



# Duluth Entertainment Convention Center

Duluth Entertainment Convention Center

Tariff No. 0002

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Issued By:

Duluth Entertainment Convention Center

350 Harbor Drive

Duluth, MN 55802

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## Section 100 – General Rules and Regulations

### 101: Application of Tariff

The rates, rules and regulations contained in this tariff all apply equally to all users of the waterways and facilities, and shall apply to all traffic on the waterways and facilities on the effective date shown in this tariff or amendments thereto.

The use of the waterways and facilities under the jurisdiction of the Duluth Entertainment Convention Center, herein after called the DECC, constitute a consent to the terms and condition of this Tariff, and evidence agreement on the part of all vessels, their owners or agents, and other users, to pay all charges specified, and to be governed by all Rules and Regulations contained therein.

### 102: Reservations/Assignment of Berths

The DECC shall have the exclusive right to assign berths. All vessels assigned berths shall be responsible and liable to the DECC for any damage to port property by reason of such occupancy or use.

Cruise vessels must indicate their need for Additional Vessel and Passenger Services (section 205) when requests for reservations are made.

In the event the DECC encounters extraordinary circumstances not provided for herein, mooring rates may be adjusted to compensate accordingly.

### 103: General Berthing Regulations

#### TWIC and TWIC Escort Policy

In accordance with U.S. Coast Guard regulation 33 CFR 101.514, all persons requiring unescorted access to secure areas of DECC regulated by the USCG must possess a valid Transportation Worker Identification Credential (TWIC) before such access is granted. Persons requesting access to the DECC who do not have a TWIC must make advance arrangements for escorting by a person holding a valid TWIC who has been approved for access to DECC.

#### Smoking and Fires

Smoking or open fires is strictly prohibited at the DECC. All United States Coast Guard Regulations regarding open fires and smoking must be observed at all times.

#### Firearms and Weapons

The DECC prohibits all firearms and/or weapons from DECC property, with the exception of those items carried by law enforcement agencies. The DECC reserves the right to restrict entry or remove any individual found in violation of this provision.

#### Safety Requirements

Vessel Agents and their third party vendors and their employees, contractors, suppliers, agents, visitors and guests are required to comply with all applicable safety requirements pertaining to their work or craft as specified by their company, the Occupational Safety & Health Administration (“OSHA”), the United States Coast Guard (“USCG”) and any other relevant regulating agencies. DECC reserves the right to remove anyone found to be in violation of pertinent safety policies.

## Pollution

Water Pollution: It is strictly prohibited to deposit, place, or discharge into the waters under the jurisdiction of the DECC any matter which is capable of polluting, defiling or clogging those waters, or which would be in violation of Local, State and/or Federal law.

Air Pollution: It is strictly prohibited to allow uncontrolled emissions into the atmosphere from a vessel within boundaries controlled by the DECC which would violate Local, State and/or Federal law. The DECC strongly encourages “no idling.”

## 104: Limitation of Liability

The DECC assumes no responsibility for baggage or goods intended or accepted for storage or moving through DECC facilities. No provision, rule or sub-rule in this tariff relieves the DECC from liability for its own negligence.

The DECC will not be responsible for count or content, loss or damage to any merchandise or other property stored or handled upon, in or through any wharf or other structure or property owned, controlled or operated by the DECC, or loss or damage from any cause whatsoever, except for the DECC's liability for its own negligence.

## 105: Insurance

The rates and charges published in this tariff do not include any insurance coverage. Any insurance required by the vessel owner or operator for any operations to protect his or others interest will be carried by the vessel owner and will hold the DECC harmless of any loss or damages from any cause whatsoever, except for DECC's liability for its own negligence.

## 106: Illegal Loading

No Captain or any vessel shall allow any lading from the docks or any areas of DECC to be loaded or carried aboard his vessel unless it is correctly manifested.

## 107: Disclaimer Loss or Damage

The DECC assumes no responsibility for any damage to vessels or equipment incurred for any reason whatsoever within the confines of Duluth-Superior harbor, or loss or damage to cargo or other property while on the wharves, docks or other facilities under the administration of the DECC, or for damage or injuries to others by reason thereof.

The DECC accepts no responsibility for any damage to vessels caused by surging or pounding at its wharves, docks or other facilities, or any loss or damage to cargo being loaded or unloaded, nor for injury to or loss of cargo on its wharves, docks or other facilities under its administration as a result of high water and weather conditions.

### 108: Collision and Allision

In the event of a collision between two (2) vessels, or between a vessel and DECC, a written report of such collision/allision shall, within twenty-four (24) hours, be furnished to the DECC by the Master, owner or agent of said vessel(s). All vessels assigned berths shall be responsible and liable to the DECC for any costs associated with collision or allision damage at DECC.

### 109: Cleanliness of Premises

Steamship agents, operators, stevedores, freight handlers and other users of the wharves, or other facilities of the DECC shall be held responsible for the cleaning of the property or facility of the DECC which they have been allowed to use, or which is assigned or leased to them.

## Section 200 – Vessel Charges

### 201: Dockage at DECC

Dockage is a charge assessed against a vessel for berthing at a wharf or for mooring to a vessel so berthed for the purpose of loading or unloading. The period of time for which Dockage shall be assessed against a vessel shall commence when such vessel is made fast to the wharf, bulkhead, or to another vessel so berthed and shall continue until such vessel has been completely freed from such berth.

Dockage for US federal government vessels or special events is at the discretion of the Executive Director of the DECC.

Security includes: Hours of operation – 7am staff arrival for an 8am vessel arrival and a 5pm staff departure for a 4pm vessel departure. If needs deviate from the standard hours of operation, rates are subject to pricing adjustments.

Charges are per 24-hour period or any fraction thereof, based on Length Over All (LOA). See Notes 1, 2, 3, 4, 5, and 6 below.

<b>Commercial Vessels</b>	<b>At MARSEC 1</b>	<b>At MARSEC 2</b>
LOI is 300ft or over	\$ 2,000	\$ 3,000
LOI is 299ft or less	\$ 1,500	\$ 2,500
Cruise Vessel Security - Day Stop	\$ 2,200	\$ 4,000
Cruise Vessel Security - Turnaround	\$ 3,500	\$ 5,300
<b>Private Vessels</b>		
LOI is 50ft or over	\$ 500	
LOI is 50ft or less	\$ 250	
Private Security to be determined based on needs.		

Note 1. Tender vessels will be charged based on the vessel size of the parent cruise vessel.

Note 2. Dockage charges for articulated or integrated tug/barge combinations shall be charged on the combined unit.

Note 3. MARSEC 1 refers to Marine Security Level 1 as defined by 33 CFR 105.

Note 4. MARSEC 2 refers to Marine Security Level 2 as defined by 33 CFR 105.

Note 5. At MARSEC 3 - Marine Security Level 3 as defined by 33 CFR 105, cruise operation will not be allowed at the DECC.

### 202: Wharfage for Cruise Passengers

Vessels offering passenger cruises will be charged at a rate of \$12.50 per passenger for each port call.

### 203: Construction Surcharge for Cruise Vessels

Vessels offering passenger cruises will be charged at a rate of \$5.00 per passenger for each port call. Construction Surcharge does not apply if vessel company has a facility funding agreement with City of Duluth/DECC in place.

### 204: Additional Land-side Infrastructure Costs for Cruise Vessels

Fencing, tenting, and road closure to meet the requirements from the federal government. Charges are per 24-hour period or any fraction thereof. See Note 1 below.

#### Coastwise Passenger Ship Arrival

Vessels arriving from a US port and not utilizing turn-around or customs services. \$500 per day

#### U.S. Customs and Border Protection Clearance

Vessels calling from a foreign port and needing passengers and/or crew to clear U.S. Customs and Border Protection. \$1,000 per day

Note 1: this does not include any baggage handling services.

### 205: Additional Vessel and Passenger Services

Vessels requiring additional vessel and passenger services must indicate their requests when calling the DECC to request reservations. Charges are per 24-hour period or any fraction thereof.

#### Turn-around Baggage Handling/Services

Land-side baggage movement, to include both embarkation and disembarkation. See Notes 1 and 2 below. \$6,500 per day

Note 1: Baggage Handling/Services includes approximately 15,000 sq/ft of indoor space immediately adjacent to the DECC Cruise Facility that serves as a screening facility for disembarkation baggage as well as a registration/baggage handling area for embarking vessels.

Note 2: Barge movement to/from anchored vessel not included. (see "Vessel at Anchor - Tender Baggage Services" below)

#### Vessel at Anchor - Tender Baggage Services

Barge tendering services for baggage when vessel is at anchor is in addition to charges incurred in Turn-Around Baggage Handling/Services. Both embarkation & disembarkation included. \$6,000 per day

## Other Requests

If needs deviate from the standard setup, rates are subject to pricing adjustments

## Section 300 – Miscellaneous Charges

### 301: Refuse, Ballast, and Debris Removal

#### MARPOL – Annex I

Under Annex I of the International Convention for the Prevention of Pollution from Ships (MARPOL), a vessel desiring to discharge oily wastes shall arrange the discharge with a company approved by the Captain of the Port, United States Coast Guard. All inquiries regarding approved companies should be directed to the Captain of the Port, United States Coast Guard. Discharge operations shall be reported to the DECC prior to the actual discharge.

#### MARPOL – Annex V

Annex V of the International Convention for the Prevention of Pollution from Ships (MARPOL), 73/78 and the United States Coast Guard's Implementing Regulations (33 CFR, parts 151, 158) require that reception facilities be available for those vessels which have indicated, in advance, the need to dispose of ship generated garbage. The DECC shall accommodate third party vendors providing such service. The DECC shall require a twenty-four (24) hour notice of vessel's intent to discharge garbage at the DECC so as not to cause any undue delay to vessels.

The DECC shall accommodate third party vendors providing facilities for food, plant, meat and other potentially infectious waste when requested by the vessel, in accordance with the above and with the requirements set forth in 7 CFR 330 and 9 CFR 94. These regulated food wastes must be handled at a facility approved by the Animal and Plant Health Inspection Service (APHIS).

#### Garbage

Vessels may discharge garbage, rubbish, dunnage or debris onto the docks, in proper containers, only with the permission of the DECC and under all applicable federal, state and local laws and regulations. Additional charges may apply.

#### Prohibited Foreign Matter Discharge

Discharge of any foreign matter, including fuel oil, into slips and channels is strictly prohibited. In addition, vessel will be liable for any and all clean-up costs incurred. Discharge of any petroleum product into any waters within the Port of Duluth-Superior, requires by law, under heavy penalty, immediate notification to the National Response Center and to the local U.S. Coast Guard, Marine Safety Office.

#### Ballast Water

Any ballast water discharges shall conform to all federal, state and local ballast water regulations.

## Rule 400 – Payment of Charges

Charges must be paid in U.S. Funds within 30 days after services are rendered. If payment is not made within that time, the amount of such charges will be increased by 1 ½ percent per month until payment is made.

All bills are due on receipt. Presentation of bills to vessels, or ship agent, is done as a matter of accommodation and convenience and shall not constitute a waiver of the lien for charges against the vessel or vessel operator for services or supplies furnished the vessel, for which maritime law gives a lien.

The DECC reserves the right to apply any payment received against the oldest outstanding invoice.

The Carrier, Vessel, Owner, Shipper, Receiver or Agent who shall fail to pay any bills when due shall be placed on the Delinquent List.

All Carriers, Vessels, Owners or Agents or other users of the facilities of the DECC placed on the Delinquent List, shall be denied use of the facilities for berthing until all such charges, together with any additional charges due, shall have been paid.