

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE BILL 1018

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

Sponsors: Representative McElraft.

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: State and Local Government I

May 28, 2018

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

The General Assembly of North Carolina enacts:

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

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

SECTION 2. Nothing in this act shall be construed as authorizing Carteret County 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.