

House Bill 833 (AS PASSED HOUSE AND SENATE)

By: Representatives Stephens of the 164th, Robichaux of the 48th, and Henson of the 86th

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 52 of the Official Code of Georgia Annotated, relating to waters of the state,
2 ports, and watercraft, so as to prohibit overnight anchoring in anchorage restriction areas; to
3 provide for definitions; to establish anchorage restriction areas; to establish short-term and
4 long-term anchoring; to prohibit unlawful acts pertaining to live-aboard vessels within
5 estuarine areas; to remove record-keeping requirements; to provide that the commissioner
6 may grant exemptions; to revise definitions; to provide for related matters; to repeal
7 conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Title 52 of the Official Code of Georgia Annotated, relating to waters of the state, ports, and
11 watercraft, is amended by revising Code Section 52-7-8.4, relating to prohibition of
12 discharge of sewage into estuarine, definitions, establishment of anchorage areas, secured
13 mechanism preventing discharge, record keeping, safe harbor, and exceptions, as follows:

14 "52-7-8.4.

15 ~~(a) The General Assembly finds that, because of the frequency of live-aboard vessels~~
16 ~~utilizing the estuarine areas of this state, it is necessary for the protection of the public~~
17 ~~health, safety, and welfare to prohibit the discharge of sewage from such vessels into~~
18 ~~estuarine areas of this state. It is declared to be the intent of the General Assembly to~~
19 ~~protect and enhance the quality of the waters of such estuarine areas by requiring greater~~
20 ~~environmental protection than is provided pursuant to Section 312 of the federal Water~~
21 ~~Pollution Control Act, as amended, such that any discharge of sewage from a live-aboard~~
22 ~~vessel into the waters of such estuarine areas shall be prohibited.~~

23 ~~(b)~~ As used in this Code section, the term:

24 (1) 'Anchorage restriction areas' means ~~those areas established by the department within~~
25 the estuarine areas whereby a vessel may anchor at night of this state in any location that
26 lies within 300 feet of a marina, 150 feet from a marine structure other than a marina, or

27 within 500 feet of approved commercial shellfish growing areas and designated public
 28 harvest areas as determined by the department.

29 ~~(2) 'Eligible facility' means a dock facility with a vessel sewage pumpout disposal system~~
 30 ~~approved by the department.~~

31 ~~(3) 'Estuarine areas' means all tidally influenced waters, marshes, and marshlands lying~~
 32 ~~within a tide-elevation range from 5.6 feet above mean tide level and below.~~

33 ~~(4)(3) 'Live-aboard vessel' means a floating vessel or other watercraft capable of safe,~~
 34 ~~mechanically propelled navigation under average Georgia coastal wind and current~~
 35 ~~conditions using mechanical means, sails, oars, or other means of propulsion which is~~
 36 ~~utilized as a human or animal abode primarily as a residence.~~

37 (4) 'Long-term anchoring' means anchoring a vessel within a 5,280 foot radius of a
 38 documented anchoring point where a vessel is anchored for over 14 cumulative days in
 39 a calendar year.

40 (5) 'Marina' means a facility that provides fuel, public dockage, public dinghy access,
 41 sale of goods or merchandise, vessel maintenance, or other marine services.

42 (6) 'Marine structure' means a public or private dock, pier, bridge, or wharf. Marine
 43 structures include, but are not limited to, marinas, boat ramps, boatyards, or other vessel
 44 launching or loading facilities.

45 ~~(5)(7) 'Overnight' 'Night' means all consecutive hours~~ between the hours of 30 minutes
 46 after sunset and 30 minutes before sunrise.

47 (8) 'Short-term anchoring' means anchoring a vessel within a 5,280 foot radius of a
 48 documented anchoring point where a vessel is anchored for up to and including 14
 49 cumulative days in a calendar year.

50 ~~(c) The board is authorized to adopt and promulgate rules and regulations relating to~~
 51 ~~overnight or long-term anchoring within the estuarine areas of this state to include the~~
 52 ~~establishment of an anchorage permit.~~

53 ~~(d) The department is authorized to establish anchorage areas within the estuarine areas~~
 54 ~~of this state as well as areas where anchoring is not allowed.~~

55 ~~(e)(b) It shall be unlawful for any person to dock or anchor at night any vessel overnight~~
 56 ~~within the estuarine areas of this state unless it is in an anchorage area established by the~~
 57 ~~department and in compliance with all rules and regulations adopted by the board pursuant~~
 58 ~~to this Code section or at an eligible facility anchorage restriction areas. Nothing in this~~
 59 ~~Code section shall prohibit short-term anchoring for fishing or similar activities, nor shall~~
 60 ~~it prohibit the owner of a vessel from docking at a private recreational dock or noneligible~~
 61 ~~facility so long as such vessel is not utilized as a live-aboard vessel.~~

62 (c) It shall be unlawful for any person to engage in long-term anchoring of a vessel in the
 63 estuarine areas of this state without having first obtained a long-term anchoring permit

64 from the commissioner or his or her designee under such terms and conditions as the
 65 commissioner or his or her designee may prescribe.

66 (d) Nothing in this Code section shall prohibit a person from engaging in short-term
 67 anchoring of a vessel in the estuarine areas of this state so long as such vessel is not
 68 anchored overnight within the anchorage restriction areas.

69 ~~(f) It shall be unlawful for any person to operate or float any live-aboard vessel within the~~
 70 ~~estuarine areas of this state, whether anchored or not, from which sewage, treated or~~
 71 ~~untreated, is discharged into such estuarine areas.~~

72 ~~(g) It shall be unlawful to operate or float any live-aboard vessel within the estuarine areas~~
 73 ~~of this state, whether anchored in an anchorage area or at an eligible facility, which has~~
 74 ~~located within or on such vessel a Type I, Type II, or Type III Marine Sanitation Device,~~
 75 ~~as defined in 33 C.F.R. 159, unless such device has a secured mechanism which is~~
 76 ~~constructed and installed in such a manner that it can be emptied only by pumping out to~~
 77 ~~prevent discharge of treated and untreated sewage or is equipped with a holding tank, as~~
 78 ~~such term is defined in Code Section 52-7-3. Examples of secured mechanisms considered~~
 79 ~~to be effective at preventing discharges include, but are not limited to, closing the seacock~~
 80 ~~and padlocking, using a non-releasable wire tie, or removing the seacock handle with the~~
 81 ~~seacock in the closed position.~~

82 ~~(h) Persons operating or floating live-aboard vessels with marine toilets and subject to the~~
 83 ~~requirements of this Code section shall create and maintain for at least one year after~~
 84 ~~creation records which indicate the name and location of pump-out facilities used and the~~
 85 ~~dates of such use. Persons who own or operate pump-out facilities shall also create a~~
 86 ~~record and maintain, for at least one year after creation, records which indicate the name~~
 87 ~~and vessel registration number, the date of pump-out, and verification of pump-out for each~~
 88 ~~vessel for which pump-out services are performed.~~

89 ~~(i) In the event that any provision of this Code section is found to conflict with the federal~~
 90 ~~Water Pollution Control Act, as now or hereafter amended, such federal act shall control.~~

91 ~~(j)~~(e) No part of this Code section shall restrict the ability of vessels to seek safe harbor
 92 in the event of dangerous weather or mechanical failure. A reasonable period of time
 93 whereby a vessel owner may seek safe harbor shall not exceed seven days.

94 ~~(k)~~(f) Exemptions to the requirements in this Code section may be granted by the
 95 ~~department~~ commissioner or his or her designee for unique circumstances such as, but not
 96 limited to, certain commercial or educational activities. ~~Conditional permission shall be~~
 97 ~~granted by the commissioner or his or her designee."~~

98 **SECTION 2.**

99 All laws and parts of laws in conflict with this Act are repealed.