



PORTS OF INDIANA

**PORT OF INDIANA-JEFFERSONVILLE**

5100 PORT ROAD

JEFFERSONVILLE, IN 47130

**PORT TARIFF**

RATES, CHARGES, RULES AND REGULATIONS

EFFECTIVE: January 1, 2007

ISSUED BY

PORTS OF INDIANA

150 W. MARKET ST., STE. 100

INDIANAPOLIS, IN 46204

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## **SECTION ONE: GENERAL INFORMATION**

### **100 JURISDICTION:**

The Port of Indiana-Jeffersonville (the “Port”) is being developed and operated by the Ports of Indiana, a body corporate and politic created by the Indiana General Assembly. This Port is located in Clark County, Indiana, within the municipal boundary of Jeffersonville at Ohio River mile 597. Improved waterfront consists of approximately 3,200 linear feet with Ohio River project depth maintained at riverfront. Property under jurisdiction consists of approximately 830 acres of improved and unimproved land. Parcels of varying sizes are available for lease to private and public bodies and may be utilized for Port-related industrial and commercial activities.

### **102 ADMINISTRATION:**

Management of the Port is the responsibility of the Ports of Indiana. The Ports of Indiana in turn has delegated responsibility for day-to-day operations to the Ports of Indiana’s staff, its Chief Executive Officer, and Port Director.

### **104 FAIR PRACTICES:**

The Ports of Indiana is an equal opportunity employer as stated in its employee personnel manual. The Ports of Indiana prohibits discrimination on the basis of race, creed, color, or sex on the part of any party in its jurisdiction or under its control. The Ports of Indiana is dedicated to the provision of fair and non-preferential services to all users of its facilities.

### **106 DEFINITIONS:**

Barge Survey: Examination and inspection reports by a qualified marine surveyor to determine the following: condition of the vessel and the commodity, loaded and unloaded draft readings of the vessel and tonnage calculations. Draft readings are to be, at a minimum, taken along five points on the port, starboard, and centerline of the vessel. Each report is to include barge number, type of covers, vessel type, vessel configuration, size, vessel profile, freeboard measurements and commodity.

Berth: The waterside area of the Port, adjacent to a wharf.

Berth Space: A berth within the Port, under the jurisdiction of the Ports of Indiana, to which a vessel is assigned by the Port Director.

Bulk Cargo: Cargo, dry or liquid, that is without mark or count, in a loose unpacked form, having homogenous characteristics. Bulk cargo loaded into intermodal equipment, except barges, is subject to mark and count, and therefore, is not deemed bulk cargo for purposes of this Tariff.

Container: 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 general cargo.

Containerized Cargo: Any cargo carried in a container, as defined in this Tariff.

Day: Unless otherwise specified, a day in computing charges shall be considered as commencing when the vessel arrives at berth and shall comprise a period of 24 hours or any fraction thereof. The time when a vessel arrives alongside the wharf with the lines made fast shall be considered the arrival time. The time the lines are let go shall be considered the sailing time.

Director: The Port Director of the Port of Indiana-Jeffersonville acting personally or through his or her duly authorized representative, including specifically the Operations Manager.

Domestic Traffic: Any traffic moving between any point in the continental United States and the Port of Indiana-Jeffersonville.

Export Traffic: All vessels moving from the continental United States to ports not within the continental United States.

Free Time: The specified period during which cargo may occupy space assigned to it on wharves, piers, aprons, or in transit areas free of wharf demurrage or terminal storage charges immediately prior to the loading or subsequent to the discharge of such cargo into or from a vessel.

General Cargo: Means all non-bulk, neo-bulk or liquid cargoes.

Heavy-lift Cargoes: All individual pieces or packages (excluding containers stuffed by shipper, steel coils, and steel slabs) weighing in excess of forty (40) tons.

Import Traffic: All vessels moving from ports not within the continental United States to ports within the continental United States.

Inbound Cargo: Cargo, including in-transit cargo, received at the Port in a vessel from a foreign or domestic port of origin.

Ports of Indiana: A body corporate and politic in the State of Indiana, established by Chapter 11 of the Acts of 1961, as amended, and responsible for developing and operating the Ports of Indiana including the Port of Indiana-Jeffersonville. When referred to in this Tariff, it means the body corporate and politic or persons authorized to act on its behalf.

Liquid Cargo: Cargo which is neither solid nor gaseous, commonly transported by specially prepared vessel, barge, rail car, pipeline, or truck, and which may be transferred between any of the aforementioned carriers or storage units by means of pipes or hoses.

Mooring: Anchoring, tying or otherwise connecting a vessel to any fixture within or adjacent to the harbor, other than at a berth, or tied to a vessel at a berth for purposes of loading or unloading.

N.O.S. Cargo: Not Otherwise Specified Cargo.

Outbound Cargo: Cargo received at the port for loading onto a vessel for shipment to a foreign or domestic port of destination.

Person: An individual, partnership, corporation, association, joint venture, trust, railroad, governmental agency, or any and all entities not otherwise herein defined which are created for the conduct of business activity.

Project Cargoes: All materials on one or more Bills of Lading of a wholly proprietary nature not for resale and which are for the use in construction, erection and/or installation of a specific project, excluding containers, automobiles, motor trucks (other than dump trucks), tractors and household goods and personal effects.

Rent: A charge levied against a person for use of the Port not otherwise provided for in this Tariff, e.g., site rental, office space rental, etc.

Storage: The charge assessed against cargo remaining on a wharf, pier, or facility.

Ton: The term “ton” as used in this Tariff refers to a unit weight of 2,000 pounds, unless otherwise specified.

Transshipped Cargo: Cargo discharged from a vessel onto a wharf with the intention that said cargo will be reloaded onto the same or another vessel for removal from the premises.

User: Any person (as defined in this Tariff) using the Ports of Indiana property, facilities, or equipment, or to whom or for whom any service, work, or labor is furnished, performed, done, or made available by the Ports of Indiana.

Vessel: Any ship, tug, towboat, barge, lighter, or other water craft, whether self-propelled or non-self-propelled.

Wharf: Any dock, pier, or apron owned by, operated by, and/or under the jurisdiction of the Ports of Indiana.

Wharfage: A charge assessed against all cargo; passing over a wharf; transferred between vessels; loaded to or unloaded from a vessel, regardless of whether a wharf is used; and the transfer of cargo loaded to or unloaded from rail or truck.

Wharf Demurrage or Demurrage: Charges published in this Tariff, assessed against both inbound and outbound cargoes which remain on wharves, or in transit areas, or on aprons beyond the limit of free time allowed, and commencing with the expiration thereof. Such charges do not include the cost of handling to or from place of storage.

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## **SECTION TWO: RULES AND REGULATIONS**

### **200 CONSENT TO TERMS OF TARIFF:**

Use of the harbor and port facilities under the jurisdiction of the Ports of Indiana constitutes a consent to the terms and conditions of this Tariff, and constitutes agreement on the part of all vessels, their owners and agents, and other users of the Port to pay all charges specified, and to be governed by all rules and regulations contained herein.

### **202 COLLECTION OF CHARGES:**

The Ports of Indiana charges as specified in this Tariff will be billed to the vessel, shipper, consignee, or other person as appropriate. Invoices may be issued by the Ports of Indiana's agents, its authorized stevedores, and such other third parties as the Ports of Indiana may appoint for that purpose from time-to-time. Invoices issued by others on behalf of the Ports of Indiana shall have the same force as if they were issued by the Ports of Indiana. Any vessel charges shall constitute a lien against the vessel and/or its agents. Any cargo charges shall constitute a lien against the merchandise or commodity. Any service charges shall be payable by the person requesting such service.

The Ports of Indiana reserves the right to estimate charges if necessary in order to make billing within seven (7) days of vessel departure. All bills are due on receipt. Any bills or portions thereof unpaid thirty (30) days after billing shall be deemed delinquent.

Presentation of invoices to vessel agents is done as a matter of accommodation and convenience, and shall not constitute a waiver of the lien for charges against the vessel for services and/or supplies furnished the vessel for which maritime law gives a lien. Under no conditions shall an invoice be altered by the recipients. Any apparent error should be submitted to the Ports of Indiana or invoicing party, which shall give prompt consideration to the claim and make any necessary adjustments. The Ports of Indiana reserves the right to apply any payment received against the oldest outstanding invoice.

The Ports of Indiana reserves the right to estimate and collect in advance the charges set forth in this Tariff if the financial responsibility of the vessel, shipper, consignee, or other party, as appropriate, has not been properly established to the satisfaction of the Ports of Indiana, and use of the Port's facilities may be denied or cargo removed until such advance payments or deposits are made.

### **204 BERTH ASSIGNMENTS:**

Assignment of public and leased vessel berths shall be made by the Director. Any vessel entering the port's jurisdiction without an assigned and then available berth — public, leased, or private — shall tie or anchor only at such place as designated by the Director. Any vessel in violation of, or failing to comply with this rule will be fined \$100 per hour during the time such violation continues.

**206 APPLICATION FOR BERTH AND/OR ENTRANCE TO HARBOR:**

Owners, captains, or agents of all vessels desiring to enter the Port shall make application to the Director for permission to do so, as far in advance of the date of entry as possible, in writing when possible, specifying the date and estimated time of arrival and the nature and quantity of cargo, if any, to be handled. Such vessel desiring berth space at wharves under the control of the Ports of Indiana, in addition to requesting permission to enter the harbor, shall also indicate in the application for harbor entrance, the desired date and time of docking. If the application is approved, the Director will so notify the applicant. The signed application form and the signed approval of the application form shall constitute a contract by and between the Ports of Indiana and the vessel, its owner(s), and agent(s).

**208 HARBOR OF REFUGE:**

Rules in Item Numbers 204, 206 and 252 will not apply when vessels are forced to use the Port as a harbor of refuge.

**210 VACATING OF BERTHS:**

Prior to completion of loading or unloading: In order to expedite the handling of vessels, when there are more vessels assigned to specific berths than can be accommodated at one time, vessels already in the berth shall be required, at the discretion of the Ports of Indiana, to work overtime at their own expense. Should such vessels elect not to work overtime, the berth shall be vacated. Failure to vacate the berth under such conditions will necessitate the vessel being moved by the Ports of Indiana at the vessel owner's risk and expense.

After completion of loading or unloading: After completion of loading or unloading, all vessels shall be required to vacate the berth promptly. At the discretion of the Ports of Indiana, two (2) hours grace may be allowed after completion of loading or unloading before sailing. Should any vessel fail to vacate the berth in accordance with the above conditions, the Ports of Indiana is authorized to remove the vessel at the vessel owner's risk and expense.

Vessels idle under repair or for other reasons: the Ports of Indiana reserves the right to order idle vessels from a working berth in order to make such berth available to other vessels prepared to work. Vessels berthed for repair shall be considered as idle vessels for the purpose of this paragraph. In the event it becomes necessary that any vessel be moved or the position changed in order to facilitate navigation or commerce, or for the protection of other vessels or property, the Ports of Indiana is authorized to order and enforce the removal of such vessel at the vessel owner's expense to such place as the Director may designate. In the event of the failure or refusal of the person in charge of such vessel to change the position thereof as directed, the Director is authorized to board such vessel, with such assistance as may be necessary, and to change the position thereof at the vessel owner's expense, and at the risk of such vessel.

**212 RESPONSIBILITY FOR DELAYS:**

The Ports of Indiana shall not be responsible for delays to vessels docked at or seeking berth at the public wharves, regardless of the cause. Such vessels and their owners and agents shall hold the Ports of Indiana harmless and indemnify the Ports of Indiana for any and all losses or claims resulting from any such delays.

**214 DAMAGE TO PROPERTY:**

Damage to the Ports of Indiana's wharves, sheds, other structures, or equipment by vessel or otherwise, must be reported immediately in writing to the Director, giving details of such damage, the date and time the damage occurred, together with the name of the vessel or other equipment and/or person causing said damage, and the names and addresses of any person or persons who witnessed the accident. The cost of repairs shall be assumed by the party causing the damage. All repairs shall be made promptly to the satisfaction of the Port Director. Any floating craft sunk adjacent to the Ports of Indiana's wharves or in the anchorage basin must be removed immediately or the Ports of Indiana will, at its option, seize such craft and remove it, holding owners of the vessel responsible for all costs attendant thereto.

**216 COLLISION:**

Any collision between two vessels in the harbor must be reported immediately, in writing, to the Director. Any craft sunk as a result must be removed immediately or the Ports of Indiana will, at its sole discretion, remove the craft and hold the owners thereof responsible for all costs attendant thereto.

**218 DAMAGE TO USER'S VESSEL OR EQUIPMENT:**

The Ports of Indiana will assume no responsibility for damage to user's vessel or equipment incurred for any reason whatsoever while within the confines of the Port. The Ports of Indiana accepts no responsibility for any damage to user's vessel or equipment which might occur while lowering or raising stevedore equipment into or out of vessels, nor for normal wear and tear of such vessels or equipment.

**220 DAMAGE TO CARGO:**

The Ports of Indiana is not liable and will not assume any responsibility for any loss or damage to cargo or other property while on the wharves, docks or other facilities under the administration of the Ports of Indiana, or for any damage or injuries to others by reason thereof.

Each shipper or receiver of cargo, or those acting for them, must protect such cargo from loss or damage from any cause whatsoever, including, but not limited to, loss or damage from pilferage, rodents, insects, shrinkage, wastage, decay, seepage, heat, cold, evaporation, fire, leakage or discharge from sprinkler system, rain, flood, or the elements, defects or leaks in or around buildings or other structures, war, riots, strikes, civil commotion, or acts of third persons.

**222 NOTICE OF CLAIM AND FILING OF SUIT:**

Claims by users, receivers, or shippers of cargo, or any person injured as a result of alleged negligence on the part of the Ports of Indiana must be presented in writing to the Ports of Indiana no later than 48 hours after the documented loss, damage or injury has occurred. The complaining party and the Ports of Indiana shall follow the procedures established for the handling of tort claims against the State of Indiana as set forth in Chapter 16.5 of Article 4 of Title 34 of the Indiana Code.

**224 INSURANCE:**

Cargo in storage is not insured by the Ports of Indiana and is stored at the owner's risk. Owners may provide insurance at their option and expense.

**226 FIRE ABOARD SHIP:**

In the event of fire occurring on board any vessel in the Port, such vessel shall follow all provisions under U.S. Coast Guard, Rules and Regulations.

**228 RESTRICTIONS ON ENTRY TO the Ports of Indiana PROPERTY:**

No admittance will be permitted to sheds, warehouses, platforms, docks, port roads, railroads or other structures except to those having business to transact with the Ports of Indiana or with its tenants and lessees.

**230 MANIFEST TO BE FURNISHED:**

The masters or agents of vessels discharging or loading cargo at public wharves must furnish promptly to the Port Director copies of their inbound or outbound manifests showing consignors and consignees, weights and or measurements of the various items and the basis on which freight charges are assessed on the cargo. The Ports of Indiana reserves the right to audit all such manifests and to use such audits as a basis for charges.

**232 OUTBOUND CARGOES:**

All necessary or requested services performed by the Ports of Indiana in accordance with Tariff items shall be for the account of the vessel and billed to the vessel owner(s) or agent(s) unless otherwise authorized.

**234 EXPLOSIVES AND HAZARDOUS CARGOES:**

Any explosives or hazardous cargo or commodity shall be handled over or received on the wharf only after explicit written approval by the Ports of Indiana. The handling and storage of any such commodities or material is subject to, and must be conducted in accordance with, applicable Federal, State and City laws, rules and regulations.

**236 BULK LIQUIDS:**

The handling of all types of bulk liquid cargoes, except vegetable and animal oils, from either tank barge or tank vessel into or from tank cars, trucks or barges, is prohibited over all general cargo docks unless authorized in advance in writing by the Director.

**238 PERISHABLE AND OFFENSIVE CARGOES:**

Perishable and/or offensive cargoes shall be handled over or received on the wharf only at the discretion of the Director.

**240 MARKING ON CARGOES:**

Any material placed in storage must be legibly and permanently marked.

**242 INSPECTION OF CARGO:**

The Ports of Indiana is authorized to board and inspect any vessel at the wharf to ascertain the kind and quantity of cargoes thereon, and to determine compliance with all provisions of this Tariff.



**244 FREIGHT CHARGES:**

The Ports of Indiana assumes no responsibility for rail, water or truck freight charges on shipments moving via its facilities. Freight charges cannot be prepaid by the Ports of Indiana for customer's account.

**246 GOVERNMENT FEES:**

All fees and charges levied by Federal, State, County, and City governments, and their respective officers, in connection with the storage and handling of goods under this Tariff, and all revenue stamps required on documents and bills of lading, shall be additional to the rates named herein.

**248 DISCHARGE OF LIQUID WASTE, SANITARY WASTE & OTHER DEBRIS:**

The discharge or throwing of ballast bilge water, wash water, fuel oil, sanitary waste, rubbish, dunnage, or debris into the Ohio River or any area of the Port is prohibited. Any rubbish, dunnage, debris, or other waste material thrown or discharged on the land premises of the Port shall be removed by the tenant and/or stevedore responsible. Removal of such waste material and debris must be made at least once each week. In the event the tenant and/or stevedore fails to remove and clean the premises, written notice shall be given to the party violating this rule, advising of the violation and of a deadline by which time the violation is to be corrected. Non-compliance will result in Port personnel having the material removed and a charge will be assessed for such removal. See Item No. 322, Miscellaneous Charges.

**250 FIREARMS AND/OR AMMUNITION:**

No persons are permitted to carry firearms and/or ammunition on the Ports of Indiana property other than authorized the Ports of Indiana, Federal, State, or City governmental officials. Discharging firearms anywhere within the confines of the Port boundaries, either over or on the water or land, is prohibited. Any person violating such rule is subject to appropriate action by the proper law enforcement authority.

**252 TRAFFIC REGULATION:**

Land: The Director is authorized to regulate traffic on the Ports of Indiana property. No person shall drive or operate, or cause to be driven or operated, any vehicle onto or upon any wharf when, in the judgment of the Director, such vehicle will interfere with the efficient operation of the wharf or any other Port facility.

Water: The Director is authorized to regulate all waterborne traffic within the Port; 130 IAC 1-5-1.

Railroad: Loading and/or unloading of railroad car(s) on the Main Port Track is permitted only with the express consent of the Director. In the event the placement of railroad car(s) obstructs switching of other cars at any time, responsible parties will arrange, at their exclusive expense, for the immediate removal of such car(s) from the Main Port Track. No one shall obstruct, or permit the obstruction of, Port Railroad Right-of-Way by any article, equipment or material of any type. The Port Railroad Right-of-Way consists of an area eight (8) feet wide on each side measured from the center of all tracks and contiguous with the entire length of any and all tracks. Any matter found by the Director to cause an obstruction shall be removed at the expense of the owner of such matter and/or the responsible party.

**254 WASHING DOWN:**

General washing down of vessels berthed at any wharf is not permitted.

**256 UNAUTHORIZED USE OF SPACE:**

No one shall make unauthorized use of any area within the Port. Unauthorized use of any space shall be charged for at the Ports of Indiana's discretion. Unauthorized occupants are subject to immediate ejection, and unauthorized materials on site are subject to removal to storage areas at the owner's expense. Stevedores' tools, appliances and equipment, vehicles, or any other material or object which is not part of the cargo, are not permitted to remain on the wharves or other public areas. Such material will be removed and stored at owner's expense. See Item 322, Miscellaneous Charges.

**258 FIRE EQUIPMENT:**

Persons shall not remove or obstruct or interfere with the free and easy access to, or in any manner disturb, any fire extinguisher, fire hose, fire hydrant, or any other fire fighting appliance or apparatus installed in or upon any wharf or other public area.

**260 SMOKING:**

Persons shall not smoke on or upon the wharves or in the warehouses, sheds or other structures of the Port set apart for the loading and unloading of vessels, or for the storage or warehousing of their cargoes or other merchandise; nor shall persons smoke upon any truck, dray, float, automobile, or vehicle of any kind when using the aforesaid structures. Persons shall not smoke or use matches or cigar/cigarette lighters in the hold of any vessel or upon the decks thereof while loading or unloading cargo.

**262 PORT SECURITY:**

The Ports of Indiana has delegated to the Port Security Police responsibility for enforcement of Port security regulations. The Port Security Police, under supervision of the Ports of Indiana Director of Security or his or her designee, are empowered to take such actions against violators and offenders as are permitted by the Ports of Indiana and other applicable public jurisdictions.

**264 STEVEDORING:**

Handling of cargo must be arranged through an authorized stevedore or provided for by lessees themselves in the case of proprietary cargoes being handled for the lessee's own account. In the event the latter is desired, authority to act in a stevedoring capacity is required. Stevedores may only be authorized by action of the Ports of Indiana following application for stevedoring authority.

**266 STORAGE AREAS:**

The use of any truck concourse or any other areas not specifically covered in the Ports of Indiana's tenant leases or operating agreements for the storage of vehicles or goods is prohibited unless prior arrangements are made with and approved by the Director for such use. Payment of rental therefore is confirmed through the Director, either on a tonnage, per square foot per month, or per acre per month basis.

**268 PRIOR DELIVERY OF RAILROAD CARS:**

If railroad cars are required, vessel owners or other parties responsible for cargo are requested to arrange for delivery of railroad cars prior to vessel arrival to facilitate proper spotting of railroad cars and to determine the order of loading. Railroad cars shall not block wharf area for more than twelve (12) hours unless otherwise approved by the Director or his designee.

**270 ORDERING RAIL CARS:**

Orders to the railroad for placing, switching, and removing railroad cars will be copied to the Ports of Indiana by tenants, authorized stevedores, or authorized port users. Only duly authorized persons may order railroad cars to the Port. No responsibility for any errors or delays will be assumed by the Ports of Indiana.

**272 DELAYS/DEMURRAGE:**

The Ports of Indiana does not assume responsibility for delays of any kind, demurrage on railroad cars, or detention of vessels arising from any cause whatsoever.

**274 TERMINAL OPERATORS' TARIFFS:**

Rules, regulations, and charges of the Port's Terminal Operators shall be published separately in tariff form. Such rules, regulations and charges are subject to the approval of the Ports of Indiana. Tariffs of Terminal Operators shall be available for inspection at the respective Terminal Operator's offices during normal working hours.

**276 AMENDMENT OF TARIFF:**

Ports of Indiana reserves the right to amend its Tariffs as it deems necessary. Amendments shall be adopted only after due notice to the tenants or operators in the port.

**278 PAYMENTS DUE TO PORTS OF INDIANA:**

Payments due to the Ports of Indiana from Terminal Operators, tenants, and other parties shall be paid as specified in this Tariff, specific leases, or such other documents as may apply in each case. Nonpayment of any sums within sixty (60) days from the due date, whether written notice of default is given or not, will result, at the Ports of Indiana's option, in the cancellation of any and all Port use privileges previously granted the delinquent party.

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**SECTION THREE:  
RATES AND CHARGES**

**300 GENERAL INFORMATION:**

This Section covers rates and charges for the privilege of using the public facilities at the Port. Use of facilities leased by the Ports of Indiana for the exclusive use of lessees and operators are not covered in this Tariff section. The charges and rates published herein are subject to change in accordance with Item 276. Charges and rates will be quoted on application to the Ports of Indiana for extraordinary services not listed in this Tariff.

**302 WHARFAGE RATES:**

Wharfage rates at all public wharves are based on cents per ton of 2,000 pounds or 40 cubic feet measurements as freighted.

<u>Commodity</u>	<u>Rate</u>
Coal .....	\$0.16
Container Handling, full or empty .....	\$10.00 ea.
Fertilizer, liquid or solid, in bulk .....	\$0.17
General Cargo, N.O.S. ....	\$0.27
Grains, in bulk.....	\$0.12
Heavy-lift/project cargo .....	\$1.00
Other dry bulk, N.O.S. ....	\$0.27
Other liquid bulk, N.O.S. ....	\$0.27
Salt .....	\$0.14
Slag .....	\$0.15

Minimum Charge for loading or discharging barges: \$165.00 (all sizes)

**304 WHARFAGE RATES, COMMODITIES NOT SPECIFIED:**

Wharfage rates at all public wharves for commodities not specified in Item 302 are based on each vessel loading or unloading such non-specified commodities. Each vessel, loaded or loading to full capacity of vessel will be charged \$200.00.

**306 WHARFAGE CHARGES, TRANSSHIPPED CARGOES:**

Cargo discharged upon public facilities, including such as are leased for tenants or operators exclusive use, and transshipped via rail, truck or vessel within thirty (30) days from discharge shall be subject to the payment of a first wharfage charge as specified in Item 302 or Item 304 plus one half of a second wharfage charge except grains in bulk for which the second wharfage payment will be .05 per ton or a minimum of \$50.00 each vessel.

### **308 RESPONSIBILITY:**

Wharfage is due from the owners of the commodities against which it is assessed. The collection of same must be guaranteed by the vessel owners or agents, and the use of the wharf by a vessel, its owners or agents, shall be deemed acceptance and acknowledgment of this guarantee. Collection of such charges is to be made by the Terminal Operator servicing the vessel and remittance made to the Ports of Indiana. Unless otherwise provided in the Terminal Operator's operating/lease agreement with the Ports of Indiana, within five (5) days following the departure of a vessel with outbound cargo, the Terminal Operator servicing said vessel shall render to the Ports of Indiana payment in full and a statement, properly certified, showing the total manifest weight and description of all cargo discharged by and/or delivered to said vessel, together with such other information as may be prescribed in forms furnished therefore by the Ports of Indiana for the purposes of computing and assessing the tariff charges and maintaining Port records. Wharfage charges shall be due and payable by the owner of the commodities upon presentation of invoices by the Terminal Operator.

### **310 CONTAINER STORAGE:**

Containers stored on Port property, as distinct from properties leased to port tenants, will be subject to a storage charge. As a courtesy to Port users, free storage will be provided for no more than five (5) consecutive working days, including the day on which containers are received and placed on Port property. Thereafter, a daily storage charge will apply at the rate of \$5 per day or part thereof per 20-foot TEU.

### **312 CARGOES:**

The following cargoes are exempted from payment of wharfage:

1. Ship's stores, repair materials and supplies when intended for the vessel's own use, consumption, or repairs for specific cargoes being handled.
2. Cargo that is exclusive property or supplies of the Ports of Indiana.
3. Cargo not of a commercial nature owned by the government of any nation, provided such charge is expressly waived by the Director.

### **314 TERM OF FREE TIME:**

Free time will commence at 8:00 a.m. of the first day following the completion of a vessel's cargo transfer, whether or not written or other notice has been sent or given to the shipper or consignee. Free time will not exceed 48 hours Free time will expire at 5:00 p.m. on the second business day of its commencement.

### **316 EXCLUSION FROM FREE TIME:**

No free time shall be allowed on the following items or other property of such a special nature as to require earlier removal because of local ordinances or other governmental regulation, or because the wharves are not equipped to care for such property for such period:

1. Oils and/or liquids in bulk in ship's tanks
2. Animals and birds
3. Bullion and treasure
4. Dangerous and/or hazardous cargo
5. Jewelry, precious stones, etc.
6. Refrigerated cargo

**318 ANCHORAGE BASIN VESSEL MOORING:**

The mooring of vessels in the harbor of the Port shall be by permission of Ports of Indiana. Vessels mooring shall do so at places designated by the Ports of Indiana. Applications for such mooring accommodations must be placed with the Director and will be filed in order received and under conditions and rates published herein.

**320 BARGE MOORING RATES:**

Mooring charges per barge for each day or fractional part thereof, will be assessed at \$15.00 per day regardless of size. No barges carrying hazardous cargo requiring a red flag will be allowed to moor on the Ports of Indiana property without prior written consent of the Director.

**322 MISCELLANEOUS CHARGES:**

1. Removal of Waste Materials: Rubbish, dunnage, debris or other waste material thrown or discharged on the land premises of the Port not removed by users pursuant to Rules and Regulations (see Item 322). will be removed by Port personnel or by others at the request of the Director. The user and/or tenant will be charged three (3) times the Port's costs for such removal

2. Obstruction of Wharves: Stevedores' tools and equipment which remain on the wharves or other public areas after 24 hours notice to remove them shall be stored by the Ports of Indiana. A charge of \$100.00 per day will be made in addition to the cost of storage and removal.

**324 SERVICES NOT OTHERWISE PROVIDED FOR:**

Nothing contained herein shall be construed as requiring the Ports of Indiana or its lessees, operators, and/or contractors to perform without charge any service not specifically provided for herein.