



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 430

AMENDMENT NO. 1  
(to be filled in by  
Principal Clerk)

S430-ASY-9 [v.1]

Page 1 of 2

Comm. Sub. [YES]  
Amends Title [YES]  
Third Edition

TITLE CHANGE

Date 7/6 July 6, 2010

Representative McComas

ADOPTED

1 moves to amend the bill on page 1, lines 2 through 6.  
2 by rewriting those lines to read:

3  
4 "AN ACT TO: (1) AMEND THE WILMINGTON CIVIL SERVICE ACT TO PROVIDE  
5 THAT THE SITTING MEMBERS OF THE CIVIL SERVICE COMMISSION, BY  
6 MAJORITY VOTE, SHALL NAME ONE MEMBER OF THE COMMISSION AND  
7 PROVIDE FOR THE REPLACEMENT OF THE MEMBER PREVIOUSLY NAMED BY  
8 THE WILMINGTON MINISTERIAL ASSOCIATION; AND (2) CLARIFY AND EXPAND  
9 THE AUTHORITY OF THE TOWN OF CAROLINA BEACH TO REGULATE AND  
10 ENFORCE LAWS IN CAROLINA BEACH HARBOR AND THE SHORELINE AREA  
11 ADJOINING THE TOWN."; and

12  
13 on page 2, line 16,  
14 by rewriting that line to read:

15  
16 "SECTION 2.(a) Definitions. – The following definition applies to Sections 2.(a)  
17 to 2.(e) of this act:

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

26 SECTION 2.(b) Purposes. – The purposes of Sections 2.(a) to 2.(e) of this act are  
27 to clarify and expand the authority of the Town of Carolina Beach to:

28 (1) Operate and manage facilities in Carolina Beach Harbor, the Municipal  
29 Marina, and Yacht Basin.  
30 (2) Enforce navigation, boating, water safety, resource protection, recreation,  
31 and public safety laws in the shoreline area in cooperation and coordination  
32 with applicable local, State, and federal agencies.





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1           **SECTION 2.(c)** Effect of ordinances in the shoreline area. – The Town may adopt  
2 ordinances pursuant to G.S. 160A-174 and extend applicable ordinances of the Town so that  
3 the ordinances have full force and effect in the shoreline area, subject to the limitation that in  
4 the event any ordinance adopted by the Town conflicts with a rule, regulation, or statute  
5 adopted by a county, State, or federal agency, then the county, State, or federal rule, regulation,  
6 or statute shall prevail over the Town ordinance to the extent of the conflict. The Town shall  
7 not adopt or extend an ordinance to apply to the shoreline area that would interfere or limit  
8 public trust rights of the people of the State or legal rights of access to such public trust areas in  
9 any way.

10           **SECTION 2.(d)** Police jurisdiction. – In addition to their authority within the  
11 corporate boundaries of the Town and as otherwise provided by law, Town law enforcement  
12 officers shall have authority to enforce ordinances adopted or extended pursuant to Section  
13 2.(c) of this act in the shoreline area, subject to the limitations of their subject matter  
14 jurisdiction and any existing enforcement authority in those areas held by county, State, or  
15 federal agencies. The Town may also enter into enforcement and mutual aid agreements with  
16 county, State, and federal agencies to cooperatively enforce navigation, boating, water safety,  
17 resource protection, recreation, access, and public safety laws and regulations.

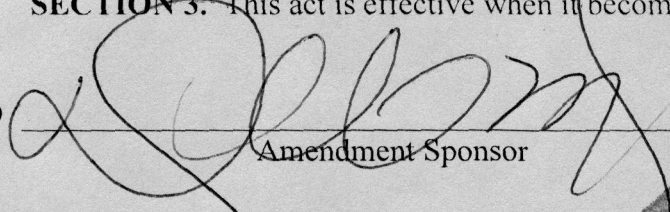
18           **SECTION 2.(e)** Additional powers. – The Town of Carolina Beach may:

19           (1) Hire one or more special officers to serve as harbormaster and to patrol and  
20 enforce the laws in the Town and shoreline area. The harbormaster and other  
21 officers hired under this section may exercise all the powers of a law  
22 enforcement officer generally within the Town, shall be entitled to all  
23 powers, privileges, and immunities afforded by law to regularly employed  
24 law enforcement officers of the Town, and are subject to all provisions of  
25 law relating to law enforcement officers, including training requirements and  
26 the requirement that an officer must take the oath of office required of a law  
27 enforcement officer.

28           (2) Own and operate facilities in the shoreline area, including: piers, docks,  
29 slips, quays, and bulkheads; boats and water transportation; moorings and  
30 mooring fields; boating safety equipment; dredging and channel  
31 maintenance equipment; boating access; and traffic control, navigational  
32 devices, lighting, and signage, subject to the limitations in G.S. 75A-15 and  
33 other applicable county, State, and federal laws.

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

SIGNED

  
Amendment Sponsor

SIGNED

Committee Chair if Senate Committee Amendment

ADOPTED

114-0 EV

FAILED

TABLED

TITLE CHANGE 7/6/10

*Denise Weeks*

ADOPTED