

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 804

Short Title: Pender Stream Enforcement.

(Local)

Sponsors: Representative Nye.

Referred to: Local Government II.

April 15, 1991

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE PENDER COUNTY TO APPOINT SPECIAL OFFICERS
TO ENFORCE STATE LAWS AGAINST OBSTRUCTION OF STREAMS AND
DRAINAGE DITCHES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 77-13 reads as rewritten:

"§ 77-13. Obstructing streams a misdemeanor.

If any person shall willfully fell any tree, or willfully put any obstruction, except for the purposes of utilizing water as a motive power, in any branch, creek, or other natural passage for water, whereby the natural flow of water through such passage is lessened or retarded, and whereby the navigation of such stream by any raft or flat may be impeded, delayed, or prevented, the person so offending shall be guilty of a misdemeanor, and fined not to exceed fifty dollars (\$50.00), or imprisoned not to exceed 30 days. Nothing in this section shall prevent the erection of fish dams or hedges which do not extend across more than two thirds of the width of any stream where erected, but if extending over more than two thirds of the width of any stream, the said penalties shall attach. This section may be enforced by marine fisheries inspectors, wildlife protectors, or specially commissioned forest law-enforcement officers of the Department of Environment, Health, and Natural Resources. In any county with a population in excess of 325,000, this section may also be enforced by the county engineer. A county may also appoint special officers for the enforcement of this section."

Sec. 2. G.S. 77-14 reads as rewritten:

"§ 77-14. Obstructions in streams and drainage ditches.

1 If any person, firm or corporation shall fell any tree or put any slabs, stumpage,
2 sawdust, shavings, lime, refuse or any other substances in any creek, stream, river or
3 natural or artificial drainage ravine or ditch, or in any other outlet which serves to
4 remove water from any land whatsoever whereby the natural and normal drainage of
5 said land is impeded, delayed or prevented, the person, firm or corporation so offending
6 shall be guilty of a misdemeanor and upon conviction thereof shall be fined up to five
7 hundred dollars (\$500.00) or imprisoned for up to six months, or both, in the discretion
8 of the court: Provided, however, nothing herein shall prevent the construction of any
9 dam or weir not otherwise prohibited by any valid local or State statute or regulation.
10 This section may be enforced by marine fisheries inspectors, wildlife protectors, or
11 specially commissioned forest law-enforcement officers of the Department of
12 Environment, Health, and Natural Resources. In any county with a population in excess
13 of 325,000, this section may also be enforced by the county engineer. A county may
14 also appoint special officers for the enforcement of this section."

15 Sec. 3. This act applies only to Pender County.

16 Sec. 4. This act is effective upon ratification.