

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

FILED SENATE
Apr 3, 2023
S.B. 465
PRINCIPAL CLERK

S

D

SENATE BILL DRS15210-LM-87

Short Title: Cities/Remove & Dispose of Abandoned Vessels. (Public)

Sponsors: Senator Lazzara (Primary Sponsor).

Referred to:

A BILL TO BE ENTITLED

AN ACT AUTHORIZING CITIES TO REMOVE ABANDONED VESSELS FROM NAVIGABLE WATERS IN THEIR ORDINANCE-MAKING JURISDICTION IN THE SAME MANNER AS COUNTIES AND GRANTING ALL COUNTIES THE SAME AUTHORITY TO REMOVE ABANDONED VESSELS FROM NAVIGABLE WATERS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 153A-132 reads as rewritten:

"§ 153A-132. Removal and disposal of abandoned and junked motor vehicles; abandoned vessels.

...

(i) A county may by ordinance prohibit the abandonment of vessels in navigable waters within the county's ordinance-making jurisdiction, subject to the provisions of this subsection. The provisions of this section shall apply to abandoned vessels in the same manner that they apply to abandoned or junked motor vehicles to the extent that the provisions may apply to abandoned vessels. For purposes of this subsection, an "abandoned vessel" is one that meets any of the following:

(1) A vessel that is moored, anchored, or otherwise located for more than 30 consecutive days in any 180 consecutive-day period without permission of the dock owner.

(2) A vessel that is in danger of sinking, has sunk, is resting on the bottom, or is located such that it is a hazard to navigation or is an immediate danger to other vessels.

Shipwrecks, vessels, cargoes, tackle, and other underwater archeological remains that have been in place for more than 10 years shall not be considered abandoned vessels and shall not be removed under the provisions of this section without the approval of the Department of Natural and Cultural Resources, which is the legal custodian of these properties pursuant to G.S. 121-22 and G.S. 121-23. ~~This subsection applies only to the counties set out in G.S. 113A-103(2).~~

SECTION 2. Article 8 of Chapter 160A of the General Statutes is amended by adding a new section to read:

"§ 160A-205.6. Removal and disposal of abandoned vessels.

(a) A city may, by ordinance, prohibit the abandonment of vessels in navigable waters within the city's ordinance-making jurisdiction, subject to the provisions of G.S. 160A-303. The provisions of G.S. 160A-303 shall apply to abandoned vessels in the same manner that they apply to abandoned or junked motor vehicles to the extent that the provisions may apply to abandoned vessels. For purposes of this section, an "abandoned vessel" is one that meets any of the following:



- 1 (1) A vessel that is moored, anchored, or otherwise located for more than 30
- 2 consecutive days in any 180 consecutive-day period without permission of the
- 3 dock owner.
- 4 (2) A vessel that is in danger of sinking, has sunk, is resting on the bottom, or is
- 5 located such that it is a hazard to navigation or is an immediate danger to other
- 6 vessels.
- 7 (b) Shipwrecks, vessels, cargoes, tackle, and other underwater archeological remains that
- 8 have been in place for more than 10 years shall not be considered abandoned vessels and shall
- 9 not be removed under the provisions of this section without the approval of the Department of
- 10 Natural and Cultural Resources, which is the legal custodian of these properties pursuant to
- 11 G.S. 121-22 and G.S. 121-23."

12 **SECTION 3.** Any local acts authorizing ordinances regulating the removal and/or

13 disposal of vessels from navigable waters and any ordinances that were adopted under that

14 authority before the date this act becomes law shall remain in effect after this act becomes law.

15 **SECTION 4.** This act is effective when it becomes law.