

**LAKE NORMAN MARINE COMMISSION
CHARTER BOAT REGULATIONS**

SECTION 1. SHORT TITLE. These regulations may be cited as the CHARTER BOAT REGULATIONS.

SECTION 2. JURISDICTIONAL BOUNDARIES. These regulations shall be applicable on the waters of Lake Norman, the boundaries of which are described in Chapter 1089 of the 1969 Session Laws of the State of North Carolina.

SECTION 3. DEFINITIONS

As used in these regulations:

(a) "Advertise" means to make an announcement, and includes, without limitation, the following ways of making an announcement: person to person communications, whether verbal or in writing, including by posting signs, handing out flyers, or sending letters or e-mails; communications by using the radio, communication by publication in a newspaper or magazine or any other type of printed media; electronic communications via a web site or social media; and communications by video or other visual media, such as on television or internet based video services.

(b) "Charter Boat" means any boat that is (i) hired, or advertised for hire, to carry passengers who have paid a fee for services including, without limitation, sightseeing, fishing, consuming food or beverages, swimming, waterskiing, and diving; and (ii) owned, operated, or controlled by a person or entity other than the passengers. Notwithstanding the foregoing, a boat with six (6) or fewer passengers is not a Charter Boat.

(c) "Charter Boat Inspection" means an inspection as designated by the Lake Norman Marine Commission and the Coast Guard Auxiliary.

(d) "Charter Boat Permit" or "Permit" means the permit issued by the Commission that must be obtained and kept in good standing to operate a Charter Boat on Lake Norman.

(e) "Commercial Marina Facilities" mean Marinas as defined by Duke Energy's Shoreline Management Guidelines (SMG) and specifically identified as suitable for Charter Boat Operations by Duke Energy and the Lake Norman Marine Commission.

(f) "Islands" are the islands located in Lake Norman owned by Duke Energy or designated in Duke Energy's Shoreline Management Plan for recreation.

(g) "Manifest" is the listing of all Charter Boat passengers with appropriate contact information for each.

(h) "Marine Liability Insurance" means a liability insurance policy that covers liabilities that may arise while Charter Boats are embarked, including, without limitation, the loading and unloading of passengers.

(i) "Operations Plan" is the plan to be prepared by the Charter Boat owner. It should state at a minimum (i) where the boat's permanent mooring will be; (ii) what type of passenger service is offered; (iii) the type and details of the boat(s) it plans to operate; (iv) the type of food and beverage service it plans to offer; and (v) what parking arrangements have been made.

(j) "The Lake Norman Marine Commission" has the meaning set forth in Chapter 1089 of the 1969 Session Laws of the State of North Carolina is sometimes referred to in these regulations as the "Commission".

SECTION 4. REGULATIONS FOR OPERATING CHARTER BOATS

(a) Operating a Charter Boat on Lake Norman requires a Charter Boat Permit from the Lake Norman Marine Commission, which must be prominently displayed on the boat at a location visible to passengers on the boat. Each Permit must identify the period of time it is valid and must be renewed by April 1st of each year. Upon request, a vessel's Captain will allow any law enforcement officer to examine the Charter Boat Permit. A fee will be required for each Permit requested. The fee will be determined annually prior to the distribution of the application material and will be an amount necessary to cover the expense of the inspections and permits. Among the factors to be considered prior to issuing a Charter Boat Permit are any matters pertaining specifically to public safety or violations of federal, state, or local laws. Once the Commission has issued a Permit, an appropriate business permit must be applied for to the appropriate County or Town for their approval of the boat's Operations Plan.

(b) Owners of Charter Boats wishing to obtain a Charter Boat Permit and operate on Lake Norman must at a minimum satisfy the following requirements:

1. Liability Insurance. Proof of charter boat commercial liability insurance of at least \$300,000 with a minimum amount of \$15,000/person based on the rated boat capacity. For example, a boat with a capacity of seventy-five (75) persons would need a minimum of \$1,125,000 of liability insurance coverage.

2. Charter Boat Inspection. Proof of a successful inspection must be submitted to the Commission. A list of qualified inspectors will be provided when a Charter Boat Permit is requested.

3. Captain(s). Permit applicants must submit proof that each Captain of each Charter Boat is qualified. Each Captain must hold a valid U.S. Coast Guard Master's license and submit a copy of such license to the Commission to satisfy this requirement. Each Captain is solely responsible for the safe operation of the Charter Boat and for the safety of all passengers and crew and is not subordinate to any other person on board, including the vessel owner.

4. Permanent Location. Charter Boats must have written permission from an approved commercial marina where the Charter Boat will be moored and passengers will board and disembark. For the purpose of these regulations, a commercial marina is considered "approved" if it has (a) available 24-hour direct access to a fixed, commercial, and marine grade sewage workable pump-out facility; and (b) adequate on-site parking; and (c) been approved by Duke Power and the Commission.

5. Other Sites and Operations. The Owner of each Charter Boat must agree in writing not to (a) use residential or commercial marina facilities for docking or berthing; and (b) moor at islands except those approved by Duke Power for recreation purposes; and (c) moor after sunset at those approved Islands except when approved by special request. In cruising operations on Lake Norman, all Charter Boats must operate at No-Wake speed within 200 ft. of the shoreline or within 150 ft. of any docks or other structures.

6. Harboring and Mooring Requirements. Except as otherwise provided in these regulations, harboring or mooring of any existing or proposed Charter Boat, whether on an incidental, occasional, routine, or permanent basis, shall only occur at an approved commercial marina.

7. County/Municipality Permits. Applicants for a Charter Boat Permit must submit an Operations Plan incorporating the requirements of these Regulations to the Lake Norman Marine Commission for approval. If approved, the Commission will issue a Charter Boat Permit and advise the appropriate county, town, or other municipality accordingly in the event the applicant is seeking a business permit or other form of license or approval from such municipality.

SEC 5. BOAT REQUIREMENTS

- (a) Each Charter Boat must be equipped with radar, meet all United States Coast Guard requirements, and must not exceed ninety (90) feet in registered, documented, or actual length.
- (b) Each Charter Boat must meet the passenger weight limit requirements, if applicable, based on an assumed passenger weight of one hundred eighty-five (185) pounds per passenger in accordance with United States Coast Guard regulations (46CFR 170.090 (g)).
- (c) Manifest – All Charter Boats must prepare and retain a Manifest for each charter.
- (d) Charter Boats carrying six (6) or fewer paying passengers (i) are not required to embark/debark passengers at a Duke Power approved facility; and (ii) do not require a Charter Boat Inspection, however they must still display a valid, current Lake Norman Marine Commission Charter Boat Permit.
- (e) Charter Boats must comply with all Federal, State, and Local regulations. Violation of Federal, State, or Local laws shall be grounds for denial or revocation of a Charter Boat Permit.
- (f) Vessels carrying more than six (6) paying passengers must undergo a Charter Boat Inspection in accordance with the Commission's current inspection document, which specifies minimum equipment requirements and general condition verification. Each Charter Boat must display its current Charter Boat Permit upon approval by the Commission.

SECTION 6. VIOLATIONS; PENALTY

- (a) It shall be unlawful to operate a Charter Boat on the waters of Lake Norman without a valid Charter Boat Permit prominently displayed as required by these Regulations.
- (b) It shall be unlawful for any person to (i) offer to provide Charter Boat services; or (ii) advertise that they are operating a Charter Boat on the waters of Lake Norman; or (iii) advertise that they have a Charter Boat available to operate on the waters of Lake Norman unless the Charter Boat has a valid Charter Boat Permit.
- (c) It shall be unlawful for the Captain of a Charter Boat to operate the boat without having in the Captain's possession a United States Coast Guard's Masters License or to refuse to allow a law enforcement officer to examine the Captain's identification.
- (d) It shall be unlawful to operate Charter Boat on the waters of Lake Norman between the hours 12:00 Midnight and 9:00 a.m. except for the following exceptions: (i) while moving the boat with only a crew of no more than six (6) persons aboard; (ii) New Year's Eve and July 4th; or (iii) other special occasions for which approval has been obtained in writing in advance from the Commission.
- (e) It shall be unlawful for a Commercial/Non-Residential or Commercial/Residential Facilities to service a Charter Boat after having received written notice from the Lake Norman Marine Commission that such boat is operating in violation of these Regulations.

(f) Any person who violates any of the above provisions shall be guilty of a Class 3 misdemeanor and, upon conviction, shall be subject to a maximum fine of five hundred dollars (\$500.00), or imprisonment, or both. Each violation shall be considered a separate and distinct offense, and each day of continued violation shall be considered as a separate offense. In addition, a violator may be subject to appropriate injunctive relief.

(g) Any person who violates these regulations may have their Charter Boat Permit revoked and shall not be eligible to apply again for one (1) year.

SECTION 6. ENFORCEMENT. Provisions of these regulations, including the license requirement, will be enforced by state and local law enforcement agencies that operate on Lake Norman.

SECTION 7. EXCLUSIONS. These regulations do not apply to situations where a paid Captain is hired to operate a privately owned vessel that is not advertised as offering services to the public as a charter or fishing guide vessel. Notwithstanding the foregoing, Section 4(b)(3) (the United States Coast Guard Captain License requirements) apply to private vessels if the operator is paid for services, including instruction and delivery.

SECTION 8. EFFECTIVE DATE. These Regulations shall take effect on January 1, 2023 and supersede the Commission's prior charter boat regulations.