

NORTH CAROLINA GENERAL ASSEMBLY
1981 SESSION

CHAPTER 925
HOUSE BILL 1173

AN ACT TO ESTABLISH A PROGRAM TO PURCHASE AND MAINTAIN COASTAL LANDS SUBJECT TO NATURAL HAZARDS FOR BEACH ACCESS AND USE.

The General Assembly of North Carolina enacts:

Section 1. A new Article is added to Chapter 113A of the General Statutes to read:

"ARTICLE 7A.

"Coastal Beach Access Program.

§ 113A-134.1. Legislative findings. — It is determined and declared as a matter of legislative findings that there are many privately owned lots or tracts of land in close proximity to the Atlantic Ocean in North Carolina that have been and will be adversely affected by the coastal hazards such as erosion, flooding and storm damage. The sand dunes on many of these lots provide valuable protective functions for public and private property and serve as an integral part of the beach sand supply system. Placement of permanent substantial structures on these lots will lead to increased risks of loss of life and property, increased public costs, and potential eventual encroachment of structures onto the beach.

The public has traditionally fully enjoyed the State's ocean beaches and public access to and use of the beaches. The beaches provide a recreational resource of great importance to North Carolina and its citizens and this makes a significant contribution to the economic well-being of the State. The ocean beaches are resources of statewide significance and have been customarily freely used and enjoyed by people throughout the State. Public access to ocean beaches in North Carolina is, however, becoming severely limited in some areas. Also, the lack of public parking is increasingly making the use of existing public access difficult or impractical in some areas. Public purposes would be served by providing increased access to ocean beaches, public parking facilities, or other related public uses. There is therefore, a pressing need in North Carolina to establish a comprehensive program for the identification, acquisition, improvement and maintenance of public accessways to the ocean beaches.

§ 113A-134.2. Creation of program; administration; purpose. — There is created the Coastal Beach Access Program, to be administered by the Coastal Resources Commission and the Department of Natural Resources and Community Development, for the purpose of acquiring, improving and maintaining property along the Atlantic Ocean, as provided in this Article.

§ 113A-134.3. Standards for beach access program. — The Coastal Resources Commission, with the support of the Department of Natural Resources and Community Development, shall establish and carry out a program to assure the acquisition, improvement and maintenance of a system of public access to ocean beaches. This beach access program shall include standards to be adopted by the Commission for the acquisition of property and the use and maintenance of said property. The standards shall be written to assure that land acquisition funds shall only be used to purchase interests in property that will be of benefit to the general public. Priority shall be given to acquisition of lands which, due to adverse effects of coastal natural hazards, such as past and potential erosion, flooding and storm damage, are unsuitable for the placement of permanent structures, including lands for which a permit for improvements has been denied under rules and regulations promulgated pursuant to State law.

The program shall be designed to provide and maintain reasonable public access and necessary parking, within the limitations of the resources available, to all areas of the North Carolina coast where access is compatible with the natural resources involved and where reasonable access is not already available as of June 30, 1981. To the maximum extent possible, this program shall be coordinated with State and local coastal management and recreational programs and carried out in cooperation with local governments. Prior to the purchase of any interests in property, the Secretary of Natural Resources and Community Development or his designee shall make a written finding of the public purpose to be served by the acquisition. Once property is purchased, the Department of Natural Resources and Community Development may allow property, without charge, to be controlled and operated by the county or municipality in which the property is located, subject to an agreement requiring that the local government use and maintain the property for its intended public purpose. These land acquisition funds shall not be used to purchase property held for less than two years by the current owner. These funds may be used to meet matching requirements for federal or other funds. The Department of Natural Resources and Community Development shall make every effort to obtain funds from sources other than the General Fund for these purposes. Funds may be used to acquire or develop land for pedestrian access including parking or to make grants to local governments to accomplish the purposes of this act. All acquisitions or dispositions of property made pursuant to this Article shall be in accordance with the provisions of Chapter 146 of the General Statutes."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 10th day of July, 1981.