

PORT OF HOMER TERMINAL TARIFF NO. 600

Terminal Tariff No. 600
Filed under ATFI Rules



Issued by City of Homer
Phone 907.235.3160 Fax 907.235.3152
Or Visit our Website at
<http://www.cityofhomer-ak.gov/port>
4350 Homer Spit Road
Homer, Alaska 99603

Naming, Rates, Charges, Rules and Regulations
For
Wharfage, Terminal Storage, Demurrage
And
Other Terminal Services and Privileges Defined Herein
At Port of Homer Municipal Terminals
Located at Homer, Alaska

Issued: January 1, 2016

Effective: January 1, 2016

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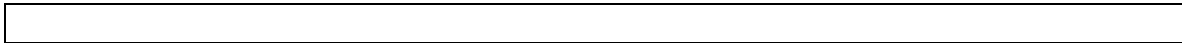
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RULE: 01 -- SCOPE (I)

EFF: 31OCT1994

NOT APPLICABLE

RULE: 02 -- APPLICATION OF RATES AND CHARGES (I)

EFF: 31OCT1994

NOT APPLICABLE

RULE: 03 -- RATE APPLICABILITY RULE (I)

EFF: 31OCT1994

NOT APPLICABLE

RULE: 04 -- HEAVY LIFT (I)

EFF: 31OCT1994

NOT APPLICABLE

RULE: 05 -- EXTRA LENGTH (I)

EFF: 31OCT1994

NOT APPLICABLE

RULE: 06 -- MINIMUM BILL OF LADING CHARGES (I)

EFF: 31OCT1994

NOT APPLICABLE

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RULE: 07 -- PAYMENT OF FREIGHT CHARGES (I)

EFF: 31OCT1994

NOT APPLICABLE

RULE: 08 -- BILL(S) OF LADING (I)

EFF: 31OCT1994

NOT APPLICABLE

RULE: 09 -- FREIGHT FORWARDER COMPENSATION (I)

EFF: 31OCT1994

NOT APPLICABLE

RULE: 10 -- SURCHARGES AND ARBITRARIES (I)

EFF: 31OCT1994

NOT APPLICABLE

RULE: 11 -- MINIMUM QUANTITY RATES (I)

EFF: 31OCT1994

NOT APPLICABLE

RULE: 12 -- AD VALOREM RATES (I)

EFF: 31OCT1994

NOT APPLICABLE

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RULE: 13 -- TRANSSHIPMENT (I)

EFF: 31OCT1994

NOT APPLICABLE

RULE: 14 -- CO-LOADING IN FOREIGN COMMERCE (I)

EFF: 31OCT1994

NOT APPLICABLE

RULE: 15 -- OPEN RATES IN FOREIGN COMMERCE (I)

EFF: 31OCT1994

NOT APPLICABLE

RULE: 16 -- HAZARDOUS CARGO (I)

EFF: 31OCT1994

NOT APPLICABLE

RULE: 17 -- GREENSALTED HIDES IN FOREIGN COMMERCE (I)

EFF: 31OCT1994

NOT APPLICABLE

RULE: 18 -- RETURNED CARGO IN FOREIGN COMMERCE (I)

EFF: 31OCT1994

NOT APPLICABLE

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RULE: 19 -- SHIPPER'S REQUESTS IN FOREIGN COMMERCE (I)

EFF: 31OCT1994

NOT APPLICABLE

RULE: 20 -- OVERCHARGE CLAIMS (I)

EFF: 31OCT1994

NOT APPLICABLE

RULE: 21 -- USE OF CARRIER EQUIPMENT (I)

EFF: 31OCT1994

NOT APPLICABLE

RULE: 22 -- AUTOMOBILE RATES IN DOMESTIC OFFSHORE COMMERCE (I)

EFF: 31OCT1994

NOT APPLICABLE

RULE: 23 -- CARRIER TERMINAL RULES AND CHARGES (I)

EFF: 31OCT1994

NOT APPLICABLE

RULE: 24 -- NVOCCS IN FOREIGN COMMERCE: BONDS AND AGENTS (I)

EFF: 31OCT1994

NOT APPLICABLE

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RULE: 25 -- CERTIFICATION OF SHIPPER STATUS IN FOREIGN COMMERCE (I)

EFF: 31OCT1994

NOT APPLICABLE

RULE: 26 -- TIME/VOLUME RATES IN FOREIGN COMMERCE (I)

EFF: 31OCT1994

NOT APPLICABLE

RULE: 27 -- LOYALTY CONTRACTS IN FOREIGN COMMERCE (I)

EFF: 31OCT1994

NOT APPLICABLE

RULE: 28 -- DEFINITIONS (I)

EFF: 31OCT1994

NOT APPLICABLE

RULE: 29 -- SYMBOLS (I)

EFF: 31OCT1994

NOT APPLICABLE

RULE: 30 -- ACCESS TO TARIFF INFORMATION (I)

EFF: 31OCT1994

NOT APPLICABLE

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RULE: 31 -- SEASONAL DISCONTINUANCE (I)

EFF: 31OCT1994

NOT APPLICABLE

RULE: 32 -- MILITARY CARGO TERMS (I)

EFF: 31OCT1994

NOT APPLICABLE

RULE: 33 -- PROJECT RATES (I)

EFF: 31OCT1994

NOT APPLICABLE

RULE: 34 -- TERMINAL TARIFFS (I)

EFF: 31OCT1994

For application of individual charges, consult the sub-rules contained herein.

RULE: 34.1 -- SCOPE (C)

EFF: 15SEPT1995

SECTION I

SCOPE:

The rules, regulations, conditions, commodity rates and/or charges set forth in this tariff apply to or from the following terminal(s)

NAME

ADDRESS

PORT OF HOMER

4350 HOMER SPIT ROAD
HOMER, ALASKA 99603

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RULE: 34.2 -- ABBREVIATIONS, SYMBOLS, DEFINITIONS (C)

EFF: 01JAN2002

SUBSECTION 100

Abbreviations:

B.M.	- Board Measure	L.C.L.	- Less than Carload/ Container Load
Bbl.	- Barrel	Ldg.	- Loading
Bdl.	- Bundle	Lgth.	- Length
B.D.U.	- Bone Dry Unit	M.B.M.	- 1,000 ft Board Measure
Cs.	- Case; ctn-carton crt-crate	Meas.	- Measurement
C.L.	- Carload	Min.	- Minimum
C.T.	- Cubic Ton of 40/ Cu.ft.	MISC.	- Miscellaneous
Cu. Ft.	- Cubic Foot or Feet	N.O.S.	- Not Otherwise Specified
Dkg.	- Dockage	Par.	- Paragraph
Ea.	- Each	Pkg.	- Package
F	- Fahrenheit	S.T.	- Weight by Short Ton of 2,000 lb.
F.F.	- Folded Flat	S.U.	- Set-Up
F.M.C.	- Federal Maritime	Sq. Ft.	- Square Foot/Feet
Gals.	- Gallons	Stg.	- Storage
Hdlg.	- Handling	Term'l	- Terminal
Inc.	- Including, Inclusive or Incorporated	U.S.	- United States of America
K.D.	- Knocked Down	W/M	- Weight Ton of 2,000 Pounds or Cubic Ton of 40 cu.ft.
K.D.F.	- Knocked Down Flat	W.R.	- Warehouse Receipt
		Yd.	- Yard

Symbols:

(A) Denotes Increase	(E) Denotes Expiration
(C) Denotes Change in Wording which results in neither increase nor decrease in rates of charges	(R) Denotes Reduction
(I) Denotes New or Initial Matter	(N) Denotes Reissued Matter
	(G) Denotes General Increase or Decrease

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RULE 34.2 - ABBREVIATIONS, SYMBOLS, DEFINITIONS
(continued)

DEFINITIONS:

(a) DEFINITIONS OF FEDERAL MARITIME COMMISSION MAY CONTROL:

Unless provided in this Tariff, applicable definitions set forth in 46 C.F.R. shall control.

(b) BEAM:

For the purpose of this Tariff, "beam" means greatest width of the vessel, including booms, spars, gins, or any fixed extensions.

(c) CITY DOCKS:

The city docks of the City of Homer include all docks, floats, stalls, wharves, ramps, piers, bulkheads, and sea walls owned or operated by the City of Homer including the Deep Water Dock, the Wood and Steel tidal grids, the Main (Ferry) Dock, Fish Dock, and beaches within the boundaries of the City of Homer.

(d) DERELICT:

For the purpose of this Tariff, "derelict" means any vessel moored or otherwise located within the boundaries of the Homer Harbor which is forsaken, abandoned, deserted or cast away, which by appearance gives evidence of being forsaken, abandoned, deserted or cast away, or which in the opinion of any recognized marine surveyor is unsound, unseaworthy and unfit for its trade or occupation and which by any substantial evidence of neglect may be considered abandoned.

(e) FLOAT; FLOAT SYSTEM:

Those portions of the city docks located within the Homer Port that rise and fall with the tide including the pilings, ramps, ladders, and utility connections.

(f) HOLIDAYS:

Whenever in this Tariff reference is made to holidays the following are included:

New Year's Day	Washington's Birthday
Seward's Day	Memorial Day
Independence Day	Labor Day
Alaska Day	Veteran's Day
Thanksgiving Day	Christmas Day
Day after Thanksgiving	

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RULE: 34.2 - ABBREVIATIONS, SYMBOLS, DEFINITIONS
(continued)

(g) HOMER HARBOR:

For the purpose of this Tariff, “Homer Harbor” shall mean all salt water or tide water laying within the boundaries of the City, including that area known as the Small Boat Harbor.

(h) LENGTH:

For the purpose of this Tariff, “length” means the overall length (OAL) as measured from the furthestmost forward position including booms, spars, gins or any fixed extensions, to the further most after portion of the vessel including the booms, spars, gins or any fixed extensions.

(i) OPERATOR:

For the purpose of this Tariff, “operator” means any lessee of a vessel, and master or captain who has actual physical use, control and/or possession of a vessel and who is in the employ of, or who has a contractual relationship with the owner.

(j) OWNER:

For the purpose of this Tariff, “owner” means the individual, partnership or corporation holding legal title to the vessel.

(k) POINT OF REST STAGING AREA:

“Point of Rest Staging Area” is defined as that area on the terminal facility which is assigned for the receipt of inbound cargo from the vessel and which inbound cargo may be delivered to the consignee, and that area which is assigned for the receipt of outbound cargo from shippers for vessel loading.

(l) REGISTRATION:

“Registration” means completing a moorage or use agreement with all necessary information concerning the vessel and vessel owner, indicating type an duration of service required, and full payment of all applicable fees and charges.

(m) RESERVED MOORING:

“Reserved Mooring” means having a specific assigned stall the use of which, after payment of reserved mooring fees, takes precedence over the use of the stall by any other vessel.

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RULE: 34.2 - ABBREVIATIONS, SYMBOLS, DEFINITIONS
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(n) STALL:

A berthing location within the float system of the Homer Port and Harbor. A stall does not include the float or finger of the float; only the space between or adjacent to it.

(o) SMALL BOAT HARBOR:

“Small Boat Harbor” means that area of water protected by breakwaters constructed by the federal government and by the line of the mean higher high water of the shoreline of the area protected by breakwaters, including docks, floats, berths, tidal grids and other mooring facilities as operated by the City.

(p) TERMINAL FACILITIES:

Terminal Facilities include the two (2) City docks which are the Deep Water Dock and the Pioneer (Ferry) Dock the Fish Dock within the Small Boat Harbor and associated equipment, offices, warehouses. Storage space, roads, paved areas, water banks, beaches and shorelines under the management and control of the City of Homer.

(q) TRANSIENT:

“Transient” means any vessel using the mooring space on a temporary basis or which does not have a specific reserved mooring space.

(r) “VESSEL” DEFINED:

Whenever reference is made to a “vessel” in the Tariff, the term shall mean any boat, motor boat, ship, aircraft when waterborne, boathouse, floats, scows, rafts, pile drivers, or any floating structure or object used for recreational, or any other purpose upon the waterways, or moored at any place in any waterway within the boundaries of the City.

(s) WATERWAY:

“Waterway” means any water, waterway, lake, river, tributary or lagoon within the boundaries of the City.

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RULE: 34.2 - NOTICE TO THE PUBLIC (C)

EFF: 21DEC1999

SECTION 1

This Tariff is published and filed under the Federal Maritime Commission Automated Tariff Filing Information System as required by law and is; therefore, notice to the public, shippers, consignees and carriers, that the rates, rules and charges apply to all traffic for which contract rates have not been arranged.

In addition to the Port and Harbor Tariff, the public, shippers, consignees and carriers using City of Homer facilities should consult and be aware that the City of Homer Code of Ordinances, including but not limited to Chapter 5 (Fire Prevention), Chapter 5.14 and 21 (Utilities including Garbage, Refuse, Water and Sewage) and Chapter 10 (Ports and Harbors), all as amended, apply and govern where not specifically provided otherwise in this Tariff.

RULE: 34.4 - APPLICATION OF TARIFF (C)

EFF: 01JAN2002

SUBSECTION 105

(a) GENERAL APPLICATION OF TARIFF:

Rates, charges, rules and regulations provided in this Tariff will apply to persons and vessels using certain terminal facilities under jurisdictional control of the City of Homer and located within the harbor bounded by the City of Homer with the Small Boat Harbor entrance located at latitude 59 36'15" N and longitude 151 24'48" W and specifically to docks, appurtenant structures thereto, and waterways under the management of the City of Homer. Special terms and conditions exist for the dock operations by the State of Alaska, Alaska Marine Highway System, for operations of the State Ferry System on the Pioneer Dock and for the dock operations by a contractor engaged in chip storage and loading operations on or in the vicinity of Deep Water Dock.

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RULE: 34.4 - APPLICATION OF TARIFF
(continued)

(b) TARIFF EFFECTIVE:

Rates, charges, rules and regulations named in this Tariff and any additions, revisions, or supplements thereto shall apply to all vessels or users and to all freight received at facilities subject to the Tariff on and after the effective date of revisions, or supplements thereto. Unless otherwise specified all transit freight received at terminal and undelivered prior to effective dates of Tariff, revisions, or supplements thereto shall be charged the rates in effect on the date such freight was received until entire lot or shipment has been withdrawn.

(c) ACCEPTANCE OF TARIFF:

Use of the city docks and terminal facilities of the City shall be deemed acceptance of this Tariff and the terms and conditions named herein.

(d) RESERVATION OF AGREEMENT RIGHTS:

Right is reserved by the City of Homer to enter into agreement with carriers, shippers, consignees, and/or their agents concerning rates and services, providing, such agreements are consistent with existing local, state and federal law governing the civil and business relations of all parties concerned.

(e) COMPLIANCE WITH CONDITIONS OF BERTHING:

Use of city docks and terminal facilities and the acceptance of services shall comply with any additional Conditions of Berthing set forth in subsection 310 contained herein.

RULE: 34.5 - APPLICATION OF RATES (C)

EFF: 27DEC2000

SUBSECTION 110

Except as otherwise provided herein, rates apply per short ton which is 2,000 lbs., or per 40 cu.ft. as rated by ocean carriers, or per 1,000 feet board measure, or 42 gallons per barrel of bulk petroleum products corrected to 60 F. net, or 376 lbs. per barrel of bulk cement, or per bone dry wood chips as rated by ocean carrier.

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RULE: 34.5 - APPLICATION OF RATES
(continued)

Rates provided for commodities herein are specific and may not be applied by analogy. If rates are not provided for specific commodities, rates to be applied are those established for "Freight N.O.S."

All rates in this Tariff except daily and seasonal load and launch ramp fees will have combined Borough and City sales tax applied. The resulting figure will be rounded to the nearest quarter dollar for billing purposes. The load and launch ramp daily and seasonal fees are both inclusive Borough and City sales taxes for ease of collection at the Iron Ranger and toll booth at the load and launch ramp.

These revisions are effective upon filing with the Federal Maritime Commission as an amendment to the Homer Port and Harbor Tariff.

RULE: 34.6 - INSURANCE (C)

EFF: 15SEP1995

SUBSECTION 115

Rates named in the Tariff do not include insurance of any kind. The City of Homer shall be under no obligation to provide any insurance of any type for any vessel, cargo, or liability arising out of use of the city docks or terminal facilities. If the City does acquire any such insurance, the charges for that insurance shall be in addition to the dockage and wharfage fees described in this Tariff.

RULE: 34.7 - RESPONSIBILITY FOR COLLECTION AND GUARANTEE OF CHARGES (C)

EFF: 01JAN2002

SUBSECTION 120

(a) RESPONSIBILITY FOR CHARGES:

The vessel, its owner or agents, shippers or consignees, and the owner of cargo on the vessel shall be jointly and severally responsible for payment of charges named herein and such payment responsibility applies without regard to the provisions of bills of lading, charter party agreements, contracts or other conflicting provisions.

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RULE: 34.7 - RESPONSIBILITY FOR COLLECTION AND GUARANTEE OF
(continued) CHARGES

(b) PREPAYMENT, TIME OF PREPAYMENT, ACCEPTABLE SECURITY:

All charges for services rendered by the Port or for the use of terminal, dock and harbor facilities are due and payable in United States currency as they accrue upon completion of such services or uses. Failure to pay an invoice when due shall render the account delinquent and subject to legal collection efforts. In his sole discretion, the Harbormaster may require payment in advance of any or all charges prior to rendering services or granting use of terminal, dock or harbor service.

(c) CHARGES ON DELINQUENT ACCOUNTS:

All invoices, except for damages to City of Homer property will be declared delinquent 45 days after billing date (statement date) and will be charged interest at the rate of 10.5% per annum (.875% per month). All accounts delinquent 90 days after billing date will be assessed a \$250 administrative fee.

RULE: 34.8 - LIABILITY FOR LOSS OR DAMAGE AND INDEMNITY (I)

EFF: 15SEP1995

SUBSECTION 125

(a) RESPONSIBILITY LIMITED

No person other than employees of the holders of authorized Terminal Use Permits of Fish Dock Use Permits shall be permitted to perform any services on the wharves or docks, on in any other terminal facility of the City of Homer, except on written authorization of the Harbormaster. The City of Homer, its employees and agents, shall not be liable for the injury of persons on city docks, or terminal facilities, nor shall they be liable for any loss, damage or theft occasioned by e such persons' presence of the city docks, or terminal facilities, except that the City of Homer shall be liable for any portion of loss or damage that is directly caused by its own negligence.

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RULE: 34.8 - LIABILITY FOR LOSS OR DAMAGE AND INDEMNITY
(continued)

The City of Homer, its employees and agents, are not responsible for loss or damage caused by fire, frost, heat, dampness leakage, weather damage, 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 protection systems, breakage of plant or machinery or equipment, or by floats or logs, piling or camel logs required in breasting vessels away from wharf; nor will they be answerable for any loss, or damage, or delay arising from insurrection, shortage of labor, combinations, riots or strikes of any persons in their employ or in the service of others, or from any consequences arising therefrom, except the City of Homer shall be liable for any portion of loss or damage that is directly caused by its own negligence.

(b) INDEMNITY:

User, vessel, vessel owner and its agents, shippers or consignees shall indemnify and hold harmless the City of against any and all claims arising from any breach or default in performance of any obligation to such parties to be performed under the terms of this Tariff or arising from any act or omission of said parties for all costs, attorneys' fees, expenses and liabilities incurred in the defense of any such claims, action or proceeding brought against the City of Homer except for those caused by the City's own negligence.

(c) OWNER'S RISK:

All of the following shall be at the owner's risk except for those damages caused by the City's own negligence:

- (1) glass, liquids and fragile articles will be accepted only at owner's risk for breakage, leakage or chafing;
- (2) freight on open ground is at owner's risk for loss or damage;
- (3) freight subject to freezing will be accepted only at owner's risk; and

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RULE: 34.8 - LIABILITY FOR LOSS OR DAMAGE AND INDEMNITY
(continued)

- (4) all water craft, moored in the Harbor or berthed at Port Facilities, are at owner's risk for loss or damage. This includes vessels, if and when permitted by the Harbormaster or his authorized agent moored alongside of vessels.
- (d) LIMITS OF LIABILITY:
No provisions contained in this tariff shall limit or relieve the Port of Homer from liability for its own negligence nor require any person, vessel or lessee to indemnify or hold harmless the Port of Homer from liability for its own negligence.

RULE: 34.9 - RIGHTS OF THE CITY OF HOMER (C)

EFF: 21DEC1999

SUBSECTION 130
SUBJECT TO SUBRULE 34.8 (d)

Without in any way limiting the general authority of the City of Homer, the City shall have the following powers:

- (a) ACCESS TO HARBOR OR PORT FACILITIES:
The City shall at all times have the right to refuse the use of any city dock or terminal or harbor facility by any person, equipment materials or vessel or to remove any vessel or, person or cargo at any time from any city dock or terminal, or harbor facility. This right shall be reserved at all times to the City without responsibility for demurrage, loss or damage when:
 - (1) previous arrangements for berthing, space, receiving or unloading have not been made with the Harbormaster; or
 - (2) the vessel is unsafe or hazardous and may pose risk to life or property; or
 - (3) the value of the vessel, in the opinion of the Harbormaster is less than the probable service charges and other charges to its use of the city dock or terminal, or harbor facility; or

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RULE: 34.9 - RIGHTS OF THE CITY OF HOMER
(continued)

- (4) during periods of congestion, or in cases of emergency, when, in the judgment of the Harbormaster, the circumstances the prevailing or likely to occur will prevent the city docks or terminal, or harbor facilities, or any portion of them from providing customary services to the public.

For vessels that may be hazardous or become a menace to other vessels, their occupants, or city facilities, the Harbormaster or City Manager may require an operator or owner of a vessel to furnish evidence that there is currently in effect liability insurance in an amount satisfactory to the City by filing a certificate of insurance or other satisfactory evidence signed by an agent or officer of the insurance company and stating the effectiveness and expiration date thereof. (HCC 10.04.110(b))

(b) RIGHT TO REFUSE CARGO:

In his discretion the Harbormaster shall at all times have the right to refuse to accept, receive or unload, or to permit a vessel to discharge:

- (1) Cargo for which previous arrangements for space, receiving, unloading or handling have not been made with the Harbormaster by shipper, consignee or vessel.
- (2) Cargo not suitably packed for safe transportation.
- (3) Cargo, deemed by the Harbormaster in the reasonable exercise of his discretion, that is offensive, perishable or hazardous. Hazardous cargo must have been prepared for shipment in accordance with the applicable Department of Transportation regulations (including 49 C.F.R. Parts 171-179).
- (4) Cargo, deemed by the Harbormaster in the reasonable exercise of his discretion, which may be less in value than the probable service charges and other charges related to it.

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- (5) Cargo, deemed by the Harbormaster in the reasonable exercise of his discretion, which may have circumstances then prevailing or likely to occur that will prevent the city docks, or terminal or harbor facilities, or any portion of them, from providing customary service to the public during a period of congestion or in cases of emergency.

(c) RIGHT TO SCHEDULE VESSELS AND CARGO:

In his discretion, the Harbormaster shall at all times have the right to schedule access to any harbor or port facility by any person or vessel, or to remove any person, vessel, or cargo at any time from any city dock or terminal facility in order to provide for efficient operation of the city docks or terminal facilities and promote the objectives of the City of Homer as set forth in the Homer Code or as adopted by the City Council of City of Homer.

(d) RIGHT TO REMOVE, TRANSFER OR WAREHOUSE CARGO:

- (1) Hazardous or offensive cargo. In his discretion, the Harbormaster shall at all times have the right to immediately remove all hazardous or offensive cargo, or cargo, which by its nature, is liable to damage other cargo or city dock, terminal or harbor facilities. The cargo may be removed from its present location or any other location with all expenses and risk of loss or damage to be charged to the account of the owner, shipper, or consignee.
- (2) Cargo beyond free time. Any cargo remaining on city dock, terminal, or harbor facilities after expiration of any free time, may be removed to public warehouses, and all expenses of removal and risk of loss or damage shall be charged to the account of the owner, shipper, consignee or vessel as responsibility may appear on shipping documents, manifests or other sources.

(e) RIGHT TO WITHHOLD DELIVERY OF FREIGHT:

Right is reserved by the City of Homer to withhold delivery of freight until all accrued charges and/or advances against said freight have been paid in full. At the Harbormaster's discretion, any or all of such freight may be placed in public or private storage and all costs of removal and subsequent handling and storage shall be charged to the account of the owner of the freight.

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(f) RIGHT TO SELL FOR UNPAID CHARGES:

Freight on which unpaid terminal, dock or harbor charges have accrued may be sold to satisfy such charges and costs; provided, such sale has been publicly advertised. Freight of a perishable nature or of a nature liable to damage other freight may be sold at public or private sale without advertising; provided owner has been given proper notice to pay charges and to remove said freight and has neglected or failed to do so within a prescribed reasonable time.

(g) EXPLOSIVES:

The City of Homer shall allow the acceptance, handling or storage of explosives within the confines of the Port and Homer Small Boat Harbor.

- (1) Hazardous materials, as established by the Department of Transportation Hazardous Materials Commodity List, will be charged wharfage at a rate of forty cents per hundred pounds, or fraction thereof, at locations designated for loading, unloading, or staging by U.S. Coast Guard permit.
- (2) Hazardous materials must be handled according to all federal , state, and local laws and regulations.

(h) RIGHT TO REMOVE, TRANSFER, OR REARRANGE VESSELS:

- (1) Hazardous vessels or vessels with hazardous cargo. In his discretion, the Harbormaster shall at all times have the right to immediately remove any hazardous or offensive vessel, or any vessel containing hazardous cargo, or any vessel or one containing cargo, which by it's nature, is liable to damage other vessels, or other cargo, or harbor or port facilities.

The vessel may be removed from its present location to any other location and all expenses and risk of loss or damage shall be charged to the account of the owner, shipper, vessel or consignee.

- (2) Vessel beyond free time. Any vessel remaining at city dock, terminal or harbor facilities after expiration of any applicable free time, may be removed to any other public or private facility, and all expenses of removal and risk of loss or damage shall be charged to the account of the owner, shipper, consignee, or vessel.

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- (3) Movements of vessels to reduce congestion, or maximize services. In his discretion, the Harbormaster shall at all times have the right to move or rearrange any vessel from its present location to any other location in order to reduce congestion within or on the terminal, the docks or the harbor to prevent disruption of customary services to the public.

(i) RIGHT TO REMOVE MATERIALS OR EQUIPMENT FROM CITY DOCK
TERMINAL OR HARBOR FACILITIES

Any materials, equipment, trash, or other items left on or about any city dock, terminal or harbor facilities may be removed by the Harbormaster at any time with all expenses of removal and risk of loss or damage charged to the account of the vessel that last occupied the facility, or the owner, shipper, consignee or vessel as responsibility may appear on shipping documents, manifests, or other sources.

(j) RIGHT TO IMPOUND AND DISPOSE OF VESSEL:

- (1) Impoundment of vessels for violations. The Harbormaster is authorized to impound any vessel in or on the Homer Harbor, terminal, or dock facilities whose owner or operator is not aboard and which is not properly identified by name and/or number; or any vessel in violation of any provisions of this tariff; or any vessel whose owner or operator has not paid the stall license fee or any other fee or charge due the City for the vessel by the due date of such fee or charge and such fee or charge is thirty days past due; or any vessel which is unsafe and whose owner or operator has failed to remove it after notice. The Harbormaster may impound a vessel by immobilizing it or removing or having it removed from the water and placed in City or commercial storage with all expenses and risk of haul-out and storage to be borne by the owner of such vessel.
- (2) The owner or operator of any vessel impounded by the City shall be subject to and liable for storage charge and shall be subject to and liable for all costs incurred by the City by reason of impounding or removal.
- (3) The procedure for impoundment, including notice and pre-impoundment hearing are set forth in 10.04.120 of the Homer City Code.

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(k) RIGHT TO REMOVE AND DISPOSE OF NUISANCES.

The City retains the right to abate and remove nuisances including vessels which are derelicts and unfit and unseaworthy or which are maintained in such manner as to make them liable to sinking for lack of being pumped or other maintenance. The provisions of Homer City Code 10.04.130, govern the declaration and abatement of nuisances including vessels, refuse and debris.

RULE: 34.10 - SHIPPERS REQUESTS AND COMPLAINTS (I)

EFF: 15SEP1995

SUBSECTION 135

Requests and complaints may be made by any shipper, vessel, or vessel agent by filing a written statement with: Harbormaster, 4350 Homer Spit Road, Homer, Alaska, 99603, or by facsimile, number (907) 235-3152.

RULE: 34.11 - DELAYS NO WAIVER OF CHARGES (C)

EFF: 15DEC1999

SUBSECTION 140

Delays which may be occasioned in loading, unloading, receiving or delivering freight, or the berthing of vessels as a result of harbor, terminal or dock congestion, equipment failure or breakdown, or combinations, riots or strikes of any persons in the employ of the City of Homer or others, or arising from any other cause not reasonably within the control of the City of Homer, will not excuse the owners, shippers, consignees or carriers of the freight or vessel from full wharf demurrage, berthing or other terminal, dock or harbor charges or expenses which may be incurred under conditions stated herein.

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RULE: 34.12 - MANIFESTS REQUIRED OF VESSELS (C)

EFF: 15DEC1999

SUBSECTION 145

Masters, owners, agents or operators of vessels are required to furnish the City of Homer with complete copies of vessel's manifests showing the name of consignees or consignors and the weights or measurements of all freight loaded or discharged at the docks terminal or harbor facilities of the City of Homer. Such manifests must be certified as correct by an authorized official of the company and must also designate the base weight or measurement on which ocean freight was assessed. In lieu of manifests, freight bills containing all information as required above may be accepted.

RULE: 34.13 - MOORAGE IN HARBOR (C)

EFF: 01JAN2006

SUBSECTION 150

(a) ASSIGNMENT OF MOORAGE:

The Homer Port and Harbor is often congested and it is the policy of the City of Homer to provide for the maximum public use of available facilities. The Harbormaster shall have discretion to implement that policy.

Mooring assignments to particular stalls on the City of Homer float system are made by the Harbormaster and subject to charges named in Subrule 34.18 Subsection 200. Mooring assignments are made to a particular combination vessel and owner/operator are not assignable by the owner/operator, and automatically expire upon the sale or transfer of the vessel to another owner/operator unless stall assignee places a newly acquired or replacement vessel of permitted size in the stall as per approved request made to Harbormaster and upon payment of the \$25.00 fee to cover administrative costs of changing the boat in the reserved stall. A mooring assignment is not a lease or an exclusive right to occupy any particular stall. In order to maximize the public's use of existing facilities it is common for the Harbormaster to temporarily assign vessels to stalls normally used by another vessel when that vessel is out of the harbor.

Individuals who have a reserved stall may request a change in reserved stall assignment by completing the Swap List Request Form upon payment of the required \$25.00 Swap List Fee.

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This fee is neither refundable nor creditable to the reserved stall holder or the reserved stall account. The Harbormaster shall place the reserved stall change request on the swap list on the swap list on a first-come, first-served basis.

As a condition precedent to securing moorage space, each applicant shall, in writing, agree to the terms and conditions of the moorage agreement provided by the Port and Harbor of the City of Homer. Providing false or misleading information on the moorage agreement is grounds for immediate termination of the moorage agreement.

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No long term (more than 3 consecutive months) live-aboard situation is permitted in the harbor without Harbormaster's approval in writing after an evaluation of the sanitary, service and congestion problems that may be a result of such arrangement.

A stall, on becoming available, shall promptly be made available to the next applicant from the top of the appropriate waiting list, as provided herein. The applicant may be assigned to an available stall upon completion and execution of the moorage agreement, payment of the appropriate moorage fee, and providing proof satisfactory to the Harbormaster of vessel ownership or agreement to operate or intent to obtain a vessel within one year. In the latter case, the moorage agreement will not be renewed without showing satisfactory proof of vessel ownership. If an applicant does not want to sign a moorage agreement within the time prescribed by the Harbormaster, after being offered a stall, he will be placed at the bottom of the waiting list.

The reserved stall is personal to the individual named as owner or operator on the moorage agreement. The stall is reserved only with respect to the vessel indicated on the moorage agreement. If the vessel is not in the reserved stall, the Harbormaster may, at his discretion assign a transient vessel to the reserve stall. Neither the owner nor operator is entitled to payment for or reimbursement from the use of the reserved stall by the transient vessel.

No person may sell, lease, transfer or assign a moorage agreement for the use or control of the assigned stall to any other person or entity, or otherwise charge another person for the use of a stall. The City has the sole control of the assignment, transfer and use of the individual stalls. In the event of a sale, lease, transfer or assignment of a moorage agreement prohibited by this section, the Harbormaster shall revoke the moorage agreement after 10 days' written notice to the holder of the moorage agreement.

No Bed & Breakfast, lodging business, coffee shops or sandwich shops, cafes or similar types of businesses are allowed on boats in the harbor due to the potential of increased congestion and/or liabilities to the City and impact on services capability in the harbor.

A stall user who no longer has possession, control or custody of the vessel or loses the vessel to fire, sinking or other casualty may continue to pay moorage fees with respect to the stall and retain reserved use for a period of not more than one year from the date of sale, transfer or loss of possession of the vessel so long as he has replaced the vessel with another vessel

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of appropriate size for the stall assigned within such one-year period and paid the \$25.00 administrative fee for changing the boat assigned to this reserved stall. Otherwise, the moorage agreement expires. Failure of the owner or operator to give notice in writing to the Harbormaster of the sale, assignment, transfer or loss of use, control and/or possession of a vessel occupying a reserved moorage space within fifteen days of the loss or transfer is grounds for immediate termination of the moorage agreement.

Any person acquiring a vessel or any interest therein, or acquiring any interest in a corporation, partnership, or other entity owning a vessel or any interest therein, shall not thereby acquire any other right under a moorage agreement, or any right to use an assigned stall.

Upon the death of any reserved stall user, reserved mooring privileges shall be transferred to the surviving spouse, son or daughter upon written request to the Harbormaster.

(b) WAITING LIST FOR RESERVED STALL ASSIGNMENT:

Due to the scarcity of stalls on the City of Homer float system, vessels will be assigned a permanent reserved stall based on seniority position on waiting lists maintained by the Harbormaster's office. Separate waiting lists shall be maintained for the following size floats stalls:

- 18 feet
- 20 feet
- 24 feet
- 32 feet
- 40 feet
- 50 feet
- 75 feet

The Harbormaster shall place applicants on the waiting list on a first-come, first-serve basis only upon receipt of all requested information and payment of the annual waiting list fee. The annual waiting list fee will be accepted only from the individual whose name appears on the waiting list.

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The fee is neither refundable nor creditable to berth lessee. An applicant or existing reserved shall licensee may be placed on one or more of these lists. An applicant need not own or operate a vessel to be placed on the waiting list.

Upon the death of an applicant, the applicant's rank on the waiting list shall be transferred to the surviving spouse, son or daughter upon written request to the Harbormaster.

An applicant shall notify the Harbormaster in writing of any change of address or telephone number(s) immediately. Any individual, partnership, corporation or governmental agency may apply for use of a reserved stall. All applicants, except government agencies, shall designate a single individual whose name shall appear on the waiting list and who shall be responsible for payment of all fees. Any change in the individual designated may result in the applicant's loss of priority on the waiting list.

There is a fee of \$30.00 per year per listing upon the waiting list(s) for a permanent reserved stall assignment. An individual may sign up at any time during the year and pay a prorated fee to the May 1 Stall Wait List due date. Non payment of the fee by the May 1 due date means automatic cancellation from the wait list.

(c) RESERVED STALL ASSIGNMENTS:

- (1) The Harbormaster may assign a specific stall on the City of Homer float system within the Homer Small Boat Harbor, to a particular vessel on an annual basis.
- (2) Upon return of the permanently assigned vessel to the Small Boat Harbor, (provided property notifications are given, and based on harbor congestion and the difficulties involved in moving vessels) the Harbormaster will attempt to rearrange vessels so a vessel with a permanent reserved stall assignment may moor at that assigned stall.
- (3) A vessel assigned a permanent reserved stall assignment should notify the Harbormaster when departing for more than 5 days. If away from Homer for more than five days, a reserved stall vessel should notify the Harbormaster of its intended arrival date and time back into the Small Boat Harbor at least 24 hours prior to reentry into the Harbor.

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(d) **PERMANENT RESERVED STALL AND TRANSIENT MOORAGE ASSIGNMENTS:**
There are two types of moorage assignments at the Homer Port and Harbor Small Boat Harbor. The first is a permanently assigned reserved stall and the second is a transient moorage. Stalls that are permanently assigned to a boat/owner may be used for transient moorage when the permanently assigned vessel is away from the stall.

(e) **NOTICE UPON ARRIVAL:**

All vessels should notify the Harbormaster's office prior to arrival. Those vessels who have received permanently assigned stalls should notify the Harbormaster's office 24 hours prior to expected arrival to allow the harbor staff to free the stall. If, despite reasonable efforts, the Harbormaster is unable to clear a permanently assigned stall due to congestion, high winds, or safety considerations, a vessel with a permanently assigned stall may be required to temporarily use a transient moorage space as directed by the Harbormaster.

Vessels entering the Homer Port and Harbor which have not, for any reason, received a mooring assignment by radio contact or otherwise, shall be restricted to the following areas:

Transient moorage space throughout the Small Boat Harbor, which is designated by a yellow colored bullrail (approximately 4,000 lineal feet).

There are no transient stalls in the Small Boat Harbor. If there is no available transient space available at the bullrail, a vessel is permitted to "raft" to a vessel(s) already secured to the bullrail.

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(f) VESSEL REGISTRATION:

As a condition precedent to securing mooring space, each applicant shall, agree in writing to the terms and conditions of the moorage agreement provided by the Harbormaster and provide the information requested in the moorage agreement, Registration by completing the moorage agreement and paying the required fees must be accomplished immediately but not later than two hours after the vessel enters and moors in the Small Boat Harbor or before using and Port and Harbor Facilities. Providing false or misleading information on the moorage agreement is grounds for immediate termination of services.

RULE: 34.14 - BERTHING AT THE PORT (C)

EFF: 01JAN2002

SUBSECTION 155

(a) ASSIGNMENT OF BERTHS:

The Homer Port Docks require advance scheduling in order to provided maximum public use of available facilities. All vessels, or their owners or agents, desiring a berth at the docks shall, within a minimum time of twenty-four (24) hours make advance application for berthing, specifying the date of docking, sailing, and the nature and quantity of cargo to be handled. Application for berthing is to be made in writing to the Port.

Vessels may occupy a berth, subject to charges named in Subrule 34.19 Subsection 205, providing such vessel shall vacate the berth upon demand by the Port. Vessels refusing to vacate berth upon demand may be moved by tug or otherwise, and any expense, including damages to other vessels or to the facility during such removal, shall be charged to the vessel so moved. Vessels at berth engaged in loading or discharging cargo may be required to work overtime at the discretion of the Port. Overtime differentials shall be added to the account of the vessel's owners, agents or operators.

(Subject to Subrule 34.8 (d) herein)

Unauthorized anchoring in open areas in or adjacent to the Homer Port and Harbor is prohibited.

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RULE: 34.14 - BERTHING AT THE PORT

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(b) PREFERENCE TO RESERVED DOCK USE:

At the Deep Water Dock priority is given to dock use reserved in advance with the Harbormaster. Reservation of dock use must specify arrival and departure dates and the nature and quantity of the freight to be loaded or discharged. Preferential berthing rights are accorded by contract to berth vessels for wood chip loading up to fifteen (15) times in each calendar year. Preferential berthing rights by contract for vessels at the dock are immediate upon arrival of each vessel during a period of twelve (12) hours before and twelve (12) hours after the established arrival times recited by a written schedule filed by the contracted company with the Harbormaster at least thirty (30) days in advance. Other vessels utilizing the dock will be removed upon the arrival of contracted vessel arriving within the scheduled arrival period at no cost to contractor, with the exception that no vessel shall be moved from the dock if doing so would, in the opinion of the Harbormaster, create an emergency condition for that vessel.

On the main face of the Pioneer Dock, preferential privileges to berth Alaska Marine Highway System ferry vessels in accordance with the published schedule is accorded. Any variance in the schedule will be provided to the Harbormaster a minimum of six (6) hours prior to arrival. Other vessels using the dock will be cleared upon arrival of the ferry. The north face of the Pioneer Dock has preferential mooring privileges accorded to the U.S. Coast Guard vessel assigned.

RULE: 34.15 - SAFETY, SANITATION AND HOUSEKEEPING (C)

EFF: 01JAN2009

SUBSECTION 160

(a) GENERAL PROVISIONS

All users of City docks, terminal and harbor facilities shall exercise due care for the protection of life and property and the public from injury or damage.

Additional safety and sanitation rules applicable to docks and terminals should be consulted. Ordinances of the City of Homer of particular relevance include Chapter 5.06, (Nuclear Free Zone Which Includes Harbor Facilities), Chapter 5.08 (Garbage and Solid Waste Disposal), Chapter 5.16 (Public Nuisances), Chapter 5.20 (Fire Prevention and Explosives), and Title 10 (Port and Harbor).

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All safety and sanitation laws, regulations and policies of the City of Homer, the Kenai Peninsula Borough, the State of Alaska, and the United States, including those adopted by international treaty, apply to city docks, terminal or harbor facilities. All users, including shippers, vessels, and consignees are hereby warned that the party or parties responsible for infractions of such laws, regulations or policies will be subject to and responsible for any penalties that may result from their violation of those laws, regulations and policies.

(b) HAZARDOUS MATERIAL, NOTICE OF HAZARDOUS CARGO AND PERMIT REQUIREMENT:

Hazardous materials, as established by the Department of Transportation Hazardous Materials Commodity List, will not be permitted without the express consent of the Harbormaster and previous arrangement (at least 12 hours prior to landing) and receipt of all appropriate manifests and U.S. Coast Guard Permits, and only at those locations designated by U.S. Coast Guard Permit.

Temporary storage and/or shipment through the Port of Homer of quantities of hazardous waste in excess of 400 pounds of acutely hazardous material) requires a minimum 14 day advance request for a permit, in compliance with the "Interim Policy for the Port and City of Homer concerning notification by hazardous waste carriers and/or generators, municipal review and public notification."

No person shall throw or otherwise cause to be deposited any gasoline, oil, hazardous waste, petroleum contaminated refuse or pumping of bilge containing petroleum products onto any part of into the water of the port or harbor.

Pumping or storing fuel on floats is prohibited.

(c) RESPONSIBILITY FOR HOUSEKEEPING:

Users of docks and other terminal and harbor facilities will be required to maintain same in an orderly manner as directed by the Harbormaster. It is unlawful for any person to dump or otherwise dispose of refuse, sewage, garbage, rocks, and/or debris of any kind or type whatever into the water under the jurisdiction of the City of Homer Port and Harbor.

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Deposit of fish carcasses, including heads, bones or viscera from sport fishing activities is authorized only at designated locations.

If user does not properly clean property used, the Harbormaster shall order the work performed and user will be billed for services in accordance with the rates set forth in Subrule 34.25 Subsection 245 of this tariff.

No person shall tap, connect, disconnect, or interfere with any water outlet, water pipe, water connection, telephone equipment, electrical devise of any kind on docks or in stalls maintained or operated by the City in the Homer Port or Small Boat Harbor without first having obtained the permission of the Harbormaster; or to interfere with or tamper with any wharf, float, gangway, ramp, or any other facility operated by the City.

No person shall use or disturb any port or harbor equipment or facilities; except fire extinguishers in a fire emergency and harbor carts. City provided carts are for use on the floats and may not be removed from the harbor or used on ramps at any time. Carts should be returned to area adjacent to ramps after each use.

(d) SMOKING PROHIBITED:

No smoking shall be allowed on any wharf, pier or in any port or harbor facility, during fuel operations or at any time on any fuel station. Persons violating this rule may be barred, at the discretion of the Harbormaster, from the further use of any wharf or facility and, in addition, shall be subject to prosecution under applicable federal, state and municipal laws.

(e) WASTE OIL AND PETROLEUM PRODUCTS:

All waste oil and petroleum products must be properly disposed of by the vessel/owner. The City of Homer offers a limited ability to take small quantities of such products as a convenience to the boating public. Quantities, less than 5 gallons, of waste oil and petroleum products will be accepted by the City in the approved and designated facilities on shore. There shall be no storage, even of a temporary nature, of waste oil or petroleum products on city docks, wharves, piers, or finger floats. Any vessel/owner/agent storing or disposing of waste oil in an inappropriate or illegal manner may be barred from further use of the Homer Port and Harbor and/or penalized according to the provisions of federal, state and local law.

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Larger quantities of waste oil may be accepted by the Harbormaster upon prior arrangement by written approval on a case by case basis. These larger quantities of waste oil, if accepted shall be charged \$3.25 per gallon handling and disposal fee.

(f) TUG REQUIREMENT AND SPEED LIMITATIONS

- (1) Vessels berthing or departing docks subject to the Tariff must use sufficient tugs so vessel can be berthed or removed in a safe manner. Berthing speed shall not exceed the maximum speed allowable for the tonnage or displacement of the vessel by the design of the facility.
- (2) The Deep Water Dock (DWD) fendering system was designed for a 37,500 displacement ton vessel with maximum berthing speed of 20 feet per minute then later up grader with modified corner fenders, and three breasting dolphins, to accommodate up to 65,000 ton displacement vessels. Vessels larger than 37,500 displacement tons shall have a maximum berthing speed of 16 feet per minute.
- (3) The new Pioneer Dock was designed to accommodate vessels of up to 80,000 displacement tons. Vessels larger than 37,500 displacement tons shall be docked with a maximum berthing speed of 16 feet per minute.
- (4) All craft shall restrict their speed to two miles per hour, no wake, while inside the Small Boat Harbor entering or leaving and shall operate at a reduced speed within one quarter mile of the docks outside the harbor. It shall be unlawful for any vessel to travel at a speed within any waterway causing a wake, wash or wave action which will damage, endanger or cause undue distress to any other boat or occupant thereof, regardless of established speed limits.

(g) TYING TO PILING IS PROHIBITED:

All vessels using the Deep Water Dock and Pioneer Dock will use bits and bullrails.

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(h) FIRE EXTINGUISHER REQUIREMENTS:

- (1) Fire extinguishers in operating condition must be readily available on or immediately adjacent to all welding, cutting, or open flame equipment being used on vessels.
- (2) Fire extinguishers in operating condition must be readily available on all machines, cranes, and welders used on the docks or within the Terminal.

(i) NO POSTING OR DEFACEMENT:

No person shall write or post any written or printed matter in any place within or on any Homer Port or Harbor facilities, except upon bulletin boards constructed for the purpose only after having obtained permission from the Harbormaster.

No person shall disregard, deface, remove, tamper with or damage any sign or notice posted or installed by the Harbormaster.

(j) ANIMALS:

All dogs or other animals will at all times be under the physical control of the owner or person in charge of the animal in accordance with 20.08.020 of the City Code.

(k) STOVES, FIRES, EQUIPMENT, FLAMES, ETC:

No person shall leave a stove or other heating equipment in unattended operation on a vessel moored within the Homer harbor unless such equipment has been certified as safe for such unattended use. No person shall leave any vessel within the Homer Boat Harbor unattended while fire or open flame is burning thereon. No cutting or welding or use of open flame shall be allowed on any boat undergoing repairs, on or at any Homer port or harbor facility except in an area especially designated for such repair. However, at the Harbormaster's discretion, this requirement may be waived provided adequate fire fighting equipment is physically located where the welding project is taking place. No person shall use any fire-fighting equipment located at the Homer harbor for the purpose of pumping fire suppressant water into boats for any purpose other than extinguishing fires. Any use of City fire extinguishers must immediately be reported to the Harbormaster.

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RULE: 34.15 - SAFETY, SANITATION AND HOUSEKEEPING
(continued)

(m) PLACEMENT OF GEAR:

The placement of fishing nets in the waters of the Homer Small Boat Harbor is prohibited. The physical limits of the "Small Boat Harbor" are set forth in Subrule 34.2 (o) Subsection 100 of this Tariff.

RULE: 34.16 - RESPONSIBILITY FOR PROPERTY DAMAGE (C)
EFF: 15DEC 1999

SUBSECTION 165

Users damaging city docks, floats, ramps, or other property of the City of Homer will be responsible for cost of repairs. User will be billed for repairs to damaged property at cost, including overhead.

RULE: 34.17 - BULK PETROLEUM PRODUCTS (I)
EFF: 15SEP1995

SUBSECTION 170

(a) APPLICATION OF TARIFF:

Except as otherwise provided in this section, the rates, rules and regulations published in other sections of this Tariff apply to vessels, shippers, and consignees of Bulk Petroleum Products.

(b) CLEARING AND HEATING PETROLEUM LINES:

Shippers, consignees, or vessels and persons in charge thereof are responsible for providing steam or other heating means to assure the proper flow of asphalt and other petroleum products requiring heat. Shippers, consignees, or vessels and persons in charge thereof will be responsible for clearing all petroleum products from lines located on or adjacent to any Terminal facility after a vessel completes loading or discharge unless otherwise authorized by the Harbormaster. In the event the City of Homer performs any of the above named services, rates shall be charged in accordance with Subrule 34.21 Subsection 215 of this Tariff and billed to shipper, consignee or vessel.

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RULE: 34.17 - BULK PETROLEUM PRODUCTS

(continued)

(c) REGULATIONS GOVERNING PETROLEUM PRODUCTS:

The transfer of bulk petroleum products shall be made in compliance with City of Homer Code provisions including Chapter 5.20 (Fire Prevention), as well as other federal, state and municipal laws, rules or regulations.

(d) HOUSEKEEPING:

Flammable liquids and all hydrocarbons leaked or spilled on wharves shall be cleaned up immediately. Vessels, or consignees shall remove temporary lines immediately upon completion of receipt or discharge of flammable liquids.

Spillage from disconnected lines shall be cleaned up immediately by vessel or consignee.

RULE: 34.18 - HARBOR MOORAGE RATES (A)

EFF: 01JAN2016

SUBSECTION 200

(a) CALCULATION OF MOORAGE RATES:

Mooring charges shall commence when a vessel is made fast to a wharf, pier, harbor float or other facility, or when a vessel is moored to another vessel so berthed (rafting). Charges shall continue until such vessel is completely free from and has vacated the port and harbor facilities.

A vessel moored at any time between 12:01 A.M. and 10:00 A.M. shall be charged a full day's moorage. The Harbormaster may, in his discretion and with proper and appropriate advance notice, waive a daily rate for a vessel that will occupy mooring space for a minimum time and, provided that the Harbormaster determines the use of the public facilities by others will not be congested or adversely affected.

Mooring charges shall be calculated on the length of the vessel, or in the case of a reserved stall, the length of the float stall assigned, whichever is greater.

Length shall be construed to mean the distance expressed in feet from the most forward point at the stem to the aftermost part of the stern of the vessel, measured parallel to the base line of the vessel. The length shall include all hull attachments such as bowsprits, dinghies, davits, etc.

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RULE: 34.18 - HARBOR MOORAGE RATES

(continued)

For billing purposes, when the actual length of the vessel is not immediately available, length of the vessel as published in "Lloyd's Register of Shipping" may be used. The City of Homer reserves the right to: (1) obtained the length from the vessel's register, or (2) measure the vessel.

All vessels in the harbor are subject to these rates, except properly registered seine skiffs or work skiffs attached to the mother vessel. Work skiff is defined as a boat that is usually carried on the deck or super structure of the mother vessel and is regularly used in the commercial enterprise of the mother vessel.

(b) ANNUAL MOORAGE FEE:

The annual moorage fee for reserved moorage and transient moorage privileges shall be forty three dollars and forty nine cents (\$43.49) per lineal foot based on the overall length of the vessel (including all hull attachments such as bowsprits, davits, dinghies, swimsteps etc.) plus a fifty dollar (\$50.00) administration charge; or for a reserved stall, the length of the finger float stall assigned, or the overall length of the vessel, whichever is greater plus a fifty dollar (\$50.00) administration charge.

Any reproduction in the moorage fee due to a substituted or amended moorage agreement is not applied retroactively and the owner or operator is not entitled to a refund or a pro-rata adjustment of the moorage fees already due or paid. Any moorage agreement that expires will, after five days, automatically be charged a monthly rate retroactive to the expiration date. Unregistered vessels will also, after 5 days, automatically be charged a monthly rate retroactively to the date the vessel entered the harbor.

- (1) All reserved stall assignments are on an annual basis beginning October 1 and ending September 30 of the following year. Prepayment of a full year's moorage is due on or before October 1 of each year. Payment for reserved moorage will only be accepted from the individual assigned the reserved stall. The reserved stall payment shall be paid in full at the time the reserved stall/moorage agreement is executed to the satisfaction of the Harbormaster. Any other arrangements are at the discretion of the Harbormaster and must be made in advance.

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RULE: 34.18 - HARBOR MOORAGE RATES

(continued)

- (2) A reserved stall assignment granted after October 1 will be charged a fee based on the number of months (including the month which it is granted regardless of the day of the month) left in the fiscal year ending September 30.
- (c) A semiannual transient rate is available on a prepaid basis only for transient vessels mooring in the Small Boat Harbor for a period of six consecutive months. The transient semiannual rate is 67% of the annual rate. Vessels that do not renew will automatically be charged the monthly rate.
- (d) The monthly transient rate will be 17% of the annual rate. Vessels that are properly registered and pay all moorage fees in advance may deduct fifty cents (\$.50) per foot per month.
- (e) The daily transient rates are: 3% of the annual rate.
Vessels that properly register and pay all moorage fees in advance may deduct five dollars per day from the daily rate.
- (f) **FLOAT PLANE FEES:**
With proper registration and specific permission from the Harbormaster, float planes may arrange for short-term moorage in the Small Boat Harbor. This is only allowed when ice and weather conditions prevent float planes from landing on Beluga Lake.

A fee in the amount equal to the daily rate for moorage of two (2) 24' vessels shall be assessed on a daily basis for float planes mooring within the confines of the Small Boat Harbor. A monthly rate in the amount equal to the monthly rate for two 24' vessels shall be assessed for float plane moorage for longer periods, and the moorage charge computed for a float plane's stay in the harbor shall be the lowest total charge resulting from the application of either the daily or the monthly rate indicated.

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RULE: 34.19 - DOCKAGE (A)
EFF: 01JAN2013

SUBSECTION 205

(a) DEFINITION:

Dockage charges are assessed on the overall length of the vessel. Length of the vessel as published in the "Lloyds Register of Ships" will be used; however, the Port reserves the right to:

(1) obtain the length from the vessel's register, or (2) measure the vessel.

(b) DOCKAGE CHARGES:

Dockage charges will be assessed per linear foot per calendar day or portion thereof. A service charge of \$52 will be assessed to each vessel. These charges are applicable to the "outer face" and "trestle berth" of Deep Water Dock and to all berthing locations on Pioneer Dock. The "inside berth" (berth No.2) of Deep Water Dock will have a 4-hour minimum dockage charge of 1/6 the daily rate, and a half day (up to 12 hours) docking charge of 1/2 the daily rate, with no service charge applicable.

0' to 100'	\$338.00	451' to 475'	\$1,604.00	651' to 675'	\$3,917.00
101' to 200'	\$506.00	476' to 500'	\$1,762.00	676' to 700'	\$4,420.00
201' to 300'	\$788.00	501' to 525'	\$1,996.00	701' to 725'	\$5,119.00
301' to 350'	\$1,005.00	526' to 550'	\$2,154.00	726' to 750'	\$5,858.00
351' to 375'	\$1,098.00	551' to 575'	\$2,334.00	751' to 775'	\$6,644.00
376' to 400'	\$1,206.00	576' to 600'	\$2,582.00	776' to 800'	\$7,459.00
401' to 425'	\$1,337.00	601' to 625'	\$2,957.00		
426' to 450'	\$1,490.00	626' to 650'	\$3,443.00		

A service charge of \$481.53 will be assessed for each Cruise Ship.

The crane at the inside of (berth No. 2) of Deep Water Dock shall be subject to same terms for charge and usage as for the cranes on Fish Dock (Rule 34.30).

RULE: 34.20 - DEFINITIONS AND CHARGES WHARFAGE (A)
EFF: 01JAN2013

SECTION II

SUBSECTION 210

(a) DEFINITION:

Wharfage is the charge assessed against any freight placed in transit shed or on a wharf, or passing through, over or under a wharf, or transferred between vessels, or loaded to or unloaded from a vessel at a wharf, regardless of whether or not a wharf is used. Wharfage is solely the charge for use of wharf and does not include handling, sorting, piling of freight or charges for any other services.

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RULE: 34.20 - DEFINITIONS AND CHARGES WHARFAGE
(continued)

Log quantities will be reported by manifest to the Port Office for subsequent billing. The basis for measuring 1,000 board feet (M.B.M.) log scale shall be the Scribner Rule or Scribner Dec. C Log Rule. All log scales will be performed by an independent log scaling bureau. Certified copies of log scale tickets and/or log scale books shall be provided to the Port for all logs shipped. The basis for the tariff payment to the City will be computed on a net log scale, with a maximum of a twenty five percent (25%) deduct factor for defects and taper; that is gross scale minus 25% total deduct.

A Bone Dry Unit (BDU) is defined as 1.2 bone dry tons of wood chips. A bone dry ton is that quantity of wood chips which would weigh 2,000 lbs when dry.

(b) APPLICATION:

Wharfage rates named in the Tariff will be charged for all merchandise or cargoes received inbound or shipped outbound over the city docks (except the Fish Dock for which wharfage rates are contained in Rule 34.30 Subsection 275, barge ramp, or barge beaching site within the Homer Port and Harbor and will be in addition to all other charges made under provisions of this Tariff, EXCEPT:

No wharfage shall be charged to ship's gear, such as strongbacks, lines, hatch covers, walking boards, etc., placed on wharf during unloading operations. Fuel handled over wharf will not be considered as ship stores and will be subject to wharfage and other charges that may be incurred. Logs that are unloaded at Port of Homer barge beaching site will be charged 50% of the wharfage rate applicable to outbound (export) shipment. However if these cargoes are not exported over Deep Water Dock with full payment of outbound wharfage within 60 days of unloading at the barge beaching site, then the additional 50% of wharfage will be owed and paid for the inbound product.

(c) OVERSIDE:

One-half of wharfage named herein will be charged to merchandise or cargo discharged or loaded overside of vessel directly to or from another vessel or to the water when vessel is berthed at wharf.

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RULE: 34.20 - DEFINITIONS AND CHARGES WHARFAGE

(continued)

(d) OVERSTOWED CARGO:

Overstowed cargo destined for discharging at another port will be exempt of wharfage charges, provided such cargo is not removed from the wharf prior to re-loading to the vessel.

(e) SCHEDULE OF RATES:

Minimum wharfage on any shipment will be ten dollars (\$10). Except as otherwise specifically provided, rates are in dollars per short ton of 2000 lbs. or per 40 cu.ft.

COMMODITY	WHARFAGE RATE
Freight N.O. S.	\$7.96
Freight at Barge Ramp	\$5.14
Poles, logs, cants or cut	\$3.95/thousand board
Finished lumber per MBM	feet
(Note: Industry standard conversion formulas shall be used in converting pounds to board feet measure.)	

In absence of board feet measure on bill of lading, a loadout will be assessed a tariff by converting the weight of logs to board foot measure, for the average diameter of logs (small end diameter) in accordance with the following table for white spruce logs:

Scaling Diameter of Logs Inches	Weight per Board Feet Pounds
8"	14.5
12"	11.5
16"	9.5
20"	8.5
24"	7.8

Kiln dried lumber: Three pounds will equal one board foot measure.

Petroleum Products	\$0.84/barrel
(inbound and outbound)	\$0.02/gallon
Wood Chips (all grades)	\$ as per contract

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RULE: 34.20 - DEFINITIONS AND CHARGES WHARFAGE

(continued)

Seafood/fish product:	Setting a tariff of \$4.76 per ton of seafood/fish Product across the dock, regardless of species.
Livestock: Horses, mules	
Cattle, hogs, sheep, goats	\$10.12 per head
All other livestock:	
Fowl: Any kind, crated:	\$10.12 per crate
Boats: Up to and including twenty feet L.O.A.	\$15.66 each
Over twenty feet L.O.A.:	\$1.60 per lineal foot
(Fishing boats, pleasure craft, skiffs, dinghies and other boats moved over the docks.)	

RULE: 34.21 - DEMURRAGE (A)

EFF: 01JAN2011

SUBSECTION 215

(a) DEFINITION:

The term “demurrage” as used in this tariff shall mean the charge assessed against cargo remaining in or on terminal facilities after the expiration of free time, unless arrangements have been made for storage.

(b) FREE TIME:

- (1) Definition: The specified period during which cargo may occupy space assigned to it on terminal property free of demurrage or terminal storage charges, immediately prior to the loading, or subsequent to the discharge, of such cargo off the vessel.
- (2) Computing free time: Free time is calculated inclusive of Saturdays, Sundays or holidays. Free time starts the first 7 A.M. after freight is received or unloaded onto wharf from car, truck, or, in the case of freight received from vessel, the first 7 A.M. after completion of vessel’s discharge. On outbound traffic from vessel, delivery of which is made after the allotted time period, the day freight is loaded out or delivered to truck or car is to be included in the computation as storage day.

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RULE: 34.21 - DEMURRAGE (A)
(continued)

When freight is transshipped between deep sea vessels and involves application of both a long and short time period, the longer period shall be allowed, but not the aggregate of any two free time periods.

- (3) Free time period: Free time of 3 days will be allowed on all inbound traffic.
Free time of 3 days will be allowed on all outbound traffic.

(c) RATES:

Demurrage will be assessed at a rate of nine cents (\$.09) per square foot per day, based on the "foot print" occupied by cargo in the laydown area or for cargo with overhangs, the footprint plus the area under the overhang that the overhang renders unusable for other storage.

(d) LAY-DOWN AREAS:

All cargo is expected to vacate city docks, and piers as soon upon arrival as possible. Cargo is not to be stored on City piers awaiting pick up by vessels unless prior arrangements are made with the Harbormaster. The Harbormaster shall have the discretion to refuse all cargo activities and/or laydown, either in-bound or out-bound. Cargo that is allowed to wait for "beyond" transportation shall adhere to the following rules.

- (1) The Harbormaster shall designate laydown areas for cargo.
- (2) Cargo may not be placed on city docks or terminal facilities except in designated laydown areas.

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RULE: 34.21 - DEMURRAGE

(continued)

- (3) Cargo and freight not placed in designated laydown area must be immediately removed from a city dock or terminal facility upon order of the Harbormaster.
- (4) A vessel, shipper or consignee who refuses to move cargo on demand will be assessed wharf demurrage at five times its applicable rate, starting at the time the vessel, shipper or consignee is notified to move the cargo.
- (5) In addition, the Harbormaster may, in his discretion move cargo or freight and any expense or damages, including damage to cargo or freight during such movement, shall be charged to the vessel, shipper or consignee except damages caused by the City's own negligence.

RULE: 34.22 - UPLAND STORAGE (A)

EFF: 01JAN2009

SUBSECTION 230

(a) AREA OF LAND AVAILABLE:

The City of Homer may make available a limited area of land for gear storage subject to the following conditions:

- (1) Space is made available on a first-come, first-served basis. All storage assignments must be approved by the Harbormaster.
- (2) This upland storage area is primarily for fishing related gear. No vehicle or boat trailers may be place on the upland storage area without prior permission of the Harbormaster.

(b) BOAT TRAILER STORAGE:

- (1) Short term storage of boat trailers not to exceed 7 days will be provided on a space available basis. Storage is allowed only in designated areas where posted.

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RULE: 34.22 - UPLAND STORAGE

(continued)

- (2) Long term storage of boat trailers (8 or more days) is not available during the summer season beginning May 1 and ending September 30. Long term storage of boat trailers other than during the summer season must be approved and assigned by the Harbormaster. Long term boat storage is available commercially off the Spit.

(c) METHOD OF CALCULATIONS OF RATES:

Charges shall be based on type of storage required, vehicle, boat trailer, gear or equipment.

(d) STORAGE CHARGES:

No charge for storage should be generated for free time of 2 days or less. Storage time beyond 7 days shall generate one month charge.

(e) RATES:

All general storage is 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 square footage of units in any particular lot in store during the storage month. All charges for storage are due on the first day of a storage month.

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's storage will be charged for the full month. The Harbormaster may negotiate storage contracts for six months or longer.

Fees for general storage are as follows:

Open Areas, fishing gear	\$.12 per square foot
Open Areas, non fishing gear	.17 per square foot
Fenced Storage Yard	.24 per square foot

The fees for trailer parking area/long term storage Oct. 1 to May 1 are as follows:

Up to 30 feet	\$75.00 per month
Over 30 feet up to 40 feet	\$100.00 per month

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RULE: 34.22 - UPLAND STORAGE
(continued)

There will be no storage of trailers of total length greater than 40 feet and no long term storage available from June 1 to Oct. 1.

Equipment and materials stored without proper registration and advance payment will be charged according to storage fees above.

(f) EMPTY CRADLES/TRAILERS:

For the purpose of this Tariff, a vessel trailer or cradle shall be treated as a vessel of the length of the vessel normally occupying the cradle.

RULE: 34.23 - TIDAL GRIDS (A)
EFF: 01JAN2011

SUBSECTION 235

(a) TIDAL GRIDS

The City of Homer operates two tidal grids. The wooden grid is for vessels of less than 60 feet in length. The steel grid is generally for use by vessels of 60 feet or greater in length. Vessels over 60' may not use the wooden grid without specific approval of the Harbormaster. Vessels over 300 displacement tons or over 120' may not use the steel grid without specific approval of the Harbormaster. Vessels that remain on either grid after their scheduled tide may be assessed a 50% surcharge for each unscheduled tide. Use of the steel grid shall be charged at the minimum rate applicable for a 60' boat if a boat of less length is allowed to use this grid.

Sandblasting of vessel is not permitted on tidal grids; water blasting of vessel to remove barnacles or other marine growth is permitted provided that the water pressure used does not result in removal of paints onto the grid work platform or into the water of the harbor.

(b) RATES:

The rate per foot per tide is \$1.05 for vessels 0'-59'

The rate per foot per tide is \$2.55 for vessels 60'-80'

The rate per foot per tide is \$3.25 for vessels 81'-100'

The rate per foot per tide is \$3.82 for vessels 101'-120'

The rate per foot per tide is \$4.24 for vessels 121'-140'

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RULE: 34.23 - TIDAL GRIDS
(continued)

(c) USE OF TIDAL GRIDS

Except in emergencies, use of tidal grids is limited to three tide cycles. Use of the tidal grids must be scheduled in advance and a deposit equal to one tide use must be paid. Deposit may be refunded if cancellation of reservation is at least forty-eight hours prior to scheduled use.

(d) WRITTEN PERMISSION FOR USE OF GRIDS:

No vessel shall be moored onto the tidal grids until permission has been granted by the Harbormaster and the appropriate Utilization Agreement/Waiver and Release forms completed by User.

RULE: 34.24 - HANDLING, LOADING AND UNLOADING (I)

EFF: 15SEP1995

SUBSECTION 240

(a) HANDLING DEFINED:

Handling means the service of physically moving cargo between point of rest and any place on the terminal facility other than the end of a ship's tackle.

(b) LOADING AND UNLOADING DEFINED:

Loading and unloading means the service of loading or unloading cargo between any place on the terminal and trucks lighter or barges or any other means of conveyance to or from the terminal facility.

(c) TERMINAL USE PERMIT:

Handling, loading and unloading services are provided by independent agents at all terminal facilities covered by this Tariff. A Terminal Use Permit or Fish Dock Use Permit is available to any qualified agent desiring to provide long shore services at the terminal facilities of the City of Homer.

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RULE: 34.25 - SERVICE CHARGES (A)

EFF: 01JAN2011

SUBSECTION 245

A service charge is assessed, in addition to any other charges set forth in this Tariff, for specific services provided by the City of Homer or its agents. Service charges do not include charges for dockage, wharfage, wharf demurrage and handling.

(a) SPECIFIC SERVICES:

The following rates shall apply for services provided by the City of Homer.

- (1) Potable water furnished to vessels at the Deep Water Dock and Main Dock:
The following charges in dollars will be made for furnishing water to vessels berthed at docks or terminals subject to this Tariff:
 - a. Quantity charge, \$38.81 dollars per one thousand gallons (minimum five thousand gallons).
 - b. Scheduled deliveries will have a minimum charge of \$102.00 for combined connection and disconnection.
 - c. Unscheduled deliveries will have a minimum charge of \$139.32 dollars for combined connection and disconnection.

- (2) Electricity (per kilowatt):
 - (a) Reserved stalls having a meter base at the berth shall be charged a meter availability fee.
 1. The meter availability fee will be \$23.95 per month.
 2. There will be an electrical usage charge cost per kilowatt determined by the local public utility.
 3. Licensee shall notify the Harbormaster of any period when the assigned vessel will not occupy the stall and the Harbormaster, upon payment of a \$28.80 connect/disconnect fee, shall disconnect service to the license holder's stall.

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RULE: 34.25 - SERVICE CHARGES

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- (b) Subject to availability, transient vessel may buy electrical power on a metered basis from October 15 to April 15.
1. There will be a \$28.80 connect/disconnect fee.
 2. Metered transient vessels will be charged a meter availability and connect/disconnect fee of \$28.80 per month with a one month minimum charge to be applied for shorter connection periods.
 3. There will be an electrical usage charge per kilowatt as determined by the local public utility.

- (c) Unless other arrangements have been made in writing with the Harbormaster, transient vessels shall be charged the following rates (where metered power is unavailable).

	110 volt	220 volt	208 volt 3 phase
Daily (or part thereof)	\$10.20	\$20.12	\$45.20
Monthly	\$152.67	\$341.70	Available meter only

If a transient vessel consumes more electricity than would be covered by these flat rates, then such transient vessel shall be charged for the actual consumption. If a transient vessel on the daily rate accrues daily charges that total for a 30 day period more than the monthly flat rate, then the monthly rate shall be billed.

- Vessels requiring conversion plugs may purchase them from the Harbormaster's office for a nominal fee.

- (d) 208 volt/3 phase electrical power is available at System 5 on a first come-first served basis, for which the vessel will be charged the following rates:
1. There will be an electrical usage charge per kilowatt hour as determined by the local public utility:
 2. Vessels will be charged a meter availability fee of \$28.80per month with a one month minimum charge to be applied for shorter connection periods.
 3. There will be a \$28.80 connect/disconnect fee.

- (3) Towing inside small boat harbor: Skiff with operator ½ hour \$68.00, Skiff with operator 1 man hour \$102.00. Any additional personnel required will be charged at rate of \$99.00 per hour.

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RULE: 34.25 - SERVICE CHARGES

(continued)

- (4) Pumping vessel: \$40.79 per day or portion thereof for electrical pumps.
\$69.97 per hour or portion thereof for gas pumps. (includes attendant time)

(b) LABOR/PERSONNEL:

- (1) When labor is furnished by the City at the request of a user it is expressly stipulated that the City acts as agent of the user. The City shall charge for labor provided by the City for the following services:
- (i) all services not specifically described in this Tariff.
 - (ii) Services of loading, unloading, or transferring cargo for which no specific commodity rates are provided and which cannot be performed at the rates named N.O.S. and cargo in packages or units of such unusual bulk, size, shape or weight as to preclude performing such services at rates named under individual items of this Tariff.
 - (iii) Services for which no specific commodity rates are provided and any other services for which specific rates are named in this Tariff because of unusual conditions or requirements of shippers not normally incidental to such services preclude the performance; and
 - (iv) Services of cleaning City docks or terminal facilities of dunnage, stevedore gear, and other equipment or material when the shipper, vessel owner or consignee fails to promptly clear the facility as requested by the Harbormaster.
- (2) When a user notifies the Harbormaster for labor for a specific time and labor is on the job ready for work at that time, the use shall be charged from the time the labor is ready for work until the work is concluded even if the work is delayed through no fault of the City.

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RULE: 34.25 - SERVICE CHARGES

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- (3) All labor provided by City personnel shall be charged at \$102.00 per hour. (½ hour minimum at \$51.00. Work requiring call-outs shall be charged at a minimum of two hours.

(c) EQUIPMENT:

When the City utilizes city equipment to provide services under this Subsection, it will charge users for the cost of that equipment on an hourly basis at the rates charged capital projects within the City of Homer for similar equipment.

(d) REGULATED GARBAGE HANDLING FEE:

\$800.00 per round trip for certified truck pick up plus \$90.00 per one hundred pounds. Regulated garbage, as per the Code of Federal Regulations, is garbage from foreign going vessels that contains, or that is suspected of containing, food scraps or food waste.

(e) SPECIAL SERVICES:

Except where otherwise required by law, the Harbormaster has the authority to refuse or to provide or to arrange for the provision of services in addition to those set out in paragraph (a) above. Special services, including waste, bulk oil, or garbage disposal shall be billed at the City's actual cost (including city labor costs as determined in paragraph 2 above) plus 125% of city costs for services arranged and paid for by the City but provided by others. Waste oil in quantities greater than 5 gallons, shall be charged a \$3.35 per gallon handling and disposal fee.

Special services shall not include the taking or handling of sewage of any kind. Sewage disposal must be accomplished by the vessel owner or his agent pursuant to federal, state and municipal laws, codes and ordinances.

RULE: 34.26 - PASSENGER FEES (C)

EFF: 02JULY 2012

Deleted pursuant to Resolution 12-038(S)

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RULE: 34.27 - SEARCH AND RESCUE FEES (A)

EFF: 01JAN2011

SUBSECTION 255

In addition to other Tariff provisions, when the City utilizes city equipment and personnel to provide search and rescue assistance to vessels outside of the Homer Port and Harbor, such as towing and rescue, the Harbormaster will charge users of those services \$102.00 per hour for skiff and operator for the first hour on any part thereof, and for additional search and rescue assistance beyond one hour. Additional personnel will be charged at the rate of \$99.00 per man hour.

RULE: 34.28 - BOAT LAUNCH RAMP FEES (A)

EFF: 01JAN2011

SUBSECTION 260

(a) USE OF PUBLIC LAUNCH RAMPS:

The City owns and provides access to public launch ramps, Access to those ramps is generally on a first come, first served basis, but the Harbormaster may deviate from that policy or refuse access to a ramp when, in his judgment, the public interest would be served and his consideration in that determination of the following factors:

- (1) The degree of existing or potential congestion in the harbor, including upland storage area, and whether the proposed launch or retrieval will affect that congestion, and
- (2) Whether the launch or retrieval poses a risk of loss of public or private property.

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RULE: 34.28 - BOAT LAUNCH RAMP FEES (A)
(continued)

(b) CHARGES FOR USE OF PUBLIC LAUNCH RAMPS:

Vessels shall be charged \$13.00 per day to launch from the public launch ramps from April 1 through October 15 (Reserved stall lessees exempt for the boat assigned to and registered to the stall only, not for other boats owned by the same individual.) Vessel owners or operators may obtain a seasonal permit for \$130.00 entitling a specific vessel and owner to launch from April 1 through October 15. (Reserved stall lessees exempt for the boat assigned to and registered to the reserved stall only, not for other boats owned by the same individual.)

(c) RAMP USE:

The principal intended use of the launch ramp is the launch and recovery of small/trailable vessels. An authorized subsidiary use is the incidental, noncommercial, loading or unloading of goods, supplied or materials.

The principal intended use of the harbor barge ramp is the commercial loading or unloading of goods, materials, equipment or personnel. An authorized subsidiary use is the loading or unloading of fishing gear and equipment or other use approved by the Harbormaster.

At the Harbormaster's discretion, reasonable restrictions may be placed on the use of any ramp owned or operated by the City.

RULE: 34.29 - BEACHES AND BARGE RAMP (A)

EFF: 01JAN2011

SUBSECTION 270

The use of beaches and barge ramp under the City ownership or control for commercial barge vessel repair, equipment loading or similar purposes, must be approved by the Harbormaster. A beach use agreement will be filled out and signed by the user and Harbormaster prior to use of the beach.

The Harbormaster shall charge a fee per foot based on length overall of the vessel, for vessels landing or parking on the beaches under City ownership or control. This same rate shall apply to vessels using the barge ramp.

Vessels up to 50 ft. per foot \$1.50
Vessels over 50 ft. per foot \$1.50

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RULE: 34.29 - BEACHES AND BARGE RAMP

(continued)

Charges for extended beach or barge ramp use may be adjusted by the Harbormaster under appropriate circumstance.

The user of any beach area or barge ramp must repair any damage to the beach or ramp and remove all debris. Failure to make such repairs and removal will result in repairs and cleanup by harbor staff. The costs incurred by the harbor staff will be fully charged to the beach user. Labor rate for the harbor staff will be (\$90.00) per hour per person, plus appropriate equipment rental and material costs.

Sandblasting of vessels is not permitted on City beaches or barge ramps; water blasting using pressures that result in removal of paint is also prohibited. No paint chips or other paint materials are to be put into the water as a result of any maintenance done on the beach or ramp.

RULE: 34.30 - FISH DOCK (A)

EFF: 01JAN2013

SUBSECTION 275

The Fish Dock is to be used primarily for the loading and unloading of fish, fish products and fishing gear. Any other use must be approved in advance by the Harbormaster.

Dock fees shall be those set at Subrule 34.19 Subsection 205;

Cranes located onboard the vessel moored at Fish Dock may be utilized for loading/unloading the vessel only with prior approval granted by the Harbor Officer on duty.

No non-City owner cranes or boom trucks may be brought onto Fish Dock for use in loading/unloading without advance Harbor Officer approval.

Every person using a crane on the Fish Dock shall first obtain a license from the City. A private user shall obtain a private license, which shall be the annual access card, and shall pay the annual access card fee set forth in this subsection. A private license shall entitle only the owner if an individual, and the master and crew of a vessel to load/unload the vessel at the Fish Dock. In addition to the annual license fee, all users of the Homer Fish Dock shall pay the user fees set forth herein.

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RULE: 34.30 - FISH DOCK
(continued)

The Harbormaster shall designate one or more cranes on the Fish Dock open to public use (both private and commercial users) on a first-come first-served basis. All private licenses and food services are subject to a two-hour maximum time limit during the times when other private or food service licensees are waiting to use the crane. This time shall be the time that the licensees actually occupy the crane berthing space or otherwise has possession of the public use crane. Every other crane at the Fish Dock and the crane on the Main dock may be designated by the Harbormaster for preferential use. Preferential use of a crane shall entitle the holder to the exclusive right to use of the crane for loading and unloading fish and fish product during fish buying periods and to priority use of crane for all other uses; provided however, that a preferential user shall not be entitled to use of the crane until an actual and legal use of the crane by non-preferential user ends. The Harbormaster shall promulgate such additional rules as may be necessary to implement this section.

For an approved user's vessel blocking access to cranes other than those in use, a fee of one hundred fifty dollars (\$150.00) per hour will be assessed if such vessel is not immediately moved upon request of Harbor staff and if another vessel is thereby forced to wait.

Vessels are not to be left unattended at Fish Dock. Vessels moored at Fish Dock must have sufficient crew on board to move the vessel upon request or direction of Harbor staff. A fee of one hundred fifty dollars (\$150.00) per hour will be assessed against the owner or operator of a vessel per hour left unattended at Fish Dock that obstructs access by other vessels.

Failure to obtain prior approval for a use other than loading and unloading fish, fish products or fishing gear will result in the imposition of a surcharge of thirty dollars (\$30.00) per hour in addition to the regular fee.

No person shall use the Fish Dock in violation of this section.

Schedule of rates shall be set by City Council Resolution
See also Subrule 34.20 Subsection 210 e.

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RULE: 34.30 - FISH DOCK
(continued)

ITEM	FEE
Annual access	\$52.00 per year
Card (private license)	(annual renewal fee)
Card replacement fee	\$15.00 per occurrence
Cold Storage	\$334.75/month
(Cold storage rate structure is for storage area of eight feet by ten feet)	\$309/per month for two consecutive months
	\$283.25 per month for three consecutive months minimum one month rental
	inspection \$50/hour
	\$257.50 per month nine month season

Ice Plant Bin Storage (roofed-over, open-sided \$200/month Minimum two months
Storage bins at west end of ice plant building
Sixteen feet by twelve feet)

Bait Storage Fee per bin (4x4x4)	
Per Day	\$5.15
Per Week	\$25.75
Per Month	\$77.25
Fish Dock Crane	\$90.64/hour
Minimum charge per hour for crane	Fifteen minutes
Ice	\$130.90 per ton

Seafood wharfage/Fish product:
Setting a tariff of \$4.76 per ton of seafood/fish product across the docks regardless of species.
Bait in quantities greater than one (1) ton that is loaded onto a vessel at Fish Dock, shall be charged seafood wharfage.

Freight NOS, Non-fish Cargo:
\$14.50/T for cargo going over the Fish Dock. Fishing gear is free from wharfage. Except as otherwise provided under a lease agreement contract or operating agreement with the City of Homer, ice brought onto Fish Dock to be loaded into totes or transferred to boats at the dock, shall be charged wharfage at the Freight NOS rate, unless this is ice that was purchased from the City Ice Plant.

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RULE: 34.31 - CONDITIONS OF BERTHING (C)

EFF: 15DEC1999

SUBSECTION 310

All applications for Bessel berthing shall be made in the form specified by the Harbormaster and may require the timely filing of the financial responsibility information called for by Supplement to Vessel Berthing Application, completed in accordance with, and otherwise governed by, the terms and conditions set forth below:

(1) Unless waived pursuant to paragraph 2 below, the terms of payment for all applicable terminal or dockage charges shall be cash in advance. A cash deposit or acceptable security in an amount equal to 125% of the estimated applicable charges will be required to be posted with the Harbormaster six days prior to the vessel's scheduled arrival, or at such time as may be authorized or directed by the Harbormaster, but in all cases in advance of actual services rendered.

When a cash deposit has been posted, any excess thereof after satisfaction of all applicable port charges, shall be promptly refunded by the Port of Homer to the party posting same.

(2) The Harbormaster may waive the requirement of cash in advance as to all or any category or categories of its anticipated port charges when the party responsible for such charges has been identified by berthing agent to the satisfaction of the Harbormaster, and:

- (i) That the party responsible has established credit worthiness acceptable to the Harbormaster; or
- (ii) Adequate security, acceptable to the Harbormaster in an amount equal to 125% of the applicable estimated port charges, has been posted; or
- (iii) The agent requesting the berth, or another entity, in each case applicable to the Harbormaster as credit worthy, has personally accepted financial responsibility for the applicable charges.

(3) The vessel agent or other person requesting a berth ("berthing agent") shall provide, as a part of the berthing process and to the extent of his knowledge, all information called for by any Supplement to Vessel Berthing Application respecting the vessel, its estimated arrival and departure, amount(s) and type(s) of cargo to be loaded or discharged.

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RULE: 34.31 - CONDITIONS OF BERTHING

(continued)

The vessel agent or other person requesting a berth shall provide an estimate of the amount of each category of port charges, as enumerated, and the party responsible there for.

The submission of this form, signed by the berthing agent, shall constitute the berthing agent's information supplied, based upon and to the extent of information made available to the berthing agent shall be held personally liable to the City of Homer as a result of the agent's failure to accurately report the above information.

Should the berthing agent, subsequent to submission of this form, receive information which materially differs from the information the agent reasonably believes is not equally know to the Harbormaster, it shall immediately notify the Harbormaster and if requested by the Harbormaster, promptly file an amended Supplement to Vessel Berthing Application with the Harbormaster.

All estimates of terminal and dockage charges are subject to approval and/or adjustment by the Harbormaster.

(4) The Harbormaster shall, promptly after receipt of this form, advise the berthing agent as to (i) its approval or adjusted estimate of terminal charge and (ii) whether posting of cash or security is required for any one or more categories of such charges and the amount thereof.

(5) In addition to the terms for berth reservation and establishment of financial responsibility as set forth herein, request for berth reservation and assignment of berths shall otherwise be in accordance with all local rules and regulations established by the City of Homer.

(6) The City of Homer retains the right in its sole discretion to determine whether a responsible party or agent is credit worthy and waive the cash-in-advance requirement. The City may establish guidelines for determining whether a responsible party or an agent is credit worthy. Compliance with these guidelines does not create a right to waiver of the cash-in-advance requirement.

(7) For safety or other reasons, the City of Homer in some circumstances may grant a vessel a temporary berth before the owner or agent has paid all applicable charges or otherwise complied with all applicable Tariff provisions of conditions of berthing.

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RULE: 34.31 - CONDITIONS OF BERTHING
(continued)

In such circumstances, the vessel may unload its cargo only if (i) the Harbormaster determines that a regular berth is available, and (ii) the owner pays all applicable charges and complies with all other applicable Tariff provisions and conditions of berthing. If no regular berth is available, or the vessel owner or agent does not pay all applicable charges and comply with other applicable provisions, the vessel may not unload its cargo and shall sail on the next tide. The vessel shall be assessed appropriate fees as set forth in this Tariff.

RULE: 34.32 – PARKING FEES
EFF: 09APR2012

Parking fees to be collected at Ramp 1, Ramp 2, Ramp 3 and Ramp 4 seasonally (Memorial Day through Labor Day). Parking fee is \$5 per calendar day. Posted parking time limits will be established and enforced as per Homer City Code 10.04.100.

(a) LONG TERM PARKING PERMITS

Vehicles over 20' and trailers are not eligible for long term parking permits.

- (1) Seasonal permits for day use parking (Ramps 1-4): \$250.00.
- (2) Long Term parking permits required for vehicles 20' or less parked in excess of seven (7) consecutive 24-hour days.
- (3) Long Term parking annual permit fee for vessel owners paying annual moorage in the Homer Harbor: fee \$100.00.
- (4) Long Term parking annual permit (January 1st through December 31st): fee \$200.00.
- (5) Monthly parking permit for vehicles less than 20': fee \$70.00 for 30 consecutive days.
- (6) Monthly parking permit for vehicles over 20': fee \$85.00 for 30 consecutive days in a portion of Lot 9 only.
- (7) Long term parking will be enforced year around.
- (8) Parking lot restrictions for long term parking, May 1 through October 1, as depicted on harbor map (Resolution 11-036(A).
- (9) Existing code definitions for restricted parking, vehicles, junk vehicles, and fines for violations apply. Fines, \$25.00 per calendar day, provided that the fine for overtime parking in long term parking area will be limited to \$250.00 fine per calendar year, with \$200.00 of the fine credited towards the long term parking annual permit.

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RULE: 34.33 – Homer Marine Facility Fees
EFF: 26OCT2015

User fees and vendor fees to be collected for use of the Homer Marine Repair Facility are as follows:

(a) Homer Marine Repair Facility Fees

- (1) Upland Dry Dockage use Fee per month: \$ 0.17 per square foot/ for vessels paying annual moorage in Homer harbor 0.20 per square foot for transient daily, monthly, semiannual moorage vessels
- (2) Administration Fee per month of Dry Dockage uplands usage: \$50.00
- (3) Beach Landing Fee per calendar day: \$1.50 per foot
- (4) Vendor Fee per calendar year: \$150.00
- (5) Harbor Labor Fee: \$102.00 per hour/\$51.00 minimum

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