

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

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HOUSE BILL 429  
Committee Substitute Favorable 4/25/19  
PROPOSED COMMITTEE SUBSTITUTE H429-PCS30474-TMxf-16

Short Title: Navigable Waters/Manteo/Hyde.

(Local)

Sponsors:

Referred to:

March 25, 2019

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE TOWN OF MANTEO TO REGULATE NAVIGABLE  
WATERS WITHIN ITS CORPORATE LIMITS AND ADDING CERTAIN DESCRIBED  
NAVIGABLE WATERS TO THE CORPORATE LIMITS OF THE TOWN OF MANTEO  
FOR THAT PURPOSE AND AUTHORIZING THE COUNTY OF HYDE TO REGULATE  
CERTAIN NAVIGABLE WATERS WITHIN THAT COUNTY.

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 municipal limits as they presently exist and as the  
municipal 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 municipal 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 municipal 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 municipal 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 1.(d)** This section applies to the Town of Manteo only.



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1           **SECTION 2.(a)** The following described property is added to the corporate limits of  
2 the Town of Manteo:

3           The waters of Shallowbag Bay from the northern tip of Ballast Point, being the  
4 northernmost point on the parcel of land identified as Dare County Parcel # 025694382, PIN #  
5 989014226791, and extending along a line northwest to the southern tip of Baum Point, being  
6 the easternmost point on the parcel of land identified as Dare County Parcel # 024459002, PIN  
7 # 988012865396, and including the waters of Doughs Creek and Scarboro Creek.

8           **SECTION 2.(b)** The property described in this section is navigable waters and other  
9 property belonging to the State of North Carolina and therefore is exempt from taxation by the  
10 Town of Manteo as provided in G.S. 105-278.1.

11           **SECTION 3.(a)** Hyde County is empowered to make, adopt, and enforce ordinances  
12 for the navigable waters in Silver Lake, as described in this section that are within its jurisdiction,  
13 as to:

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

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

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

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

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

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