

## **Chapter 18a**

### **Boating - Litter and Pollution Control**

#### **73-18a-1 Definitions.**

As used in this chapter:

- (1) "Board" means the Board of Parks and Recreation.
- (2) "Division" means the Division of Parks and Recreation.
- (3) "Human body waste" means excrement, feces, or other waste material discharged from the human body.
- (4) "Litter" means any bottles, glass, crockery, cans, scrap metal, junk, paper, garbage, rubbish, or similar refuse discarded as no longer useful.
- (5) "Marine toilet" means any toilet or other receptacle permanently installed on or within any vessel for the purpose of receiving human body waste. This term does not include portable toilets which may be removed from a vessel in order to empty its contents.
- (6) "Operate" means to navigate, control, or otherwise use a vessel.
- (7) "Operator" means the person who is in control of a vessel while it is in use.
- (8) "Owner" means a person, other than a lien holder, holding a proprietary interest in or the title to a vessel. The term does not include a lessee under a lease not intended as security.
- (9) "Vessel" means every type of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on water.
- (10) "Waters of this state" means all waters within the territorial limits of this state except those used exclusively for private purposes.

Amended by Chapter 197, 1986 General Session

#### **73-18a-2 Littering and pollution of water or lands prohibited -- Penalty.**

- (1) A person may not place, throw, deposit, discard, drop, or discharge and the operator of a vessel may not permit to be placed, thrown, deposited, discarded, dropped, or discharged into or upon the waters of this state, or lands adjacent to these waters any litter, human body waste, or other liquid or solid materials which may render the water or lands unsightly, noxious, or otherwise unwholesome or detrimental to the public health or welfare or the enjoyment of the water or lands for all legitimate uses, including recreational purposes.
- (2) A person violating any provision of Subsection (1) is guilty of a class B misdemeanor and shall be fined not less than \$100 for each violation.

Amended by Chapter 33, 1991 General Session

#### **73-18a-3 Marine toilets -- Use without pollution control device prohibited -- Containers of body waste -- Discharge into waters prohibited.**

- (1) No marine toilet on any vessel used or operated upon the waters of this state may be operated so as to discharge any inadequately treated human body waste into or upon waters of this state directly or indirectly.
- (2) No person owning or operating a vessel with a marine toilet may use, or permit the use of, a toilet on the waters of this state, unless the toilet is equipped with facilities that will adequately treat, hold, incinerate, or otherwise handle human body waste in a manner that is capable of preventing water pollution.

- (3) No container of human body waste may be placed, left, discharged, or caused to be placed, left, or discharged into or upon any waters of this state or lands adjacent to these waters by any person at any time.

Amended by Chapter 197, 1986 General Session

**73-18a-4 Marine toilets -- Pollution control devices required -- Rules established by board.**

- (1) Every marine toilet on a vessel used or operated upon the waters of this state shall be equipped with an approved pollution control device in operative condition.
- (2) The board shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, as provided in this chapter, establishing criteria or standards for definition and approval of acceptable pollution control devices for vessels.

Amended by Chapter 382, 2008 General Session

**73-18a-5 Chemical treatment of marine toilet contents -- Rules established by board and Department of Environmental Quality.**

The board shall establish by rule, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, with approval by the Department of Environmental Quality, as provided in this chapter, standards relating to chemical treatment of marine toilet contents.

Amended by Chapter 382, 2008 General Session

**73-18a-8 Public marinas -- Duty to maintain waste disposal facilities.**

The owner or whoever is lawfully vested with the possession, management, or control of a public marina or other public waterside facility used by a vessel for launching, docking, mooring, and related purposes shall be required to have, and properly maintain, waste receptacles or similar devices of proper design for the depositing of waste, litter, and human body waste, as required at locations where they can be conveniently used by a vessel's occupants. Waterside toilet facilities may be required if their absence contributes to or creates unsightliness or a hazard to the public health and welfare.

Amended by Chapter 197, 1986 General Session

**73-18a-9 Public educational program.**

The division may undertake and enlist the support and cooperation of all agencies, political subdivisions, and organizations to conduct a public educational program designed to inform the public of the undesirability of depositing trash, litter, and other objectionable materials in the waters of this state and the penalties provided by this chapter for such action. The division may use funds provided by the Legislature for this purpose. The division may utilize all means of communication in the conduct of this program.

Amended by Chapter 197, 1986 General Session

**73-18a-10 Enforcement -- Inspection of vessels, marinas, and other boating facilities.**

Enforcement of this chapter or the rules promulgated under it shall be by law enforcement officers. Any vessel in this state is subject to inspection by the officers for the purpose of determining whether the vessel is equipped in compliance with this chapter. If the vessel is not

so equipped, the division may suspend its registration until the proper installation is completed or the marine toilet is sealed in a manner which prohibits its use. The division may inspect marinas or other waterside public facilities used by vessels for launching, docking, or mooring purposes to determine whether they are adequately equipped for proper handling, storing, or disposal of waste, litter, or human body waste.

Amended by Chapter 99, 1987 General Session

**73-18a-11 Regulation by political subdivisions prohibited -- Exception.**

Through the passage of this chapter, the state fully reserves to itself the exclusive right to establish requirements concerning the disposal of human body waste and litter from a vessel. To ensure statewide uniformity of the disposal of litter or human body waste from a vessel, regulation, other than the adoption for local enforcement of state rules, by any political subdivision of the state is prohibited.

Amended by Chapter 197, 1986 General Session

**73-18a-12 Rules promulgated by board -- Subject to approval by Department of Environmental Quality.**

The board may promulgate rules under Title 63G, Chapter 3, Utah Administrative Rulemaking Act, which are necessary for the carrying out of duties, obligations, and powers conferred on the division by this chapter. These rules shall be subject to review and approval by the Department of Environmental Quality. This approval shall be recorded as part of the rules.

Amended by Chapter 382, 2008 General Session

**73-18a-13 Publication of rules.**

The rules promulgated under this chapter shall be published as required by the Utah Administrative Rulemaking Act.

Amended by Chapter 99, 1987 General Session

**73-18a-14 Violation of chapter as class B misdemeanor.**

Unless otherwise specified, any person who violates any provision of this chapter or rule promulgated under this chapter is guilty of a class B misdemeanor.

Amended by Chapter 99, 1987 General Session

**73-18a-15 Arrest for violation -- Procedure.**

Whenever any individual is arrested for any violation of the provisions of this chapter or a rule made under this chapter, the procedure for arrest is the same as described in Sections 77-7-23 and 77-7-24.

Amended by Chapter 150, 2018 General Session

**73-18a-18 Act supplemental to other laws.**

This act shall not be construed as repealing any laws of the state relating to the pollution or littering of waters or lands thereof or any conservation laws, but shall be held and construed as auxiliary and supplemental thereto.

Enacted by Chapter 195, 1967 General Session