

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

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HOUSE BILL 429  
PROPOSED COMMITTEE SUBSTITUTE H429-PCS30414-STx-14

Short Title: Navigable Waters/Manteo/Hyde.

(Local)

Sponsors:

Referred to:

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 AND AUTHORIZING THE COUNTY OF HYDE TO REGULATE  
6 CERTAIN NAVIGABLE WATERS WITHIN THAT COUNTY.

7 The General Assembly of North Carolina enacts:

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

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

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

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

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

35 **SECTION 2.(a)** The following described property is added to the corporate limits of  
36 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.(a)** Hyde County is empowered to make, adopt, and enforce ordinances  
10 for the navigable waters in Silver Lake, as described in this section that are within its jurisdiction,  
11 as to:

- 12 (1) Operation of boats and vessels, including restrictions concerning speed zones,  
13 no-wake zones, and types of activities conducted on the navigable waters  
14 within Silver Lake.
- 15 (2) Restrict the anchoring and mooring of boats and vessels as to location and  
16 generally to regulate the anchoring and mooring of vessels within the  
17 navigable waters within Silver Lake.
- 18 (3) Place and maintain channel aids and markers, anchoring aids and markers, and  
19 navigational aids and markers in conformity with the United States Aids to  
20 Navigation System and the rules of the Wildlife Resources Commission as  
21 adopted for use on the waters of North Carolina pursuant to G.S. 75A-15(c).
- 22 (4) Make all reasonable rules and regulations as it deems necessary for the safe  
23 and proper use of the navigable waters within Silver Lake for the occupants  
24 of boats, vessels, swimmers, and others using said navigable waters.
- 25 (5) Provide for the enforcement of ordinances adopted under the authority of this  
26 act in accordance with G.S. 153A-123.

27 **SECTION 3.(b)** In the event of conflict between any local ordinance adopted under  
28 the authority of this act and the rules or regulations of the Wildlife Resources Commission, the  
29 Department of Environmental Quality, the United States Coast Guard, or the United States Army  
30 Corps of Engineers, the State or federal rule or regulation shall supersede and prevail over the  
31 local ordinance to the extent of the conflict.

32 **SECTION 3.(c)** Duly sworn law enforcement officers of the municipality shall have  
33 the authority to enforce any local ordinances adopted under the authority of this act.

34 **SECTION 3.(d)** This section applies only to Hyde County with respect to only the  
35 following described navigable waters in Hyde County, known as Silver Lake:

36 The waters of Silver Lake from the tip of Windmill Point, being the parcel of land  
37 identified as Hyde County PIN # 9500-09-7854 on Ocracoke Island, to the parcel owned by the  
38 United States Coast Guard and facing the Pamlico Sound, being the parcel of land identified as  
39 Hyde County PIN # 9501-00-6529 on Ocracoke Island.

40 **SECTION 4.** This act becomes effective July 1, 2019.