

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H.B. 1018
May 24, 2018
HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40719-LM-155

Short Title: Carteret County/Regulate Navigable Waters. (Local)

Sponsors: Representative McElraft.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT AUTHORIZING CARTERET COUNTY AND THE MUNICIPALITIES IN THE
3 COUNTY TO REGULATE NAVIGABLE WATERS IN THEIR JURISDICTION AND TO
4 REGULATE THE PLANTING AND REMOVAL OF TREES AND PLANTS.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** Carteret County and the municipalities in Carteret County may do the
7 following:

- 8 (1) Regulate the size and placement of piers, docks, boatlifts, pilings, and floating
9 platforms in the navigable sounds, rivers, creeks, harbors, waterways, and
10 canals within their respective jurisdiction. The authority granted in this section
11 to Carteret County and the municipalities in the County is in addition to the
12 regulation and permitting of such structures or devices under the Coastal Area
13 Management Act of 1974.
- 14 (2) Regulate the mooring of vessels in the navigable sounds, rivers, creeks,
15 harbors, waterways, and canals within their jurisdiction to ensure
16 unobstructed navigation through these bodies of water.
- 17 (3) Regulate the speed of vessels in navigable rivers, creeks, harbors, waterways,
18 and canals within their jurisdiction; provided, however, the authority granted
19 in this subdivision does not extend to the sounds. Speed restrictions imposed
20 by a State agency for a particular body of water, or part thereof, shall prevail
21 over any speed restrictions imposed by Carteret County or the municipalities
22 in the County for that body of water, or part thereof, and neither the County
23 nor the municipalities shall impose any additional speed restrictions for that
24 body of water, or part thereof.
- 25 (4) Regulate or prohibit habitation on vessels in the navigable waters in their
26 jurisdiction.
- 27 (5) In order to preserve, protect, and enhance one of the most valuable natural
28 resources of the communities and to protect sand, soil, and vegetation against
29 wind, sea, or stormwater, enact and enforce ordinances to regulate the
30 planting, maintenance, removal, replacement, and preservation of trees and
31 other plants on public and private property.
- 32 (6) To provide for enforcement of ordinances adopted under this act in accordance
33 with G.S. 153A-123 and G.S. 160A-175.

34 **SECTION 2.** Nothing in this act shall be construed as authorizing Carteret County
35 or any municipality in Carteret County to regulate vessels or activities, directly or indirectly, in



1 the Intracoastal Waterway or the harbor, turning basin, or shipping channels serving the North
2 Carolina State Port at Morehead City.

3 **SECTION 3.** The authority granted to Carteret County and the municipalities in
4 Carteret County in this act are in addition to any other authority granted to the County and
5 municipalities in the County by general or local law.

6 **SECTION 4.** This act applies only to Carteret County and the municipalities in
7 Carteret County.

8 **SECTION 5.** This act is effective when it becomes law.