

LAKE LURE MARINE COMMISSION REGULAR MEETING PACKET

Tuesday, March 12, 2024
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, March 12, 2024 - 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 December 12, 2023 Regular Marine Commission Meeting Minutes ! DU Y'

V. Unfinished Business

VI. New Business

VII. Adjournment

III

PUBLIC COMMENT

The public is invited to speak. Please keep comments limited to three minutes or less. Comments may also be submitted in writing to the Town Clerk, ostewman@townoflakelure.com, at least one hour prior to the meeting.

IV

CONSENT AGENDA

- A. Approval of the December 12, 2023 Regular Marine Commission Meeting Minutes**



MINUTES OF THE REGULAR MEETING OF THE LAKE LURE MARINE COMMISSION HELD TUESDAY, DECEMBER 12, 2023, 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
Kathleen Hatfield, Lake Advisory Board Chair
Dean Givens, Parks, Recreation, and Lake Director
Dana Bradley, Parks, Recreation, and Trails Coordinator

ABSENT: N/A

I. CALL TO ORDER

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

II. AGENDA ADOPTION

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

III. LAKE ADVISORY BOARD ANNUAL REPORT

Mrs. Kathie Hatfield, Lake Advisory Board (LAB) Chair, presented the Board's annual report.

Mrs. Hatfield explained that the Board composition had not changed since last year, but there have been changes in roles and the Board represents fantastic group of people who represented different interests within the town including the marina manager and resident of Rumbling Bald, the manager of Lake Lure Tours, he owner of a local lake activities enterprise, a member of the local emergency preparedness team and lakefront homeowner's association,

fisherman and advocate for fisheries and ecosystem, a local business owner, all of which are residents of the community.

Mrs. Hatfield reported that the Board has put in a great deal of work into making the 2022 changes to the Lake Use Regulations and spent this year adapting to and tweaking those changes. Mrs. Hatfield noted that there had been various complaints from non-resident fishermen regarding the difficulty of obtaining daily permits early in the day, so a lock box for fishermen to retrieve their permits, but it did not resolve the issues and the Board recommended the re-establishment of fishing permits. Mrs. Hatfield added that the fishing permits will be valid for 9:00 p.m. to 9:00 a.m. during peak season, as these hours will not contribute to congestion issues. Mrs. Hatfield explained that the Board determined that resident and non-resident permits need to have different numbering schemes in order to work with the accounting and permitting software (MOLO). It was detailed that the new permit process uncovered several vessels that were previously permitted that should not have been. Mrs. Hatfield reported that the most major change for the Lake Use Regulations in 2023 is the removal of requirement for permits on non-commercial, non-motorized vessels. Mrs. Hatfield explained that the drivers behind the removal of non-motorized permit requirements are that they placed undue financial hardships on residents and were hard for the Lake Lure Police Department to enforce. Mrs. Hatfield added that the Board can re-visit the removal of non-motorized permits if issues arise and that the Board will be evaluating this throughout this year.

Mrs. Hatfield reported that Board members David Lusk and Gary Hasenfus worked on the placement of Christmas trees for fish habitat, and that this can be done again this year. It was noted that in the month May, Mr. Hasenfus oversaw the stocking of 20,000 to 30,000 threadfin shad feeder fish into the lake. Mr. Hasenfus also coordinated the 2023 fish study and worked with Council and Town staff to hold a fishing forum. Mrs. Hatfield noted that compliance with the Lake Use Regulations was increased thanks to education, socialization, and enforcement. Mrs. Hatfield detailed that during a five month period, the Police Department logged 324 patrol hours, 1184 permit checks, 357 contacts and 151 safety checks, all of which resulted in 37 warnings and 31 citations issued. Mrs. Hatfield added that citations declined as the season progressed and thanked the Marine Commission for their solid support of the enforcement of the efforts of the Police Department.

Mrs. Hatfield informed the Marine Commission that for 2024, the Board wants evaluate the commercial model and determine if it is balanced correctly. The Board would also like to review The 2006 Lake Use Study and fine tune the type and number of motorized vessel permits currently issued. Mrs. Hatfield noted that MOLO has been a difficult system to work with, but it is now up-to-date with current data and it will produce more accurate numbers for next year. Mrs. Hatfield explained that the Board will review the use and placement of no wake buoys. The Board will also monitor the 2023 changes to the Lake Use Regulations, specifically the impact of removing non-motorized permits for non-commercial vessels. Mrs. Hatfield noted that the Board will resume annual boat tours for Board members with Parks, Recreation, and Lake Staff. The Board plans to re-evaluate the need for a gate arm at the Washburn ramp. Mrs. Hatfield reported that communications with law enforcement have been stellar this year, and the Board would like these communications to continue, including communications on portable lake structure use and

placement. The Board will work with Parks, Recreation, and Lake Staff to implement a Spanish language option for the boater safety course. Mrs. Hatfield noted that the Board would also like to review the Concession Agreement with Lake Lure Tours and work with the vendor to establish regular hours during which the Marine is open and staffed so that customers can obtain gasoline at times that the lake is up but tours are not operating.

Mrs. Hatfield thanked all of the board members for all of the hard work accomplished this year. Mrs. Hatfield noted that the Board would like to especially thank law enforcement for their vigilance, time, and work on enforcement and education. Mrs. Hatfield added that Officer Tyler Dills took it upon himself to create a training program for all of the officers to educate them on the Lake Use Regulation changes, manage statistics and reporting to the Board with the help of Kat Canant, and assist the Parks, Recreation, and Lake Department with data input into the MOLO permitting system. Mrs. Hatfield thanked the Parks, Recreation, and Lake Department. Mrs. Hatfield added that Corbie Bradley went above and beyond this year with spending a significant amount of time inputting data into MOLO and working with customers, while maintaining other duties with a smile on her face.

Mayor Pritchett thanked the LAB for their work and adaptation, for listening to the community, and for their collaboration with Town staff. Mayor Pritchett asked if there are any Board openings coming up and Mrs. Hatfield answered that there are three positions with terms expiring, but she believes that the three members will re-apply. Commissioners thanked Mrs. Hatfield.

IV. PUBLIC HEARING

A. RESOLUTION NO. 23-12-12 AMENDING THE LAKE USE REGULATIONS

I. STAFF REPORT

Parks, Recreation, and Trails Coordinator Dana Bradley explained that the LAB has recommended a few updates. The first update is the addition of clarification that spec sheets only need to be submitted one time per vessel. The second update is the allowance of boat permits to be transferred as long as the old permits are returned to the Parks, Recreation, and Lake Department. The third is the addition of clarification that boat operators must have valid proof of a boater's license. Coordinator Bradley recommended the adoption of these recommendations.

II. PUBLIC HEARING

There were no comments from the public.

III. COMMISSION DELIBERATION

Commissioner expressed support for the proposed changes.

IV. CONSIDERATION FOR ADOPTION OF RESOLUTION NO. 23-12-12 AMENDING THE LAKE USE REGULATIONS

Commissioner Doster made a motion to adopt Resolution No. 23-12-12 amending the Lake Use Regulations. Commissioner DiOrio seconded and all voted in favor. Resolution No. 23-12-12 was adopted as shown in Attachment A.

V. PUBLIC COMMENT

Mayor Pritchett invited public comments.

There were no public comments.

VI. CONSENT AGENDA

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

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

- A. Approval of the June 13, 2023 Regular Marine Commission Meeting Minutes
- B. Adoption of the 2024 Marine Commission Meeting Schedule

VII. UNFINISHED BUSINESS

There was no unfinished business to discuss.

VIII. APPEAL HEARINGS

A. REQUEST TO APPEAL CIVIL CITATION NO. 000066

Coordinator Bradley explained that Ms. Rosemeyer received a citation for not having a boat permit on her vessel and that she had stated that Corbie Bradley gave her permission to put the vessel in a marina slip without permit on it. Mrs. Corbie Bradley provided a signed statement explaining her version of events (Attachment B).

Commissioner Doster noted that this happened the weekend of the dance festival and he saw the truck and trailer and that he had informed the person with the boat that the boat needed

stickers, but did not mention that he was a commissioner. Commissioner Doster added that the seller stated that he thought that the buyers had everything taken care of.

Ms. Rosemeyer, 163 Trillium Lane, explained that she is here to appeal the citation. Ms. Rosemeyer stated that on September 12th, she took her boat that has been moored since 2020 for a trade in and the technical paperwork was not ready to sign and they were going to deliver it later. Ms. Rosemeyer added that she had spoken with Corbie Bradley about this and Corbie explained to her that she has to bring in the old permit, but that she could put the boat in the marina slip as long as she promised not to ride the boat on the lake until she got her new permit. Ms. Rosemeyer explained that while the boat in the slip, they were approached by an officer who she informed about her interaction with Mrs. Bradley. It was stated that the officer said it would be okay for her to put the boat in the slip as long as it does not move, but 10 days later she received a citation in the mail because Mrs. Bradley told the officer that she did not give her permission to put her boat in the slip without the new permit. Ms. Rosemeyer noted that she always tries to comply with the rules and that this was a very specific situation. Ms. Rosemeyer stated that she is unsure how there was any miscommunication and that she was surprised by the citation in the mail. Ms. Rosemeyer stated that she acted in good faith with the officer and Mrs. Bradley.

Commissioner DiOrio asked if Ms. Rosemeyer got her new permit the following Monday and she answered yes. Commissioner Bryant noted that this was confirmed in Mrs. Bradley's letter.

Commissioner DiOrio expressed that he thinks that Ms. Rosemeyer was trying to do the right thing and there was a miscommunication. Commissioner DiOrio recommended a reduction of the fine. Commissioner Doster expressed that his communication with seller indicated that the buyers had everything squared away, and that he thinks that due diligence is present despite the conflicting communications. Commissioner Doster agreed with reduction of fine.

Commissioner DiOrio made a motion to reduce Civil Citation No. 000066 to a \$100 fine. Commissioner Proctor seconded and all voted in favor.

VIII. APPEAL HEARING

B. REQUEST TO APPEAL CIVIL CITATION NO. 000063

Coordinator Bradley explained that Mr. Husnic is requesting to waive or reduce the fine for operating a non-motorized vessel without a permit. It was noted that Mr. Husnic is from this area and he stated that he was not aware of the rules. Coordinator Bradley mentioned that there are signs that display the rules. Mr. Husnic was not present. Commissioner DiOrio noted that similar appeals have been denied and that the Commission needs to be consistent. Others agreed.

Commissioner Doster made a motion to deny the request to appeal Civil Citation No. 000063. Commissioner Bryant seconded and all voted in favor.

IX. NEW BUSINESS

A. 2024 LAKE USE FEE SCHEDULE

Coordinator Bradley explained that the LAB has recommended two updates to the Lake Use Fee Schedule including an increase in the transfer fee under miscellaneous from \$10 to \$25, and an increase for vacation rentals under commercial from \$2,000 to \$3,000. Staff recommended adoption of the proposed fee schedule.

Commissioner Bryant made a motion to adopt the 2024 Lake Use Fee Schedule, as presented. Commissioner DiOrio seconded and all voted in favor.

IX. NEW BUSINESS

A. 2024 COMMERCIAL MODEL

Coordinator Bradley presented the proposed 2024 Commercial Model. Commissioner Doster noted it is interesting how the model stayed consistent and that he thinks that it is a good testament to the model we have. Commissioner DiOrio noted that a few years ago there were people abusing the commercial model and that was resolved, so now the model consists of established businesses that abide by the regulations. Commissioner DiOrio stated that core businesses are starting to expand and the Town is starting to see reduction in vacation rentals. Commissioner DiOrio added that there is an increased pressure to build on liveries and reduce vacation rentals, but that it is a positive.

Coordinator Bradley detailed that there are three additional requests for liveries, but no more openings in the livery category. Coordinator Bradley added that there are nine openings in the vacation rental category and that vacation rentals are about half of the impact of liveries. Coordinator Bradley recommended transferring six vacation rental openings to the livery category in the mode. Commissioner expressed support.

Commissioner DiOrio made a motion to approve the 2024 commercial model with the transfer of six vacation rental openings to three livery openings. Commissioner Doster seconded and all voted in favor.

X. ADJOURNMENT

With no further business, Commissioner Bryant made a motion to adjourn the meeting 4:47 p.m. Commissioner DiOrio seconded and the motion carried 4-0.

ATTEST:

Olivia Stewman, Town Clerk

Mayor Carol C. Pritchett



RESOLUTION NO. 23-12-12

RESOLUTION BY THE TOWN OF LAKE LURE MARINE COMMISSION AMENDING THE LAKE USE REGULATIONS

WHEREAS, the Town of 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 purpose of regulating all activities on Lake Lure; and

WHEREAS, the Lake Use Regulations were adopted by resolution on March 9, 2004; and

WHEREAS, the Lake Advisory Board comprehensively reviewed the entirety of the Lake Use Regulations and recommended various amendments.

NOW, THEREFORE, BE IT RESOLVED by the Marine Commission of the Town of Lake Lure, North Carolina, that the following revisions to the Lake Use Regulations are hereby placed in effected and shall be enforced by the Town of Lake Lure:

[Words ~~stricken through~~ to be deleted, words underlined to be added]

SECTION ONE. The Lake Use Regulations are hereby amended, as follows:

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 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, Amended 9-26-22**

§ 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. **Adopted 9-26-22**

“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, 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, property management companies or property owner’s associations. **Amended 11-9-04, 4-8-08, 6-13-17, 9-26-22**

“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. **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**

(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 including that portion of the Broad River within the Town of Lake Lure extending above the Lake.

Amended 11-9-04, 6-13-17, 9-26-22

“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. **Adopted 9-26-22**

“MOTORIZED BOAT.” A water vessel with any type of motor in or on the boat.

Adopted 9-12-23

“NON-MOTORIZED BOAT.” A water vessel without any type of motor, including electric motors, in or on the vessel and moved only by oars, paddles, pedals, sails and/or the current.

Adopted 9-12-23

“NON-PEAK SEASON.” 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. **Amended 9-26-22**

“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. **Amended 6-13-17, 9-26-22**

“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. Adopted 9-26-22

“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. **Amended 9-26-22**

“PONTOON BOAT.” A flat deck boat supported by two or more hollow metal tubes filled with air to provide buoyancy. **Adopted 9-12-23**

“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.

“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. **Adopted 9-26-22**

“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. **Amended 9-26-22**

“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, ski boats, pleasure boats, row boats, kayaks, stand up paddle boards, sail boats, hydro-bikes, paddle boats or canoes. **Adopted 3-9-04, Amended 6-13-17, 9-26-22**

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 § 6.01 **Amended 6-13-17, 9-26-22**

§ 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 § 6.01 **Amended 4-11-06, 10-14-08, 04-08-14, 6-13-17, 9-26-22**

§ 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 § 6.01 **Amended 9-26-22**

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 § 6.01 **Amended 6-13-17, 9-26-22**

§ 3.02 SWIMMING OFFSHORE.

Swimming, diving, rope swinging, water-sliding and floating activities in Lake Lure are regulated as follows:

(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 § 6.01 **Amended 6-13-17, 9-26-22**

§ 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 § 6.01 **Amended 6-13-17, 9-26-22**

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 motorized boat to be placed or operated on Lake Lure. Permits must be affixed to both port (left) and starboard (right) sides on the bow (front) of the vessel.

Commercial operations classifications 1-7 shall also secure a permit for all non-motorized boats 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.

Penalty, see § 6.01 **Amended 7-13-21, 9-26-22, 9-12-23**

(1) Boating permits for the upcoming season 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. **Adopted 9-26-22, Amended 9-12-23**

(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. **Adopted 9-26-22**

(3) No later than April 30th of each year, all other water vessels on or over Lake Lure shall display the current season 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. **Adopted 9-26-22, Amended 9-12-23**

(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 seasonal water vessel permit. A member on the active roster of the Bat Cave, Gerton or Sunny View Volunteer Fire Departments may purchase one seasonal water vessel permit at the resident rate. 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, 9-26-22, 9-12-23**

(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 seasonal 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, 9-26-**

22, 9-12-23

(E) 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**

(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**

(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) Corporations owning real property in the Town of Lake Lure may purchase a seasonal water vessel permit at resident rate, provided the proper registration papers can be presented showing the boat is registered to the corporation. **Amended 9-12-23**

(I) Residents or their spouses who own a developed lot (a lot with a dwelling or commercial structure) qualify for up to three resident seasonal 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, 9-12-23**

(J) Property owners or their spouses owning an undeveloped lot qualify for one seasonal motorized boat permit at the resident rate, provided that the maximum number of permits for motorized boats have not been issued. **Amended 4-11-06, 2-13-07, 9-09-14, 6-13-17, 7-13-21, 9-26-22, 9-12-23**

(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, provided that the maximum number of permits for motorized boats have not been issued. Verification of the contract is required. **Amended 4-11-06, 9-26-22**

(L) A hard copy of the valid and current state registration, proof of insurance, and unless previously submitted, a 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. **Amended 9-26-22, 9-12-23**

(1) North Carolina General Statutes G.S. 75A-5 (b) and G.S. 75A-7 (a) (1) stipulate 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. **Adopted 9-26-22**

(2) To comply with this statute, no water vessel registered in a state other than North Carolina will be eligible for issuance of a seasonal 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 a seasonal permit has been issued. **Adopted 9-26-22, 9-12-23**

(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. **Adopted 9-26-22**

(M) The Marine Commission has adopted the following limits on motorized boat permits for water vessels greater than 10HP:

(1) A maximum of 1,000 resident seasonal or 90-day motorized use permits.

(2) A maximum of 100 non-resident seasonal 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. **Amended 12-11-12, 6-13-17, 6-9-20, 9-26-22, 9-12-23**

(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 seasonal 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, 9-12-23**

(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 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, 9-26-22

(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 § 6.01 **Amended 9-26-22**

(Q) Seasonal bBoat permits are not ~~transferrable or~~ replaceable; but may be transferred to another vessel provided the old stickers are presented at the Parks, Recreation and Lake Department Office with a permit application for the alternate vessel. **Adopted 9-12-23**

§ 4.02 PERMIT CATEGORIES.

Boat Permit Types:

(RM) – Resident Seasonal Motorized

- Use 24/7 no date/time restriction
- Towing permitted

(NRM) – Non-Resident Seasonal Motorized

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

(SM10) - Resident/Non-Resident Seasonal Motorized 10hp or less

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

(RM90) – Resident 90-Day Motorized

- All resident-owned 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

(SF) – Resident/Non-Resident Seasonal Motorized Fishing Boat

- During peak season, use is limited to nighttime only 9pm – 9am
- May be used anytime during non-peak season
- Towing prohibited

(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

(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

(T) - Tour Boats

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

(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.

Amended 9-26-22, 9-12-23

§ 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. **Amended 4-12-05, 12-13-16, 6-13-17, 7-13-21, 9-26-22**

(1) No pontoon or tritoon boat shall exceed 28 feet in length, per the manufacturer's specifications. **Adopted 9-26-22**

(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. **Adopted 9-26-22**

(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. **Adopted 9-26-22**

(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. **Adopted 9-26-22**

(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**

(a) All ballasts must be thoroughly emptied off site prior to placing the vessel into the waters of Lake Lure. **Adopted 9-12-23**

(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. Adopted 9-26-22 Penalty, see § 6.01 **Amended 9-26-22**

(B) The Marine Commission shall allow the issuance of permits for these specified circumstances:

(1) Operational personal watercraft previously permitted prior to 1988 and every subsequent year and owned by a resident.

(2) Operational water vessels greater than 300 horsepower permitted prior to 2023 and every subsequent year and owned by a resident. **Amended 6-13-17, 9-26-22**

§ 4.04 REGULATIONS REGARDING OPERATION OF BOATS; RESTRICTED AREAS.

- (A) No water vessels shall be operated shoreward of markers designating restricted areas.
- (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 **Adopted 9-26-22**
- (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 **Amended 9-26-22**
- (D) No water vessels shall operate at a speed greater than “no wake” on areas of Lake Lure when such areas are properly marked with a lawfully placed buoy or marker. Penalty, see § 6.01 **Amended 9-26-22**
- (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 **Amended 9-26-22**
- (F) All buoys, including mooring buoys, or safety marker placements must be approved by the Marine Commission. 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, 9-26-22**
- (G) All non-motorized boats, excluding sailboats and sculling vessels, 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, Amended 9-26-22**

§ 4.05 MANNER OF OPERATION OF BOATS.

- (A) No person shall operate a motorized water vessel on Lake Lure until they have completed Lake Lure designated training and obtained a Lake Lure Boat Operator License [digital or hard copy of which must be carried with them while operating a motorized boat.](#) Penalty, see § 6.01 **Amended 2-13-07, 6-13-17, 9-26-22, 9-12-23**
- (B) 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 **Amended 9-26-22**

(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. **Adopted 9-26-22**

(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 **Adopted 9-26-22**

(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. **Amended 9-26-22**

(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. **Amended 9-26-22**

(4) "No Wake" speed within 100 feet of an emergency vessel that is displaying its emergency lights **Adopted 9-26-22**

(C) 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**

(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

(2) Below decks or in an enclosed cabin (Res. Passed 3-9-04) Penalty, see § 6.01 **Amended 7-13-21, 9-26-22**

(E) No person shall engage in motorized water vessel racing on Lake Lure. Penalty, see § 6.01 **Amended 9-26-22**

(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 § 6.01 **Amended 6-13-17, 9-26-22**

§ 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 shows permitted by the Town).

Penalty, see § 6.01 **Amended 9-26-22**

(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. **Adopted 9-26-22**

(2) The vessel is equipped with a rear-view mirror. **Adopted 9-26-22**

(C) No person shall engage in water sports in any cove or “No Wake” zone. (Res. Passed 3-9-04) Penalty, see §6.01 **Amended 9-26-22**

§4.07 FEES.

(A) Water vessel 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**

§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) No person or commercial operation shall conduct business on Town owned land

without a required concession agreement. Penalty, see § 6.01 **Adopted 9-26-22**

(C) 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**

(D) No single business owner or commercial operation may have more than seven permits for motorized boats unless they have a concession agreement with the Town specifically stating a different number. **Amended 9-26-22**

(E) 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**

(F) 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**

(G) Livery operations shall be located within a Zoning District that permits commercial use. **Adopted 10-8-19**

(H) Commercial operators shall report to law enforcement any violation of State or local regulations as well as any observed accidents.

(I) Commercial operators must render assistance to any disabled vessel(s).
(Res. Passed 4-12-05) Penalty, see § 6.01 **Amended 9-26-22**

(J) 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**

(K) 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**

(L) 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

(M) 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**

(N) 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**

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

(P) 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.
- (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 § 6.01 **Amended 6-13-17, 9-26-22**

§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.

(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 per Calc*</u>
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 per Calc*</u>
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 per Calc*</u>
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**

	Commercial Classifications								
Criterion	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>	
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). 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 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.	

Amended 9-26-22, 9-12-23

Commercial Classifications								
Criterion	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>
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, provided a Lake Use Regulation pamphlet.	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, provided a vacation boat rental contract addendum.

Amended 9-26-22, 9-12-23

Commercial Classifications								
Criterion	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> <ul style="list-style-type: none"> (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. (2) A business that transfers owners and does not miss a year of commercial licensing will retain their priority position. 							

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.*

(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 § 6.01 **Amended 9-26-22**

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, Amended 9-26-22**

§ 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. The Town shall have authority to remove watercraft or other floating structures when property owners fail to do so and owners who fail to comply with directed orders may be subject to towing and storage fees for relocated property, in addition to any other penalties assessed pursuant to § 5.02(C) below.

Adopted 9-26-22

(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). **Adopted 9-26-22**

(C) It shall be unlawful for any person or entity to fail or refuse to remove watercraft or other floating structures subject to a vacate or relocation order or to hinder, resist, obstruct, delay or otherwise interfere with the Town's efforts to remove watercraft or other floating structures or 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). **Amended 9-26-22**

SECTION 6: ENFORCEMENT; PENALTIES

§ 6.01 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 and Town of Lake Lure Regulations 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, 9-26-22**

(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 10-8-19**

(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**

**Schedule of Civil
Fines for Lake
Regulation**

**Fine
Number**

**Regulation
Section**

**Violation
Category**

1 - General Lake Use

Disposal of any litter, raw sewage, bottles, cans, papers or other liquid or solid materials including trash, brush, leaves or scrap building materials on the waters of Lake Lure 1.1 4.05(F) D

Trespassing on boats, boat houses or docks 1.2 5.01 (A) B

2 - Swimming

Swimming under the influence of an impairing substance 2.1 3.01 B

Swimming greater than 50 feet offshore unaccompanied by a boat 2.2 3.02 (A) B

Swimming greater than 25 feet from a boat 2.3 3.02 (B) B

Diving, jumping or swimming from any bridge or road 2.4 3.03 C

**3 - Boating
(Permits)**

Operation of boat without a valid permit 3.1 4.01 (A) C

Failure to display 911 address on boat house 3.2 4.01 (N) A

Manipulation of permitting process 3.3 4.01 D

**Schedule of Civil
Fines for Lake
Regulation**

**Fine
Number**

**Regulation
Section**

**Violation
Category**

**4 - Boating
(Operation)**

Operation of a prohibited water vessel	4.1	4.03	C
Wake Surfing within 150 feet of the shoreline or other vessel	4.2	4.04 (B)	C
Operation of boat at a speed greater than "no wake" speed within a no wake zone	4.3	4.04 (D)	C
Boat tied to a Town public dock for longer than 2.5 hours	4.4	4.04 (C)	A
Boat tied to a Town buoy or marker	4.5	4.04 (E)	A
Operation of a non-motorized vessel outside the No Wake Zone	4.6	4.04 (G)	A
Reckless or negligent operation of a boat (or allowing same)	4.7	4.05 (B)	C
(a) resulting in damage to property	4.7a		C
(b) resulting in personal injury	4.7b		D
(c) resulting in death	4.7c		D
Excessive Speed	4.8	4.05 (B) (1)	C
Motorized water vessel racing	4.9	4.05 (E)	C
Operation of a motorized water vessel without <u>proof of having</u> a Lake Lure Boat Operator License	4.10	4.05 (A)	C
Operation of a motorized water vessel with a child under 13 aboard and not wearing a personal flotation device.	4.11	4.05 (D)	C

**Schedule of Civil
Fines for Lake
Regulation**

**Fine
Number**

**Regulation
Section**

**Violation
Category**

5 - Water Sports

Engaging in watersports without an approved life vest	5.1	4.06 (A)	C
Towing more than two persons engaged in watersports	5.2	4.06 (A)	C
Engaging in watersports without a designated observer or a rear-view mirror	5.3	4.06 (B)	C
Engaging in water sports in a prohibited cove or "No Wake" Zone	5.4	4.06 (C)	C
Engaging in water sports without appropriate boat permit	5.5	4.02, 4.08 (O)	C

**6- Commercial
Operations Only**

Use of boat for commercial purposes without a valid lake commercial license and boat permit	6.1	4.08 (A)	D
Failure to report violation of state or local regulations or observed accidents	6.3	4.01 (I)	A
Failure to render assistance to disabled vessel	6.4	4.08 (J)	A
Uncertified operator	6.5	4.08 (B)	C
Engaging in water sports (towing) without Class 4 Ski School License (or permission of such)	6.6	4.08 (K)	C
Operation of boat during lightning threat	6.7	4.08 (L)	C
Permanent mooring of any commercial boats at a lake structure out of compliance with zoning requirements of upland lots	6.8	4.08 (D)	D

**Schedule of Civil
Fines for Lake
Regulation**

	Fine Number	Regulation Section	Violation Category
Conducting business on Town owned land without a required concession agreement	6.9	4.08 (C)	D
Operation of a livery from residential vacation rental	6.10	4.08 (O)	C
Operation of a livery in a Zoning District that does not permit commercial use	6.11	4.08 (H)	C
Vacation Rental Management Company providing watercraft(s) for rent that are not registered with their business	6.12	4.08 (Q)	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, 9-26-22, 9-12-23

(H) 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**

(I) 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**

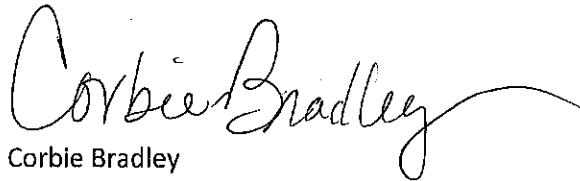
(J) Appeals from the provisions of the Lake Use Regulations shall be made to the Lake Lure Marine Commission. (Res. Passed 4-11-06) **Amended 6-13-17**

(K) 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)

To whom it may concern,

On 9/7/2023, Ms. Diane Rosemeyer contacted the office via a phone call. She was asking about the process for transferring her 2023 permit stickers to a newly purchased boat. I informed her of the process of bringing in the previously purchased stickers along with insurance, state registration, spec sheet and the need for the boater license, as well as the \$10 replacement fee.

Ms. Rosemeyer came in on 9/18/2023 with all of the required documentation and the previously purchased stickers (AM 0512 23) from her other boat. The new boat was in alignment for permitting and Ms. Rosemeyer was given new stickers (AM 1034 23). It was my understanding that they were headed over to put the stickers on the boat and leave it in their F15 Washburn Marina slip.

A handwritten signature in cursive script that reads "Corbie Bradley". The signature is written in black ink and has a long, sweeping tail that extends to the right.

Corbie Bradley
PR&L Administrative Support Specialist

V
UNFINISHED
BUSINESS

VI
NEW BUSINESS

VII

ADJOURNMENT