

The House Committee on Natural Resources and Environment offers the following substitute to HB 1064:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Part 4 of Article 4 of Chapter 5 of Title 12 of the Official Code of Georgia  
2 Annotated, relating to coastal marshlands, so as to redefine the definition of "live-aboard";  
3 to revise provisions concerning issuance of permits for occupation of live-aboard boats in  
4 marshlands; to amend Chapter 1 of Title 52 of the Official Code of Georgia Annotated,  
5 relating to general provisions relative to waters of the state, ports, and watercraft, so as to  
6 exclude live-aboards from the definition of "structure"; to repeal conflicting laws; and for  
7 other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Part 4 of Article 4 of Chapter 5 of Title 12 of the Official Code of Georgia Annotated,  
11 relating to coastal marshlands, is amended by revising paragraph (8) of Code Section  
12 12-5-282, relating to definitions, as follows:

13 "(8) 'Live-aboard' means a floating vessel or other ~~watercraft~~ watercraft capable of safe,  
14 mechanically propelled navigation under average Georgia coastal wind and current  
15 conditions which is ~~moored to a dock, tree, or piling or anchored in the estuarine waters~~  
16 ~~of the state and is~~ utilized as a human or animal abode and is located at a marina or a  
17 mooring area established by the department. ~~Live-aboards include but are not limited to~~  
18 ~~monohulls, multihulls, houseboats, floating homes, and other floating structures which~~  
19 ~~are used for human or animal habitation."~~

20 **SECTION 2.**

21 Said part is further amended by revising paragraph (8) of subsection (b) of Code Section  
22 12-5-288, relating to activities and structures considered to be contrary to the public interest  
23 for purposes of issuing permits allowing alteration of coastal marshlands, as follows:

24 "(8) Occupying a live-aboard for more than ~~30~~ 90 days during any calendar year;  
25 provided, however, that the commissioner may grant extensions of time beyond ~~30~~ 90

26 days to persons making a request in writing stating the reasons for such extension.  
 27 Owners of docks where live-aboards are moored as well as owners and occupants of  
 28 live-aboards are responsible under this part."

29 **SECTION 3.**

30 Chapter 1 of Title 52 of the Official Code of Georgia Annotated, relating to general  
 31 provisions relative to waters of the state, ports, and watercraft, is amended by revising  
 32 paragraph (3) of Code Section 52-1-3, relating to definitions relative to the protection of  
 33 tidewaters, as follows:

34 "(3) 'Structure' means any structure located upon any tidewaters of this state, whether  
 35 such structure is floating upon such tidewaters and is made fast by the use of lines, cables,  
 36 anchors, or pilings, or any combination thereof, or is built upon pilings embedded in the  
 37 beds of such tidewaters when such structure is being or has been used or is capable of  
 38 being used as a place of habitation, dwelling, sojournment, or residence for any length  
 39 of time; is not being used or is not capable of being used as a means of transportation  
 40 upon such tidewaters; and is not owned, occupied, or possessed pursuant to a permit  
 41 issued by the commissioner pursuant to Code Section 52-1-10. Such structures may  
 42 include, but are not limited to, vessels not being used in navigation; provided, however,  
 43 that structures do not include ~~vessels which are capable of navigation and are tied up at~~  
 44 marinas live-aboards, as defined in Code Section 12-5-282. Structures shall also not  
 45 include fishing camps, bait shops, restaurants, or other commercial establishments  
 46 permitted under Part 4 of Article 4 of Chapter 5 of Title 12, the 'Coastal Marshlands  
 47 Protection Act of 1970,' as amended, which do not discharge sewage into the waters of  
 48 the state and are operated in conformance with the zoning ordinances, if any, of the  
 49 municipality or county in which they are located."

50 **SECTION 4.**

51 Said chapter is further amended by revising paragraph (4) of Code Section 52-1-32, relating  
 52 to definitions relative to right of passage, as follows:

53 "(4) 'Structure' means any structure located upon any navigable stream or river of this  
 54 state, whether such structure is floating upon such navigable stream or river and is made  
 55 fast by the use of lines, cables, anchors, or pilings, or any combination thereof, or is built  
 56 upon pilings embedded in the beds of such navigable stream or river when such structure  
 57 is being, has been, or is capable of being used as a place of habitation, dwelling,  
 58 sojournment, or residence for any length of time; is not being used or is not capable of  
 59 being used as a means of transportation upon such navigable stream or river; and is not  
 60 owned, occupied, or possessed pursuant to a permit issued by the commissioner pursuant

61 to Code Section 52-1-39. Such structures may include, but are not limited to, vessels not  
62 being used in navigation; provided, however, that structures do not include ~~vessels which~~  
63 ~~are capable of navigation and are tied up at marinas~~ live-aboards, as defined in Code  
64 Section 12-5-282. Structures shall also not include fishing camps, bait shops, restaurants,  
65 or other commercial establishments permitted under Part 4 of Article 4 of Chapter 5 of  
66 Title 12, the 'Coastal Marshlands Protection Act of 1970,' as amended, which do not  
67 discharge sewage into the waters of the state and are operated in conformance with the  
68 zoning ordinances, if any, of the municipality or county in which they are located."

69 **SECTION 5.**

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