

Lake Ordinance

§ 97.03 GENERAL REGULATIONS.

(A) This subchapter is subject to all other applicable local, state and federal rules, regulations and statutes. If any provision of this subchapter is in conflict with another applicable state law, rule or regulation, the latter shall control.

(B) In and on the lake and control strip, it shall be unlawful for any person to:

- (1) Engage in any recreational or other activities not expressly permitted by this subchapter in accordance with the conditions or restrictions placed on such activities by this subchapter;
 - (2) Consume or be under the influence of any impairing substance, drug or narcotic, or any intoxicating beverage including wine or malt beverage;
 - (3) Engage in any nuisance or act which would tend to adversely affect water quality or disrupt the peaceable use and enjoyment of the lake and control strip by those persons using the lake and control strip for the lawful purposes permitted by this subchapter;
 - (4) Possess or discharge any fireworks;
 - (5) Possess or discharge any firearm, unless the person is a law enforcement officer;
 - (6) Engage in hunting or trapping in any manner;
 - (7) Cause any effluent from a sewage disposal system to enter into the lake or onto the control strip;
 - (8) Use, place or erect any tent, camper, motor home, vehicle, headwall or structure of any temporary or permanent habitation;
 - (9) Engage in any business or commercial activity, whether for profit or not;
 - (10) Engage in picnicking;
 - (11) Cause or allow any food products, trash, petroleum products or any pollutants or contaminants to be discharged into the lake or upon the control strip;
 - (12) Withdraw any water from the lake for irrigation or any other purpose, except that property owners who received written permission from the city prior to the adoption of this subchapter to withdraw water from the lake may continue to do so in accordance with the specific terms of the prior written permission;
 - (13) Place any fill material, beach sand, rip-rap or similar substances on the city-owned property without the permission of the city;
 - (14) Alter the lake shoreline in any way without the permission of the city;
 - (15) Clear or alter in any way the vegetation on the control strip without the permission of the city.
- (C) The watering, washing or wallowing of any horses, mules, cattle or domestic animals shall not be permitted in the lake or along the margin of the lake, and all domestic or farm animals shall be restrained from access to an area within 50 feet of the lake at normal full level.
- (D) The city shall provide a Lake Warden, who shall be responsible for maintaining surveillance of the lake and control strip to ensure protection of the water quality, and for assisting in the enforcement of the provisions of this subchapter. The Lake Warden shall promptly notify the City Manager of any violation of this subchapter and any activities that may adversely affect water quality.

(E) Should at any time it be determined by the city or the state that the quality of water in Lake Roxboro is being detrimentally affected by the recreational or other activities permitted by this subchapter to the extent of potentially rendering the water unsuitable for drinking purposes, the city shall have the right to immediately restrict or terminate the activities, in whole or in part, for as long as necessary, in order that proper water quality can be maintained. The Lake Warden will give notice of any such action by the city to adjoining property owners, and the city will contact the local media and request that public service broadcasts be aired and news articles be written to assist in notifying the general public.

(F) The Lake Warden and all local and state law enforcement officers, including Wildlife Commission officers, shall have the authority to exclude from the lake or control strip any person known to be violating any provision of this subchapter, and shall have the authority to require any such person to leave the lake or control strip.

(Ord. passed 8-8-00) Penalty, see § 10.99

§ 97.04 PERMITTED RECREATIONAL ACTIVITIES.

(A) In general.

(1) All recreational activities permitted by this subchapter may be engaged in only from official sunrise to official sunset, and any recreational or other activities or uses in or on the lake or control strip that are not expressly permitted by this subchapter are prohibited.

(2) All persons engaging in any recreational activities permitted by this subchapter do so at their own risk, and the city will not provide any safety supervision, life guards or safety equipment for users of the lake or control strip.

(3) No recreational activities permitted by this subchapter may occur within a 50-yard radius of the lake's outlet control structure, which radius will be designated by buoy markers on the lake, and no person other than authorized city or state personnel is permitted to be within a 50-yard radius of the lake's outlet control structure for any purpose.

(4) An invited guest of a property owner may engage in all recreational activities permitted by this subchapter that a property owner is permitted to engage in so long as:

(a) The invited guest is at all times under the direct control and supervision of the property owner; and

(b) The property owner has sanitation facilities on his or her property for the use of the property owner and the guest.

(5) An immediate family member of a city taxpayer may engage in all recreational activities permitted by this subchapter that the city taxpayer is permitted to engage in, so long as such immediate family member is at all times under the direct control and supervision of the city taxpayer.

(6) No persons other than authorized city or state personnel shall be permitted on the control strip for any purpose, except that a property owner whose property line adjoins the control strip, and an invited guest of a property owner, may go upon the control strip for only those purposes appropriate to the privileges granted them under this subchapter.

(7) All recreational activities permitted by this subchapter shall be governed by the rules and regulations of the North Carolina Wildlife Commission, in addition to the provisions of this subchapter, and Wildlife Commission officers are empowered to enforce the rules and regulations of the Commission on the lake and control strip.

(B) Swimming and fishing.

(1) A property owner or invited guest of a property owner may swim or fish in the lake from an approved dock or approved ramp owned by the property owner, or from the property owner's land adjoining the lake if the property owner has sanitation facilities on the property owner's property, or may swim or fish from a boat for which the property owner has a valid boat permit.

(2) A city taxpayer or immediate family member of a city taxpayer may swim or fish in the lake only from a boat for which the city taxpayer has a valid boat permit.

(3) No person shall swim or fish from or in the area surrounding the lake's dam or the city access ramp.

(4) All swimming or fishing is at the swimmer's or fisherman's own risk.

(C) Use of boats.

(1) A property owner or invited guest of a property owner may use a boat, for which the property owner has a valid boat permit, only for the purpose of fishing or swimming from the boat.

(2) A city taxpayer or immediate family member of a city taxpayer may use a boat, for which the city taxpayer has a valid boat permit, only for the purpose of fishing or swimming from the boat.

(3) No person shall allow any boat in the lake unless the boat displays a valid boat permit and the boat fully complies with the definition of a "boat" given in § 97.02.

(4) No person shall operate a boat in the lake at a speed in excess of 25 mph, and a boat shall at all times be operated in a safe manner.

(5) The use of a boat in the lake, and the launching and removal of a boat from the lake, is at the owner's and occupant's own risk.

(Ord. passed 8-8-00) Penalty, see § 10.99

§ 97.05 BOAT PERMITS.

(A) Any property owner and up to 100 city taxpayers may be issued a boat permit. No boat permit is transferable to a third person, and each boat permit is valid only for a period of 12 months following the date of its issuance, unless it is renewed before the expiration of that 12-month period. Applications for a boat permit will be processed in the order in which they are received.

(B) To obtain a boat permit, a property owner or city taxpayer must fill out an application on a form that may be obtained from the City Manager's office, in connection with which the applicant must:

(1) Provide appropriate documentation showing property ownership or taxpayer status and that he or she has not been convicted of a felony;

(2) Provide appropriate information from which it may be verified that the boat fully complies with the definition of a "boat" as defined in § 97.02;

(3) Pay a permit fee (according to a fee schedule kept in the City Manager's office); and

(4) Agree to:

(a) Adhere to and, as to all persons using the applicant's boat, enforce all provisions of this subchapter;

(b) Assist the city in enforcing all provisions of this subchapter by promptly reporting any violations of it to the Lake Warden or City Manager; and

(c) Notify the City Manager in writing and within 30 days of any change in the applicant's property ownership or taxpayer status or change in address or telephone number.

(Ord. passed 8-8-00) Penalty, see § 10.99

§ 97.06 DOCKS AND RAMPS; CONSTRUCTION AND PERMIT REQUIREMENTS.

(A) A property owner shall be allowed to have a maximum of one dock and one ramp per lot. Docks may not be any closer than 100 linear feet, following pool level contour, from each other, with a maximum of 260 square feet per structure. No property owner may construct a dock or ramp within a 50-yard radius of the outlet control structure of the lake.

(B) All docks:

- (1) Shall be single-level decks of weatherproof materials with no covered areas or storage areas;
- (2) Shall not be constructed using creosote materials;
- (3) Shall be maintained in a sound and sturdy condition at all times, or be promptly removed by the property owner if not so maintained; and
- (4) Include a visible sign facing the lake that displays the name and address of the property owner and the property owner's "operation permit" number for the dock.

(C) All ramps:

- (1) Shall be constructed in such a manner as to control runoff and erosion, and
- (2) Shall not be constructed of any creosote or asphalt materials.

(D) A property owner who owns an existing dock or ramp on the effective date of this subchapter, who intends to modify a dock or ramp on his or her property, or who intends to construct a new dock or ramp on his or her property, must obtain an appropriate permit from the city. In the case of dock or ramp in existence on the effective date of this subchapter, the property owner must bring the dock or ramp into compliance with all applicable provisions of this section within 60 days after the effective date of this subchapter. In the case of modifying a dock or ramp or constructing a new dock or ramp at any time after the effective date of this subchapter, the property owner must obtain a construction permit before making any modifications, commencing any construction or engaging in any clearing or grubbing upon city-owned property. In all cases, no dock or ramp may be used for the purposes allowed by this subchapter until the property owner has obtained an operation permit from the city after it has determined that the dock or ramp complies with all provisions of this section. No construction or operation permit is transferable to a third person, and all operation permits must be renewed annually.

(E) To obtain an operation permit for a dock or ramp, the property owner must fill out an application on a form that may be obtained from the City Manager's office, in connection to which the property owner must:

- (1) Provide appropriate documentation showing property ownership and that he or she has not been convicted of a felony;
- (2) Demonstrate that the dock or ramp complies with all applicable provisions of this section;
- (3) Pay a permit fee, according to a fee schedule kept in the City Manager's office;
- (4) Agree to:
 - (a) Adhere to and, as to all persons using the property owner's dock or ramp, enforce all provisions of this subchapter;
 - (b) Assist the city in enforcing all provisions of this subchapter by promptly reporting any violations of it to the Lake Warden or City Manager; and
 - (c) Notify the City Manager in writing and within 30 days of any change in the property owner's status as a property owner or change in address or telephone number; and
- (5) Have sanitation facilities on the property owner's property for all persons going in and on the lake and control strip from the owner's property.

(F) To obtain a construction permit to modify a dock or ramp or to construct a new dock or ramp, the property owner must fill out an application on a form that may be obtained from the City Manager's office, in connection with which the property owner must:

(1) Provide a detailed drawing of the proposed dock or ramp, including its location on the property owner's property and location in relation to the spillway;

(2) Provide a list of all materials that will be used in constructing the dock or ramp; and

(3) Ensure that all construction work for the dock or ramp is conducted in accordance with the requirements of this section and any particular requirements specified in the construction permit.

(Ord. passed 8-8-00) Penalty, see § 10.99

§ 97.07 ENFORCEMENT AND REVOCATION OF PERMITS AND LAKE PRIVILEGES.

(A) General enforcement remedies.

(1) The city may enforce this subchapter and abate violations of it through injunctions and abatement orders under G.S. § 160A-175(a) and (e), through an appropriate equitable remedy under G.S. § 160A-175(d), or through the city's powers to abate public health nuisances under G.S. § 160A-193.

(2) A violation of any provision of this subchapter shall constitute a misdemeanor under G.S. § 14-4(a), punishable by a fine of not more than \$500 or imprisonment for not more than 30 days or both, and every day that any violation continues after a person has been notified that the violation exists, and that he or she is subject to the penalties above and those provided for in division (B) of this section, shall constitute a separate offense and separate violation.

(3) The city may enforce this subchapter by any one or any combination of the remedies specified in this division (A) and in division (B) of this section.

(B) Revocation of permits and lake privileges.

(1) Upon receiving credible evidence of a violation of any provision of this subchapter, the City Manager may give written notice to the alleged offender of the nature of the violation and schedule a hearing within 15 days after the mailing of the written notice to determine the existence or nonexistence of the violation.

(2) At the hearing, the City Manager shall hear all relevant evidence, including all relevant evidence presented by the alleged offender. Within five working days after the hearing, the City Manager shall determine whether it has been established by the preponderance of the evidence that the alleged offender committed the violation, and shall notify the alleged offender in writing of the City Manager's decision on this issue, any enforcement-action decision and appeal rights.

(3) To appeal a finding of a violation and any enforcement-action decision, the offender must submit a written request of appeal for a hearing before the City Council, which written request must be received in the City Manager's office within 15 days after the date of the mailing of the Manager's written decision to the offender. Depending upon the nature and severity of the violation, the Manager's enforcement action may prescribe that it is effective immediately and is not stayed pending the offender's appeal.

(4) If the offender gives proper and timely notice of appeal, the City Council shall conduct a hearing within 90 days after the taking of the appeal, at which hearing the Council shall hear all relevant evidence, including any relevant evidence presented by the offender. Based on the preponderance of the evidence presented, and by majority vote, the City Council shall affirm, reverse or modify the Manager's decision or enforcement action as the Council finds appropriate.

(5) In determining any appropriate enforcement action, the City Manager, and the City Council if an appeal is taken, shall consider the following general enforcement guidelines, but may depart from them in making an enforcement-action decision if the particular circumstances of the case reasonably warrant a departure from the

general guidelines:

(a) For violations that are not deemed an immediate threat to water quality or pose no immediate safety hazard, along with a requirement that the offender take all appropriate corrective action by a specified date:

1. The first violation should generally result in a warning to the offender;

2. The second violation should generally result in a 30-day revocation of any applicable permit held by the offender, and a concurrent 30-day revocation of the offender's right to engage in that use of the lake to which the violation relates;

3. The third violation should generally result in a one-year revocation of all permits held by the offender, and a concurrent one-year revocation of the offender's right to use the lake for any purpose.

(b) For violations that are deemed an immediate threat to water quality or pose an immediate safety hazard, along with a requirement that the offender immediately take all appropriate corrective action:

1. The first violation should generally result in a warning and a one-week revocation of all permits held by the offender, along with a concurrent one-week revocation of the offender's right to use the lake for any purpose;

2. The second violation should generally result in a one-year revocation of all permits held by the offender, along with a concurrent one-year revocation of the offender's right to use the lake for any purpose;

3. The third violation should generally result in a permanent revocation of all permits held by the offender, and a permanent revocation of the offender's right to use the lake for any purpose.

(c) For purposes of divisions (B)(5)(a) and (b), if an offender does not commit a second violation of any provision of this subchapter within 12 months following the effective date of the final decision for a first violation, the offender's violation count shall be reset to zero.

(Ord. passed 8-8-00)

§ 97.08 MONITORING OF WATER QUALITY.

(A) The city will regularly monitor the water in the lake for fats, oils, greases, pH, coliform and turbidity in accordance with EPA approved methods and standards. If a water quality problem is indicated, appropriate parameters in 15A NCAC 2B.0211 will be monitored. The lake water will also be monitored for five consecutive days each August for fecal coliform. If WS 11 or B Class standards are exceeded, the city may restrict or temporarily suspend, in whole or in part, recreational and other activities in and on the lake and control strip.

(B) If drinking water standards included in 15A NCAC 18C are exceeded or approached, and the cause is suspected to stem from recreational or other activities in and on the lake, the city will immediately restrict or temporarily suspend all recreational and other activities in and on the lake and control strip.

(C) Results of all water quality monitoring will be reported to the appropriate agencies or departments of the state of North Carolina and to any other appropriate authorities. The city will at all times maintain its water quality monitoring measures in accordance with any changes in existing state rules, regulations or standards.

(D) Drinking water flows from Lake Roxboro approximately five miles down South Hyco Creek to a coffer dam and intake structure, where the water is pumped to Lake Isaac Walton, a Class I reservoir. This portion of South Hyco Creek will be monitored by the Lake Warden and other city personnel. Any violations of appropriate WS and critical area provisions will be reported to the appropriate departments, divisions or agencies of the state of North Carolina, and to any other appropriate authorities.

(Ord. passed 8-8-00)

LAKE ISAAC WALTON (CITY LAKE)

§ 97.20 DEFINITIONS.

As used in this subchapter, the word LAKE shall mean the city-owned lake known as Lake Isaac Walton, or City Lake, which names shall be interchangeable. The word WARDEN shall mean the warden and watershed inspector referred to in § 97.22.

('90 Code, § 10-1)

§ 97.21 FISHING AND BOATING PRIVILEGES.

All fishing and boating privileges on the lake shall be operated and managed under the exclusive management of the city acting through its Mayor and City Council.

(`90 Code, § 10-2)

§ 97.22 WARDEN AND WATERSHED INSPECTOR.

There is created the office of Warden and Watershed Inspector, which office shall be filled by appointment of the City Manager. The Warden and Watershed Inspector shall perform the duties listed in this section.

(A) He or she shall see that all persons fishing on the lake have proper permits and take up permits which have expired.

(B) He or she shall refuse the right to go on the lake to anyone found to have knowingly violated any of these rules and regulations pertaining thereto.

(C) He or she shall enforce strictly all provisions of this chapter and other rules and regulations adopted by the City Council concerning the lake, and report to the City Manager the names of all persons known to have violated any such provisions.

(`90 Code, § 10-3)

§ 97.23 FISHING PERMITS.

(A) No person shall fish on the lake unless he or she has a valid permit therefor issued by the Warden. Any citizen, upon payment to the city of an annual fee on or before June 1 of each year, shall be issued a permit to fully exercise fishing privileges in the lake, which privilege shall include and embrace permission for his or her spouse and any children under the age of 18 years to fish; the latter, however, to be accompanied by a paid-up permit holder. No person without the permit shall be allowed upon the waters of the lake, and when the permit is presented by any person except the purchaser, his or her spouse and children under 18 years, it shall be taken up by the Warden. All expired permits shall be surrendered to the Warden.

(B) Every permit for fishing in the lake shall be subject to the condition that it shall be revoked and taken up whenever the holder thereof has violated any of the provisions of this chapter or other rules and regulations of the City Council relating to fishing in the lake, or any of the restrictions attached to the permit, or whenever the holder has engaged in conduct tending to impair the purity or sanitary condition of the water in the lake, and the Warden or Council may refuse any further permit to such person.

(`90 Code, § 10-4) (Ord. passed 12-13-83) Penalty, see § 10.99

§ 97.24 FISHING REGULATIONS.

Fish may be taken from the lake only with rod, line and hooks, baited with natural bait or tied with artificial flies, spinners, plugs or artificial minnows. No person shall net or gig fish or use any method such as shooting or electrocuting or use any chemicals or explosives in the lake.

(`90 Code, § 10-5) Penalty, see § 10.99

§ 97.25 FISHING FROM BANK OR BOATHOUSE.

Fishing in the lake shall be from boats only; no fishing from shore or from boathouses will be permitted.

(`90 Code, § 10-6) Penalty, see § 10.99

§ 97.26 BOATS; PURPOSE, POWER LIMIT.

No person shall ride in or operate any power motor boat on the lake except for fishing purposes, and no motor shall be in excess of 25 h.p.

(`90 Code, § 10-7) (Ord. passed 2-9-88) Penalty, see § 10.99

§ 97.27 BOAT CONSTRUCTION AND EQUIPMENT.

All boats used on the lake shall be of sturdy construction and in good condition. All boats shall contain at least one standard life preserver for each occupant using the boat. All boats shall have an auxiliary paddle or oar for emergency use. All boats shall have a bail bucket at all times. State wildlife officers shall be authorized to enforce the provisions of this section as well as all state wildlife rules.

(`90 Code, § 10-8) Penalty, see § 10.99

§ 97.28 POINT OF ORIGIN AND TERMINATION.

No person shall commence his or her fishing activities from any point on the lake except from the main landings located at the Warden's Building, and likewise, no person shall terminate his or her fishing activities from any point on the lake except from the main landings located at the Warden's Building.

(`90 Code, § 10-9) Penalty, see § 10.99

§ 97.29 FISHING HOURS.

No person shall fish on the lake except from sunup to sunset during the daytime.

('90 Code, § 10-10) Penalty, see § 10.99

§ 97.30 BOATS; KEEPING, LOCKING AND IDENTIFICATION.

No boat shall be kept at the lake except at a boathouse, the main landing at the Warden's Building, or at the fishing station upon approval of the Warden. Every boat shall be securely locked at all times when not in use, and shall have the name of its owner plainly marked thereon as conspicuously as practicable. The Warden shall impound any boat found in violation of this section.

('90 Code, § 10-11)

§ 97.31 BOATHOUSE MAINTENANCE; SALE.

Any person owning or utilizing a boathouse on the lake shall keep the same clean and devoid of any accumulations of trash, either on the inside or outside of same, and shall keep all brush on the exterior of same cleared away. The decision as to whether or not this regulation is being conformed to rests with the Warden, and if he or she finds the same being violated, he or she is authorized and empowered to immediately condemn the structure; the test of his or her decision being as to whether or not the structure is a hazard for safety and/or is objectionable in appearance. The sale or trade of any boathouse shall be only upon approval of the City Council and must be recorded by both parties at City Hall. There shall not be any new boathouses built upon the lake.

('90 Code, § 10-12) (Ord. passed 12-13-83) Penalty, see § 10.99

§ 97.32 PICNIC PARTIES.

No person shall picnic at the lake.

('90 Code, § 10-13) Penalty, see § 10.99

§ 97.33 FIREARMS AND FIREWORKS.

No person shall discharge a gun, pistol, firecracker or other firearm or fireworks from a boat on the lake or from the shore thereof.

('90 Code, § 10-14) Penalty, see § 10.99

§ 97.34 TRASH.

No person shall deposit or throw any trash of any nature on the lake or lake shore.

('90 Code, § 10-15) Penalty, see § 10.99

§ 97.35 STATE SANITARY REGULATIONS.

All persons using the lake shall at all times conform to the sanitary regulations of the State Board of Health; such persons are presumptively on notice as to same.

('90 Code, § 10-16)

§ 97.36 LIMITS ON USE, CATCH.

Upon resolution of the City Council, the city may set any limit on or prohibit entirely the catching of fish or other recreational use of the lake for such term and upon such conditions as they shall deem appropriate.

('90 Code, § 10-17)

§ 97.37 WATER POLLUTION.

No person shall commit on the lake, or within 200 feet of the lake, any act tending to impair the purity of the water in the lake.

('90 Code, § 10-18) Penalty, see § 10.99

Statutory reference:

Similar provisions, see G.S. §§ 14-159.1 and

§ 143-214.2

§ 97.38 SALE OF FISH.

No person shall sell, barter or trade any fish taken from the lake.

('90 Code, § 10-19) Penalty, see § 10.99