



Statutes on the use of the pier of the municipality of Ostseebad Binz (Pier statutes)

On the basis of § 8 para. 2 of the State Ordinance for Ports in Mecklenburg-Western Pomerania (Port Ordinance HafVO M-V) of 17 May 2006 (GVOBl. M-V 2006 p. 355), last amended by Ordinance of 14 December 2017 (GVOBl. M-V 2018 p. 2) and following the resolution of the Municipal Council of 25 March 2021, the municipality of Ostseebad Binz enacts the following bylaws:

§ 1 Definition

The Binz pier is a port within the meaning of § 1 para. 2 of the HafVO M-V.

§ 2 Scope and validity

- (1) The spatial scope of the sea bridge by-laws includes the sea bridge as well as the land and water areas (hereinafter referred to as the harbour area and/or sea bridge) in accordance with the annex. The annex is an integral part of the sea bridge by-laws.
- (2) Furthermore, all superordinate laws and ordinances apply in the port area. This applies in particular to the Road Traffic Regulations, the Waterways Shipping Regulations, Environmental Protection and the Port Regulations of Mecklenburg-Western Pomerania as amended from time to time.
- (3) The sea bridge bylaws are valid all year round.

§ 3 Port Authority

The competent port authority according to § 3 para. 1 of the HafVO M-V is the mayor of the municipality of Ostseebad Binz.

§ 4 Powers

- (1) The responsibilities and powers of the port authority are governed by §§ 3, 4 and 8 of the HafVO M-V.
- (2) The competent port authority has the right to restrict the use on the basis of § 11 of the HafVO M-V.



§ 5 Exercise of rights

- (1) Pursuant to § 3 para. 6 of the HafVO M-V, the port authority uses the services of the Binzer Bucht Tourismus (Binzer Bay Tourism) for the fulfilment of tasks pursuant to the HafVO M-V, insofar as these are not of a sovereign nature.
- (2) The rights arising from these sea bridge statutes shall be exercised for the municipality of Ostseebad Binz by the Eigenbetrieb Binzer Bucht Tourismus.

§ 6 Sea bridge use

The pier of the municipality of Ostseebad Binz is a public facility. It is available for public use to anyone who adheres to the pier statutes.

§ 7 Fees

- (1) The Eigenbetrieb Binzer Bucht Tourismus charges a fee for the use of the harbour area/lake bridge subject to permission. The amount of the fee is determined by the schedule of fees for the use of facilities and equipment in the harbour area/lake bridge.
- (2) Any use beyond the public use is subject to a fee. The details are regulated in public law contracts between the users and the Eigenbetrieb Binzer Bucht Tourismus.
- (3) The obligation to pay for uses that go beyond the common use is an obligation to bring and to pay to the Eigenbetrieb Binzer Bucht Tourismus.
- (4) The calculation of the costs of the user charges specified in § 7 (1), (2) and (3) shall be based on the anticipated annual costs.
- (5) When levying current charges, the following are chargeable:
 - a) costs for operation, maintenance and administration of the port area and the pier,
 - b) depreciation,
 - c) interest,
 - d) taxes and
 - e) other costs.
- (6) The provisions of the spa tax by-laws shall not be affected by these by-laws.



§ 8 Conduct

- (1) All users and visitors of the pier as well as the harbour area have to behave according to the basic rules of mutual consideration and have to observe a night's rest, according to the respective valid regulations of the statutes, ordinances, orders or decrees of the municipality Ostseebad Binz.
- (2) The operation of water sports equipment or floating bodies, surfing, swimming, bathing and diving in the harbour area are not permitted.
- (3) Jumping off the pier is not permitted.
- (4) All installations are to be treated with care. Modifications and conversions of the bridge facilities are not permitted. The rescue equipment such as emergency call pillars, lifebuoys and the like may not be removed without authorisation or misused.
- (5) It is prohibited to throw objects of any kind off the pier. Litter must be disposed of in the appropriate rubbish bins.
- (6) Smoking is prohibited in the harbour area and on the pier.
- (7) Feeding the seabirds and aquatic animals is prohibited.
- (8) Driving on the pier with vehicles of any kind is prohibited. Exceptions are prams and ambulances.
- (9) It is still not permitted to use skateboards, roller skates or inline skates on the pier.
- (10) Dogs must be kept on a leash. The maximum leash length is 1.50 m.
- (11) Fishing from the pier is permitted- from
01 May to 30 September of the year in the period from 19:00 to 07:00 and-
from 01 October to 30 April of the year all day.
 - a) Gutting and processing of the catch on the pier is prohibited.
 - b) Fishing shall not restrict
the general use of the pier.
- (12) Contamination of the water surfaces in the harbour area, in particular by solid or liquid waste, faeces, fuel or lubricants, paints, non-biodegradable cleaning agents, fishing nets or parts of fishing nets, fishing lines or other foreign substances is prohibited. The Eigenbetrieb Binzer Bucht Tourismus may charge the costs of cleaning these materials to the polluter.



- (13) Only environmentally friendly cleaning agents may be used for cleaning work on and around watercraft.
- (14) Watercraft sanitary facilities may only be used in the port area if proper disposal on land takes place afterwards.

§ 9 Watercraft

Watercraft within the meaning of these bylaws are floating bodies of all kinds, including equipment and technical installations.

§ 10 Berths for ships

- (1) The tourism enterprise Binzer Bucht Tourismus determines the pier berths for the different types of use. Upon request, the tourism authority of Binzer Bucht allocates the pier berths, which may not be changed without an order. At the request of the Binzer Bucht Tourismus own Management, the watercraft must be moved to another pier berth. There is no entitlement to the allocation of a specific pier berth.
- (2) Watercraft operating a scheduled shipping and/or regular service shall have priority over all other watercraft in the use of the pier berths. The pier berths for watercraft operating scheduled shipping and/or regular services may not be used as berths by other watercraft. Exceptions require the consent of the Binzer Bucht Tourismus.
- (3) The mooring of watercraft to the pier must be carried out exclusively at mooring devices provided for this purpose. The individual vessels must be moored in such a way that they cannot break loose or cause damage or obstruction to traffic.
- (4) The use of pier berths may be interrupted at short notice for good cause.
- (5) In principle, it is not permitted to subcontract an allocated pier berth to a third party.
- (6) The drivers of watercraft who have not been granted a pier berth through the conclusion of a public law contract must report to the Eigenbetrieb Binzer Bucht Tourismus before or immediately after mooring.
- (7) In the event of intentional or grossly negligent violations of the regulations of the pier statutes, the allocation of a pier berth can be revoked by the Eigenbetrieb Binzer Bucht Tourismus without compensation.



§ 11 Supply

The Seebrücke Binz provides the following supply options:

(1) Power supply

a) 400 volts (V) with 63 amps (A) are provided on the pier. The current may only be drawn if the electrical equipment installed on board complies with VDE DIN 0100.

b) Electricity may only be taken from the electricity boxes located on the pier after prior permission with the Eigenbetrieb Binzer Bucht Tourismus. The consumption of electrical energy is charged according to use.

c) The operation of electric heating stoves is not permitted.

d) Defects and malfunctions are to be reported to the Eigenbetrieb Binzer Bucht Tourismus, which will take care of the repair.

§ 12 Safety regulations

(1) The harbour may only be used by watercraft with an appropriate draught. At water levels below mean sea level, the draught is correspondingly lower. The Eigenbetrieb Binzer Bucht Tourismus cannot be held liable if the harbour is not navigable due to natural events and through no fault of its own. The vessels are to be moored in such a way that the mooring compensates for rising or falling water in the event of strong high or low water.

(2) Drivers of watercraft are obliged to moor their watercraft properly, using sufficiently strong line material. The watercraft shall be secured against break-in and unauthorised use. The boat owner is liable for damage caused by improper mooring or unauthorised use of a boat.

(3) Necessary fenders shall be deployed on moored watercraft.



- (4) Electrical supply lines between a watercraft and the jetty distributor must comply with VDE 0100 Part 721. The operator of a watercraft must ensure that there is no fire hazard.
- (5) In the event of accidents or fire, the Eigenbetrieb Binzer Bucht Tourismus must be informed immediately. Damage to the pier must be reported to the Eigenbetrieb Binzer Bucht Tourismus.
- (6) Liability insurance must be taken out for all watercraft entering the harbour area. The Eigenbetrieb Binzer Bucht Tourismus may demand proof of such insurance.
- (7) There is an obligation to mark watercraft according to HaNO MV § 12.
- (8) In order to perform their official duties, the harbour police, the harbour authority and the Eigenbetrieb Binzer Bucht Tourismus shall be allowed to enter the watercraft.
- (9) The Own Enterprise Binzer Bucht Tourismus as harbour master exercises the domiciliary rights in the harbour area. The instructions of the supervisory staff of the Eigenbetrieb Binzer Bucht Tourismus, the water rescue service as well as the deployed order and security forces based on these statutes or on legal regulations must be followed. Persons who violate the regulations of these by-laws can be expelled from the area of application of these by-laws by employees of the municipality and its vicarious agents.

§ 13 Restrictions at events

- (1) Provided that necessary restrictions must be limited to what is absolutely necessary, the Eigenbetrieb Binzer Bucht Tourismus may demand the temporary clearance of pier berths for events and other water sports events.
- (2) The Eigenbetrieb Binzer Bucht Tourismus can temporarily prohibit the traffic of watercraft in the harbour area if there is a danger that the events will be disturbed or collisions must be feared.
- (3) The pier berth holders are to be informed immediately in writing of any expected restrictions as soon as the date of an event has been fixed.



§ 14 Liability

- (1) Entering the pier, driving on it and staying in the harbour area is at the user's own risk.
- (2) The owners or authorised users of watercraft must secure them in the harbour area against misuse and theft as well as damage. The municipality of Ostseebad Binz and the Eigenbetrieb Binzer Bucht Tourismus are not liable for damage or loss.
- (3) The sea bridge user is liable for all damage caused by him, his employees or agents to the port facilities and equipment. Damage also includes pollution on land and in the water.
- (4) The liability of the municipality of Ostseebad Binz and the Eigenbetrieb Binzer Bucht Tourismus is excluded, in particular for damage caused by burglary, theft, water, ice, fire and explosion. The exclusion of liability does not apply in the case of intentional or grossly negligent causation of damage.

§ 15 Administrative offences

- (1) It's an administrative offence within the meaning of Article 5 (3) of the Local Government Constitution for the State of Mecklenburg-Western Pomerania (KV M-V), as amended, for anyone to deliberately or negligently act contrary to:
 1. § 8 para (1) does not observe the basic rules of mutual consideration;
 2. § 8 para (1) does not observe the regulations on night-time rest;
 3. § 8 para (2) operates water sports equipment or floats, surfing, swimming, bathing and diving in the harbour area;
 4. § 8 para (3) jumps off the pier;
 5. § 8 para (4) does not treat installations with care makes changes and alterations to the pier facilities. Unauthorised removal or misuse of life-saving equipment such as emergency call pillars, lifebuoys and the like;
 6. Throwing objects of any kind off the pier and not disposing of waste in the appropriate rubbish bins in accordance with § 8 Para;
 7. smokes in the harbour area and on the pier in accordance with § 8 sub-section (6);
 8. feeds seabirds and aquatic animals in accordance with § 8 sub-section (7);
 9. drives vehicles of any kind on the pier in accordance with § 8 sub-section (8);
 10. rides on the pier with skateboards, roller skates or inline skates;
 11. § 8 subsection (10) does not keep dogs on a leash;
 12. § 8 subsection (11) fishes from the pier outside the permitted times;
 13. pollutes § 8 subsection (12) water areas;
 14. changes assigned pier berths without order according to § 10 sub-section (1);



15. uses pier berths allocated to shipping and/or regular traffic as berths under § 10 sub-section (2);
16. operates on-board installations contrary to VDE DIN 0100;
17. operates electric heating stoves in contravention of § 11 sub-section (1c);
18. does not properly moor or improperly moor watercraft in accordance with § 12 Para. (1, 2);
19. uses electrical supply lines which do not comply with VDE 0100 Part 721 in accordance with § 12 Para. (4);
20. does not comply with the instructions of the supervisory staff of the Eigenbetrieb Binzer Bucht Tourismus, the water rescue service and the security forces deployed in accordance with § 12 Para. (9).

- (2) Administrative offences may be punished with a fine of up to EUR 1,000.00 in accordance with section 5 subsection 3 of the KV M-V in conjunction with section 17 subsection 1 of the Administrative Offences Act (OWiG). Other regulations on fines and penalties remain unaffected.
- (3) The administrative authority pursuant to § 36, paragraph 1 of the Administrative Offences Act in conjunction with § 5, paragraph 3, sentence 3 of the Municipal Constitution shall be the municipality of Ostseebad Binz.

§ 16 Exceptions

The municipality of Ostseebad Binz - Eigenbetrieb Binzer Bucht Tourismus may, subject to revocation at any time, permit exceptions to the provisions of these bylaws, provided that the interests of public safety and order are safeguarded. These exceptions can be linked to conditions and requirements.

§ 17 Entry into force

These Statutes shall enter into force on the day following their publication.

"Insofar as procedural and formal requirements were violated in the enactment of these bylaws, these can no longer be asserted after the expiry of one year from this public announcement in accordance with § 5 para. 5 of the municipal constitution. The restriction does not apply to the violation of notification, approval or announcement regulations."



Anlage

Gemäß § 8 des Gesetzes über die Landesvermessung und das Liegenschaftskataster des Landes Mecklenburg-Vorpommern - Vermessungs- und Katastergesetz (VermKatG) – vom 21. Juli 1992 (GVOBl. Meckl.-Vorp. S.390), geändert durch Artikel 12 des Gesetzes über die Funktionalreform vom 05. Mai 1994 (GVOBl. Meckl.-Vorp. S. 566), wird die Genehmigung für die Veröffentlichung und Umarbeitung des Ausschnittes der Flurkarte der Gemarkung Binz, Flur 2, zum Zwecke der Inkommunalisierung von Wasserflächen für die Gemeinde Binz erteilt.

Gemeinde : Binz
 Gemarkung: Binz
 Flur : 2
 Maßstab : ca. 1:3000

Bergen, den 28.08.2007

Rehmann / Amtleiter

Nr.	Länge	Breite
6	13° 37' 10,2719	54° 24' 14,8424
6	13° 37' 08,3451	54° 24' 16,0046
7	13° 36' 53,2049	54° 24' 07,4614
8	13° 36' 55,1318	54° 24' 06,2991

