



# SENATE BILL 796: Harbor Master/Fairfield Harbour.

2019-2020 General Assembly

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<b>Committee:</b> Senate Rules and Operations of the Senate	<b>Date:</b> May 27, 2020
<b>Introduced by:</b> Sen. Sanderson	<b>Prepared by:</b> Kyle Evans
<b>Analysis of:</b> Second Edition	Staff Attorney

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**OVERVIEW:** *Senate Bill 796 would allow the Craven County Board of Commissioners to adopt and enforce water and public safety ordinances in Fairfield Harbour waters, and to hire a harbor master to enforce those ordinances.*

**CURRENT LAW/BACKGROUND:** Fairfield Harbour is an unincorporated community situated along the Neuse River, entirely within Craven County.

G.S 76-56 allows county commissioners to appoint harbor masters for unincorporated communities situated on any navigable watercourses within the county. However, the statute that sets out a harbor master's powers and authority was repealed in 1975, when the General Assembly abolished the harbor master position in Wilmington.

S.L. 2010-73 authorized the Town of Carolina Beach to hire a harbor master to oversee the Carolina Beach Harbor, the Municipal Marina, and Yacht Basin.

## **BILL ANALYSIS:**

**Section 1(a)** would limit the area defined as "Fairfield Harbour waters" to the waters included in the 2010 Urban Cluster Reference Map for Fairfield Harbour including the harbor, and surrounding waters.

**Section 1(b)** states that the purpose of the act is the clarify and expand the authority of Craven County to enforce navigation, boating, water safety, resource protection, recreation, and public safety laws in Fairfield Harbour waters in cooperation and coordination with applicable local, State, and federal agencies.

**Section 1(c)** would give the County authority to adopt ordinances and extend applicable ordinances so that the ordinances have full force and effect in Fairfield Harbour waters. This subsection also provides that any conflict between a County ordinance and a State or federal rule or statute would be resolved in favor of the State or federal rule or statute, that no ordinance may interfere or limit public trust rights or legal rights of access to such public trust areas in any way, and that no ordinance may create a new criminal offense or otherwise subject a person to any criminal penalties.

**Section 1(d)** would allow County law enforcement officers to enforce applicable ordinances within Fairfield Harbour waters, subject to any limitations or agreements with other law enforcement agencies.

**Section 1(e)** would give the County authority to hire one or more special officers to serve as harbor masters to patrol and enforce the laws in Fairfield Harbour waters and the adjacent shoreline.

**EFFECTIVE DATE:** This act would be effective when it becomes law.

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