

(June 29, 1888, ch. 496, §3, 25 Stat. 209; Aug. 18, 1894, ch. 299, §3, 28 Stat. 360; May 28, 1908, ch. 212, §8, 35 Stat. 428; Pub. L. 85-802, §1(4), Aug. 28, 1958, 72 Stat. 970.)

CODIFICATION

Section was enacted as part of section 3 of act June 29, 1888. Said section 3 of act June 29, 1888, enacted sections 443 to 448 of this title. See Codification note set out under section 443 of this title.

AMENDMENTS

1958—Pub. L. 85-802 substituted “any supervisor of a harbor” for “the supervisor of the harbor”.

EFFECTIVE DATE OF 1958 AMENDMENT

Amendment by Pub. L. 85-802 effective on sixtieth day after Aug. 28, 1958, see section 2 of Pub. L. 85-802, set out as a note under section 441 of this title.

§ 448. Return of permit; penalty for failure to return

Every permit issued in accordance with the provisions of sections 443 to 448 of this title, which may not be taken up by an inspector or deputy inspector, shall be returned within four days after issuance to the office of the supervisor of the harbor; such permit shall bear an indorsement by the master of the towboat, or the person acting in such capacity, stating whether the permit has been used, and, if so, the time and place of dumping. Any person violating the provisions of this section shall be liable to a fine of not more than \$500 nor less than \$100.

(June 29, 1888, ch. 496, §3, 25 Stat. 209; Aug. 18, 1894, ch. 299, §3, 28 Stat. 360; May 28, 1908, ch. 212, §8, 35 Stat. 428.)

REFERENCES IN TEXT

Sections 443 to 448 of this title, referred to in text, were in the original “this section of this Act”, meaning section 3 of act June 29, 1888, which enacted sections 443 to 448 of this title. The provision of section 3 relating to issuance of permits is classified to section 443 of this title.

CODIFICATION

Section was enacted as part of section 3 of act June 29, 1888. Said section 3 of act June 29, 1888 enacted sections 443 to 448 of this title. See Codification note set out under section 443 of this title.

§ 449. Disposition of dredged matter; persons liable; penalty

All mud, dirt, sand, dredgings, and material of every kind and description whatever taken, dredged, or excavated from any slip, basin, or shoal in any harbor subject to this subchapter, and placed on any boat, scow, or vessel for the purpose of being taken or towed upon the waters of that harbor to a place of deposit, shall be deposited and discharged at such place or within such limits as shall be defined and specified by the supervisor of the harbor, as in sections 443 to 448 of this title prescribed, and not otherwise. Every person, firm, or corporation being the owner of any slip, basin, or shoal, from which such mud, dirt, sand, dredgings, and material shall be taken, dredged, or excavated, and every person, firm, or corporation in any manner engaged in the work of dredging or excavating any such slip, basin, or shoal, or of removing such

mud, dirt, sand, or dredgings therefrom, shall severally be responsible for the deposit and discharge of all such mud, dirt, sand, or dredgings at such place or within such limits so defined and prescribed by said supervisor of the harbor; and for every violation of the provisions of this section the person offending shall be guilty of an offense, and shall be punished by a fine equal to the sum of \$5 for every cubic yard of mud, dirt, sand, dredgings, or material not deposited or discharged as required by this section.

(June 29, 1888, ch. 496, §4, 25 Stat. 210; Pub. L. 85-802, §1(5), Aug. 28, 1958, 72 Stat. 970.)

REFERENCES IN TEXT

Sections 443 to 448 of this title, referred to in text, were in the original “the third section of this Act”, meaning section 3 of act June 29, 1888, which enacted sections 443 to 448 of this title. The provision of section 3 relating to specification of the limits within which to discharge is classified to section 443 of this title.

CODIFICATION

Section was enacted as part of section 4 of act June 29, 1888, which enacted sections 449 and 450 of this title.

AMENDMENTS

1958—Pub. L. 85-802 substituted “any harbor subject to this subchapter” for “the harbor of New York, or the waters adjacent or tributary thereto” and “the waters of that harbor” for “the waters of the harbor of New York”.

EFFECTIVE DATE OF 1958 AMENDMENT

Amendment by Pub. L. 85-802 effective on sixtieth day after Aug. 28, 1958, see section 2 of Pub. L. 85-802, set out as a note under section 441 of this title.

§ 450. Liability of vessel

Any boat or vessel used or employed in violating any provision of this subchapter, shall be liable to the pecuniary penalties imposed thereby, and may be proceeded against, summarily by way of libel in any district court of the United States having jurisdiction thereof.

(June 29, 1888, ch. 496, §4, 25 Stat. 210.)

CODIFICATION

Section was enacted as part of section 4 of act June 29, 1888, which enacted sections 449 and 450 of this title.

§ 451. Supervisor of harbor; appointment and duties

An officer of the Corps of Engineers shall, for each harbor subject to this subchapter, be designated by the Secretary of the Army as supervisor of the harbor, to act under the direction of the Chief of Engineers in enforcing the provisions of this subchapter, and in detecting offenders against the same. Each such officer shall have personal charge and supervision under the Chief of Engineers, and shall direct the patrol boats and other means to detect and bring to punishment offenders against the provisions of this subchapter.

(June 29, 1888, ch. 496, §5, 25 Stat. 210; July 26, 1947, ch. 343, title II, §205(a), 61 Stat. 501; June 29, 1949, ch. 278, 63 Stat. 300; July 12, 1952, ch. 707, 66 Stat. 596; Pub. L. 85-802, §1(6), Aug. 28, 1958, 72 Stat. 970.)

AMENDMENTS

1958—Pub. L. 85-802 inserted “for each harbor subject to this subchapter,” and substituted “Each such officer” for “This officer”.

1952—Act July 12, 1952, transferred enforcement responsibilities of this section from a Naval officer to the Army district engineer at New York.

1949—Act June 29, 1949, struck out “shall receive the sea-pay of his grade and” after “this officer”.

CHANGE OF NAME

Department of War designated Department of the Army and title of Secretary of War changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted “Title 10, Armed Forces” which in sections 3010 to 3013 continued Department of the Army under administrative supervision of Secretary of the Army.

EFFECTIVE DATE OF 1958 AMENDMENT

Amendment by Pub. L. 85-802 effective on sixtieth day after Aug. 28, 1958, see section 2 of Pub. L. 85-802, set out as a note under section 441 of this title.

§ 451a. Harbors subject to this subchapter

The following harbors shall be subject to this subchapter:

- (1) The harbor of New York.
- (2) The harbor of Hampton Roads.
- (3) The harbor of Baltimore.

(June 29, 1888, ch. 496, § 6, 25 Stat. 210; Pub. L. 85-802, § 1(7), Aug. 28, 1958, 72 Stat. 970.)

AMENDMENTS

1958—Pub. L. 85-802 substituted provisions making harbors of New York, Hampton Roads, and Baltimore subject to this subchapter for appropriation provisions.

EFFECTIVE DATE OF 1958 AMENDMENT

Amendment by Pub. L. 85-802 effective on sixtieth day after Aug. 28, 1958, see section 2 of Pub. L. 85-802, set out as a note under section 441 of this title.

§ 451b. Waters included within subchapter

For the purposes of this subchapter—

(1) The term “harbor of New York” means the tidal waters of the harbor of New York, its adjacent and tributary waters, and those of Long Island Sound.

(2) The term “harbor of Hampton Roads” means the tidal waters of the harbors of Norfolk, Portsmouth, Newport News, Hampton Roads, and their adjacent and tributary waters, so much of the Chesapeake Bay and its tributaries as lies within the State of Virginia, and so much of the Atlantic Ocean and its tributaries as lies within the jurisdiction of the United States within or to the east of the State of Virginia.

(3) The term “harbor of Baltimore” means the tidal waters of the harbor of Baltimore and its adjacent and tributary waters, and so much of Chesapeake Bay and its tributaries as lies within the State of Maryland.

(June 29, 1888, ch. 496, § 7, as added Pub. L. 85-802, § 1(8), Aug. 28, 1958, 72 Stat. 970.)

EFFECTIVE DATE

Section effective on sixtieth day after Aug. 28, 1958, see section 2 of Pub. L. 85-802, set out as an Effective

Date of 1958 Amendment note under section 441 of this title.

§ 452. Taking shellfish or otherwise interfering with navigation in New York Harbor channels; penalty; arrest and procedure

It shall be unlawful for any person or persons to engage in fishing or dredging for shellfish in any of the channels leading to and from the harbor of New York, or to interfere in any way with the safe navigation of those channels by ocean steamships and ships of deep draft.

Any person or persons violating the foregoing provisions of this section shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by fine or imprisonment, or both, such fine to be not more than \$250 nor less than \$50, and the imprisonment to be not more than six months nor less than thirty days, either or both united, as the judge before whom conviction is obtained shall decide.

It shall be the duty of the United States supervisor of the harbor to enforce this section, and the deputy inspectors of the said supervisor shall have authority to arrest and take into custody, with or without process, any person or persons, who may commit any of the acts or offenses prohibited by this section: *Provided*, That no person shall be arrested without process for any offense not committed in the presence of the supervisor or his inspector or deputy inspectors, or either of them: *And provided further*, That whenever any such arrest is made the person or persons so arrested shall be brought forthwith before a magistrate judge, judge, or court of the United States for examination of the offenses alleged against him; and such magistrate judge, judge or court shall proceed in respect thereto as authorized by law in case of crimes against the United States.

(Aug. 18, 1894, ch. 299, § 2, 28 Stat. 360; Pub. L. 90-578, title IV, § 402(b)(2), Oct. 17, 1968, 82 Stat. 1118; Pub. L. 101-650, title III, § 321, Dec. 1, 1990, 104 Stat. 5117.)

CODIFICATION

Section was not enacted as part of act June 29, 1888, ch. 496, 25 Stat. 209, which comprises this subchapter.

CHANGE OF NAME

“Magistrate judge” substituted in text for “magistrate” pursuant to section 321 of Pub. L. 101-650, set out as a note under section 631 of Title 28, Judiciary and Judicial Procedure. Previously, “magistrate” was substituted for “commissioner” pursuant to Pub. L. 90-578. See chapter 43 (§ 631 et seq.) of Title 28.

§ 453. Regulations for navigation of Ambrose Channel; exclusion of tows and sailing vessels

The Secretary of the Army is authorized to make such rules and regulations for the navigation of Ambrose Channel as he may deem necessary or expedient to insure its safe use in all kinds of weather, night and day, for all vessels under control and running under their own power, and to this end he may, in his discretion, forbid its use to tows of every description and to sailing vessels.

(Mar. 4, 1913, ch. 144, § 1, 37 Stat. 803; July 26, 1947, ch. 343, title II, § 205(a), 61 Stat. 501.)