest of the City of Gulfport to amend Section 2-218 of the Code of Ordinance in order to provide for additional required posting locations and penalties to be imposed upon those who fail to comply with a mandatory order to evacuate all vessels from the Gulfport Municipal Marina.

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

SECTION 1. That the matters and things set forth in the above preamble are hereby accepted as stated as the findings of the Gulfport City Council.

SECTION 2. That Section 2-218 of the Code of Ordinances, shall be amended to read:

Section 2-218. – Severe weather and hurricane plan

Because severe weather may occur at any time, Marina Tenants must ensure their vessel is always appropriately prepared and secured to handle the potential onslaught of high winds, high tides, heavy rains, or all three at once. In the event of an approaching tropical system, Marina Tenants are reminded to monitor the National Weather Service and make prudent decisions regarding the evacuation of their boat from the Marina. In the event a tropical system is forecast to raise the seawater level in the Marina by at least four feet, and/or based on other advice from Harrison County Emergency Operation Center, the Harbormaster may order that all Marina Tenants evacuate the Marina and seek safer dockage for their

vessels. This order shall be prominently posted and updated on the City’s web page at www.gulfport-ms.gov and the Marina’s web page at www.gulfportmarina.com. Marina Tenants who fail to abide by any duly issued order to remove their vessel from the Marina will assume any and all liability and responsibility for said vessel and any damage it receives or any damage it may cause to city property or other vessels as a result of the storm’s impact on the Marina, and may be denied any future dockage privileges in the Marina. Further, Marina Tenants who fail to abide by any order to remove their vessel from the Marina (i.e., a mandatory evacuation of the Marina), shall be guilty of a misdemeanor and subject to a fine of up to \$1,000.00. Each day or part thereof that a vessel remains at the Marina after the evacuation deadline established in the evacuation order and before the order is lifted shall constitute a separate offense.

SECTION 3. All provisions of Chapter 2 of the Code of Ordinances of the City of Gulfport, Mississippi, not in conflict herewith shall remain in full force and effect as heretofore provided.

SECTION 4. This ordinance shall be in full force and effect thirty (30) days after the date of passage, except should it pass unanimously in which case the ordinance shall be in effect immediately upon its passage. It shall be published according to law and shall be spread on the minutes of the Gulfport City Council.

The above and foregoing Ordinance, after having been first reduced to writing and read by the Clerk, was introduced by Councilmember Pucheu, seconded by Councilmember Sharp, and was adopted by the following roll call vote:

YEAS:

- Casey
- Roland
- Holmes-Hines
- Walker
- Sharp
- Flowers
- Pucheu

NAYS:

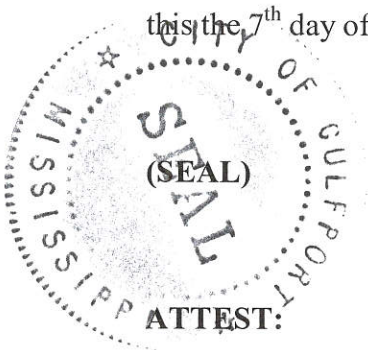
None

ABSENT:

None

WHEREUPON, the President declared the motion carried and the Ordinance adopted,

this the 7th day of November, 2017.



Ronda S. Cole

 Ronda S. Cole, Clerk of Council

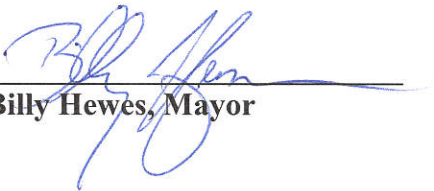
ADOPTED:

Rusty Walker

 F.B. “Rusty” Walker, IV, President

The above and foregoing Ordinance having been submitted to and approved by the Mayor, this the 8th day of November, 2017.

APPROVED:


Billy Hewes, Mayor