

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE BILL 429
Committee Substitute Favorable 4/25/19
Committee Substitute #2 Favorable 6/19/19

Short Title: Navigable Waters/Manteo/Hyde.

(Local)

Sponsors:

Referred to:

March 25, 2019

1 A BILL TO BE ENTITLED
2 AN ACT AUTHORIZING THE TOWN OF MANTEO TO REGULATE NAVIGABLE
3 WATERS WITHIN ITS CORPORATE LIMITS AND ADDING CERTAIN DESCRIBED
4 NAVIGABLE WATERS TO THE CORPORATE LIMITS OF THE TOWN OF MANTEO
5 FOR THAT PURPOSE AND AUTHORIZING THE COUNTY OF HYDE TO REGULATE
6 CERTAIN NAVIGABLE WATERS WITHIN THAT COUNTY.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.(a)** A municipality is empowered to make, adopt, and enforce
9 ordinances for the navigable waters within its municipal limits as they presently exist and as the
10 municipal limits may be extended by law in the future as to:

- 11 (1) Operation of boats and vessels, including restrictions concerning speed zones,
12 no-wake zones, and types of activities conducted on the navigable waters
13 within the municipal limits of the municipality.
14 (2) Restrict the anchoring and mooring of boats and vessels as to location and
15 generally to regulate the anchoring and mooring of vessels within the
16 navigable waters within the municipal limits of the municipality.
17 (3) Place and maintain channel aids and markers, anchoring aids and markers, and
18 navigational aids and markers in conformity with the United States Aids to
19 Navigation System and the rules of the Wildlife Resources Commission as
20 adopted for use on the waters of North Carolina pursuant to G.S. 75A-15(c).
21 (4) Make all reasonable rules and regulations as it deems necessary for the safe
22 and proper use of the navigable waters within the municipal limits of the
23 municipality for the occupants of boats, vessels, swimmers, and others using
24 said navigable waters.
25 (5) Provide for the enforcement of ordinances adopted under the authority of this
26 act in accordance with G.S. 160A-175.

27 **SECTION 1.(b)** In the event of conflict between any local ordinance adopted under
28 the authority of this act and the rules or regulations of the Wildlife Resources Commission, the
29 Department of Environmental Quality, the United States Coast Guard, or the United States Army
30 Corps of Engineers, the State or federal rule or regulation shall supersede and prevail over the
31 local ordinance to the extent of the conflict.

32 **SECTION 1.(c)** Duly sworn law enforcement officers of the municipality shall have
33 the authority to enforce any local ordinances adopted under the authority of this act.

34 **SECTION 1.(d)** This section applies to the Town of Manteo only.



1 **SECTION 2.(a)** The following described property is added to the corporate limits of
2 the Town of Manteo:

3 The waters of Shallowbag Bay from the northern tip of Ballast Point, being the
4 northernmost point on the parcel of land identified as Dare County Parcel # 025694382, PIN #
5 989014226791, and extending along a line northwest to the southern tip of Baum Point, being
6 the easternmost point on the parcel of land identified as Dare County Parcel # 024459002, PIN
7 # 988012865396, and including the waters of Doughs Creek and Scarboro Creek.

8 **SECTION 2.(b)** The property described in this section is navigable waters and other
9 property belonging to the State of North Carolina and therefore is exempt from taxation by the
10 Town of Manteo as provided in G.S. 105-278.1.

11 **SECTION 3.(a)** Hyde County is empowered to make, adopt, and enforce ordinances
12 for the navigable waters in Silver Lake, as described in this section that are within its jurisdiction,
13 as to:

- 14 (1) Operation of boats and vessels, including restrictions concerning speed zones,
15 no-wake zones, and types of activities conducted on the navigable waters
16 within Silver Lake.
- 17 (2) Restrict the anchoring and mooring of boats and vessels as to location and
18 generally to regulate the anchoring and mooring of vessels within the
19 navigable waters within Silver Lake.
- 20 (3) Place and maintain channel aids and markers, anchoring aids and markers, and
21 navigational aids and markers in conformity with the United States Aids to
22 Navigation System and the rules of the Wildlife Resources Commission as
23 adopted for use on the waters of North Carolina pursuant to G.S. 75A-15(c).
- 24 (4) Make all reasonable rules and regulations as it deems necessary for the safe
25 and proper use of the navigable waters within Silver Lake for the occupants
26 of boats, vessels, swimmers, and others using said navigable waters.
- 27 (5) Provide for the enforcement of ordinances adopted under the authority of this
28 act in accordance with G.S. 153A-123.

29 **SECTION 3.(b)** In the event of conflict between any local ordinance adopted under
30 the authority of this act and the rules or regulations of the Wildlife Resources Commission, the
31 Department of Environmental Quality, the United States Coast Guard, or the United States Army
32 Corps of Engineers, the State or federal rule or regulation shall supersede and prevail over the
33 local ordinance to the extent of the conflict.

34 **SECTION 3.(c)** Duly sworn law enforcement officers of the county shall have the
35 authority to enforce any local ordinances adopted under the authority of this act.

36 **SECTION 3.(d)** This section applies only to Hyde County with respect to only the
37 following described navigable waters in Hyde County, known as Silver Lake:

38 The waters of Silver Lake from the tip of Windmill Point, being the parcel of land
39 identified as Hyde County PIN # 9500-09-7854 on Ocracoke Island, to the parcel owned by the
40 United States Coast Guard and facing the Pamlico Sound, being the parcel of land identified as
41 Hyde County PIN # 9501-00-6529 on Ocracoke Island.

42 **SECTION 4.** This act becomes effective July 1, 2019.