

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

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**HOUSE BILL 2065
PROPOSED COMMITTEE SUBSTITUTE H2065-PCS50969-SY-25**

Short Title: Carolina Beach Harbor.

(Local)

Sponsors:

Referred to:

May 27, 2010

A BILL TO BE ENTITLED

1 AN ACT TO CLARIFY AND EXPAND THE AUTHORITY OF THE TOWN OF
2 CAROLINA BEACH TO REGULATE AND ENFORCE LAWS IN CAROLINA BEACH
3 HARBOR AND THE SHORELINE AREA ADJOINING THE TOWN.
4

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** Definitions. – The following definitions apply in this act:

- 7 (1) "Shoreline area" means the land and water areas extending from the
8 corporate boundaries of the Town of Carolina Beach to a distance of 200
9 yards in parallel lines from the corporate boundaries. This area includes
10 Carolina Beach Harbor, the Municipal Marina, and Yacht Basin. This area
11 does not include: (i) the shoreline areas along the Atlantic Ocean; (ii) the
12 Intracoastal Waterway and all areas within its right-of-way; and (iii) any
13 area within the corporate boundaries of another city or town organized
14 pursuant to Chapter 160A of the General Statutes.

15 **SECTION 2.** Purposes. – The purposes of this act are to clarify and expand the
16 authority of the Town of Carolina Beach to:

- 17 (1) Operate and manage facilities in Carolina Beach Harbor, the Municipal
18 Marina, and Yacht Basin.
19 (2) Enforce navigation, boating, water safety, resource protection, recreation,
20 and public safety laws in the shoreline area in cooperation and coordination
21 with applicable local, State, and federal agencies.

22 **SECTION 3.** Effect of ordinances in the shoreline area. – The Town may adopt
23 ordinances pursuant to G.S. 160A-174 and extend applicable ordinances of the Town so that
24 the ordinances have full force and effect in the shoreline area, subject to the limitation that in
25 the event any ordinance adopted by the Town conflicts with a rule, regulation, or statute
26 adopted by a county, State, or federal agency, then the county, State, or federal rule, regulation,
27 or statute shall prevail over the Town ordinance to the extent of the conflict. The Town shall
28 not adopt or extend an ordinance to apply to the shoreline area that would interfere or limit
29 public trust rights of the people of the State or legal rights of access to such public trust areas in
30 any way.

31 **SECTION 4.** Police jurisdiction. – In addition to their authority within the
32 corporate boundaries of the Town and as otherwise provided by law, Town law enforcement
33 officers shall have authority to enforce ordinances adopted or extended pursuant to Section 3 of
34 this act in the shoreline area, subject to the limitations of their subject matter jurisdiction and



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1 any existing enforcement authority in those areas held by county, State, or federal agencies.
2 The Town may also enter into enforcement and mutual aid agreements with county, State, and
3 federal agencies to cooperatively enforce navigation, boating, water safety, resource protection,
4 recreation, access, and public safety laws and regulations.

5 **SECTION 5.** Additional powers. – The Town of Carolina Beach may:

- 6 (1) Hire one or more special officers to serve as harbormaster and to patrol and
7 enforce the laws in the Town and shoreline area. The harbormaster and other
8 officers hired under this section may exercise all the powers of a law
9 enforcement officer generally within the Town, shall be entitled to all
10 powers, privileges, and immunities afforded by law to regularly employed
11 law enforcement officers of the Town, and are subject to all provisions of
12 law relating to law enforcement officers, including training requirements and
13 the requirement that an officer must take the oath of office required of a law
14 enforcement officer.
- 15 (2) Own and operate facilities in the shoreline area, including: piers, docks,
16 slips, quays, and bulkheads; boats and water transportation; moorings and
17 mooring fields; boating safety equipment; dredging and channel
18 maintenance equipment; boating access; and traffic control, navigational
19 devices, lighting, and signage, subject to the limitations in G.S. 75A-15 and
20 other applicable county, State, and federal laws.

21 **SECTION 6.** This act is effective when it becomes law.