

ORDINANCE NO. 10.003

AN ORDINANCE TO ESTABLISH REGULATIONS TO PROHIBIT THE DISPOSAL OF PLASTICS AND OTHER GARBAGE IN MARINE WATERS. TO REQUIRE DISPOSAL FACILITIES (ON VESSEL AND AT CERTAIN ACCESS AREA: AND TO PROVIDE PENALTIES FOR THE VIOLATIONS OF THE MARINE LITTER ACT OF 1989, as amended.)

WHEREAS, Marine Litter has become an ever-growing concern in the Gulf of Mexico, averaging in volume over 1 ton per mile of shoreline; and

WHEREAS, Plastics which comprise 50-70% of all floating items sighted at sea, may require up to 450 years to completely decompose; and

WHEREAS, Marine Litter is known to cause the death of marine birds, finfish, mammals and reptiles, some of which are presently in danger of extinction; and

WHEREAS, Marine Litter and debris poses an increasing menace to navigation, fouling propellers and water intake structures; and

WHEREAS, Marine Litter aesthetically blights our shorelines affecting tourism and requiring thousands of tax dollars to clean our beaches; and

WHEREAS, the Marine Litter Act of 1989 prohibits the dumping of wastes, garbage and other debris from vessels, both recreational and commercial, within Mississippi State waters and empowers the Mississippi Department of Wildlife, Fisheries, and Parks marine officers to uphold and enforce the provisions set forth in the Act; and

WHEREAS, the Mississippi Commission on Marine Resources has been vested with the authority to promulgate regulations to carry out this act, including adopting the provisions of ANNEX V of the Protocol of 1978 of the International Convention for the Prevention of Pollution by Ships.

BE IT ORDAINED BY THE MISSISSIPPI COMMISSION ON MARINE RESOURCES THAT:

Section 1.

- A.) It shall be unlawful for any person or vessel to discharge any type of plastics, including synthetic ropes, fishing nets, garbage bags, and other garbage including paper products, glass, metal, dunnage, lining and packing materials into the marine waters of this state.
- B.) It shall be unlawful for any person or vessel to discharge any hazardous substances into the marine waters of the State of Mississippi.

Section 2.

- A.) It shall be required that all marinas have proper disposal facilities on site for all vessel wastes, including, but not limited to, garbage, dishwater, graywater, including drainage of toilets, marine sanitation devices (MSD's), urinals, hospitals and cargo space, harmful substances and hazardous substances, plastics and victual waste.
- B.) All vessels shall have on board a clearly marked closed container for the proper disposal of waste, trash and other garbage. Signage shall be posted on board notifying passengers and crew that it is

unlawful to dispose of waste, trash and other garbage into the marine waters of the State of Mississippi.

Section 3.

All hazardous substances shall be kept in closed containers wherever present on a vessel in the marine waters of this state. Hazardous substances shall include fuel, oil, paints, varnishes, solvents, pesticides, insecticides, fungicides, algicides, other hazardous liquids, and those substances referred to in Section 1. The containers shall be sufficient to prevent the substances from escaping in the event the container is released into marine waters. Closed containers shall not be required for substances intended for human consumption, or for bait. Closed containers shall not be required while vessels are taking on or unloading cargo and provisions.

Section 4.

For purposes of this Ordinance:

- A) **"Vessel"** means any boat, barge, or other vehicle operating in the marine environment from the largest supertanker to the smallest recreational craft.
- B) **"Discharge"** means any release however caused from a ship and includes any escape, disposal, spilling, leaking, pumping, emitting or emptying. It does not include release of harmful substances directly arising from the authorized exploration, exploitation, and associated offshore processing of seabed mineral resources, or release of harmful substances for purposes of legitimate scientific research relating to pollution abatement or control.
- C) **"Garbage"** means all kinds of victual, domestic and operational waste excluding fresh finfish and shellfish and parts thereof, generated during the normal operation of the ship and liable to be disposed of continuously or periodically including dishwater and graywater.
- D) **"Dishwater"** means the liquified residue from the manual or automatic washing of dishes and cooking utensils which have been pre-cleaned to the extent that any food particles adhering to them would not normally interfere with the operation of automatic dishwashers.
- E) **"Graywater"** means drainage from dishwasher, shower, laundry, bath, and washbasin drains and does not include drainage from toilets, urinals, hospitals, and drainage from cargo spaces.
- F) **"Harmful Substance and Hazardous Substance"** means any substance which, if introduced into the sea, is liable to create hazards to human health, harm living resources and marine life, damage amenities or interfere with other legitimate uses of the sea. It is important to note that "garbage," including but not limited to plastics, is considered to be a "harmful substance" since it is liable to "create hazards to human health, to harm living resources and marine life, and to damage amenities."
- G) **"Plastic"** means any garbage that is solid material that contains as an essential ingredient one or more synthetic organic high polymers and is formed or shaped during either manufacture of the polymers or fabrication into a finished product by heat or pressure or both. Examples of plastics included but are not limited to: packaging (vaporproof barriers, bottles, containers, liners), ship construction (fiberglass and laminated structures, siding, piping, insulation, flooring, carpets, fabrics, adhesives, electrical and electronic components), disposable eating utensils and cups (including foamed products), bags, sheeting, floats, synthetic fishing nets, monofilament fishing line, strapping bands, hardhats, synthetic ropes and lines. This definition excludes glass, paints, varnishes, waxes (all of which might be considered "plastics" by other definitions), and plastic polymers naturally produced by living organisms but harvested and used by man, such as chitin.

- H) **"Victual Waste"** means any spoiled or unspoiled food waste.
- I) **"Marine Waters or Marine Environment"** means any waters influenced by the ebb and flow of the tide and includes all rivers, streams, bays, sounds, and waters extending 3 miles south of the barrier islands within the State of Mississippi.
- J) **"Person"** means any human individual conduction or causing to conduct the discharge of garbage from land, vessel, plane, or fixed or floating platforms including those for mineral exploration.
- K) **"Marinas"** mean facilities which provide services and wharfage to three (3) or more recreational or commercial vessels.
- L) **"Access Areas"** include but are not limited to ports, harbors, boat launching ramps, seafood and ice dealers, bait camps, yacht clubs, vessel repair and construction yards, and private mooring facilities including boat slips, or any other facilities offering services or wharfage to recreational or commercial vessels.
- M) **"Port"** means:
1. A group of terminals that combines to act as a unit;
 2. A port authority or other organization that chooses to be considered a port, and/or;
 3. Terminals or facilities which provide wharfage or other services to ships, including but not limited to commercial fishing facilities, naval facilities, shipbuilding and vessel repair facilities, recreational boating facilities, or mineral and oil industry shorebases.
- N) **"Proper Disposal Facilities"** means facilities capable of holding without overflow, a quantity of garbage equal to that calculated in accordance with the worksheets contained in the Annex V regulations promulgated by the U.S. Coast Guard.
- O) **"Closed Container"** means any sealed and properly labeled receptacle. The size and volume of the container shall be determined by the length and purpose of the cruise/voyage, the number of passengers and crew on board, and the amount of trash or garbage to be generated. Closed containers shall include, but not be limited to, buckets or cans with lids, or water tight garbage bags with appropriate ties. Closed containers shall be clearly and permanently marked with weather resistant materials.

Section 5.

The regulations contained herein pertaining to the release of substances covered in Sections 1 and 3 shall not apply during the following emergencies, accidents or releases due to an act of nature:

- A) Discharges from a ship for the purpose of securing the safety of a ship and those on board or saving life at sea.
- B) The escape of substances resulting from damage to a ship or its equipment, if all reasonable precautions have been taken before and after the occurrence of the damage, to prevent or minimize the escape.
- C) The accidental loss of synthetic fishing nets or the loss of synthetic material during repair of nets, provided all reasonable precautions have been taken to prevent such losses. Snagged or entangled fishing tackle

and nets shall be recovered as much as reasonably possible, and the unrecovered remainder is caused to sink.

Section 6.

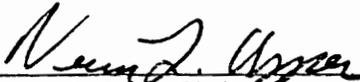
- A) Any person, or vessel convicted of violating the Marine Litter Act of 1989, as amended, or any provision of this Ordinance shall be guilty of a misdemeanor and upon a first conviction shall be punished by a fine not to exceed Five Hundred Dollars (\$500.00) or community service requiring litter collection of not less than twenty-five (25) hours nor more than two hundred fifty (250) hours, or both. Persons under eighteen (18) years of age shall be penalized with community service, and may be assessed a fine as well. Each day of a continuing violation constitutes a separate violation. Violations of more than one section or subsection of the Ordinance, or part thereof, shall be considered separate offenses and punished as such.
- B) Any person or vessel convicted of a second or subsequent violation of the Marine Litter Act of 1989, as amended, or of any provision of this ordinance shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed Ten Thousand Dollars (\$10,000.00), or revocation of boating licenses, or both.

Section 7.

Each section and subsection of this Ordinance shall be declared separable, and if any section or subsection or part thereof shall be held invalid or unconstitutional, the balance of said Ordinance shall remain in full force and effect.

This Ordinance shall take effect and be in full force from and after the 21st day of February, 1997.

Adopted this the 21st day of January, 1997.



Vernon L. Asper, Chairman

ATTEST:



E. G. Woods, Executive Director

Mississippi Secretary of State
 Heber Lander Building, 401 Mississippi Street
 P.O. Box 136, Jackson, MS 39205
ADMINISTRATIVE PROCEDURES FILING NOTICE

Mississippi Department of Marine Resources	Contact: Jerry Mitchell
152 Gateway Drive Biloxi, MS 39531	Address: 152 Gateway Drive Biloxi, MS 39531
(601) 385-5860	Transmittal Date: 1/21/97 .Copy Attached: Yes

Number of Rule(s): Marine Litter Act of 1989, as amended - Ordinance # 10.003

Substance of the Actions or Description of the Subject and Issues: "An Ordinance to establish provisions to prohibit the disposal of plastics and other garbage in marine waters. To require disposal facilities on vessels and at certain access areas: and to provide penalties for the violations of the Marine Litter Act of 1989, as amended.)



E. G. Woods Title: Executive Director Signature: *E. G. Woods* - For E. G. Woods

EMERGENCY RULES	PROPOSED ACTION ON RULES	FINAL ACTION ON RULES
Filing:	Action Proposed:	Action Taken:
Time of Effectiveness:	New Rule(s):	Adopted With No Changes in Text
Time in Effect Days	Amendment To Existing Rule(s) XX	Adopted With Changes
Effective Date:	Repeal of Existing Rule(s):	Adopted By Reference
Adopted on	Adoption By Reference:	Withdrawn
Specify:	Proposed Date of Adoption:	Date Action Taken:
	30 Days After Adoption: Feb. 21, 1997	30 Days after Filing:
	Other (Specify):	Other (specify):



OFFICIAL FILING STAMP	OFFICIAL FILING STAMP	OFFICIAL FILING STAMP
Accepted For Filing By:	Accepted For Filing By: <i>[Signature]</i>	Accepted For Filing By: