

NORTH CAROLINA GENERAL ASSEMBLY
1977 SESSION

CHAPTER 515
HOUSE BILL 1123

AN ACT TO MAKE IT UNLAWFUL TO TAKE CLAMS ON OYSTER ROCKS BY USE OF RAKES OR TONGS OR ANY OTHER DEVICE WHICH WILL DISTURB OYSTERS; AND TO REQUIRE THE DEPARTMENT OF NATURAL AND ECONOMIC RESOURCES TO POST OYSTER ROCKS TO FORBID THE TAKING OF CLAMS IN THE ABOVE-DESCRIBED MANNER.

The General Assembly of North Carolina enacts:

Section 1. Chapter 113 of the General Statutes is hereby amended by adding a new Section 207 to read as follows:

"§ 113-207. Clamming on posted oyster rocks forbidden; penalty. — (a) The Department of Natural and Economic Resources shall post to the extent that funds are available oyster rocks or appropriate landing sites to forbid the taking of clams upon such rocks by use of rakes or tongs or any other device which will disturb or damage the oysters thereon. Within the meaning of this section, oyster rocks shall be defined as those rocks producing oysters upon which the tide rises and falls.

(b) It shall be unlawful for any person to take clams on oyster rocks posted by the Department of Natural and Economic Resources by use of rakes, tongs, or any other device which will disturb or damage the oysters growing thereon. This act will not apply to the taking of clams by signing. A violation of this section shall constitute a misdemeanor, punishable by imprisonment not to exceed 30 days, or by a fine of one hundred dollars (\$100.00), or by both such fine and imprisonment."

Sec. 2. Nothing herein contained shall be construed to require any additional appropriation.

Sec. 3. This act shall become effective July 1, 1977.

In the General Assembly read three times and ratified, this the 9th day of June, 1977.