

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE BILL 429

Short Title: Manteo Navigable Waters. (Local)

Sponsors: Representative Hanig.

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Agriculture, if favorable, Rules, Calendar, and Operations of the House

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.

6 The General Assembly of North Carolina enacts:

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

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

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

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

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

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



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

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

9 **SECTION 3.** This act becomes effective July 1, 2019.