



HOUSE BILL 449: Certain Beach Towns/Navigable Waters.

2023-2024 General Assembly

Committee:	House Local Government. If favorable, re- refer to Rules, Calendar, and Operations of the House	Date:	April 4, 2023
Introduced by:	Rep. Carson Smith	Prepared by:	Billy R. Godwin Staff Attorney
Analysis of:	First Edition		

OVERVIEW: *House Bill 449 would authorize the Towns of North Topsail Beach, Surf City, and Topsail Beach to adopt an ordinance to prohibit the abandonment of vessels in navigable waters within their ordinance-making jurisdiction.*

CURRENT LAW: Article 8 of Chapter 160A of the General Statutes provides municipalities with general police powers to adopt ordinances for the general welfare of their citizens. G.S. 160A-176.1 authorizes cities in the counties of Brunswick, Carteret, Currituck, Dare, Hyde, New Hanover, Onslow, and Pender to adopt ordinances to regulate and control swimming, surfing and littering in the Atlantic Ocean adjacent to that portion of the city within its boundaries or within its extraterritorial jurisdiction.¹

BILL ANALYSIS: House Bill 449 would authorize the Towns of North Topsail Beach, Surf City, and Topsail Beach to adopt an ordinance to prohibit the abandonment of vessels in navigable waters within their ordinance-making jurisdiction. An "abandoned vessel" would be defined as a vessel that:

- (1) Is moored, anchored, or otherwise located for more than 30 consecutive days in any 180 consecutive day period without permission of the dock owner.
- (2) 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.

Shipwrecks, vessels, cargoes, tackle, and other underwater archeological remains that have been in place for more than 10 years would not be considered abandoned vessels and could not be removed without the approval of the Department of Natural and Cultural Resources.

EFFECTIVE DATE: The act would be effective when the bill becomes law.

BACKGROUND: Similar authority was granted to the Town of Wrightsville Beach (S.L. 2011-82) and Brunswick and Dare Counties (S.L. 2013-182).

¹ The Town of Surf City is located in Onslow and Pender Counties; The Town of Topsail Beach is located in Pender County; and the Town of North Topsail Beach is located in Onslow County.

Jeffrey Hudson
Director



Legislative Analysis
Division
919-733-2578