

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 921

Short Title: Marine Litter Prohibited.

(Public)

Sponsors: Representatives Gottovi; Colton, DeVane, Hightower, James, Jenkins, Redwine, Richardson, Sutton, R. Thompson, Wainwright, and Wright.

Referred to: Environment.

April 13, 1993

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT THE DISPOSAL OF PLASTICS AND OTHER SOLID WASTE IN THE MARINE WATERS OF THIS STATE.

The General Assembly of North Carolina enacts:

Section 1. Article 21 of Chapter 143 of the General Statutes is amended by adding a new section to read:

"§ 143-214.2B. Marine litter prohibited.

(a) Violation. – It is unlawful for any person or vessel to discharge any type of plastics including: synthetic ropes, fishing nets, garbage bags, or any other solid waste including: paper products, glass, metal, dunnage, lining, and packing materials into the marine waters of this State.

(b) Storage required. – The following substances shall be kept in closed containers whenever present on a vessel in the marine waters of this State: fuel, oil, paints, varnishes, solvents, pesticides, insecticides, fungicides, algicides, other hazardous liquids, and all of the specific plastics and solid waste listed in subsection (a) of this section. The containers shall be sufficient to prevent the substances from escaping in the event the container is released into marine waters. Storage in closed containers shall not be required for these substances while vessels are taking on or unloading cargo and provisions. Storage in closed containers shall not be required for bait or for substances intended for human consumption.

(c) Exemptions. – This section shall not apply to substances released into marine waters accidentally or due to an act of nature, provided that:

- 1 (1) Persons involved in an accident make good faith efforts to recover any
2 substances released, proper allowances being first made for personal
3 safety; and
- 4 (2) Snagged or entangled fishing tackle and nets are recovered as much as
5 is reasonably possible, and the unrecovered remainder is caused to
6 sink.
- 7 (d) Penalties.–
- 8 (1) For a first violation, any person or vessel who violates this section is
9 guilty of a misdemeanor and upon conviction shall be punished by a
10 fine not to exceed five hundred dollars (\$500.00) or community
11 service requiring litter collection of not less than 25 hours nor more
12 than 250 hours, or both. Persons under 18 years of age shall be
13 penalized with community service, and may be assessed a fine as well.
14 Each day of a continuing violation constitutes a separate violation.
- 15 (2) For a second or subsequent violation, any person or vessel who
16 violates this Chapter is guilty of a misdemeanor and upon conviction
17 shall be punished by a fine not to exceed ten thousand dollars
18 (\$10,000), or revocation of boating licenses, or both.
- 19 (e) Disposal facilities. – All marinas and all other access areas used by vessels
20 shall have proper disposal facilities on site.
- 21 (f) Definitions. – For purposes of this section:
- 22 (1) 'Vessel' means any boat, barge, or other vehicle operating in the
23 marine environment, including a supertanker and a recreational craft.
- 24 (2) 'Solid waste' has the same meaning as set forth in G.S. 130A-290.
- 25 (g) The Commission shall adopt rules to implement this section, including rules
26 that adopt the provisions of Annex V of the Protocol of 1978 of the International
27 Convention for the Pollution by Ships and rules to establish requirements for disposal
28 facilities under subsection (e) of this section."
- 29 Sec. 2. This act becomes effective October 1, 1993.