
Section Three: Rules & Regulations for Vessels

Navigation

230. ANCHORAGE OR OBSTRUCTION IN TURNING BASINS AND CHANNELS (C)

It shall be unlawful for any person, firm, or corporation whether as principal, servant, agent, employee, or otherwise, to anchor any vessel, boat, barge, or other watercraft of any kind in any of the turning basins or channels in PortMiami, or to otherwise obstruct navigation, except in cases of actual emergency.

232. LIGHTS AT NIGHT (C)

All vessels, barges, or other watercraft, while anchored, moored, or maneuvering in the waterways of the PortMiami, must at all times of the night show proper lights.

234. POLLUTION OF AIR AND WATER (C)

It shall be unlawful for any person, firm, or corporation to deposit, place, or discharge into the waterways of PortMiami, any ballast, dunnage, sanitary sewage, butcher's offal, garbage, dead animals, gaseous liquid or solid matter, oil, gasoline, the residuum of gas, calcium, carbide, trade waste, tar or refuse, or any other matter which is capable of producing floating matter or scum on the surface of the water, sediment or obstruction on the bottom of the waterways, or odors or gases of putrefaction.

All vessels and all persons using Port facilities shall take every precaution to avoid pollution of the air. County air pollution control procedures will be strictly enforced.

In addition to these regulations, all appropriate federal, state, and local laws, rules, or regulations pertaining to air and water pollution shall be rigidly observed. In the event of a pollutant spill onto the property or into the waterways at PortMiami, the party(s) responsible for the spill shall take immediate actions to clean up the spill, regardless of where the spill occurs and regardless of whether the spill occurs on land leased or otherwise controlled by such party(ies). Cleanup is to be accomplished in the shortest time possible, using industry-approved methods, so as to limit in every way possible damage to the environment.

In any instance where it is determined by PortMiami that cleanup efforts are not being undertaken in a timely and/or adequate manner by the responsible party(s), PortMiami may order resources, as necessary, to commence and complete the pollutant spill cleanup. In such cases, the full cost of the cleanup plus an administrative fee of twenty (20%) will be charged to the responsible party(s). In instances where a vessel is a responsible party, full payment of the cleanup costs, including an administrative fee, must be paid by the franchised agent or vessel representative before the vessel will be permitted to sail from PortMiami.

In instances where a vessel is prohibited from sailing due to failure to pay cleanup costs as prescribed by this Item, dockage charges will continue to be applied until such time as the vessel sails from PortMiami. In the event any oil or hazardous substance is discharged or released into or upon any navigable waterway

in a harmful or reportable quantity, the responsible party shall immediately notify the National Response Notification Center (1-800-424-8802) per USCG Requirements.

236. SPEED (C)

It shall be unlawful for vessels or other watercraft to proceed at a speed that will endanger other vessels or structures or to cause wake damage. All applicable federal, and local rules and regulations apply.

Berthing

240. APPLICATION FOR BERTH (C)

The agent for a vessel desiring a berth at PortMiami shall, as far in advance of the date of docking as possible, make application to the PortMiami berthing office in writing or electronically in the manner prescribed for a berth specifying the name of vessel, size, the date and estimated time of arrival, date and time of sailing, and the nature and quantity of cargo, if any, to be loaded or unloaded.

A rail operator or the agent for the same desiring temporary use of any on-Port rail track or facility, or both, shall, as far in advance of the desired date as possible, submit an application to PortMiami in writing or electronically in the manner prescribed for a track and/or other requested rail facility specifying the date and times of such use and the specific track(s) and facilities sought, the length of train, and any other information that may be requested by the berthing office or other Port staff.

241. ASSIGNMENT OF BERTH AND RAIL FACILITIES (C)

All berthing and rail track and facility assignments shall be made by the Seaport Department and must be rigidly observed. Any vessel that does not adhere to an established arrival schedule and conflicts with berth assignments previously made may, at the discretion of the Port, be assigned an alternate berth or await the vacancy of a preferred berth.

PortMiami reserves the right to assign berths, tracks, and rail facilities for the optimal utilization of the Seaport's facilities and may impose time limits and other conditions in connection with the assignment of Port berths, gantry cranes, railroad tracks, and/or other Port facilities.

242. CHANGE OF BERTH

Every vessel, boat, barge, or other craft must, at all times, have on board a person in charge with authority to take such action in any actual emergency as may be necessary to facilitate common navigation or commerce or for the protection of other vessels or property. The Port Director has discretionary authority to order and enforce the removal or change the berth or location of any vessel, boat, barge, or other watercraft at its own expense, to such place as he may direct, for the purpose of facilitating navigation or commerce, or for the protection of other vessels or property, and it shall be unlawful for the master, owner, or agent of such vessel to fail, neglect, or refuse to obey any such order. If there is no responsible person available, or if the person in charge refuses to shift the vessel as directed, the Seaport Department shall have the vessel shifted at the risk and expense of the vessel.

243. UNAUTHORIZED BERTHING (C)

Any vessel berthed in an unauthorized manner or shifted without the approval of the Seaport Department shall be subject to an assessment in the amount equal to twice the published dockage fee. Such a vessel may be moved to a properly designated berth without notice by the Seaport Department at the owner's risk and expense.

The Seaport Director may initiate any necessary legal actions and enter into any necessary agreements with the United States Coast Guard, the United States Marshals Service, or any other relevant governmental authorities for the arrest and/or removal of vessels berthed in an unauthorized manner or shifted without the approval of the Seaport Department. Such agreements may include indemnity provisions in favor of the arresting or removing agencies and, subject to the availability of budgeted and legally available funding, require the payment of fees to the arresting or removing agencies or entities contracted by or through the arresting or removing agencies. Fees and costs incurred by the County in connection with such arrest and/or removal shall be recoverable, jointly, and severally, against the vessel and any other responsible entity.

244. VESSEL TO BE CONTINUOUSLY WORKED (C)

Any vessel accepted for berthing at PortMiami may be required to be worked continuously to completion, even with overtime, if necessary, when the assigned berth or PortMiami is declared congested by the Port Director.

Any vessel refusing to honor this requirement shall be considered as unauthorized berthing and the provisions of Item 243 shall apply.

245. VESSEL FIRE NOTIFICATION (C)

In case of fire on board a vessel docked in Port, such vessels should sound a continuous ringing of the ship's electrical bell or continuous sounding of the ship's horn, to indicate a fire on board, or on the wharf at which the vessel is berthed. Such signals should be repeated at intervals to attract attention and be used as an additional method for reporting a fire.

246. MAN OVERBOARD (C)

When a person falls overboard, the ship's internal alarm bell should sound three (3) long rings and the ship whistle should blow three (3) long blasts to notify the crew on board and the other ships in the nearby vicinity.

247. TUG REQUIREMENTS (C)

All tug companies holding a business permit with PortMiami must have at least one tractor tug in their fleet available at the Port. Should the permitted company determine that a named tug is to be temporarily taken out of service for repairs, dry docking, temporary re-assignment, or permanently relocated from the Port, a substitute tug of equal or greater capabilities must be available at the Port prior to the removal of the tug being replaced at the permitted company's expense. In all cases, the permitted company must,

prior to taking such action, notify the Port Director or designee in writing of the planned change(s). Only after receiving concurrence from the Port Director or designee can the change(s) be made. Said concurrence will not be unreasonably denied. When an additional tug is required by the Biscayne Bay Pilots guidelines, a tug company operating in PortMiami must provide additional equipment when given reasonable notice. Failure to provide a substitute tug and hindering cargo and/or cruise operations may result in a \$5,000.00 disruption fee per impacted cargo/cruise call.

Minimum Tug Assist Vessel Requirements – Per Individual Company

- At least one (1) operational 6,500 horsepower; 80 ton
- Have adequate vessel fenders to sufficiently and safely perform all berthing assistance and maneuvers with each class of ship and barge
- Be equipped with multiple frequency bridge-to-bridge transceivers for communicating among ships and barges, tug, PortMiami Berthing Office, and harbor pilots
- Must comply with all applicable United States Coast Guard inspection, safety, and other requirements and minimum standards applicable to tugs or other towing vessels.