

**ORDINANCE NO. 1636**

**AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON**, relating to the monthly, seasonal, and annual moorage rates, amending DMMC 15.04.480 by adopting a new rate schedule and categories, adding a prepayment rate for 28 foot slips, reducing the prepayment discount for 20 and 24 foot slips, and setting an effective date of January 1, 2016.

**WHEREAS**, in December of 2009, the Des Moines City Council adopted Ordinance No. 1472 which set Marina Moorage Rates for 2010 and succeeding years, and

**WHEREAS**, Ordinance No. 1472 established Marina Moorage rates for years succeeding 2011 by indexing the 2010 rates to the Consumer Price Index, All Urban Consumers, Seattle-Tacoma-Bremerton, Washington Area, (commonly known as the "CPI"), and

**WHEREAS**, Ordinance No. 1503 established a discount for the prepayment of seasonal moorage subject to conditions, and

**WHEREAS**, the current system of calculating the prepayment discounts required Marina staff to measure the length of the vessel which has been time consuming and a strain on limited resources, and

**WHEREAS**, the prepayment discount can be streamlined by creating groups of moorage rates that apply to vessels within a range of lengths, and

**WHEREAS**, based on current revenues and demand, the Council finds that it is reasonable and appropriate to reduce the prepayment discount on 20 and 24 foot slips from 25 percent to 22.5 percent and to create a prepayment discount of 10 percent for 28 foot annual rate moorages; now therefore,

**THE CITY COUNCIL OF THE CITY OF DES MOINES ORDAINS AS FOLLOWS:**

**Sec. 1.** DMMC 15.04.480 and section 6(B) of Ordinance No. 466 as amended by section 1 of Ordinance No. 812 as amended by section 1 of Ordinance No. 1172 as amended by section 1 of Ordinance No. 1250 as amended by section 1 of Ordinance No. 1294 as amended by section 1 of Ordinance No. 1318 as amended by section 1 of Ordinance No. 1472 as amended by section 1 of Ordinance

No. 1503 as amended by section 1 of Ordinance No. 1590 is amended to read as follows:

**Marina charges and fees.**

(1) Monthly moorage rates for all slips shall be established as set forth below and as reflected on Appendix "A"\* of the Ordinance codified in this section which is incorporated by this reference. Dry shed storage rates for a boat of appropriate size and boating accessories shall be set in a standard monthly amount. Dry shed rates for storage of non-boating related items, household goods and the like, without a boat of appropriate size will be set at two times the rate for boat storage.

(a) The pre-payment discount for annual moorage in the 20- and 24-foot slips, both open and covered, is 22.5 percent, subject to the conditions set forth in the City of Des Moines Marina Rules and Regulations.

(b) The pre-payment discount for annual moorage in 28-foot slips, both open and covered, is 10 percent, subject to the conditions set forth in the City of Des Moines Marina Rules and Regulations.

(c) The pre-payment discount for seasonal moorage in the 20-, 24-, and 28-foot slips, both open and covered, is set at 15 percent, subject to the conditions set forth in the City of Des Moines Marina Rules and Regulations.

(d) Rates for all other goods and services shall be established by executive order of the City Manager and published at the office of the marina. Charges for continuing services and moorage fees are payable in advance and due on or before the tenth day of each month.

(2) Seasonal moorage rates for 20-, 24- and 28-foot slips at the Des Moines Marina will apply for new tenants signing moorage agreements after March

31st of any year and shall continue through October 31st of that year, at which time the rates shall revert to the regular posted rate and remain at that rate as long as the tenant retains their moorage.

(3) Effective January 1, 2016, annual moorage prepayment rates for 20-, 24-, and 28-foot slips will apply for any new or current tenant in those moorages that pays for one year's (12 months) moorage in advance. The moorage rate for annual tenants that terminate their moorage before the end of the 12-month period will be recalculated at the monthly rate before the balance, if any, is refunded.

(4) The baseline for rates for general moorage berths, seasonal rates in the 20-, 24-, and 28-foot slips, annual rates for the 20-, 24-, and 28-foot slips, and dry shed storage shall be as reflected on Appendix "A"\* of the Ordinance codified in this section which is incorporated herein by this reference. The baseline rates contained in Appendix "A" shall take effect January 1, 2016.

(5) Persons using the marina facilities shall pay in full all applicable state and federal taxes imposed by statute including the State Leasehold Excise Tax (chapter 82.29A RCW) as adopted by the city in Ordinance No. 387, passed by the city council April 15, 1976, and codified in chapter 3.72 DMMC as presently constituted or as may be subsequently amended.

(6) Persons using the marina facilities shall pay for all electricity and other utilities or services which shall be furnished to their berth at the established rates provided by the applicable schedule of rates posted by the City.

(7) Formula to Establish Future Rates. The baseline for rates for general moorage, annual moorage, and seasonal moorage in the 20-, 24- and 28-foot slips and dry shed storage shall be the rates

contained in Appendix "A"\* attached to this Ordinance and codified in this section. These rates will be used to calculate total moorage due as set forth in Marina Rules 5.0 and 5.2 on January 1, 2016. On the first day of January of each succeeding year, rates for all moorage berths and dry shed storage shall be established by application of the Consumer Price Index, All Urban Consumers, Seattle-Tacoma-Bremerton, Washington area, for the preceding 12-month period ending August 31st, published by the U.S. Department of Labor, Bureau of Labor Statistics (hereinafter, "CPI"). Rates to be effective on January 1, 2017, shall be established by multiplying the baseline rates contained in this section by the CPI percentage published for the period ending August 31, 2016, and adding the results to the baseline rate. In no event shall the amount added to the baseline rates be less than zero. Rates effective on the first day of January of each succeeding year shall be established by applying the CPI in a like manner to the rates of the previous year.

\*Appendix "A" attached to this Ordinance and codified in this section is on file in the City Clerk's office.

**Sec. 3. Severability - Construction.**

(1) If a section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

(2) If the provisions of this Ordinance are found to be inconsistent with other provisions of the Des Moines Municipal Code, this Ordinance is deemed to control.

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**Sec. 4. Effective date.** This Ordinance shall take effect and be in full force five (5) days after its final passage by the Des Moines City Council.

**PASSED BY** the City Council of the City of Des Moines this 19th day of November, 2015 and signed in authentication thereof this 19th day of November, 2015.

  
MAYOR

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney

ATTEST:

  
\_\_\_\_\_  
City Clerk

Published: November 24, 2015

Appendix "A"

**Ordinance 1636**

Effective January 1, 2016, the following baseline rates, exclusive of any applicable tax, shall be charged for facilities and services at the Des Moines Marina:

**A. General Moorage Rates**

Per lineal foot per month. Total monthly moorage charges are calculated by the method described in Rule No. 5.2 found in the City of Des Moines Marina - Rules and Regulations handbook.

<b>SLIP SIZE</b>	<b>OPEN</b>	<b>COVERED</b>
20 Foot	\$6.31	\$7.84
24 Foot	\$7.07	\$8.99
28 Foot	\$7.33	\$9.74
32 Foot	\$8.01	\$10.37
36 Foot	\$8.49	\$11.81
40 Foot	\$9.07	\$12.53
50 Foot	\$10.25	\$14.69
54 Foot	\$10.25	N/A
62 Foot	\$10.63	N/A

**B. Seasonal Moorage Rates**

Total monthly moorage charges for seasonal moorage will be as shown in the following table.

<b>SLIP SIZE</b>	<b>OPEN</b>	<b>COVERED</b>
20-23 Foot	\$215.97	\$269.56
24-27 Foot	\$282.96	\$358.29
28-31 Foot	\$324.88	\$411.37

**C. Prepayment Rates**

Per lineal foot per month. Total monthly annual moorage charges are calculated by the method described in Rule No. 5.2 found in the City of Des Moines Marina - Rules and Regulations handbook. Prepaid seasonal rates are calculated using the Prepaid Seasonal Rates table below.

**Prepaid Annual Rates - (12 month minimum)**

SLIP SIZE	OPEN	COVERED
20	\$4.89	\$6.08
24	\$5.48	\$6.97
28	\$6.60	\$8.77

Moorage rates for tenants that terminate before the end of the 12 month minimum period will revert to the monthly rates posted in A. General Moorage Rates.

**Prepaid Seasonal Rates - (5 month minimum)**

SLIP SIZE	OPEN	COVERED
20-23	\$183.57	\$229.13
24-27	\$240.52	\$304.55
28-31	\$276.15	\$349.66

Moorage rates for seasonal tenants that terminate before the end of the 5 month minimum period will revert to the monthly rates posted in B. Seasonal Moorage Rates.

**D.** Overhang shall be pro-rated. Any portion of a foot shall be considered a full foot.

**E.** The Dry Shed Storage baseline rate shall be \$200.00 per month, as of January 1, 2016. The Dry Shed Storage Baseline rate for sheds used to store exclusively non-boating related items or household goods without a boat of appropriate size shall be \$400.00 per month, as of January 1, 2016. (The appropriate use for the

Dry Sheds is described in Rule 7.2 of the City of Des Moines Marina Rules and Regulations.

**F.** Rates for all other goods and services shall be as established by executive order of the City Manager and published at the office of the Des Moines Marina.

LEGAL NOTICE  
SUMMARY OF ADOPTED ORDINANCE  
CITY OF DES MOINES

ORDINANCE NO. 1636, Adopted November 19, 2015.

DESCRIPTION OF MAIN POINTS OF THE ORDINANCE:

This Ordinance relates to the monthly, seasonal, and annual moorage rates, amends DMMC 15.04.480 by adopting a new rate schedule and categories, adds a prepayment rate for 28 foot slips, reduces the prepayment discount for 20 and 24 foot slips, and sets an effective date of January 1, 2016.

The full text of the Ordinance will be mailed without cost upon request.

Bonnie Wilkins  
City Clerk

Published: November 24, 2015