

CITY OF PORTLAND, MAINE

**RULES AND
REGULATIONS
FOR
MUNICIPAL
MARINE
TERMINALS**

DEPARTMENT OF PORTS AND
TRANSPORTATION FACILITIES

Including
Portland Ocean Terminal
International Marine Terminal
Maine State Pier
Ocean Gateway Terminal
Portland Fish Pier*

*(Under the Portland Fish Pier Authority)

Revisions

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PART II PORTLAND FISH PIER

PART I
Deep Draft Municipal Marine Terminal
Rules & Regulations

Section 1:00 Introduction

1:01 Objective and Authority

The objectives of these Rules & Regulations governing Safety, Security and other general operating regulations at City owned Marine Terminals operated by the Department of Ports and Transportation Facilities, Waterfront Division and are due in part to Federal & U.S. Coast Guard regulations 33 CFR Part 120 and under the authority of the City of Portland's Municipal Ordinances. These regulations are in addition to those provisions contained in the City FMC Tariff #4 As Amended.

1:02 Applicability

These Rules and Regulations apply to all vessels, businesses and organizations and their representatives or agents of, servicing vessels and/or passengers at City owned Marine Terminals during marine operations or cargo handling.

1:03 Terminals Not Public Thoroughfares

The municipal marine terminals of the City of Portland are not public thoroughfares and access may be restricted to the general public by the Director or Manager under the US Coast Guard Approved Security Plan or Terminal Rules and Regulations.

Section 2:00 Definitions

Whenever used in these Rules & Regulations the following terms shall have the meaning respectively hereinafter indicated:

Director: The City's Director of Ports and Facilities, which shall include any officer succeeding to the function thereof.

Manager of Marine Operations: The authorized designee of the Director of the Department of Ports and Facilities, which term shall include any officer succeeding to the function thereof. Unless specifically stated otherwise herein, reference to the “Manager” shall include any authorized designee.

Solicitation: Written or verbal communicating, approaching or initiating a conversation with any person on Terminal Property, or in any way employing or inducing any other person to approach or initiate a conversation with any person on Terminal property, other than a person who is engaged in business authorized by the Department of Ports and Transportation Facilities for the sole purpose to service a vessel and /or the vessel’s passengers.

Terminals: Any facility owned by the City of Portland and operated by the Department of Ports and Transportation Facilities that is used in the transitioning of passengers or cargo from land to a waterborne vessel or from a waterborne vessel to land.

Section 3:00 Solicitation

No person shall engage in solicitation of business or passengers on Terminal property, including within the terminal premises, except to the extent expressly authorized herein.

Section 4:00 Conduct

The City of Portland’s Department of Ports and Transportation Facilities reserves the right to hold Organizations, Businesses, representatives or agents responsible for any violations of these Rules and Regulations.

- a. All authorized representatives or agents of businesses or Organizations shall so conduct and carry on their business at the Port as to maintain a friendly, cooperative, though competitive relationship with their competitors engaged in like business at the Port, and shall not engage in open and public disputes, disagreements, or conflicts tending to deteriorate the quality of service or be incompatible to the best interest of the Port and the public at the Port.
- b. All authorized representatives or agents of, businesses or organizations shall conduct themselves in an orderly and proper manner at all times so as not to annoy, disturb or be offensive to passengers and others at the Terminal and shall not provide misleading information concerning their own service or any other service at the Port.

- c. Inappropriate language (including but not limited to swear words, racial slurs or slant) and gestures will be considered offensive behavior, and will be punishable by the removal of individuals for the duration of the day.
- d. Repeated violations will result in the loss of privilege to provide services in any Port facility. This loss of privilege, and the duration thereof, will be determined by the Manager.

Section 5:00 Operational Requirements

- a. All businesses and organizations are required to provide the City of Portland Department of Ports and Transportation Facilities a list of approved employees or volunteers verifying their employ and citing reason for their presence at the terminals, prior to the issuance of identification badges.
- b. All employees or volunteers representing authorized businesses must wear and make visible their terminal access badge at all times when at the terminals. Any persons that do not have an access badge on their person will not be able to access the terminals. There will be no exceptions.
- c. Personnel not engaged in authorized vessel operations will be restricted to specific terminal areas.
- d. Anyone engaged in business during a vessel visit without an access badge will be removed from the property. There will be no exceptions.
- e. No vehicles will be allowed in the bus or taxi queuing areas during shore excursion operations.
- f. Parking for badge holders will be in designated areas of the terminals only. Such areas will be determined by the Manager.

Section 6:00 Communications

6:01 Communications before berthing

Application for berthing at marine facilities must be made in advance in writing. Such request shall include the vessel name, owner, dates of required usage, services required and other information as requested. The director or his designee may accept a verbal request for berthing.

6:02 Communications alongside

The City shall provide a radio to the vessel for direct communication with the Manager. The radio shall be monitored at all times by a person fluent in the English language.

6:03 Emergency Communications

In the event of an emergency aboard the vessel, the Manager shall be immediately notified and advised about the nature of the emergency, steps being taken to contain it and what assistance is required.

Section 7:00 Mooring at Berths

7:01 Mooring lines

The vessel is responsible, at all times, for keeping all mooring lines tightly secured. Supplemental mooring lines and/or fenders may be required by the Manager as conditions dictate.

7:02 Mooring alongside

The vessel is responsible, at all times, for keeping all mooring lines tightly secured whenever supply vessels, bunker barges or other vessels are tied up alongside.

7:03 Winches

The vessel is responsible, at all times, for tending all mooring winches to insure that the vessel is adequately moored alongside the berth. This shall include the frequent inspection of constant tension winches.

7:04 Tugs

The vessel is responsible, at all times, for keeping direct communications with tugs attending them while docking or undocking, and in case of emergencies.

7:05 Weather and Traffic

The vessel shall, at all times, pay strict attention to weather conditions, tides, currents, condition of mooring or other circumstances while at a marine facility. In the event of a deep draft vessel transit access to/from the vessel may be suspended and the gangway removed until any vessel surge has abated.

7:06 Hot Work and other Maintenance

- a. Hot work and other maintenance that may impact the City's piers without the express permission of the manager while at the berth is prohibited.
- b. All hot work shall be conducted in accordance with rules and regulations established by the Fire Department of the City of Portland.
- c. A permit for hot work is required. Such permit shall be issued by the Manager.
- d. Maintenance may be conducted on interior sections of the vessel when alongside.
- e. Chipping paint on the hull or other part of the vessel where paint chips may enter the water is prohibited.
- f. Painting of the hull or other part of the vessel where paint may enter the water is prohibited.

7:07 Discharge of sewage, greywater, bilge water, oil or other liquids

- a. Pumping untreated sewage into the waters of Maine is strictly prohibited by Federal and State law. The discharge of greywater, dirty ballast, or other fluids deemed prohibited by the DIRECTOR while berthed at municipal facilities is prohibited. Discharges by vessels utilizing treatment equipment approved under U.S. Federal Standards is permitted under the authority of the Director will be final
- b. Sewage discharge facilities are available at the Portland Ocean Terminal and Ocean Gateway Terminal. A contractor provided by the vessel shall remove bilge water, oil or other liquid materials.
- c. There are no discharge facilities available at the International Marine Terminal and Maine State Pier. A contractor provided by the vessel shall remove sewage, bilge water, oil or other liquid materials.

7:09 Stack Emissions

The visible emission of stack gasses or other emissions that contain objectionable odors as deemed by the Director while berthed at city facilities is prohibited.

7:10 Trash

The disposal of trash into the water is prohibited. A contractor provided by the vessel must remove trash.

7:11 Bunkering and Fueling

Bunkering and fueling at City facilities is permitted. When a vessel takes on bunkers or fuel a pre-transfer conference shall be held with the vessel, vendor and Manager. Smoking shall not be allowed on weather decks or the pier during transfer operations.

7:12 Emergency Wires

If directed by the Manager emergency towing wires shall be properly rigged on the offshore side forward and aft. These wires are to be kept near the water surface at all times.

7:13 Gangways

Gangways shall be kept in safe working order at all times and shall be kept free of tripping or slip hazards and litter at all times. The vessel is responsible for tending gangway connections and the gangway if provided by the vessel. Gangways provided by the terminal shall be tended at the ship's rail by vessel personnel and contract labor shall at the direction of the vessel, tend the gangway. Terminal personnel are prohibited from handling gangways except in case of emergency.

7:14 Linehandling

The Department of Ports and Transportation Facilities does not provide linehandling services. Such services must be contracted through a licensed stevedore. Contract services are available in the port. Department personnel are prohibited from handling lines except in case of emergency.

7:15 Lighting

The vessel shall provide sufficient and safe lighting at the accommodation hatch and gangway at all times of darkness.

Section 8:00 Security

8:01 Security Conference

The FSO shall conduct a security conference with the vessel prior to passengers and crew being disembarked. Ship security officer and the Port Facility Security Officer must complete a Declaration of Security when required and set up communications prior to the offloading of passengers & Crew.

8:02 Communications

Communications between the vessel and FSO shall be conducted as set forth in Section 6:00 of this publication.

8:03 Crew Passes and identification

Prior to departing the vessel all crewmembers shall receive a crew pass from the vessel. Upon return, the crewmember must show the pass at the Terminal gate.

8:04 Passenger passes

Prior to departing the vessel all passengers shall obtain a boarding pass from the vessel. Upon return, the passenger must show the pass at the Terminal gate.

8:05 Screening

All crewmembers and passengers must show their crew pass or boarding pass to the security guard at the boarding gate and shall then proceed directly to the vessel.

8:06 Access to Terminal

Access to the Terminal and Terminal property is controlled in accordance with Section 8:09 of this publication. Access to the vessel shall be stopped if the FSO finds an unsafe condition exists due to security, weather or other emergency.

8:07 Control of personnel on terminal

- a. The Director shall establish rules for terminal access and personnel shall be issued color-coded badges to designate their permissible access during marine operations and shall be subject to 33 CFR 101.514 & 33 CFR 101.515.

b. The City of Portland's Department of Ports and Transportation Facilities reserves the right to limit the number of terminal access badges issued to each company or organization.

c. All badge holders will be required to sign in with Security during cruise ship visits.

d. A fee of \$25.00 will be charged to replace any lost or stolen badges

8:08 Unauthorized persons

Unauthorized person or persons shall be detained by security to determine reason for trespass. They shall be turned over to the Police Department if circumstances warrant it.

8:09 Levels of Access and Display of Badges

Levels of terminal access will be determined by the FSO.

8:10 Passenger and Crew Manifest

A passenger and crew manifest along with a visitor and guest list must be forwarded by the Ships company or by the designated ships agent to the Facility and is required a minimum of 24 hrs prior to ships arrival.

8:11 Transportation Workers Identification Credential (TWIC)

All persons requiring unescorted access to secure areas of vessels, facilities, and OCS facilities regulated by parts 104, 105 and 106 of 33 CFR (Code of Federal Regulations) must possess a TWIC before such access will be granted. A TWIC must be obtained via the procedures established by TSA in 49 CFR part 1572.

Section 9:00 Bunkering and Fueling

9:01 Ship/Shore safety list

Ship/Shore safety lists include a pre-transfer conference and Declaration of Inspection. These shall be completed and submitted to the Manager by the vessel and vendor before transfer operations begin.

9:02 Fire fighting equipment and communications

a. Prior to transfer operations at least two ships fire hoses shall be laid out and connected to the fire main nearest the transfer station, one forward and one aft.

At least two hand held dry chemical fire extinguishers shall be conveniently placed for use at the ship's manifold.

b. The vessel and vendor shall maintain direct communications at all times during transfer operations.

9:03 Notices

The U.S. Coast Guard shall be notified in advance that fueling operations will take place. In the event of a spill onboard or into the water, it shall be the Master's responsibility to immediately notify the U.S. Coast Guard. The Coast Guard Response Center can be reached at 1-800-424-8802 and the Portland Coast Guard can be reached at (207) 780-3251.

9:04 Access to vessel during fueling

Access to the vessel by way of the gangway will not normally be prohibited or restricted during fueling operations. The Manager shall prohibit access to the vessel if, in his/her opinion, an unsafe situation has developed or is developing.

9:05 Flags and lights

During fueling operations a "Bravo" flag shall be flown from the outermost halyard on the yardarm. A red light shall be displayed on the mast or yardarm in times of darkness.

9:06 Emergency shutdown

If the Master, Manager or PIC of fueling operations finds cause or suspects cause of an unsafe condition the transfer operations shall immediately stop. Transfer operations shall also be stopped during thunder storms.

Section 10:00 Safety

10:01 Safety Regulations

All safety regulations as established by the Director or under OSHA, US Coast Guard or Portland City Ordinances shall be complied with at all times.

10:02 Personal Safety Equipment and Medical Emergencies

a. Personal safety equipment is required to be used at all times when appropriate by terminal staff, contract labor and vessel crews. This shall include floatation work vests, hard hats, hearing protection, steel toed shoes, high visibility safety vests, float coats, lifejackets, clothing offering full body coverage, respirators, gloves or other equipment as appropriate.

b. In the event of serious injury or illness, at the terminal or on a vessel, the City's Medical Rescue Service shall be called and first aid

administered as required until Emergency Medical personnel arrive. Notification shall be made by calling 911.

10:03 Safety Inspections

The City of Portland reserves the right to conduct safety inspections of vessels to insure they are in compliance with City rules and regulations. The Manager or City Fire Department may carry out such inspections without notice.

Section 11:00 Miscellaneous

11:01 Vehicle Warning Lights/Alarms

Maintenance vehicles working on piers when vessels are alongside shall display an operating flashing yellow light. Security vehicles shall display a flashing green light. All maintenance vehicles shall be equipped with backup alarms.

11:02 Vehicle access to vessel

- a. Access to a berthed vessel by taxi, van, bus or other vehicle shall not be granted by the vessel without permission of the Manager.
- b. All vehicles permitted to travel on piers shall be searched prior to being permitted onto the terminal by security personnel. Contract labor receiving stores shall be responsible for delivery inspections at the International Marine Terminal or when deliveries are made external to terminals at delivery docks.
- c. Vehicles requiring access to the pier shall be escorted to a point deemed appropriate by the Manager. Such point shall be clear of gangway access, bollards, leads of lines, building doors and pedestrian flow.
- d. Drivers of vehicles authorized to enter the terminal shall present their photo license, delivery order or manifest, and shall receive a vehicle pass. Drivers shall be instructed as to the terminal's traffic pattern and be monitored when transiting to their delivery or pick up location.

11:03 Access by other than Vessel Personnel

Family, friends and acquaintances of passengers or crew will not be permitted access to the vessel without the express permission of the Manager.

11:04 Passenger and Crew Lists

A copy of the passenger and crew list for every vessel shall be provided by the vessel to the Manager for use by security personnel.

11:05 Dunnage and Pallets

The vessel is responsible for the removal of all dunnage and pallets, or other containers associated with stores or cargo.

11:06 Unlawful Acts

Persons conducting unlawful acts on the berth or terminal shall be reported to the Portland Police Department.

11:07 Additional Security

At the discretion of the Manager, additional security personnel may be required at the sole cost to the vessel.

11:08 Military and Public Vessels Crew Security

Reserved

11:09 Firearms, Ammunition and Explosives

Only duly authorized security personnel, law enforcement officers, members of the armed forces of the United States or the State of Maine on official duty shall carry weapons, ammunition, or explosives in any of the Portland Marine Terminal Facilities.

Appropriately cased sporting guns carried for transshipment that meet the carrier's packaging requirements are excepted. No firearm or explosive device shall be carried in any "carry on" luggage or onto a vessel.

Discharge or use of any weapon at the Portland Marine Terminals is prohibited , except in the performance of official duties.

11:10 Persons intoxicated

Intoxicated or troublesome persons shall be confined to their quarters on the vessel. In the event of an altercation at the Terminal the Manager shall notify the Terminal security and the Portland Police Department.

11:11 Smoking

There shall be no smoking on any weather deck or within fifty feet of the transfer site on the dock. The Master shall designate interior smoking areas on the vessel with the concurrence of the Manager. Smoking in buildings is prohibited.

11:12 Lifeboat suspension

Lifeboats or other items shall not be suspended over the side of the vessel without the Managers authorization.

11:13 Landing skiffs

The vessel shall not land skiffs, small boats or other type craft onto the Terminal without the Managers authorization.

11:14 Radioactive Material

Radioactive material may not be handled at the terminal without express permission of the Director.

11:15 Compressed Gas

The delivery or removal of compressed gas bottles from a vessel is permitted. Bottles shall be retained aboard the vessel until delivery or removal is expected.

11:16 Handicapped access

Handicapped persons may be allowed on Terminal property provided accommodations for safe transit to and from the vessel are provided.

11:17 Confinement of Passengers and Crew

The City of Portland Maine reserves the right to detain or confine passengers and/or crew for safety, security or other appropriate reasons.

11:18 Long Term Berth Leases

The City of Portland, Maine reserves the right to establish leases for long term berthing.

11:19 Additional Rules and Regulations

Additional Rules and Regulations for vessel mooring at a Terminal may be found in the City of Portland, Maine Terminal Tariff No.3 and City of Portland, Maine Ordinances.

11:20 Public Tours of Vessels

Tours of vessels by the general public are permitted with permission of the Director. Such tours are only permitted to the extent that they conform with the US Coast Guard Approved Terminal Security Plan. Access for public tours shall

be requested by the vessel in advance of arrival. The Manager and vessel shall agree to a mutually acceptable public management plan prior to tours commencing. The vessel shall provide personnel to supplement security personnel in managing of pedestrian flow. The Manager reserves the right to supplement existing personnel with additional security or police officers at the expense of the vessel. The Manager shall establish pedestrian flow patterns and non-access zones as deemed appropriate on the terminal and erect barriers to prevent access.

Section 12:00 Layberthing

Reserved

SECTION II PORTLAND FISH PIER RULES

Effective: May 6, 1985

As amended: Amendment No. 1 – 12 January 1990:
Vessel Rules and Fire Prevention Rules

As Approved by the Portland Fish Pier Authority

I. GENERAL RULES

Rule 1. Authority for Rules

These rules are promulgated pursuant to Section 18.83 of the Municipal Code and in accordance with the provisions thereof.

Rule 2. Scope of Rules

These Rules shall govern the conduct and activities of all persons doing business or otherwise present at the Fish Pier, except as otherwise expressly provided herein.

Rule 3. Other Rules Revoked

All other rules or regulations purporting to govern the subject matter of these Rules, but not specifically contained herein, is hereby revoked.

Rule 4. Conflicts With Other Laws

Any conflict or inconsistency between these Rules and any federal, state, or local law, or any contractual obligation shall be resolved in favor of the latter.

Rule 5. Definitions

For purposes of these Rules, the following terms shall be defined as follows, unless the context clearly implies otherwise.

Director: Director of Ports and Transportation, or his/her agent.

Home Fleet: Any vessel berthed at the Fish Pier under a contract with the City of Portland and the rafted vessels named on tenant's contract.

Transient Vessel: All vessels, except those in the Home Fleet.

Portland Fish Pier: All the land and water between Cumberland Wharf and the Naval Reserve Training Center and Commercial Street and the Harbor Commissioners line.

Itinerant Service Companies: Service companies engaged in the business of repairing commercial fishing vessels and/or equipment and located outside of the premises of the Portland Fish Pier.

Off-Premises Fuel Vendors: Companies located outside the premises of the Portland Fish Pier which are engaged in the business of selling fuel to vessels and loading same by barge or truck at the Fish Pier.

Rule 6. Authority of Director

The Director or his/her agent shall have exclusive authority to administer and enforce these Rules, except as otherwise expressly provided herein.

Rule 7. Violations Punishable under Municipal Code

Any violations of these Rules shall be a violation of Chapter 503 of the Municipal Code, and shall be punishable thereunder, unless the rules in question clearly conflict with Chapter 503.

Rule 8. Use of Fish Pier May Be Denied

- (a) General Rules: Notice and Hearing Required. The Director may, after notice and hearing, order that the use of, or right to enter upon, any portion of the Fish Pier be denied for a reasonable time to any person found to have violated these Rules. In determining what is a reasonable time, the Director may take notice of and consider the person's record, if any, of similar violation of these Rules.
- (b) Exception for Summary Orders. The Director, or any Public Safety Officer, may, without notice or hearing, order any person leave any portion of the Fish Pier immediately if he has reason to believe that the person has violated these Rules and is likely to continue or repeat the violation unless so ordered. No such order shall be effective for more than seven (7) days, unless extended by the Director. The Director may extend such an order for a reasonable time only if a hearing cannot be held within seven (7) days of the order, or the person has consented in writing to an extension, and he/she has reason to believe that the person remains likely to continue or repeat the violation but for an extension.

- (c) Employers may be liable. For purposes of this rule, a violation of these Rules by an employee or agent shall be imputed to the employer or principal, unless the employer or principal shows by clear and convincing evidence that the violation was committed without his/her authority, knowledge, or acquiescence.

- (d) Trespassers. Any person who uses or enters or remains upon any portion of the Fish Pier in disregard of any order issued pursuant to this rule shall be deemed a trespasser for all purposes, including applicable provisions of Title 17-A, the Maine Criminal Code.

Rule 9. Other Penalties for Violation

In addition to Rules 7 and 8 hereof, any penalty or sanction otherwise available under law or contract for violation of these Rules may be imposed in accordance with the provisions thereof, unless the rule in question clearly conflicts with the law or contract.

II. SAFETY AND SECURITY RULES

Rule 10. Official Access to Fish Pier

Any Public Safety Officer or authorized security personnel shall be given free and immediate access to any portion of the Fish Pier in the event of an emergency. The Director shall be given free and immediate access to any portion of the Fish Pier at all reasonable times.

Rule 11. Limited Access to Restricted Areas

Reserved.

Rule 12. Negligent or Reckless Acts

No person shall act, or omit to act, at the Fish Pier in any manner which is reasonably likely to endanger life or property, whether or not such act or omission is expressly prohibited by these Rules.

Rule 13. Handling of Dangerous Material

No person shall keep, handle, or store at the Fish Pier any material which is explosive, radioactive, poisonous, or otherwise dangerous to life or property, without the prior written permission of the Director and the Fire Chief. No waiver or any other rule or regulation by any other regulatory authority shall constitute a waiver of this rule. A permit for the storage of such material shall be obtained

from the Clerk of the City of Portland, shall be conspicuously posted at each storage site, and shall be subject to periodic review. Materials stored on vessels shall be exempt from this rule, except that the Fire Chief shall be notified of the presence of such materials.

Rule 14. Incident Reports

Any person who is a party to any incident at the Fish Pier involving personal injury or property damage shall make a written report to the Director within one week, in addition to any other report required by law. Submission of a copy of any other required by law shall be a sufficient report under this rule.

III. RULES OF CONDUCT

Rule 15. Disorderly Conduct

No person shall be intoxicated or disorderly, or engage in any form of gambling or combat, or commit any act of nuisance or any breach of the peace, at the Fish Pier.

Rule 16. Waste Disposal

- (a) No person, except tenants of the Portland Fish Pier Authority or the Portland Fish Exchange or transient vessels doing business with the Fish Exchange, shall place, discard, or deposit in any manner, garbage, refuse, oily waste, fish waste, gear, equipment, cuttings, twine, net, ropes, scrap metals, doors, litter of any kind, petroleum products or hazardous materials, as defined herein, anywhere on the Fish Pier, except as permitted by the Fish Pier Authority and in receptacles provided for that purpose.
- (b) "Hazardous material" shall mean and include a waste substance or material in any physical state which is designated as hazardous by 38 M.R.S.A. §1319(1)(Hazardous Matter Control), 42 U.S.C. §9602 (Comprehensive Environmental Response, Compensation and Liability Act), or any other applicable federal or state law dealing with hazardous materials.
- (c) Hazardous waste may not be discarded nor deposited on the Fish Pier.
- (d) Notwithstanding the foregoing provisions, a tenant of the Fish Pier Authority or the Portland Fish Exchange or a transient vessel doing business with the Portland Fish Exchange may deposit uncontaminated used motor oil, uncontaminated used hydraulic fluids, and the filters employed in their use, in receptacles provided for that purpose, and in

strict accordance with such rules and regulations relating to the disposal of such material with may be promulgated by the Director of Waterfront and Transportation from time to time.

- (e) The Director of Waterfront and Transportation may charge a fee equal to the costs of lawful disposal of such material, any required permits, other charges imposed either by law or by any agency transporting or disposing of such material, plus a ten percent (10%) administrative fee.

Rule 17. Animals

No person shall cause or permit any animal for which he/she is responsible to be on any portion of the Fish Pier, unless the animal is restrained by a leash or otherwise under control satisfactory to the Director. Nothing in this rule shall prevent the use of animals trained to aid the handicapped.

Rule 18. Driveways and Walkways

No person shall travel in any manner on any portion of the Fish Pier, except upon the roads, walks, or places provided for that particular class of traffic, nor occupy the road or walks in any manner so as to hinder or obstruct their proper use.

Rule 19. Storage of Property

Except as provided otherwise under law or contract, no person shall use any portion of the Fish Pier for storage or abandonment of fishing gear, scrap metal, equipment, or any other property without prior written permission of the Director. No person shall store or stock material, equipment, or cargo in any manner which may constitute a hazard to life and property. The Director may order such property to be removed and/or safely stored, and may charge the person responsible therefor for the reasonable cost of such removal and storage.

Rule 20. Tampering with Fish Pier Property

No person shall destroy, disturb, or later in any manner, any building, sign, fence, gate, equipment, or flora of the Fish Pier or its users, or operate, hinder, impair, tamper with, or otherwise affect heater valves, hydrants, sprinkler valves and devices, blower motors, the electrical and air conditioning or heating systems at the Fish Pier without the express permission of the Director or under a contract with the City of Portland. No person shall hold open by any device or mechanical means or in any way cause to be held open or left open any gate, door, or window in any building at or on the grounds of the Fish Pier unless so authorized by the Director.

Rule 21. Assemblies and Solicitation

No assembly, meeting, press conference, demonstration, picketing, or other gathering shall be organized or conducted and no begging, panhandling, or solicitation of alms shall occur, within the public use areas of the Fish Pier grounds, any loading area, or any portion of the vessel operations area at the Fish Pier, except that the Director may permit such activities, subject to reasonable conditions, on the Fish Pier grounds where he determines that the activity will not interfere with Fish Pier operations or conflict with the contractual obligations of the City of Portland. The sale of articles primarily for commercial rather than religious, charitable, or benevolent purposes shall be governed by Rule 22 hereof.

IV. BUSINESS RULES

Rule 22. Commercial Activities

No person shall engage in any commercial activity, or solicitation, including advertising, at the Fish Pier without a municipal contract, license, or permission therefor, whichever may be applicable.

Rule 23. Itinerant Service Companies

- (a) Itinerant service companies using the Fish Pier must have a permit issued by the Director at an annual fee. A fee schedule for the current year is available in the Waterfront Office. Permits will be valid for the calendar year.
- (b) Itinerant service companies shall maintain at all times during their use and occupancy of the Fish Pier general liability insurance in the amount of \$500,000, and be named as an additional insured in all such policies. Such policies shall provide that they may not be canceled without ten (10) days prior notice thereof to the City.

Rule 24. Transient Vessels

Transient vessels may not make repairs at the Portland Fish Pier except at the repair berth, which is privately operated, or at City-operated berths with the prior approval of the Director.

V. MOTOR VEHICLE RULES

Rule 25. Operation in General

Operators of vehicles shall at all times comply with any lawful order, signal, or direction of any authorized person. Where vehicle traffic is controlled by lights, signs, pavement markings, or other device, such controls shall be obeyed unless

any authorized person direct otherwise. No person may operate a vehicle in excess of 15 m.p.h., or otherwise in excess of the posted speed limit. Pedestrians shall at all times have the right-of-way over vehicles.

Rule 26. Parking, Stopping, and Abandonment

(a) Prohibited Except n Designated Areas. No person may park, stop, or abandon any vehicle in an area designated by the Director for that purpose and in accordance with the limitations and requirements, including the payment of fees, if any, applicable thereto.

(b) Violators may be towed. Any vehicle parked, stopped, or abandoned in violation of this rule, or which otherwise poses a hazard or hindrance to surface or vessel traffic, may be removed by order of the Director, at the owner's expense, and without liability for any damage that may result therefrom.

VI. VESSEL RULES – As amended 12 January 1990 AMENDMENT No. 1

Rule 27. Pier Protection

Vessel will maintain in good condition a camel(s) the full length of the berth. The log of said camel(s) shall be a minimum of 13: in diameter and attached to the pier such that it will float within a foot of the pier at all times and its attachment to the pier will be in a manner approved by the Waterfront Manager.

Rule 28. Accident Reports

Vessels causing damage to the piers must report same to the Director within 24 hours.

Rule 29. Transient Berthing Rules

Transient berthing will be allowed only upon approval of the Director and in berths designated by him/her. Transient vessels desiring berths must register promptly with the Director and prepay berthing fees.

Rule 30. Fish Off-Loading

No fish shall be off-loaded at the Fish Pier, except at the unloading piers of the Portland Fish Exchange or at an area designated by the Director.

Rule 31. Wire Pulling

All vessels using the wire rope work area in the street along the west face of the Portland Fish Pier must comply with the following safety rules:

- (a) Vessel winch must be attended at all times the wire rope is in motion
- (b) An individual will be posted on the dock at the sheet pile bulkhead as a safety watch in full visual view of the winch operator or with positive radio communications at all times that the wire rope is in motion;
- (c) No ground cable pulling;
- (d) No nets of any type;
- (e) No roller frames

Rule 34. Failure to Comply

Failure to comply with the rules will result in:

- (a) First occurrence – Verbal Warning
- (b) Second occurrence – written warning
- (c) Third Occurrence - \$100.00 fine and a Mandatory hearing before the Waterfront Director, who may at his discretion, deny the vessel the right to do wire rope work on the Fish Pier, and who may suspend the vessel's other Fish Pier privileges.

VII. FIRE PREVENTION RULES

As amended 12 January 1990 Amendment No. 1-(Renumbering only)

Rule 33. Fire Prevention Code Applicable

Chapter 321 (Fire Prevention Code) of the Municipal Code shall be applicable to all activities and conditions at the Fish Pier.

Rule 34 Special Supplementary Rules

The following special rules shall supplement Chapter 321 (Fire Prevention Code) of the Municipal Code:

- (a) Interference or Tampering with Fire Equipment. No vessels, vehicles, mobile equipment, power units, or associated equipment shall prevent free access to and from the normal use of fire hydrants, gates, doors, or passageways. Fire extinguisher equipment at the Fish Pier shall not be tampered with at any time or used for any purpose other than firefighting or fire prevention.
- (b) Use of Flammable Liquids. Highly flammable or volatile liquids or solutions may not be used for cleaning purposes unless authorized by the Fire Prevention Officer. No person shall use such liquids for cleaning purposes unless such cleaning operations are conducted in an outside and remote area, or in a room or building specifically set aside for such operations, which

shall be properly ventilated, fireproofed, and equipped with adequate readily-accessible fire extinguishing apparatus.

(c) Disposal of Wastes and Combustibles Reserved.

(d) Fuel Transfers. Fuel transfers must conform to municipal fire code, U.S. Coast Guard regulations, Fish Pier rules, and any other lawfully promulgated fuels.

(e) Spillages. Spillages must be reported to the Director and to the Portland Fire Chief in addition to any other regulatory agencies.

(f) Use of Flaming or Spark-Producing Devices.

Reserved.