

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

H.B. 1070
May 25, 2022
HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40716-LM-180

Short Title: Carolina Beach Navigable Waters. (Local)

Sponsors: Representative Miller.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT AUTHORIZING THE TOWN OF CAROLINA BEACH TO REGULATE
3 NAVIGABLE WATERS WITHIN ITS CORPORATE LIMITS.

4 The General Assembly of North Carolina enacts:

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

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

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

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

31 **SECTION 2.** This act applies to the Town of Carolina Beach only.

32 **SECTION 3.** This act is effective when it becomes law.

