

LAKE LURE MARINE COMMISSION REGULAR MEETING PACKET

Tuesday, March 13, 2018



Mayor Kevin Cooley

Mayor Pro Tem John Moore

Commissioner Bob Cameron

Commissioner Stephen Webber

Commissioner John Kilby



REGULAR MEETING OF THE LAKE LURE MARINE COMMISSION

Tuesday, March 13, 2018

5:00 P.M.

Lake Lure Municipal Center

AGENDA

1. Call to Order
2. Invocation
3. Approve the Agenda
4. Public Forum: *The public is invited to speak on any non-agenda and/or consent agenda topics. Comments should be limited to less than five minutes.*
5. Public Hearing - Resolution No. 18-03-13 of the Town of Lake Lure Marine Commission Amending the Lake Use Regulations.
6. Consent Agenda:
 - A. Meeting Minutes Adoption
 - **Suggested Motion:** Adopt the December 12, 2017 Regular Meeting Minutes
7. New Business:
 - A. Adoption of Resolution No. 18-03-13 of the Town of Lake Lure Marine Commission Amending the Lake Use Regulations.
 - **Suggested Motion:** - To Adopt the Proposed Amendments to the Lake Use Regulations.
 - B. Revision to the Commercial Boat Permit Model
 - **Suggested Motion:** - Amend the 2018 Commercial Boat Permit Model to move two percent unused hours from Livery Less than 10hp to Livery Greater than 10hp, to allow for two additional Livery Greater than 10hp.

Page 2 – Marine Commission Meeting Agenda
March 13, 2018

- C. Lake Commercial License for a Rental Livery Boat
 - **Suggested Motion:** Approve a 2018 Lake Commercial License for Dan Breneman for one motorized rental livery boat.
 - D. Lake Commercial License for a Rental Livery Boat
 - **Suggested Motion:** Approve a 2018 Lake Commercial License for Byron Marsh, with Lake Dog Properties, for one motorized rental livery boat.
 - E. Town Marina Slips Priority Policy
 - **Suggested Motion:** None at this time pending further discussion by the Marine Commission.
8. Adjournment

MINUTES OF THE REGULAR MEETING OF THE LAKE LURE MARINE COMMISSION HELD TUESDAY, DECEMBER 12, 2017, 5:00 P.M. AT THE LAKE LURE MUNICIPAL CENTER

PRESENT: Mayor Bob Keith
Commissioner John W. Moore
Commissioner Mary Ann Silvey
Commissioner Bob Cameron
Commissioner Stephen Webber
Ron Nalley, Town Manager

ABSENT: N/A

CALL TO ORDER

Mayor Bob Keith called the meeting to order at 5:00 p.m.

INVOCATION

Commissioner Mary Ann Silvey gave the invocation.

APPROVAL OF THE AGENDA

Commissioner Bob Cameron made a motion to approve the Agenda as amended adding a discussion concerning dual permitting of boats under Unfinished Business and adding a discussion with Lake Advisory Board Chairman Mark Helms on behalf of the Lake Advisory Board under New Business.

PUBLIC FORUM

Mayor Bob Keith invited the audience to speak during public forum. No one requested to speak at this time.

a. HEARING- TO APPEAL CIVIL CITATION NO. 000985

Brian Frederick was notified of the hearing via certified mail, be he was not present for the hearing.

Commissioner Mary Ann Silvey asked Lake Operations Director Dean Givens if Mr. Frederick made efforts to secure a permit after the citation was issued. Mr. Givens

Page 2 - Minutes of the December 12, 2017 Regular Lake Lure Marine Commission Meeting

stated that he is not aware of any efforts made by Mr. Frederick to secure a permit. Commissioner Silvey stated that the boat was not launched from a designated launch site and that it isn't possible to post signs all around the lake. She believes if a boat is put on the lake without a permit, efforts should be made to secure a permit once the boater becomes aware that a permit is required. Commissioner Bob Cameron stated that he feels that non-residents should be warned before they are given a citation since they may not be aware that a permit is required for boating.

Following discussion, Commissioner Bob Cameron made a motion to approve the appeal of citation number 000985 and refund Brian Frederick the amount paid for the citation since the party is not a resident of the Town and may not have been aware that a permit was required due to lack of signage at the river where the vessel was launched. Commissioner Stephen Webber seconded. Commissioner John Moore, Bob Cameron and Stephen Webber voted in favor of the motion. Commissioner Mary Ann Silvey opposed. The motion carried with a vote of 3-1.

CONSENT AGENDA

Mayor Bob Keith presented the Consent Agenda and asked if any items should be removed before calling for action.

Commissioner Bob Cameron made a motion to approve the Consent Agenda as presented. Commissioner Mary Ann Silvey seconded and the motion carried 4-0. Therefore, the Consent Agenda incorporating the following item was unanimously approved:

- A. Adopt the September 12, 2017 Regular Meeting Minutes
- B. Adopt the Marine Commission Meeting Schedule for 2018

LAKE LURE MARINE COMMISSION MEETING SCHEDULE FOR YEAR 2018

<u>DATE</u>	<u>LOCATION</u>	<u>TIME</u>	<u>TYPE</u>
March 13, 2018	Lake Lure Municipal Center	5:00 p.m.	Regular
June 12, 2018	Lake Lure Municipal Center	5:00 p.m.	Regular
September 11, 2018	Lake Lure Municipal Center	5:00 p.m.	Regular
December 11, 2018	Lake Lure Municipal Center	5:00 p.m.	Regular

UNFINISHED BUSINESS

a. DISCUSSION DUAL PERMITTING

Commissioner Stephen Webber explained that the Marine Commission tasked the Lake Advisory Board to study dual permitting of boats and following their review the Lake Advisory Board voted to recommend that the regulations not be changed. Commissioner Stephen Webber made a motion to not allow dual permitting of boats. Commissioner Mary Ann Silvey seconded and the motion carried 4-0. Boats that were temporarily allowed to purchase dual permits will expire December 31, 2017 and no dual permits will be allowed in 2018 and forward.

UNFINISHED BUSINESS

a. 2018 BOAT PERMIT FEE SCHEDULE ADOPTION

Following review and discussion, Commissioner Mary Ann Silvey made a motion to approve the 2018 Boat Permit Fee Schedule. Commissioner Bob Cameron seconded and the motion carried 4-0.

Page 4 - Minutes of the December 12, 2017 Regular Lake Lure Marine Commission Meeting

LAKE USE		Effective: FY 2017-18		
RESIDENT Boat Permits	Annual Fee	Weekly Fee	Daily Fee	
Resident Annual Motorized Boat Permit	\$200			
Resident Annual Motorized Weekday Only Boat Permit	\$100			
Resident Annual Motorized 10hp or less Boat Permit	\$100			
Resident Annual Motorized Fishing Boat Permit less than 50hp	\$75			
Resident Annual Non-motorized Boat Permit	\$40			
NON-RESIDENT Boat Permits				
Non-resident Annual Motorized Boat Permit	\$550			
Non-resident Annual Motorized Weekday Only Boat Permit	\$350			
Non-resident Annual Motorized 10hp or Less Boat Permit	\$350			
Non-resident Annual Motorized Fishing Boat Permit less than 50hp	\$130			
Non-resident Annual Non-motorized Boat Permit	\$100			
MISCELLANEOUS Boat Permits				
Daily Motorized Boat Permit (Non-peak Season)				\$50
Daily Motorized Boat Permit (Peak Season Weekday Only)				\$50
Daily Non-motorized Boat Permit				\$25
Weekly Motorized Boat Permit (Peak Season)		\$300		
Weekly Motorized Boat Permit (Non-peak Season)		\$125		
Weekly Non-motorized Boat Permit		\$50		
Weekly Timeshare Boat Permit		\$200		
Boat Permit Replacement Fee	\$10			
Temporary Permit (Special Use)	\$10			
Complimentary Annual Motorized Boat Permit – active volunteer firefighters, EMS, town employees (1 each)	1 complimentary			
COMMERCIAL Boat Permits				
Commercial License Fee	\$45			
Surcharge for Processing a Commercial License Application Received After the Deadline	\$100			
Commercial Motorized Boat Permit Classifications 1 (Livery), 2 (Resort), 3 (Camps) and 4 (Ski-Schools)	\$1,500			
Commercial Motorized Boat Permit Classification 5 (Tour Boats)	\$2,000			
Commercial Motorized Boat Permit Classifications 6 (Fishing Guides) and 7 (Service boats)	\$500			
Commercial Motorized 10hp or Less	\$500			
Commercial Non-motorized	\$100			
Town Marina Slip Rentals	Annual Fee			
Annual Boat Slip Fee (Property Owners/Residents)	\$1,100			
Annual Boat Slip Fee (Non-residents)	\$1,500			
Civil Penalties (Lake Citations)	1st Offense	2nd Offense	3rd Offense	
Class A	\$50			
Class B	\$65	\$125	\$250	
Class C (Non-motorized)	\$50	\$100	\$200	
Class C (Motorized)	\$125	\$250	\$500	
Class D	\$1,000			
Lake Structure Applications				
Lake Structure Permit	\$250			
Shoreline Stabilization	\$0			
Seawall Exemption	\$150			
Decktop Accessory Structure	\$150			
Lake Structure Variance	\$300			
Lake Structure Adm. Appeal	\$300			
Commercial Lake Structure Fees (due March 31 each year)				
RVR over the water (fee for each taxed bedroom)	\$500			

NEW BUSINESS

a. 2018 LAKE COMMERCIAL LICENSES APPROVAL

The Board discussed incorrect contact information provided for some commercial businesses. Lake Operations Director Dean Givens explained that there are some administrative corrections to be made upon approval. Following discussion, Commissioner Bob Cameron made a motion to approve the 2018 commercial licenses as presented. Commercial operations that require a concession agreement will not be allowed to secure permits until the required concession agreement is in place. Commissioner Mary Ann Silvey seconded and the motion carried 4-0.

NEW BUSINESS

b. DISCUSSION OF LAKE ADVISORY BOARD CONCERNS

Lake Advisory Board Chairman Mark Helms stated that recently the Lake Advisory Board has been concerned about enforcement and the number of violations, including breaking wake, non-motorized boats operating outside the no wake zone and non-motorized on the Lake without permits. The Lake Advisory Board would like to know if the Marine Commission would like for them to further review the matter and come back to the Marine Commission with a recommendation. Council expressed concerns about issuing citations to visitors to the community and suggested that at times, giving a warning to first time offenders who may not know the regulations is appropriate. Commissioner Stephen Webber suggested that the Lake Advisory Board may want to consider when replacing buoys, adding verbiage to indicate that a permit is required for boating, for example, "No Wake, permit required."

ADJOURNMENT

With no further business, Commissioner Bob Cameron made a motion to adjourn the meeting at 5:28 p.m. Commissioner Stephen Webber seconded and the motion carried 4-0.

Andrea H. Calvert,
Lake Lure Marine Commission Clerk

LAKE LURE MARINE COMMISSION
REQUEST FOR BOARD ACTION
Meeting Date: March 13, 2018

SUBJECT: Proposed Amendments to the Lake Use Regulations

AGENDA INFORMATION:

Agenda Location: Public Hearings and New Business
Item Number: A
Department: Lake Operations
Contact: Dean Givens, Lake Operations Director
Presenter: Dean Givens, Lake Operations Director

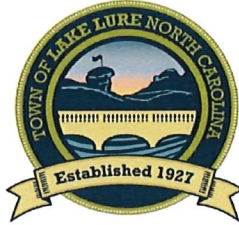
BRIEF SUMMARY: The Lake Advisory Board held a meeting on March 5, 2018 and discussed amendments to the current Lake Use Regulations. They directed the Marine Commission to review and adopt the proposed changes to the Regulations.

RECOMMENDED MOTION AND REQUESTED ACTIONS: To adopt the proposed amendments to the Lake Use Regulations.

FUNDING SOURCE: None

ATTACHMENTS: The proposed changes to the Lake Use Regulations.

STAFF'S COMMENTS AND RECOMMENDATIONS: A public hearing is scheduled for the March 13, 2018 Marine Commission meeting for discussion of amendments to the current Lake Use Regulations.



RESOLUTION NO. 18-3-13

OF THE TOWN OF LAKE LURE MARINE COMMISSION AMENDING THE LAKE USE REGULATIONS CONCERNING COMPLIMENTARY BOAT PERMITS FOR GOVERNMENTAL AGENCIES AND CONTRACTORS PROVIDING A LAKE-RELATED SERVICE TO THE TOWN

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, upon the recommendation of the Lake Lure Lake Advisory Board, has determined that said regulations should be amended to further define and regulate activities on Lake Lure; and

WHEREAS, it is a goal of the Lake Use Regulations to provide a uniform method of securing boat permits while allowing circumstances under which complimentary boating permits are appropriate.

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. Amend Section 1.51 as follows:

§ 1.02 DEFINITIONS.

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

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

“COMMERCIAL CRAFT.” Water vessels used in connection with any type of business, trade or commerce, for profit or non-profit, including but not limited to: boat rentals, marinas, real estate agents, resorts, inns,

Resolution No. 18-3-13
Lake Use Regulations Amendments
March 13, 2018
Page 2

lodging establishments, camps, ski schools, fishing guides, tour boats, contractors, boat repair companies or house rentals (that are required to pay occupancy tax) with boats, real estate development companies or property owner's associations. **Amended 11-9-04, 4-8-08, 6-13-17**

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

- (1) Liveries - Boat rentals or boat use privileges with no operator provided that may be associated with (but not limited to) marinas, resorts, inns, lodging establishments, house rentals (that are required to pay occupancy taxes) with boats or real estate agents that rent boats. **Amended 2-13-07**
- (2) Resorts - Boating operations available to patrons at resorts, inns, or lodging establishments ~~that are staff operated.~~
- (3) Camps - Boating operations at camp facilities ~~that are staff operated.~~
- (4) Ski Schools - All commercial operations ~~utilizing tow boats for providing water sports activities, which may include instruction that are~~ not associated with a specific camp, resort, inn or lodging facility.
- (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

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

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

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

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

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

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

"LAUNCH SITE PERMIT." Permit issued by the Marine Commission for operating general and private launch sites. **Amended 11-9-04**

§ 4.01 PERMIT FEE; BOATING PERMIT REQUIRED.

Resolution No. 18-3-13
Lake Use Regulations Amendments
March 13, 2018
Page 3

- (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.
- (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. **Amended 7-12-11, 6-13-17**
- (D)
 - (1) 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**
 - (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**
- (E) 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**
- (F)
 - (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 rates, 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**
 - (4) Property owners or their spouses owning an undeveloped lot qualify for one annual motorized boat permit or one peak season weekday only permit. **Amended 4-11-06, 2-13-07, 9-09-14, 6-13-17**
- (G) 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

Resolution No. 18-3-13
Lake Use Regulations Amendments
March 13, 2018
Page 4

agency.

- (H) 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**
- (I) 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.
 - (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**
- (J) 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. **Amended 4-11-06, 6-13-17**
- (K) 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.

§ 5.01 ENFORCEMENT; PENALTIES.

- (A) All law enforcement officers with territorial jurisdiction as to any part of the waters of Lake Lure or its shoreline area within the limitations of their subject matter jurisdiction, have the authority of peace officers in enforcing the laws over all of the waters of Lake Lure and its shoreline area. A certificate of training issued by the North Carolina Criminal Justice Education and Training Standards Commission or the North Carolina Sheriffs' Education and Training Standards Commission will suffice for certification for the purposes of the Lake Use Regulations. **Amended 6-13-17**
- (B) Any person, firm, or corporation violating any provision of the Lake Use Regulations for which no specific penalty is otherwise provided, shall upon conviction be guilty of a misdemeanor as provided in NCGS § 14-4; however, violations of § 4.04 shall be as provided in NCGS § 75A-18. **Amended 6-13-17**
- (C) Any person, firm, or corporation violating any provisions of the Lake Use Regulations, upon conviction thereof, may be suspended from further use of Lake Lure, at the discretion of the Marine Commission. **Amended 6-13-17**
- (D) The Marine Commission may also provide for enforcement of the Lake Use Regulations by other remedies, as authorized in NCGS § 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

Resolution No. 18-3-13
Lake Use Regulations Amendments
March 13, 2018
Page 5

competent jurisdiction. (Res. Passed 3-9-04) **Amended 4-11-06, 6-13-17**

- (E) 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**

**Schedule of Civil
Fines for Lake
Regulation**

**Fine
Number Violation Category**

1 - General Lake Use

Disposal of any litter, raw sewage, bottles, can, papers or other liquid or solid materials on the waters of Lake Lure	1.1	C
Disposal of any trash, brush, leaves or scrap building materials into the lake	1.2	C
Trespassing on boats, boat houses or docks	1.3	B

2 - Swimming

Swimming under the influence of an impairing substance	2.1	B
Unaccompanied swimming greater than 50 feet offshore	2.2	B
Diving, jumping or swimming from any bridge or road	2.3	C

3 - Fishing

Use of more than two fishing lines per person	3.3	A
---	-----	---

4 - Boating (Permits)

Operation of boat without a valid permit	4.1	C
Failure to display 911 address on boat house	4.2	A

5- Boating (Operation)

Operation of boat at a speed greater than "no wake" speed within 75 feet of shoreline	5.2	C
---	-----	---

Resolution No. 18-3-13
Lake Use Regulations Amendments
March 13, 2018
Page 6

**Schedule of Civil
Fines for Lake
Regulation**

**Fine
Number Violation Category**

Violations

Operation of boat at a speed greater than "no wake" speed during "no wake" hours	5.4	C
Boat tied to town public dock for longer than 2.5 hours	5.5	A
Boat tied to town buoy or marker	5.6	A
(a) resulting in damage to property	5.8a	B
(b) resulting in personal injury	5.8b	C
(c) resulting in death	5.8c	D
Motorized water vessel racing	5.10	C
Insufficient exhaust muffling for town sound requirements	5.11	A

6- Water Sports

Engaging in water sports in prohibited cove	6.2	B
---	-----	---

**7- Commercial Operations
Only**

Use of boat for commercial purposes without a valid lake commercial license and boat permit	7.1	D
Operation of commercial craft greater than 100hp without boat-to-shore communications capability	7.2	B
Failure to report violation of state or local regulations or observed accidents	7.3	A
Failure to render assistance to disabled vessel	7.4	A
Uncertified operator	7.5	B
Engaging in water sports (towing) without Class 4 Ski School License (or permission of such)	7.6	C
Operation of boat during lightning threat	7.7	C

Resolution No. 18-3-13
Lake Use Regulations Amendments
March 13, 2018
Page 7

**Schedule of Civil
Fines for Lake
Regulation**

**Fine
Number Violation Category**

Permanent mooring of any commercial boats at a lake structure out of compliance with zoning requirements of upland lots 7.8 D

~~Launching of motorized water vessels from unapproved launch site (one without valid permit)~~

~~Operation of general launch site without display of launch permit~~

~~Operation of general launch site during Marine Commission restriction~~

~~Failure to obtain permit for private launch site~~

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

Adopted this 13th day of March, 2018.

ATTEST:

Resolution No. 18-3-13
Lake Use Regulations Amendments
March 13, 2018
Page 8

Michelle Jolley, Interim Clerk
Marine Commission

Kevin Cooley, Mayor

LAKE LURE MARINE COMMISSION
REQUEST FOR BOARD ACTION
Meeting Date: March 13, 2018

SUBJECT: Revision to the 2018 Lake Commercial Boat Permit Model

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: B
Department: Lake Operations
Contact: Dean Givens, Lake Operations Director
Presenter: Dean Givens, Lake Operations Director

BRIEF SUMMARY: At the Lake Advisory Board meeting on February 5th and March 5th, it was recommended that the Marine Commission review and adopt a change to the 2018 Commercial Boat Permit Model to move unused hours from Livery Less than 10hp to Livery Greater than 10hp.

RECOMMENDED MOTION AND REQUESTED ACTIONS: Amend the 2018 Commercial Boat Permit Model to move two percent unused hours from Livery Less than 10hp to Livery Greater than 10hp, to allow for two additional Livery Greater than 10hp.

FUNDING SOURCE: N/A

ATTACHMENTS: N/A

STAFF'S COMMENTS AND RECOMMENDATIONS: The Model as it stands would only allow for 0.7 Livery Greater than 10hp. By moving two percent of the hours for Livery Less than 10hp to Livery Greater than 10hp, it would allow for two additional Greater than 10hp and still allow for 12.6 Less than 10hp.

LAKE LURE MARINE COMMISSION
REQUEST FOR BOARD ACTION
Meeting Date: March 13, 2018

SUBJECT: Lake Commercial License for a Rental Livery Boat

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: C
Department: Lake Operations
Contact: Dean Givens, Lake Operations Director
Presenter: Dean Givens, Lake Operations Director

BRIEF SUMMARY: On February 5, 2018 Dan Breneman requested approval of a 2018 Lake Commercial License for one rental livery motorized boat. Because the model is full, the Lake Advisory Board recommended approval to the Marine Commission for a 2018 Lake Commercial License for one rental livery motorized boat for Dan Breneman.

RECOMMENDED MOTION AND REQUESTED ACTIONS: To approve a 2018 Lake Commercial License for Dan Breneman for one motorized rental livery boat.

FUNDING SOURCE: N/A

ATTACHMENTS: N/A

STAFF'S COMMENTS AND RECOMMENDATIONS: The Lake Advisory Board has a commercial boat license model that was adopted for 2018. Currently this model is full for motorized boats and any additional requests must be approved by the Marine Commission.

LAKE LURE MARINE COMMISSION
REQUEST FOR BOARD ACTION
Meeting Date: March 13, 2018

SUBJECT: Lake Commercial License for a Rental Livery Boat

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: D
Department: Lake Operations
Contact: Dean Givens, Lake Operations Director
Presenter: Dean Givens, Lake Operations Director

BRIEF SUMMARY: On March 5, 2018 the Lake Advisory Board approved a request for a 2018 Lake Commercial License for five non-motorized boats for Byron Marsh, with Lake Dog Properties. Byron Marsh also requested approval of a 2018 Lake Commercial License for one rental livery motorized boat. Because the model is full, the Lake Advisory Board recommended approval to the Marine Commission for a 2018 Lake Commercial License for one rental livery motorized boat for Byron Marsh.

RECOMMENDED MOTION AND REQUESTED ACTIONS: To approve a 2018 Lake Commercial License for Byron Marsh, with Lake Dog Properties, for one motorized rental livery boat.

FUNDING SOURCE: None

ATTACHMENTS: Letter from Byron Marsh and 2018 Lake Commercial License Application.

STAFF'S COMMENTS AND RECOMMENDATIONS: The Lake Advisory Board has a commercial boat license model that was adopted for 2018. Currently this model is full for motorized boats and any additional requests must be approved by the Marine Commission.



To: Town of Lake Lure

From: Byron Marsh, President of Lake Dog Properties Inc.

This letter is in regards to property located at 172 Havnaers Point Circle (property VROP-2018002) for obtaining a Commercial Boat Permit for the residential rental property. The property was purchased in 2016 and undertook a full remodel from the ground up. The property was just approved on February 27, 2018 for vacation rental.

It was under my impression that once I was approved for the house rental that I should apply for commercial boat permits, however, I contacted the Town Council today and found out otherwise. I then contacted Mr. Burton and other colleagues within the Town Of Lake Lure and they had directed me to reach out to the Marine Commission Board and the Board of Adjustment.

I would like to obtain permits for one motorized boat, two standup paddleboards, one canoe, and hopefully in the future, also purchase two kayaks. We have not yet purchased the commercial insurance requirement, however the boat is and has been listed with Allstate Insurance (Forest City) in order to be docked on the lake. The motorized boat will have adequate docking along with premium dock cleats and bumpers for parking. In regards to the non-motorized vessels we have provided necessary storage options along with easy access into the water.

I look forward to having the opportunity to meeting and presenting my case with the Marine Commission Board and Board of Adjustment.

Cheers
Byron Marsh
Lake Dog Properties, Inc.
(828) 275-8285

Lake Lure Marine Commission - Lake Lure, North Carolina

Application for Lake Commercial License

Copy this page and complete for all motorized and non-motorized boats

Company Name:	Lake Dog Properties
---------------	---------------------

Boat Information			
Boat Type (circle one):	<u>Pontoon</u>	Pleasure	Canoe Kayak Pedal Sailboat Rowboat Other (specify):
Boat Year:	2006		
Boat Make:	Aqua Patio		
Boat Model:	AP220 RE		
Length:	22 Ft		
Motor Year:	2006		
Motor HP:	60 HP		
Motor Make:	Mercury		
Mooring Location:	172 Havnagers Point Circle		
Boat Owner:	B. Marsh		
State Registration #:	NC-6457 DD	Reg. Expiration Date:	5/31/18
Liability Insurance Carrier:	Allstate Ins.		
Liability Insurance Policy #			
Liability Insurance Limit (per incident)	currently \$300,000 (will change upon approval)		

Complete this section for motorized boats only:

Boat Usage:	Summer	Spring/Fall	Winter
# of Days per Week (average)	4/0-50	20	—

Commercial Classification
(check one)

- ☐ 1 - Rental Livery
- ☐ 2 - Resort
- ☐ 3 - Camp
- ☐ 4 - Ski School
- ☐ 5 - Tours
- ☐ 6 - Fishing Guide
- ☐ 7 - Service
- ☐ 8 - Real Estate

Primary Activity
(check one)

- ☒ 1 - Rental Over 10hp
- ☐ 2 - Rental Under 10hp
- ☐ 3 - Tours
- ☐ 4 - Towed Water Activities
- ☐ 5 - Fishing
- ☐ 6 - Real Estate
- ☐ 7 - Service

PAID
MAR 01 2018
BY: _____

Lake Lure Marine Commission - Lake Lure, North Carolina
Application for Lake Commercial License

For LLMC Use:	By the Authority of the Lake Lure Marine Commission this Application was Reviewed and:	
	Approved: ☐	Denied: ☐
	LLMC Signature:	Date: 3/1/18

Company Name:	Lake Dog Properties, B. Marsh		
Mailing Address:	201 Havnars Point Circle Lake Lure NC 28746		
Physical Address:	172 Havnars Point Circle Lake Lure NC 28746		
Contact Name/Title:	B Marsh / President	Business Type (circle one):	
Phone:	(828) 275-8285	Sole Owner Partnership <u>Corporation</u>	
Email Address:	lakedogproperties@gmail.com	Other (specify):	
Website:		Nature of Primary Business:	
Business Established (date & city/state):	2015 Lake Lure / NC	Rental Property Mgmt.	

Company Insurance (not boat-specific)	
Workmans Comp Carrier:	Allstate
Umbrella Policy Carrier & #:	
Umbrella Policy Limit:	

PAID

MAR 01 2018

PAID BY: _____

Operator Information (not required for Boat Livery Rentals)			
Name	Address	Date of Birth	Copy of Training Certificate Provided?

Overnight Lodging Information (if Resort, Camp or House Rental)	
Property Address & Phone Number	Property Manager & Phone Number
172 Havnars Point Circle 828-275-8285	B. Marsh (828) 275-8285

To retain the accuracy of all information provided, I will submit updated information in a timely manner (no later than two weeks (14 days) from the time of a change) and:		
Maintain activity logs with hours on all motorized boats ☒ check	Keep livery rental forms on file for one year ☒ check	Agree to make logs and rental forms available to the LLMC ☒ check

I certify the information provided on this form is true and accurate to the best of my knowledge.	
Signature: <i>B. Marsh</i>	Date: 3/1/18

Lake Lure Marine Commission - Lake Lure, North Carolina

Application for Lake Commercial License

Copy this page and complete for all motorized and non-motorized boats

Company Name:	Lake Dog Properties
---------------	---------------------

Boat Information	
Boat Type (circle one):	Pontoon Pleasure <u>Canoe</u> <u>Kayak</u> ⁺² Pedal Sailboat Rowboat Other (specify):
Boat Year:	2014 <i>I will be purchasing 2 Kayaks</i>
Boat Make:	Mad River Canoe
Boat Model:	Sunsucker
Length:	14 Ft
Motor Year:	
Motor HP:	
Motor Make:	
Mooring Location:	172 Hanners Point Circle
Boat Owner:	Lake Dog Properties
State Registration #:	_____ Reg. Expiration Date: _____
Liability Insurance Carrier:	_____
Liability Insurance Policy #	_____
Liability Insurance Limit (per incident)	_____

Complete this section for motorized boats only:

Boat Usage:								
	<table border="1"> <tr> <th>Summer</th> <th>Spring/Fall</th> <th>Winter</th> </tr> <tr> <td># of Days per Week (average)</td> <td>40-50</td> <td>20</td> <td>10</td> </tr> </table>	Summer	Spring/Fall	Winter	# of Days per Week (average)	40-50	20	10
Summer	Spring/Fall	Winter						
# of Days per Week (average)	40-50	20	10					

Commercial Classification
(check one)

- ☒ 1 - Rental Livery
- ☐ 2 - Resort
- ☐ 3 - Camp
- ☐ 4 - Ski School
- ☐ 5 - Tours
- ☐ 6 - Fishing Guide
- ☐ 7 - Service
- ☐ 8 - Real Estate

Primary Activity
(check one)

- ☐ 1 - Rental Over 10hp
- ☐ 2 - Rental Under 10hp
- ☐ 3 - Tours
- ☐ 4 - Towed Water Activities
- ☒ 5 - Fishing
- ☐ 6 - Real Estate
- ☐ 7 - Service

PAID
MAR 01 2013
BY: _____

Lake Lure Marine Commission - Lake Lure, North Carolina

Application for Lake Commercial License

Copy this page and complete for all motorized and non-motorized boats

Company Name:	Lake Dog Properties
---------------	---------------------

Boat Information	
Boat Type (circle one):	Pontoon Pleasure Canoe Kayak Pedal Sailboat Rowboat <u>Other (specify): Paddleboard</u>
Boat Year:	2017
Boat Make:	SUP
Boat Model:	Ranger
Length:	12 ft
Motor Year:	
Motor HP:	
Motor Make:	
Mooring Location:	172 Hawners Point Circle
Boat Owner:	Lake Dog Properties
State Registration #:	Reg. Expiration Date:
Liability Insurance Carrier:	
Liability Insurance Policy #	
Liability Insurance Limit (per incident)	

Complete this section for motorized boats only:

Boat Usage:	Summer	Spring/Fall	Winter
# of Days per Week (average)	40-50	20	—

Commercial Classification
(check one)

- ☒ 1 - Rental Livery
- ☐ 2 - Resort
- ☐ 3 - Camp
- ☐ 4 - Ski School
- ☐ 5 - Tours
- ☐ 6 - Fishing Guide
- ☐ 7 - Service
- ☐ 8 - Real Estate

Primary Activity
(check one)

- ☐ 1 - Rental Over 10hp
- ☐ 2 - Rental Under 10hp
- ☒ 3 - Tours
- ☐ 4 - Towed Water Activities
- ☐ 5 - Fishing
- ☐ 6 - Real Estate
- ☐ 7 - Service

PAID
MAR 01 2018
BY: _____

Lake Lure Marine Commission - Lake Lure, North Carolina

Application for Lake Commercial License

Copy this page and complete for all motorized and non-motorized boats

Company Name:	Lake Dog Properties
---------------	---------------------

Boat Information	
Boat Type (circle one):	Pontoon Pleasure Canoe Kayak Pedal Sailboat Rowboat <u>Other (specify): Paddleboard</u>
Boat Year:	2017
Boat Make:	SUP
Boat Model:	Ranger
Length:	12 Ft
Motor Year:	
Motor HP:	
Motor Make:	
Mooring Location:	172 Hannaers Point Circle
Boat Owner:	Lake Dog Properties
State Registration #:	Reg. Expiration Date:
Liability Insurance Carrier:	
Liability Insurance Policy #	
Liability Insurance Limit (per incident)	

Complete this section for motorized boats only:

Boat Usage:						
<table border="1"> <tr> <th>Summer</th> <th>Spring/Fall</th> <th>Winter</th> </tr> <tr> <td># of Days per Week (avgerage)</td> <td>40-50</td> <td>20</td> </tr> </table>	Summer	Spring/Fall	Winter	# of Days per Week (avgerage)	40-50	20
Summer	Spring/Fall	Winter				
# of Days per Week (avgerage)	40-50	20				

Commercial Classification
(check one)

- ☒ 1 - Rental Livery
- ☐ 2 - Resort
- ☐ 3 - Camp
- ☐ 4 - Ski School
- ☐ 5 - Tours
- ☐ 6 - Fishing Guide
- ☐ 7 - Service
- ☐ 8 - Real Estate

Primary Activity
(check one)

- ☐ 1 - Rental Over 10hp
- ☐ 2 - Rental Under 10hp
- ☒ 3 - Tours
- ☐ 4 - Towed Water Activites
- ☐ 5 - Fishing
- ☐ 6 - Real Estate
- ☐ 7 - Service

PAID
MAR 01 2018
BY: _____

LAKE LURE MARINE COMMISSION
REQUEST FOR BOARD ACTION
Meeting Date: March 13, 2018

SUBJECT: Marina Slip Rental Priority Policy

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: E
Department: Lake Operations
Contact: Dean Givens, Lake Operations Director
Presenter: Dean Givens, Lake Operations Director

BRIEF SUMMARY: Marina slips are currently rented on a first-come, first-serve basis. It was suggested that the Marine Commission review the current policy and discuss whether priority should be given to residents over non-residents for town slip rentals.

RECOMMENDED MOTION AND REQUESTED ACTIONS: None at this time pending further discussion by the Marine Commission.

FUNDING SOURCE: Not Applicable

ATTACHMENTS: Not Applicable

STAFF'S COMMENTS AND RECOMMENDATIONS: The slips at the Marina are currently full and there is a waiting list in place. If a new policy directive is given by the Marine Commission, the waiting list will be adjusted accordingly.



RESOLUTION NO. 18-3-13

OF THE TOWN OF LAKE LURE MARINE COMMISSION AMENDING THE LAKE USE REGULATIONS CONCERNING DEFINITIONS, PERMIT FEES, BOATING PERMIT REQUIRED, AND ENFORCMENT PENALTIES

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, upon the recommendation of the Lake Lure Lake Advisory Board, has determined that said regulations should be amended to further define and regulate activities on Lake Lure; and

WHEREAS, it is a goal of the Lake Use Regulations to provide definitions for applicable terms; accountability of commercial boats permitted; and, updated penalties for enforcement.

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. Amend Section 1.02 as follows:

§ 1.02 DEFINITIONS.

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

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

“COMMERCIAL CRAFT.” Water vessels used in connection with any type of business, trade or commerce, for profit or non-profit, including but not limited to: boat rentals, marinas, real estate agents, resorts, inns, lodging establishments, camps, ski schools, fishing guides, tour boats, contractors, boat repair companies or house rentals (that are required to pay occupancy tax) with boats, real estate development companies or property

Resolution No. 18-3-13
Lake Use Regulations Amendments
March 13, 2018
Page 2

owner's associations. **Amended 11-9-04, 4-8-08, 6-13-17**

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

- (1) Liveries - Boat rentals or boat use privileges with no operator provided that may be associated with (but not limited to) marinas, resorts, inns, lodging establishments, house rentals (that are required to pay occupancy taxes) with boats or real estate agents that rent boats. **Amended 2-13-07**
- (2) Resorts - Boating operations available to patrons at resorts, inns, or lodging establishments **that are staff operated.**
- (3) Camps - Boating operations at camp facilities **that are staff operated.**
- (4) Ski Schools - All commercial operations **utilizing tow boats for** providing water sports activities, **which may include instruction that are** not associated with a specific camp, resort, inn or lodging facility.
- (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

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

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

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

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

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

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

"LAUNCH SITE PERMIT." Permit issued by the Marine Commission for operating general and private launch sites. **Amended 11-9-04**

Resolution No. 18-3-13
Lake Use Regulations Amendments
March 13, 2018
Page 3

SECTION TWO. Amend Section 4.01 as follows:

§ 4.01 PERMIT FEE; BOATING PERMIT REQUIRED.

- (A) Except as hereinafter provided, all persons, firms, or corporations shall secure a permit from the Marine Commission or its designated agents before placing, operating, or allowing any water vessel to be placed or operated on Lake Lure.
- (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. **Amended 7-12-11, 6-13-17**
- (D)
 - (1) 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**
 - (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**
- (E) 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**
- (F)
 - (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 rates, 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**
 - (4) Property owners or their spouses owning an undeveloped lot qualify for one annual motorized boat permit or one peak season weekday only permit. **Amended 4-11-06, 2-13-07, 9-09-14, 6-13-17**

Resolution No. 18-3-13
Lake Use Regulations Amendments
March 13, 2018
Page 4

- (G) 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.
- (H) 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**
- (I) 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.
 - (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**
- (J) 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. **Amended 4-11-06, 6-13-17**
- (K) 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.

SECTION THREE. Amend Section 5.01 as follows:

§ 5.01 ENFORCEMENT; PENALTIES.

- (A) All law enforcement officers with territorial jurisdiction as to any part of the waters of Lake Lure or its shoreline area within the limitations of their subject matter jurisdiction, have the authority of peace officers in enforcing the laws over all of the waters of Lake Lure and its shoreline area. A certificate of training issued by the North Carolina Criminal Justice Education and Training Standards Commission or the North Carolina Sheriffs' Education and Training Standards Commission will suffice for certification for the purposes of the Lake Use Regulations. **Amended 6-13-17**
- (B) Any person, firm, or corporation violating any provision of the Lake Use Regulations for which no specific penalty is otherwise provided, shall upon conviction be guilty of a misdemeanor as provided in NCGS § 14-4; however, violations of § 4.04 shall be as provided in NCGS § 75A-18. **Amended 6-13-17**
- (C) Any person, firm, or corporation violating any provisions of the Lake Use Regulations, upon conviction thereof, may be suspended from further use of Lake Lure, at the discretion of the Marine Commission.

Resolution No. 18-3-13
Lake Use Regulations Amendments
March 13, 2018
Page 5

Amended 6-13-17

- (D) The Marine Commission may also provide for enforcement of the Lake Use Regulations by other remedies, as authorized in NCGS § 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**
- (E) 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**

**Schedule of Civil
Fines for Lake
Regulation**

**Fine
Number Violation Category**

Violations		
1 - General Lake Use		
Disposal of any litter, raw sewage, bottles, can, papers or other liquid or solid materials on the waters of Lake Lure	1.1	C
Disposal of any trash, brush, leaves or scrap building materials into the lake	1.2	C
Trespassing on boats, boat houses or docks	1.3	B
2 - Swimming		
Swimming under the influence of an impairing substance	2.1	B
Unaccompanied swimming greater than 50 feet offshore	2.2	B
Diving, jumping or swimming from any bridge or road	2.3	C
3 - Fishing		
Use of more than two fishing lines per person	3.3	A
4 - Boating (Permits)		
Operation of boat without a valid permit	4.1	C
Failure to display 911 address on boat house	4.2	A

Resolution No. 18-3-13
Lake Use Regulations Amendments
March 13, 2018
Page 6

**Schedule of Civil
Fines for Lake
Regulation**

**Fine
Number**

Violation Category

Violations

5- Boating (Operation)

Operation of boat at a speed greater than "no wake" speed within 75 feet of shoreline	5.2	C
Operation of boat at a speed greater than "no wake" speed during "no wake" hours	5.4	C
Boat tied to town public dock for longer than 2.5 hours	5.5	A
Boat tied to town buoy or marker	5.6	A
(a) resulting in damage to property	5.8a	B
(b) resulting in personal injury	5.8b	C
(c) resulting in death	5.8c	D
Motorized water vessel racing	5.10	C
Insufficient exhaust muffling for town sound requirements	5.11	A

6- Water Sports

Engaging in water sports in prohibited cove	6.2	B
---	-----	---

**7- Commercial Operations
Only**

Use of boat for commercial purposes without a valid lake commercial license and boat permit	7.1	D
Operation of commercial craft greater than 100hp without boat-to-shore communications capability	7.2	B
Failure to report violation of state or local regulations or observed accidents	7.3	A
Failure to render assistance to disabled vessel	7.4	A

Resolution No. 18-3-13
Lake Use Regulations Amendments
March 13, 2018
Page 7

**Schedule of Civil
Fines for Lake
Regulation**

**Fine
Number**

Violation Category

Violations

Uncertified operator	7.5	B
Engaging in water sports (towing) without Class 4 Ski School License (or permission of such)	7.6	C
Operation of boat during lightning threat	7.7	C
Permanent mooring of any commercial boats at a lake structure out of compliance with zoning requirements of upland lots	7.8	D

Launching of motorized water vessels from unapproved launch site (one without valid permit)

Operation of general launch site without display of launch permit

Operation of general launch site during Marine Commission restriction

Failure to obtain permit for private launch site

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

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

Resolution No. 18-3-13
Lake Use Regulations Amendments
March 13, 2018
Page 8

Adopted this 13th day of March, 2018.

ATTEST:

Michelle Jolley, Interim Clerk
Marine Commission

Kevin Cooley, Mayor

Lake Lure Marine Commission - Lake Lure, North Carolina

Application for Lake Commercial License

Copy this page and complete for all motorized and non-motorized boats

Company Name:	
----------------------	--

Boat Information	
Boat Type (circle one):	Pontoon Pleasure Canoe Kayak Pedal Sailboat Rowboat Other (specify):
Boat Year:	2001
Boat Make:	Playcraft
Boat Model:	
Length:	25'
Motor Year:	2001
Motor HP:	90
Motor Make:	Mercury
Mooring Location:	
Boat Owner:	Lake Lure Landing
State Registration #:	 Reg. Expiration Date:
Liability Insurance Carrier:	
Liability Insurance Policy #	
Liability Insurance Limit (per incident)	

Complete this section for motorized boats only:

Boat Usage:

Summer	Spring/Fall	Winter
--------	-------------	--------

# of Days per Week (average)	7	5	
-------------------------------------	---	---	--

Commercial Classification
(check one)

- ☒ 1 - Rental Livery
- ☐ 2 - Resort
- ☐ 3 - Camp
- ☐ 4 - Ski School
- ☐ 5 - Tours
- ☐ 6 - Fishing Guide
- ☐ 7 - Service
- ☐ 8 - Real Estate

Primary Activity
(check one)

- ☒ 1 - Rental Over 10hp
- ☐ 2 - Rental Under 10hp
- ☐ 3 - Tours
- ☐ 4 - Towed Water Activities
- ☐ 5 - Fishing
- ☐ 6 - Real Estate
- ☐ 7 - Service

Lake Lure Marine Commission - Lake Lure, North Carolina

Application for Lake Commercial License

For LLMC Use:	By the Authority of the Lake Lure Marine Commission this Application was Reviewed and:	
	Approved: ☐	Denied: ☐
	LLMC Signature:	Date:

Company Name:	Lake Lure Larking		
Mailing Address:	2655 Memorial Hwy		
Physical Address:	tax pin 216982		
Contact Name/Title:	Dan Breckenman/owner	Business Type (circle one):	
Phone:	828-625-2734	Sole Owner Partnership <u>Corporation</u>	
Email Address:	dano@lakevrehomeworks.com		
Website:	Nature of Primary Business:		
Business Established (date & city/state):	1929		

Company Insurance (not boat-specific)	
Workmans Comp Carrier:	
Umbrella Policy Carrier & #:	
Umbrella Policy Limit:	

JAN 16 2018

Operator Information (not required for Boat Livery Rentals)			
Name	Address	Date of Birth	Copy of Training Certificate Provided?

Overnight Lodging Information (If Resort, Camp or House Rental)	
Property Address & Phone Number	Property Manager & Phone Number

To retain the accuracy of all information provided, I will submit updated information in a timely manner (no later than two weeks (14 days) from the time of a change) and:		
Maintain activity logs with hours on all motorized boats ☒ check	Keep livery rental forms on file for one year ☒ check	Agree to make logs and rental forms available to the LLMC ☒ check

I certify the information provided on this form is true and accurate to the best of my knowledge.	
Signature: <u>Dan Breckenman</u>	Date: <u>1-16-18</u>

OK ✓ L.L.M.C.