



ORDINANCE NO. 09-814

An Ordinance Amending the Code of Ordinances,

Chapter 6 Harbor & Marina

The Town Council of the Town of Carolina Beach hereby amends the Carolina Beach Code of Ordinances, Chapter 6 Harbor and Marina, by adding new Section 6-53 Day Docks, as follows:

6-53 Day Dock:

1. **Operational Hours:** The hours for operation for the Day Dock at the Carolina Beach Marina shall be open 24 hours per day seven days per week.
2. **Time Limitations:** No vessel shall be docked at the facility for greater than (3) three hours. This dock is located along the southwest corner of the marina.
3. **Vessel Length:** There shall be no vessel dock at the day dock area, longer than 25 feet in length. With the exception of any slip dedicated for longer vessels.
4. **Commercial Business:** There shall be no commercial business use of the day dock area, unless approved by the Town Manager.
5. **Refueling:** There shall be no refueling of vessel in the day dock area. Transportation of any fuels must be five gallons or less and in a approved class I, II, IIIA portable container.
6. **Repairs:** No repairs of any vessels shall be conducted on the day dock, without the express consent of the harbor master.
7. **Speed:** Any vessel docking within the day dock area, shall only be at an idle speed. To prevent damage to other vessels and or the dock system.
8. **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 by-product, paint, varnish, dead animals, fish, bait, or any other debris is prohibited under this ordinance. 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.

9. **Fishing:** There shall be no fishing, netting, shell fishing, or the use of any kind of pots, within the Town day dock area.
10. **Swimming:** Swimming or diving is prohibited within the day dock area of the marina.
11. **Liability:** The Town of Carolina Beach assumes no liability for the use of Myrtle Grove Sound which includes all jurisdictional waters including the Town Marina, day dock area of the marina and Mooring Field. The town neither assumes nor accepts responsibility for personal possessions, vessel(s), dinghy(s) or their contents or use while said vessels are located within Myrtle Grove Sound. Person(s) using the water of the town 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.
12. **Alcohol:** Open alcoholic beverages or the consumption of an alcoholic beverage shall be permitted in the day dock area.
13. **Removal of vessels for cause.** The harbor master may remove any vessel from the town marina when it is necessary to preserve the spirit and intent of this chapter. Should the owner or captain refuse to remove such vessel after demand, the town, through the harbor master, may remove the vessel and may assess reasonable charges for the cost of having the vessel moved and/or stored. The town may also assess the tenant the cost of any insurance policies required to store said vessel.
14. **Penalties.** Any person violating any provision of this chapter or who shall violate or fail to comply with any order made under these sections may be subject to a civil penalty punishable by a fine not to exceed five hundred dollars (\$500 00) under N.C.G.S. section 14-4. Each day such violation shall exist shall constitute a separate offense

Adopted this 24th day of November 2009.




Joel A. Macon, Mayor

Attest: 
Melinda N. Prusa, Town Clerk