

NORTH CAROLINA GENERAL ASSEMBLY
1967 SESSION

CHAPTER 472
HOUSE BILL 729

AN ACT TO AMEND CHAPTER 1035, SESSION LAWS OF 1957 RELATING TO
THE OPERATION OF MOTOR VEHICLES, FISHING, SETTING OF NETS
AND SEINES IN CERTAIN BEACH AREAS IN DARE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 1035, Session Laws of 1957, is rewritten in its entirety to read as follows:

"Section 1. Chapter 192, Session Laws of 1947, as amended by Chapter 305, Session Laws of 1951, is hereby amended by adding at the end of Sec. 2. thereof the following sentence:

"The prohibitions contained in this Act shall not apply to the operation of motor vehicles or automotive equipment belonging to and used and operated by commercial fishermen only while and as such fishermen are actually engaged in the fishing or setting of seines from or in the Atlantic Ocean. Provided, however, that commercial fishermen engaged in fishing or setting of nets or seines in the Atlantic Ocean abutting private property shall have the permission of such abutting property owners and provided that nothing in this Act shall be construed to authorize, permit or allow commercial fishermen or any other persons to drive across, enter upon or conduct their fishing operations on any private property other than that owned or leased by them except by permission of the owners in the above described areas.' "

Sec. 2. Sec. 2 of Chapter 1035, Session Laws of 1957 is rewritten in its entirety to read as follows:

"Sec. 2. That Chapter 192, Session Laws of 1947, as amended by Chapter 305, Session Laws of 1951, be and it is hereby amended by adding a Section thereto to be designated as Sec. 2-A as follows:

'Sec. 2-A. That commercial fishermen and all other persons fishing or operating nets and seines on the shore of the Atlantic Ocean in the area above referred to in Dare County shall immediately after making a haul or completing a fishing operation in the said area, before leaving the set, remove from the beach and site of said operation all fish, crabs, skates, dogfish, all waste, residue and all marine life which is caught and brought ashore in the aforesaid sets or seines from the Atlantic Ocean in connection with the said operation and the equipment used in said operation shall likewise be removed from the beach and the site of said operation. Said deposit, fish and marine life, shall be cleaned up, removed and carried away from the site and disposed of in a lawful manner so as not to constitute a nuisance and health hazard to residents and

property owners. The said fish, residue, waste and marine life shall not be thrown back or deposited in the ocean.' "

Sec. 3. This Act shall not be construed as repealing Chapter 503 of the 1959 Session Laws.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of May, 1967.