

KITZINGEN

**Regulations governing the use of the hotel ship dock  
in Kitzingen**

**09/03/2011  
Valid as of 13/03/2011**

- 1. Modified regulations from 25/06/2015  
Valid as of 01/08/2015**

Pursuant to Art. 23, paragraph 1, Art. 24 paragraph 1, item 1, paragraph 2 of the Bavarian Municipal Code (BayGO) as amended by the official statement from 22/08/1998 (GVBl, *Gesetz- und Verordnungsblatt*, Law and Ordinance Gazette, page 796), as well as pursuant to Art. 63 of the Bavarian Water Act (BayWG) as amended by the official statement from 25/02/2010 (GVBl, page 66, corrected page 130), the city of Kitzingen hereby issues the following regulations:

## **§ 1**

### **Scope of Application; Public Facility**

The city of Kitzingen runs and maintains hotel ship dock for public use located on the right bank of the river Main, between Main km 286.450 and Main km 286.585. The dock is a maximum of 135 m long and 11.45 m wide and is exclusively available to passenger vessels travelling on the Main.

The hotel ship dock spans the areas of the bank and quay wall (land and water areas), with the mooring points being located on the right bank of the Main federal waterway, between the aforementioned Main kilometric points, at a depth of approx. 5 m from the front edge of the quay wall, including the supply station.

## **§ 2**

### **Validity of Other Provisions**

Unless otherwise specified in these regulations, the current versions of the following regulations, among others, also apply:

1. the regulations on ensuring that the Main federal waterway is kept in good condition to be used as a shipping route and ensuring safety and ease for shipping traffic, with particular reference to section 31 of the Federal Waterway Act as amended by the official statement from 23/05/2007 (BGBl, *Bundesgesetzblatt*, Official Federal Gazette, volume I, page 962, 2008, volume I, page 1980),

2. the ship safety regulations which apply to the Main federal waterway, with particular reference to the Inland Waterways Order (BinSchStrO) from 08/10/1998 (BGBl, volume I, page 3148),
3. the “Planning permission for the city of Kitzingen to renovate the Main promenade in Kitzingen, located in the flooding area and in the 60 m Main area” of the Kitzingen administrative district office from 09/02/2010,
4. the current versions of the usage agreements concluded between the city of Kitzingen and the Schweinfurt water and shipping authorities, and
5. the relevant traffic regulations.

The above are supplemented by the provisions specified in these regulations.

### **§ 3**

#### **Enforcement Agency**

1. The city of Kitzingen, acting as the enforcement agency, is responsible for making sure that these regulations are enforced. Instructions given by the enforcement agency should be followed.
2. As permitted by law, the city of Kitzingen has the task of averting risks which pose a threat to public safety and order in terms of traffic and operations in the area of the ship dock. The water police are also authorised to do so on water, with the police being authorised to do so on land, as per Articles 2 and 3 of the current version of the Bavarian Law on policing.
3. The city of Kitzingen may issue provisional instructions to avert risks to life, health, property or possessions in order to protect the waters, as well as to uphold the safety and ease of traffic and operations at the ship dock.

### **§ 4**

#### **Rights of Use and Enjoyment**

1. The main purpose of the ship dock is for passenger ships and hotel ships (hereinafter referred to as “Vessels”) to be docked and moored. The dock shall be used up to its available capacity, with particular regard to those who have already registered their ar-

rival. The dock is available for ships to be embarked/disembarked between the hours of 7am and 11:30pm.

2. It is forbidden to store goods on vessels and/or floating equipment as per the Inland Waterways Act (BinSchStrO) which are situated at the dock.

## **§ 5**

### **Conduct at the Ship Dock**

At the dock, people should conduct themselves in such a way that they do not threaten or harm others, or impede or inconvenience them to a greater extent than is inevitable in the circumstances.

## **§ 6**

### **Mooring Permission**

1. Vessels must receive permission from the city of Kitzingen in order to moor at the dock.
2. However, the following do not need permission:
  - Public authority-operated vessels when carrying out statutory tasks,
  - Federal waterway and shipping authority vessels, as well as German customs vessels,
  - Vessels belonging to the fire brigade or other emergency services (e.g. the Federal Agency for Technical Relief, Water Rescue Service, German Life Saving Association) when being used and carrying out drills,
  - Dinghies belonging to vessels subject to duties or floating equipment.

## **§ 7**

### **Notice of Arrival and Departure**

1. Skippers or owners should send written notification of their vessel's arrival to Kitzingen tourist information (Telephone: 09321/20-8888, Fax: 09321/20-98888, email: [tourismus@stadt-kitzingen.de](mailto:tourismus@stadt-kitzingen.de)) as soon as possible be-

fore they arrive. They must also send a timely notification of their departure before leaving.

The following details must be supplied when giving notice of arrival:

- a) Name of ship / shipping company
- b) Estimated arrival time
- c) Estimated duration of stay
- d) Capacity, length, width and draught of the ship
- e) Person in charge on the ship (e.g. captain / travel guide / skipper)
- f) Contact details for the person in charge on the ship
- g) VAT no.
- h) Accurate billing address

2. The following do not need to give notice of arrival and departure:

- Public authority-operated vessels and floating equipment when carrying out urgent statutory tasks,
- Emergency and firefighting vessels in use.

## **§ 8**

### **Allocating Mooring Spaces and Docking Sites**

1. Kitzingen tourist information allocates mooring spaces and docking sites in writing.
2. Upon request by the city of Kitzingen, the vessel operator must leave the mooring, if the mooring has already been reserved and/or if there is insufficient capacity, for example.
3. The city of Kitzingen may impose a time limit on how long vessels and/or floating equipment can stay in the dock at any time.
4. It is forbidden to decommission vessels and/or floating equipment at the dock, as well as to moor decommissioned vessels.

5. The instructions and information specified on the information sheet available at the dock supply station should be observed.

## **§ 9**

### **Mooring a Ship**

1. Vessels and/or floating equipment should be securely moored to the fixtures provided, or to other vessels or floating equipment which have already been moored, according to the guidelines provided by the city of Kitzingen.
2. Mooring should not prevent people from entering or exiting, nor should it impede handling or transportation activities on the water, riverside promenades, stairs or ladders to a greater extent than is inevitable in the circumstances.
3. If a ship is being moored in the dark, the person in charge of the passenger vessel should make sure that the mooring space is sufficiently lit. The city of Kitzingen shall not assume any liability in the event of damage due to insufficient lighting.

## **§ 10**

### **Going Ashore; Right of Passage**

1. If vessels or floating equipment dock next to each other, the skipper or individual in charge on the ship located closest to the riverbank must allow walkways to be laid, people to cross and ship supplies to be brought over. Those in charge of the outermost vessel shall be obliged to exercise their right of passage in the most respectful and considerate manner possible; they should consult with those in charge of the innermost vessel in order to exercise this right, where possible. The city of Kitzingen shall not assume any liability for damages arising due to the right of passage being exercised, see § 14 of these regulations.
2. For vessels or floating equipment to be situated next to each other, the navigation and waterway police must grant permission and supply systems must have adequate capacity.

**§ 11****Accessing Vessels and Floating Equipment**

Skippers and individuals overseeing vessels and/or floating equipment (those in charge), as well as their representatives, must allow Kitzingen civil servants to access, inspect and ride on vessels or floating equipment, provided that this is necessary to perform their job.

**§ 12****Exercising Rights of Use and Enjoyment**

1. Beneficiaries of the rights of use and enjoyment should treat the dock and related fixtures with care when exercising said rights. If any damage arises whilst moored at the dock or fixtures, this should be reported to the city of Kitzingen without delay.
2. Beneficiaries should keep the mooring space at the dock clean. If the beneficiary, their employees, suppliers, attendants, passengers or any other individuals for which they are accountable make the dock dirty, the beneficiary should take appropriate action to resolve this immediately. In the event of violations, the city of Kitzingen can clean the dock. A prior request does not have to be made to the beneficiary. The beneficiary responsible for the dirty condition must bear the costs incurred.
3. Rights of use and enjoyment should be exercised in such a way that the general public, surrounding environment and other beneficiaries are not adversely affected more than is strictly necessary. This shall apply for noise emissions, in particular.
4. Beneficiaries shall undertake to observe usage regulations and official instructions. If, in a given case, usage necessitates additional notifications to an authority or requires an authority to grant authorisation, the beneficiary shall be responsible for fulfilling the corresponding obligations at their own cost.
5. When exercising rights of usage and enjoyment, beneficiaries must follow the instructions given by the city of Kitzingen and their employees.
6. The dock should be vacated if there is a risk of ice or flooding without a specific request being necessary. It is the responsibility of the beneficiary to keep informed on flooding and ice conditions on the Main.

**§ 13****Supply**

1. Beneficiaries shall be obliged to use the supply station located at the dock for their power and water supply. Before filling the water tank, beneficiaries must rinse the pipe with at least 200 l. It is forbidden to operate one's own power systems, as well as to keep the ship's engine running, whilst moored at the dock.
2. It is forbidden to dispose of refuse, sewage or waste water at the dock.
3. Ships should get their supply in such a way that third parties (pedestrians, traffics) are inconvenienced as little as possible.

Over and above their own vessels, beneficiaries must also allow other beneficiaries to supply their vessels.

4. Beneficiaries must avoid water pollutants from entering, or potentially entering, the Main and ground pollutants from entering, or potentially entering, the ground at all costs. If this happens nonetheless, the city of Kitzingen shall be entitled to take appropriate action to remedy or minimise the damage and to invoice the beneficiary for the costs incurred.

**§ 14****Guarantee, Liability**

1. The city of Kitzingen cannot guarantee that the water depth at the dock is sufficient for rights of usage and enjoyment to be exercised.
2. The city of Kitzingen cannot guarantee the quality, usability or condition of the dock and supply facilities.
3. Beneficiaries shall assume unlimited liability for any damage that arises as a result of, or during, their use of the dock, or that of their employees, suppliers, attendants, passengers or any other individuals for which they are accountable.



4. Beneficiaries shall exempt the city of Kitzingen from all claims for compensation and damages made by third parties and arising as a result of the beneficiaries or individuals for which they are accountable.
5. The city of Kitzingen shall not assume any liability for damage caused by other users or third parties. In particular, the city of Kitzingen shall not assume any liability for damage suffered by the beneficiary to their equipment, belongings or business as a result of using or maintaining the dock or other equipment or facilities owned by the city of Kitzingen. Damage caused by ice or flooding, in particular, is also excluded from the scope of liability. For the rest, the city of Kitzingen shall only assume liability for damage arising as a result of their gross negligence, intentional acts or wilful default, or that of their civil servants.

## **§ 15**

### **Lien**

1. Due to the fact that fees must be paid to use the dock, the city of Kitzingen shall be entitled to a lien, as per the Inland Waterways Act, on the user's docked or moored vessel.
2. If the user is in arrears on their payment to the city of Kitzingen, the city of Kitzingen may apply to enforce the lien two weeks after warning has been given at the earliest.
3. If the user in arrears provides a security in an amount equivalent to the payment due, or if they provide a directly-enforceable guarantee from a German bank in the corresponding amount, the city of Kitzingen shall not exercise their lien.

## **§ 16**

### **Charges**

The fees charged for the use of the dock and related fixtures, as well as for other services provided by the city of Kitzingen, are set out in the "Regulations on the charges for using the hotel ship dock", issued separately.

## **§ 17**

### **Infringements**

As per Art. 24, paragraph 2 of the municipal code, fines of up to €2,500.00 may be imposed on anyone who intentionally or as a result of negligence:

1. violates provisional instructions as per § 3, item 3,
2. contrary to §§ 5, 12, 13, as the skipper, or their representative, does not ensure that these regulations are observed within their area of responsibility,
3. does not allow access to representatives of the city of Kitzingen, contrary to § 11.

## **§ 18**

### **Effective Date**

These regulations are effective as of 01/08/2015.