

SECTION NINE CONTAINER CRANES	Item No.
<p style="text-align: center;">RULES AND REGULATIONS GOVERNING THE USE OF HARBOR DEPARTMENT CONTAINER CRANES</p> <p>Container cranes owned by the Harbor Department shall be used and operated subject to the following conditions and requirements:</p> <p>(a) Any person wishing to use a container crane together with its appurtenant, attached and ancillary parts and equipment (hereinafter referred to as "crane") shall file a written application therefor on a form approved by the Board prior to using a crane for the first time, unless use is provided for in a written agreement with the Harbor Department.</p> <p>(b) Crane users (hereinafter referred to as "users") shall provide all necessary operators and perform all stevedoring required in connection with the use of a crane.</p> <p>(c) Users shall provide buckets, electromagnets, and other supplemental equipment as may be required at their own expense.</p> <p>(d) Users shall perform all necessary rigging and unrigging of buckets, electromagnets, spreaders and other supplemental equipment at their own expense.</p> <p>(e) Users shall not use or operate a crane so as to exceed the crane's maximum rated capacity.</p> <p>(f) Except as may be provided by any agreement, normal repair and maintenance of cranes shall be performed by the Harbor Department, however, City does not warrant the condition thereof. Such repair and maintenance shall not relieve a user of its obligation to inspect the crane to assure that it is fit and suitable for the use for which it is intended. User shall make such an inspection prior to use and thereafter as often as is necessary to assure that the crane is fit and suitable for its intended use. User shall immediately notify the Executive Director of any defect, whether actual or merely suspected.</p>	900

See Item 10 for explanation of abbreviations and symbols.

	Order No. 5837	Adopted July 12, 1989	EFFECTIVE: July 1, 1990
	Ordinance No. 165789	Adopted April 10, 1990	

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(g) A user shall be responsible for any and all damage to or destruction of a crane, and for all repairs required to be made to the crane other than for normal repair and maintenance. "Normal repair and maintenance" is defined to mean all repair and maintenance deemed to be necessary by the Executive Director, except such repair as may be required in the event of damage to or destruction of a crane, in whole or in part, incidental to, arising out of, or caused by, directly or indirectly, user's possession, use or operation of said crane, whether by user, its officers, agents, or employees, or by any person or persons acting with the knowledge and express or implied consent of user. The Executive Director reserves the right to stop the operation of the crane at any time if it does not appear to be in proper operating condition and to make necessary repairs.

(h) Neither the City, nor any of its officers or employees, shall be responsible for delays attributable to any cause, event or occurrence of whatever nature to vessels, land transportation equipment, or cargo, or for any expenses, costs, or damages incurred by user or any other person which arises out of the use or anticipated use of a crane.

(i) Cranes assigned to users are under the users' supervision, direction and control. A user shall at all times relieve, indemnify, protect and hold harmless City, its officers, agents, representatives and employees from any and all judgments, claims and legal actions, including attorneys' fees and all other expenses incurred as a result of a death of or injury to persons, damage to property or civil fines and penalties that may, in whole or in part, arise from or be caused, directly or indirectly, through negligence or otherwise, by user's possession, use of or operation of a crane, whether by user, its officers, agents or employees, or by any person or persons acting with the express or implied knowledge and consent of user. A user shall also indemnify City and pay for all damage or loss suffered by City, including but not limited to damage to or destruction of City property, including the crane itself, and for loss of revenue caused by or arising out of such damage or destruction.

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(Cont.)

See Item 10 for explanation of abbreviations and symbols.

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(j) All persons desiring to use a crane, as far in advance of the date of requested use as possible, shall make application to the Executive Director specifying the date and time of proposed use, nature and quantity of cargo to be handled, the estimated length of use and nature of use. Users shall be assigned use of a crane in order of their applications. Such assignments shall be subject to modification as required to accommodate preferential and secondary crane assignees. Such assignments may also be modified if a vessel is not actually available at the berth or if cargo is not actually available on the wharf premises. User shall conduct its operations expeditiously and shall cease use and return the crane to the control of the Harbor Department without delay upon conclusion of authorized use thereof or sooner when the crane is required by a preferential or secondary crane assignee. The Executive Director shall have the right to order the user to cease operation of a crane immediately whenever, in his opinion, the user is not using said crane in accordance with the terms of the assignment, or whenever such cessation is necessary for the best interest of the Port.

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(k) The Executive Director may refuse to assign a crane for purposes of handling any merchandise which in his opinion cannot be handled by the crane without substantial risk to any person or property, including the crane.

(l) The charge for the use of container cranes shall be \$722.00 per hour. After the first hour, the charge shall be calculated in 15 minute increments or fraction thereof. The charge shall include the cost of fuel or power and normal repair and maintenance only. The charge shall apply from the time specified in the assignment or when operations begin, whichever occurs first, and shall continue until the crane is released to the Harbor Department. If the crane is unavailable for use at the time specified in the assignment for reasons beyond the control of the user, charges will be computed from the time actual use begins.

(m) The use of a crane shall constitute acceptance and acknowledgement by the user of all the conditions and restrictions contained in this Item No. 900.

See Item 10 for explanation of abbreviations and symbols.

Correction No. 827	Order No. 22-7327 Ordinance No. 187649	Adopted April 28, 2022 Adopted October 25, 2022	EFFECTIVE: December 12, 2022
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(Matter previously appearing herein, has been amended and is transferred to Second Revised Page 125.)

See Item 10 for explanation of abbreviations and symbols.

Correction No. 161	Order No. 6656 Ordinance No. 172715	Adopted June 9, 1999 Adopted July 13, 1999	EFFECTIVE: August 26, 1999
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