

NORTH CAROLINA GENERAL ASSEMBLY  
1969 SESSION

CHAPTER 792  
SENATE BILL 312

1 AN ACT TO AMEND CHAPTER 76 OF THE GENERAL STATUTES OF NORTH  
2 CAROLINA SO AS TO PROHIBIT CERTAIN ACTS WHICH MAR THE BEAUTY OF  
3 NAVIGABLE WATERS AND TO PROVIDE PENALTIES FOR THE VIOLATION  
4 THEREOF.

5  
6 WHEREAS, the navigable waters of North Carolina are areas of natural scenic  
7 beauty and are among the last of our unspoiled natural resources; and

8 WHEREAS, the natural scenic beauty of these areas is in danger of being marred by  
9 certain indiscriminate acts of man; and

10 WHEREAS, it is desirable that these areas remain beautiful and unspoiled so they  
11 may be fully enjoyed by the people of the State;

12 NOW, THEREFORE,

13  
14 The General Assembly of North Carolina do enact:

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16 **Section 1.** Chapter 76 of the General Statutes of North Carolina is amended by  
17 revising G.S. 76-40 to read as follows:

18 "**G.S. 76-40. Navigable waters: certain practices regulated.** (a) It shall be unlawful for any  
19 person, firm or corporation to place, deposit, leave or cause to be placed, deposited or left,  
20 either temporarily or permanently, any trash, refuse, rubbish, garbage, debris, rubble, scrapped  
21 vehicle or equipment or other similar waste material in or upon any body of navigable water in  
22 this State; "waste material" shall not include spoil materials lawfully dug or dredged from  
23 navigable waters and deposited in spoil areas designated by the Department of Conservation  
24 and Development; violation of this Section shall constitute a misdemeanor, punishable by a fine  
25 of up to five hundred dollars (\$500.00) or imprisonment for up to six months, or both, in the  
26 discretion of the court.

27 "(b) No person, firm or corporation shall erect upon the floor of, or in or upon, any body  
28 of navigable water in this State, any sign or other structure, without having first secured a  
29 permit to do so from the appropriate Federal Agencies (which would include a permit from the  
30 State of North Carolina) or from the Department of Administration, or from the agency  
31 designated by the Department to issue such permit. Provided, however, this subsection shall not  
32 apply to commercial fishing nets, fish offal, ramps, boathouses, piers or duck blinds placed in  
33 navigable waters.

34 Any person, firm or corporation erecting such sign or other structure without a proper  
35 permit or not in accordance with the specification of such permit shall be guilty of a  
36 misdemeanor and upon conviction shall be fined up to five hundred dollars (\$500) or  
37 imprisoned for up to six months, or both, in the discretion of the court. The State may  
38 immediately proceed to remove or cause to be removed such unlawful sign or structure after  
39 five days' notice to the owner or erector thereof and the cost of such removal by the State shall  
40 be payable by the person, firm or corporation who erected or owns the unlawful sign or other  
41 structure and the State may bring suit to recover the costs of the removal thereof.

42 "(c) Whenever any structure lawfully erected upon the floor of, or in or upon, any body  
43 of navigable water in this State, is abandoned, such structure shall be removed by the owner

1 thereof and the area cleaned up within thirty (30) days of such abandonment; failure to comply  
2 with this Section shall constitute a misdemeanor and upon conviction the owner of the  
3 abandoned structure shall be fined up to five hundred dollars (\$500) or imprisoned for not over  
4 six months, or both, in the discretion of the court. The State may, after ten days notice to the  
5 owner or erector thereof, remove the abandoned structure and have the area cleaned up and the  
6 cost of such removal and cleaning up by the State shall be payable by the owner or erector of  
7 the abandoned structure and the State may bring suit to recover the costs thereof.

8 "(d) For purposes of this Section, the term "navigable waters" shall not include any  
9 waters within the boundaries of any reservoir, pond or impoundment used in SIS connection  
10 with the generation of electricity, or of any reservoir project owned or operated by the United  
11 States."

12 **Sec. 2.** The provisions of this Act, in the coastal waters of this State, shall be  
13 enforced by the Department of Conservation and Development. In the inland waters of the  
14 State, the provisions of this Act shall be enforced by the Wildlife Resources Commission. The  
15 Department of Conservation and Development and the Wildlife Resources Commission shall  
16 cooperate with the Department of Water and Air Resources in the enforcement of this Act.

17 **Sec. 3.** All laws and clauses of laws in conflict with this Act are hereby repealed.

18 **Sec. 4.** This Act shall become effective upon its ratification.

19 In the General Assembly read three times and ratified, this the 12th day of June,  
20 1969.