

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

FILED SENATE
Mar 11, 2021
S.B. 279
PRINCIPAL CLERK

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SENATE BILL DRS35117-LM-49

Short Title: Local Governments/Regulate Navigable Waters. (Local)

Sponsors: Senator Sanderson (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT AUTHORIZING THE CITY OF NEW BERN AND THE TOWNS OF BRIDGETON,
3 ORIENTAL, AND TRENT WOODS TO REGULATE NAVIGABLE WATERS WITHIN
4 THEIR CORPORATE LIMITS AND EXTRATERRITORIAL JURISDICTION.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.(a)** A municipality is empowered to make, adopt, and enforce
7 ordinances for the navigable waters within its municipal limits as they presently exist and as the
8 municipal limits may be extended by law in the future and within its extraterritorial jurisdiction
9 as to:

- 10 (1) Operation of boats and vessels, including restrictions concerning speed zones,
11 no-wake zones, and types of activities conducted on the navigable waters
12 within the municipal limits of the municipality.
13 (2) Restrict the anchoring and mooring of boats and vessels as to location and
14 generally to regulate the anchoring and mooring of vessels within the
15 navigable waters within the municipal limits of the municipality.
16 (3) Place and maintain channel aids and markers, anchoring aids and markers, and
17 navigational aids and markers in conformity with the United States Aids to
18 Navigation System and the rules of the Wildlife Resources Commission as
19 adopted for use on the waters of North Carolina pursuant to G.S. 75A-15(c).
20 (4) Make all reasonable rules and regulations as it deems necessary for the safe
21 and proper use of the navigable waters within the municipal limits of the
22 municipality for the occupants of boats, vessels, swimmers, and others using
23 said navigable waters.
24 (5) Provide for the enforcement of ordinances adopted under the authority of this
25 act in accordance with G.S. 160A-175.

26 **SECTION 1.(b)** In the event of conflict between any local ordinance adopted under
27 the authority of this act and the rules or regulations of the Wildlife Resources Commission, the
28 Department of Environmental Quality, the United States Coast Guard, or the United States Army
29 Corps of Engineers, the State or federal rule or regulation shall supersede and prevail over the
30 local ordinance to the extent of the conflict.

31 **SECTION 1.(c)** Duly sworn law enforcement officers of the municipality shall have
32 the authority to enforce any local ordinances adopted under the authority of this act.

33 **SECTION 1.(d)** A municipality may appropriate funds to carry out the power and
34 authority granted by this act.

35 **SECTION 2.** This act applies to the City of New Bern and the Towns of Bridgeton,
36 Oriental, and Trent Woods only.



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SECTION 3. This act is effective when it becomes law.