

LAKE NORMAN MARINE COMMISSION CHARTER/EXCURSION BOAT REGULATIONS

SECTION 1. SHORT TITLE

These regulations may be cited as the CHARTER/
EXCURSION 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” or “Excursion Boat” means any boat that is hired for, or advertised for hire for, a cruise on Lake Norman and to provide specific services including any of the following: sight seeing; food; beverages; fishing. A “Charter Boat” or “Excursion Boat” that is a "Commercial Non-Mechanical Powered Vessel" is subject to these same regulations with the exception of Sections 4(b) 4., 5., 6., and 7. below. However, a fishing, sailboat or other charter boat with eight (8) or less passengers is not either a Charter Boat or Excursion Boat.
- (c) “Charter Boat Inspection” means an inspection as designated by the Lake Norman Marine Commission and the Coast Guard Auxiliary.
- (d) “Commercial Marina Facilities” mean Marinas as defined by Duke Energy’s Shoreline Management Guidelines (SMG) and specifically identified as suitable for Charter/Excursion Boat

Operations by Duke Energy and the Lake Norman Marine Commission.

- (e) "Commercial Non-Mechanical Powered Vessel", means a Charter Boat or Excursion Boat that is not powered by a gas or a diesel engine, including paddle and peddle boats.
- (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) "Marine Liability Insurance" means a special liability insurance policy which covers passengers on "Charter Boats" or "Excursion Boats" while embarked including the loading and unloading of passengers.
- (h) "Operations Plan" is the plan to be prepared by the Charter Boat or Excursion Boat owner. It should state at a minimum where the boat's permanent mooring will be, what type of passenger service it plans, the type and details of the boat(s) it plans to operate, the type of food and beverage service it plans to operate and what parking arrangements have been made.
- (i) Manifesto is the listing of all charter passengers with appropriate contact information for each charter.
- (i) The "Lake Norman Marine Commission" is sometimes, herewith referred to, as the "Commission".

SECTION 4. REGULATIONS FOR OPERATING CHARTER OR EXCURSION BOATS

- (a) Operating a Charter or Excursion Boat on Lake Norman will require 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. The Permit must identify the period of time it is valid and must be renewed by April 1st of each year. Upon request, the 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 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 or Excursion Boats wishing to obtain a Charter Boat Permit and operate on Lake Norman must at a minimum satisfy the following requirements.

1. Liability Insurance

Submit proof of specific 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 75 persons would need a minimum of \$1,125,000 of liability insurance.

2. Charter Boat Inspection

Submit proof of a successful inspection. A list of qualified Inspectors will be provided when a "Charter Boat Permit" is requested.

3. Captain(s)

Submit proof that the Captain(s) of the Charter or Excursion Boats are qualified. A Captain must hold a valid U.S. Coast Guard Master's license to satisfy this requirement. The Commission and submit a copy of this license to satisfy this requirement. The Captain must be solely responsible the safe operation of the vessel and for the Safety of all passengers and crew, and is not subordinate to any other person on board, including the vessel owner. Captains and/or operators of "Commercial Non-Mechanical Powered Vessels" are not required to have a US Coast Guard Master's license, but must submit a letter attesting to the fact that the boat/vessel meets applicable Coast Guard requirements and the operator (captain) has the proper experience and training (to include first aid and CPR) necessary for a captain of an "Operator of an Uninspected Vessel" license (a type of United States Coast Guard Charter license).

4. Permanent Location

Obtain written permission from the appropriate Commercial Marina Facility for Charter Boat Operations to include vessel mooring and/or the loading and off-loading of passengers. The location must have available 24-hour direct access to a fixed, commercial and marine grade sewage workable pump-out facility.

5. Other Sites and Operations

The Owner must agree in writing not to use Residential or Commercial Marina Facility for docking or berthing and not to moor at Islands except those approved by Duke Power for

recreation purposes and not to moor after sunset at those approved Islands except when approved by special request. In cruising operations on the Lake, the boat will operate at No-Wake speed within 200 ft. of the shoreline or within 150 ft. of any docks or other structures.

6. Recommended County or Municipality Requirements
 - (a) Harboring or Mooring of any existing or proposed Charter or Excursion Boat, whether on an incidental, occasional, routine, or permanent basis shall only occur within a Commercial Marina Facility approved by Duke Energy and the Commission.

- (b) Prior to consideration by the County or Municipality, the Applicant must submit an Operation Plan incorporating the requirements of these Regulations to the Lake Norman Marine Commission for approval. If approved the Lake Norman Marine Commission will issue a Charter Boat Permit and advise the appropriate County or Town accordingly who will then make their decision regarding issuing an appropriate business permit.

- (c) Adequate on-site parking at the Commercial Marina Facility must be provided to specifically service this use.

7. Boat Requirements

- (a) The boat must be equipped with radar, meet all Coast Guard requirements for the class, and must not exceed 90 feet in Registered or Documented length.

- (b) The boat must meet the passenger weight limit requirements, if applicable, based on an assumed passenger weight of 185 pounds per passenger in accordance with Coast Guard regulations (46CFR 170.090 (g)).

8. Manifesto - All Charter Boats must prepare and retain a manifesto for each charter.

SECTION 5. VIOLATIONS; PENALTY

- (a) It shall be unlawful to operate a Charter Boat or Excursion 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 offer to provide Charter Boat or Excursion Boat services, or to "Advertise" that they are operating a Charter Boat or Excursion Boat on the waters of Lake Norman or have

a Charter Boat or Excursion Boat that they have available to operate on the waters of Lake Norman unless the Charter Boat or Excursion Boat has a valid "Charter Boat Permit"

- (c) It shall be unlawful for the Captain of a Charter Boat or Excursion Boat to operate the boat without having in his possession a Coast Guard's Masters License or to refuse to allow a law enforcement officer to examine the identification.
- (d) It shall be unlawful to operate Charter Boat or Excursion Boat on the waters of Lake Norman between the hours 12:00 Midnight and 9:00 a.m. except while moving the boat with only a crew of no more than six (6) persons aboard, and except for New Year's Eve, July 4th or other approved requests for special occasions.
- (e) It shall be unlawful for a Commercial/Non-Residential or Commercial/Residential Facilities to service a Charter Boat or Excursion 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 any of the above provisions and has the "Charter Boat Permit" revoked accordingly will not be eligible to apply for a new permit for one (1) year.

SECTION 6. EFFECTIVE DATE

These Regulations shall take effect on June 11, 2018 and shall supersede prior regulations dated April 14, 2014.