

188193
ORDINANCE NO. _____

An ordinance approving Order No. 23-7352 of the Board of Harbor Commissioners of the City of Los Angeles, amending Port of Los Angeles Tariff No. 4.

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. That Order No. 23-7352 passed and adopted by the Board of Harbor Commissioners of the City of Los Angeles on the 7th day of September, 2023, amending Port of Los Angeles Tariff No. 4, be, and the same is hereby ratified, confirmed and approved, which Order is in words and figures as follows:

“ORDER NO. 23-7352

An Order of the Board of Harbor Commissioners of the City of Los Angeles amending Port of Los Angeles Tariff No. 4.

**THE BOARD OF HARBOR COMMISSIONERS OF THE CITY OF
LOS ANGELES DOES HEREBY ORDER AS FOLLOWS:**

Section 1. Port of Los Angeles Tariff No. 4, adopted July 12, 1989, by Order No. 5837, and Ordinance No. 165,789, adopted April 10, 1990, as amended, is further amended as set forth in Exhibit “A,” attached hereto and incorporated herein by reference.

Section 2. The Director of Environmental Management has determined that the proposed action is exempt from the requirements of the California Environmental Quality Act (CEQA) under Article III, Class 1(31) of the Los Angeles City CEQA Guidelines.

Section 3. The Board Secretary shall transmit to the City Council for approval the Order and Ordinance approving the amendment to Tariff No. 4 pursuant to City Charter Section 653(a).

Section 4. The Board Secretary shall execute the proposed Board Order and Ordinance amending Tariff No. 4 and, upon its publication, transmit the Order and Ordinance to the Chief Wharfinger for implementation of the tariff change and posting of the amended Tariff No. 4 to the Port's website.

I HEREBY CERTIFY THAT the foregoing Order was adopted by the Board of Harbor Commissioners of the City of Los Angeles at its meeting held on September 7, 2023.

AMKlesges

AMBER M. KLESGES
Board Secretary"

Sec. 2. That, pursuant to the provisions of Section 653(b) of the City Charter, the Board of Harbor Commissioners shall have the power to suspend, modify or amend temporarily any of the rules or regulations, or any of the rates, tolls or charges prescribed by the aforesaid Order of the Board of Harbor Commissioners for periods not exceeding ninety (90) days, and shall have power to place in effect for a like period of time any temporary rule or regulation, rate, toll or charge for the Harbor District.

SECTION SEVEN FREE TIME, WHARF DEMURRAGE, AND WHARF STORAGE	Item No.
<p style="text-align: center;">DEFINITIONS</p> <p>(a) WHARF DEMURRAGE is the charge, calculated in accordance with the Wharf Demurrage rates named in this Tariff, assessed against merchandise which remains on a municipal wharf or wharf premises after the free time allowed.</p> <p>(b) WHARF STORAGE is the charge, calculated in accordance with Wharf Storage rates named in this Tariff, assessed against merchandise which remains on a municipal wharf or wharf premises and has been accepted for storage.</p> <p>(c) INBOUND MERCHANDISE is merchandise which has been discharged from a vessel. Inbound Merchandise may be non-containerized or containerized.</p> <p>(d) OUTBOUND MERCHANDISE is merchandise which is being or has been assembled and is awaiting loading on board a vessel.</p> <p>(e) FREE TIME is the specified number of days during which merchandise may occupy space assigned to it without being assessed Wharf Demurrage.</p>	700
<p style="text-align: center;">FREE TIME, COMMENCES WHEN</p> <p>(1) INBOUND MERCHANDISE, Non-containerized: Free time shall commence at the first midnight after the vessel, from which the merchandise was discharged, finishes discharging or leaves wharf, whichever occurs first; provided, that when a vessel moves to another wharf to complete discharging because of lack of space at first wharf, such vessel shall not be considered as having left the first wharf.</p> <p>[C] INBOUND MERCHANDISE, Containerized: Free time shall commence for each container at 3:00 a.m. after the container is discharged from a vessel.</p> <p>(2) OUTBOUND MERCHANDISE: Free time shall commence at the first midnight after the merchandise is placed on a wharf or wharf premises; provided, however, that the days during the loading or discharging operations of a vessel shall not be counted as wharf demurrage or wharf storage days if merchandise is being loaded on or discharged from such vessel with dispatch.</p>	[C] 710

See Item 10 for explanation of abbreviations and symbols.

Correction No.377	Order No. 6880 Ordinance No. 177985	Adopted July 19, 2006 Adopted October 10, 2006	EFFECTIVE: December 1, 2006
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SECTION SEVEN – Continued FREE TIME, WHARF DEMURRAGE, AND WHARF STORAGE -- Continued	Item No.
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FREE TIME ALLOWED				+[C] 720
Exclusive of Saturdays, Sundays and the legal holidays named in Item No. 100(n) of this Tariff, Free Time shall be allowed on Inbound, Outbound and Transshipped Merchandise, subject to Item No. 730, as follows:				
CONTAINERIZED CARGO Inbound: Outbound:	COASTWISE TRADE 5 days 5 days	INTERCOASTAL TRADE 4 days 6 days	FOREIGN AND OFFSHORE TRADE 4 days 6 days	
NON-CONTAINERIZED CARGO Inbound: Outbound:	COASTWISE TRADE 5 days 5 days	INTERCOASTAL TRADE 5 days 10 days	FOREIGN AND OFFSHORE TRADE 7 days 10 days	
<p>+Note 1: Either Saturdays, Sundays or both shall be included in the Free Time Allowed on Inbound Containerized Merchandise if a containerized terminal operator announced or published that its gates will be open for container delivery on such days.</p> <p>Transshipped: Merchandise transshipped involving a long and a short free time period shall be allowed the longer free time period but in no case shall such merchandise be allowed the aggregate of the inbound and the outbound period.</p>				

FREE TIME MAY BE SHORTENED OR EXTENDED	730
<p>(a) Only when necessary shall the free time herein provided for be fully utilized or taken advantage of, and the Executive Director, if he determines that the interests of commerce and navigation require, is hereby empowered at any time to shorten such free time and to cause the removal of any merchandise, irrespective of the free time period.</p> <p>(b) Outbound merchandise, upon approval of the Executive Director, may remain on wharves, premises or facilities of the Port at owner's risk at no charge for a period of time not to exceed ten (10) working days beyond the allowable free time in Item 720 if the vessel for which the cargo was originally intended is unable to call as scheduled because of stress of weather, accident, breakdown or other emergency. Thereafter, wharf demurrage shall be assessed against such merchandise unless or until the merchandise is accepted for wharf storage. This exception does not apply on merchandise which wharf demurrage or storage charges have accrued prior to the original scheduled call date of the vessel.</p> <p>(c) The Executive Director may extend the allowable free time on any merchandise if terminal operations or movement of merchandise are interrupted by war, earthquake, flood, fire, riot, or any unusual occurrence which, in the judgment of the Executive Director, warrants the extension of such free time.</p>	

See Item 10 for explanation of abbreviations and symbol

Correction No.	Order No. Ordinance No.	Adopted Adopted	EFFECTIVE:
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SECTION SEVEN – Continued FREE TIME, WHARF DEMURRAGE, AND WHARF STORAGE -- Continued		Item No.
APPLICATION OF WHARF DEMURRAGE RATES		
<p>Wharf demurrage shall be assessed in accordance with the provisions Item No. 780 against all merchandise remaining on wharf premises after the expiration of free time as provided in Item No. 720, Termination of Wharf Storage as provided in Item No. 790, or upon the area designated in a space assignment after its termination as provided in Item No. 800. The grantee of a berth assignment may apply in writing to the Executive Director to use the storage provisions of Item No. 790 or space assignment provisions of Item No. 800.</p>		740
STORAGE UNDER STRIKE CONDITIONS		
<p>Merchandise which cannot be removed from the port due to a general waterfront strike of five calendar days or more will be subject to the following:</p> <p>(a) Merchandise on Free Time: Strikebound merchandise will be continued on free time until the maximum free time allowed under this tariff has expired. Upon expiration of free time, storage charges will be assessed under the provisions of Item No. 790.</p> <p>(b) Merchandise on Demurrage or Storage: Merchandise on demurrage or storage will be subject to storage under the storage rates in this section during the period in which the strike is in effect. The Executive Director reserves the right to authorize storage rates for strikebound cargo without prior request.</p> <p>(c) Charge applicable after the strike ends: Merchandise which was previously strikebound remaining on hand on the sixteenth day following the end of the strike will be subject to demurrage, unless prior authorization has been granted by the Executive Director for storage or space assignment.</p>		750
See Item 10 for explanation of abbreviations and symbols.		
	Order No. 5837 Adopted July 12, 1989 Ordinance No. 165789 Adopted April 10, 1990	EFFECTIVE: July 1, 1990

SECTION SEVEN – Continued FREE TIME, WHARF DEMURRAGE, AND WHARF STORAGE -- Continued	Item No.
<p style="text-align: center;">ASSEMBLY TIME</p> <p>Subject to terminal space availability and upon receiving shipper's or consignee's request, the Executive Director may grant time of up to 20 days beyond the regular free time allowance provided in this tariff for assembling cargo lots. Assembly Time granted is exclusive of Saturdays, Sundays, and Holidays. Assembled cargo lots must aggregate 200 revenue tons or more constituting an export or import shipment for loading or unloading from a specifically named vessel. Note: Extension of time to assembled cargo applies only to Port of Los Angeles charges contained in this tariff. Equipment owned or leased by ocean carrier(s) is subject to demurrage (or detention) charges and free time provisions provided for in individual ocean carrier tariffs.</p>	<p>+ 760</p>
<p>See Item 10 for explanation of abbreviations and symbols.</p>	

Correction No. 68	Order No. 6094 Ordinance No. 168288	Adopted July 22, 1992 Adopted October 9, 1992	EFFECTIVE: November 21, 1992
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SECTION SEVEN – Continued FREE TIME, WHARF DEMURRAGE, AND, WHARF STORAGE -- Continued		Item No.
<p style="text-align: center;">RATES FOR WHARF DEMURRAGE AFTER EXPIRATION OF FREE TIME</p> <p>Wharf demurrage shall be assessed against all merchandise remaining on the wharf or wharf premises after the expiration of the free time allowed (See Item 720) at wharf demurrage rates named in this Item (subject to Notes 1,2,3,4 and 5).</p> <p>Note 1. See Item 790 for wharf storage rates.</p> <p>Note 2. When requested in writing by the steamship company and when verification can be made from steamship company's records, the Executive Director may waive wharf demurrage against small portions of shipments of merchandise requiring recoopering, against small portions of shipments of merchandise discharged from a vessel which have not been located at the time of delivery of the major portion of such merchandise, against merchandise discharged from a vessel which is deadover without billing and which may not be delivered by a steamship company until ownership thereof is established, and against portions of shipments of merchandise in bond held by Customs for the appraiser's store.</p> <p>Note 3. Rates provided in this Rule will not apply on merchandise, in bulk, handled mechanically through the bulk loading or unloading facilities at Berths 48 through 53.</p> <p>Note 4. The minimum wharf demurrage charge shall be \$22.73 per lot excepting automobiles and pick-up trucks.</p> <p>Note 5. In those cases in which merchandise remains on wharf demurrage for extended periods of time, accrual reports shall be made by the terminal operator and invoices shall be issued by the Harbor Department for the amount of demurrage charges accrued on a particular lot of cargo for an initial 45-day period and each subsequent 30-day period. Neglect or refusal to deliver the accrual reports to the Executive Director within 15 days following the completion of the initial 45-day period and subsequent 30-day periods of demurrage will result in the assessment of a penalty charge of two percent (2%) of total demurrage charges incurred.</p>		<p>[A] 780</p>
See Item 10 for explanation of abbreviations and symbols.		
Correction No. 821	Order No. 22-7327 Adopted April 28, 2022 Ordinance No. 187649 Adopted October 25, 2022	EFFECTIVE: December 12, 2022

SECTION SEVEN – Continued
 FREE TIME, WHARF DEMURRAGE, AND WHARF STORAGE – Continued

Item No.

RATES FOR WHARF DEMURRAGE AFTER EXPIRATION OF FREE TIME -- Continued

RATES

In cents per day or fraction thereof, Saturdays, Sunday and holidays included, per KT or cubic meter or fraction thereof or other unit, on the same basis as wharfage is assessed, except as noted.

<u>Commodity</u>	<u>Charge Per Day for First 5 Days</u>	<u>Charge Per Day for Days 6 - 10</u>	<u>Charge Per Day for Days 11+</u>
Merchandise, N.O.S., not carried in cargo containers or trailers. Note: If measurement of the cargo is required but not available, the measurement shall be constructed on the basis of one (1) cubic meter for each 125 kilograms of cargo.	81	164	328
Merchandise, N.O.S., carried in cargo containers or trailers. Note: If measurement of the cargo is required but not available, the charge per day will be based on the overall length of the container or trailer as follows:	81	164	328
OVERALL LENGTH IN METERS			
Over	But Not Over		
0	7	2483	4960
7	9	3034	6069
9	13	4966	9932
13	over	6484	12966
			9920
			12138
			19864
			25932

*[A]
 780
 (Cont.)

See Item 10 for explanation of abbreviations and symbols.

Correction No.	Order No. Ordinance No.	Adopted Adopted	EFFECTIVE:
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SECTION SEVEN – Continued FREE TIME, WHARF DEMURRAGE, AND WHARF STORAGE -- Continued				Item No.
WHARFAGE DEMURRAGE – Continued				
<u>Commodity</u>	<u>Charge Per Day for First 5 Days</u>	<u>Charge Per Day for Days 6 - 10</u>	<u>Charge Per Day for Days 11+</u>	
Vehicles, motor, self-propelling, set up on own wheels, viz.:				
Automobiles, passenger, seating capacity not exceeding 10 passengers per vehicle, including pick-up trucks or pick-up truck chassis.				[A] 780 (Cont.)
Shipped outbound by water carrier in domestic trade or shipped by manufacturers for distribution to automobile dealers, per vehicle.	242	482	964	
Privately owned vehicles or used cars shipped inbound to the Port of Los Angeles, per vehicle.	807	1614	3228	
Commercial or freight vehicles, including chassis, freight trailers or freight semi-trailers, per KT.	242	482	964	
Agricultural, earth-moving equipment, or road-making equipment, N.O.S., per KT.	242	482	964	
See Item 10 for explanation of abbreviations and symbols.				
Correction No.	Order No. Ordinance No.	Adopted Adopted	EFFECTIVE:	

SECTION SEVEN – Continued FREE TIME, WHARF DEMURRAGE, AND WHARF STORAGE -- Continued	Item No.
<p style="text-align: center;">[C] WHARF STORAGE</p> <p>Merchandise may be stored on wharves and wharf premises for limited periods of time after prior arrangements have been made by the shipper or consignee thereof, if:</p> <ul style="list-style-type: none"> (a) Space is available; and (b) The prompt loading or discharging of vessels will in no manner be interfered with; and (c) Approved by the Terminal Operator and the Executive Director. <p>Wharf storage shall be assessed against all merchandise permitted to be stored on wharves at wharf storage rates named in this Item (subject to Notes 1, 2, and 3).</p> <p>Note 1. Subject to the provisions of paragraph (2), Item 710.</p> <p>Note 2. Rates provided in this Item will not apply on merchandise, in bulk, handled mechanically through the bulk loading or unloading facilities at Berths 48 through 53.</p> <p>Note 3. Merchandise permitted to be stored on wharves will be assessed a minimum charge of five (5) days storage at rates named in this Item, but not less than \$22.73 per lot.</p>	<p>[A] 790</p>

See Item 10 for explanation of abbreviations and symbols.

Correction No.	Order No. Ordinance No.	Adopted Adopted	EFFECTIVE:
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SECTION SEVEN – Continued
 FREE TIME, WHARF DEMURRAGE, AND WHARF STORAGE -- Continued

Item No.

WHARF STORAGE – Continued

RATES

In cents per day, or fraction thereof, Saturdays, Sundays and holidays included, per KT or cubic meter or fraction thereof, whichever shall yield the greater revenue, except as noted in individual items.

Merchandise, N.O.S., not stored in cargo containers or trailers.

Note: If measurement of the cargo is not available, the measurement shall be constructed on the basis of one (1) cubic meter for each 125 kilograms of cargo.

Stored on covered areas	75
Stored on uncovered areas, when requested by shipper or consignee thereof	39

Merchandise, N.O.S., stored in cargo containers or trailers 39

Note: If the measurement of the cargo is not available, the charge per day will be based on the overall length of the container or trailer as follows:

OVERALL LENGTH IN METERS

Over	But Not Over	
0	7	1182
7	9	1442
9	13	2364
13	over	3052

Cotton, cotton linters, compressed in bales, per KT or fraction thereof 32

[A]
790
(Cont.)

See Item 10 for explanation of abbreviations and symbols.

Correction No.	Order No. Ordinance No.	Adopted Adopted	EFFECTIVE:
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SECTION SEVEN – Continued FREE TIME, WHARF DEMURRAGE, AND WHARF STORAGE -- Continued	Item No.															
<p>WHARF STORAGE – Continued</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 80%;"></th> <th style="text-align: right; width: 20%;"><u>RATE</u></th> </tr> </thead> <tbody> <tr> <td style="padding: 5px;"> <p>Vehicles, motor, self-propelling, set up on own wheels Viz.: Commercial or freight vehicles, including chassis, freight trailers or freight semi-trailers, per KT</p> </td> <td style="text-align: right; vertical-align: bottom; padding: 5px;">169</td> </tr> <tr> <td style="padding: 5px;"> <p>Vehicles parked on any municipal wharf by consent of and where designated by the Executive Director, per vehicle (not subject to Note 3)</p> </td> <td style="text-align: right; vertical-align: bottom; padding: 5px;">169</td> </tr> <tr> <td colspan="2" style="padding: 10px;"> <p>Automobile, passenger, seating capacity not exceeding 10 passengers per vehicle, including pick-up trucks or pick-up truck chassis, per vehicle.</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 33%; text-align: center;"><u>Charge per day for first 21 days</u></th> <th style="width: 33%; text-align: center;"><u>Charge per day for each additional day over 21 to 45 days</u></th> <th style="width: 33%; text-align: center;"><u>Charge per day for each additional day over 45 days</u></th> </tr> </thead> <tbody> <tr> <td style="text-align: center; padding: 5px;">72</td> <td style="text-align: center; padding: 5px;">142</td> <td style="text-align: center; padding: 5px;">428</td> </tr> </tbody> </table> </td> </tr> </tbody> </table>			<u>RATE</u>	<p>Vehicles, motor, self-propelling, set up on own wheels Viz.: Commercial or freight vehicles, including chassis, freight trailers or freight semi-trailers, per KT</p>	169	<p>Vehicles parked on any municipal wharf by consent of and where designated by the Executive Director, per vehicle (not subject to Note 3)</p>	169	<p>Automobile, passenger, seating capacity not exceeding 10 passengers per vehicle, including pick-up trucks or pick-up truck chassis, per vehicle.</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 33%; text-align: center;"><u>Charge per day for first 21 days</u></th> <th style="width: 33%; text-align: center;"><u>Charge per day for each additional day over 21 to 45 days</u></th> <th style="width: 33%; text-align: center;"><u>Charge per day for each additional day over 45 days</u></th> </tr> </thead> <tbody> <tr> <td style="text-align: center; padding: 5px;">72</td> <td style="text-align: center; padding: 5px;">142</td> <td style="text-align: center; padding: 5px;">428</td> </tr> </tbody> </table>		<u>Charge per day for first 21 days</u>	<u>Charge per day for each additional day over 21 to 45 days</u>	<u>Charge per day for each additional day over 45 days</u>	72	142	428	<p>[A] 790</p>
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See Item 10 for explanation of abbreviations and symbols.

Correction No.	Order No.	Adopted	EFFECTIVE:
	Ordinance No.	Adopted	

Sec. 3. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

Approved as to Form and Legality

HYDEE FELDSTEIN SOTO, City Attorney

By 
NEILL T. TSENG
Deputy City Attorney

Date December 15, 2023

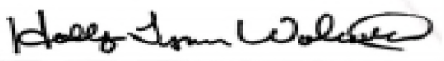
File No. 24-0108

M:\Proprietary_OCC\Port\ORDINANCES AND REPORT\NEILI TSENG\Draft Ordinance Re POLA Tariff No. 4 Free Time Wharf Rates (final).docx

The Clerk of the City of Los Angeles hereby certifies that the foregoing ordinance was passed by the Council of the City of Los Angeles.

CITY CLERK

MAYOR





Ordinance Passed March 20, 2024

Approved 04/01/2024

Ordinance Posted: 04/05/2024
Ordinance Effective Date: 05/15/2024