

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023**

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HOUSE BILL 79

Short Title: Carolina Beach Navigable Waters. (Local)

Sponsors: Representative Miller.

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

Referred to: Marine Resources and Aquaculture, if favorable, Rules, Calendar, and Operations of the House

February 9, 2023

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE TOWN OF CAROLINA BEACH TO REGULATE
NAVIGABLE WATERS WITHIN ITS CORPORATE LIMITS.

The General Assembly of North Carolina enacts:

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

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

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

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

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

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

