



RESOLUTION NO. 20-01-14
OF THE TOWN OF LAKE LURE MARINE COMMISSION
AMENDING THE LAKE USE REGULATIONS CONCERNING
DEFINITIONS, COMMERCIAL OPERATIONS, CIVIL FINES

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 revise definitions, regulate commercial livery and vacation rental operations, and schedule civil fines; 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. Amend Section 1.02 Definitions as follows:

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 owners 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

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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 to operate for short 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**
- (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 ~~for the same duration of time.~~ **during their stay. Adopted 10-8-19**

“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

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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**

“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 or any person who resides outside the corporate limits of the town for more than 50% of the calendar year.

“NO-WAKE.” Idle speed or a slow speed creating no appreciable wake (producing white water off the bow). **Amended 6-13-17**

“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**

“PERSONAL WATERCRAFT” (ALSO KNOWN AS PWC OR SKICRAFT). An inboard powered craft using a water-jet pump as the primary source of propulsion and operated by a person sitting, standing or kneeling on the craft rather than in the conventional manner of boat operation.

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

“PUBLIC BATHING BEACH.” A public access to the waters of Lake Lure where

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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 only to the tenants of the property, and registered in the property owner’s name. **Adopted 10-8-19**

“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**

“WATER SPORTS.” Water skiing, knee boarding, wake boarding, tubing, and other similar activities which involve being towed behind a boat.

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

SECTION TWO. Amend Section 4.07 Commercial Operations as follows;

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

- (A) A lake commercial license shall be required annually prior to purchasing commercial boat permits. **Amended 6-13-17**
- (B) All commercial operators shall successfully complete a Marine Commission approved boating safety class annually.
- (C) 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

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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 over 10 HP, unless they have a concession agreement with the Town specifically stating a different number.
- (E) No single business owner or commercial operation may have more than seven permits for motorized boats 10 HP or less, unless they have a concession agreement with the Town specifically stating a different number.
- (F) No single business owner or commercial operation may have more than ten (10) permits for non-motorized boats, unless they have a concession agreement with the Town specifically stating a different number. **Amended 4-28-05**
- (G) The only way that a business owner or commercial operation may obtain more permits than what is allowed in any one classification or in total is to enter into a concession agreement with the Town of Lake Lure. A concession agreement is also required if a business owner or commercial operator wishes to do business from any land owned by the Town.
Amended 4-10-12, 6-13-17
- (H) Livery operations shall be located within a Zoning District that permits commercial use.
Adopted 10-8-19
- (I) Commercial craft with more than 100 horsepower shall have boat-to-shore communications capability.
- (J) Commercial operators shall report to law enforcement any violation of State or local regulations as well as any observed accidents.
- (K) Commercial operators must render assistance to any disabled vessel(s). (Res. Passed 4-12-05) Penalty, see § 5.01
- (L) 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**

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- (M) Commercial craft shall not be operated when lightning is visible, or thunder is audible. Commercial craft operating on the lake when these conditions occur must return to moorings immediately. (Res. Passed 4/11/06) **Amended 6-13-17**
- (N) Because there are limits in the numbers of commercial boat permits issued, once a boat permit has been issued for a particular commercial classification, that boat shall retain that classification until the permit expires. A boat cannot change classification in the same calendar year that it was permitted. Commercial vessels may only be operated for the purpose approved in the commercial license. Dual permitting of boats is prohibited. (Res. Passed 10-12-10) **Amended 6-12-18**
- (O) 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**
 - (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**
 - (7) Tour Boats shall not travel in clusters and must be separated at a minimum distance of 100 yards. **Adopted 6-13-17**
 - (8) Tour boats require a concession agreement with the Town regardless of the number permitted. **Adopted 6-13-17**
- (P) ~~Owners of residential vacation rentals and vacation rental management companies shall only rent their permitted motorized and non-motorized watercraft(s) for the same duration of time as their residential vacation rental(s).~~ 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.
- (Q) No vacation rental watercraft shall be permitted to tow any person(s) at any time. **Adopted 10-8-19**
- (R) 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**

SECTION THREE: Amend Section 5.01 Enforcement; Penalties, and Schedule of Civil Fines for Lake as follows:

- (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) 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 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**
- (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 10-8-19**

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Schedule of Civil Fines for	Fine Number	Violation Category
1 - General Lake Use		
Disposal of any litter, raw sewage, bottles, cans, 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
Manipulation of permitting process	4.3	D
5- Boating (Operation)		

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Schedule of Civil Fines for	Fine Number	Violation Category
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

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Schedule of Civil Fines for	Fine Number	Violation Category
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
Permanent mooring of any commercial boats at a lake structure out of compliance with zoning requirements of upland lots	7.8	D
Conducting business on Town owned land without a required concession agreement	7.9	D
Operation of a residential vacation boat rental for a duration of time less than the dwelling	8.0	C
Operation of a livery from residential vacation rental.	8.0	C
Operation of a livery in a Zoning District that does not permit commercial use	8.1	C
Vacation Rental Management Company providing watercraft(s) for rent that are not registered with their business	8.2	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		

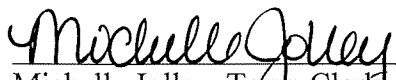
Adopted 6-13-17; Amended 3-13-18, 10-8-19

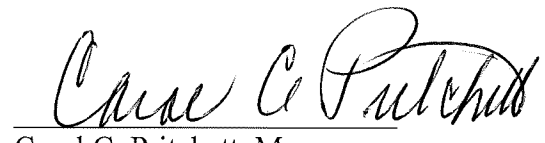
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SECTION FOUR. This Resolution shall be in full force and effect from and after the date of adoption.

Adopted this 14th day of January, 2020.

ATTEST:


Michelle Jolley, Town Clerk


Carol C. Pritchett, Mayor

