



**RESOLUTION NO. 21-06-17
OF THE TOWN OF LAKE LURE MARINE COMMISSION
AMENDING THE LAKE USE REGULATIONS**

WHEREAS, the Lake Lure Town Council has 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; and

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

WHEREAS, the Lake Lure Marine Commission has determined that said Regulations should be amended to restrict any type of ballasts and/or wake producing systems for non-residents and to limit wake surfing 200' from the shoreline and structures on the Lake and to include other amendments as the Board deemed necessary; and

NOW, THEREFORE, BE IT RESOLVED BY THE LAKE LURE MARINE COMMISSION that the following revisions to the Lake Use Regulations are hereby placed in effect and shall be enforced by the Town of Lake Lure:

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

SECTION ONE. (Town Attorney to draft legal language in keeping with direction of the Marine Commission.)

SECTION TWO. Amend Section 1.02, Definitions, as follows:

“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**
- (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**

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- (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**

SECTION THREE. Amend Section 4.01, Permit Fee; Boating Permit Required, as follows:

- (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.
- (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 allowed per household. **Amended 7-12-11, 6-13-17, 10-8-19**
- (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. Only one **complimentary** boat permit allowed per household. **Adopted 10-8-19**
- (E) (1) Federal, State and Local governmental agencies are exempt from this Section

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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**

(2) Contractors that are providing a lake-related service to the Town of Lake Lure under a Town sponsored project, ~~without a boat permit~~ 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. **Adopted 12-13-16**

(3) 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**

(F) 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**

(2) 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.

(3) 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 ~~over 10 HP~~ boat permits, provided that the maximum number of permits for motorized ~~over 10 HP~~ boats have not been issued. **Amended 4-11-06, 2-13-07, 6-13-17**

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- (4) Property owners or their spouses owning an undeveloped lot qualify for one annual motorized boat permit or one peak season weekday only permit at resident rate. **Amended 4-11-06, 2-13-07, 9-09-14, 6-13-17**
- (H) 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.
- (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) The Marine Commission has adopted the following limits on motorized boat permits:
- (1) A maximum of 1,000 resident annual unlimited use permits for boats with more than 10 HP.
 - (2) A maximum of 250 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) 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**
- (L) 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 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) 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 **Amended 11-9-04, 4-28-05, 6-13-17**

SECTION FOUR. Add a new Section 4.02, Permit Categories, and renumber subsequent sections accordingly, as follows:

§ 4.02 PERMIT CATEGORIES.

Boat Permit Types:

(AM)- Resident/Non-Resident Annual Motorized

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

(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 or less
- Use 24/7 no date/time restriction

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- Towing 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
- 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

(DM)- Daily Motorized

- Valid for the date specified (not 24 hours from time of purchase)
- Not valid on holidays or weekends during peak season

(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)

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- 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

- 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

(FG)- Fishing Guides

- May operate 24/7
- Towing prohibited

(S)- Service Boats

- May operate 24/7
- Towing prohibited

(VR)- Vacation Rentals

- May operate 24/7
- Towing prohibited

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- 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.

§ 4.023 PROHIBITED WATER VESSELS

§ 4.034 REGULATION REGARDING OPERATION OF BOATS

§ 4.045 MANNER OF OPERATIONS OF BOATS

§ 4.056 WATER SPORTS

§ 4.067 FEES

§ 4.078 COMMERCIAL OPERATIONS

§ 4.089 LAUNCHING WATER VESSELS & LAUNCH SITE

SECTION FIVE. Amend Section 4.03, Prohibited Water Vessels, as follows:

- (A) 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 Operations 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**

SECTION SIX. Amend Section 4.04, Regulations Regarding Operation of Boats; Restricted Areas, as follows:

- (A) No person may operate a recreational vessel ~~under way~~ with any child under 13 years old aboard unless 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

SECTION SEVEN. This Resolution shall be in full force and effect from and after the date of adoption.

Adopted this 17th day of June, 2021.

ATTEST:

Michelle Jolley, Town Clerk

Carol C. Pritchett, Mayor