

House Bill 833

By: Representative Stephens of the 164th

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 authorize the department to promulgate rules and regulations
3 regarding long-term anchoring; to revise definitions; to establish anchorage restriction areas;
4 to allow for operation and flotation of live-aboard vessels with marine sanitation devices
5 within estuarine areas of the state; to remove record-keeping requirements; to provide for an
6 effective date; to provide for related matters; to repeal conflicting laws; and for other
7 purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 style="text-align:center">**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 estuarine areas whereby a vessel may not anchor at night.

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

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

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

34 (5) 'Night' means between the hours of 30 minutes after sunset and 30 minutes before
35 sunrise.

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

39 (d) The department is authorized to establish anchorage restriction areas within the
40 estuarine areas of this state ~~as well as areas where anchoring is not allowed~~ in any location
41 that lies within 150 feet of marine structures and 150 feet of approved commercial shellfish
42 growing areas and designated public harvest areas as determined by the department.

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

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

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

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

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

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

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

80 **SECTION 2.**

81 This Act shall become effective on January 1, 2021.

82 **SECTION 3.**

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