

ORD-2021-014  
PAF 5/10/2024  
NDC: #3



**TOWN OF BEAUFORT BOARD OF COMMISSIONERS**  
**ORDINANCE TO AMEND TITLE IX GENERAL REGULATIONS**  
**CHAPTER 97: NAVIGABLE WATER**  
**OF THE TOWN OF BEAUFORT CODE OF ORDINANCES**

**WHEREAS**, The Board of Commissioners of the Town Beaufort has previously established a Code of Ordinances to ensure the health, safety, and welfare of its residents, and

**WHEREAS**, the Ordinance establishes the Board of Commissioners ability to regulate the navigable water within the Town, enforceable pursuant to G.S. 160A-175, and

**WHEREAS**, there are vessels anchoring in Beaufort waters for 10 days, and then returning after the 30 day period has ended, on a recurring basis, creating a potential for negative financial impact,

**WHEREAS**, the Board of Commissioners of the Town of Beaufort finds it necessary to amend the Code of Ordinances title IX General Regulations Chapter 97 Navigable Water to meet the town's needs;

**NOW, THEREFORE BE IT RESOLVED AND ORDAINED**, that the Code of Ordinances, Town of Beaufort, North Carolina, Chapter 97, is hereby amended in the sections as follows:

97.02 Definitions

*Owner* means a person, other than a lien holder, having the legal or equitable property interest in or title to a vessel, or the person's legal representative. For purposes of this article, where a vessel is determined to have been registered with the North Carolina Wildlife Resources Commission, or an agency of another state responsible for registration, such registration shall create a rebuttable presumption that the owner is the last registered owner of record. Also for purposes of this Article, any person who has apparent or actual control of a vessel, or who has assisted another, including a person having legal title to a vessel, in placing a vessel in violation of this article shall be subject to the penalty provisions of this article.

97.03 Anchoring; docking; mooring; interference with navigation.

*(J) Notwithstanding the "deemed anchorage permission" provisions of section 97.03(c) above, no vessel previously posted for violation of this article within the previous 24 months and no vessel which is owned by a person who has been*



*cited for violation of this article within the previous 24 months shall be deemed to have anchorage permission for any purpose for any length of time.*

97.06 – Enforcement responsibility and authority

*(I) Notwithstanding the notice and hearing provisions of sections 97.03, 97.04 and 97.05 above, the police chief is empowered to enforce the provisions of this article against any vessel previously posted for violation of this Article within the previous 24 months without the necessity of posting or providing a hearing.*

*(J) Notwithstanding the notice and hearing provisions of sections 97.03, 97.04 and 97.05 above, the police chief is empowered to enforce the provisions of this article against any vessel which is owned by a person who has been cited for violation of this article within the previous 24 months, without the necessity of posting or providing a hearing, regardless of whether the specific vessel at issue has been previously posted.*

This Amendment is effective upon Adoption.

Adopted by the Town of Beaufort Board of Commissioners this 10<sup>th</sup> day of May, 2021.

Everette Newton  
Mayor

Allen Coleman  
Town Clerk



[SEAL]