

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019**

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**SENATE BILL 796
Agriculture/Environment/Natural Resources Committee Substitute Adopted 5/27/20**

Short Title: Harbor Master/Fairfield Harbour. (Local)

Sponsors:

Referred to:

May 20, 2020

A BILL TO BE ENTITLED

1 AN ACT TO CLARIFY AND EXPAND THE AUTHORITY OF CRAVEN COUNTY TO
2 REGULATE AND ENFORCE LAWS IN CERTAIN WATERS WITHIN AND
3 ADJACENT TO FAIRFIELD HARBOUR.
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5 The General Assembly of North Carolina enacts:

6 **SECTION 1.(a)** Definitions. – As used in this act, "Fairfield Harbour waters" means
7 the water areas included in the United States Census Bureau's 2010 Urban Cluster Reference
8 Map for Fairfield Harbour (Map) including the harbor, the channel leading from the harbor to
9 Northwest Creek, the waters of Northwest Creek from the northwest limits of Fairfield Harbour
10 as depicted in the Map to the Neuse River, and that portion of the Neuse River extending from
11 the boundaries of Fairfield Harbour as depicted in the Map to a distance of 200 yards in parallel
12 lines from those boundaries. This area does not include any area within the corporate boundaries
13 of a city or town organized pursuant to Chapter 160A of the General Statutes or within a county
14 other than Craven County.

15 **SECTION 1.(b)** Purposes. – The purposes of this act are to clarify and expand the
16 authority of Craven County to enforce navigation, boating, water safety, resource protection,
17 recreation, and public safety laws in Fairfield Harbour waters in cooperation and coordination
18 with applicable local, State, and federal agencies.

19 **SECTION 1.(c)** Effect of Ordinances in the Shoreline Area. – The County may adopt
20 ordinances pursuant to G.S. 153A-121 and extend applicable ordinances of the County so that
21 the ordinances have full force and effect in the Fairfield Harbour waters, subject to the limitation
22 that in the event any ordinance adopted by the County conflicts with a rule or statute adopted a
23 by State or federal agency, then the State or federal rule or statute shall prevail over the County
24 ordinance to the extent of the conflict. The County shall not adopt or extend an ordinance to
25 apply to the Fairfield Harbour waters that would interfere or limit public trust rights of the people
26 of the State or legal rights of access to such public trust areas in any way or create a new criminal
27 offense or otherwise subject a person to criminal penalties.

28 **SECTION 1.(d)** Police Jurisdiction. – In addition to their authority within the land
29 area of Fairfield Harbour and as otherwise provided by law, County law enforcement officers
30 shall have authority to enforce ordinances adopted or extended pursuant to Section 1(c) of this
31 act in Fairfield Harbour waters, subject to the limitations of their subject matter jurisdiction and
32 any existing enforcement authority in those areas held by State or federal agencies. The County
33 may also enter into enforcement and mutual aid agreements with State and federal agencies to
34 cooperatively enforce navigation, boating, water safety, resource protection, recreation, access,
35 and public safety laws and regulations.



1 **SECTION 1.(e)** Additional Powers. – Craven County may hire or appoint one or
2 more special officers to serve as harbor master as set forth in G.S. 76-56. Notwithstanding that
3 statute, the harbor master and other officers hired or appointed under this section shall have the
4 powers to patrol and enforce the laws in Fairfield Harbour waters and the adjacent shoreline. The
5 harbor master and other officers hired under this section may exercise all the powers of a law
6 enforcement officer generally within Fairfield Harbour and the Fairfield Harbour waters; shall
7 be entitled to all powers, privileges, and immunities afforded by law to regularly employed law
8 enforcement officers of the County; and are subject to all provisions of law relating to law
9 enforcement officers, including training requirements and the requirement that an officer must
10 take the oath of office required of a law enforcement officer.

11 **SECTION 2.** This act is effective when it becomes law.