

May 26, 2010

H 2065. CAROLINA BEACH HARBOR. Filed 5/26/10. *TO ENABLE THE TOWN OF CAROLINA BEACH TO REGULATE LIMITED MATTERS CONCURRENTLY WITH THE STATE REGARDING THE TOWN'S MUNICIPAL MARINA AND RELATED NAVIGABLE WATERS AND ADJOINING PUBLIC TRUST LANDS.*

Authorizes the Town of Carolina Beach to perform outlined functions and activities related to navigable waters and adjoining lands. Indicates that the purposes of the act are to enable town of Carolina Beach to continue its historic functions, act in certain matters currently entrusted to the state but in a manner concurrent and not inconsistent with state powers, and perform acts to exercise those powers. Provides that act does not confer on Carolina Beach any power within exclusive non-delegable federal jurisdiction, non-delegable powers of the state, power to affect state permits or licenses without express delegation, power contrary to state law unless otherwise provided by this act, or any exemption from applicable state law.

Intro. by McComas.

NEW HANOVER

July 6, 2010

H 2065. CAROLINA BEACH HARBOR. Filed 5/26/10. House committee substitute deletes the provisions of 1st edition and replaces it with *AN ACT TO CLARIFY AND EXPAND THE AUTHORITY OF THE TOWN OF CAROLINA BEACH TO REGULATE AND ENFORCE LAWS IN CAROLINA BEACH HARBOR AND THE SHORELINE AREA ADJOINING THE TOWN.*

Authorizes the Town of Carolina Beach to adopt ordinances pursuant to GS 160A-174 and to extend applicable Carolina Beach ordinances to their full force and effect in the shoreline area, provided that any conflicting county, state, or federal rule, regulation, or statute will prevail. Also prohibits a Carolina Beach ordinance from interfering or limiting public trust rights or the legal rights of access thereto. Defines *shoreline area* as the land and water areas extending from the corporate boundaries of Carolina Beach to a distance of 200 yards in parallel lines from the boundaries; includes Carolina Beach Harbor, the Municipal Marina, and Yacht Basin, but does not include (1) the shoreline areas along the Atlantic Ocean, (2) the Intercoastal Waterway and all areas within its right-of-way, and (3) any area within the corporate boundaries of another city or town. Further authorizes Carolina Beach law enforcement officers to enforce ordinances adopted or extended under the act, subject to certain limitations, and allows Carolina Beach to enter into enforcement and mutual aid agreements with other entities.

Authorizes Carolina Beach to hire one or more special officers to serve as harbormaster, who will exercise powers as detailed. Authorizes Carolina Beach to own and operate listed facilities in the shoreline area, subject to the limitations in GS 75A-15 (pertaining to water safety rules) and applicable county, state, and federal laws.