

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE PRINCIPAL CLERK

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HOUSE DRH20162-LM-50 (02/13)

Short Title: Cities/Public Trust Areas.

(Public)

Sponsors: Representative Tine.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT AUTHORIZING CITIES TO REGULATE CERTAIN STRUCTURES THAT
3 UNREASONABLY RESTRICT THE PUBLIC'S RIGHTS TO USE THE STATE'S
4 OCEAN BEACHES.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 160A-205 reads as rewritten:

7 "§ 160A-205. Cities enforce ordinances within public trust areas.

8 (a) Notwithstanding the provisions of G.S. 113-131 or any other provision of law, a city
9 may, by ordinance, define, prohibit, regulate, or abate acts, omissions, or conditions upon the
10 State's ocean beaches and prevent or abate any unreasonable restriction of the public's rights to
11 use the State's ocean beaches. In addition, a city may, in the interest of promoting the health,
12 safety, and welfare of the public, regulate, restrict, or prohibit the placement, maintenance,
13 location, or use of structures that are uninhabitable and without water and sewer services for
14 more than 60 days, equipment, personal property, or debris upon the State's ocean beaches. A
15 city may enforce any ordinance adopted pursuant to this section or any other provision of law
16 upon the State's ocean beaches located within or adjacent to the city's jurisdictional boundaries
17 to the same extent that a city may enforce ordinances within the city's jurisdictional boundaries.
18 A city may enforce an ordinance adopted pursuant to this section by any remedy provided for
19 in G.S. 160A-175. For purposes of this section, the term "ocean beaches" has the same meaning
20 as in G.S. 77-20(e).

21 (b) Nothing in this section shall be construed to (i) limit the authority of the State or any
22 State agency to regulate the State's ocean beaches as authorized by G.S. 113-131, or common
23 law as interpreted and applied by the courts of this State; (ii) limit any other authority granted
24 to cities by the State to regulate the State's ocean beaches; (iii) deny the existence of the
25 authority recognized in this section prior to the date this section becomes effective; (iv) impair
26 the right of the people of this State to the customary free use and enjoyment of the State's ocean
27 beaches, which rights remain reserved to the people of this State as provided in G.S. 77-20(d);
28 (v) change or modify the riparian, littoral, or other ownership rights of owners of property
29 bounded by the Atlantic Ocean; or (vi) apply to the removal of permanent residential or
30 commercial structures and appurtenances thereto from the State's ocean ~~beaches~~beaches,
31 except as provided in subsection (a) of this section."

32 SECTION 2. This act is effective when it becomes law.

