

**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

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

The General Assembly of North Carolina enacts:

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

- (1) Require properties adjacent to waters of the State to construct levees, revetments, bulkheads, or other similar structures to retain or stabilize the shoreline when such construction is necessary to protect property and public infrastructure from damages resulting from wave action, tidal fluctuation, tidal incursion, erosion, nuisance tidal flooding, and sea level rise.
- (2) Provide standards for the construction, replacement, reconstruction, and maintenance of bulkheads, levees, revetments, or other similar structures erected for the purposes of controlling flooding and preventing the infiltration or runoff of sediment into waters of the State.
- (3) Provide for the enforcement of ordinances adopted under the authority of this act in accordance with G.S. 160A-175.

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

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

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

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

