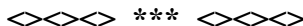


ORDENANZA NUM. 83
SERIE DE 1993-94

“PARA AUTORIZAR NUEVAS TARIFAS PARA EL MUELLE DE PONCE Y PARA OTROS FINES”



POR CUANTO: La Junta Administrativa del Muelle de Ponce ordenó la realización de un estudio tarifario y celebró Vistas Públicas para la discusión de este estudio con los usuarios y clientes del Muelle y el público en general;

POR CUANTO: El Artículo 2.002 de la Ley de Municipios Autónomos de 1991 autoriza a los Municipios a imponer y cobrar contribuciones, derechos, licencias, arbitrios y otros arbitrios e impuestos, tasas y tarifas razonables dentro de los límites territoriales del Municipio compatibles con las leyes del Estado Libre Asociado de Puerto Rico, incluyendo, sin que se entienda una limitación, por el estacionamiento en vías públicas municipales; por la apertura de establecimientos comerciales; industrias y de servicios; por la construcción de obras y el derribo de edificios; por la ocupación de vías públicas municipales y por el recogido y disposición de desperdicios;

POR CUANTO: El Artículo 5.005 de la Ley de Municipios Autónomos de 1991 en su inciso (c) provee que la Asamblea Municipal tendrá autoridad para:

“Autorizar la imposición de contribuciones sobre la propiedad, tasas especiales, arbitrios, tarifas, derechos o impuestos dentro de los límites jurisdiccionales del municipio sobre materias no incompatibles con la tributación del Estado con sujeción a la ley”.

POR CUANTO: El estudio tarifario adelanta dos objetivos de política pública que el Gobierno Municipal Autónomo de Ponce interesa adelantar, a saber, la generación de los recursos necesarios para que el Muelle de Ponce cubra sus costos operacionales y la necesidad de estimular su utilización mediante tarifas competitivas;

POR TANTO: ORDENASE POR LA ASAMBLEA MUNICIPAL DE PONCE, PUERTO RICO:

SECCIÓN PRIMERA: Autorizar el establecimiento de las siguientes tarifas:

RATES AND FEES

APPLICATION

ITEM

DOCKAGE

6000

Dockage Rate per Ship Gross Register Ton per 24 hours

period or fraction thereof are as follows:

1. <u>Tanker vessels and tank barges while berthed at wharves, piers or bulkhead structures designed primarily for the loading or offloading of liquid cargo by pipeline</u>	\$0.0345
2. <u>All vessels while berthed at dry cargo wharves piers or bulkhead structures in trade with offshore points.</u>	0.0560
3. <u>All vessels while berthed at dry cargo wharves piers, or bulkhead structures loading or offloading Liquefied Petroleum Gas (LPG) and Hazardous Materials or Related Chemical Products</u>	0.08
4. <u>All vessels while berthed at wharves, piers or bulkhead structures loading or offloading liquid gas or related gases by pipeline</u>	0.07
5. <u>All vessels while berthed at dry cargo wharves, piers, or bulkhead structures in connection with the trade with other Puerto Rico Ports or the U.S. Virgin Islands</u>	0.0448
6. <u>Tourist or cruise ships and combination cargo-passenger vessels carrying more than 100 passengers</u>	0.0291
7. <u>Vessels including those of non profit organization engaged in revenue producing activities</u>	0.08
8. <u>DOCKAGE NOS</u>	0.08
9. <u>MINIMUM DOCKAGE, PER SHIP, PER 24 HR. PERIOD OR FRACTION THEREOF</u>	8.00
10. For Dockage exemptions see Item 3900-5.	

APPLICATION

<u>WHARFAGE ON CARGO</u>	6100
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Cargo which passes on, over, under or through any Port of Ponce wharf, wharf premise, pier or bulkhead structure for loading to or after discharge fom a vessel shall pay the following wharfage rates:

	<u>Per Cwt</u>	<u>Per Cubic Feet</u>
1. Cargo using sheds, moving between Ponce and other Puerto Rican ports and U.S. Virgin Islands	\$0.028	0.01725
2. Cargo using sheds, moving between Ponce and offshore ports	0.034	0.017
3. Cargo not using sheds, moving between Ponce and other Puerto Rican ports and the U.S. Virgin Islands	0.02	0.01

4. Cargo not using sheds, moving between Ponce and other offshore ports	0.023	0.012
5. Petroleum and related products handled in bulk via pipeline at piers or structures designed primarily for the loading and offloading liquid cargo in bulk, per barrel of 42 gallons		0.015
6. Molasses per w/Ton		0.052
7. Lumber, excluding plywood which is considered general cargo, per MFBM	1.25*	
8. Piles and Poles per FBM	0.0358*	
9. Gypsum rocks, stones, sand, per cwt.	0.025	
10. Liquified Gas, per barrel of 42 gallons	0.018	
11. Steel per Cwt	0.025*	
12. Motorcycles, motor vehicles, up to 2,000 lbs. each	3.00*	
13. In excess of 2,000 lbs. above rate plus per each ton or fraction thereof	1.00*	
14. If any of the above which rate is marked with an “*” uses a transit shed in addition to the above, per 2,000 lbs. or fraction thereof	0.50	
15. Livestock, cattle, horses, mules, donkeys, and all other animals, per head, each	2.50	
16. Coal, per Cwt	0.025	
17. Tank cars	75.00	
18. Cargo moved in containers using piers with no sheds, per weight ton of 2,000 lbs. or fraction thereof	0.60	
If such cargo uses a transit shed for any purpose an additional charge to the above, per ton of 2,000 lbs. or fraction thereof	0.25	
19. Transshipment cargo in containers in piers with no sheds per ton of 2,000 lbs. or fraction thereof	0.30	
If transshipment cargo uses a transit shed for any purpose in addition to the above, per ton of 2,000		

lbs. or fraction thereof	0.13
20. Minimum wharfage charge for cargo in a container	4.00
21. Minimum wharfage per vessel	32.00
22. For wharfage exemptions see item 4400-5	
23. Per passenger embarking, disembarking or in transit, each	3.00
24. For passenger wharfage exemptions see Item 4600	

APPLICATION

ITEM

WATER SERVICES

6300

Fresh Water Services are as follows:

Per Cubic Meter	\$2.61
Per Outlet, hoses supplied by the vessel, additional	2.30
Per Outlet, hoses supplied by the Port of Ponce, additional	5.75
Per hose segment, additional	1.50

ELECTRICITY

6400

Supplied after 7:00 P.M. until 6:00 the following morning or as per meter reading	23.00
Vessels while in repair, per vessel, a Minimum daily charge of or as per meter reading	20.00

WATERBOYS

6500

See regulations in Item 100-24 and 5500

FIRST AID STATION

6600

Per vessel, per call	18.00
See regulation in Item 100-27	

USE OF CRANES

6700

Rent charge to be as follows:

- For the Paceco Crane (According to Resolution No. 5, Serial No. 1989-90):

Per hour, minimum of four (4) hours in container loading/unloading operations	400.00
For General Goods, minimum two (2) hours, per hour	200.00
- For the AmClyde Crane (According to Resolution No. 8, Serial No. 1992-93):

Per hour, minimum of four (4) hours in container	
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Loading/ unloading operations	125.00
For General Goods and non-vessel loading/ unloading land operations, per hour, minimum of two (2) hours	75.00

APPLICATION ITEM

DEMURRAGE PENALTY 6900

Charges for demurrage will be as follows:

1. For Lumber, per period of five (5) consecutive days, per MFBM as manifested	1.00
2. Lumber Under Cover, per period of five (5) consecutive days, per MFBM as manifested	1.61
3. Pole and Piling, per lineal foot, per five (5) consecutive days period	2.87
4. Motor vehicles, per calendar day or fraction thereof, each	1.00
5. Empty containers, per day or fraction thereof, ea.	3.00
6. Steel Bars and Steel Products, per five (5) consecutive days period:	
Open storage, per 100 lbs.	0.05
Per cu. ft.	0.03
Under cover, per 100 lbs.	0.07
Per cu. ft.	0.04

RENTALS 7000

Subject to the established regulations in this tariff the rentals will be as follows:

1. Land, per cuerda, annually	
Improved	\$7,800 - \$10,000
Unimproved	\$2,000 - \$ 7,799
2. Buildings, per sq. ft., annually	
Shed or Warehouse	\$2.25
Office space	\$3.00 - \$15.00
3. Minimum exclusive Use	\$250.00
3. Preferential Use Area, per sq. ft. annually	5 cents

SECCIÓN SEGUNDA: Esta Ordenanza tiene vigencia inmediata.

APROBADA ESTA ORDENANZA POR LA ASAMBLEA MUNICIPAL DE PONCE,
PUERTO RICO, A LOS 27 DIAS DEL MES DE ABRIL DE 1994.

GUILLERMO JIMENEZ MONROIG
SECRETARIO ASAMBLEA MUNICIPAL

LUIS A. (WITO) MORALES
PRESIDENTE ASAMBLEA MUNICIPAL

SOMETIDA ESTA ORDENANZA A MI CONSIDERACION A LOS 28 DIAS DEL MES DE
ABRIL DE 1994, Y FIRMADA Y APROBADA POR MI A LOS DOS DIAS DEL MES DE
MAYO DE 1994.

RAFAEL CORDERO SANTIAGO
ALCALDE

JAB / mavc

CERTIFICACION

YO, GUILLERMO JIMENEZ MONROIG, SECCRETARIO DE LA ASAMBLEA MUNICIPAL DE PONCE, PUERTO RICO

CERTIFICO: Que la precedente Ordenanza Núm. 83, Serie de 1993-94, fue aprobada por la Asamblea Municipal en su Sesión Extraordinaria celebrada el miércoles, 27 de abril de 1994 y con los votos afirmativos de los siguientes Asambleístas a saber:

Hon. Juan H. Cintrón
Hon. Cosme A. Ortiz
Hon. Luis A. (Wito) Morales
Hon. Enrique A. Vicéns
Hon. Lourdes Torres de Toro
Hon. Pedro Pacheco

Hon. José A. Rodríguez
Hon. Rafael J. Rovira
Hon. Daisy Silvagnoli
Hon. Waldemar Vélez
Hon. Elba L. Figueroa
Hon. Santos Silva

Ausentes Excusados:

Hon. Ana Pieve de Antúnez
Hon. Carlos L. Báez
Hon. José A. Riera
Hon. Héctor R. Mejías

Esta Ordenanza fue presentada al Honorable Alcalde, debidamente certificada por el Presidente y el Secretario de la Asamblea, el día 29 de abril y éste la firmó e impartió su aprobación el 2 de mayo de 1994.

CERTIFICO: Además, que de acuerdo con las Actas bajo mi custodia, aparece que todos los Asambleístas fueron debidamente citados para la referida sesión en la forma que determina la Ley.

Y, PARA QUE ASI CONSTE, y a los fines precedentes, expido la presente con mi firma y el Sello Oficial del Municipio de Ponce, hoy día 2 de mayo de 1994.

GUILLERMO JIMENEZ MONROIG
SECRETARIO ASAMBLEA MUNICIPAL

SELLO OFICIAL

jdc

PUERTO DEL SUR

REGLAMENTO PARA EL USO DEL PUERTO DE PONCE
(Ordenanza Núm-15, Serie 1994-95)

ESTADO LIBRE ASOCIADO DE PUERTO RICO
Gobierno Municipal Autónomo de Ponce
ASAMBLEA MUNICIPAL
APARTADO 1709
PONCE, PUERTO RICO 00733

ORDENANZA NUM. 15
SERIE DE 1994-95

***“PARA APROBAR MEDIDAS REGLAMENTARIAS PARA EL USO EL PUERTO DE
PONCE Y PARA OTROS FINES”***

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POR CUANTO: La Junta Administrativa del Puerto de Ponce comisionó la preparación de un estudio que propusiera tarifas más adecuadas para el Puerto de Ponce, estudio que fue sometido a vistas públicas, fue objeto de evaluación por parte del Oficial Examinador designado, Lcdo. Pedro Ortiz Alvarez y los usuarios del Puerto de Ponce tuvieron amplia oportunidad de conocer el esquema propuesto y ofrecer sus sugerencias, muchas de las cuales fueron incorporadas;

POR CUANTO: El Artículo 2.002 de la Ley de Municipios Autónomos del 1991 y, más directamente, el Artículo 5.005 de dicha Ley, en sus inciso (e), otorga a esta Asamblea Municipal el poder de “Autorizar la imposición de contribuciones sobre la propiedad, tasas especiales, arbitrios, tarifas, derechos o impuestos dentro de los límites jurisdiccionales del Municipio sobre materias no incompatibles con la tributación del Estado con sujeción de la Ley”;

POR CUANTO: Mediante la Ordenanza Núm. 83, Serie 1993-94, aprobada el 2 de mayo de 1994 se autorizaron las tarifas para el Puerto de Ponce;

POR CUANTO: La Junta Administrativa del Puerto de Ponce recomendó la adopción de un reglamento tarifario que adelante los objetivos de la política pública de gran interés para el Municipio Autónomo de Ponce, a saber, (1) la generación de los recursos necesarios para que el Puerto de Ponce sufrague sus costos operacionales y (2) el estímulo de una mayor utilización del Puerto mediante el servicio esmerado con cargo a tarifas competitivas;

**POR TANTO: ORDENASE POR LA ASAMBLEA MUNICIPAL DE PONCE,
PUERTO RICO:**

SECCION PRIMERA: Autorizar la adopción de la política tarifaria propuesta y la imposición del siguiente Reglamento:

TARIFF RULES AND REGULATIONS FOR THE PORT OF PONCE

SECTION ONE – DEFINITIONS

SECTION TWO – CONVERSION FACTORS

SECTION THREE – APPLICATION

ITEM 300	APPLICATION OF RATE RULES AND REGULATIONS
ITEM 400	CONSENT TO TERMS OF TARIFF
ITEM 500	USE OF FACILITIES
ITEM 600	GENERAL RESTRICTIONS AND LIMITATIONS
ITEM 700	DISCLAIMER FOR LOSS OR DAMAGE
ITEM 800	ACCESS TO RECORDS
ITEM 900	IDEMNITY BOND OR LETTER OF CREDIT
ITEM 1000	INSURANCE
ITEM 1101	POLLUTION OF AIR, WATER AND LAND
ITEM 1200	ALLOCATION OF SPACE
ITEM 1300	DAMAGE TO FACILITIES
ITEM 1400	APPLICATION
ITEM 1500	EMERGENCIES
ITEM 1600	EXPLOSIVES, INFLAMMABLE, AND OTHER HAZARDOUS MATERIALS
ITEM 1700	LOITERING ON PORT PROPERTIES
ITEM 1800	INJURY TO PERSONS
ITEM 1900	HOT WORK
ITEM 2000	SIGNS
ITEM 2100	SMOKING
ITEM 2200	SOLICITATION

ITEM 2300	VEHICLES
ITEM 2400	SECURITY
ITEM 2500	RADIOACTIVE AND / OR FISSILE MATERIALS
ITEM 2600	EMPTY DRUS, ETC. NOT TO REMAIN ON WHARF
ITEM 2700	FIRE FIGHTING APPARATUS
ITEM 2800	SPARK PROTECTOR NECESSARY
ITEM 2900	PERSONS NOT ALLOWED IN CERTAIN PREMISES
ITEM 3000	SAND FOR ABSORBING WASTE OIL
ITEM 3100	SPEED LIMITS ON WHARVES
ITEM 3200	INSIDE FENCING
ITEM 3300	UNLAWFUL TO FISH FROM OR USE ANY BERTH, WHARF OR OTHER AREA WITHOUT ASSIGNMENT OR PERMISSION
ITEM 3400	MAKING FAST OR REMAINING AT WHARF WITHOUT CONSENT OF THE PORT OF PONCE
ITEM 3500	VESSELS EXTENDING BEYOND A PIER OR OCCUPYING AN OUY=TSIDE BERTHING AREA
ITEM 3600	UNLOADING GARBAGE FROM VESSELS PROHIBITED
ITEM 3700	RESPONSIBILITY FOR PAYMENT
ITEM 3800	TIME LIMIT FOR FILING CALIMS
ITEM 3900	DOCKAGE
ITEM 4000	VESSELS ON EMERGENCY STATUS
ITEM 4100	VESSELS USING THE PORT FACILITIES FOR REFITTING
ITEM 4200	VESSELS TO USE FACILITIES FOR LONG-TERM LAYOFF PERIODS
ITEM 4300	VESSELS REMAINING IN PORT FACILITIES DUE TO LEGAL ACTION
ITEM 4400	WHARFAGE
ITEM 4500	WHARFAGE CONTINUATION

ITEM 4600	PASSENGER OR SERVICE WHARFAGE FOR VESSELS CARRYING PASSENGERS OR CRUISE SHIPS
ITEM 4700	FREE TIME AND DEMURRAGE
ITEM 4800	COMMENCEMENT OF FREE TIME PERIOD
ITEM 4900	COMMENCEMENT OF FREE TIME PERIOD – CONT.
ITEM 5000	CARGO LEFT ON DEMURRAGE, CARGO DAMAGED OR ABANDONED
ITEM 5100	CARGO LEFT ON DEMURRAGE DAMAGED OR ABANDONED- CONT.
ITEM 5200	DEMURRAGE ON CARGO SENT TO BONDED WHAREHOUSE
ITEM 5300	EXTENSION OF FREE TIME
ITEM 5400	EXTENSION OF FREE TIME – CONT.
ITEM 5500	RULES FOR SERVICES OR MISCELLANEOUS SERVICES
ITEM 5600	USE OF CRANES AND SPECIALIZED EQUIPMENT
ITEM 5700	COLLECTION OF OVERTIME
ITEM 5800	LAND RENTALS AND LEASES
ITEM 5900	LAND RENTALS AND LEASES – CONT.

SECTION ONE – DEFINITIONS

DEFINITIONS	ITEM 100
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For the purposes of this tariff and its Rules and Regulations, the following terms shall have the meanings stated and the use of the term in singular shall include plural and vice versa.

1. Administration – The Board of Management of the Port of Ponce represents that it has the power to administer de port facilities at the city of Ponce, by virtue of Franchise # 258 of December 7, 1911 granted by the former Executive Council of Puerto Rico (which powers were vested in the existing Puerto Rico Public Service Commission).
2. Adjacent Islands – All the islands surrounding Puerto Rico and which depends on its government.
3. Calendar Day – The 24 hours from midnight to midnight.

4. Commission – The Public Service Commission of the Commonwealth Government of Puerto Rico.
5. Consignee-Agent – The person representing the owner or captain of the vessel at the place where certain work is done or the person to whom the cargo is consigned.
6. Container or Trailer – A permanent type cargo-carrying unit designed to be transported directly and mechanically between vessels and other forms of transportation which has minimum dimensions of eight (8) feet in width, eight (8) feet in height, and twenty (20) feet in length, which is used for the movement of cargo as a unit. All other containers will be considered as general cargo.
7. CWT – Abbreviation for hundredweight. When used with respect to computation of wharfage or demurrage, it means one (1) by weight, per cwt. Of 100 pounds, (2) by board foot measurement in the case of lumber, per 24 board feet being equal to a cwt of two cubic feet.
8. Dock – Any structure used for the mooring of vessels or for the loading or unloading of persons or things. Also to mean port facilities and vice versa.
9. Dockage – The charge assessed against a vessel for berthing at or making fast to a wharf, pier or bulkhead structure, or for mooring to another vessel so berthed.
10. Free Time – The period of time prior to the commencement of loading a vessel and the period of time following the completion of discharge by a vessel, when outbound and inbound freight, respectively, may be held in the transit area without payment of any fee except wharfage.
11. Gross Tonnage – (of a vessel) – This term is synonymous with Gross Register Tonnage. It is the cubic capacity in tons of 100 cubic feet of the various enclosed spaces of the vessel. It will be normally found in Lloyd's Register of Shipping, in which the highest will be the official basis used in this tariff.
12. Landing Place- Any place where it is possible for a vessel to embark persons, or load and unload things, directly to or from land rather than by intermediate water carrier.
13. Lighter– A barge, with no means of self-propulsion, used to transport cargo from a point within a port. It is usually towed by a tug.
14. Manifest – Inward or outward statement of the cargo on board of the vessel to be unloaded or loaded. Copies of the Bill of Landings or Freight Bills may substitute the manifest when the vessel is on domestic trade (U.S. – P.R. trade).
15. Marine Terminal – A development consisting of one or more piers, wharves, docks, bulkheads, slips, basins, vehicular roadways, railroad connections, sidetracks, sidings or other buildings, structure facilities or improvements, necessary or convenient to the accommodation of steamships or other vessels.
16. Off-Shore Points – Points not located in Puerto Rico or its adjacent islands or in the U.S. Virgin Islands.

17. Pier – A structure extending into navigable waters for use as a landing place, for persons or things.
18. Transit Area – The area covered or uncovered, bordering on the apron of a wharf, pier or bulkhead structure within which a cargo is assembled for loading on a vessel, and to which it is discharged for delivery from a vessel.
19. Wharf – A structure built along or an angle from the shore or navigable waters so that ships may lie alongside to receive and discharge cargo and / or passengers.
20. Wharfage – The charge assessed against cargo for its passage on, over, under, or through any wharf premise, pier or bulkhead structure, inward or outward. It also includes the charge assessed against cargo passing or conveyed between vessels (to or from a barge, lighter or water) or by pipeline when berthed at a wharf or when moored in a sloip adjacent to the wharf.
21. Wharf Demurrage or Demurrage – The charge assessed against the cargo which remains in the transit area related to a wharf, pier or bulkhead structure after the termination of the free time period.
22. Cruise or Passenger Ships – Means ships engaged in the transportation of passengers, with cabins (carrying twelve or more passengers), or conducting cruises or tour services and not carrying cargo).
23. Ferryboat or Ferry – Vessels used for transporting passengers and / or merchandise in regular periodic and continuous sailings and which may at the same time may transport cargo.
24. Port Service Charge – The charge assessed against a vessel for entering the port and receiving the benefit of general services rendered by the Port such as a maintenance or contribution to maintenance dredging, construction of dikes, harbor cleaning, etc.
25. Waterboy – The Port employee designates to provide the equipment, and maintain watch while a vessel is receiving potable water service.
26. Working Days – Are Monday thru Friday, excluding Saturday, Sunday, and / or legal holidays.

SECTION TWO – CONVERSION FACTORS

APPLICATIONS

CONVERSION FACTORS

The following conversion factors are hereby presented to be used for ascertainment or charges and related aspects.

1 kilogram = 2.204 pounds

1 pound = .045 kilograms

1 metric ton = 22.04.6 pounds
 1 metric ton = 1000 kilograms
 1 metric ton = 0.91 short ton
 1 metric ton = 1.02 long ton
 1 meter = 39.37 inches
 1 meter = 3.281 feet
 1 foot = 0.3428 meters
 1 centimeter = 0.3937 inches
 1 centimeter = 2.54 inches
 1 cubic meter = 35.315 cubic feet
 1 cubic meter x 1.13 = 40 cubic feet
 1 cubic meter = 40 cubic feet x 0.88
 1 cubic meter = 423.78 feet board measure
 2.36 cubic meter = 1000 feet board measure
 1 liter = 0.264 gallons (0.00663 bbls)
 1 barrel – 42 gals. = 1596.09 liters
 1 short ton = 2000 pounds
 1 long ton = 2240 pounds
 1cwt = 100 pounds; 2 cubic feet; 24 board feet measurement
 1 gallon fuel oil (Navy) = 7.89 pounds; 6.76 bbls. Per ton of 2240 lbs.; 331.4 lbs. per bbl /42 gals.
 1 gallon lubricating oil = 7.69 pounds; 6.94 bbls. Per ton of 2240 pounds;322.8 pounds / bbl./ 42 gals.
 1 gallon diesel oil (Navy) = 6.96 pounds; 7.67 bbl. / ton of 2240 pounds; 292.2 pounds / bbl. / 42 gals.
 1 gallon gasoline (Commercial) = 6.15 pounds; 8.66 bbls / ton of 2240 pounds; 258.3 pounds / bbl. / 42 gals.
 1 gallon kerosene (Commercial) = 6.75 pounds; 7.91 bbls. / ton of 2240 pounds; 283 pounds / bbl. / 42 gals.

SECTION THREE – RULES AND REGULATIONS

APPLICATION	ITEM
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<u>APPLICATION OF RATES, RULES AND REGULATIONS</u>	300
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The rates, rules and regulations in this tariff are a-applicable to the docks, landing places, marine terminals, wharves, transit areas or any other facility used for loading and / or unloading and are property of the Port of Ponce and shall apply to all users of such facilities.

<u>CONSENT TO TERMS OF TARIFF</u>	400
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The use of the docks, landing places, marine terminals, transit areas and wharves and any other facility of the Port of Ponce or under its jurisdiction shall constitute consent by any interested party to abide by all terms, conditions, rules, regulations, penalties, rates and charges set forth in this tariff.

USE OF FACILITIES

The Port of Ponce reserves its rights at any time or times and without notice to deny use of its facilities to any user who or which is delinquent in payment of its accounts for more than thirty (30) days; such denial may be continued until such accounts are fully paid and maintain current.

GENERAL RESTRICTIONS AND LIMITATIONS

The Port of Ponce is not obliged to provide storage or accommodation for property which has not been transported, nor is intended to be transported by water to or from the port; nor is it obliged to provide dockage, wharfage, storage, or other service beyond reasonable capacity of the facilities; nor is it obliged to provide extended storage for any property in the course of normal operations, beyond a period of time determined by the Director of the Port or his representative.

The Port of Ponce is not obliged accept any cargo, either inbound or outbound, which is not compatible with the accepted objective of its facilities and the established assurances to the community. The refusal of any such cargo is discretionary with the Director of the Port or his representatives.

DISCLAIMER FOR LOSS OR DAMAGE

The Port of Ponce does not accomplish unloading, loading or manipulation of cargo, does not carry inventory of cargo, nor inspections any cargo to see that it matches the shipping documents, nor conducts accounting of cargo deposit in its terminals. In this regard the Port of Ponce shall not be responsible for any damages to freight being loaded, unloaded, handled, stored, or otherwise present on its facilities, or for loss of any freight or for any delay to same, unless such cargo is received for on its behalf, except to the extent that such damages are accounted to result from its fault or negligence.

The Port of Ponce shall not be responsible for any loss or damage to freight on its facilities by reason of fire, leakage, evaporation, natural shrinkage, wastage, decay, animals, rats, mice, or other rodents, moisture, the elements, discharge of water from sprinkler fire protection systems, or by or for any other cause, except to the extent that such loss or damage is accounted to result from its fault or negligence.

The Port of Ponce shall not be responsible for delays, losses or damages arising from riots, strikes, or labor disturbances of any persons, or for any loss due to pilferage or thievery, or to any other cause, except that such delays, losses or damages are account to result from its fault or negligence.

ACCESS TO RECORDS

All vessels, their owners and agents, and all other users of the facilities, shall be required to permit access to the manifests of cargo, passengers, and all other documents for the purpose of audit to ascertain the correctness of reports filed, or for securing necessary data to permit the correct estimate of the charges.

INDEMNITY BOND OR LETTER OF CREDIT

900

Users of the Port of Ponce facilities are required to furnish the Port Administration with an Indemnity Bond or Letter of Credit, insuring the Port of Ponce against loss of any funds and indemnifying the Port of Ponce in full for the payment of bills that accrue as a result of dockage, cargo and passenger wharfage, water services, storage, rentals, leases, warehousing, demurrage, electricity and any other charges that may accrue.

The Port of Ponce Director is authorized to determine and fix the amount required Indemnity Bond or Letter of Credit.

INSURANCE

1000

All users of the Port of Ponce facilities are required to carry bodily injury liability insurance and property damage liability insurance and to furnish certificate of insurance to the Director of the Port. Such insurance shall be in amounts not less than \$500,000 combined single limit and for contract terminal operators not less than \$1,000,000. In addition such users are required to provide an aggregate insurance of not less than \$1,000,000 for small offices and \$2,000,000 for stevedoring operations. Such policies shall also contain a hold harmless clause for the Port of Ponce.

POLLUTION OF AIR, WATER AND LAND

1100

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

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

In addition to these regulations, all appropriate Federal, State, and local laws, rules and regulations pertaining to air and water pollution shall be strictly observed.

ALLOCATION OF SPACE

1200

The Port of Ponce shall control the allocation of all space, covered or open, on its properties. All persons using the Port's property in any manner shall strictly coordinate with the Port Administration and comply with such allocation of space. The Port of Ponce may move freight or other articles, at owner's or agent's risk and expense, in order to enforce this item.

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

DAMMAGE TO FACILITIES

1300

All vessels, their owner or agents, and all other users of the facilities, shall be held responsible for any damage to the facilities occasioned by them. The Port of Ponce might detain any vessel or other watercraft responsible for damage to the facilities until sufficient security has been given for the amount of the damage. It shall be responsibility of the users to report any damage occasioned by them to the Port of Ponce immediately.

It shall be unlawful for any person to willfully or carelessly destroy damage, disturb, deface, or interfere with any property or equipment of the Port of Ponce or under the jurisdiction of the Port.

Every person and every vessel responsible for any damage to any Port of Ponce property or under its jurisdiction of any kind or character shall be held liable for and charged with the cost and expense of its replacement or repair. The expenses of repairing said damage shall be charged against the agent, person, vessel, or all responsible thereof.

In the event any damage is made to any wharf, wharf premises, facility or other property, owned by the Port of Ponce and / or in the possession, supervision, management or control of the Port, the person or persons causing, responsible for, or in any way connected with such damage, and the person or persons to whom the wharf, wharf premises, facility or other property may be assigned, or by whom its being used and the Master, owner, operator or agent of any vessel, vehicle or other instrumentality involved in such damage, shall promptly file a full report thereof with the Port of Ponce Director stating the date and hour the damage occurred, the names and addresses, or if unknown, a description of witnesses and other persons, vessels or instrumentalities involved in the damage, as well as all other pertinent facts and information that might be available. It is unlawful for such report in the form and manner aforesaid, and, in addition to the general penalties prescribed in this Tariff, any such person who so refuses, neglects or fails, may be denied the use of the wharf or any other facility until the Port of Ponce has been fully reimbursed for any such damage.

EMERGENCIES

1500

Anyone on the Port of Ponce property at any time who becomes aware of an emergency situation of any nature shall notify a responsible Port of Ponce representative by the fastest means, while taking such immediate action as may be appropriate.

EXPLOSIVES, INFLAMMABLE, AND OTHER HAZARDOUS MATERIALS

1600

Explosives, inflammable and other hazardous commodities or materials will not be handled over or received on the wharves or other facilities of the Port of Ponce until and unless approval is obtained from the United States Coast Guard and the Port of Ponce. Such approval must be obtained by filing with the Port of Ponce and the U.S. Coast Guard the form Application and Permit to handle hazardous materials within at least 48 hours in advance to the ship's arrival. Ships transporting such materials not to be discharged, but berthed at the Port of Ponce facilities shall also with at least 48 hours in advance notify the U.S. Coast Guard and the Port of Ponce such information regarding these types commodities which shall specifically be reported and included in the Docking Application Permit.

The Port of Ponce may refuse the use of its facilities or waterfront for the handling, stowing, loading, discharging or transportation of such explosives or dangerous articles which are considered by the Port of Ponce Director as offering undue risk or exposure to risk.

Wherever a ship transporting explosives, inflammables or other hazardous material is berthed at the Port of Ponce facility a copy of the Hazardous Cargo Manifest shall immediately or before ship's arrival be filed with the Port of Ponce operations office.

LOITERING ON PORT PROPERTIES

1700

It is unlawful for any person to loiter on the properties of the Port of Ponce. It is also unlawful for unauthorized persons to enter or move cargo in handling areas.

INJURY TO PERSONS

1800

Persons using the Port of Ponce facilities will do so at their own risk and the Port of Ponce will not assume responsibility for the occurrence of injuries or damages resulting therefrom.

HOT WORK

1900

Hot work is any operation involving oxyacetylene or electric welding, burning, cutting or other heat producing activities. Hot work shall not be conducted on any waterfront facility or vessel moored there to, when dangerous cargo is present unless a properly executed and valid U.S. Coast Guard Welding and Hotwork Permit (Form CG-4201) is on file at the pier and advance notification has been given to the Captain of the Port, U.S. Coast Guard and the Port of Ponce.

SIGNS

2000

Painting signs on structures or facilities belonging to the Port of Ponce is prohibited unless prior approval is obtained. Signs to be erected on the Port of Ponce facilities shall be furnished by the port users and erected or displayed by the user only after the Port Director shall have approved the design, material and size of said signs. All signs will be uniform.

SMOKING

2100

It is unlawful for any person to smoke or light a match upon, or in, any port facility when such is prohibited by the Port of Ponce, the Municipal and the Commonwealth Fire Services, or the U.S. Coast Guard.

SOLICITATION

2200

It is unlawful for any person to solicit or carry on any business on the Port of Ponce property without previously obtaining a permit from the Port of Ponce Administration as required herein or any other regulation.

VEHICLES

2300

It is unlawful to park automobiles in any prohibited area or to park any automobile, truck, trailer or any other vehicles in loading zones for any longer period than it is necessary to load or discharge cargo or passengers.

It is unlawful for any motor vehicle to be stored on any wharf unless such vehicle shall have been first drain of all gasoline or other liquid petroleum product, except at such places as the Port of Ponce may designate.

SECURITY

2400

Port of Ponce officers as well as those of the steamship companies, agents, or stevedoring companies may inspect any vehicle at the entrance or exit of any pier facility when they deem it pertinent.

It is responsibility of all Port users to furnish their own security when they have cargo, vessels, vehicles, other property and / or responsibility on pier facilities. Watchmen so used must have identification from the Port of Ponce. Such identification will be requested through the Port

Administration who will maintain a list of all watchmen. All watchmen employed, whether armed or not, are required to understand and speak English.

The Port of Ponce and its security personnel (watchmen) are not obliged in any manner for the custody of property, cargo, vehicles, vessels or facilities of the users in the premises of the Port of Ponce. Watchmen and / or other employees of the Port of Ponce will observe only for The security and protection of the Port of Ponce property and will cooperate in any aspect regarding a law violation in the facilities, with agents, steamship owners, stevedoring companies, and the Puerto Rico Police.

RADIOACTIVE AND / OR FISILE MATERIALS

2500

No person shall store, keep, handle, use, dispense or transport at, in or upon any facility or other property under the jurisdiction and control of the Port of Ponce, any special nuclear material, including, but not limited, to Uranium 233, 235, Plutonium 239, 241; any source material, including but not limited to, uranium and / or thorium; any irradiated fuel elements; any new reactor fuel or elements thereof; any radioactive material moving under special permit or escort without at least 48 hours prior written notice to and receipt of special permit from the U.S. Coast Guard and the Port of Ponce Administration provided, however, that only advance notice is required for the movement of medical or industrial isotopes other than those specifically included in the aforementioned, when packaged, marked, labeled and limited as to the quantity and radiation emissions in accordance with the U.S. Coast Guard regulations relating to the transportation of explosives and other dangerous articles. The requirements of this item shall be in addition to all those laws and regulations promulgated by other governmental agencies exercising jurisdiction over radioactive and / or fissile materials.

EMPTY DRUMS, ETC. NOT TO REMAIN ON WHARF

2600

Empty drums, tanks, barrels, and other containers used for the storage or transportation of gasoline, distillate, kerosene, or other flammable products, shall not be allowed to remain on any wharf or landing area after sunset of the day received without securing special permission to so from the Port of Ponce, subject to the approval of the U.S. Coast Guard.

FIRE FIGHTING APPARATUS

2700

It is unlawful for any person to obstruct or interfere with the free and easy access to or to use, remove or in any manner disturb, any fire extinguisher, fire hose, fire hydrant, or only part of any fire sprinkler system, or any other fire fighting apparatus installed in or upon any wharf, warehouse or other building, structure or premise under the jurisdiction of the Port of Ponce, except for the prevention of fire; provided however, that nothing herein contained shall prevent making necessary repairs or tests by any person duly authorized to do so.

SPARK PROTECTOR NECESSARY

2800

Every steam or spark producing engine when used upon any wharf or landing area, and every pile driver when working on or alongside any wharf, must have upon its smokestack a bonnet or spark catcher that will effectively prevent sparks from falling upon such wharf or upon the deck of any vessel. In operating any donkey or hoisting engine in or under any shed, there must be, provided by the owner or operator a bent or curved pipe, with spark arrestor, extending to the outside of the shed, and owners or operators of such engine must clean and remove all ashes, cinders, and waste coming out of engines.

PERSONS NOT ALLOWED IN CERTAIN PREMISES

2900

It is unlawful that any person under the influence or apparent influence of intoxicating liquors to enter or be in any terminal or other premises where flammable or combustible liquid cargo is present or is being handled, and it is unlawful for any person to behave in any disorderly manner on any such terminals or facilities.

SAND FOR ABSORBING WASTE OIL

3000

Suitable sand shall be kept in buckets and used for absorbing waste oil which may fall upon the floors or wharves, and such sand, when saturated, shall be removed to a safe place outside the wharf and facilities, especially when handling oil products. It shall be duty of persons holding berth assignments in conjunction with the Port Administration to comply with and enforce this role in the wharves assigned to them.

SPEED LIMITS ON WHARVES

3100

Any person operating or driving a motor vehicle or any other vehicle upon any wharf, or within any transit shed, warehouse or enclosed terminal area, or any other area where cargo is being handled shall do so at a careful and prudent speed, having due regard to the traffic, surface, and use of the facility. It shall be unlawful for any person to operate or drive any motor vehicle in the facilities at such a rate of speed or in any manner so as to endanger the life, limb, or property of any other person or at a greater rate of speed of more than fifteen (15) miles per hour.

INSIDE FENCING

3200

All fencing inside transit sheds, warehouses and terminals must be authorized by the Director of the Port. All original fencing or subsequent modifications will be installed at the expense of the applicable port user. After installation, the fence becomes property of the Port of Ponce which reserves the rights to require its removal by the party installing it, in the event of vacating or not using the facility or for any other just cause.

UNLAWFUL TO FISH FROM OR USE ANY BERTH, WHARF OR OTHER AREA WITHOUT ASSIGNMENT OR PERMISSION

3300

It is unlawful for any person to fish from or otherwise use in any manner, or for any vessel or any owner, agent or operator thereof to use in any manner, any berth, wharf, wharf premise or other area under the jurisdiction of the Port of Ponce without first securing and assignment or other permission to do so.

MAKING FAST OR REMAINING AT WHARF WITHOUT CONSENT OF THE PORT OF PONCE

3400

It is unlawful for any person to make fast to any vessel or to cause or permit any vessel to be made fast, to any wharf, or to cause or permit any vessel to remain fastened to any wharf, or to be or remain moored immediately in front thereof, without the consent of the Port of Ponce or after such consent has been revoked or withdrawn by the Port of Ponce.

For the purpose of this item, each period of 24 hours, or fraction thereof, during which violation exists so continues shall be considered as a separate offense and shall be subject to the penalties provided in this Tariff for each separate offense.

Any vessel made fast to or moored in front of any wharf, in violation of this Item shall be subject to removal by or the orders of the Port of Ponce at risk and costs of such vessel, its agent or owner.

VESSELS EXTENDING BEYOND A PIER OR OCCUPYING AN OUTSIDE BERTHING AREA 3500

Every vessel lying at any wharf whose stern or bow extends beyond the edge or end of any wharf, and every vessel lying alongside another vessel berthed at a wharf (outside berthed shall, while occupying such position be responsible for any and all damages to itself and to any other vessel.

UNLOADING GARBAGE FROM VESSELS PROHIBITED 3600

It is unlawful to unload, remove or discharge, or cause suffer or permit to be unloaded, removed or discharged, from any vessel in the Port of Ponce facilities any garbage or refuse matter of any kind; provided, however, that any garbage or any refuse matter may be unloaded, removed or discharged from any vessel into such other vessel or vessels or such other vehicle or vehicles as may be coordinated with the Port of Ponce Administration and its approval after due assurance of complying with the U.S. Department of Agriculture, U.S. Coast Guard and any other local or Federal agency laws and regulations.

RESPONSIBILITY FOR PAYMENT 3700

All bills are due upon presentation and, unless other arrangements with the Port of Ponce are made, are payable in cash by the user, vessel, their owners, agents, stevedores or others. The Port of Ponce will not permit the movement of cargo from across or through its facilities and may be withhold permission to occupy or use such facilities, appurtenances and equipment, until all tariff rates and charges have been paid, except that the Port of Ponce may voluntarily extend credit arrangements to give settlement of aforesaid charges. Vessels or authorized agents will not permit the movement of cargo direct to or from ships, tackle or crane and land and water carriers until the permission of the Port of Ponce as specified in this Item has been obtained.

TIME LIMIT FOR FILING CLAIMS 3800

Errors if any will be rectified by adjustment or amendment based on subsequent information received to the issuance of the original bill. All claims against the Port of Ponce for the recovery of overcharges shall be filed with the Port of Ponce within the term of a year after the bill or bills are presented. No refunds or adjustments will be made on any claim filed after this time limit has expired.

DOCKAGE 3900

1. Any vessel berthing at or making fast to Port of Ponce wharf, pier or bulkhead structure, or mooring to another vessel so berthed, shall pay dockage at the rates named in this Tariff.
2. Dockage rates shall apply per gross register ton of the vessel as ascertained from Lloyd's Register, ship license or certificate and the highest will be used to assess the rate.
3. The period of time for which dockage shall be assessed against a vessel shall commence when such vessel is made fast to a wharf, pier, or bulkhead structure, or to another vessel so berthed, and shall continue until such vessel is completely freed from and has vacated such facility.

4. Dockage shall be assessed for each period of 24 hours or fraction thereof during which a vessel is at berth.
5. No dockage will be assessed against:
 - (1) A vessel while actively engaged on service during docking or undocking maneuvers as a tugboat. This exemption will not apply if the tugboat stays fast to the other vessel beyond the time of rendering services.
 - (2) Combat or training vessels including vessels auxiliary thereof, of the U.S. of America, or of any other nation, or any vessel of the Commonwealth of Puerto Rico when in the opinion of the Director of the Port conditions warrant temporary suspension of regular dockage charges.
 - (3) Passenger and tourist ships starting cruise services using the pier facilities of the Port of Ponce are exempted from dockage in their maiden trip. If such ships continue calling at Ponce the exemption will be extended to six calls after having call at the Port of Ponce in twelve occasions. In the case of ships making Ponce their home port the exemption will be extended for twelve trips after having called at the Port in at least eighteen occasions. This exemption is not applicable when such trip previously calling at the port changes agent, owner or name.
 - (4) Vessels participating in regattas or maritime activities duly recognized by the Director of the Port in which cases his written previous approval is required.
 - (5) All U.S. Flag ships in fishing industry bringing her own catch for unloading at the Port of Ponce.

VESSELS ON EMERGENCY STATUS

4000

Vessels calling at Ponce port facilities on emergency or distress situations for a period not exceeding 24 hours are exempted from dockage. Vessels exceeding 24 hours but departing within 72 hours will be charged 50% the normal dockage charges. Vessels remaining beyond the 72 hours period will be subject to normal port charges after making the proper arrangements with the Port Administration.

VESSELS USING THE PORT FACILITIES FOR REFITTING

4100

The agent, charterer, operator and / or owner of vessels with the intent to use the Port of Ponce for its partial or full refitting must submit a written request to the Port Administration not later than two (2) days in advance. Such a request must indicate the approximate time the vessel will remain in port, the required facilities and a preliminary plan of the refitting operations aboard the vessel. Charges for the use of the Port facilities will be assessed at the normal tariff rates.

VESSELS TO USE FACILITIES FOR LONG-TERM LAYOFF PERIODS

4200

Charges may be reduced and conditions altered upon consideration by the Port Director based on circumstances. Item No. 4000 above will apply as to the submittance of request and payment of tariff. The request in this case must include the length of time the vessel is expected to remain in port; and payment and performance guarantees to the Port of Ponce Administration.

VESSELS REMAINING IN PORT FACILITIES DUE TO LEGAL ACTION

4300

Whenever a vessel remains using the Port of Ponce facilities due to legal requirements of the Local, State or Federal Courts or from others' actions, orders, or Federal, local, or state agencies

all the normal charges of the port will continue to be assessed against the vessel through the local agent, charterers, operators and / or owners.

WHARFAGE

4400

1. Statements Required – The owner, agent or any other person in charge of a vessel must furnish to the Port Administration complete copies of the vessels manifest and /or the bill of ladings or waybills, freight bills showing the names of consignees or consignors and the weight and measurements of all freight or such other information, data or documents as may be necessary to develop statistical records and insure the proper assessment of charges.
2. As established in this tariff wharfage rates shall apply either per hundredweight (CWT) or per cubic foot of the cargo subject to wharfage whichever yields the greatest revenue to the Port of Ponce.
3. When the information is not given in weight or measurement (cubic feet) conversion factors will be used and the charges will be assessed according to that yielding the highest revenue to the Port of Ponce, except for commodities which have specific wharfage rates.
4. In the case no information is provided in the shipping documents and it is difficult to determine the basis to assess the wharfage charge, a factor of 25 lbs. per cubic ft. will be used by the Port for such determination. In the case the wharfage will be assessed on the result yielding the highest revenue to the Port of Ponce.
5. Wharfage Exemptions:
 - (1) Ship's supplies and repair materials and supplies intended to be used for the same ship, not including fuel and limited to no more than eight (8) long tons (2240 lbs.) per sip. Over this amount regular wharfage will be assessed.
 - (2) Passenger's baggage provided it is carried on the same vessel as the passenger, and no revenue for its transportation is collected by the water carrier.
 - (3) Petroleum and petroleum products in bulk, which are pumped back from vessel to a tank at the same facility as originally loaded, if these have paid wharfage charge when loaded from a tank to the vessel in the first place.
 - (4) Ballast in bulk, which is not manifested as cargo, has no commercial value, and is handled directly between the vessel and a barge or tank.
 - (5) Dunnage and ship lining used in the stowage or bracing of cargo which is discharged from and reloaded in the same vessel within 30 days.
 - (6) Scrap dunnage or scrap lining discharge from a vessel, provided it has no commercial value, has been used on the vessel for dunnage or bracing of cargo, and is not be reused for these purposes.
 - (7) Cargo which a vessel discharges and reloads prior to departure in order to load or discharge other cargo.
 - (8) Loaded containers as such, when wharfage is assessed on its contents, except otherwise specified.
 - (9) Merchandise or cargo, including liquid products which are received in Puerto Rico or are sent from Puerto Rico to other countries for assistance purposes in natural disaster cases or of any other nature which are recognized by the Director of the Port in wrtting.

PASSENGER OR SERVICE WHARFAGE FOR VESSELS CARRYING
PASSENGERS OR CRUISE SHIPS

4600

Vessels carrying more than 12 revenue passenger or cruise ships which berth at the Port of Ponce pier facilities shall pay a per passenger fee based on the revenue passengers or tourists whose name appear in the passengers or tourists list upon arrival and on the number of passengers or tourists who initiate or terminate a voyage on the vessel. Embarking passengers returning in the same trip and in the same ship and disembarking at Ponce (ships which may use Ponce as home Port) will be charged only once as so presented in the passengers or tourist list. Passengers of ships in their maiden trip to Ponce are exempted from passengers wharfage. This exemption will be extended to the passengers of vessels continuing to call at the port for six additional calls if such ships call at least in twelve occasions. The exemption is also extended to ships making Ponce their home Port and calling at the Port in twelve occasions, but to get the exemption they must call at the Port in at least eighteen occasions.

FREE TIME AND DEMURRAGE

4700

The payment of the wharfage rates prescribed in this tariff will entitle inbound cargo to the use of the transit area of the Port of Ponce without additional charge during all or any part of the period during which the vessel is discharging the cargo and will entitle outbound cargo to the use of such area during which the vessel on which it is to move is loading cargo, plus a free time period of ten (10) working days, except otherwise specified in this tariff.

COMMENCEMENT OF FREE TIME PERIOD

4800

The free time period for incoming cargo will commence at the first midnight after the vessel from which it has been unloaded finished its unloading, or vacates her berth, whichever happens first and the free time for outgoing cargo will commence on the first midnight after the cargo is placed on the pier or pier premises.

Outbound empty containers delivered to the transit area of the Port of Ponce facilities prior to the time the vessel on which they are to move commence loading and inbound empty containers remaining in such areas after the vessel in which they have moved completely discharge, shall at the option of the Port Administration, be placed in storage at the risk and expense of the owner or assessed demurrage as prescribed in this tariff.

Cargo originally manifested to be transferred from one vessel to another at a Port of Ponce facility without change in form or content, including both loaded and empty containers, shall be considered as inbound cargo and containers from the stand point of its rights of the Port of Ponce to place it in storage and / or to assess demurrage.

Any cargo or container which is received and deposited in a pier and is not shipped will be subject to demurrage. This will commence at the time the cargo or container is deposited until it is dispatched.

Any cargo for which the basis to ascertain demurrage is not shown in the manifest or shipping documents will pay demurrage per hundredweight or cubic feet, whichever yields the highest revenue to the Port of Ponce, applying the rule of 25 lbs. per cubic foot if necessary for determination of charges.

CARGO LEFT ON DEMURRAGE, CARGO DAMAGED OR ABANDONED

5000

All cargo which remains at the pier facilities is the responsibility in the first instance of the steamship line or in turn the consignee or the agent of any of them who will answer to the Port of

Ponce for any charge accrued, should the cargo be sent to public warehouse or remain abandoned in the pier facilities.

The rates or charges owed to the Port of Ponce for demurrage constitute a first lien upon the cargo.

Whenever the cargo accrue demurrage for thirty (30) days the Port of Ponce will notify the carrier, agents and consignees that if cargo is not removed within a period of ten (10) calendar days, the Port of Ponce will proceed to dispose of it through public bids, sealed or by the procedure of voiced (auction) system which will be announced in the local press. The money proceeds from the auction will be credited against all charges owed to the Port of Ponce including all expenses incurred by the Port of Ponce. The steamship company or consignee or the agent, of any of them will be hold responsible for the payment of any charge not covered by the product of said auction. Any amount of money in excess will be returned to the steamship company or consignee or the agent of any of them.

DEMURRAGE ON CARGO SENT TO BONDED WHAREHOUSE

5200

All cargo imported from foreign countries subject to the payment of Federal Customs tariffs and to be sent to bonded warehouses after the coordination of Customs with the Port of Ponce will be dispatched from the pier facility accompanied with the Official Bureau of Customs form which will be prepared by the steamship company or agent and the Port of Ponce will, in turn, proceed to bill the steamship company and / or the agent for the demurrage accrued as responsible party.

Through the Official Bureau of Customs form, the shipping line or its agent, in accordance with the contract established through the Docking Permit will require payment of demurrage accrued from the consignee and the bonded warehouse designated by the Bureau of Customs will make sure that said cargo is not dispatched from its warehouse until the Port of Ponce is paid.

The public warehouse will response to the shipping company and the Port of Ponce for demurrage of cargo dispatched from their warehouses for any demurrage due and not paid.

EXTENSION OF FREE TIME

5300

Free time may be extended when there is a just cause as determine by the Director of the Port of Ponce. Examples of just cause are storms, torrential rains, floods, fires, earthquakes, accidents at the pier facilities, works at the pier facilities undertaken by the Port of Ponce and which may prevent o0r cause difficulties for the pick-up or delivery of the cargo. If an extension is granted, it will cover the same number of days in which operations were affected. Extensions will be granted only through proper written application to the Port of Ponce by the consignee, shipper, steamship, line or agent as soon as there is knowledge that a just cause exists.

When the free time period expires a Friday, it will be extended until midnight of next Sunday. If it expires a holiday it will be extended until midnight of such holiday.

RULES FOR SERVICES OR MISCELLANEOUS SERVICES

5500

1. Water – Fresh water will be supplied to vessels as per established rate depending on whether the vessel uses or not its own hoses. Such rates are established per cubic meter plus outlet and the number of hoses used. Vessels not equipped to take water by hose

- will be assessed a rate on a per drum basis, drum to be provided by the vessel. All water hoses provided by the vessel must be free of leaks or the Port of Ponce will provide and charge for its own.
2. Waterboys – Straight time hours during working days from 7:00 A.M. to 12:00 N., and from 1:00 P.M. to 4:00 P.M. All other hours will be Overtime. Rate will be charged according to employee's salary rate as per Collective Agreement in effect and shall include all fringe benefits.
 3. First Aid Station – All vessels will be assessed a per call charge, including both vessels and barges while in operations. Straight time and Overtime will be the same as above.
 4. Electricity – The Port of Ponce will provide lightning of transit sheds and open areas when requested by the users for cargo operations, i.e., vessel and / or vessel agent thereof. Electricity may also be provided for vessels while under repair operations as stated in Item No. 6300.
 5. Use of Office and Telephone – Any Captain, consignee, agent person, shipping company, or owner of a vessel not having an office at the Port of Ponce facilities may use an office as assigned by the Port of Ponce representative upon payment of the corresponding charges as stated in Item No. 6800. Telephone use is limited exclusively to local calls.

USE OF CRANES AND SPECIALIZED EQUIPMENT

5600

The Port of Ponce does not provide the use of mobile shore cranes and loading or unloading equipment, with the exception of the 40-L/T Paceco Crane on the Container Pier 8, and an Amclyde Crane. These cranes will be available to all users or agents upon prior notification and arrangement with the Administration Office. The rates and conditions of use are set forth in the Rates Section of this Tariff as per Item No. 6700.

Outside contractor or owner of cranes and equipment rented to Stevedoring Agents must notify the Administration Office of such arrangements and coordinate and be properly authorized for its use. They must move such equipment after the end of operations. If same is left in the pier premises it will be subject to Penalty Charges after the next hour of the completion of the vessel's operation as established in this Tariff. Other crane and equipment placed in the pier premises for ship loading operations may be placed in the pier premises 24 hours prior to the operations unless such equipment is used for the relocation or receipt of cargo.

COLLECTION OF OVERTIME

5700

In all cases where Port of Ponce personnel is used in periods over the regular straight working hours in the Port of Ponce shall be paid for the corresponding overtime plus the percentage of fringe benefits incurred for the services of the pertinent employee.

LAND RENTALS AND LEASES

5800

The Port of Ponce may enter into leases on a month to month basis with steamship companies and / or agents for the preferential and exclusive use of certain storage areas. All ship companies, agents or users will have equal access to these facilities, subject to availability of the Port of Ponce to maximize the utilization and efficiency of its terminal facilities.

Land back of the berths and transit areas at the pier facilities can be available through leases for acceptable uses. The determination as to acceptability of a proposed use of such land rests with the Director of the Port of Ponce.

The precise rental rate applicable to particular parcel of such land will depend on which land is available, on assessments of lands values and taking into consideration, its location in relation to the waterfront, service highways, existing utilities and similar factors which may have a direct bearing on the rental value.

Rental agreements, involving land at Port of Ponce marine terminal facilities will provide for re-establishment of the rental rate by the Port of Ponce without limitation.

SECCION SEGUNDA: Esta ordenanza tiene vigencia inmediata y las disposiciones reglamentarias aquí establecidas se usarán en la aplicación de las tarifas probadas mediante la Ordenanza Núm. 83, Serie de 1993-94, aprobada por la Asamblea Municipal el 2 de mayo de 1994.

APROBADA ESTA ORDENANZA POR LA ASAMBLEA MUNICIPAL DE PONCE, PUERTO RICO, A LOS 12 DIAS DEL MES DE SEPTIEMBRE DE 1994.

GUILLERMO JIMENEZ MONROIG
SECRETARIO ASAMBLEA MUNICIPAL

LUIS A. (WITO) MORALES
PRESIDENTE ASAMBLEA MUNICIPAL

SOMETIDA ESTA ORDENANZA A MI CONSIDERACION A LOS 13 DIAS DEL MES DE SEPTIEMBRE DE 1994, Y FIRMADA Y APROBADA POR MI A LOS 15 DIAS DEL MES DE SEPTIEMBRE DE 1994.

RAFAEL CORDERO SANTIAGO
ALCALDE

JAB/mavc

CERTIFICACION

YO, GUILLERMO JIMENES MONROIG, SECRETARIO DE LA ASAMBLEA MUNICIPAL DE PONCE, PUERTO RICO

CERTIFICO: Que la precedente Ordenanza Núm. 15, Serie de 1994-95, fue aprobada por la Asamblea Municipal en su Sesión Ordinaria celebrada el 12 de septiembre de 1994, y con los votos afirmativos de los siguientes Asambleístas a saber:

Hon. José A. Rodríguez
Hon. Lourdes Torres
Hon. Waldemar Vélez
Hon. Carlos L. Báez
Hon. Luis A. (Wito) Morales
Hon. José A. Riera
Hon. Elba Figueroa
Hon. Enrique A. Vicens

Hon. Juan H. Cintrón
Hon. Pedro Pacheco
Hon. Cosme A. Ortiz
Hon. Santos Silva
Hon. Daisy Silvagnoli
Hon. Ana Pieve de Antunez
Hon. José Jr. Echevarría

Ausente Excusado:

Hon. Rafael I. Rovira

Esta resolución fue presentada al Honorable Alcalde, el día 13 de septiembre de 1994 debidamente certificada por el Presidente y el Secretario de la Asamblea, y éste la firmó e impartió su aprobación el 15 de septiembre de 1994.

CERTIFICO: Además, que de acuerdo con las Actas bajo mi custodia, aparece que todos los Asambleístas fueron debidamente citados para la referida sesión en la forma que determina la Ley.

Y, PARA QUE ASI CONSTE, y a los fines procedentes, expido la presente con mi firma y el Sello Oficial del Municipio de Ponce, hoy día 15 de septiembre de 1994.

GUILLERMO JIMENEZ MONROIG
SECRETARIO ASAMBLEA MUNICIPAL

SELLO OFICIAL

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