

Attorney Comments Concerning Chapter 95

95.03 –NCGS uses “handicapped” instead of “disabled” and recommends that 95.03 (2) use the same terminology as the statute.

95.03 – Change subsection “a” to “3”.

95.03 – Add “golf cart” to “ii”.

95.09 – Add to the end of the first sentence “from public property and private property not owned by said person”.

95.10 – Add to the end of the sentence to specify location “on Beach Strand”.

95.30 – NCGS 75A-13.3 (h) allows Municipalities to adopt regulations that are more restrictive than the provisions of the statute; therefore, 95.30 can be reduced to cite the NCGS reference and express only regulations that are more restrictive as follows:

The restrictions for operation of a personal watercraft shall be the same as described in NCGS.

The operation of any personal watercraft within the boundaries of the town and its extraterritorial jurisdiction is hereby prohibited, except for operation in the Intracoastal Waterway the main channel through Tubbs Inlet from the south end of Big Narrows to the Intracoastal Waterway and the Atlantic Ocean beyond 750 feet from the water's edge or any pier.

It shall be unlawful for any person to launch or recover any personal watercraft from the beach on the Atlantic Ocean within the boundaries of the town and its extraterritorial jurisdiction.

It shall be unlawful for any operator of a personal watercraft on the waters of the town and its extraterritorial jurisdiction to chase, harass, molest or disturb any wildlife, except when lawfully angling for, hunting or trapping the wildlife.

The above prohibitions shall not apply to law enforcement officials or rescue officials while engaged in ocean rescue or law enforcement.

99.01 – Enforcement section is not needed as enforcement authority is established by 10.99 and recommends deletion of 99.01.

99.02 - Recommends the numbering of the Fines Section be changed to 95.99 to stay within the title of Chapter 95 and recommends the following verbiage for 95.99:

Notwithstanding section 10.99, violation of any section of Chapter 95 shall subject the offender to a civil penalty to be recovered by the town in a civil action in the nature of debt if said civil penalty is not paid within 72 hours after being cited for the violation. The civil penalty for each separate or distinct offense is as follows:

95.02	\$_____
95.03	\$_____
95.04	\$_____
95.05	\$_____
95.06	\$_____
95.07	\$_____
95.08	\$_____
95.09	\$_____
95.10	\$_____
95.11	\$_____
95.12	\$_____
95.13	\$_____
95.14	\$_____
95.15	\$_____
95.16	\$_____
95.25	\$_____
95.26	\$_____
95.30	\$_____
95.31	\$_____
95.40	\$_____
95.50	\$_____
95.51	\$_____
95.52	\$_____
95.53	\$_____