

NORTH CAROLINA GENERAL ASSEMBLY
1981 SESSION

CHAPTER 598
HOUSE BILL 730

AN ACT ESTABLISHING A HARBOR AUTHORITY FOR THE OPERATION AND
MAINTENANCE OF PUBLIC HARBORS IN THE COUNTY OF CARTERET.

The General Assembly of North Carolina enacts:

Section 1. There is hereby created the Carteret County Harbor Authority (hereinafter referred to as the Harbor Authority); which shall be a body corporate and politic, having the powers and jurisdiction hereinafter enumerated and such other and additional powers as shall be conferred upon it by future acts of the General Assembly.

Sec. 2. The Harbor Authority shall consist of seven members who shall be resident voters of the County of Carteret. The seven members of the Harbor Authority shall be appointed by the Carteret County Board of Commissioners. Four of the original appointments to the Harbor Authority by the Carteret County Board of Commissioners shall be for a term of three years, and the remaining three original appointments to the Harbor Authority shall be for a period of two years so that the terms of office for the members of the Harbor Commission shall be staggered. Thereafter, upon the expiration of the terms of office for the original appointments to the Harbor Authority by the Carteret County Board of Commissioners, the terms of office for each member shall be for a period of two years. Each of the members shall serve until their successors have been appointed and have assumed the office, and in the event of a vacancy by death or otherwise of any member of the Harbor Authority, the Carteret County Board of Commissioners shall have the right to appoint a successor for the remainder of the unexpired term of the member for which the vacancy has occurred. Each of the members and their successors so appointed shall take and subscribe before the Clerk of the Superior Court of Carteret County, an oath of office and shall file the same with the County Commissioners of Carteret County.

Sec. 3. The members shall, for the purpose of doing business, constitute a board of directors, which may adopt suitable by-laws for its management. The members shall elect from the board's members a chairman and secretary who shall serve for a term of one year. The members of the board shall receive such compensation, per diem or otherwise, as may be approved and agreed upon by the Carteret County Board of Commissioners.

Sec. 4. The said Harbor Authority shall constitute a body, both corporate and politic, and shall have the following powers and authority:

(1) To purchase, acquire, establish, construct, own, control, lease, equip, improve, maintain, operate and regulate public harbors or harbors of refuge, docks, ramps, and other general facilities for the use of boats and vessels within the limits of

Carteret County; and for any of such purposes, to own, hold, lease and/or operate real or personal property; to borrow money and to issue bonds and to secure the same by mortgages, with the consent and written approval of the Carteret County Commissioners;

(2) To sue or be sued in the name of said Harbor Authority, to acquire by purchase and to hold lands for the purpose of constructing, maintaining or operating any harbor within the limits of Carteret County, and to make such contracts and to hold such personal property as may be necessary for the exercise of the powers of said Harbor Authority;

(3) To charge and collect reasonable and adequate fees and rents for the use of harbor facilities and harbor property or for services rendered in the operation thereof;

(4) To make all reasonable rules and regulations as it deems necessary for the proper maintenance of public harbors and harbors of refuge in Carteret County and to provide penalties for the violation of such rules and regulations; provided, said rules and regulations and schedules of fees are not in conflict with the laws of the State of North Carolina or the laws of the United States of America;

(5) To issue bonds or other securities and obligations for the purpose of providing funds for such construction, maintenance and operation of public harbor and harbor of refuge facilities. Provided, the issuance of bonds or other securities and obligations shall require the express approval of the Carteret County Board of Commissioners. All such bonds or other securities and obligations shall meet the requirements of and be issued pursuant to Article 5 of Chapter 159 of the North Carolina General Statutes entitled "Local Government Revenue Bond Act". Any bonds or other securities and obligations issued pursuant to this section shall be denominated "Carteret County Harbor Authority Bonds". The bonds shall be signed by the Chairman of the Harbor Authority and the corporate seal affixed or impressed upon each bond and attested by the secretary of the said board. Such bonds, notes or securities issued for the purpose or purposes set out above, may be issued and sold with the express approval of the Carteret County Board of Commissioners, but the sale shall be made under provisions of the "Local Government Revenue Bond Act", Article 5 of Chapter 159 of the North Carolina General Statutes;

Bonds and notes issued under this act shall be exempt from all State, federal, county or municipal taxes or assessments, direct or indirect, general or special, and the interest paid on said bonds or notes shall not be subject to taxation as income. The said bonds, notes or other securities shall not be obligations of the County of Carteret, but the said Harbor Authority is authorized and empowered to pledge the revenues, rents, income and tolls arising out of the use of any harbor property or any specific part of said harbor property until such times and the sums borrowed therefor are fully amortized and repaid; and

(6) The Harbor Authority is hereby authorized and empowered to acquire from the County of Carteret, the State of North Carolina, the United States of America, and any other owner or owners of real or personal property, by agreement therewith, either by gift or for such other consideration as deemed proper by the Harbor Authority,

any real or personal property which may be necessary for the construction, operation and maintenance of harbors and harbors of refuge in the County of Carteret.

Sec. 5. Any lands acquired, owned, controlled, leased or occupied by the said Harbor Authority, shall, and are hereby declared to be acquired, owned, controlled, leased and occupied for a public purpose.

Sec. 6. Private property needed by said Harbor Authority for any harbors or harbors of refuge may be acquired by gift or devise, or may be acquired by purchase.

Sec. 7. The said Harbor Authority shall make an annual report to the Carteret County Commissioners, setting forth in detail the operations and transactions conducted by it pursuant to this act. The said Harbor Authority shall be regarded as the corporate instrumentality and agent for the County of Carteret for the purpose of operating, managing and developing harbor facilities in the County of Carteret, but the Harbor Authority shall have no power to pledge the credit of the County of Carteret, or any subdivision thereof, or to impose any obligation upon the County of Carteret or any subdivision thereof, except and when such power is expressly granted by statute or by the written consent and approval of the County of Carteret. However, the Harbor Authority shall not have the exclusive right and power to manage, operate or develop harbor facilities in the County of Carteret, but Carteret County shall continue to have the power and authority to operate, manage, acquire or develop harbor facilities and harbors of refuge concurrent with said Harbor Authority.

Sec. 8. The Harbor Authority shall also have the following additional rights and powers with regard to the acquisition, operation, maintenance or development of harbors and harbors of refuge in the County of Carteret:

(1) To acquire, construct, equip, maintain, develop and improve harbor facilities in the County of Carteret including, but not limited to, docks, wharfs, piers, buildings, structures and the equipment, and to carry out improvements to the harbors and harbors of refuge;

(2) To establish rules and regulations and to establish and collect fees for the handling and movement of seafood and other products over the piers, docks and facilities of said harbors;

(3) To accept funds from and to enter into agreements with the County of Carteret, State of North Carolina and the United States of America for the purpose of acquiring, developing, improving, operating or maintaining harbors and harbors of refuge within Carteret County. Provided, that the Harbor Authority shall have no powers or authority over the State Port of Morehead City;

(4) The said Harbor Authority is hereby authorized to employ such agents, employees, engineers, attorneys and other persons whose services may be deemed by the Harbor Authority to be necessary or useful in carrying out the provisions of this act, and to fix and establish the salaries and compensation within the limits of available funding;

(5) Be authorized and empowered to enact ordinances, rules and regulations regarding the use of said harbors and harbor facilities and the docking of boats and other vessels within said harbors. All rules, regulations and ordinances adopted pursuant to the authority of this subsection shall be recorded in the proceedings

of the Harbor Authority and certified copies of such rules, regulations and ordinances shall be filed with the Clerk to the Carteret County Board of Commissioners, and the Authority shall cause to be posted at appropriate places on the properties of the Authority, notice to the public of applicable rules, regulations and ordinances as may be adopted under the authority of this subsection. Any person violating any such rules, regulations or ordinances shall, upon conviction thereof, be guilty of a misdemeanor and shall be punished by a fine not exceeding fifty dollars (\$50.00) or imprisonment not to exceed 30 days; and

(6) The Carteret County Sheriff's Department shall have the power of arrest of persons committing violations of the rules, regulations and ordinances lawfully adopted by the Harbor Authority as herein authorized. Provided, that State and federal law enforcement agencies shall continue to have jurisdiction and authority within said harbor, and policemen of incorporated towns shall continue to have jurisdiction and authority within said harbors if said harbors are located within the municipal limits of a town or municipality in Carteret County.

Sec. 9. The Harbor Authority is hereby authorized and empowered to do any and all things necessary to accomplish the purposes of this act. This act shall not be construed to reduce the authority of municipalities over public waters.

Sec. 10. If any, part or parts of this act shall be held to be unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts of this act, and all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Sec. 11. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1981.