

The Council of Huizen Municipality;

having read the proposal of the Municipal Executive dated 26 October 2010;

with a view to Section 149 of the Dutch Municipalities Act (*Gemeentewet*)

d e c r e e s:

the determination of

The Huizen Municipality Port Decree

Chapter I General Provisions

Article 1 Scope

This Decree applies to all public waterways situated in Huizen Municipality to the south of the western harbour piers and to the associated public works such as the quay areas, shores, landing stages, bridges and other artificial works and buildings as indicated on the map relating to this Decree and as such certified.

Article 2 Definitions

In this Decree the terms below have the following meaning:

- | | | |
|------|-----------------------------------|--|
| A. | Harbour master | The officer appointed as such by the Municipal Executive and his substitute(s) |
| B. | Port | All the public waterways as described in Article 1. |
| C.1. | Municipal service port and marina | The part of the public waterways situated between Bestevaer and the north side of the port office. |
| C.2. | Port of call | The part of the public waterways situated to the south of the harbour pier at Westkade up to De Werf. |
| D. | Fixed berth | A berth which can be occupied pursuant to a permit granted to this end during the period specified in it. |
| E. | Visitors berth | A berth specially reserved for visitors/day-tourists or a berth as such allocated by the harbour master. |
| F. | Ship | Any vessel and all types of sailing and floating objects, used or suitable for being used for the transport of persons and/or goods, including pontoons, dredgers, suction dredgers, cradles, drilling vessels, work and other barges. |

Chapter II Order and safety with regard to the use of the port

Article 7 Safety requirements

1. It is forbidden in the port:
 - a. to sail with a ship in such a way or to sail past any artificial works which needlessly hinders or endangers the freedom or safety of shipping traffic or there is a risk of damage to a shore or an artificial work, or that inflicts physical injury or other damage to any third parties;
 - b. to be present with a ship if this has a draught of over 1.90 m.;
 - c. to anchor without any permit from the College or to use the anchor to stop the ship, to steer or to moor it;
 - d. to hold races with vessels, water festivals and the like without a permit.
2. It is forbidden:
 - a. to swim in the municipal port – including the access channel from Gooimeer to this port;
 - b. to swim in the port of call within a distance of 25m of artificial works.
3. It is forbidden to fish in the port with the exception of the quay along Havenstraat and the head of Bestevaer. This prohibition does not apply to berth holders fishing from their own berth.
4. It is forbidden to (motor)cycle and/or to store (motor) cycles on the landing stages.

Article 8 Dog on board

Notwithstanding Article 2.57. of the APV (order to keep dogs on the line) at the first request of the harbour master dogs must also be put on a lead and/or tied up on board ships.

Article 9 Presence in the service port

It is forbidden to be present with a ship in the municipal service port if it has a loading capacity of over 500 tonnes.

Article 10 Houseboats

1. It is forbidden to occupy a berth in the port with a houseboat.
2. This prohibition does not apply to houseboats belonging to any works in the process of being carried out, which stay in a berth allocated by the College.
3. The College can grant an exemption from the prohibition in the first paragraph for the harbour master with a view to performing his duties.

Article 11 Vessel as storage or commercial space

1. It is forbidden to use a ship in the port as a storage place, business space, for commercial purposes, to run a business or for the operation of a business.
2. The College can grant an exemption from the prohibition in the first paragraph.

Article 12 Ice period

It is forbidden to break the ice in the port.

Article 13 Surfing prohibition

It is forbidden to sail in the port on a surfboard.

Article 14 Condition of the ship

The berth holder is obliged to ensure that his ship is in a proper condition so that the safety and freedom of shipping traffic in the port will not be jeopardised or threatened with being jeopardised.

Article 15 Protruding objects

1. A ship shall not have any protruding objects, unless it cannot cause any hindrance or danger for shipping and no damage to other ships and to artificial works.
2. A ship must fully haul up an anchor which is not being used, on the understanding that, if it also has a folding stockless anchor at the bow, it must have lifted this stock anchor on board.

Article 16 Building, repairing and demolishing vessels

1. Without a permit from the College it is forbidden to build ships, make repairs to them or to dismantle them in the port.
2. The prohibition in the previous paragraph does not apply to carrying out emergency repairs, repairs to the interior and carrying out minor repairs by or on the instruction of the skipper, provided these repairs do not last longer than 2 x 24 hours.

Article 17 Fitting any work or joinery

Without a permit from the College it is forbidden to set up, make or have any work or carpentry in, over or above the port or to make any change to a work or carpentry already existing there.

Article 18 Sunk vessels and objects

1. The skipper of a sunken ship or the owner of an object which jeopardises shipping is obliged immediately after the object has sunk or has landed in the water to inform the harbour master or a police officer of this.
2. Moreover, the skipper will be immediately obliged to take all measures which are necessary to raise the ship or to remove the object from the port or to have it removed.

Article 19 Avoiding explosions and/or fire

The skipper is obliged to ensure that with regard to his ship all those measures have been taken which are within his power to avoid and restrict an explosion and/or fire.

Article 20 Vessel damage

When damage has been inflicted on a ship by another ship, an object, a work or device, the skipper will be immediately obliged to inform the harbour master or a police officer of this.

Article 21 Waste or objects in the port

1. It is forbidden to throw into the water any objects or materials of any nature whatsoever or allow oils, liquids, rubbish, waste, chemicals and such substances to flow into the water, or to leave it behind on the quays.
2. The prohibition set out in the first paragraph does not apply to skippers leaving behind and dumping household waste, rubbish and the like in the dedicated places and containers.

Article 22 Dredging

Without a permit of the College it is forbidden to dredge in the port.

Article 23 Unauthorised unmooring of vessels

1. It is forbidden to unmoor any ship without any authorisation or to be in or on such a ship.

2. The access prohibition set out in the first paragraph is not applicable if and exclusively insofar as this is necessary – this relates to accessing another ship to reach the shore and the other way around.

Article 24 Water and power consumption

It is forbidden in the municipal port to use the power from the quay to heat the ship and to use mains water for washing the deck.

Article 25 Propeller-driven turning prohibition

It is forbidden to allow the propellers of a ship to turn other than to move the ship, unless and insofar as it is necessary to prepare the departure and in such a way that this cannot cause any damage or physical injury to third parties.

Article 26 Loading and unloading

It is forbidden to load and unload in the port in such a way that:

- a. the water can be contaminated;
- b. objects, goods or substances can end up in the water.

Chapter III Mooring and occupying berths in the harbour

Article 27 Occupying a fixed berth

1. It is forbidden to occupy a fixed berth without a permit from the College.
2. It is forbidden to occupy a berth other than the one specified in the permit or which has been temporarily allocated by the harbour master.

Article 28 Notification of the harbour master upon absence

A berth holder who will not be present in the municipal marina with his ship for one or more nights must notify the harbour master of this before departure stating the presumed return date.

Article 29 Occupation of a visitor's berth

1. A skipper who visits the municipal marina with his ship as a visitor or day tourist, must report himself to the harbour master on arrival.
2. A visitor or day tourist can only occupy a berth which is specially reserved for visitors and/or day tourists and is indicated as such or a berth which he has been allocated by the harbour master.
3. It is forbidden to occupy a visitors berth for more than three successive nights without a permit.

Article 30 Mooring requirements

1. It is forbidden to moor a ship in the port other than to the bollards, mooring posts or rings intended to this end.
2. The skipper is obliged to moor his ship properly so that no damage can be caused to any property of third parties and no hindrance will be caused for the shipping traffic in the port.
3. The skipper must leave his ship behind in a proper condition and not to leave unattended outside the ship any inventory and/or other accessories of the ship.

Chapter IV Protection of works

Article 31 Protection of works

In order to protect works or artificial works owned, managed or maintained by the municipality and in order to ensure an efficient and safe use of those works, the regulations of the Police Regulations for Inland Waterways will be applicable.

Article 32 Sticking things into bridges

The skipper and any other persons on board a ship are forbidden when sailing under bridges to stick or hook any object into the brickwork or wood or ironwork not intended to this end.

Article 33 Operation of drawbridges

It is forbidden for anyone other than the harbour master or an authorised person appointed by the College to operate the bridge over the port of call and to open the doors in the water barriers.

Article 34 Vessels too high

If in the opinion of the harbour master or another authorised person appointed by the College to operate the drawbridge, any rigging and such like or objects of a ship sticking out above the deck can be lowered or removed without too much effort so that the ship can continue to sail under the closed bridge, the skipper will be obliged at the first request to lower or remove the said objects if he wants to pass this bridge which will then be kept closed.

Chapter V Criminal and final provisions

Article 35 Acting in contravention of the permit or exemption

1. It is forbidden to act in contravention of any requirement or condition attached to a permit or exemption.
2. If anyone acts in contravention of any requirement or condition attached to a permit or exemption, this will be considered as acting without a permit or exemption.
3. For the purpose of both previous paragraphs the term acting means both an act as well as an omission.
4. A person who does not show, give for inspection or surrender the permit or exemption to the competent officer, is considered to have acted without a permit or exemption.

Article 36 Criminal provision

Violation of the provisions set out in or pursuant to this Decree will be punished with a prison sentence of not more than two months or a fine of the second category. In addition, violation of the provisions set out in or pursuant to this Decree can be punished by publication of the court decision.

Article 37 Supervisors; entering homes/vessels

1. The harbour master(s) appointed by the College, as well as the officers mentioned in Section 141 of the Dutch Code of Criminal Procedure, are charged with the supervision of compliance with the provisions in or pursuant to this Decree.

2. The persons who are charged with the supervision of compliance or detection of a violation of the regulations provided in or pursuant to this Decree serving to maintain the safety and order in the port or the protection of the safety or the protection of life and the health of persons, are entitled to enter a home/vessel without the consent of the occupant/skipper.

Article 38 Transitional law

The exemptions, permits or directions granted or given pursuant to the Huizen Port Decree (1985) and which were in force at the time of the Huizen Port Decree 2010 coming into force, remain in force until the time for which they have been granted or given has elapsed or until they are withdrawn.

Article 39 Coming into force

This Decree comes into force on the 8th day after its publication. As from that moment the Huizen Port Decree determined on 9 May 1985 will lapse.

Article 40 Official title

This Decree can be referred to as the “**Huizen Port Decree 2010**”.

Thus decreed in the public meeting of 11 November 2010
The Chairman,

The Court Clerk,