

Section Four: Rules & Regulations for Wharves

Allocation of Space

250. GENERAL (C)

The Port Director shall control the allocation of the space, covered or open on the Seaport properties. All persons using port property in any manner shall strictly comply with such allocations. The Port Director is authorized to move freight or other articles, at the owner's or agent's expense, to enforce this item.

In all cases, the objective of space allocation is to ensure maximum flexibility and utilization of available space, both covered and open, and the Port Director shall be the sole judge in the matter.

252. LEASING

Where leasing is involved as for office, warehouse, or open ground space, normal County procedures and requirements shall be followed in addition to those set out in this tariff.

254. THIRD PARTY CONTRACTS

Users of the port properties shall not assign or transfer any right or privileges granted to it under the terms and conditions of any contractual agreement to which it is a party with the County, nor shall the users of the port enter into a contract with a third party involving the use or allocation of Seaport properties without the prior written approval of the Port Director.

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260. CLEANLINESS OF PREMISES (A) (C)

All stevedores, terminal operators, vessels and their owners, agents, and all other users of the facilities shall be held responsible for the general cleanliness of their property which has been allocated, assigned, or leased to them. This shall include those parts of the aprons, gutters, rail docks, and truck docks used in connection with any specific loading, unloading, or handling operations and yards.

If such users do not properly clean the facilities or property they have been using or assigned, the Port Director may order the property cleaned and placed in good order and charge the users responsible at the following charges:

Sweeper and staff.....\$225.11 per hour
Overtime (hour x 1.5).....\$337.65 per hour
Holidays (12 per County).....\$450.20 per hour Or

The Port Director, or his/her designee, may elect to utilize a third party (janitorial company, etc.) to effect the needed cleaning/housekeeping operation at the going rate at the time normally charged by the company selected plus a twenty-percent (20%) administrative fee as calculated on the total of any invoice/s submitted by the company for the services rendered.

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Tenants unable to perform these services may request these services on an as-needed or regularly scheduled basis through the Seaport's Facilities Maintenance Division. These rates will require review annually.

261. BOAT CRADLE REMOVAL (C)

It is the responsibility of the stevedoring company to remove, or have removed, any empty yacht/boat cradles from the dock aprons and other common use areas within PortMiami no later than 24 hours following the yacht/boat being removed from the cradle. Failure to comply will result in a charge of \$800.00 per day, per cradle until removed. This fee will be assessed to the responsible stevedoring company.

262. DAMAGE TO FACILITIES (C)

Vessels, their owners or agents, and all other users of the Port facilities or equipment shall be held financially responsible for any damage sustained while the facilities or equipment are in their control or which are occasioned by them. In addition to labor and repair costs, a twenty percent (20%) administrative fee will be applied to any claims. The Seaport Department may detain any vessel or other watercraft responsible for damage to the facilities until sufficient security has been given for the amount of damage. It shall be the responsibility of the users of the facilities or equipment to report any damages to the Seaport Department immediately.

264. EMERGENCIES

Anyone on the Port property at any time becoming aware of an emergency situation of any nature should call "911" (Miami Dade Police/Fire Rescue) first and then contact Seaport Security by calling 305-329-4049 (PortMiami Security), while taking such immediate direct action as may be appropriate.

266. EXPLOSIVES INFLAMMABLES OTHER HAZARDOUS MATERIALS

Conveyors of Certain Dangerous Cargo (CDC), as defined in the Code of Federal Regulations (CFR) must comply with all CFR requirements and obtain approval from the United States Coast Guard before such dangerous cargo is handled over or received on the wharves or other facilities of the Seaport. Failure to obtain approval shall be construed as an incomplete, inaccurate, and/or late submission of documentation, and subject to provisions of Item 217 in this Tariff.

Any cargo, including transshipments, which requires, for transport purposes, special labeling as hazardous, explosive, dangerous, flammable, radioactive, poisonous, or gas is not allowed to remain on the Port overnight without prior, written notification to the Port Director or designee. Wharf Demurrage Charges shall apply after 24 hours.

268. LOITERING ON PORT PROPERTY (C)

It shall be unlawful for any person to loiter upon the properties of the Seaport Department. It shall be unlawful for unauthorized Persons to enter any cargo movement or handling areas, designated cruise operational areas, or any secured/restricted areas under the PortMiami Facility Security Plan.

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Persons using the Port facilities do so at their own risk, and the Seaport Department will assume no responsibility for injuries or damages sustained.

270. SIGNS

Painting signs on structures belonging to the Seaport Department is prohibited without prior approval. Signs to be erected on the Port shall be furnished by the Port users and erected or placed by the user after the Port Director shall have approved the design, material, and size of said signs. All signs shall be uniform and must comply with all applicable laws, ordinances, and other sign requirements.

272. SMOKING (C)

It is strictly prohibited and unlawful for any person to smoke inside any building located on the Port, in accordance with the Florida Clean Indoor Air Act of 1987, as amended by the State Legislature in 1992, and the Miami-Dade County Administrative Order No. 8-6, as amended April 7, 1994. Further, smoking restrictions on outdoor smoking may be as posted.

274. SOLICITATION

It shall be unlawful for any Person to solicit or carry on any business on the Seaport property without first obtaining a permit from the Seaport Department of Miami-Dade County as required by this tariff, by Ordinance No. 64-22, and subject to having the required occupational licenses.

276. VEHICLES

It shall be unlawful to park automobiles in any restricted area or to park any automobile, truck, trailer, or any other vehicle in loading zones for any longer period than is necessary to load or discharge cargo or passengers. Parking is permitted in PortMiami FSP secured/restricted areas for Federal, State, and local first responders and Miami-Dade County Seaport authorized vehicles, as well as vehicles with a valid Special Dock Permit or Work Zone Authorization.

278. SECURITY

It shall be the responsibility of all Seaport users and tenants to provide their own security personnel when they have cargo or other property on the Seaport that has a high susceptibility to theft. Security personnel so employed and utilized within a secured area/restricted area and/or area of cargo operations shall have in their possession a Seaport identification card issued in compliance with Chapter 28A of the Code of Miami-Dade County Seaport Security and Operations, and a Transportation Worker Identification Credential (TWIC) Card issued in compliance with Transportation Security Administration (TSA) Federal requirements.

All security personnel so employed, whether armed or unarmed, shall be able to converse in the English language and be licensed by the State of Florida. Seaport users and tenants intending to utilize security personnel, other than those security companies permitted to do business on the Seaport on a permanent basis, shall provide written notice at least 24 hours prior to their utilization. Such notice shall be addressed to the Seaport Security Division Chief, with a copy provided to the Cargo Operations Duty Officer.

279. USE OF AND RESPONSIBILITY FOR SEAPORT TWIC READERS

To facilitate compliance with certain U.S. Coast Guard regulations requiring owners and operators of certain vessels and facilities to conduct electronic inspections of TWICs as an access control measure, the Seaport Department has procured a volume of certified tamper-resistant biometric credential verification devices (TWIC Readers). Once federal rules mandating the use of TWIC Readers at certain designated secured areas of Port operations become effective, the Seaport Department may make County purchased TWIC Readers available to qualified and permitted security personnel or firms employed or retained by Port users or tenants, on a temporary (bailment) sign-out basis, provided the person(s) or firm(s) signing out such equipment (the bailees) shall be fully responsible for any equipment loss, theft, or breakage, shall return such equipment in good working order no later than the end of each working day on which the equipment was used or as otherwise directed by Seaport staff, and shall comply with all other requirements imposed by the Seaport Department in connection therewith, including, without limitation, requiring security deposits, cash bonds, payment bonds, insurance, indemnification, and/or other forms of payment guarantee.

280. WHARF OBSTRUCTION

Stevedores' tools, appliances, equipment, vehicles, or any other material or object which is not part of the cargo will not be permitted to remain on the wharves and wharf premises, or in the transit sheds, except at the discretion of the Port Director.

Cargo or gear will not be stored on the aprons, in driveways, roadways, on railroad tracks, or any other locations that would hamper normal Port operations without specific approval of the Seaport Department.

If not removed when so ordered, it shall be subject to removal by the Seaport Department at the agent's expense, at cost plus 100%.