

MINISTRY OF HOUSING GOVERNMENT OF FRENCH POLYNESIA AND LOCAL PLANNING,

ARRETE N ° / CM of in charge of interinsular transport regulating the mooring and parking of ships in inland waters near the municipalities of Faa'a and Punaauia.

THE PRESIDENT OF FRENCH POLYNESIA NOR: DAM1921908AC-1 Amplifications: PR VP SGG REG 1 1 1 1 1 1

On the report of the Minister of Housing and Spatial Planning, in charge of interinsular transport; Considering the modified organic law n ° 2004-192 of February 27, 2004, relating to the autonomy status of French Polynesia, together the law n ° 2004-193 of February 27, 2004 supplementing the autonomy status of French Polynesia; Considering Order No. 650 PR of May 23, 2018 appointing the Vice-President and Ministers of the Government of French Polynesia, and determining their functions; Given the environmental code of French Polynesia; Considering Decree No. 77-778 of July 7, 1977 on international regulations to prevent collisions at sea; Having regard to decree n ° 84-810 of 30 August 1984 relating to the protection of human life at sea, the habitability on board of ships and the prevention of pollution; Considering the deliberation no 62-2 of January 5, 1962 modified, creating and organizing the autonomous Port of Papeete; Considering the deliberation n ° 2001-5 APF of January 11th, 2001 modified, carrying provisions relating to the code of the maritime ports of French Polynesia; Considering the deliberation n ° 2004-34 APF of February 12, 2004 modified, relating to composition and administration of the public domain in French Polynesia; Considering the decree n ° 929 CM of July 18, 2012 modified relating to the geographical district known as "harbor district .. of the autonomous port of Papeete; The Council of Ministers having deliberated in its meeting of the DECREE

CHAPTER 1 - GENERAL RULES APPLICABLE IN WATERS INTERIORS All ministries All MLA JOPF services 1

Article 1. -Definitions 1 Trans. (With RA): HC Lexpol: SCM DMRA. For the application of this decree, the following definitions apply:

- parking: immobilizing the vessel according to a appropriate technical process, for a fixed period, and after authorization duly issued by the competent authority
- anchoring: immobilizing the ship, either by means of an anchor (ship's gear), **or** by means of a anchoring installation
- anchoring installation: permanent and fixed device (buoy, mooring, ecological anchoring, ...) used to immobilize a ship;

The geographic coordinates defined in this article are set in the WGS84 geodetic system in degrees and decimal minutes.

Article 2. -Object The purpose of this decree is to regulate and define the areas dedicated to the parking and mooring of ships in inland waters near the municipalities of Faa'a and Punaauia. The delimitation of the dedicated zones appears on the plans annexed to this order. **Unless otherwise provided, vessels of a length of six (6) meters or less whose stay is less than or equal to twenty-four (24) hours is excluded from the application of this Order.**

Article 3. -Permanent ban on mooring and parking. The mooring and parking of any vessel is strictly prohibited **outside the authorized dedicated zones as defined in article 6** and the plans of which are

annexed to this Order. **Anchoring and parking, for any duration and whatever vessel, is strictly prohibited in zone VAIRAI defined in article 7 and the plans of which are annexed to this order.** It is prohibited to anchor or park in marked navigation channels as well as in passes.

Article 4. -Exemptions; The prohibitions and prescriptions provided for by this decree cannot be enforced against ships and boats engaged in public service missions, in particular those engaged in surveillance, rescue of persons and property, maintenance or maintenance, or to other vessels in the event of force majeure.

CHAPTER II - RULES APPLICABLE IN DEDICATED AREAS

Article 5. - **Conditions for anchoring and parking of ships** Anchoring and parking of ships are authorized on an appropriate anchoring installation, only in the areas defined in article 6 of this ARRET. Any anchor mooring is strictly prohibited in these areas. The authorization to occupy the maritime public domain in the areas defined in article 6 of this decree is issued by the competent authority. This authorization is issued on a precarious basis and revocable at any time, and gives rise to the payment of a fee.

Article 6. - Delimitation of areas dedicated to authorized mooring and parking. SEE THE MAPS!

Article 7. - **Delimitation of a mooring and permanent parking prohibition zone** The external limits of the prohibition zone are defined by the lines joining the following points: Vairai zone: See Map

Article 8. - Signage for zones dedicated to authorized mooring and parking Signage for each zone dedicated to authorized mooring and parking can be set up by the zone manager. The technical signaling device is adapted to the nature of the seabed. The authorized manager of each zone dedicated to authorized anchorage and parking is required to inform the competent authority without delay of any change in the signaling situation.

Article 9. -Access and navigation rules inside zones dedicated to mooring and parking Access and traffic inside zones dedicated to mooring and authorized parking are carried out in accordance with navigation rules, in particular those set by international regulations to prevent collisions at sea. Within the limits of these dedicated zones, the maximum speed of vessels is fixed at 5 knots. Except in cases of force majeure, ships are only allowed to move inside the dedicated area to access or leave an anchorage and parking point. Specific rules can be specified in the code of seaports in French Polynesia.

Article 10.- **Entry and exit declaration Any vessel calling at one of the zones authorized for anchorage and authorized parking is required to declare its entries and exits. The declaration must be made to the managing authority.**

Article 11. -Use of areas dedicated to authorized mooring and parking. The captain of any vessel must ensure that his vessel, at all times and in all circumstances, does not cause any damage to other vessels, nor hinders the use of the area dedicated to mooring and parking authorized for other users. If necessary, all the precautions, maneuvers or movements, changes of location prescribed by the competent authority or the authorized manager, must be observed or carried out, in particular when they are deemed necessary to facilitate the movements of other vessels or ensure the safety of navigation and traffic inside authorized mooring and parking areas.

Article 12. - Hygiene and pollution In application of the environment code and the code of seaports in French Polynesia, vessels at anchor in one of the zones authorized for anchorage and authorized parking may not reject, dump or leave drain into the water their household garbage and waste of all kinds, or water contaminated or loaded with hydrocarbons, oils or toxic products. All waste must be deposited in shore facilities provided for this purpose. The discharge of wastewater is subject to specific regulations. It is forbidden to carry out on ships at anchor in the areas authorized for anchorage and authorized parking all repair work, fairing operations, application of products or paints.

Article 13. - Withdrawal of maritime wrecks and abandoned ships in application of the French Polynesian seaports code, all ships staying in areas dedicated to mooring and authorized parking must be kept in good condition for buoyancy and safety. If the authorized manager ascertains the presence of a wreck or that a vessel is in a manifest state of abandonment or lack of maintenance, and which it presents, in whole or in part, dangerous for navigation, fishing or the environment, access to a port or stay in a port, whether it risks sinking or causing damage to ships, surrounding works or the environment, it informs as soon as possible 1 authority competent to proceed to the formal notice of the owner to take all necessary measures to remove the dangerous character of the ship. In the event of inaction by the owner of the ship within the time limit, **the competent authority shall automatically carry out the operations necessary at the owner's expense and risk to put an end to the risk of danger or damage to the public maritime domain. For the removal of the wreck, the owner of the ship complies with the prescriptions issued by the competent authority.**

Article 14. -Prohibition of the practice of nautical, aquatic or underwater activities in the perimeter of areas dedicated to authorized mooring and parking. Within the limits of the zones dedicated to authorized mooring and parking, the practice of any nautical, aquatic or underwater activity is strictly prohibited for reasons of navigation safety.

Article 15. -Display and information of the public This decree and its appendices regulating the mooring and parking of ships in the vicinity of the municipalities of Faaa and Punaauia is the subject of information by posting in town hall and in marinas, as well as signage by information panel in French, Tahitian and English, located near dedicated areas, in sufficient proximity, and in a suitable place to ensure its accessibility and visibility by all users. NOR: DAM1921908AC-1 517

The boundaries of the areas dedicated to authorized mooring and parking, as well as the mooring prohibition zone and permanent parking are shown in the appendices to this order, available for consultation at the Port Autonome de Papeete establishment, the Polynesian management of maritime affairs (DPAM), and on the websites: www.portdepapeete.pf or www.service-public / dpam. CHAPTER III
- OFFENSES

Article 16. - **Sanctions Without prejudice** to sanctions relating to the protection of the environment, the conservation of the public maritime domain, and in accordance with article 131-13 of the penal code and the code of maritime ports of the French Polynesia: 1a) The penalties of fines provided for in article D. 242-4 of the French Polynesian seaports code are punished for any violation of the rules laid down in article 12; 2a) The following fine is prescribed for fines of the 4th class: a) Any mooring or stationing of a ship outside the authorized mooring and parking areas which are defined in article 6; b) Any mooring or stationing of a ship in the mooring and permanent parking prohibition zone defined in article 7; c) Any violation of the vessel traffic rules provided for in article 9; 3a) The fine penalties provided for in article D. 242-2 of the French Polynesian seaports code are punished: a) Failure to comply with the mooring

and parking conditions provided for in article 5; b) Failure to respect the speed of circulation inside the zones defined in article 6, and in the access channels; 4a) The fine penalties provided for in articles D. 242-5 and D. 242-6 of the French Polynesian seaports code are punished for any refusal to comply with the precautions or prescriptions provided for in the second paragraph of the article. 11; sa) The fine penalties provided for for 2nd class fines are punished: a) Failure to make the entry or exit declarations provided for in article 10; b) The fact of practicing in the area defined in article 6 one of the activities prohibited by article 14. The offenses punishable by fines of the first four classes which are provided for by this decree may be the subject of the procedure of l' fine.

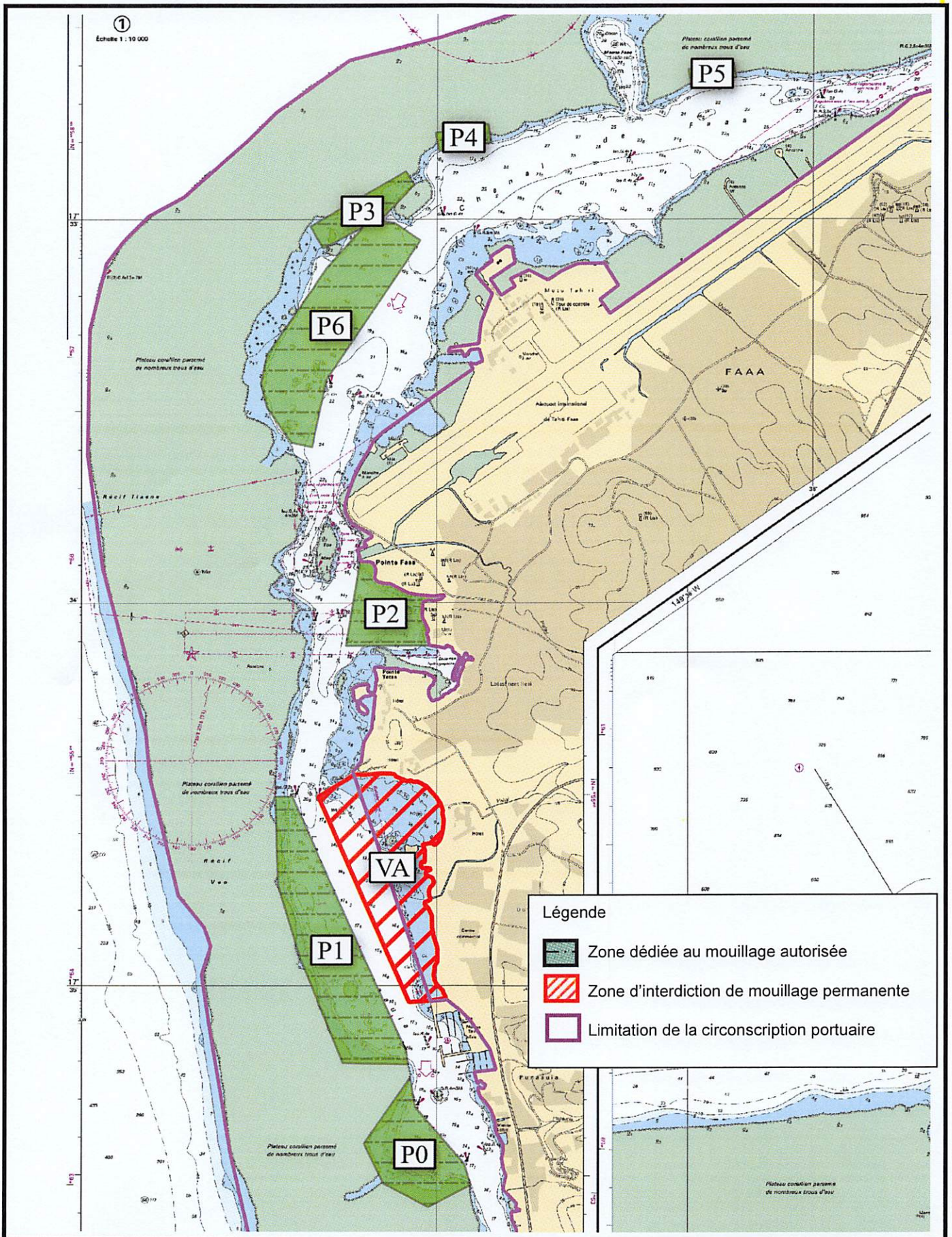
Article 17. -Constatement Without prejudice to the powers exercised by the agents and officers of the judicial police, breaches of the provisions of this decree are noted in particular by reports drawn up by: 1 a) the maritime gendarmerie; 2a) the national gendarmerie; 3 a) port officers and port supervisors; 4 a) sworn agents of the Autonomous Port of Papeete, of the Equipment Directorate; sa) sworn agents of the municipalities concerned. NOR: DAM1921908AC-1 617

Article 18.- The decree n ° 339 CM of March 27, 1987 modified regulating the mooring and the parking of the pleasure vessels in the public lagoon maritime area of Pirae, Papeete, Faaa and Punaauia (district of the autonomous port of Papeete) is repealed.

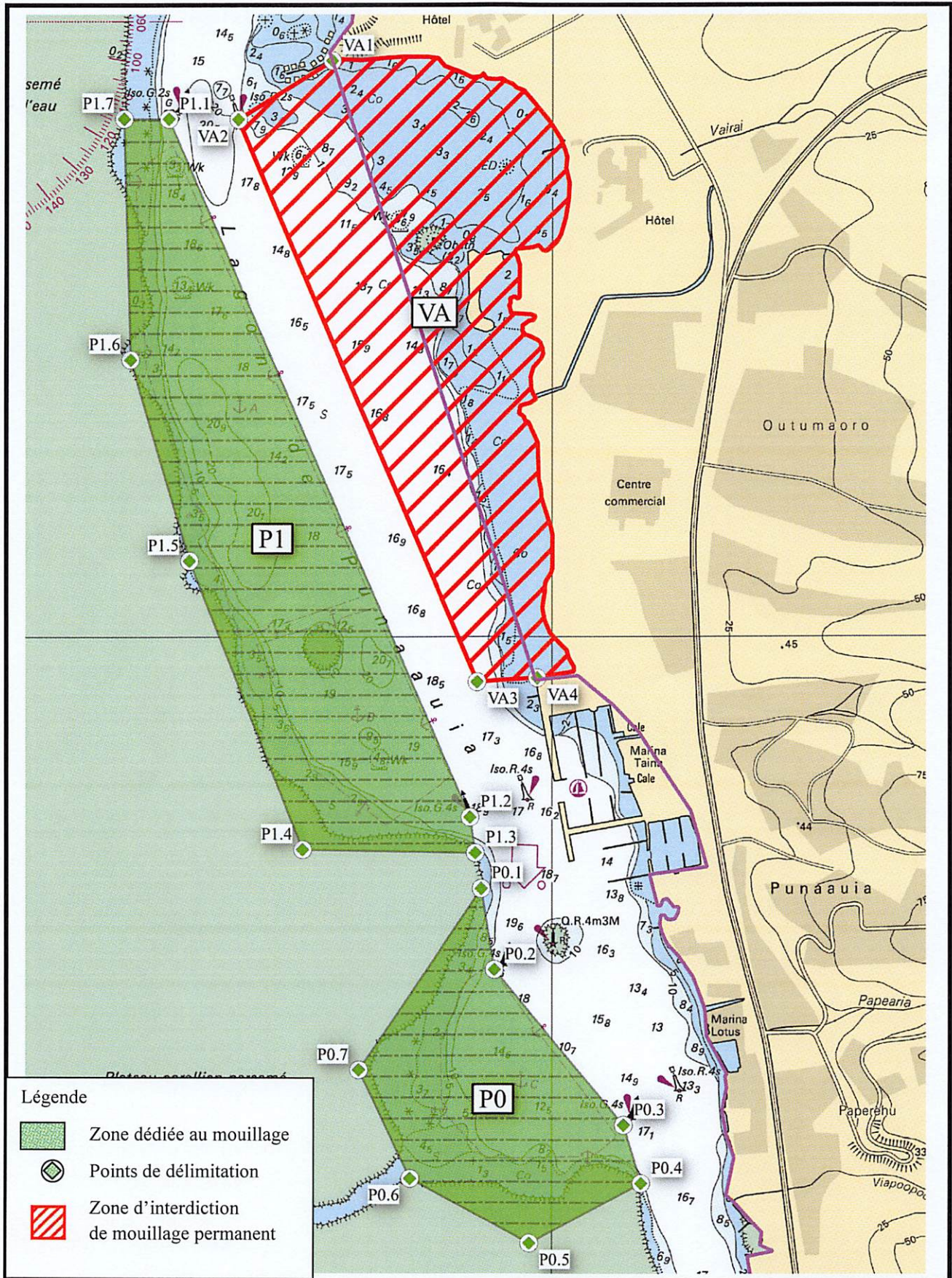
Article 19.-The Vice-President, Minister of Economy and Finance, in charge of major works and the blue economy, the Minister of Housing and Spatial Planning, in charge of interinsular transport, the Minister of the green economy and the field, in charge of mines and research and the Minister of Equipment and Land Transport are responsible, each as far as it is concerned, for the execution of this decree which will be published in the Journal official of French Polynesia.

Done at Papeete, For the President of French Polynesia The Vice-President, Minister of Economy and Finance, in charge of major works and the blue economy Teva ROHFRICTSCH The Minister of Green Economy and Estate, NOR: DAM1921908AC-1 in charge of mines and research Tearii ALPHA Edouard FRITCH The Minister of Housing and Spatial Planning, in charge of interinsular transport Jean-Christophe BOUISSOU The Minister of Equipment and Land Transport René TEMEHARO 7/7

Délimitation des zones de mouillages aux abords des communes de Faa'a et Punaauia



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