

Senate Bill 319

By: Senators Jeffares of the 17th, Tolleson of the 20th, Chance of the 16th, Tippins of the 37th and Bulloch of the 11th

AS PASSED

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 12 of the Official Code of Georgia Annotated, relating to conservation, so
2 as to revise certain provisions relating to the use of boats in the waters of state parks, historic
3 areas, and recreational areas; to revise certain provisions relating to the use of live-aboard
4 boats at marinas or docking stations; to amend Chapter 1 of Title 52 of the Official Code of
5 Georgia Annotated, relating to general provisions relative to waters of the state, ports, and
6 watercraft, so as to revise certain provisions relating to boats considered public nuisances;
7 to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Title 12 of the Official Code of Georgia Annotated, relating to conservation, is amended in
11 Code Section 12-3-10, relating to the ordering of persons to leave parks, historic sites, or
12 recreational areas upon their refusal to observe rules and to prohibited acts generally, by
13 revising subsections (e), (g), (h), and (i) as follows:

14 "(e) It ~~With the exceptions of law enforcement and official use by the department, it shall~~
15 be unlawful for any person to ~~have or use a privately owned boat on any of the following~~
16 ~~state park lakes: have or use a boat on the waters of any park, historic site, or recreational~~
17 ~~area in violation of any prohibition or restriction posted therein by the department. The~~
18 ~~posting of signs at entrances of a park, historic site, or recreational area designating any~~
19 ~~prohibitions of, or restrictions on the use of, boats on the waters of that park, historic area,~~
20 ~~or recreational area shall constitute sufficient notice for the entire park, historic area, or~~
21 ~~recreational area.~~

22 ~~(1) A. H. Stephens Federal Lake and Lake Liberty; or~~

23 ~~(2) John D. Tanner Lake (the 24 acre lake), provided that this prohibition shall apply~~
24 ~~only from May 1 through Labor Day of each year."~~

25 ~~”(g) It shall be unlawful for any person to have or use a boat, other than one on official~~
 26 ~~business, with other than paddles or a portable bow or stern mounted electric trolling motor~~
 27 ~~on any of the following state park lakes:~~

- 28 ~~(1) Black Rock Mountain Lake;~~
- 29 ~~(2) James H. 'Sloppy' Floyd Lake;~~
- 30 ~~(3) A. H. Stephens Lake Buncombe;~~
- 31 ~~(4) Franklin D. Roosevelt Lake Franklin or Lake Delano;~~
- 32 ~~(5) John D. Tanner Lake (the 12 acre lake);~~
- 33 ~~(5.1) John D. Tanner Lake (the 24 acre lake), provided that this prohibition shall apply~~
 34 ~~only from the day after Labor Day each year through April 30 of the following year;~~
- 35 ~~(6) Sweetwater Creek Lake;~~
- 36 ~~(7) Hard Labor Creek Lake (the 37 acre lake);~~
- 37 ~~(8) Fort Mountain Lake;~~
- 38 ~~(9) Vogel Lake; or~~
- 39 ~~(10) Unicoi Lake. Reserved.~~

40 ~~(h) It shall be unlawful for any person to use a boat, other than one on official business,~~
 41 ~~with a motor which is neither an electric trolling motor nor ten horsepower or less on the~~
 42 ~~following state park lakes:~~

- 43 ~~(1) Fort Yargo Lake;~~
- 44 ~~(2) Hamburg Lake;~~
- 45 ~~(3) Hard Labor Creek Lake (the 275 acre lake);~~
- 46 ~~(4) High Falls Lake;~~
- 47 ~~(5) Indian Springs Lake;~~
- 48 ~~(6) Kolomoki Mounds Lake;~~
- 49 ~~(7) Stephen C. Foster Lake;~~
- 50 ~~(8) Laura S. Walker Lake (between 7:00 A.M. eastern standard time or eastern daylight~~
 51 ~~time, whichever is applicable, and 11:00 A.M. eastern standard time or eastern daylight~~
 52 ~~time, whichever is applicable, and between 6:00 P.M. eastern standard time or 7:00 P.M.~~
 53 ~~eastern daylight time, whichever is applicable, and sunset);~~
- 54 ~~(9) Little Ocmulgee Lake (between 7:00 A.M. eastern standard time or eastern daylight~~
 55 ~~time, whichever is applicable, and 11:00 A.M. eastern standard time or eastern daylight~~
 56 ~~time, whichever is applicable, and between 6:00 P.M. eastern standard time or 7:00 P.M.~~
 57 ~~eastern daylight time, whichever is applicable, and sunset); and~~
- 58 ~~(10) Magnolia Springs Lake (between 7:00 A.M. eastern standard time or eastern~~
 59 ~~daylight time, whichever is applicable, and 11:00 A.M. eastern standard time or eastern~~
 60 ~~daylight time, whichever is applicable, and between 6:00 P.M. eastern standard time or~~
 61 ~~7:00 P.M. eastern daylight time, whichever is applicable, and sunset). Reserved.~~

62 (i) It shall be unlawful for any person to fish in waters of any park, historic site, or
 63 recreational area, except for boat fishing between the hours of 7:00 A.M. and sunset and
 64 bank or wade fishing between the hours of 7:00 A.M. and 10:00 P.M., unless otherwise
 65 prohibited. It shall also be unlawful to fish in waters of any park, historic site, or
 66 recreational area which have been closed and posted by the department ~~for fisheries~~
 67 ~~management purposes."~~

68 **SECTION 2.**

69 Said title is further amended by revising paragraph (8) of Code Section 12-5-282, relating
 70 to definitions, as follows:

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

78 **SECTION 3.**

79 Said title is further amended by revising paragraph (8) of subsection (b) of Code Section
 80 12-5-288, relating to activities and structures considered to be contrary to the public interest
 81 for purposes of issuing permits allowing alteration of coastal marshlands, as follows:

82 "(8) Occupying a live-aboard for more than ~~30~~ 90 days during any calendar year;
 83 provided, however, that the commissioner may grant extensions of time beyond ~~30~~ 90
 84 days to persons making a request in writing stating the reasons for such extension.
 85 Owners of docks where live-aboards are moored as well as owners and occupants of
 86 live-aboards are responsible under this part."

87 **SECTION 4.**

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

92 "(3) 'Structure' means any structure located upon any tidewaters of this state, whether
 93 such structure is floating upon such tidewaters and is made fast by the use of lines, cables,
 94 anchors, or pilings, or any combination thereof, or is built upon pilings embedded in the
 95 beds of such tidewaters when such structure is being or has been used or is capable of

96 being used as a place of habitation, dwelling, sojournment, or residence for any length
 97 of time; is not being used or is not capable of being used as a means of transportation
 98 upon such tidewaters; and is not owned, occupied, or possessed pursuant to a permit
 99 issued by the commissioner pursuant to Code Section 52-1-10. Such structures may
 100 include, but are not limited to, vessels not being used in navigation; provided, however,
 101 that structures do not include ~~vessels which are capable of navigation and are tied up at~~
 102 ~~marinas~~ live-aboards, as defined in Code Section 12-5-282. Structures shall also not
 103 include fishing camps, bait shops, restaurants, or other commercial establishments
 104 permitted under Part 4 of Article 4 of Chapter 5 of Title 12, the 'Coastal Marshlands
 105 Protection Act of 1970,' as amended, which do not discharge sewage into the waters of
 106 the state and are operated in conformance with the zoning ordinances, if any, of the
 107 municipality or county in which they are located."

108

SECTION 5.

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

111 "(4) 'Structure' means any structure located upon any navigable stream or river of this
 112 state, whether such structure is floating upon such navigable stream or river and is made
 113 fast by the use of lines, cables, anchors, or pilings, or any combination thereof, or is built
 114 upon pilings embedded in the beds of such navigable stream or river when such structure
 115 is being, has been, or is capable of being used as a place of habitation, dwelling,
 116 sojournment, or residence for any length of time; is not being used or is not capable of
 117 being used as a means of transportation upon such navigable stream or river; and is not
 118 owned, occupied, or possessed pursuant to a permit issued by the commissioner pursuant
 119 to Code Section 52-1-39. Such structures may include, but are not limited to, vessels not
 120 being used in navigation; provided, however, that structures do not include ~~vessels which~~
 121 ~~are capable of navigation and are tied up at marinas~~ live-aboards, as defined in Code
 122 Section 12-5-282. Structures shall also not include fishing camps, bait shops, restaurants,
 123 or other commercial establishments permitted under Part 4 of Article 4 of Chapter 5 of
 124 Title 12, the 'Coastal Marshlands Protection Act of 1970,' as amended, which do not
 125 discharge sewage into the waters of the state and are operated in conformance with the
 126 zoning ordinances, if any, of the municipality or county in which they are located."

127

SECTION 6.

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