

**LAKE LURE MARINE
COMMISSION REGULAR
MEETING PACKET**

Tuesday, September 13, 2022
4:00 p.m.



**Mayor Carol C. Pritchett
Mayor Pro Tem David DiOrio
Commissioner Patrick Bryant
Commissioner Scott Doster
Commissioner Jim Proctor**

TOWN OF LAKE LURE
Marine Commission Regular Meeting
Tuesday, September 13, 2022 – 4:00 PM
Lake Lure Municipal Center



Agenda

I. Call to Order

II. Agenda Adoption

III. Public Comment

The public is invited to speak on any non-agenda and/or consent agenda topics. Comments should be limited to less than three minutes.

IV. Consent Agenda

A. Approval of the June 14, 2022 Regular Marine Commission Meeting Minutes

V. Hearing

A. Request from Christina Stepp to Appeal Civil Citation No. 001126

VI. Unfinished Business

VII. New Business

A. Discussion Regarding the Lake Advisory Board's Recommended Amendments to the Lake Use Regulations

B. Set a Public Hearing Date for Resolution Amending the Lake Use Regulation

VIII. Adjournment

III

PUBLIC COMMENT

The public is invited to speak on any non-agenda and/or consent agenda topics. Comments should be limited to less than three minutes.

IV

CONSENT AGENDA

- A. Approval of the June 14, 2022 Regular Marine Commission Meeting Minutes



MINUTES OF THE REGULAR MEETING OF THE LAKE LURE MARINE COMMISSION HELD TUESDAY, JUNE 14, 2022, 4:00 P.M. AT THE LAKE LURE TOWN HALL

PRESENT: Mayor Carol C. Pritchett
Mayor Pro Tem David DiOrio
Commissioner Patrick Bryant
Commissioner Jim Proctor
Commissioner Scott Doster

William Morgan, Jr., Town Attorney
William Hank Perkins, Jr., Town Manager
Dean Givens, Parks, Recreation, and Lake Director
Dana Bradley, Parks, Recreation, and Trails Coordinator

ABSENT: N/A

I. CALL TO ORDER

Mayor Pritchett called the meeting to order at 4:00 p.m.

II. AGENDA ADOPTION

Commissioner David DiOrio made a motion to amend the agenda for the purpose of adding article VI section F Edneyville Boy Scout Troop 605 Boat Permit Fee Waiver Request. Commissioner Jim Proctor seconded and the motion carried 4-0.

Commissioner DiOrio made a motion to approve the agenda, as amended. Commissioner Patrick Bryant seconded and the motion carried 4-0.

III. PUBLIC COMMENT

Mayor Pritchett invited members of the audience to speak.

There were no public comments.

IV. CONSENT AGENDA

Mayor Pritchett presented the Consent Agenda and asked if there were any proposed changes before calling for action.

Commissioner Scott Doster made a motion to approve the Consent Agenda, as presented. Commissioner DiOrio seconded and the motion carried 4-0. Therefore, the Consent Agenda incorporating the following item was unanimously approved:

- A. Approval of the September 14, 2021 Regular Marine Commission Meeting Minutes, the December 28, 2022 Special Marine Commission Meeting Minutes, and the March 8, 2022 Regular Marine Commission Meeting Minutes

V. NEW BUSINESS

A. MARINE BOAT SLIP LATE PAYMENT FEE AND FEE FOR CHANGING BOAT SLIPS

Parks, Recreation, and Trails Coordinator Dana Bradley explained that since the Parks, Recreation, and Lake Department took over the management of Washburn Marina boat slips in 2021, staff has recognized an abundance of late payments. Coordinator Bradley requested permission from the Marine Commission to implement a late fee of \$100 with the inclusion of a 3 day grace period. Coordinator Bradley recommended the loss of boat slip privileges, without any refund, after a payment is thirty days late.

Commissioner Proctor expressed concern in regard to the three day grace period and recommended a longer grace period. Commissioner Doster recommended a seven to ten day grace period. Commissioner Proctor recommended a two-week grace period.

Commissioner Bryant made a motion to approve the recommendation of a \$100 late fee with a 14 day grace period and loss of boat slip privilege if payment is not received within 30 days. Commissioner Doster seconded and the motion carried 4-0.

Coordinator Bradley explained that another issue that Parks, Recreation, and Lake Department is experiencing is large numbers of slip renters requesting to change their slip to a different slip location. Coordinator Bradley noted that other marinas in the community have a fee for moving slips. Coordinator Bradley requested a \$100 moving fee for each request to change boat slip locations.

Commissioner Doster made a motion to approve a moving fee of \$100 for each request to change boat slips. Commissioner DiOrio seconded and the motion carried 4-0.

V. NEW BUSINESS

B. MARINE BOAT SLIP PAYMENT PLAN

Coordinator Bradley explained that under existing procedures, Washburn Marina boat slip renters have the option of paying their boat slip in-full by January 15th or they may opt for a payment plan consisting of three payments from January to March. Coordinator Bradley noted that managing the payment plan generates a lot of extra time and work for the Parks, Recreation, and Lake Department staff. Coordinator Bradley noted that she had researched other marinas and found that payment plans are not offered. Coordinator Bradley requested that the boat slip renter payment plan be eliminated and the payment option be updated to require payments be made in-full by January 31st of each year.

Mayor Pritchett recommended that if the Town decides to make this change, the public should be informed as soon as possible. Coordinator Bradley ensured the Commission that she could make this information available as soon as possible.

Commissioner DiOrio asked if the payment information is included in the Lake Use Regulations. Coordinator Bradley answered that no payment information is included in the Lake Use Regulations. Commissioner DiOrio recommended adding payment information to the Lake Use Regulations.

Commissioner DiOrio made a motion to approve the request to eliminate the Marina boat slip payment plan and update the payment option to a one-time payment due on January 31st each year, and add payment information to the Lake Use Regulations. Commissioner Doster seconded and the motion carried 4-0.

V. NEW BUSINESS

C. REVOKED MARINE SLIP – RUSS DUNST

Coordinator Bradley explained that on May 4th the Parks, Recreation, and Lake Department was notified that a vacation rental boat was being used in a Washburn Marina boat slip spot rented by Russ Dunst. Coordinator Bradley noted that upon Department investigation, it was determined that Christina Stepp, Mr. Dunst's relative was the individual using the slip for a vacation rental boat. Coordinator Bradley provided Marine Commission with a copy of Mr. Dunst's signed Washburn Marina Boat Slip Rental Agreement. Coordinator Bradley pointed out that the agreement states that only a boat registered in the renters name will be allowed in the slip that they rent, and that sub-leasing is prohibited. Coordinator Bradley further noted that the agreement states that the operation of any commercial business, other than that of the concessionaire of the marina, is prohibited at the Washburn Marina. Coordinator Bradley recommended that Mr. Dunst's Washburn Marina boat slip privileges be revoked permanently.

Commissioner Proctor made a motion to permanently revoke Mr. Russ Dunst's Washburn Marina boat slip privileges. Commissioner Doster seconded and the motioned carried 4-0.

V. NEW BUSINESS

D. REQUEST TO APPEAL CIVIL CITATION NO. 000835

Mayor Pritchett announced that the Marine Commissioner will be tabling the item.

Commissioner Proctor made a motion to table Civil Citation No. 000835. Commissioner DiOrio seconded and the motion carried 4-0.

V. NEW BUSINESS

E. REQUEST FROM JAMES SCIANDRA FOR AN ADDITIONAL TOUR BOAT ON THE COMMERCIAL BOAT MODEL

Parks, Recreation, and Lake Director Dean Givens explained that James Sciandra is requesting to add an additional boat to the commercial model. Director Givens noted that upon scoping regulations, he had determined that Mr. Sciandra's request would need to fit a specific category. Director Givens stated that Mr. Sciandra's boat motor is very low, the boat cannot hold more than a couple of people, but Sciandra would like to test out a "tour" business venture. Director Givens noted that Mr. Sciandra operates two livery boats and has at least one vacation rental boat. Director Givens expressed that there has never been any issues occur with Mr. Sciandra.

Director Givens noted the original request is for a livery, but it has been determined that it would be more appropriately categorized as a tour boat. Director Givens noted that there is room for one more tour boat in the model, but none for liveries unless vacation rentals are adjusted. Director Givens relayed that Mr. Sciandra is concerned about paying dues for a tour boats with limited capacity, since the other tour boats in the model are much larger and can hold a much greater capacity. Director Givens explained that the fee for a tour boat is \$3,000 and the fee for a livery is \$2,000. Director Givens noted that he has a neutral opinion, but wanted to bring the request to the attention of Marine Commission.

Commissioner Proctor questioned if any creation or changing of requests should go to the Lake Advisory Board (LAB) for recommendation prior to being addressed by Marine Commission. Mayor Pritchett asked if the LAB had deliberated about the request at any prior meetings. Director Givens stated that this request has not been addressed by the LAB. Commissioner Proctor expressed concern that if Marine Commission made any decision on the request without taking the appropriate steps, it may create a sense of over-ease and set a precedents. Commissioner Proctor expressed support for additional discussion following LAB deliberation.

Commission Doster noted that Mr. Sciandra has had a great record with the Town and asked if a concession agreement would be required. Director Givens explained that a concession agreement is required and recommended a special waiver for one year if the Commission chooses to approve the request from Mr. Sciandra.

Commissioner Doster asked if it would be restricted to the one boat. Director Givens answered yes.

Commissioner Proctor expressed that a draft concession agreement should be presented with the request before any decision is made. There was consensus to take the request to the LAB for consideration of a recommendation. Director Givens noted that a tour boat operator has to have a direct concession agreement with the Town. Director Givens also noted that the commercial space being requested is the Lake House Restaurant.

Commissioner Proctor asked Director Givens to relay to Mr. Sciandra that the Marine Commission supports his idea, but will need additional information before making a decision to approve or deny the request.

Commissioner Bryant noted that Lake Lure Tours does well with smaller, more private tours and expressed that people may be willing to pay Mr. Sciandra more for a more private experience.

Mayor Pritchett asked if the Commissioners would like to make a motion.

Commissioner DiOrio asked to recuse himself because he has personal connection to Mr. Sciandra.

Commissioner Proctor made a motion to allow Commissioner Diorio to be recused. Commissioner Doster seconded and the motion carried 3-0.

Commissioner Proctor made a motion to refer the request from James Sciandra for an additional tour boat on the commercial boat model item to the Lake Advisory Board for recommendation. Commissioner Bryant seconded and motion carried 3-0.

Commissioner DiOrio re-joined the meeting.

<p>V. NEW BUSINESS</p>

<p>F. BOY SCOUT</p>

Mr. Don Henderson with the Edneyville Boy Scouts Troop 605 presented the Commissioners with a document detailing his request. It was explained that in past years, Troop 605 had been granted permission to waive two motorized and two non-motorized boat permits each year, but this was never documented in past minutes so new staff was unaware of this agreement. Mr. Henderson requested an official waiver of two motorized and two non-motorized boat permits for Troop 605 in the future, and requested to be reimbursed for this year.

Commissioner Proctor noted that he was Mayor in 2007 and remembers this approval taking place.

Commissioner DiOrio thanked Mr. Henderson for his work. Commissioner DiOrio expressed concern that a precedence was set in 2007 when this waiver was granted to an organization that is not considered a non-profit.

Commissioner Proctor noted that in 2007, Council justified the waiver request because the Edneyville Boy Scouts performed community services for the Town such as lake clean up. Commissioner Proctor noted that it would need to be known that in order to request a waiver, non-profits have to partake in community service for the Town.

Commissioner DiOrio asked if Mr. Henderson received a resident rate because he lives in Town limits and Mr. Henderson said yes.

Commissioner DiOrio recommended having the Edneyville Boy Scout Troop 605 present an annual report to the Marine Commission each year in order to be granted a waiver. Commissioner DiOrio noted support of the Scouts. Commissioner Doster and Commissioner Proctor expressed support for Commissioner DiOrio's recommendation.

Commissioner DiOrio confirmed that the Town can reimburse Boy Scouts Troop 605 for this year for one motorized and two non-motorized.

Commissioner DiOrio noted that Mr. Henderson is required to have proof of liability insurance. Mr. Henderson agreed.

Commissioner DiOrio made a motion to approve the reimbursement of one complimentary motorized boat permits and two motorized boat permits for 2022 and to require Ednveyville Boy Scouts Troop 605 to attend the first Marine Commission meeting of the year to present an annual report as a stipulation to receiving a waiver for boat permit fees in the future. Commissioner Doster seconded and the motion carried 4-0.

VI. ADJOURNMENT

With no further business, Commissioner Bryant made a motion to adjourn the meeting 4:39 p.m. Commissioner Proctor seconded and the motion carried 4-0.

ATTEST:

Olivia Stewman,
Town Clerk

Mayor Carol C. Pritchett

V
HEARING

**A. Request from Christina Stepp to Appeal
Civil Citation No. 001126**

LAKE LURE MARINE COMMISSION
AGENDA REQUEST FORM
Meeting Date: September 13, 2022

SUBJECT: Request from Christina Stepp to Appeal Civil Citation No. 001126

AGENDA INFORMATION:

Agenda Location: Hearing
Item Number: A
Department: Parks, Recreation, and Lake
Contact: Dana Bradley, Parks, Recreation, and Trails Coordinator
Presenter: Dana Bradley, Parks, Recreation, and Trails Coordinator

BRIEF SUMMARY:

Parks, Recreation, and Trails Coordinator Dana Bradley issued Civil Citation No. 001126 to Christina Stepp for the use of a boat for commercial purposes without a valid lake commercial license and permit. Ms. Stepp was notified that the Citation fine, for \$1500, was due within 30 days of the date of the Citation. Ms. Stepp failed to pay the \$1500 citation fine and has verbally requested to appeal Civil Citation No. 001126.

RECOMMENDED MOTION AND REQUESTED ACTIONS:

To deny/approve the request from Christina Stepp to appeal Civil Citation No. 001126.

ATTACHMENTS:

Civil Citation No. 001126; Notice to Christina Stepp

Town of Lake Lure Civil Citation

Permit # AM 0203 St. Reg. NC-2602 WM

Vacation Rental Non-Vacation Rental

Issued to: Christina Stepp

Address: 768 Owensby Rd
Hendersonville, NC 28792

Telephone # 828-691-1110

Location: Washburn Marina Bay

Date/Time: 5.10.2022

Issued By: D. Bradley

Warning Citation/fine \$1,500

- Operation of boat without valid permit (1.51)C
- Wake Violation (within 75 ft of shoreline or unauthorized areas, during no wake hours, within 100 ft of emergency vessel displaying lights) (1.53)C
- Child under 13 w/out PFD (1.55)C
- Towing more than two persons at a time (1.54)C
- Reckless endangerment (1.54)C
- to wit: _____
- Swimming violation (under the influence, unaccompanied, unauthorized area) (1.15/1.17)C
- Trespassing (1.05)B
- Littering (1.54)B
- Uncertified Operator (1.57)A
- Boat tied to public dock more than 2.5 hours (1.53)A

Other Use of boat for commercial
purposes without a valid lake commercial
license and permit.

No. 001126



Lake Lure Police Department

Chief Sean Humphries

Post Office Box 195 Lake Lure, North Carolina 28746

828-625-4685 F. 828-625-8839

townoflakelure.com

Ms. Christina Stepp
768 Owensby Road
Hendersonville, NC 28792

Ms. Stepp,

You recently were cited for a lake violation in the Town of Lake Lure, namely:

Use of boat for commercial purposes without a valid lake commercial license and permit.

Your Citation cost is **\$1,500.00** and is due within 30 days of the date of your Citation.

Please call should you have any questions.

Kat Canant
Administrative Assistant
Lake Lure Police Department

kc/file

COPY



VI
UNFINISHED
BUSINESS

VII

NEW BUSINESS

- A. Discussion Regarding the Lake Advisory Board's Recommended Amendments to the Lake Use Regulations
- B. Set a Public Hearing Date for Resolution Amending the Lake Use Regulations.

**LAKE LURE TOWN COUNCIL
AGENDA REQUEST FORM
Meeting Date: September 13, 2022**

SUBJECT: Discussion Regarding the Lake Advisory Board's Recommended Amendments to the Lake Use Regulations

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: A
Department: Parks, Recreation, and Lake
Contact: Dean Givens, Parks, Recreation, and Lake Director
Presenter: Dean Givens, Parks, Recreation, and Lake Director

BRIEF SUMMARY:

The Lake Advisory Board (LAB) has completed a comprehensive review of the Lake Use Regulations and has provided recommendation changes for the consideration of Marine Commission. Marine Commission will hold discussion regarding the recommended changes, but will not take action at the regular meeting on September 13. A special meeting will be held at a later date for the purpose of holding a public hearing for the recommended changes and for the consideration of adopting the recommended changes via resolution.

ADDITIONS TO TEXT ARE UNDERLINED; DELETIONS ARE ~~STRUCK THROUGH~~

ATTACHMENTS:

Lake Use Regulations with recommended amendments from the LAB.

Lake Lure Marine Commission



Lake Use Regulations

Amended July 13, 2021

LAKE USE REGULATIONS

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LAKE USE REGULATIONS

SECTION 1: INTENT AND DEFINITIONS

§1.01 INTENT.

All land covered by the waters of Lake Lure to the 995-foot Mean Sea Level (MSL) elevation at full pond is owned by the Town of Lake Lure. Said Lake is held in trust by the Town of Lake Lure for the benefit of the citizens of the Town. The Lake Lure Town Council created the Lake Lure Marine Commission as authorized by special act of the General Assembly of the State of North Carolina for the purposes of regulating all activities on Lake Lure. The Lake Use Regulations were first adopted by Resolution on March 9, 2004 to govern use of the Lake for the purpose of enhancing the health, safety, and general welfare of the citizens. The Town assumes no responsibility for Lake use. Use Lake at your own risk. **Adopted 6-13-17**

§1.02 DEFINITIONS.

For the purpose of these regulations, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

“BERTH.” A designated location at a dock, slip, lake structure or other place on the Lake used for storing or mooring a water vessel.

“BOAT.” For the purpose of these regulations, the term “boat” shall mean any form of water vessel. **Amended 11-9-04**

“COMMERCIAL CRAFT.” Water vessels used in connection with any type of business, trade or commerce, for profit or non-profit, including but not limited to: boat rentals, marinas, ~~real estate agents~~, resorts, inns, lodging establishments, camps, ski schools, fishing guides, tour boats, contractors, boat repair companies or house rentals (that are required to pay occupancy tax) with boats, ~~real estate development property management~~ companies or property owner’s associations. **Amended 11-9-04, 4-8-08, 6-13-17**

“COMMERCIAL OPERATIONS.” Any use of the Lake in a manner that will generate direct or indirect revenue or by an entity that operates for profit or not-for-profit (excluding governmentally established entities) **Amended 4-08-08**. This is further quantified into eight classifications:

(1) Liveries – Boating operations that provide watercraft for rent, ~~and may be associated with marinas or other establishments that provide boats to individuals or vacation rentals to operate for short or long periods of time.~~

Amended 2-13-07, 10-8-19, 7-13-20

(2) Resorts - Boating operations available to patrons at resorts, inns, or lodging establishments. **Amended 3-13-2018**

(3) Camps - Boating operations at camp facilities. **Amended 3-13-2018**

(4) Ski Schools - All commercial operations providing water sports activities, not associated with a specific camp, resort, inn or lodging facility. **Amended 3-13-2018**

LAKE USE REGULATIONS

- (5) Tour Boats - Boating operations that are used to provide piloted tours of the Lake. Boats in this class require a concession agreement with the Town regardless of the number permitted. **Amended 6-13-17**
- (6) Fishing Guides - Boating operations that are not associated with a specific camp, resort, inn or lodging facility and are used to provide a piloted fishing excursion.
- (7) Services - Boating operations utilized by building contractors and boat repair companies. **Amended 6-13-17**
- (8) Vacation Rentals - Boating operations available to individuals renting a residential vacation rental during their stay. **Adopted 10-8-19. Amended 1-14-20**

“COMMERCIAL OPERATORS.” All boat operators who pilot boats for commercial classifications 2-7, inclusive. **Amended 11-9-04**

“DEVELOPED LOT.” A developed lot shall be a lot whereon a residence or business building is constructed. (Res. Passed 4-11-06)

“LAKE, also LAKE LURE” The body of water known as Lake Lure formed by the creation of the dam at Tumbling Shoals over the Broad River in Rutherford County, NC ~~and~~ including that portion of the Broad River within the Town of Lake Lure extending above the Lake. extending below the elevation of 992 feet above mean sea level.
Amended 11-9-04, 6-13-17

“LAKE COMMERCIAL LICENSE.” A license issued annually by the Marine Commission for commercial operations on the waters of Lake Lure. **Amended 11-9-04, 6-13-17**

“LAUNCHING.” Any method of placing a water vessel onto the Lake from the land above the shoreline. This does not include launching of water vessels from lake structures.
Amended 11-9-04

“LAUNCH SITE.” Any location on the land adjacent to the shoreline of Lake Lure that may be used for launching water vessel(s), provided that this term does not include lake structures as defined in the Lake Structures Regulations. **Amended 11-9-04, 6-13-17**

“LAUNCH SITE, PRIVATE.” A launch site available for use by one single-use family dwelling for launching only boats permitted in that family’s name. **Amended 11-9-04**

“LAUNCH SITE, GENERAL.” Any launch site other than a private launch site.
Amended 11-9-04

“MARINE COMMISSION.” The Lake Lure Marine Commission as established by Ordinance 03-09-09. **Amended 11-9-04**

“MOORING.” A location adjacent to the shoreline or any lake structure equipped with cleats, posts or any other devices intended to secure a boat.

LAKE USE REGULATIONS

“NON-PEAKSEASON.” The period of each year starting on the Tuesday after Labor Day through the Thursday before Memorial Day. **Amended 11-9-04**

“NON-RESIDENT.” Any person not owning real property within the corporate limits of the Town. ~~or any person who resides outside the corporate limits of the Town for more than 50% of the calendar year.~~

“NO-WAKE.” Idle speed or a slow speed ~~where boaters operate at the minimal speed to maintain steering not to exceed 1000 RPM and characterized by no whitewater emanating from the bow. creating no appreciable wake (producing white water off the bow).~~

Amended 6-13-17

“NO WAKE ZONE.” No wake designated areas authorized by the Marine Commission and marked with buoys at the entry points. These areas are intended to protect non-motorized vessels and swimmers and mitigate damage to personal property and critical infrastructure such as the dam.

“PEAK SEASON.” The period of each year starting on the Friday before Memorial Day through Monday, Labor Day. **Amended 11-9-04**

“PERMIT.” A display permit issued by the Marine Commission to operate a boat on Lake Lure for recreational, fishing and/or commercial purposes.

“PERMIT LIMIT.” The maximum number of permits which will be issued for a specific permit classification. **Amended 11-9-04**

“PERSONALWATERCRAFT” (ALSO KNOWN AS PWC OR SKICRAFT)." ~~A motorized watercraft, regardless of its type of power or means of propulsion, which is primarily designed to be operated by a person sitting, kneeling, standing or laying down as opposed to sitting in, as a boat. Said term shall include, but shall not necessarily be limited to jet skis, wave runners, motorized surfboards, hydro-flying devices or semi-submersible personal watercraft. An inboard powered craft using a water jet pump as the primary source of propulsion and operated by a person sitting, standing or kneeling on the craft rather than in the conventional manner of boat operation.~~

“PROPERTY OWNERS.” This term shall be deemed to include corporations, joint property owners (i.e., a person listed on the deed of record as an owner of the real property), and “time share” owners.

“PUBLIC BATHING BEACH.” A public access to the waters of Lake Lure where swimming is allowed. **Adopted 6-13-17**

“RESIDENT.” Any person owning real property within the corporate limits of the Town or any person who resides within the corporate limits of the Town for more than 50% of the calendar year.

LAKE USE REGULATIONS

“RESIDENTIAL VACATION RENTAL.” The renting of a single-family dwelling, duplex, or any portion thereof, for occupancy, dwelling, lodging or sleeping purposes. Said term shall include a motorized pontoon or tritoon boat and/or non-motorized watercraft(s) which shall also be rented for the same duration of time as the dwelling, and registered in the property owner’s name. **Adopted 10-8-19**

“TOWING.” The recreational drawing or pulling along of a person or persons participating in watersports; not the pulling of another boat.

“VACATION RENTAL MANAGEMENT COMPANY.” A business that is the responsible party as designated by the owner to act for and on behalf of the owner in managing the property, that provides motorized and/or non-motorized watercraft(s) that are registered with the business. **Adopted 10-8-19**

“WATERSPORTS.” An activity which involves being towed behind an operating motorized boat and includes water skiing, knee boarding, wake boarding, wake surfing, tubing and similar activities. ~~Water skiing, knee boarding, wake boarding, tubing, and other similar activities which involve being towed behind a boat.~~

“WATER VESSEL(S).” Every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on the water. Said term shall include, but shall not necessarily be limited to pontoon boats, fishing boats, ~~houseboats~~, ski boats, pleasure boats, ~~personal watercraft~~, row boats, kayaks, stand up paddle boards, sail boats, hydro-bikes, paddle boats or canoes. **(Adopted 3-9-04, Amended 6-13-17)**

LAKE USE REGULATIONS

SECTION 2: FISHING

§ 2.01 LICENSE REQUIRED.

All required persons shall secure a license from the North Carolina Wildlife Resources Commission in accordance with NC General Statutes before fishing in the waters of Lake Lure. (Authority: G. S. § 113-270.1B)

(Res. Passed 3-9-04) Penalty, see § ~~5.01~~6.01. Amended 6-13-17

§ 2.02 LIMITS ON NUMBERS AND SIZE OF FISH CAUGHT.

The maximum number and minimum size of trout, bass and crappie that may be taken from Lake Lure is as follows:

The creel limits and size restrictions for all fish, including trout, bass and crappie, shall be the equivalent to current state restrictions. See the North Carolina State Wildlife Regulations for restriction details.

Lake Lure is classified by the NC Wildlife Resources Commission as “Undesignated Waters.” For mountain trout, there is no size limit or bait restriction. There is no closed season and no trout fishing license is required. The daily creel limit for trout is seven fish.

(Res. Passed 3-9-04) Penalty, see § ~~5.01~~6.01 Amended 4-11-06, 10-14-08, 04-08-14, 6-13-17

§ 2.03 STATIONARY FISHING DEVICES.

It shall be unlawful for any person, firm, or corporation to place basket trot lines or other stationary or unmarked devices, other than poles and those items normally used by sport fishermen, for the catching of fish in the waters of Lake Lure.

(Res. Passed 3-9-04) Penalty, see § ~~5.01~~6.01

~~§ 2.04 TRESPASSING ON BOATS, BOAT HOUSES OR DOCKS.~~

~~It shall be unlawful for any person, firm, or corporation to fish or go in or upon any boat, boat house, pier, or dock belonging to another or so near thereto as to interfere with the owner's possession of the same without permission of the owners thereof.~~

~~(Res. Passed 3-9-04) Penalty, see § 5.01 Amended 6-13-17~~

LAKE USE REGULATIONS

SECTION 3: BATHING

§ 3.01 ENTERING THE WATERS OF LAKE LURE WHILE UNDER THE INFLUENCE OF AN IMPAIRING SUBSTANCE.

No person shall enter the waters of Lake Lure for any purpose while under the influence of an impairing substance.

(Res. Passed 3-9-04) Penalty, see § ~~5.016.01~~ **Amended 6-13-17**

§ 3.02 SWIMMING OFFSHORE.

~~Swimming, diving, rope swinging, water-sliding and floating activities in Lake Lure are regulated as follows: It shall be unlawful to swim in Lake Lure off the shore of any Town-owned property except permitted beaches. No person shall swim farther than 50 feet from the shoreline of Lake Lure unless accompanied by an observer in a boat, unless it is a marked off area permitted by the Marine Commission Regulations.~~

- ~~(A) No person shall swim, dive, swing from a rope, float with a buoyancy device or waterslide into waters greater than 50 feet from the shoreline of Lake Lure. Owners of rental property are responsible for informing tenants of the 50-foot offshore swimming regulation and may be held jointly responsible for failure to comply.~~
- ~~(B) Swimming or floating from a boat is permissible if accompanied by an observer located inside the boat. Waterborne activities from a boat must remain within 25 feet of the boat and are not permitted in marked exclusion zones. Areas of heavy boat traffic and navigation channels should be avoided.~~
- ~~(C) Floating platforms of all types must be located within 30 feet of shore and be securely tethered to an anchor or permanent structure. Floating platforms shall not be secured to buoys, utility infrastructure or trees.~~
- ~~(D) It shall be unlawful to swim in Lake Lure off of the shore of any Town-owned land parcels except permitted beaches.~~

(Res. Passed 3-9-04) Penalty, see § ~~5.016.01~~ **Amended 6-13-17**

§ 3.03 JUMPING FROM ROADWAYS OR BRIDGES.

It is unlawful to dive, jump or swim into the waters of Lake Lure from any road or road right of way, bridge or the area adjacent to any bridge within the Town limits.

(Res. Passed 3-9-04) Penalty, see § ~~5.016.01~~ **Amended 6-13-17**

LAKE USE REGULATIONS

SECTION 4: BOATING

§ 4.01 PERMIT FEE; BOATING PERMIT REQUIRED.

- (A) Except as hereinafter provided, all persons, firms, or corporations shall secure a permit from the Marine Commission or its designated agents before placing, operating, or allowing any water vessel to be placed or operated on Lake Lure. Non-motorized boat permits must be affixed to the starboard (right) side on the bow (front) of the vessel. Motorized boat permits must be affixed to both port (left) and starboard (right) sides on the bow (front) of the vessel. Penalty, see § 6.01 Amended 7-13-21

(1) Boating permits for the calendar year will be made available for purchase on January 1st of that year. As stipulated in Section 4.01(A), permits must be purchased prior to placing or arranging for the placement of any water vessel onto Lake Lure.

(2) Beginning January 1st of each year, water vessels that are underway (in operation), adrift, beached or anchored on Lake Lure shall display the current year permit as required in Section 4.01(A). Prior to May 1st, vessels being delivered to the Lake by a third-party provider (not the owner) and being operated directly between the launch site and berth shall be excused from this requirement.

(3) No later than April 30th of each year, all other water vessels on or over Lake Lure shall display the current year permit as required in Section 4.01(A). This includes those water vessels inside boathouses and/or those affixed to a dock, a lake structure, the shore or other stationary object regardless of the vessel's condition, serviceability or frequency of use.

- (B) All commercial operations must apply for a lake commercial license in accordance with section 4.08 and 4.09 of these regulations. **Amended 4-11-06, 6-13-17**

- (C) All Town employees and any member on the active roster of the Lake Lure, Bill's Creek, Chimney Rock, or Fairfield Volunteer Fire Departments shall be entitled to receive one complimentary annual water vessel permit. A member on the active roster of the Bat Cave, Gerton or Sunny View Volunteer Fire Departments may purchase one annual water vessel permit at the resident rate. ~~A member on the active roster of the Hickory Nut Gorge Emergency Medical Service shall be entitled to one complimentary annual water vessel permit.~~ Only one complimentary boat permit is allowed, per household. All Town employees shall be considered residents for the purpose of renting a boat slip at the Town Marina.

Amended 7-12-11, 6-13-17, 10-8-19, 7-13-21

LAKE USE REGULATIONS

- (D) Retired employees from the Town of Lake Lure that served 10 years and/or is a Town of Lake Lure retired police officer that served at least a total number of years equaling 10 or more by either full-term service alone or additional service as a Reserve Officer, with each four years equaling one full-time year of service shall be entitled to receive one complimentary annual water vessel permit. Only one complimentary boat permit is allowed, per household. All retired Town employees who meet the above criteria shall be considered residents for the purpose of renting a boat slip at the Town Marina. **Amended 7-13-21**
- (E) ~~(A)~~ Federal, State and Local governmental agencies are exempt from this Section provided they are operating in an official capacity, including but not limited to training, research, data collection, emergency response, or other service-related duties. Complimentary permits will be provided for the dates and times needed to perform their official duties, and will only require a valid registration. Vessel length restrictions shall not be imposed. Vessels permitted under this policy shall not be used for recreational activities. **Adopted 12-13-16**
- ~~(E)~~(F) Contractors that are providing a lake-related service to the Town of Lake Lure under a Town sponsored project will receive a complimentary boat permit. Permits granted under this section are only valid for the duration of the project. Valid registration and insurance will be required. Vessel length restrictions shall not be imposed. Vessels permitted under this policy shall not be used for recreational activities.
Amended 7-13-21
- ~~(F)~~(G) Contractors that are providing a lake-related construction service for a property owner on Lake Lure that has specialized equipment generally prohibited by the Lake Use Regulations may apply for a prorated commercial temporary boat permit for a specific job they are contracted for. Permits granted under this Section are only valid for the duration of the project and are subject to a commercial license application fee. Valid boat registration and commercial boat insurance will be required in accordance with Section 4.07(C) of these Regulations. Vessel length restrictions shall not be imposed. Vessels permitted under this policy shall not be used for recreational activities or any other use than approved for. Approval of a commercial temporary boat permit will be at the discretion of the Parks, Recreation & Lake Director or the Town Manager.
Adopted 3-12-19
- ~~(H)~~ ~~All water vessel permit fees shall be assessed according to a schedule of permit fees adopted annually by the Marine Commission.~~ **Amended 4-11-06, 6-13-17**
- ~~(G)~~ ~~(1) Water vessel permit fees for “non residents” may be set at a greater amount than water vessel permit fees for residents.~~ **Amended 4-11-06**
- (H) Corporations owning real property in the Town of Lake Lure may purchase an annual water vessel permit at resident rate, provided the proper registration papers can be presented showing the boat is registered to the corporation.

LAKE USE REGULATIONS

- (I) Residents or their spouses who own a developed lot (a lot with a dwelling or commercial structure) qualify for up to three resident annual motorized boat permits, provided that the maximum number of permits for motorized boats have not been issued. **Amended 4-11-06, 2-13-07, 6-13-17, 7-13-21**
- (J) Property owners or their spouses owning an undeveloped lot qualify for one annual motorized boat permit or one peak season weekday only permit at the resident rate. **Amended 4-11-06, 2-13-07, 9-09-14, 6-13-17, 7-13-21**
- (K) Owners of timeshare properties within the Town of Lake Lure may purchase one motorized boat permit at the resident rate for the week(s) for which they have a timeshare contract. Verification of the contract is required. Amended 4-11-06
- ~~(H) (L) A hard copy of the valid and current state registration, proof of insurance, and specification sheet that lists the weight and length of the water vessel must be presented to the designated issuing agent when purchasing a boat permit. A resident's or property owner's registration must match the name on the Town's tax records for the permit to be issued as a resident permit. Commercial operators must present tax records if their water vessel is registered with a leasing agency. The valid and current state registration of the water vessel must be presented to the designated issuing agent when purchasing a Lake Lure water vessel (boat) permit. A resident's or property owner's registration must match the name on the Town's tax records for the permit to be issued as a resident permit. Commercial operators must present tax records if their water vessel is registered with a leasing agency.~~
- (1) North Carolina General Statute G.S. 75A-5 (b) stipulates that when a vessel registered in another state is brought into North Carolina for over 90 consecutive days, the registration must be transferred to North Carolina. Active-duty military, temporarily stationed in North Carolina, who have a valid out of state registration for their vessel are exempt from this requirement.
- (2) To comply with this statute, no water vessel registered in a state other than North Carolina will be eligible for issuance of a resident or non-resident annual boating permit. Instead, these vessels will be issued a one-time 90-day temporary and non-renewable boating permit. Following the expiration of that permit, the water vessel must be removed from Lake Lure for the remainder of the calendar year unless the registration is changed to North Carolina and an annual permit has been issued.
- (3) Commercial craft are intended to operate year-round as North Carolina business related property and are not eligible for 90-day permits. All commercial vessels must therefore be registered in the State of North Carolina to be eligible for a Lake Lure commercial boating permit.
- ~~(I) Owners of timeshare properties within the Town of Lake Lure may purchase one motorized boat permit at the resident rate for the week(s) for which they have a timeshare contract. Verification of the contract is required. Amended 4-11-06~~
- ~~(J) (M) The Marine Commission has adopted the following limits on motorized boat permits for water vessels greater than 10HP:~~

LAKE USE REGULATIONS

- (1) A maximum of 1,000 resident annual or 90-day motorized ~~unlimited~~ use permits ~~for boats with more than 10 HP.~~
- (2) A maximum of 100 non-resident annual motorized use permits. Owners must have a designated commercial or Town berth to be eligible. Non-resident Town marina slip renters are assured a permit.~~resident annual peak season weekday (no use on holidays), unlimited off peak season permits for boats with more than 10 HP.~~
- ~~(3) A maximum of 75 non-resident annual unlimited use permits and no maximum limit for non-resident annual town marina boat slip renters.~~
- ~~(4) A maximum of 75 non-resident annual peak season weekday (no use on holidays), unlimited off peak season permits for boats with more than 10 HP. Amended 12-11-12, 6-13-17, 6-9-20~~

~~(K)~~ (N) Owners of lakefront lots having structures thereon shall have the E911 designated address assigned to the property posted in accordance with §42.6 of the Code of Ordinances of the Town of Lake Lure titled “Boat House Numbering.” Said signs shall be ordered through the Town office before any annual water vessel permit may be obtained from the Town. A boat permit may be revoked if found to be registered under a lakefront property without the required E911 designated address sign posted in accordance with Section 42.6 of the Lake Lure Code of Ordinances. **Amended 4-11-06, 6-13-17, 7-13-21**

~~(L)~~ (O) The Marine Commission will determine the total number of available commercial and/or non-commercial boat permits based on a schedule of permit limits. To ~~insure~~ ensure the health, safety and welfare of those who use the Lake, the schedule will be reviewed annually utilizing standards established by the Marine Commission which may include, but are not limited to, formulas utilized by the US Army Corps of Engineers, Department of the Interior, Environmental Protection Agency and data from the Coast Guard and the Town of Lake Lure. To help maintain an accurate account of the number of commercial boats being permitted, all applicants who apply for and are approved for commercial boats to be permitted are required to purchase permits for all boats that were applied for and approved by the Marine Commission prior to April 15th of the permitted year, or their space will be reallocated to other applicants. **Amended 3-13-18, 6-12-18**

~~(M)~~ (P) All applications for motorized boat permits must be accompanied by proof of marine liability insurance coverage written by a company approved by the State of North Carolina and AM Best. All non-commercial motorized applications must have minimum marine liability coverage of \$300,000.00 per incident. All applicants for commercial motorized boat permits must hold a lake commercial license and adhere to the insurance requirements defined under section 4.07 below. Proof of marine liability insurance coverage shall be the actual marine liability insurance policy (or either a copy of the marine liability insurance policy or certificate of marine liability insurance provided directly to the Town from the insurance provider) which specifically references the boat by listing the boat’s serial number, state registration number or reference that adequately insures that the boat is covered by the policy that a permit is being requested for, states liability limits for said boat, and identifies effective and renewal dates for policy. (Res. Passed 3-9-04) Penalty, see § ~~5.01~~6.01

LAKE USE REGULATIONS

§ 4.02 PERMIT CATEGORIES.

Boat Permit Types:

(AM)- Resident/Non-Resident Annual Motorized

- Use 24/7 no date/time restriction
- Towing permitted
- Non-Resident owners must have a designated commercial or Town berth on the Lake to be eligible.

~~(AMw)- Resident/Non-Resident Annual Motorized Weekday Only~~

- ~~• Valid Monday – Friday, No holidays or weekends (during peak season)~~

(AM10)- Resident/Non-Resident Annual Motorized 10hp or less

- Must be ~~10hp~~ 10HP or less (or equivalent)
- Use 24/7 no date/time restriction
- Towing ~~prohibited~~ permitted

~~(Fx)- Resident/Non-Resident Annual Motorized Fishing Boat 50hp or less~~

- ~~• Must be 50hp or less~~
- ~~• During peak season use of this permit is limited to nighttime only, 9pm to 9am (may be used anytime during non-peak season)~~
- ~~• Towing prohibited~~

(AN)- Resident/Non-Resident Annual Non-Motorized

- Vessels without any type of motor, including electric motors, in or on the vessel
- With the exception of sailboats and sculling vessels, all non-motorized vessels shall operate only within 75ft of the shore or within the no-wake areas zone unless crossing the lake Lake at a 90-degree angle to access the opposite shoreline no-wake zone

(AM90) – 90-Day Motorized

- All vessels registered out of state independent of residency
- Use 24/7 during 90-day period
- Towing permitted
- 90-day period designated by marker annotation on sticker
- Vessel must be removed from Lake following expiration of permit
- Non-renewable in any one calendar year
- Commercial craft are not eligible

LAKE USE REGULATIONS

(DM)- Daily Motorized

- Valid for the date specified (not 24 hours from time of purchase)
- Not valid on holidays or weekends during peak season, **including July 3rd**
- Towing permitted

~~(WM)- Weekly Motorized~~

- ~~Valid Monday – Friday, No holidays or weekends (during peak season)~~
- ~~Valid seven consecutive days during non-peak season~~

(DN)- Daily Non-Motorized

- Vessels without any type of motor, including electric motors, in or on the vessel
- Shall operate only within the no-wake areas, unless crossing the lake at a 90-degree angle to access the opposite shoreline no-wake zone
- Valid for the date specified (not 24 hours from time of purchase)

(WT)- Weekly Timeshare

- Valid for one week (including weekends and holidays) for a timeshare owner
- Must be the owner of the timeshare; No exchanges
- Must own the week specified for the permit

Temporary Permit (Special Use)

- Temporary permit valid for 1 hour or less, time specific
- Towing prohibited
- Must provide a valid boat registration and \$300,000 watercraft liability insurance
- Special permission must be granted by the Parks, Recreation, and Lake Department

Commercial Permits Types: (All boats in this category must be approved annually and included in the Commercial model. \$1 million watercraft liability insurance coverage for motorized vessels required.)

(L)- Livery

- Pontoon/tritoon boats only
- Towing prohibited
- Short- or long-term boat rentals from commercially zoned properties and approved by Marine Commission

(TW) Towed Water

- Commercial entity approved by the Marine Commission for towed activities
- Towed activities only conducted by operators approved by the Marine Commission

LAKE USE REGULATIONS

(T)- Tour Boats

- Towing prohibited
- Must have a current concession agreement with the Town

~~(FG) Fishing Guides~~

- ~~• May operate 24/7~~
- ~~• Towing prohibited~~

(S)- Service Boats / Fishing Guides

- May operate 24/7
- Towing prohibited

(VR)- Vacation Rentals

- Pontoon/tritoon boats only
- May operate 24/7
- Towing prohibited
- Permit valid for a vessel included with a specific Town approved vacation rental (boat must have been included on the vacation rental application).

(CN)- Commercial Non-Motorized

- Vessels without any type of motor, including electric motors, in or on the vessel
- Shall operate only within the no-wake areas, unless crossing the lake at a 90-degree angle to access the opposite shoreline no-wake zone.

Note: Towing refers to the recreational towing of a skier, tuber etc.; not the towing of another boat. (Adopted 7-13-21)

§ 4.03 PROHIBITED WATER VESSELS.

- (A) Specification Limitations: The Town of Lake Lure Parks, Recreation and Lake Department reserves the right to verify watercraft specifications. State registration annotations supersede self-reported specifications. No pontoon boat, canoe, kayak, rowing shell, row boat or any motorized craft with less than 10 horsepower longer than 28 feet in length, nor any other boat type (including but not limited to runabouts, ski boats, deck boats, sail boats and canoes) longer than 21 feet registered length, will be permitted on Lake Lure. Rowing shells and dragon boats greater than 28 feet in length must be approved by the Town Manager. The Town of Lake Lure Parks, Recreation, and Lake Department reserves the right to measure boats if staff finds it necessary. Boats will not be measured if the length listed on the boat's state registration exceeds the allowed length. Amended 4-12-05, 12-13-16, 6-13-17, 7-13-21

LAKE USE REGULATIONS

- (1) No pontoon or tritoon boat shall exceed 28 feet in length, per the manufacturer's specifications.
- (2) No rowing shell, dragon boat or other sculling vessel shall exceed 28 feet in length unless approved by the Town Manager or the Parks, Recreation and Lake Director.
- (3) Other boat types, including but not limited to runabouts, ski boats, deck boats, row boats, fishing boats, sail boats, paddle boats, kayaks and canoes shall not exceed 21 feet in length, per manufacturer's specifications, not to include removable platforms.
- (4) No boat, other than pontoon/tritoon boats, exceeding 4000 pounds dry weight, per manufacturer's specifications, will be permitted on Lake Lure. **Adopted 1-12-16**
- (5) All vessels employing an external mechanical means of propulsion (outboard) are limited to a single unit, trolling motors excluded, not to exceed 300 horse power or equivalent. This includes all gasoline and diesel engines, electric motors, and hybrid systems.
- (6) Permits for the operation of ballast or similar boats designed to produce wakes sufficient to sustain wake surfing shall be limited to owners of real property in Lake Lure. Such boats owned by non-residents are strictly prohibited on the waters of Lake Lure. **Adopted 7-13-21**
- (7) No vehicle, watercraft, seaplane, airboat, fly board, or hover craft shall be allowed on Lake Lure unless said watercraft or vessel qualifies for and has obtained a current permit pursuant to the Lake Use Regulations of the Town of Lake Lure. Certain vehicles, such as seaplanes, do not qualify for permits under any circumstances and, therefore, are prohibited from the waters of Lake Lure. Any vessel, including a watercraft and a seaplane which is not specifically allowed and/or has a current permit shall not be placed on the waters of Lake Lure. **Amended 6-13-17**
 - (a) Emergency watercraft and emergency aircraft employed in actual firefighting and/or emergency activities are exempt from this prohibition. (Res. Passed 3-9-04) (Penalty, see § 6.01) **Amended 6-13-17**
- (8) Water vessels with built-in kitchen and toilet facilities and/or houseboats shall not be permitted on the waters of Lake Lure.
- (9) The exhaust of every internal combustion engine used on any water vessel shall be effectively muffled by equipment so constructed and used as to muffle the noise of the exhaust in a reasonable manner. (Authority: N.C.G. S. § 75A-9)
- (10) No personal watercraft shall be permitted on the waters of Lake Lure.

Penalty, see § 6.01

LAKE USE REGULATIONS

~~(B) No boat, other than pontoon boats, exceeding 4000 pounds dry weight, per manufacturer's specs, will be permitted on Lake Lure. **Adopted 1-12-16**~~

~~(C)~~(B) The Marine Commission shall allow the issuance of permits for these specified circumstances: personal watercraft only to:

- (1) Operational personal watercraft previously permitted prior to 1988 and every subsequent year and owned by a resident. Residents of the Town who were previously issued permits for the same personal watercraft in 1988; and
- (2) Operational water vessels greater than 300 horsepower permitted prior to 2023 and every subsequent year and owned by a resident. All permits for personal watercraft as allowed herein shall be of the "annual" type only. No permits shall be issued for any other personal watercraft, including replacements for currently permitted ones. **Amended 6-13-17**

~~(D) Water vessels with built in kitchen and toilet facilities and/or houseboats shall not be permitted on the waters of Lake Lure.~~

~~(E) (1) No vehicle, watercraft, seaplane, airboat, fly board, or hovercraft shall be allowed on Lake Lure unless said watercraft or vessel qualifies for and has obtained a current permit pursuant to the Lake Use Regulations of the Town of Lake Lure. Certain vehicles, such as seaplanes, do not qualify for permits under any circumstances and, therefore, are prohibited from the waters of Lake Lure. Any vessel, including a watercraft and a seaplane which is not specifically allowed and/or has a current permit shall not be placed on the waters of Lake Lure. **Amended 6-13-17**~~

~~(2) Emergency watercraft and emergency aircraft employed in actual firefighting and/or emergency activities are exempt from this prohibition. (Res. Passed 3-9-04) (Penalty, see § 5.01) **Amended 6-13-17**~~

~~(F) Permits for the operation of Ballast or similar boats designed to produce wakes sufficient to sustain wake surfing shall be limited to owners of real property in Lake Lure. Such boats owned by non-residents are strictly prohibited on the waters of Lake Lure. **Adopted 7-13-21**~~

§ 4.04 REGULATIONS REGARDING OPERATION OF BOATS; RESTRICTED AREAS.

(A) No water vessels shall be operated shoreward of markers designating restricted areas.

~~(A)~~(B) Wake surfers must comply with NC Wildlife Resource Commission Guidelines on wake surfing including maintaining a safe distance from boaters and personal property. Lake Lure requires wake surfers to maintain at least 150 feet separation from shorelines and other boats. Recreational boaters should provide surfers a wide berth and surfers should suspend activity if unable to maintain safe separation. Penalty, see § 6.01

LAKE USE REGULATIONS

~~(B)(C)~~ No water vessels shall be tied to any Town owned public dock for longer than two and a half hours, except for boats owned or permitted in the name of the Town, unless special permission is received from the Town Manager. Penalty, see § 6.01

~~(C) No water vessels shall be operated at a speed greater than “no wake” speed within 75 feet of another vessel or the shoreline of Lake Lure. Amended 2-13-07~~

(D) No water vessels shall operate at a speed greater than “no wake” on areas of Lake Lure ~~not regulated by (C) above~~, when such areas are properly marked with a lawfully placed buoy or marker. Penalty, see § 6.01

(E) No water vessel shall be tied to any lawfully placed marker buoy, manhole or other utility infrastructure on the Lake or the shoreline of Lake Lure. Penalty, see § 6.01

(F) All buoys, including mooring buoys, or safety marker placements must be approved by the Marine Commission-Lake Advisory Board. All markings will be in accordance with the Uniform Waterway Marking System and the North Carolina Wildlife Resources Commission’s regulations. **Amended 9-11-18**

~~(G) All water vessels must be operated at “no wake” speed from 7 p.m. to 7 a.m. during the months of October through April and 9 p.m. to 7 a.m. during the months of May through September.~~

~~(H) No person may operate a recreational vessel with any child under 13 years old aboard each such child is either:~~

~~(1) Wearing an appropriate personal flotation device (PFD) approved by the U.S. Coast Guard; or~~

~~(2) Below decks or in an enclosed cabin (Res. Passed 3-9-04) Penalty, see § 5.01
Amended 7-13-21~~

~~(H)(G)~~ All non-motorized boats, excluding sailboats and sculling vessels, rowing shells, shall stay within 75ft of the shore or within the no-wake zone except when crossing the Lake at a 90-degree angle to access the opposite shoreline no-wake zone. **Adopted 1-12-16**

§ 4.05 MANNER OF OPERATION OF BOATS.

(A) It shall be unlawful for any person to operate a water vessel on Lake Lure in a reckless or negligent manner so as to endanger the life, limb, or property of any person upon or near said Lake. It shall also be unlawful for the owner of any water vessel to allow said water vessel to be operated in a reckless or negligent manner so as to endanger life, limb, or property of any person upon or near said Lake. (Authority: N.C.G.S. § 75A-10) Penalty, see § 6.01

LAKE USE REGULATIONS

(1) Speed Restrictions:

(a) No person shall operate a water vessel on Lake Lure at a speed greater than is reasonable and prudent under the conditions then existing. Speed which is excessive under the circumstances shall be considered reckless or negligent as provided above.

(b) Except as provided elsewhere in these regulations, it shall be unlawful to operate a water vessel in excess of the following speeds:

(1) Forty-five miles per hour regardless of conditions

(A) (2) “No Wake” speed within 75 feet of another vessel, 75 feet of the shoreline or in areas marked with a lawfully placed buoy or marker.

(3) All water vessels must be operated at “No Wake” speed (max 1000 RPM) from 7pm to 7am during the months of October through April and 9pm to 7am during the months of May through September.

(4) “No Wake” speed within 100 feet of an emergency vessel that is displaying its emergency lights

(B) No person shall operate a water vessel on the waters of Lake Lure while under the influence of an impairing substance or after having consumed sufficient alcohol that said person has, at any relevant time after the operation of said water vessel, an alcohol concentration of 0.08 or more. The consumption of fortified wine and spirituous liquor on the Lake is prohibited by N.C.G.S. §18B-301. The fact that a person charged with violating this subsection is or has been legally entitled to use alcohol or a drug is not a defense to a charge under this section. **Amended 6-13-17**

~~(C)~~ No person shall ~~allow a minor (a person under the age of 16) to~~ operate a motorized water vessel on Lake Lure until they have completed Lake Lure designated training and obtained a Lake Lure Boat Operator License. unless accompanied by an adult (a person aged 26 or older). Anyone 16 or older who has successfully completed an approved boating safety education course can operate a boat independently on Lake Lure. Penalty, see § 6.01 **Amended 2-13-07, 6-13-17**

~~(D)~~ No person may operate a water vessel with a child under 13 years old aboard unless each child is either:

(1) Wearing an appropriate personal flotation device (PFD) approved by the U.S. Coast Guard; or

~~(E)~~ (2) Below decks or in an enclosed cabin (Res. Passed 3-9-04) Penalty, see § 6.01
Amended 7-13-21

~~(D)~~(E) No person shall engage in motorized water vessel racing on Lake Lure. Penalty, see § 6.01

LAKE USE REGULATIONS

- ~~(E) The exhaust of every internal combustion engine used on any water vessel shall be effectively muffled by equipment so constructed and used as to muffle the noise of the exhaust in reasonable manner. (Authority: N.C.G. S. § 75A-9)~~
- (F) No person shall place, throw, deposit, or discharge or cause to be placed, thrown, deposited, or discharged on the waters of Lake Lure, any litter, raw sewage, bottles, cans, papers, or other liquid or solid materials (to include trash, brush, leaves and scrap building materials) which render the waters unsightly, noxious, or otherwise unwholesome so as to be detrimental to the public health or welfare or to the enjoyment and safety of the water for recreational purposes. (Authority: N.C.G. S. § 75A-10) (Res. Passed 3-9-04) Penalty, see § ~~5.016.01~~ **Amended 6-13-17**

§ 4.06 WATER SPORTS.

- (A) All persons involved in water sports in Lake Lure shall wear proper U.S. Coast Guard approved life vest gear. No more than two persons engaged in water sports may be towed behind one boat (with the exception of ~~water skiing~~ water-skiing shows permitted by the Town). Penalty, see §6.01
- (B) No person shall engage in watersports unless at least one of the following conditions is met: (Authority N.C.G.S. § 75A-13) Penalty, see § 6.01
- (1) There is in the vessel a person, in addition to the operator, in a position to observe the progress of the person or persons being towed.
- ~~(A)~~ (2) The vessel is equipped with a rear-view mirror.
- ~~(B)~~(C) No person shall engage in water sports in any cove or “No Wake” zone of less than 300 feet in width or in any cove marked by “no wake” buoys. (Res. Passed 3-9-04) Penalty, see §5.016.01

§4.07 FEES.

- (A) Watervessel permit fees. Various fees shall be assessed for water vessel permits for residents, non-residents, dealers, and commercial establishments (both resident and non-resident) and shall be as established by the Marine Commission pursuant to a schedule adopted annually. A copy of the schedule of current fees shall be kept at all times in the Town office. **Amended 6-13-17**
- (B) Slip fees. Various rental fees shall be assessed for slips at the Town Marina and shall be as established by the Marine Commission pursuant to a schedule adopted annually. A copy of the schedule of current fees shall be kept at all times in the Town office. (Res. Passed 3-9-04) **Amended 6-13-17**

LAKE USE REGULATIONS

§4.08 COMMERCIAL OPERATIONS.

Commercial operations shall be allowed on the waters of Lake Lure subject to the following conditions:

- (A) A lake commercial license shall be required annually prior to purchasing commercial boat permits. **Amended 6-13-17**
- (B) All commercial operators shall successfully complete a Marine Commission approved boating safety class annually.
- ~~(C) No person or commercial operation shall conduct business on Town owned land without a required concession agreement. Penalty, see § 6.01~~
- ~~(D)~~ (D) All applications for lake commercial licenses shall be accompanied by proof of marine liability insurance written by a company approved by the State of North Carolina and AM Best for all associated motorized boats. Commercial classifications 1, 2, 3, 4, 5, 6, & 8 must have minimum liability coverage of \$1,000,000.00. Commercial classification 7 shall carry the appropriate type of insurance policy (commercial/non-commercial) suitable for business operation, and have minimum marine liability coverage of \$300,000.00. All commercial operators shall name the Town as co-insured on the required policies. **Amended 4-28-05, 6-12-18**
- ~~(E)~~ (E) No single business owner or commercial operation may have more than seven permits for motorized boats ~~over 10 HP~~, unless they have a concession agreement with the Town specifically stating a different number.
- (F) No single business owner or commercial operation may have more than ten (10) permits for non-motorized boats, unless they have a concession agreement with the Town specifically stating a different number. **Amended 4-28-05**
- (G) The only way that a business owner or commercial operation may obtain more permits than what is allowed in any one classification or in total is to enter into a concession agreement with the Town of Lake Lure. A concession agreement is also required if a business owner or commercial operator wishes to do business from any land owned by the Town. **Amended 4-10-12, 6-13-17**
- (H) Livery operations shall be located within a Zoning District that permits commercial use. **Adopted 10-8-19**
- ~~(I) Commercial craft with more than 100 horsepower shall have boat to shore communications capability.~~
- ~~(J)~~ (I) Commercial operators shall report to law enforcement any violation of State or local regulations as well as any observed accidents.

LAKE USE REGULATIONS

- ~~(K)~~ (J) Commercial operators must render assistance to any disabled vessel(s).
(Res. Passed 4-12-05) Penalty, see § ~~5-016.01~~
- ~~(L)~~ (K) Water sports are expressly prohibited behind boats with a resort, livery, service, tour boat and fishing commercial classification (including boats associated with rental homes).
(Res. Passed 4-11-06) **Amended 6-13-17, 6-12-18**
- ~~(M)~~ (L) Commercial craft shall not be operated when lightning is visible or thunder is audible. Commercial craft operating on the Lake when these conditions occur must return to moorings immediately. (Res. Passed 4-11-06) **Amended 6-13-17**
- ~~(N)~~ (M) Because there are limits in the numbers of commercial boat permits issued, once a boat permit has been issued for a particular commercial classification, that boat shall retain that classification until the permit expires. A boat cannot change classification in the same calendar year that it was permitted. Commercial vessels may only be operated for the purpose approved in the commercial license. Dual permitting of boats is prohibited. (Res. Passed 10-12-10) **Amended 6-12-18**
- ~~(O)~~ (N) Boats licensed in commercial classification 5 (tour boats) shall be subject to the following further conditions:
- (1) Voice amplification systems shall not be allowed. **Amended 6-13-17**
 - (2) Operations will be carried out at low wake in all parts of the Lake except the center.
 - (3) Each boat shall show the name of the commercial operator and have large numerals to facilitate identification for comments. **Amended 4-10-12**
 - (4) Tour boats shall not navigate under a bridge or enter a cove other than the Town marina cove except for picking up and dropping off passengers. **Adopted 6-13-17**
 - (5) Tour boats shall not navigate in “no wake zones” except when picking up and dropping off passengers. **Adopted 6-13-17 Amended 1-14-20**
 - (6) Boarding and departing passengers will be allowed access only from commercial landings with the exception of special events approved by the Town Manager or Parks, Recreation, and Lake Director. **Adopted 6-13-17 Amended 1-14-20**
 - (7) Tour Boats shall not travel in clusters and must be separated at a minimum distance of 100 yards. **Adopted 6-13-17**
 - (8) Tour boats require a concession agreement with the Town regardless of the number permitted. **Adopted 6-13-17**
- ~~(P)~~ (O) Commercial licenses and boat permits issued for Class 8 are for use with vacation rental properties only, and only to the tenants of said property. Class 8 boat rentals to the general public at large are prohibited. **Adopted 1-14-20**

LAKE USE REGULATIONS

~~(P)~~ (P) No vacation rental watercraft shall be permitted to tow any person(s) at any time.
Adopted 10-8-19

~~(R)~~ (Q) Vacation rental management companies shall only provide motorized and non-motorized watercraft(s) that are registered and commercially permitted with their business.
Adopted 10-8-19

§4.09 LAUNCHING WATER VESSELS & LAUNCH SITES.

(A) Launching of motorized water vessels into the Lake shall be allowed only from general and private launch sites. **Amended 6-13-17**

(B) No new private launch sites for motorized boats may be created on the Lake.

~~(F)~~ (C) The Marine Commission may close or restrict use of any or all general launch sites when it is deemed that conditions exist which threaten the safe, recreational usage of the Lake. (Res. Passed 4-12-05) Penalty, see § ~~5.01~~6.01. **Amended 6-13-17**

§4.10 LAKE COMMERCIAL LICENSING.

(A) A lake commercial license is required prior to purchasing commercial boat permits.

(B) All new lake commercial license applications and all lake commercial license renewal applications must be received by the first day of November. **Amended 6-13-17**

(C) The Marine Commission will complete its review of all license applications and may issue lake commercial licenses by the first day of January of the following year.

LAKE USE REGULATIONS

(D) **Lake Commercial License Schedule of Criterion** – In determining both the number of lake commercial licenses that may be available for issuance to each of the eight commercial classifications defined in Section 1.02 and whether to issue a license in response to an application either for a new lake commercial license or to renew an existing lake commercial license, the Marine Commission may consider the following criteria (and such other criteria as the Marine Commission may consider reasonable and appropriate.) **Amended 6-13-17**

Criterion	Commercial Classifications							
	Livery (Class 1)	Resorts (Class 2)	Camps (Class 3)	Ski Schools (Class 4)	Tour Boats (Class 5)	Fishing Guides (Class 6)	Services (Class 7)	Vacation Rentals (Class 8)
Lake Impact Limit (Summer)	TBD per Calc*	TBD per Calc*	TBD per Calc*	TBD per Calc*	TBD per Calc*	TBD per Calc*	TBD per Calc*	<u>TBD</u> per Calc*
Lake Impact Limit (Spring/Fall)	TBD per Calc*	TBD per Calc*	TBD per Calc*	TBD per Calc*	TBD per Calc*	TBD per Calc*	TBD per Calc*	<u>TBD</u> per Calc*
Lake Impact Limit (Winter)	TBD per Calc*	TBD per Calc*	TBD per Calc*	TBD per Calc*	TBD per Calc*	TBD per Calc*	TBD per Calc*	<u>TBD</u> per Calc*
Max Permits / Operation	4 per owner or business entity**	3 per owner or business entity**	3 per owner or business entity**	2 per owner or business entity**	2 per owner or business entity**	2 per owner or business entity**	2 per owner or business entity**	1 VRM per owner or business entity** and up to 5 VRN

LAKE USE REGULATIONS

Criterion	Commercial Classifications							
	Livery (Class 1)	Resorts (Class 2)	Camps (Class 3)	Ski Schools (Class 4)	Tour Boats (Class 5)	Fishing Guides (Class 6)	Services (Class 7)	Vacation Rentals (Class 8)
Mooring Restrictions	<p>Commercial business operations must be conducted from lake structures adjacent to lots zoned CG, GU, R3 or R4 (except house rentals, service boats or real estate agents). Commercial boats may be moored in any zoning district under these conditions:</p> <p>a) The boat is moored at property being used as a residence for the business owner or an employee.</p> <p>b) Primary business operations are not being conducted at the residence.</p>							
Residence Requirements	<p>It is the intent of the Marine Commission to limit lake commercial licenses to those business entities, which are principally located in the corporate limits of the Town of Lake Lure. The Marine Commission reserves the right to cancel lake commercial licenses if it is later discovered that the business entity is not principally located in the corporate limits of the Town of Lake Lure. Non-resident real estate agents, fishing guides, contractors and boat repair companies hired by residents of Lake Lure may apply to the Lake Lure Marine Commission for special permits. If approved, non-resident commercial licensees will be allocated boat permits at a fee adjusted to represent the Non-Resident annual fee plus the commercial surcharge as applied to Resident annual permit fee.</p>							
Marine Liability Insurance Requirements	Minimum coverage of \$1,000,000 per incident. Town of Lake Lure must be listed as co-insured.	Minimum coverage of \$1,000,000 per incident. Town of Lake Lure must be listed as co-insured.	Minimum coverage of \$1,000,000 per incident. Town of Lake Lure must be listed as co-insured.	Minimum coverage of \$1,000,000 per incident. Town of Lake Lure must be listed as co-insured.	Minimum coverage of \$1,000,000 per incident. Town of Lake Lure must be listed as co-insured.	Minimum coverage of \$1,000,000 per incident. Town of Lake Lure must be listed as co-insured.	Minimum coverage of \$300,000 per incident. Town of Lake Lure must be listed as co-insured.	Minimum coverage of \$1,000,000 per incident. Town of Lake Lure must be listed as co-insured.

LAKE USE REGULATIONS

Criterion	Commercial Classifications							
	Livery (Class 1)	Resorts (Class 2)	Camps (Class 3)	Ski Schools (Class 4)	Tour Boats (Class 5)	Fishing Guides (Class 6)	Services (Class 7)	Vacation Rentals (Class 8)
Lodging Restrictions	No lodging amenities allowed for this commercial category	All clientele must be lodged at facilities within the corporate limits of the Town of Lake Lure	All campers must be lodged at facilities within the corporate limits of the Town of Lake Lure	No lodging amenities allowed for this commercial category	No lodging amenities allowed for this commercial category	No lodging amenities allowed for this commercial category	No lodging amenities allowed for this commercial category	House rentals must occur in corporate limits of the Town of Lake Lure
Operator Requirements	All operators must be informed of Lake Use Regulations and provided a Lake Use Regulation pamphlet	All commercial operators shall successfully complete a Marine Commission approved boating safety class annually. Applications for lake commercial license(s) require a list of operator(s). Any changes to operator(s) list must be delivered to the Town within 14 days of the change. Boating safety course certificates are required for all operator(s) listed on application. Certificates must be submitted to the Town prior to operator(s) performing lake associated business service(s). Amended 6-13-2017						All operators must be informed of Lake Use Regulations and provided a vacation boat rental contract addendum

LAKE USE REGULATIONS

Criterion	Commercial Classifications							
	Livery <i>(Class 1)</i>	Resorts <i>(Class 2)</i>	Camps <i>(Class 3)</i>	Ski Schools <i>(Class 4)</i>	Tour Boats <i>(Class 5)</i>	Fishing Guides <i>(Class 6)</i>	Services <i>(Class 7)</i>	Vacation Rentals <i>(Class 8)</i>
Order of Priority	<p>Among applicants that meet all of the criteria (above) for their classification, lake commercial licenses will be granted in priority order until the available commercial capacity is fully consumed for a given classification. The order of priority will be as follows:</p> <p>First: Commercial boats that were approved in the prior year, provided the business remains in good standing with respect to lake operations and adherence to regulations, in order of business establishment date. Resident businesses have priority over non-resident businesses.</p> <p>Second: Additional boats for businesses approved in the prior year, provided:</p> <ul style="list-style-type: none"> (a) the business has not reached the individual maximums for # of boats (by class) (b) the business remains in good standing with respect to lake operations and adherence to regulations (c) there is capacity remaining for the desired class of commercial boating activity (additional boats ordered by date of business establishment) <p>Third: New applicant businesses, provided there is capacity remaining for the desired class of commercial boating activity. Boats for these new businesses will be approved in the following priority order:</p> <ul style="list-style-type: none"> (a) businesses based in the Lake Lure town limits, ordered by date established (b) out-of-area businesses, ordered by date established <p>Notes:</p> <p>(1) A business that does not renew a boat for a year loses their priority position if they decide to return to commercial operations in succeeding years. They will be considered a new business.</p> <p>(2) A business that transfers owners and does not miss a year of commercial licensing will retain their priority position.</p>							

Amended 04-08-2014, 06-13-2017, 10-8-19, 1-14-20

**In determining lake impact limits, formulas and data utilized by the U.S. Army Corps of Engineers, the Department of the Interior, the Environmental Protection Agency and the Coast Guard were employed to determine the following impact per business classification.*

*** As provided in Section 4.07, no business owner or commercial operation may have more than seven motorized over 10 hp boat permits across all commercial classifications, unless they have obtained a concession agreement with the Town.*

LAKE USE REGULATIONS

- (E) The Marine Commission may suspend or revoke lake commercial licenses at any time for violation of applicable Lake Use Regulations. (Res. Passed 4-12-05) Penalty, see § ~~5.01~~6.01

SECTION 5: LAKE STRUCTURES

§ 5.01 ACCESS TO BOATS, BOAT HOUSES, PIERS, BOARDWALKS OR DOCKS.

- (A) It shall be unlawful for any person, firm or corporation to access any boat or lake structure within the lake boundary or so near thereto as to interfere with the owner's access of the same without permission of the owners thereof.
- (B) By exception, Town personnel or designated representatives may conduct permit inspections, structural safety inspections or install and maintain utility infrastructure under or near lake structures. The Town of Lake Lure will exercise a reasonable due diligence to coordinate these operations with the affected property owners.

(Res. Passed 3-9-04) Penalty, see § 6.01 Amended 6-13-17

§ 5.02 INSTALLATION AND MAINTENANCE OF UTILITY INFRASTRUCTURE

- (A) The Town of Lake Lure may direct the relocation or removal of impediments to utility infrastructure such as watercraft or other floating structures. Vacate or relocation orders for personal property including boats berthed or suspended within lake structures may be required to ensure safe access for utility installation and maintenance. Property owners who fail to comply with directed orders may be subject to towing and storage fees for relocated property
- (B) Required structural modifications to lake structures may be required to ensure safe access for utility installation and maintenance. The Town of Lake Lure may take reasonable measures to redesign and relocate pilings and other structures used to support boathouses and other lake structures in order to facilitate the installation and maintenance of utilities, pursuant to Session Law 2022-6, §20.2(a).
- (C) It shall be unlawful for any person or entity to hinder, resist, obstruct, delay or otherwise interfere with the Town's efforts to redesign and relocate support pilings or structures when the same is determined as necessary for the orderly and convenient installation of utilities or maintenance thereof. Violations of this section shall subject the offender to any one, all, or any combination of, the penalties set forth in N.C.G.S. §160A-175 and §1-10 of the Lake Lure Code of Ordinances. Violations of this section also constitute a misdemeanor pursuant to N.C.G.S. §14-4, punishable upon conviction by a maximum fine not to exceed \$500.00 for each separate violation or by imprisonment not to exceed 30 days pursuant to the authority of N.C.G.S. §14-3(a) (3).

LAKE USE REGULATIONS

SECTION 65: ENFORCEMENT; PENALTIES

§ 5-016.01 ENFORCEMENT; PENALTIES.

- (A) All law enforcement officers with territorial jurisdiction as to any part of the waters of Lake Lure or its shoreline area within the limitations of their subject matter jurisdiction, have the authority of peace officers in enforcing the laws over all of the waters of Lake Lure and its shoreline area. A certificate of training issued by the North Carolina Criminal Justice Education and Training Standards Commission or the North Carolina Sheriffs' Education and Training Standards Commission will suffice for certification for the purposes of the Lake Use Regulations. **Amended 6-13-17**
- (B) Any person, firm, or corporation violating any provision of the Lake Use Regulations for which no specific penalty is otherwise provided, shall upon conviction be guilty of a misdemeanor as provided in N.C.G.S. § 14-4; however, violations of § 4.04 and § 4.05 shall be as provided in N.C.G.S. § 75A-18. **Amended 6-13-17**
- (C) Any person, firm, or corporation violating any provisions of the Lake Use Regulations, upon conviction thereof, may be suspended from further use of Lake Lure, at the discretion of the Marine Commission. **Amended 6-13-17**
- (D) Any person, firm, or corporation attempting to manipulate or defraud the permitting system, upon conviction thereof, may be suspended from further use of Lake Lure, at the discretion of the Marine Commission. **Adopted 10-8-149**
- (E) The Marine Commission may also provide for enforcement of the Lake Use Regulations by other remedies, as authorized in N.C.G.S. § 160A-175, including the imposition of those civil fines defined in the schedule of fines, the ordering of specific equitable relief, including injunctions, or a combination of remedies. In addition, the Marine Commission may seek an appropriate equitable remedy issuing from a court of competent jurisdiction. (Res. Passed 3-9-04) **Amended 4-11-06, 6-13-17**
- (F) A schedule of fees for violations of Class A, Class B, Class C (Non-motorized), Class C (Motorized), and Class D shall be adopted by the Marine Commission annually. Said schedule may be amended by resolution of the Commission as required. (Res. Passed 4-11-06) **Amended 6-13-17**
- (G) All Class D violations, and the conviction thereof, will be in perpetuity and may result in permit revocation at the discretion of the Marine Commission. **Adopted 1-14-20**

LAKE USE REGULATIONS

Schedule of Civil Fines for Lake	Fine Number	Regulation Section	Violation Category
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1 - General Lake Use

Disposal of any litter, raw sewage, bottles, cans, papers or other liquid or solid materials <u>including trash, brush, leaves or scrap building materials</u> on the waters of Lake Lure	1.1	<u>4.05 (F)</u>	CD
Disposal of any trash, brush, leaves or scrap building materials into the Lake	1.2		C
Trespassing on boats, boat houses or docks	1. 23	<u>5.01 (A)</u>	B

2 - Swimming

Swimming under the influence of an impairing substance	2.1	<u>3.01</u>	B
Unaccompanied swimming <u>Swimming</u> greater than 50 feet offshore <u>unaccompanied by a boat</u>	2.2	<u>3.02 (A)</u>	B
<u>Swimming greater than 25 feet from a boat</u>	2.3	<u>3.02 (B)</u>	<u>B</u>
Diving, jumping or swimming from any bridge or road	<u>2.4</u>	<u>3.03</u>	C

~~3 - Fishing~~

Use of more than two fishing lines per person	3.3		A
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~~4.3~~ - Boating (Permits)

Operation of boat without a valid permit	4.13.1	<u>4.01 (A)</u>	C
Failure to display 911 address on boat house	4.23.2	<u>4.01 (N)</u>	A

LAKE USE REGULATIONS

Schedule of Civil Fines for Lake	Fine Number	Regulation Section	Violation Category
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Manipulation of permitting process	4.33.3	<u>4.01</u>	D
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45- Boating
(Operation)

<u>Operation of a prohibited water vessel</u>	<u>4.1</u>	<u>4.03</u>	<u>C</u>
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<u>Wake surfing within 150 feet of the shoreline or other vessel</u>	<u>4.2</u>	<u>4.04 (B)</u>	<u>C</u>
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Operation of boat at a speed greater than "no wake" speed within a no wake zone 75 feet of shoreline	5.24.3	<u>4.04 (D)</u>	C
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Operation of boat at a speed greater than "no wake" speed during "no wake" hours	5.4		C
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Boat tied to a Town public dock for longer than 2.5 hours	5.54.4	<u>4.04 (C)</u>	A
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Boat tied to a Town buoy or marker	5.64.5	<u>4.04 (E)</u>	A
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<u>Reckless or negligent operation of a boat (or allowing same)</u>	<u>4.6</u>	<u>4.05 (A)</u>	<u>C</u>
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(a) resulting in damage to property	5.8a4.6a		BC
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(b) resulting in personal injury	5.8b4.6b		CD
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(c) resulting in death	5.8e4.6c		D
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<u>Excessive Speed</u>	<u>4.7</u>	<u>4.05 (A)(1)</u>	<u>C</u>
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Motorized water vessel racing	5.104.8	<u>4.05 (E)</u>	C
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<u>Operation of a motorized water vessel without a Lake Lure Boat Operator License</u> Insufficient exhaust muffling for Town sound requirements	5.114.9	<u>4.05(C)</u>	AC
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LAKE USE REGULATIONS

Schedule of Civil Fines for Lake	Fine Number	Regulation Section	Violation Category
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56- Water Sports

<u>Engaging in watersports without an approved life vest</u>	<u>5.1</u>	<u>4.06 (A)</u>	<u>C</u>
<u>Towing more than two persons engaged in watersports</u>	<u>5.2</u>	<u>4.06 (A)</u>	<u>C</u>
<u>Engaging in watersports without a designated observer or a rear-view mirror</u>	<u>5.3</u>	<u>4.06 (B)</u>	<u>C</u>
Engaging in water sports in <u>a</u> prohibited cove or <u>“No Wake” zone</u>	6.25.4	<u>4.06 (C)</u>	BC

67- Commercial Operations Only

Use of boat for commercial purposes without a valid lake commercial license and boat permit	7.16.1	<u>4.08 (A)</u>	D
Operation of commercial craft greater than 100hp without boat to shore communications capability	7.26.2	4.08 (I)	B
Failure to report violation of state or local regulations or observed accidents	7.36.3	<u>4.08 (I)</u>	A
Failure to render assistance to disabled vessel	7.46.4	<u>4.08 (J)</u>	A
Uncertified operator	7.56.5	<u>4.08 (B)</u>	BC
Engaging in water sports (towing) without Class 4 Ski School License (or permission of such)	7.66.6	<u>4.08 (K)</u>	C
Operation of boat during lightning threat	7.76.7	<u>4.08 (L)</u>	C

LAKE USE REGULATIONS

Schedule of Civil Fines for Lake	Fine Number	Regulation Section	Violation Category
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Permanent mooring of any commercial boats at a lake structure out of compliance with zoning requirements of upland lots	7-86.8	<u>4.08 (D)</u>	D
Conducting business on Town owned land without a required concession agreement	7-96.9	<u>4.08 (C)</u>	D
Operation of a livery from residential vacation rental	8-06.10	<u>4.08 (O)</u>	C
Operation of a livery in a Zoning District that does not permit commercial use	8-16.11	<u>4.08 (H)</u>	C
Vacation Rental Management Company providing watercraft(s) for rent that are not registered with their business	8-26.12	<u>4.08 (Q)</u>	D

Violation Category

- A = nuisance, little impact on others
- B = minor impact on lake operations and safety
- C = significant impact on lake operations and safety
- D = major impact on lake operations and safety

Adopted 6-13-17; Amended 3-13-18, 10-8-19, 1-14-20

(H) Any person, firm or corporation with an unpaid civil citation of any type will be unable to purchase a boat permit until such time as the citation is paid.

~~(H)(I)~~ Any person, firm, or corporation that fails to pay a lake regulations civil fine within thirty (30) days of such fine being imposed may be suspended from further use of Lake Lure, including the forfeiture of boat permits, at the discretion of the Marine Commission. (Res. Passed 4-11-06) **Amended 6-13-17**

~~(H)(J)~~ Revenues from lake use regulation civil fines shall belong to the Town of Lake Lure and used solely for funding lake operations. (Res. Passed 4-11-06) **Amended 6-13-17**

~~(J)(K)~~ Appeals from the provisions of the Lake Use Regulations shall be made to the Lake Lure Marine Commission. (Res. Passed 4-11-06) **Amended 6-13-17**

LAKE USE REGULATIONS

~~(K)~~(L) It shall be the responsibility of the owner of any permitted vessel to see that any and all civil fines are paid in the event an operator using said vessel receives a citation. Failure to pay a lake regulations civil fine within 30 days may result in suspension from further use of the Lake, including the forfeiture of boat permits, at the discretion of the Marine Commission.
(Res. Passed 10-12-10)

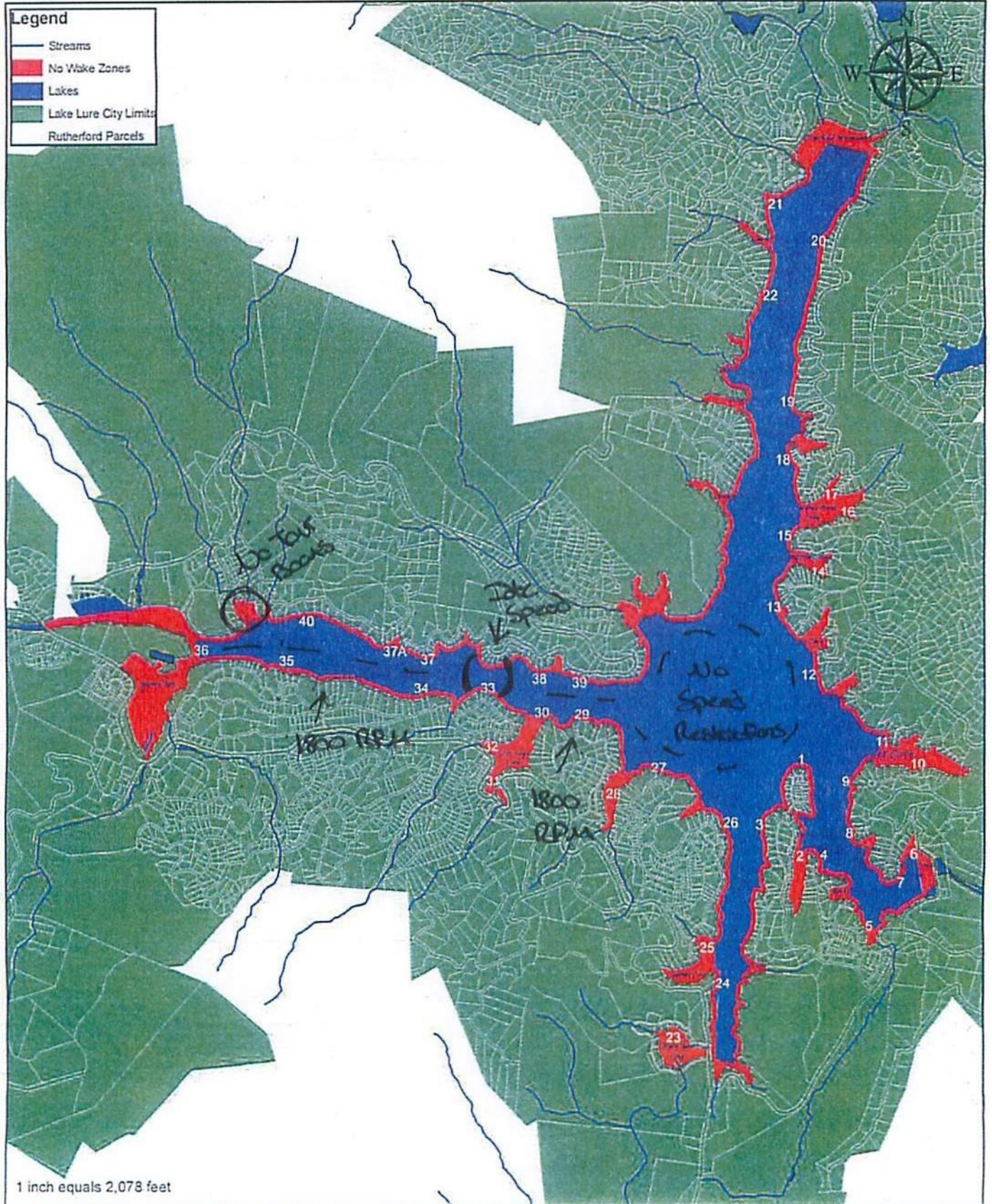
Lake Lure Manner of Operation

To help reduce the wake issues that are occurring within the main channel of Lake Lure, Lake Lure Tours proposes the following for operation:

- ~~Stage tour boat departure times at least five minutes apart. a. For example, Tour boat one departing at 10:55 am, tour boat two departing at 11 am, and tour boat three departing at 11:05 am on busy days.~~
- ~~For the safety of residents swimming in Firefly Cove, Lake Lure Tours will no longer proceed into the cove.~~
- ~~Lake Lure Tours proposes to operate tour boats at 1800 RPM (existing policy) through the main channel, except at the portion of the channel which is referred to as the “Bottle Neck” located within Lake View Road and Cutaway Road area. All tour boats will drop to idle speed thirty yards before and thirty yards after the “Bottle Neck.”~~
- ~~All tour boats should stay to the center of the main channel unless one of the following— occurs:
 - a. ~~The skipper is pointing out features along the Lake and then returns to the center of the main channel.~~
 - b. ~~An unsafe event occurs (skiing, swimming, or yielding right of way to another boat).~~~~
- ~~In the event that the tour boat is stopped, the driver will turn the boat ninety degrees before powering the boat back up to 1800 RPM to disperse wake away from the shorelines.~~

~~In addition to the above changes for LLT boat operations, all boat drivers will complete a new training program this spring. Management will be riding with each skipper at least twice a month to ensure that all new directions, operational protocols, and boat operations are being followed.~~

~~TOUR BOAT MANNER OF OPERATION MAP~~



~~Title: Lake Lure Commercial Boaters Safety Class~~

~~Lesson Purpose: To provide the commercial operator with the knowledge, skills and materials to complete the Lake Lure Marine Commission mandated commercial boaters' safety class.~~

~~Training Objective: Attending this class, the participant will be able to achieve the following objectives in accordance with the information presented during the instructional period:~~

1. State/Local Laws

- ~~• State Regulations~~
- ~~• Lake Lure Regulations~~

2. Lake Use Regulations

- ~~• Commercial Operations~~

3. Professionalism

- ~~• Representing your company~~
- ~~• Courtesy~~
- ~~• Manner of operation~~

4. Safety

- ~~• Operation~~
- ~~• Equipment~~
- ~~• Reporting~~
- ~~• Inclement Weather~~

5. Privacy

- ~~• Respecting residents privacy~~

6. Communications

- ~~• With your office~~
- ~~• Lake Lure Police/Fire~~
- ~~• Lake Operations~~

LAKE LURE TOWN COUNCIL
AGENDA REQUEST FORM
Meeting Date: September 13, 2022

SUBJECT: Set a Public Hearing Date for Resolution Amending the Lake Use Regulations

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: B
Department: Marine Commission
Contact: Olivia Stewman, Town Clerk
Presenter: Olivia Stewman, Town Clerk

BRIEF SUMMARY:

A special meeting should take place in the future for the purpose holding a public hearing for the recommended changes to the Lake Use Regulations and for the consideration of adopting a resolution amending the Lake Use Regulation. Per Senate Bill 89 Creating the Marine Commission, no regulations may be adopted by the Commission except after public hearing, with publication of notice of the hearing in a newspaper of general circulation in Rutherford County at least 10 days before the hearing. Thus, the public hearing can be set no sooner than the week of September 26th.

VIII

ADJOURNMENT

