

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019**

**SESSION LAW 2019-108
HOUSE BILL 429**

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.

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

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



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

SECTION 3.(a) Hyde County is empowered to make, adopt, and enforce ordinances for the navigable waters in Silver Lake, as described in this section that are within its jurisdiction, 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 Silver Lake.
- (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 Silver Lake.
- (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 Silver Lake 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. 153A-123.

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

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

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

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

In the General Assembly read three times and ratified this the 11th day of July, 2019.

s/ Carl Ford
Presiding Officer of the Senate

s/ Tim Moore
Speaker of the House of Representatives