

CITY OF HOMER
HOMER, ALASKA

ORDINANCE 86 - 9(S)

AN ORDINANCE AMENDING TITLE 10, PORT AND HARBORS, OF THE HOMER CITY CODE, CREATING CHAPTER 10.16, PORT RULES AND REGULATIONS; CREATING CHAPTER 10.18, PORT TARIFF RATES AND REGULATIONS.

WHEREAS, to establish by City ordinance a port tariff, by incorporating the Port of Homer Terminal Tariff No. 6, dated January 1, 1976, into a City Ordinance;

WHEREAS, the City of Homer has appointed a Rate Tariff Task Force to study and prepare recommendations to establish rates and tariffs for the Homer Port, Fish Dock, and Harbor;

WHEREAS, the Homer City Council has accepted the Rate Tariff Task Force recommendations and has agreed to begin implementation of the recommendations;

NOW THEREFORE, the City of Homer Ordains:

The amendment of Title 10, PORT AND HARBORS, by creating Chapter 10.16, PORT RULES AND REGULATIONS which shall read:

Chapter 10.16

PORT RULES AND REGULATIONS

Sections:

10.16.010	Short title.
10.16.020	Scope--Administrative powers.
10.16.030	Acceptance of rules.
10.16.040	Advance charges.
10.16.050	Berthing assignment.
10.16.060	Delays, Waiver of charges.
10.16.070	Liability for loss or damage limited.
10.16.080	Responsibility for property damage.
10.16.090	Prepayment of charges.
10.16.100	Definitions of terminal services.
10.16.110	Manifests required.
10.16.120	Charges, from whom collected.
10.16.140	Right to furnish Labor, Services, & Equipment.
10.16.150	Right to sell for unpaid charges.
10.16.160	Right to refuse/remove freight, owner's risk.
10.16.170	Freight in transit.
10.16.180	Acceptance and handling of livestock.
10.16.190	Tax Assessments.
10.16.200	Storage.
10.16.210	Use of barge loading ramp.
10.16.220	Use of beaches under City control.
10.16.230	Dockage period and berth occupancy.

10.16.010 Short Title. This chapter shall constitute the PORT Code of the City, and may be cited as such.

10.16.020 Scope--Administrative Powers. This chapter shall be deemed an exercise of the powers of the City Council for the protection, safeguarding, berthing, freight handling, control of vessels, and for the protection and general welfare of the public, and all of its provisions shall be liberally construed for the accomplishment of the purpose. The City, through its properly appointed representatives, shall have the authority to board any vessel utilizing the harbor or port facilities for the purpose of enforcing this chapter.

10.16.030 Acceptance of Rules. The use of wharf or facilities shall be deemed an acceptance of this ordinance and the terms and conditions herein.

10.16.040 Advance Charges. No advance charges will be paid except those which are normally applicable in the transportation of freight (such as freighting charges, storage charges, if the storage was performed while articles were in transit, drayage charges, terminal and freight forwarding charges). No part of the cost of the articles shipped or received will be paid.

10.16.050 Berthing Assignment. Berth assignment is granted only after prior application. The Port of Homer reserves the right to order vacation of premises or shift of vessel.

10.16.060 Delays, Waiver in Charges. Delays in loading, unloading, receiving, delivering or handling freight arising from combinations, riots, or strikes of any person in the employ of the terminal operator, will not entitle owners, shippers, consignee, or carriers of freight to waiver of wharf, terminal and/or advance charges.

10.16.070 Liability for Loss or Damages Limited. The Port of Homer will not be responsible for any loss or damage caused by fire, frost, heat, dampness, leakage, the elements, evaporation, natural shrinkage, waste or decay, animals, rats, mice, or other rodents, moths, weevil, or other insects, leakage or discharge from fire protection systems, collapse of buildings or structures; breakdown of plant or machinery or equipment, or by floats, logs or piling required in breasting vessels away from wharf, nor will it be answerable for any loss, damage or delay arising from insufficient notification or from war, insurrection, or shortage of labor, combination, strikes or riots of any person in its employ or in the service of others or from any consequences arising therefrom.

10.16.080 Responsibility for Property Damage. a. Users of Port of Homer property will be required to maintain same in an orderly manner as directed by the Port of Homer. If user does not properly clean property used, the Port of Homer shall order the work performed and the user will be billed for actual man hours at a rate of thirty dollars (\$30.00) per hour.

b. Users damaging Port of Homer property will be responsible for costs of repairs. Users will be billed for repairs to damaged property at cost plus a fee of 25% for administrative costs. Salvageable materials, resulting from damages, will remain the property of the Port of Homer.

c. Any and all ships, large or small, will be held responsible for any and all damage that may be done to the dock either in landing, departing, or when laying at the dock.

10.16.090 Prepayment of Charges. Right is reserved by the Port of Homer to require prepayment of all charges on perishable freight or freight of doubtful value, and on all household goods (not new), emigrants's movables personal effects, livestock and ore samples.

10.16.100 Definitions of Terminal Services. a. DOCKAGE. The charge assessed against a vessel for berthing at a wharf, pier, bulkhead structure, or for mooring to a vessel so berthed. (Dockage charges do not include tying-up and casting-off service).

b. WHARFAGE. A charge assessed against the cargo or vessel on all cargo passing or conveyed over, onto, or under wharves or between vessels (to or from barge, lighter, or water), when berthed at wharf or when moored in slip adjacent to wharf. Wharfage is solely the charge for the use of wharf and does not include charges for any other service.

1. Freight loaded or discharged overside a vessel directly to or from another vessel, barge, lighter, raft, or to or from the water while vessel is berthed at wharf or moored in wharf slip, shall be assessed one-half the wharfage rates provided.

2. Wharfage on freight which is transshipped to another vessel at the same terminal at which it is received from a vessel is assessed full wharfage on the inbound movement and one-half wharfage on outward movement.

c. HANDLING. Handling charges are the charges assessed against freight for handling freight between place of rest on wharf and ship's slings. Handling charges are also applicable on shipments loaded or discharged overside of vessel from or to a barge or lighter which require handling of barge or lighter to or from ship's slings.

d. FREE TIME. The specific period during which cargo may occupy space assigned to it on terminal property free of wharf demurrage charges immediately prior to the loading or subsequent to the discharge of such cargo on or off the vessel.

e. WHARF DEMURRAGE. A charge assessed against cargo remaining in or on terminal facilities after the expiration of free time without prearranged storage.

f. DELIVERY. Delivery of cargo shall consist only in making it available to the consignee in order that he may conveniently remove it from the wharf.

10.16.110 Manifests Required. Owner, agents, operators or masters of vessels will furnish the Port of Homer with complete copy of manifest showing all cargo loaded or discharged at terminal. In bound manifest will be furnished prior to or concurrent with vessel arrival, outbound manifest will be furnished prior to or concurrent with vessel departure. In lieu of manifests, freight bills containing all information as required above may be accepted.

10.16.120 Charges, from whom Collected. a. All charges named in this ordinance will be assessed against freight, and when not absorbed by the ocean and/or connecting carrier are due from the owner, shipper, or consignee of the freight. Charges of which the vessels, its owners or agent have been apprised, will be collected from and payment of same must be guaranteed by the vessel, its owners or agents of vessels. Owners and agents of vessels, if and when permitted to make their own deliveries of freight from wharf, will be held responsible for payment of any charges against freight delivered by them and accruing to the terminal.

b. Vessels, their owners, agents, masters, and shippers or consignees of goods docking at or using the facilities covered by the tariff policy thereby agree to be responsible, jointly and severally, for the payments of charges assessed in accordance with this tariff. Rates, rules and regulations of this tariff and liability for charges apply without regard to the provisions of any bills of lading, charter party agreements, contracts or any other conflicting provisions.

c. All charges for services rendered by the Port of Homer or for the use of terminal facilities, are due and payable in United States currency as they accrue upon completion of such services or uses. Failure to pay invoice when presented shall place the name of the vessel, its owners or agents or other user of the facilities upon a Delinquent List and action shall be taken in accordance with City of Homer Credit Policy. Port of Homer may request payment of charges in advance as follows:

1. For all charges to the vessel from its owners or agents before a vessel commences its loading or discharging.

2. For all charges to the cargo, from a vessel owner, shipper or consignee before the cargo leaves the custody of the terminal.

3. For all charges on perishable goods or freight of doubtful value, or household goods.

4. For all charges to the cargo and vessel if its owner, agents or other users of Port of Homer are placed on the Delinquent List. Any terminal user still owing on account after the 45th day after the date of billing will be denied future use of the port or dock facilities until the outstanding account is paid.

5. The Port of Homer will not accept charges that include the cost of value of merchandise or articles being shipped, nor be responsible in any way for such C. O. D. or Sight Draft shipments.

6. Rates named herein do not include charges for loading or unloading, or delivery to or from consignees vehicles, van, vessels, or other conveyances, except at the terminal's convenience.

10.16.140 Right to Furnish Labor, Services, and Equipment. Right is reserved by the Port of Homer to furnish all labor, equipment, supplies, and materials and to perform all services in connection with the operation of the terminal under rates and conditions named herein.

10.16.150 Right to Sell for Unpaid Charges. Freight on which unpaid terminal charges and advances have accrued may be sold to satisfy such charges and costs. Freight of a perishable nature or of a nature liable to damage other freight may be sold at public or private auction without advertising, providing the owner has been given proper notice to pay charges and remove said freight, and has neglected or failed to comply.

10.16.160 Right to Refuse/Remove Freight, Owner's Risk. a. Right is reserved by the Port of Homer to refuse to accept, receive, or unload or to permit any vessel to discharge:

1. Freight for which previous arrangements for space, receiving, unloading or handling has not been made by shipper, consignee or carrier.

2. Freight deemed extra offensive, perishable or hazardous.

3. Freight, the value of which may be determined as less than the probable terminal charges.

4. Freight, not packed in packages or containers suitable for standing the ordinary handling incident to its transportation. Such freight, however, may be repacked or reconditioned at discretion of Port of Homer and all expense, loss or damage incident thereto shall be for the account of the cargo.

b. Hazardous or offensive freight which by its nature is liable to damage other freight, may be immediately removed to other locations or receptacles with all expense and risk for loss or damage for the account of the owner, shipper, or agent or consignee.

1. Freight which, in the judgement of the Port Authority, may hamper normal operations of wharf or terminal.

2. Freight remaining after expiration of free time, and freight shut out at clearance of vessel may be piled or repiled to make space, transferred to other locations or receptacles or removed to public or private warehouse with all expense and risk of loss or damage for account of the owner, shipper, consignee, agent, or carrier as responsibility may appear.

c. Right is reserved by Port of Homer to withhold delivery of freight until all accrued terminal charges and/or advances against said freight have been paid in full. At Port of Homer discretion any or all of such freight may be placed in public or private warehouse with all cost of removal and subsequent handling and storage for the account of the owner of the freight.

d. The acceptance, handling or storage of hazardous materials, as established by the Department of Transportation Hazardous Materials Commodity List shall be subject to special arrangements with Port of Homer and governed by rules and regulations of federal, state and local authorities.

e. All freight will be accepted only at owners risk:

10.16.170 Freight in transit. Discharges on wharf for transshipment to points beyond and reloaded by vessel of same line for delivery to final destination will be charged half wharfage and handling for each movement.

10.16.180 Acceptance and Handling of Livestock. The acceptance and handling of livestock shall be subject to special arrangements with the Port of Homer and governed by rules and regulations of the federal, state and local government.

10.16.190 Tax Assessments. a. All tax assessments levied (income tax excepted) by the federal government and/or State of Alaska and its subdivisions, will be charged to the owner, consignee or shipper.

10.16.200 Storage. a. All charges for storage are on a month to month basis unless otherwise provided. Charges for any particular lot shall begin at the receipt of the first unit of that particular lot in store and shall continue and include the storage month during which the last unit of the particular lot is removed from storage. Charges shall be made on the basis of the maximum number of units in any particular lot in store during storage month. All charges for storage are due on the first day of a storage month, and all other charges are due when incurred.

b. A storage month shall extend from a date in one calendar month to, but not including, the same date of the next and all succeeding calendar months. Less than one month storage will be charged for full month.

c. Stored goods are not insured nor do storage rates include insurance.

d. The Port of Homer retains the privilege of refusal to store any and all items.

10.16.210 Use of Barge Loading Ramp. a. Use of the Barge Loading Ramp by will be at the discretion of the Port of Homer.

b. Clearing of debris, ice and snow from the ramp area will be at the users expense.

c. Track vehicles or vehicles with cleated treads must use proper materials and equipment to protect the ramp.

10.16.220 Use of Beaches Under City Control. Use of beaches under City control for commercial uses, i.e. barge landing, will be at the discretion of and under the control of Port of Homer. Users will comply with all federal, state and local laws and regulations. Clean up of area will be at users expense.

10.16.230 Dockage Period and Berth Occupancy. a. Dockage shall commence when a vessel is made fast to a wharf, pier, or other facility, or when a vessel is moored to another vessel so berthed and shall continue until such vessel is completely freed from and vacated the berth. No deductions will be made for Sundays or Holidays.

b. Vessels may occupy a berth, subject to charges, providing such vessel shall vacate the berth upon demand by the Port Authority or his authorized representative. Vessels refusing to vacate berth on demand may be moved by tug or otherwise, and any expenses, damages to vessel or to other vessels or wharf structures during such removal shall be charged to the vessel so moved. Vessel at berth engaged in loading or discharging cargo may be required to work overtime at the discretion of the Port of Homer. Overtime differentials shall be for the account of the vessel's owners, agents, or operators.

The amendment of Title 10, PORT AND HARBORS, by creating Chapter 10.18, PORT TARIFF RATES AND REGULATIONS which shall read:

Chapter 10.18

PORT TARIFF RATES AND REGULATIONS

Sections:

10.18.010	Short title.
10.18.020	Abandoned items on docks.
10.18.030	Labor performed by port employees.
10.18.040	Free time.
10.18.050	Alaska Marine Highway
10.18.060	Hazardous Materials
10.18.070	Livestock
10.18.080	Dockage of vessel.
10.18.090	Gear free from wharfage charges.
10.18.100	Water furnished to vessel
10.18.110	Cargo handling
10.18.120	Rates when not provided herein.
10.18.130	Storage
10.18.140	Barge Loading Ramp.
10.18.150	Service charges.
10.18.160	Wharf demurrage.
10.18.170	Minimum billing.
10.18.180	Wharfage on boats.
10.18.190	Wharfage on freight NOS.
10.18.200	Minimum wharfage.
10.18.210	Fuel wharfage.
10.18.220	Log, Wooden.

10.18.010 Short Title. This chapter shall constitute the PORT TARIFF Code of the City, and may be cited as such.

10.18.020 Abandoned Items on Docks. a. Items abandoned or left unaccompanied on the main dock or the fish dock are subject to impound. Free time regulations do not apply to fish dock.

10.18.030 Labor Performed by Port Employees. a. Labor performed by port employees, not covered under other sections, will be at the rate of thirty dollars (\$30.00) per hour.

10.18.040 Free Time. a. Free time not to exceed two (2) days on local freight, and two (2) days on in transit freight will be allowed.

10.18.050 Alaska Marine Highway. a. Alaska Marine Highway vessels will be charged for services according to existing labor agreements. Commodity rates do not apply to the vessels or traffic being loaded thereon. Special services for customers of the A. M. H. will be charged to the customers according to the rates established herein.

10.18.060 Hazardous Materials. a. Hazardous materials, as established by the Department of Transportation Hazardous Materials Commodity List, will be charged wharfage at the rate of forty cents (\$.40), per hundred pounds, or fractions thereof at locations designated by U. S. Coast Guard permit.

b. Hazardous materials must be handled according to all federal, state and local laws and regulations.

10.18.070 Livestock. a. The consignee must be present and furnish all specialized labor and equipment to handle said stock.

b. The rates for said stock shall be as follows:

Horses, mules, cattle, hogs, sheep, goats, and all other livestock: each \$6.00
Fowl of and kind, crated: per crate \$6.00

10.18.080 Dockage of Vessel. a. There are no docking charges on the inner harbor for vessels involved in fisheries related commerce.

b. Dockage on the Main Dock will be charged per landing. Rates are as follows:

0-100 feet	\$ 50.00
100- 250 G.T.	\$ 75.00
251- 500 G.T.	\$100.00
501-1000 G.T.	\$150.00
1001-2000 G.T.	\$200.00
2001-3000 G.T.	\$225.00

10.18.090 Gear Free from Wharfage Charges. Fishing gear, crab pots, crab racks, shrimp pots, being loaded onto a fishing boat for the purpose of being placed in the water to catch product, when the product and the gear will be returned over Port of Homer docks, will be held free of wharfage charges.

10.18.100 Water Furnished to Vessels. The following charges in dollars will be made for furnishing water to vessels berthed at terminals subject to this tariff:

- a.
 1. One hundred twenty-five dollars (\$125.00) for the first 5,000 gallons.
 2. Five dollars (\$ 5.00) per 1,000 gallons over the first 5,000 gallons.
- b.
 1. If city personnel (non-longshoremen) are required to connect and/or disconnect hoses, a minimum of \$30.00 will be made per connect or disconnect.
 2. If city personnel are required (non-longshoremen), after normal business hours, to connect and/or disconnect hoses, a minimum of \$45.00 plus 25 % will be charged per connect or disconnect.

10.18.110 Cargo Handling. Cargo handling will be longshore costs plus 25% administrative fee.

10.18.120 Rates When Not Provided Herein. When services are performed by the Port of Homer, its employees or agents, for which no specific rates are set forth in this tariff, or when reference is made to this Item, charges for such service shall be the man-hour rates (non-longshoremen), provided in section 10.18.030. Charges for materials furnished in connection with said services will be assessed at cost, plus 15%.

10.18.130 Storage. Storage is charged at the following rates, in cents per month. The City Manager will have the authority to enter into negotiated contract rates for nonfishing gear storage for periods of six months or more. A minimum charge of \$10.00 in any area.

Open areas, fishing gear	\$.06 per square foot
Open areas, nonfishing gear	\$.10 per square foot
Fenced storage yard	\$.15 per square foot

10.18.140 Barge Loading Ramp. Charges for use of the barge loading ramp shall be seventy-five (\$75.00) per landing:

10.18.150 Service Charges. Service charges to vessels docking at the main dock to handle refuse, laundry, groceries, personnel, and/or personal items, not loading other cargo, will be \$25.00 per landing. This is in lieu of wharfage rates on these items.

10.18.160 Wharf Demurrage. Wharf demurrage shall be at a rate of .05 cents per cubic foot per day.

10.18.170 Minimum Billing. Minimum billing on any invoice will be \$10.00.

10.18.180 Wharfage on Boats. Fishing boats, pleasure craft, skiffs, dinghies and other boats moved over the docks will be charged at the following rates:

Up to & including 20 ft. L.O.A.	\$10.00 each
Over 20 ft. L.O.A.	\$ 1.00 per lineal foot.

10.18.190 Wharfage Rates on Freight NOS. Freight, not otherwise specified will be charged at the rate of 20 cents per one hundred pounds.

10.18.200 Minimum Wharfage. Minimum wharfage on any shipment will be \$10.00.

10.18.210 Fuel Wharfage. Charges of \$.005 per gallon for fuel dispensed over city property will be assessed.

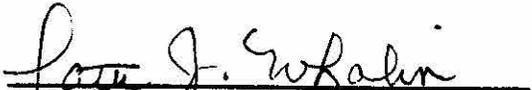
10.18.220 Logs Wooden. Logs, in lots of 250,000 feet board measure, outbound only:

- a. Per 1,000 feet board measure, \$1.32
- b. In absence of foot board measure on bill of lading, 3 pounds will equal one (1) foot board measures.

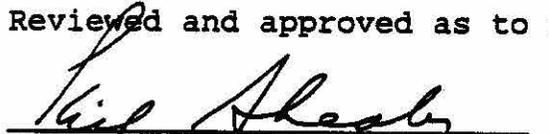
CITY OF HOMER

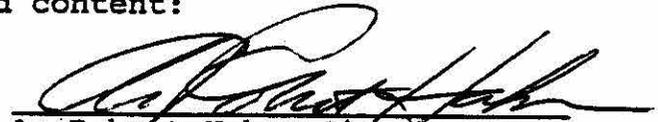

John P. Calhoun, Mayor

ATTEST:


Patti J. Whalin, City Clerk

Reviewed and approved as to form and content:


Phil G. Shealy, City Manager


A. Robert Hahn, City Attorney

Date 5/14/86

Date 5-16-86

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Second Reading 4/28/86

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