

TENTH KOROR STATE LEGISLATURE

3rd Day of 1st. Regular Session, Jan. 29/14 L.B. No. 10-5

A BILL FOR AN ACT

To repeal the Cruising Yacht Permit Act, KSPL No. K6-107-2000, as amended by KSPL No. K9-218-2010, and to enact an updated and more comprehensive law regulating cruising yachts in Koror State waters; and for related purposes.

THE PEOPLE OF KOROR REPRESENTED IN THE LEGISLATURE OF THE STATE OF KOROR DO ENACT AS FOLLOWS:

Section 1. Findings.

1 The Tenth Koror State Legislature (the “Legislature”) hereby finds that since the enactment
2 of the Cruising Yacht Permit Act in 2000, the number of cruising yachts mooring or docking in Koror
3 State waters has continued to increase despite the Act’s imposition of a mooring permit fee.
4 Moreover, some cruising yachts now remain moored in Koror State waters for extended periods of
5 time. Residents of Koror have become increasingly concerned that yachts moored in Koror State
6 waters may be dumping the contents of their lavatory holding tanks in State waters, creating potential
7 risk to human health and negatively impacting the marine environment.
8

9 The Legislature finds that it is necessary to address these concerns and to increase the monthly
10 mooring permit fees, which have not been increased in over 13 years, through the repeal of the
11 Cruising Yacht Permit Act and the enactment of an updated and more comprehensive Act regulating
12 cruising yachts. The additional revenue from this Act will provide the Koror State Government with
13 the funds to enforce the provisions of this Act, to fund scientific research into the impact of yachts
14 on the marine environment, and to install and maintain mooring buoys. The increase in the permit
15 fees, together with the requirement that cruising yachts be moved at least once every six months, are
16 also intended to reduce the number of cruising yachts that remain docked in Koror State waters for
17 prolonged periods of time.

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1 its states.

2 (b) The term “Koror State waters” as used in this Act shall mean the ocean waters that extend
3 twelve (12) nautical miles seaward from the Koror State territorial land baselines. Koror State waters
4 include all marine lakes and internal waters within the Koror State territorial boundaries.

5 **Section 4. Permit required.**

6 No cruising yacht may anchor, moor or dock at any location in Koror State waters, with the
7 exception of the Malakal Port, unless the owner or operator of the cruising yacht obtains from the
8 Koror State Government a permit allowing for such use.

9 **Section 5. Permit fees.**

10 Permits may be purchased at the Koror State Government offices, or at a location designated
11 by the Governor, at the following rates:

- 12 (i) cruising yachts with an overall length equal to or exceeding 16 feet but less than 23
13 feet: \$12.00 per month;
- 14 (ii) cruising yachts with an overall length equal to or exceeding 23 feet but less than 40
15 feet: \$24.00 per month;
- 16 (iii) cruising yachts with an overall length equal to or exceeding 40 feet but less than 65
17 feet: \$48.00 per month;
- 18 (iv) cruising yachts with an overall length equal to or exceeding 65 feet: \$96.00 per
19 month.

20 For clarity, yachts or boats which provide lodging to guests for a fee are not considered
21 “cruising yachts” under this Act, and they shall be required to obtain the necessary business licenses
22 from the Koror State Government and to pay the corresponding fee.

23 **Section 6. Display of permits.**

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1 **mooring in same location in excess of one year prohibited.**

2 (a) If a person intends to moor or dock his or her yacht in Koror State waters for more than
3 ten (10) days, then in addition to all other requirements of this Act, such person must seal the lavatory
4 or the holding tank discharge outlet on his or her cruising yacht with an official Koror State
5 Government seal applied by an official of the Koror State Government. Any seal so applied shall not
6 be removed except by an official of the Koror State Government and only once the person responsible
7 for the cruising yacht announces his or her intent to leave Koror State waters.

8 (b) No cruising yacht may remain moored or docked in the same location in Koror State
9 waters for a period in excess of six (6) months without being moved, driven or transported. If a
10 person intends to keep his or her cruising yacht in Koror State waters for more than six (6) months,
11 the yacht must be moved, driven or transported at on at least once every six (6) months.

12 (c) By obtaining a permit to moor or dock within Koror State waters, the owner of a cruising
13 yacht consents to unannounced checks of the seal of the yacht by Koror State Government officials
14 or representatives during the normal business hours of the Koror State Government. Notice of this
15 consent shall be printed on all permits issued to cruising yachts that moor or dock within Koror State
16 waters.

17 (d) It shall be unlawful for any person to release, dump, or discharge waste, sewage or human
18 excrement from a cruising yacht lavatory or holding tank into Koror State waters.

19 **Section 8. Issuance of regulations.**

20 The Governor, or his designated representative, is hereby authorized to issue regulations
21 requiring that cruising yachts utilize mooring buoys and to issue any other regulations deemed
22 necessary to implement and enforce this Act.

23 **Section 9. Penalties.**

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1 fined \$500.00 for a first offense and each subsequent offense. Each day that this Act is violated
2 constitutes a separate offense and a citation may be issued for each violation.

3 **Section 10. Use of permit fees; sunset date.**

4 All fees generated from this Act shall be used to enforce compliance with the Act; to maintain
5 and protect the marine environment of Koror; to acquire and install mooring buoys at appropriate
6 locations; to fund scientific research into the impacts of cruising yachts on Koror State's marine
7 environment; for monitoring purposes; and for expenses associated with the preservation of Koror
8 State resources. The fees generated by this Act shall be collected until the impacts from cruising
9 yachts cease to exist, but in no event shall such fees be collected after midnight of December 31,
10 2023.

11 **Section 11. Repealer.**

12 KSPL Nos. K6-107-2000 and K9-218-2010 are hereby repealed and shall be of no further
13 force or effect after the effective date of this Act.

14 **Section 12. Severability.**

15 In the event that a court of competent jurisdiction determines that any part or portion of this
16 Act is invalid or otherwise unenforceable, then the offending part or portions may be stricken, and
17 the remaining portions shall continue in full force and effect.

18 **Section 13. Effective Date.** This Act shall become effective upon its becoming law by
19 operation of the Koror State Constitution.

Date: 1/24/14 Introduced by: 