



HOUSE BILL 429: Navigable Waters/Manteo/Hyde.

2019-2020 General Assembly

Committee:	House Rules, Calendar, and Operations of the House	Date:	June 20, 2019
Introduced by:	Rep. Hanig	Prepared by:	Erika Churchill
Analysis of:	Third Edition		Staff Attorney

OVERVIEW: House Bill 429 would:

- Add certain navigable waters to the corporate limits of the Town of Manteo and grant the Town the authority to adopt and enforce ordinances for the navigable waters within its corporate boundaries.
- Authorize the County of Hyde to adopt and enforce ordinances for the navigable waters within Silver Lake, located on Ocracoke Island.

CURRENT LAW: Annexation is a method by which municipalities alter their boundaries. The municipality must follow the statutorily prescribed steps in order to add an area into its boundaries. The municipality must provide, or contract to provide, basic services to the area. These services include police protection, fire protection, solid waste collection and the extension of water and sewer lines to the area.

North Carolina law sets forth four basic ways in which a municipality may annex an area:

- Voluntary Annexation. – The owners of all real property in an area contiguous to the municipality desiring to be annexed sign a petition requesting annexation.
- Voluntary Satellite Annexation. – The owners of all real property in the area desiring to be annexed sign a petition requesting annexation, if it otherwise meets the statutory requirements.
- Municipal Initiated Annexation subject to a referendum. – The municipality initiates an annexation proceeding, pursuant to statutory requirements.
- Legislative Act. – The General Assembly has the authority to extend the boundaries of any municipality.

Counties are authorized to enact ordinances regulating the removal and disposal of junked and abandoned motor vehicles, with notice, hearing, and appeal procedure for the owner as provided in the statutes. Counties within a coastal area, as defined by G.S. 113A-103¹, are also authorized to enact ordinances authorizing removal of abandoned vessels in navigable waters in those counties. The ordinance is required to include the notice, hearing, and appeal procedure for the owner as for junked and abandoned motor vehicles. For this purpose, an abandoned vessel is defined as any of the following:

¹ G.S. 113A-103 lists Beaufort, Bertie, Brunswick, Camden, Carteret, Chowan, Craven, Currituck, Dare, Gates, Hertford, Hyde, New Hanover, Onslow, Pamlico, Pasquotank, Pender, Perquimans, Tyrrell, and Washington as the counties designated as coastal-area counties as of July 1, 2012.

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Legislative Analysis
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House Bill 429

Page 2

- A vessel moored, anchored, or otherwise located for more than 30 consecutive days in any 180 consecutive-day period without permission of a dock owner.
- A vessel that is in danger of sinking, has sunk, is resting on the bottom, or is located such that it is a hazard to navigation or is an immediate danger to other vessels. The definition, however, excludes shipwrecks and archeological remains in place more than 10 years.

BILL ANALYSIS: With respect to each jurisdiction:

- **MANTEO** – The bill would add certain described territory to the corporate limits of the Town of Manteo, which is all navigable waters known as Shallowbag Bay. The bill also grants to the Town of Manteo the authority to adopt and enforce a local ordinance regulating the navigable waters within the Town limits.
- **HYDE COUNTY** – The bill would authorize the County of Hyde the authority to adopt and enforce a local ordinance regulating the navigable waters within the area known as Silver Lake, located on Ocracoke Island.

EFFECTIVE DATE: July 1, 2019