

Governing Rates, Rules & Regulations of Marine & Port Services Provided by the

PORT BIENVILLE INDUSTRIAL PARK

Port Tariff No. 1-D



HANCOCK
MISSISSIPPI
PORT • AIR • SPACE

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Section 1.01 DEFINITIONS

DAYS & HOLIDAYS - ITEM 5

In computing charges, a day is a period of 24 consecutive hours or fraction thereof of any calendar day or days. Holidays are defined as Christmas Day, New Year's Day, Memorial Day, Independence Day, and Thanksgiving Day.

PORT AUTHORITY - ITEM 10

Port Authority, when used herein, is the Hancock County Port and Harbor Commission as prescribed by law.

DOCKAGE - ITEM 15

A charge assessed against the ship or vessel for the use of the wharves, mooring facilities, mooring to a vessel so berthed, or other facilities within the Port Bienville Industrial Park. The charge is based upon the length of the ship or vessel as determined by the Port Commission's rules. The ship or vessel is responsible for this charge. Nothing herein shall prohibit the Port Authority from assessing any other charges under any other provision of this Tariff No. 1-B.

FLEETING AREA - ITEM 17

The area used for Barge Fleeting, Barge Staging, or for parking barges.

FLEETING - ITEM 18

The action in which a barge is paused along the bank of the river. Fleeting can occur for multiple reasons. A barge could be fleeting while waiting for a tow to come through or waiting to be cleaned and put back into service. Fleeting is essentially a parking lot for barges in the river.

LAY BERTH - ITEM 20

A privilege granted upon request for a ship or vessel to berth at a wharf, pier, bulkhead structure, or bank.

MOORING - ITEM 22

Any permanent structure to which a vessel may be secured. Examples: quays, wharfs, jetties, piers, anchor buoys, and mooring buoys.

MOORING DOLPHIN - ITEM 23

A group of pilings arrayed together to serve as a protective hardpoint along a dock, in a waterway, or along a shore, as a means or point of stabilization of a dock, bridge, or similar structure; as a mooring point; as a base for navigational aids. Used for mooring only and for securing the vessels by using ropes.

WHARVES - ITEM 25

Wharves and facilities, whether public or private, within the Port Bienville Industrial Park. Nothing herein shall prohibit the Port Authority from assessing any other charges under any other provision of this Tariff No. 1-B.

PORT BIENVILLE INDUSTRIAL PARK - ITEM 30

The lands and waters, and interests therein, under the management, supervision, and control of the Port Authority.



STEVEDORE - ITEM 35

One who works at or is responsible for the loading and unloading of a ship or vessel within the jurisdiction of the Port Authority

SHIP AND VESSEL - ITEM 40

A "ship" is any self-propelled sea-going vessel. A "vessel" is any type of floating equipment or object including barges.

WHARFAGE - ITEM 45

A charge assessed against all cargo passing or conveyed over, onto, or under wharves, whether public or private, and the transit sheds built thereon or between ship or vessel when berthed at the wharf, pier, bulkhead structure(s) or banks, any of which whether public or private, within the jurisdiction of the Port Commission.

Section 1.02 RULES & REGULATIONS

RULE 100: JURISDICTION

The Port Authority has jurisdiction control over, and the power to regulate, fix and enforce rules and charges for the use of the harbor, channel, warehouses, freight handling machinery, equipment, and all other property and facilities owned and/or operated by it in accordance with applicable law. Normal operations are conducted through the Commission's appointed Port Director

RULE 105: APPLICATION & INTERPRETATION OF TARIFF

Rates, rules, and regulations contained herein, or as amended, shall apply equally to all users at and to all waterways, terminals, and facilities of the Port Authority except as otherwise provided. The use of the waterways, facilities, and/or services under the jurisdiction of the Port Authority shall constitute a consent to the terms and conditions herein and evidences an agreement on the part of all carriers, vessels, barges, their owners and agents or all other users of such waterways, services, and/or facilities, to pay all charges specified herein to be governed by all rules and regulations set forth in this tariff.

All reference to harbor masters, pilots, boatmen, stevedores, surveyors, watchmen, police, ship chandlers, ship agents and all other persons engaged in providing any type of service or operation on or at any waterway, road, or facility, will be governed by "TITLE 59," Mississippi Code, 1972, Annotated.

RULE 110: WATERWAYS

All vessels mooring in waterways associated with the port area must be secured to fixed mooring points on the port's property. These include bollards, cleats, chains and wires affixed to shoreside anchors and mooring buoys, posts or similar structures. Such vessels shall be subject to the fees as stipulated in the tariff. Mooring of vessels to structures other than those established for mooring or mooring to trees or other non-specific structures are considered a potential navigation hazard and is prohibited. Any vessels moored at any location other than fixed mooring points will be assessed a mooring fee of \$125 per vessel per day.

RULE 125: MARINE LOSS OR DAMAGE TO CARGO VESSELS

The Port Authority assumes no responsibility for marine loss or damage to any cargo of any description, nor assumes any responsibility for marine loss or damage to any vessel, barge, tugboat, or other craft while within the harbor limits of Port Bienville Industrial Park or other places.



RULE 130: DOCKAGE / WHARFAGE AT OTHER THAN PUBLIC WHARVES

The Port Authority reserves the right to assess wharfage or dockage charges against any commodity received from and/or discharged to, or to ships utilizing, respectively, the water over which the Port Authority has jurisdiction.

RULE 135: HAZARDOUS MATERIALS OR SUBSTANCES

Shipments of articles classified as hazardous materials or hazardous substances by the United States Department of Transportation will be accepted only after a full compliance by shippers or carriers with these rules and regulations or as amended. Wharfage and handling facilities will not be provided except under special circumstances approved by the Port Director.

RULE 140: MEASUREMENTS OF SHIPS OR VESSELS

The Port Authority reserves the right to measure all ships or vessels when deemed necessary; said measurements to be used by the Port Authority as a basis for any and all charges. For purpose of determining charges under this tariff, the term "length" or "over-all length" of a ship or vessel shall be that length measured from the extreme forward point to the extreme aft point of the ship or vessel as may appear in the Certificate of Registry for the ship or vessel. With respect to ships engaged in foreign, coastwise, or intracoastal trade, such measurements appearing in Lloyd's Register will be acceptable as evidence thereof.

RULE 145: REQUEST FOR STATEMENT OF TONNAGE

All ships or vessels, their owners or agents, or any other persons, firms or corporations shall furnish without delay, but in not greater than seven days, a statement showing weight (weight and measure in cubic meters if by commodities including bunkers, and if containerized the number of units and size, covering any shipments or cargo in the transit sheds, or wharves, or occupying space on any other property under the control of the Port Authority.

RULE 150: ASSIGNMENT OF BERTH, SHEDDAGE, MOORING AND MARGINAL TRACK

All ships, vessels, barges, or other water craft, or their owners or agents, desiring berth and/or marginal tracks, sheddage assignment, open dock use, anchorage, mooring place, or any other facility shall, as far as possible but not later than 48 hours in advance of the date of docking to load or unload if space is available, make application thereof to the Port Director in writing specifying the date of docking, sailing, and the nature and quantity of cargo to be handled. The Port Director reserves the right to decline any application at its discretion. All assignments shall be at the discretion of the Port Director.

RULE 155 VACATE OF BERTH

Any ships, vessels, barges or other watercraft occupying a berth under Item 150 may, at the sole discretion of the Port Director, be ordered to vacate the berth due to accommodation of another vessel for the working of cargo or whenever such occupancy poses a potential hazard. Failure to vacate the berth as ordered will result in a penalty to be twice the applicable dockage rate. The imposition of such a penalty shall not affect the right to have the vessel removed at the expense and risk of the owner or charterer.



RULE 200 ASSIGNMENT OF WHARFAGE CHARGES

All cargo shall be subject to the wharfage charges as follows:

1. When cargo is placed onto wharves, docks, landing, mooring facilities, or other structures, any of which whether public or private, for handling to or from ship or vessel; or
2. When cargo is placed on the public or private wharves for outbound movement and is not subsequently loaded aboard a ship or vessel but is removed from the wharves; or
3. When cargo is transferred over or under such wharves, docks, landings, mooring facilities, or other structures, any of which whether public or private, to or from ship or vessel; or
4. When cargo is delivered to or received from ships or vessels by other watercraft, or when transferred over the side of ships or vessels directly to or from the water;

Section 1.03 RATES & CHARGES

RULE 201: WHARFAGE RATES

COMMODITY	RATE PER NET TON
General Commodities N.O.S.	\$1.40
Hazardous Cargo	\$4.00
Bulk Commodities N.O.S. (or 40 cubic feet, whichever is greater)	\$1.00
USDA (bagged commodities)	\$1.00
Forest Products	\$1.00
Iron and / or Steel Articles, N.O.S.	\$1.50
Fabricated Steel, N.O.S.	\$2.50

RULE 205: DOCKAGE

The dockage charge shall be \$1.00 per linear foot of ship, vessel or barge starting the 1st day and every day thereafter. All carriers, vessels, their owners and/or agents or other users of the facilities placed on the delinquent list for reasons provided herein shall be denied further use of the facilities by the Port Director until all charges have been paid. All ships and vessels shall be subject to the dockage charges as follows:

1. When ships or vessels are moored outside of other watercraft occupying berths at wharves, dock landings, mooring facilities, or other structures, any of which whether public or private.
2. When ships or vessels are occupying berths at wharves, dock landings, mooring facilities, or other structures, any of which whether public or private.
3. When ships or vessels are anchored, partly anchored, or partly moored to wharves, docks, or other structure, any of which whether public or private, in any area within the jurisdiction of the Port Authority.

RULE 210: CONTAINER STORAGE

All cargo containers stored outside of the leased ship terminal area as defined by lease agreements between the Port Authority and lessee will be assessed a storage charge of \$10.00 per Container per day.

RULE 215: MISCELLANEOUS CHARGES

All other types of charges not otherwise specified herein will be quoted on request from the Port Director.



RULE 220: PERMITS

All commercial ship, vessel or other transportation mode operators must have a one (1) year entry permit issued by the Port Authority in order to conduct business in Port Bienville. Such permit shall be issued based on criteria established by the Port Authority and requires a payment of **\$50.00** administrative fee applicable to all transportation equipment under the control of the permit holder.

RULE 225: BARGE FLEETING

All ships or vessels moored at fleeting areas will assess a daily charge of **\$100** per ship or vessel beginning on the first day and every day thereafter.

RULE 230: MOORING DOLPHINS USAGE

All ships or vessels moored to a dolphin will assess a daily charge of **\$125** per ship or, vessel beginning on the first day and every day thereafter.

RULE 235: PARK FEES

Park fees will be assessed at a rate of \$485 annually.

Section 1.04 PAYMENT, CREDIT, AND COLLECTIONS

RULE 240: CREDIT AND COLLECTION TERMS

Unless otherwise provided in an applicable rate document, the credit and collections terms for the Port Bienville Industrial Park are as follows:

- Bills are due and payable on receipt.
- All charges must be contested in writing within 45 days. Bills not contested within 45 days will be due in full.
- Unless otherwise contractually stipulated, Port Bienville Industrial Park’s credit period shall not exceed 30 days from date of invoice, after which a service charge of 5% per month will apply to all customers.
- Invoice or BOL Numbers must accompany payments.

[APPLICATION FOR CREDIT](#)

RULE 245: CUSTOMER FINANCIAL RESPONSIBILITY

Security deposits for payment of demurrage, detention, storage and other accessorial charges Customers will be required to apply for credit with the Port Bienville Industrial Park. Credit will be granted solely at the discretion of the Port Bienville Industrial Park.

A security deposit to ensure payment of any demurrage, detention, storage or any other charges that may accrue will be required from every customer who:

- Does not have credit with the Port Bienville Industrial Park or
- Has a history of delinquency or non-payment of any Port Bienville Industrial Park invoice(s)

The Port Bienville Industrial Park will determine the suitability of the security tendered. (All instruments of deposit are hereinafter referred to as “Security”).



Once the customer is placed on the Port Bienville Industrial Park's authorized credit list or has paid all outstanding charges and has given assurance to the satisfaction of Port Bienville's finance department that future charges will be paid within the credit period prescribed in applicable tariffs or contracts, Port Bienville Industrial Park will refund the balance of the deposit after deducting any and all unpaid charges. A Security deposit is not required for customers placed on Port Bienville Industrial Park's authorized credit list.

If a bill is not paid when due, immediately thereafter the Port Bienville Industrial Park will satisfy the bill by drawing against the security on deposit. Thereafter, the customer must immediately reinstate the required security deposit.

Whether or not demand should be made upon a delinquent customer for the deposit or maintenance of security for reasons heretofore stated, and whether the customer complies, refuses or fails to so deposit or maintain the security the Port Bienville Industrial Park may issue an embargo against all barge transportation to and from that customer.

Because deposits are established due to delinquencies or non-payment of charges, no interest will be paid by the Port Bienville Industrial Park on any security deposited with it. It is within the discretion of the Port Bienville Industrial Park to determine when issues of delinquency have been resolved and when the customer is no longer required to maintain a security deposit. Should rail service to the customer no longer be required, the security on deposit will be released and returned upon satisfaction of all outstanding bills.

RULE 250: ENFORCEMENT OF CHARGES

The Port Bienville Industrial Park reserves the right, at its sole discretion, to withhold delivery of railcars of a customer when customer's account is in arrears and may take possession of railcars and may sell the goods by public auction and/or pursue such other remedies as may be required to satisfy any outstanding debt. Railroad reserves the right to deny service to any customer until all outstanding delinquent charges have been paid.

Freight and other accrued transportation charges may not be offset by overcharge, freight damage or other claims.