

**TARIFF NO. 010**

**5<sup>th</sup> REVISED**

**PAGE 5**

**SECTION TWO  
GENERAL RULES & REGULATIONS**

**EFFECTIVE OCTOBER 1, 2016**

**FMC SUBRULE: 34-A02**

**FOR EXPLANATION OF SYMBOLS, SEE PAGE 0-A (AFTER TITLE PAGE)**

**APPLICABILITY OF TARIFF**

The charges, rates, rules and regulations published in this tariff shall apply equally to all users of, and all traffic on the waterways and/or facilities owned and/or operated by Miami-Dade County, Florida under the jurisdiction of the Seaport Department, on and after the effective date of this tariff or any supplements thereto provided, however, that to the extent a separate and effective written contract approved by the Miami-Dade Board of County Commissioners expressly or specifically supersedes one or more items, rates, or provisions of this Tariff, the expressly or specifically superseding contract term(s) or rate(s) shall exclusively control, but only to the limited extent particular items, rates and/or provisions of this Tariff are expressly or specifically superseded thereby, with all non-superseded items, rates, and provisions of the Tariff (as may be amended by County from time to time) remaining applicable notwithstanding the existence of a Board-approved and Port related written contract.

Should there be any matter requiring clarification or interpretation of any tariff item, the Seaport Director, by delegation from the County, shall be the sole judge as to the application and interpretation of this tariff.

The Seaport Director shall have the authority to deny, cancel, refuse, suspend or revoke a company's permit when that company has violated tariff rules and regulations or has violated established Port procedures, or has withheld or falsified information, or has been involved in any type of unlawful activity.

The use of the waterways and piers, wharves, bulkhead, docks and other facilities under the jurisdiction of the Seaport Department shall constitute a consent to the terms and conditions of this tariff, and evidence an agreement on the parts of the vessels, their owners and agents, and other users of such waterways and facilities to pay all charges specified in this tariff and be governed by all rules and regulations published herein provided, however, that to the extent a separate and effective written contract approved by the Miami-Dade Board of County Commissioners expressly or specifically supersedes one or more items, rates, or provisions of this Tariff, the expressly or specifically superseding contract term(s) or rate(s) shall exclusively control, but only to the limited extent particular items, rates and/or provisions of this Tariff are expressly or specifically superseded thereby, with all non-superseded items, rates, and provisions of the Tariff (as may be amended by County from time to time) remaining applicable notwithstanding the existence of a Board-approved and Port related written contract.

A right of administrative review exists for actions or inactions of the Port Director and/or the Department pursuant to Section 28A-7, Code of Miami-Dade County.

**APPLICATION  
OF TARIFF AND  
SUPPLEMENTS  
(C)**

200

**CONSENT TO  
TERMS OF  
TARIFF  
(C)**

202

**APPEALS**

204