

## CONDITIONS OF USE FOR INNER HARBOUR BERTHS

### 1. BYLAWS

- 1.1 All vessels must comply with the By-Laws of the Hawke's Bay Regional Council, and any lawful request by the Harbour Master, the Napier City Council Inner Harbour Manager or any Agent of the Napier City Council.

### 2. BERTH ALLOCATIONS

- 2.1 The allocation of a berth does not give the berth holder exclusive rights to occupy the berth.
- 2.2 Berths are not transferable.
- 2.3 West Quay berths are allocated on a first in first served basis. In the event that there are no spare berths it is expected that vessels will berth more than one abreast but for safety reasons not more than four abreast into the channel. This applies to local vessels as well as visiting vessels. The fuel berth is to be used for refuelling only.

### 3. CONDITION OF VESSELS

- 3.1 Owners and Masters must take all responsible care to ensure their vessels are securely moored. Vessels may be required to be removed if mooring ropes are inadequate.
- 3.2 The owner or master of an unattended vessel berthed at West Quay or the Iron Pot, which is accessible to the public, must ensure the vessel's moorings are secured utilising a wire strop, or wire strop equivalent but not a chain, and padlock, code MS153, acceptable to the Harbourmaster or Enforcement Officer, to prevent the release of mooring lines by unauthorised persons.
- 3.3 Vessels occupying the berth must be kept in good serviceable condition and repair so as not to obstruct, interfere with or endanger other vessels navigating or berthed in the Inner Harbour.
- 3.4 All leads and appliances connected to any Council power box must comply with the relevant regulations, including the display of a current appliance test tag.
- 3.5 Refit work is not permitted in the berth. This includes welding, gas cutting, disc sanding or grinding and spray painting. Such work is only permitted on the maintenance wharf.

### 4. ENVIRONMENTAL

- 4.1 No obstruction (including equipment and rubbish) shall be left on catwalks or wharves.
- 4.2 No refuse, bait, or accumulation of deposits which are offensive or are likely to attract vermin shall remain on board any moored vessel, or be left on catwalks or wharves.
- 4.3 The discharge of rubbish, spillage or tipping of solvents, paints, oil, diesel fuel and other pollutants into the Inner Harbour is prohibited. It is an offence under S15 of the Resource Management Act 1991 to allow any contaminants to be discharged into the sea.
- 4.4 The discharge of human waste or sewage into the Inner Harbour is prohibited and it is an offence under the Resource Management (Marine Pollution) Regulations 1998 to discharge untreated sewage from ships (boats) within 500 metres of the shore or marine farm and in depths less than 5 metres.
- 4.5 No alterations shall be made to Council structures and no additional structures shall be erected, including pontoons.

### 5. SECURITY

- 5.1 All security gates must be kept closed at all times.

### 6. LOADING & DISCHARGING

- 6.1 The West Quay wharf is a loading zone, except for 31 carparks between Lever Street and The Gintrap bar. The Loading Zone is restricted to goods service vehicles (trucks, vans, utes, or station wagons with back seats permanently bolted down) only and applies at all times. Vehicles left unattended for longer than 10 minutes will be towed away.

- 6.2 The Discharge Wharf is only to be used for the discharge of fish, loading of bait, ice, fuel, stores, water, and to disembark passengers or crew. The wharf must be vacated promptly once discharging has been completed. A penalty of \$575.00 (including GST) will be charged for vessels occupying the Discharge Wharf outside normal discharge times.

### 7. INSURANCE

- 7.1 Napier City Council accepts no liability for damage to vessels berthing in the Inner Harbour.
- 7.2 Berthholders are responsible for insuring their vessels, equipment and other property against loss or damage. Where requested, the berthholder shall provide the Council with a copy of the insurance policies and evidence that they are in full force and effect.

### 8. PAYMENT

- 8.1 Berthage Fees are fixed in accordance with Council's Funding Policy for the Inner Harbour and are reviewed annually as part of Council's review of Fees and Charges. Berthage Fees are payable annually in advance (except that visiting vessels will be charged a daily rate). Prior arrangements are to be made with the Council for any variation in payment terms.
- 8.2 The following payment options apply:

1. **Payment in full.** Any payment option will be acceptable. However, payment by Direct Debit is a cheaper option for berthholders, in respect of bank charges, and is encouraged.
2. **Payment by instalment.** For existing berthholders paying by automatic payment, this method may continue to be used, or alternatively changed to a direct debit. For berthholders opting to pay by instalments for the first time, payment must be via a direct debit authority.

Options under direct debit by instalment are:

- **Weekly** - each Thursday:  
The amount payable is at a rate that clears the full annual berthage fees by 30<sup>th</sup> June.
- **Fortnightly** - each second Thursday:  
The amount payable is at a rate that clears the full annual berthage fees by 30<sup>th</sup> June.
- **Monthly** - on 20<sup>th</sup> of the month:  
The amount payable is at a rate that clears the full annual berthage fees by 30<sup>th</sup> June.

No rebate is allowed under the instalment option.

- 8.3 A 10% penalty will be charged for non-payment of Annual Berthage Fees, if no payment or arrangement has been made by due date of 20 August.
- 8.4 From time to time it is necessary for Council to refer outstanding accounts for debt collection. Council reserves the right to recover all reasonable expenses incurred by Council or its duly authorised agents relating to the recovery of any monies, goods or services that may be outstanding from time to time pursuant to the Conditions of Use for Inner Harbour Berths.

### 9. OTHER

- 9.1 Other than Meeanee Quay, Council does not allow the practice of occupants living aboard vessels. The level of power supplied does not support the needs of occupants living aboard vessels on a long term basis. Council does not take responsibility for any losses, breakdowns or inconvenience that may arise from the failure or overloading of the power supply.
- A maximum of three (3) live aboard vessels is allowable on each pier at Meeanee Quay at any one time. Any berthholders wishing to live aboard must make an application to Council.

- 9.2 The berthholder is to notify the Council whenever a berth is vacated or vessel disposed of.
- 9.3 Council reserves the right to cancel or revoke any licence for non-payment of fees or breach of these Conditions of Use.

Applicant's Initials: \_\_\_\_\_