

Ordinance 25-1268

Town of Carolina Beach
Town Council



AN ORDINANCE TO AMEND CHAPTER 10 HARBOR AND MARINA REGULATIONS, SECTION 10-4 GENERAL REGULATIONS TO ALLOW FOR (1) LIMITED FISHING AT THE TOWN MARINA AND (2) REQUIRE ACCESSIBILITY TO PUMP OUT FACILITIES AT MARINAS WHERE LIVE ABOARDS ARE PERMITTED ON DOCKED VESSELS.

Sec. 10-4. General regulations.

The following regulations shall apply to all shoreline areas:

- (1) Unless a license agreement is in place with the Town, all stays within the Shoreline Area shall be transient in nature as described in this section. It shall be unlawful for any person to anchor, dock, moor, or store any vessel in the shoreline area for more than ten days in any 90 consecutive-day period, except at a private dock or marina. Within a 90 consecutive day period a vessel shall not:
 - a. Anchor for more than ten days,
 - b. Dock in a public transient slip for more than ten days, and
 - c. Utilize a public mooring ball for more than ten days.
- (2) For any ten days in any 90 consecutive-day period, any transient vessel legally anchored and attended shall be deemed to have anchorage permission for provisioning, repairs, tourism, and recreational use, unless such permission is revoked by the Harbor Master.
- (3) *Dangerous conditions, derelict and abandoned vessels.* The following regulations are in place to ensure that the shoreline area is protected from vessel (a) dangerous conditions, (b) derelict and (c) abandoned vessels.
 - a. Dangerous conditions include but are not limited to the following:
 1. It shall be unlawful for any person to anchor, moor, raft-up or carry on any activity including but not limited to the placing of crab traps, anchor lines, anchors, mooring buoys, pilings or similar objects in a manner which shall constitute a hazard to navigation or interfere with another vessel.
 2. During a hurricane warning, owner's shall enhance their anchorage by:
 - i. Ensuring the anchor line is a minimum of three to five times the depth of water;
 - ii. A snubber or bridle shall be installed with anti-chafing guards; and/or
 - iii. Sails, sprayhoods, bimini, cockpit enclosures, or any other similar appurtenances shall be removed.
 3. No vessel at any time shall be located within 100 feet of:
 - i. Another anchored vessel;
 - ii. The municipal mooring field;

Ordinance 25-1268

Town of Carolina Beach
Town Council

- iii. The navigation channel; and/or
- iv. The Town of Carolina Beach pierhead line.
- 4. The vessel has dragged anchor, anchored in an unauthorized area, or is anchored in a marked channel;
- 5. The vessel is unattended for a period exceeding 24 hours;
- 6. The vessel is slept on, but is not equipped with a holding tank or the owner or operator fails to provide the harbormaster with receipts for regular weekly pump outs of the vessel's holding tank and/or the owner fails to adhere to procedures to secure or monitor the holding tank;
- 7. Law enforcement officers have responded to complaints of excessive noise, thefts, firearms violations, controlled substance violations, or other disturbances of possible danger to the environment or any person, emanating from the vessel or its crew;
- 8. If the Harbor Master, or their designee, determines there are additional dangerous conditions that require denying permission during a particular period of time, or in a particular place, or in a particular manner.
- b. Derelict vessels include but are not limited to, the following:
 - 1. Improper, non-working, or no anchor light, which is a hazard to navigation, when combined with an owner/operator who is not tending to the vessel;
 - 2. Vessel is neglected, or substantially dismantled, or improperly maintained, or is not able to be used for navigation as intended;
 - 3. Unless exempt pursuant to G.S. 75A-7, the vessel displays no evidence of current state, federal, or foreign registration, or, when asked by the harbormaster, the owner or operator of the vessel fails to present a current registration, cruising permit, or other official documentation of ownership upon which he or she is named as the owner or operator.
 - 4. Vessel is barnacle-laden;
 - 5. Vessel interior is exposed to the elements (rain, waves, etc.);
 - 6. Vessel is listing;
 - 7. Vessel is aground;
 - 8. Vessel is in danger or breaking its mooring; or
 - 9. Vessel is sinking.
- c. Abandoned vessels: Vessels that have been deemed abandoned are immediately subject to enforcement actions.
- (4) *Administration.* Upon identifying a dangerous condition or derelict vessel the Harbor Master shall post a notice on board the vessel, and shall attempt to notify the owner by first class mail, certified mail or personal delivery of notice. The notice shall:
 - a. Describe the vessel and location of the vessel, however, the notice posted aboard the vessel need not include description and location;
 - b. Identify the condition(s) identified that must be corrected;

Ordinance 25-1268

Town of Carolina Beach
Town Council

- c. Inform the owner that identified conditions shall be corrected, or removal of the vessel and restoration of the affected surrounding environmental area must be completed within ten days of the date the notice is served;
 - d. Inform the owner that failure to meet the ten-day deadline will subject the owner to civil/criminal penalties, and that all costs associated with removal and disposition of the vessel and restoration of the affected surrounding environmental areas will be the responsibility of the owner.
- (5) *Repairing, fitting out, etc., of vessels.* Routine maintenance and minor repairs necessary for the preservation and seaworthiness of the vessel may be performed within the shoreline area. Major repairs shall not be performed on any vessel within the shoreline area unless approved by the Harbor Master. Routine maintenance and minor repairs are considered to be those which:
 - a. Do not disturb the public peace and tranquility of any person aboard any boat under the jurisdiction of the Town.
 - b. Do not contribute to a disorderly or unsightly appearance during the process of repair or maintenance.
 - c. Are capable of accomplishment with hand tools or certain portable power tools normally carried aboard the vessel.
 - d. Are confined to the vessel.
- (6) *Vessel speed.* All vessels in the shoreline area shall operate at no wake speed.
- (7) *Placement of buoys, markers.* Any entity placing any type of buoy or marker in the shoreline area shall be responsible for obtaining permits from the division of coastal management and all other relevant local, state or federal regulations.
- (8) *Swimming.* Swimming is prohibited in all navigation channels. It shall be unlawful for any person to swim or dive in the waters of the Town marina and mooring field except as authorized by the Harbor Master (i.e., for repairs to vessels) or Town Council (i.e., special event).
- (9) *Fishing.* The placement of crab pots, pot floats, and fish nets is prohibited in all federal navigation channels, the Town mooring field, and Town marina. Fishing shall only be allowed in designated locations where the Town owns land adjacent to Myrtle Grove Sound [or where allowed by License Agreements in the Town Marina.](#)
- (10) *Marine debris/waste.* The disposal of treated or untreated boat sewage wastes by any means into the jurisdictional waters of the Town is prohibited. The discharge of any waste, garbage, refuse, petroleum product or byproduct, paint, varnish, dead animals, fish, bait, or any other debris is prohibited under this chapter. It shall be unlawful to utilize any toilet or shower facilities on boats which are not equipped in accordance and compliance with federal regulations on marine waste disposal. Use of the pump out facility located at the fuel dock of the Town marina or some other pump out facility is required on an as needed basis.
- (11) *Living aboard a boat.*
 - a. The Town shall continue to prohibit the occupation of public trust waters by floating structures.
 - b. Marinas with designated pump out facilities may allow for live aboard families on vessels located in approved boat slips. [At all times, pump out facilities shall be accessible to all vessels in the marina.](#)

Ordinance 25-1268

Town of Carolina Beach
Town Council

- c. Marinas shall maintain pump out records for all live aboard vessels. Vessel records shall be kept for two calendar years and shall be available upon request by the Harbor Master.
 - d. Marinas and vessel owners shall comply with the Harbor Master's pumpout monitoring procedures designed to ensure holding tanks are not utilized in the shoreline area.
 - e. Living aboard a vessel at any dock in residential areas or any areas not approved for a marina with adequate facilities to accommodate trash, sewer, and water shall constitute a violation of this section and zoning violation.
- (12) *Special events.* The Town may authorize, in accordance with all appropriate local, state and federal guidelines, certain special events, such as swimming races, regattas, marine parades, or other marine and maritime activities that may from time to time be held on or in the coastal waters and harbor areas under the jurisdiction of the Town. Any proposal shall follow the Town's process for special events.
- (13) *Commercial activities.*
- a. Construction. Any construction in the shoreline area shall have a valid permit from the regulating authority (i.e., local, state, and/or federal). Where no permits are required from another state or federal government agency, the commercial operator shall obtain a permit from the Town authorizing work to be conducted in the shoreline area. The permit shall:
 - 1. State the work to be done;
 - 2. List equipment that will be utilized; and
 - 3. Give a timeframe that the equipment will be needed to complete the job. The Harbor Master shall have the authority to limit the timeframe based on the amount of work being conducted.

Any equipment associated with the work shall be removed from the shoreline area within seven days of the last day listed on the timeline or within seven days of the regulating authority finalizing the work that was completing.
 - b. Commercial business allowances shall be reviewed in accordance with the allowances granted by chapter 40, zoning, and as specifically permitted in this chapter.
- (14) *Liability.* The Town assumes no liability for the use of Myrtle Grove Sound which includes all shoreline areas. The Town neither assumes nor accepts responsibility for personal possessions, vessels, dinghies or their contents or use while said vessels are located within shoreline areas. Persons using the shoreline area shall assume all risk of personal injury and damage or loss of their property. The Town assumes no risk due to accident, fire, theft, vandalism, or acts of God.
- (15) *Indemnification.* All users of the shoreline area shall indemnify the Town and all employees from all claims for damages, losses, expenses, and costs of any nature, arising by reason of use of the mooring.

(Code 1986, § 6-5; Ord. No. 12-883, 2-14-2012; Ord. No. 20-1139, 5-12-2020; Ord. No. 20-1140, 11-10-2020; Ord. No. 24-1231, 8-13-2024)

Ordinance 25-1268

Town of Carolina Beach
Town Council

Be it ordained by the Town Council of the Town of Carolina Beach. Adopted this 12th day of November, 2025.

TOWN OF CAROLINA BEACH

Albert L. Barbee, Mayor

ATTEST:

Kimberlee Ward, Town Clerk