

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023**

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HOUSE BILL 435

Short Title: Bulkhead Authority for Carolina Beach. (Local)

Sponsors: Representative Miller.

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Local Government, if favorable, Rules, Calendar, and Operations of the House

March 23, 2023

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE THE TOWN OF CAROLINA BEACH TO REGULATE THE
3 DESIGN AND ELEVATION OF BULKHEADS.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.(a)** A municipality is empowered to make, adopt, and enforce
6 ordinances within its municipal limits as they presently exist and as the municipal limits may be
7 extended by law in the future as to:

8 (1) Require properties adjacent to waters of the State to construct levees,
9 revetments, bulkheads, or other similar structures to retain or stabilize the
10 shoreline when such construction is necessary to protect property and public
11 infrastructure from damages resulting from wave action, tidal fluctuation, tidal
12 incursion, erosion, nuisance tidal flooding, and sea level rise.

13 (2) Provide standards for the construction, replacement, reconstruction, and
14 maintenance of bulkheads, levees, revetments, or other similar structures
15 erected for the purposes of controlling flooding and preventing the infiltration
16 or runoff of sediment into waters of the State.

17 (3) Provide for the enforcement of ordinances adopted under the authority of this
18 act in accordance with G.S. 160A-175.

19 **SECTION 1.(b)** In the event of conflict between any local ordinance adopted under
20 the authority of this act and the rules or regulations of the Department of Environmental Quality,
21 the United States Army Corps of Engineers, or the federal Office for Coastal Management, the
22 State or federal rule or regulation shall supersede and prevail over the local ordinance to the
23 extent of the conflict.

24 **SECTION 1.(c)** Duly sworn law enforcement officers of the municipality shall have
25 the authority to enforce any local ordinances adopted under the authority of this act.

26 **SECTION 2.** This act applies to the Town of Carolina Beach only.

27 **SECTION 3.** This act is effective when it becomes law.

