

**ORDINANCE NO. 1503**

**AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON** relating to monthly, seasonal, and annual moorage rates for general berths at the Des Moines Marina, amending DMMC 15.04.480, establishing annual moorage rates for tenants paying for one year's (12 months) moorage in advance, amending seasonal monthly moorage rates, and setting an effective date.

**WHEREAS**, in 2009, the City Council passed Ordinance No. 1472 establishing seasonal monthly moorage rates for 20- and 24-foot berths, and

**WHEREAS**, since the vacancy rate for 28-foot covered moorage is about ten percent (10%) in the off season, the City Council believes that adding a seasonal rate for 28-foot covered berths would recover lost off season revenue, and

**WHEREAS**, the City Council finds that adding a prepaid annual rate for 20- and 24-foot slips would encourage seasonal users to keep their moorage year-round, and

**WHEREAS**, the Des Moines City Council finds that the successful execution of the Marina Master Plan depends on a stable and predictable rate structure, and

**WHEREAS**, the Des Moines City Council further finds that it should reserve the right to modify moorage rates by resolution if fiscal and economic conditions require it to do so; 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. 166 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 to read as follows:

**Marina charges and fees.**

(1) Monthly moorage rates and seasonal monthly moorage rates for the 20-, 24-, and 28-foot slips, both open and covered, shall be established on the basis of the lineal footage of the berth, whether the berth is open or covered. Overhang shall be prorated and any portion of a foot shall be considered a full foot. Dry shed storage rates shall be set in a standard monthly amount. 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 February 1, 2011, annual moorage rates for 20- and 24-foot slips will apply for any new or current tenant in those moorages that pays for one (1) year's (12 months) moorage in advance. The moorage rate for annual tenants that terminate their moorage before the end of the twelve- (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- and 24-foot moorages, and dry shed storage shall be as reflected on Appendix "A," which is incorporated herein by this reference. The baseline rates contained in Appendix "A" shall take effect February 1, 2011.

(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 3.28 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 his 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" of the ordinance. These rates will be used to calculate total moorage due as set forth in Marina Rules 6.0, 6.2 and 6.3 on February 1, 2010. On the first day of February of each succeeding year, rates for general 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 February 1, 2011, shall be established by multiplying the baseline rates contained in this section by the CPI percentage

published for the period ending August 31, 2010, 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 February of each succeeding year shall be established by applying the CPI in a like manner to the rates of the previous year.

**Sec. 2. 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.

**Sec. 3. Effective date.** This ordinance shall take effect and be in full force five (5) days after its passage, approval, and publication in accordance with law.

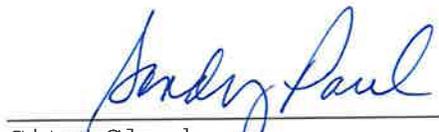
**PASSED BY** the City Council of the City of Des Moines this 27th day of February, 2011 and signed in authentication thereof this 27th day of February, 2011.

  
M A Y O R

APPROVED AS TO FORM:

  
Assistant City Attorney

ATTEST:

  
City Clerk

Published: February 2, 2011

Appendix "A"

**Ordinance No. 1503**

Effective February 1, 2011, 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. 6.2 and Rule No. 8.0 found in the City of Des Moines Marina - Rules & Regulations handbook.

<b>SLIP SIZE</b>	<b>OPEN</b>	<b>COVERED</b>
20 Foot	\$5.70	\$7.09
24 Foot	\$6.39	\$8.13
28 Foot	\$6.63	\$8.78
32 Foot	\$7.24	\$9.38
36 Foot	\$7.68	\$10.68
40 Foot	\$8.20	\$11.33
50 Foot	\$9.26	\$13.29
54 Foot	\$9.26	N/A
62 Foot	\$9.55	N/A

**B. Seasonal Moorage Rates**

Per lineal foot per month. Total monthly moorage charges are calculated by the method described in Rule No. 6.2 and Rule No. 8.0 found in the City of Des Moines Marina - Rules & Regulations handbook.

<b>SLIP SIZE</b>	<b>OPEN</b>	<b>COVERED</b>
20 Foot	\$8.40	\$10.50
24 Foot	\$9.38	\$11.88
28 Foot	\$9.38	\$11.88

**C. Annual Moorage Rates**

Per lineal foot per month when paid annually for twelve (12) months moorage in advance.

<b>SLIP SIZE</b>	<b>OPEN</b>	<b>COVERED</b>
20 Foot	\$4.30	\$5.35
24 Foot	\$4.79	\$6.13

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

**E.** Dry Shed Storage baseline rates shall be \$163.34 per month, as of February 1, 2010.

**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. 1503, Adopted February 27, 2011.

DESCRIPTION OF MAIN POINTS OF THE ORDINANCE:

This ordinance relates to monthly, seasonal, and annual moorage rates for general berths at the Des Moines Marina, amends DMMC 15.04.480 establishing annual moorage rates for tenants paying for one year's (12 months) moorage in advance, amends seasonal monthly moorage rates, and sets an effective date.

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

Sandy Paul, CMC  
City Clerk

Published: February 2, 2011