SABINE PASS PORT AUTHORITY RULES AND REGULATIONS

A. DEFINITIONS

1. PIER – any of the piers used for mooring or tying up of vessels.

2. BULKHEAD – any and all steel retaining walled areas

3. DOCKAGE FEE – The charge assessed on vessels occupying berths at port.

4. DAY – a period of twenty-four (24) consecutive hours or a fractional part thereof of any calendar day or days will constitute a day for the purpose of computing charges.

5. MONTH – a calendar month, whether the same constitutes thirty (30) or thirty-one (31) days, or a fractional part thereof.

6. PUBLIC BERTHING – Any facilities owned or operated by the Port Authority to which the public has access on equal terms, subject to the written contracts of dockage between the Port Authority and vessel owners.

7. PORT MANAGER – The General Manager of the Sabine Pass Port Authority of Jefferson

County, Texas.

8. PORT COMMISSION OR PORT AUTHORITY – reference herein to the Port Commission or Port Authority means the Board of Commissioners of the Sabine Pass Port Authority of Jefferson County, Texas.

9. DESIGNATED AREAS – Areas designated for specific use and or activities.

a. Designated fishing areas – Any and all areas signified by signs where fishing is allowed.

b. Designated work areas – Area where authorized work may be done to vessels.

c. Designated waste oil dump areas – Area at which waste oil only may be discharged of on the premises of the Sabine Pass Port Authority

d. Designated fueling areas – Area at outside bulkhead for vessels not able to access the marina fuel pumps

e. Designated Parking areas – areas that are identified as parking areas for

customers and or guest.

B. RULES AND REGULATIONS

1. All persons, firms or corporations availing themselves of the use of the facilities of Sabine Pass Port Authority shall be subject to and shall abide by all such rules and regulations set forth herein, which may be amended from time to time without notice.

2. NOT COMMON CARRIER – The Port Authority is not a Common Carrier and does not accept care, custody or control of any vessel, cargo or other property while on or in the berthing areas or other facilities in control by the Port Authority, nor does the Port Authority accept any inbound or outbound cargo as a custodian or bailee.

3. PAYMENT OF CHARGES – All bills rendered by the Port Authority for service, claims, or for other causes whatsoever, including rental payments, are due and payable upon presentation and any agents, owners, persons, firms or corporations receiving such bills and failing to make payment within thirty (30) days after presentation shall be placed upon a delinquent list, conditions of which are hereinafter defined.

The Port Authority does not recognize third parties to whom owners may pass on to Port invoices or bills or agents of the owners and all bills are due when presented and must be paid regardless of when the vessel, its owners, or agents will be reimbursed.

Bills must be paid when presented and the Port Authority will rectify errors, if any. All claims of errors will require specific approval of the Port Authority before refund is made.

The Port Authority reserves the right to estimate and collect in advance all charges which may accrue against vessels, their owners and/or agents, or against cargo loaded or discharged by such vessels, or from other users of the Port Authority, whose credit has not been properly established with the Port Authority or who are habitually on the delinquent list. Use of such facilities may be denied until such advance payments or deposits are made.

The Port Authority reserves the right to apply any payment received against the oldest bills rendered against vessels, their owners and/or agents, or other users of the facilities.

4. DELINQUENT LIST – All vessels, their owners or agents, or other users of the facilities of the Port Authority placed on a delinquent list, for reasons heretofore stated, shall be denied further use of the facilities until all such reports have been filed and all charges thereon, together with any charges due, shall have been paid. Customers that are on

the delinquent list are subject to legal action by the Port and fees for such legal action

will be recovered by the Port from the customer.

5. DOCKAGE RULES

a. All vessels mooring or tying up at the Port and/or property of the Port Authority will be assessed dockage for each day of twenty-four (24) hours or part thereof, including Saturdays, Sundays and holidays, except those vessels operating under a separate lease agreement.

b. Dockage will be assessed against vessels in the harbor only when mooring to or tying alongside the property of the Port Authority.

c. The Port Authority reserves the right to refuse to allow any vessel the use of public piers or property of the Port Authority.

6. APPLICATION FOR BIRTH – All vessels or their owners and/or agents desiring a berth at the Port shall, as far in advance of the date of docking as possible, make application in writing for the same forms prescribed, specifying the name of the vessel, its net tonnage, its length, breadth and draft, its owner or owners, its official number if registered with the Coast Guard or its number assigned by the State of Texas, (this documentation must be in the name of the person or persons signing lease), the number of crews and its horsepower, the intended use of the vessel and the proposed length of time that the applicant proposes to use the facilities of the Port Authority for docking. Application for berth will be construed by the Port Authority to mean that all charges will be promptly paid upon presentation of the bill therefore and that all rules and regulations shall be compiled with regardless of the date of application.

7. RULES FOR SHIFTING, MOORING AND UNMOORING

a. The owners, agents, or crews of each vessel making use of the facilities of the Port Authority shall be responsible for shifting, and unmooring of the vessel and shall be responsible for making fast any rope or line to any public dock or pier to the fender piles. No person shall make fast any rope or line to any public dock or pier of the Port Authority, or to the fender piles, without getting advance permission from the Port Authority.

b. The Port does not condone any vessel or any person in charge of any vessel to

use any fender piling or dolphin at the outer end of any pier to break around or

to turn around or swing such vessel at any pier with the stem of such vessel

against the pier. Anyone engaging in such action will be responsible for all

damages and or injuries that occur.

c. No vessel shall lie at any public pier or dock, or anchorage adjoining the same in such manner as to obstruct or prevent the free passage of any vessel to or from any berth under the jurisdiction of the Port Authority.

d. When it becomes necessary in order to expedite the business of the Port facilities, a vessel may be moved or shifted at the expense of the vessel accommodated provided notice to move shall first have been given the owner and that vessel accommodated shall be liable for all such expenses that may arise thereby.

e. All vessels tying up to the facilities of the Port Authority shall use four lines, a bow line, a stern line and two (2) spring lines going in opposite directions. All

ropes must be in good working order. If the Port must replace or retie any rope

or mooring line the cost for such action will be recoverable by the Port at the

vessel owners expense.

8. FIRE PROTECTION AND RULES FOR EXPLOSIVES

a. It shall be unlawful for any person to smoke, carry, or have lighted matches, pipes, cigars or cigarettes or carry or use portable open lights in or upon any pier, dock, shed, or other facilities of the Port Authority except where designated and is otherwise expressly permitted.

b. Persons desiring to handle explosives in the Port of Sabine Pass over the public piers will communicate in advance of their arrival with the Port Authority, furnishing full particulars of the shipment and will receive instructions as to the method of handling.

c. No merchandise, materials or cargo deemed extra hazardous material in the standard fire insurance policy of the State of Texas, or such material as hay, excelsior or broom corn or other inflammable material shall be permitted to remain overnight on any Port facilities unless the same is covered by tarpaulins, or other more permanent or substantial material unless extension of time is specifically granted by the Port.

d. The storage, keeping or use of any gasoline, distillate or other liquid petroleum products, except lubricating oil, on premises under the control of the Port Authority except at localities as may be specifically designated therefore, is strictly prohibited, and at such localities as may be designated therefore, same shall not be handled except between sunrise and sunset without first notifying the Port Authority.

e. For all work that requires the use of a cutting torch, welder or any other

equipment that may cause arc, the individual will be required to acquire a hot

work permit from the Port before any work begins.

f. The Port Authority does not afford fire protection to vessels and other users of

the facilities of the Port Authority but does furnish, at user’s own risk fire

extinquishers to be located upon the facilities of the Port Authority. Any use of

such firefighting equipment shall be at the sole expense and risk of the user of

the same and the Port Authority does not accept any liability or responsibility for

the use or maintenance of said fire prevention facilities, nor for the operation

thereof.

9. RESPONSIBILITY FOR LOSS AND DAMAGE – The Port Authority shall not be responsible for injury to or loss of or damage of any vessel, persons working in and around said vessels, the injury or loss of life of any person using the facilities of the Port Authority, or for injury to or loss of or damage of any freight or cargo being loaded or unloaded at the facilities of the Port Authority, or while on piers or in sheds or in warehouses awaiting shipment or delivery and shall not be responsible for any delay to same, nor shall the Port Authority be responsible for injury, loss, damage or delay to cargo or freight on its piers, or in sheds for any reason or costs. The Port Authority shall not be responsible or liable for any delay, loss, or damage arising from strikes, tumult, insurrection, or acts of God, nor from any of the consequences of any of these contingencies. The Port Authority shall not be responsible for injury to or loss caused by wave wash of vessels in the Sabine Neches waterway or using the facilities of the Port Authority. The Port Authority assumes no responsibility for marine loss or damage to vessels or other waterborne vessels moored to the piers. Users of the facilities agree to indemnify and hold harmless the Port Authority from and against all losses, claims, demands and suit for damage, including death and personal injury, and including court costs and attorney’s fees, incident to or resulting from their operations on the property of the Port Authority.

10. RESPONSIBILITY FOR PROPERTY DAMAGE – Users of the facility of the Port Authority shall be held responsible for all damage to the property of the Port Authority occasioned by them, and any such damage shall be repaired and billed against the user responsible for such damage at cost plus twenty percent (20%).

11. RULES FOR BERTHING VESSELS WITH HAZARDOUS CARGO – Vessels loaded with hazardous cargo will not be permitted to berth at the facilities of the Port Authority except with special written permission of the Port Authority. Vessels shall not be permitted to berth at the facilities of the Port Authority for the purpose of cleaning empty tanks or for performing repairs requiring welding or other hot work, with or without a gas-free certificate, except with special written permission of the Port Authority.

12. RATES, RULES AND REGULATIONS – The rates, rules, and regulations contained herein shall apply equally to all users of the facilities and shall apply on all traffic on the facilities on the effective dates shown in these rules or any revisions or amendments thereto. Amendments shall be issued to cover changes in the rules and regulations but the same are subject to change without notice.

13. CONSENT TO TERMS OF THE RULES AND REGULATIONS – The use of the facilities under the jurisdiction of the Port Authority shall constitute a consent to the terms and conditions of said rules and regulations and evidences an agreement on the part of all vessels, their owners and/or agents and other users of such facilities to all such charges specified herein and to be governed by all rules and regulations herein contained.

14. USE OF FACILITIES

a. The Port Authority reserves the right to designate and regulate the use of all of its facilities.

b. The Port Authority reserves the right to refuse to accept any and all vessels and any and all cargo on said vessels.

c. The Port Authority prohibits the placing and/or use on its properties of any mechanical equipment not owned by the Port Authority, except by specific permission and for such charges as may be stipulated, and only then at the sole responsibility and liability of the user for any injury to persons or damage of whatever nature, including damage to property of the Port Authority.

d. No gasoline operated machinery or gasoline engines shall be left running on the dock or any vessel unless the same is attended at all times by a crewmember or other representative of the vessel owner.

e. Vessels discharging or loading ballast, sand, coal, scrap iron or any other such loose material must use tarpaulins or stages from the ships rail to the pier or lighter to prevent such material from falling into the harbor.

f. All children under 12 are required to wear life jackets when near the water.

g. Ice for 2.00 for bags of ice, 4.00 per 5 gallon bucket, 7.00 per basket. Two baskets permitted per marina (those who have a stall) customer a day. Employees and Commissioners are allowed free ice. All other persons are required to pay for their ice.

H. FISHING POLICY – Fishing is allowed within the boundaries of the SPPA under the following guidelines:

1) Fishing is allowed from dawn to dusk within dedicated fishing locations except boat owners may fish at any time.

2) Fishing is allowed from boats only by those individuals that own boats harbored at the SPPA.

3) Guest of boat owners are allowed to fish but the boat owner must be present.

4) Guests identified as property owners in Sabine Pass and their immediate family members may fish within dedicated fishing locations.

5) Guests of employees of SPPA may fish only if accompanied by the SPPA employee or while the employee is on the grounds of the SPPA.

6) Guests of SPPA Commissioners may fish only if accompanied by the SPPA Commissioner or if the Commissioner has prearranged with the guard on duty that their guest will be fishing within the dedicated fishing areas.

7) Crabbing will be allowed only by boat owners and only within the area occupied by their boat.

8) All TWPD fishing regulations must be adhered to.

I. Dock boxes are allowed to be placed in front of leased boat stalls. All dock boxes

must be marine styled dock box and white in color. Dock boxes shall not be

greater than 28” tall. Customers may not mount the dock box on the dock. SPPA

will mount the dock box on the dock for the customer. In the event the boat stall

lease is terminated, upon the boat owners request, SPPA will remove the dock

box and provide it to the customer.

15. ACCESS TO RECORDS – Vessels, their owners, agents and masters and all other users of the facilities shall be required to permit access to manifest of cargo, railroad documents and all other documents for the purpose of ascertaining the correctness of reports filed or the nature of the cargo.

16. HARBOR OBSTRUCTIONS – No pilings shall be driven nor shall any platform be erected, nor shall any filling in or construction, repairs, alterations, removals, dredging or demolition of any kind be made on any part of the water front under the jurisdiction of the Port Authority without written approval therefore being first had and obtained from the Port Authority and the United States Army Engineers.

Upon information of the sinking of any boat, barge or other vessel in the channel way of the Sabine Neches Ship Channel or its navigable tributaries, within the jurisdiction of the Port Authority, or in any of the docks thereof, the Port Authority shall give written notice to the owner, master or such other agent having charge thereof to raise and remove such obstruction within fifteen (15) days after the date of said notice, under penalty of One Hundred Dollars ($100.00) per day payable to the Port Authority, and in case of refusal or neglect of the parties interested as aforesaid, to raise and remove any such obstruction within the time specified in said notice, it shall be the option of the Port Authority to have said vessel raised and removed at the expense of the owner, master or agent and the said boat, barge or other vessel, together with the cargo thereof shall be subject to a lien in the hands of the said Port Authority until the expenses of the removing and raising the same shall be fully paid to it; and the said Port Authority is hereby authorized to sell at public auction to the highest bidder, for cash, all such property or so much thereof as is necessary to pay all of the expenses of the raising and removing, together with the penalty aforesaid and the costs of sale, and shall return the surplus, if any, of such sale to such person or persons as shall be legally entitled to receive the same.

The Port Authority, before proceeding to sell such property as aforesaid, shall give ten (10) day notice by printed hand bills, to be posted in conspicuous places, some of them in the immediate neighborhood of said locality, setting forth a full description of said property to be sold together with the time and place of selling the same. Should the sum realized from such sale be insufficient to pay all of the expenses of said sale, then and in such case, said Port Authority shall require the agent or owner to pay the deficit.

17. DUMPING OF OIL AND REFUSE – It shall be unlawful to throw, discharge or deposit, or cause, suffer or procure to be thrown, discharged or deposited, either from or out of any ship, barge or other floating draft of any kind, or from the shore or pier, any refuse matter or other substance of any kind or description whatever into the waters of the harbor; and it shall be unlawful to deposit or cause, suffer or procure to be deposited, material of any kind and any place or on the bank of any water, where the same shall be liable to be washed into such water, either by ordinary or high tides, or by storms, floods or otherwise, whereby navigation within the corporate limits of the harbor shall or may be impeded or obstructed; provided that nothing herein contained shall extend to or apply to or prohibit operations in connection with the improvement of the Port Authority or the construction of public works considered necessary and proper by the Port Authority/and provided further that nothing herein contained shall extend to, apply to, or prohibit the deposition of any material above mentioned and such navigable waters within such limits as may be defined, and under such conditions as may be prescribed by the property officer of the United States Corps of Engineers.

It shall be unlawful for any person to pump, discharge or deposit, or cause or permit to be pumped, discharged or deposited or to pass or allow to escape in or into the waters of the harbor any oil, spirits or inflammable liquid, or any coal, tar, or refuse or other refuse or other carbonaceous material or substance, or any product or compound thereof, or in any bilge water containing any of said materials or substances.

Fueling on the premises of the Port Authority will only be allowed at the designated fueling areas for vessels who cannot gain access to the fueling area located inside the marina.

The Port Authority assumes no liability whatsoever for any handling of cargo, fuel, bunkers or other materials of any kind whatsoever either to or from any vessels of any kind at the Port Authority facilities, and all parties involved in such operation shall be held fully liable at all times for compliance with all current ordinances, statutes, laws and regulations of the City of Port Arthur, Jefferson County, the State of Texas, the Federal Government and any official Agencies thereof.

18. USE OF ELECTRICITY AND WATER – Any use of electricity or water in charge of the Port

Authority is prohibited except with the specific written permission of the Port

Authority and a definite provision has been made for payment for such use of

electricity and/or water. In the event that meter tampering has been found, there will

be a minimum fine of $200 and possible immediate termination of all Port privileges

including termination of lease agreement. Electric cords must be factory cords, no

home-made spliced, or taped electric cords will be allowed on Port facilities.

19. MOORING CHARGES – The charges for mooring all vessels, regardless of length or net tonnage, shall be in accordance with a schedule of fees attached to and made a part of the rules and regulations.

20. USE OF TRUCKS OR OTHER MECHANICAL CONVEYANCES ON THE DOCK – No trucks or other mechanical conveyances shall be used on the docks or other facilities of the Port Authority without the specific permission of the Port Authority. All such use of vehicles or other mechanical means of conveyance shall be at the sole risk and expense of the user of such facility.

21. NARCOTICS/ALCOHOL – The possession, consumption, or sale of narcotics or illegal drugs is prohibited on Sabine Pass Port Authority property. The possession or consumption of alcoholic beverages on property, under the direct control of the Sabine Pass Port Authority, is prohibited.

22. PARKING – Dockside and Pier parking will be allowed for loading and unloading ONLY. Once loading is completed, vehicles will be parked in designated parking areas. Vehicles will not be left on dock or pier side while vessel is out of Port. Should this occur, Sabine Pass Port Authority reserves the right to have vehicles towed away at owner’s expense.

24. MOTORIZED VEHICLES – All Vehicular traffic using the Port Authority premises shall observe all posted speed limits and weight regulations. Vehicular traffic shall not exceed fifteen (15) miles per hour and the load limit for vehicles shall not exceed eighty thousand (80,000) pounds, including the weight of vehicle.

No motorized vehicles will be permitted on any piers, except under the following circumstances:

a. The removal of an injured person

b. Assisting a vessel on fire or sinking

c. To temporarily park at designated cargo loading/unloading site

25. PETS – All pets must be on a leash at any time they are on Sabine Pass Port Authority property. Any animals living on board a vessel must be listed on the liveaboard agreement and include a photo. Marina management may require a pet to be removed in order for the owner to gain or retain liveaboard status if the animal is either a nuisance, creating a disturbance or otherwise in violation of Port pet policies. Customers are responsible for their guest and their pets. It is the responsibility of the owner to make sure the disposal of waste from pets is properly discarded in trash.

26. VERBAL ABUSE – Abusive behavior will not be tolerated at any time towards employees, customers, vendors or guest of the Port. Those individuals that are found to be acting in an abusive manner will be subject to revocation of privileges including termination of the lease agreement if such exists.

COMPAINTS – All complaints shall be directed to the Port Director or Office Manager only. No other Port employee is authorized to receive or act upon the same.

27. GATE CARDS – Each customer with a lease agreement will be provided 2 gate cards for electronic entry into the SPPA. The customer is responsible for the cards and will not be allowed to provide the cards to others that are not on the lease document as co-owners and or a listed guest. In the event a card is lost the cost of the replacement of a new card will be $5.00 per card.

Signed and approved this \_\_\_5th\_\_ day of \_\_February\_\_\_\_\_\_\_, 2016.

Board of Commissioners of

SABINE PASS PORT AUTHORITY

BY:\_\_\_\_\_\_\_Bob Sexton\_\_\_\_\_\_\_\_ ATTESTED:\_ Suzette Chumley\_\_\_\_\_\_\_\_\_\_

Revision Log

Original Drafted: Approved: February 5, 2016

Approved by: SPPA Board in Regular Session

Revision 1

Sections Affected: 14. USE OF FACILITIES /f. life jackets

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Revision 3

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Revision 4

Sections Affected: 14. (I) DOCK BOXES & 27. GATE CARDS

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