

NORTH CAROLINA GENERAL ASSEMBLY  
1969 SESSION

CHAPTER 1089  
HOUSE BILL 1324

AN ACT TO ESTABLISH THE LAKE NORMAN MARINE COMMISSION.

The General Assembly of North Carolina do enact:

**Section 1.** Definitions. Unless the context clearly requires otherwise, the following definitions apply in this Act:

- (1) Board: The board of commissioners of one of the four counties.
- (2) Commission: Lake Norman Marine Commission or its governing board, as the case may be.
- (3) Commissioner: Member of the governing board of the Commission.
- (4) Four counties: Catawba, Iredell, Lincoln, and Mecklenburg Counties.
- (5) Joint resolution: A resolution substantially identical in content adopted separately by the board in each of the four counties.
- (6) Lake Norman: The impounded body of water along the Catawba River in the four counties extending from the bridge crossing of Rural Road 1004 downstream to Cowans Ford Dam.
- (7) Shoreline area: Except as modified by a joint resolution of the four counties, the area within the four counties lying within one mile of the mean high water line of Lake Norman. In addition, the shoreline area shall include all islands within Lake Norman and all peninsulas extending into the waters of Lake Norman.
- (8) Wildlife Commission: The North Carolina Wildlife Resources Commission.

**Sec. 2.** Creation of Commission authorized. The counties of Catawba, Iredell, Lincoln, and Mecklenburg are hereby authorized by joint resolution to create the Lake Norman Marine Commission. Upon its creation the Commission shall enjoy the powers and have the duties and responsibilities conferred upon it by joint resolution, subject to the provisions of this Act. The provisions of any joint resolution may be modified, amended, or rescinded by a subsequent joint resolution. A county may unilaterally withdraw from participation as required by any joint resolution or the provisions of this Act, once the Commission has been created, and any county may unilaterally withdraw from said commission at the end of any budget period. Upon the effectuation of such withdrawal, the Commission is dissolved until reestablished under the provisions of this Act or any successor act, and all property of the Commission shall be distributed to or divided among the four counties and any other public agency or agencies serving the Lake Norman area in a manner deemed equitable by the four counties.

**Sec. 3.** Terms of members. Upon its creation, the Commission shall have a governing board of five commissioners. Except as otherwise provided for the first five-year period, each commissioner shall serve a five-year term, with commissioners to serve overlapping terms so that one commissioner appointment is made each year. Upon creation of the Commission, the board of Catawba County shall appoint two commissioners and the boards of the other three counties shall appoint one each. These initial appointees shall serve until September 30 following their appointment. Thereafter, appointments shall be made each October 1 by the respective boards of the four counties as follows:

- (1) First year: Commissioner from Catawba, one-year term; commissioner from Iredell, two-year term; commissioner from Lincoln, three-year term; commissioner from Mecklenburg, four-year term; commissioner from Catawba, five-year term.
- (2) Second year: Commissioner from Iredell, five-year term.
- (3) Third year: Commissioner from Lincoln, five-year term.
- (4) Fourth year: Commissioner from Mecklenburg, five-year term.
- (5) Fifth year: Commissioner from Catawba, five-year term.
- (6) Sixth and succeeding years: appointments for five-year terms in rotation by county in the order set out above.

In the event of death of a commissioner, resignation, incapacity or inability to serve, as determined by the board appointing such commissioner, or removal of the commissioner for cause, as determined by the board appointing such commissioner, the board affected may appoint another commissioner to fill the unexpired term.

**Sec. 4.** Compensation; budgetary and accounting procedures. The joint resolution of the four counties shall state the terms relating to compensation to commissioners, if any, compensation of consultants and staff members employed by the Commission, and reimbursement of expenses incurred by commissioners, consultants, and employees. The Commission shall be governed by such budgetary and accounting procedures as may be specified by joint resolution.

**Sec. 5.** Organization and meetings. Upon creation of the Commission, its governing board shall meet at a time and place agreed upon by the boards of the four counties concerned. The commissioners shall elect a chairman and such other officers as they may choose. All officers shall serve one-year terms. The governing board shall adopt such rules and regulations as it may deem necessary, not inconsistent with the provisions of this Act or of any joint resolution, for the proper discharge of its duties and for the governance of the Commission. The chairman may appoint such committees as may be authorized by such rules and regulations. The Commission shall meet regularly at such times and places as may be specified in its rules and regulations or in any joint resolution. Special meetings may be called as specified in the rules and regulations.

**Sec. 6.** Powers of Commission; administrative provision. (a) Within the limits of funds available to it and subject to the provisions of this Act and of any joint resolution, the Commission may:

- (1) Hire and Fix the compensation of permanent and temporary employees and staff as it may deem necessary in carrying out its duties.
  - (2) Contract with consultants for such services as it may require.
  - (3) Contract with the State of North Carolina or the Federal Government, or any agency or department or subdivision thereof, for such property or services as may be provided to or by such agencies, and carry out the provisions of such contracts.
  - (4) Contract with persons, firms, and corporations generally as to all matters over which it has a proper concern, and carry out the provisions of such contracts.
  - (5) Lease, rent, purchase, or otherwise obtain suitable quarters and office space for its employees and staff, and lease, rent, purchase, or otherwise obtain furniture, fixtures, aircraft, vessels, vehicles, firearms, uniforms, and other supplies and equipment necessary or desirable for carrying out the duties imposed in or under the authority of this Act.
  - (6) Lease, rent, purchase, construct, otherwise obtain, maintain, operate, repair, and replace, either on its own or in cooperation with other public or private agencies or individuals, any of the following: parks, shoreline and water recreational areas, swimming pools and swimming areas, marinas, fishing piers, boat docks, boating and fishing access areas, navigation aids, waterway markers, public information signs and notices, and other items of real and personal property designed to enhance public recreation, public safety in Lake Norman and its shoreline area, or protection of property in the shoreline area.
- (b) The Commission may accept, receive, and disburse in furtherance of its functions any funds, grants, services, or property made available by the Federal Government or its agencies or subdivisions, by the State Government or its agencies or subdivisions, or by private and civic sources.
- (c) The boards of the four counties may appropriate funds to the Commission out of surplus funds or funds derived from nontax sources. They may appropriate funds out of tax revenues and may also levy annually taxes for the payment of such appropriation as a special purpose, in addition to any allowed by the Constitution.
- (d) The Commission shall be subject to such audit requirements as may be specified in any joint resolution.
- (e) In carrying out some or all of its duties and in either in addition to or in lieu of exercising various provisions of the above authorizations, the Commission may, with the agreement of the board of the county concerned, utilize personnel and property of or assign responsibilities to any officer or employee of any of the four counties. Such contribution in kind, if substantial, may with the agreement of the other three counties be deemed to substitute in whole or in part for the financial contribution required of such county in support of the Commission.
- (f) Unless otherwise specified by joint resolution, each of the four counties shall annually contribute an equal financial contribution to the Commission in

an amount appropriate to support the activities of the Commission in carrying out its duties.

**Sec. 7.** Filing and publication of joint resolutions. (a) A copy of the joint resolution creating the Commission and of any joint resolution amending or repealing the joint resolution creating the Commission shall be filed with the Executive Director of the Wildlife Commission. When the Executive Director receives resolutions that are in substance identical from all four counties concerned, the Executive Director shall within ten days so certify and distribute a certified single resolution text to the following:

- (1) The Secretary of State.
- (2) The Director of the Department of Local Affairs.
- (3) The clerk to the board of each of the four counties.
- (4) The clerk of superior court of each of the four counties.

Upon request, the Executive Director shall also send a certified single copy of any and all applicable joint resolutions to the chairman of the Commission.

(b) Unless a joint resolution specifies a later date, it shall take effect when the Executive Director's certified text has been submitted to the Secretary of State for filing. Certifications of the Executive Director under the seal of the Commission as to the text or amended text of any joint resolution and of the date or dates of submission to the Secretary of State shall be admissible in evidence in any court. Certifications by any clerk of superior court of the text of any certified resolution filed with him by the Executive Director shall also be admissible in evidence and the Executive Director's submission of the resolution for filing to the clerk shall constitute prima facie evidence that such resolution was on the date of submission also submitted for filing with the Secretary of State. Except for the certificate of a clerk as to receipt and date of submission, no evidence may be admitted in court concerning the submission of the certified text of any resolution by the Executive Director to any person other than the Secretary of State.

**Sec. 8.** Regulatory authority. (a) Except as limited in subsection (b) below, by restrictions in any joint resolution, and by other supervening provisions of law, the Commission may make regulations applicable to Lake Norman and its shoreline area concerning all matters relating to or affecting public recreation and water safety. These regulations may not conflict with or supersede provisions of general or special Acts or of regulations of State agencies promulgated under the authority of general law. In lieu of or in addition to passing regulations supplementary to State law and regulations concerning the operation of vessels on Lake Norman, the Commission may, after public notice, request that the Wildlife Commission pass local regulations on this subject in accordance with the procedure established in G.S. 75A-15.

(b) Violation of any regulation of the Commission commanding or prohibiting an act shall be a misdemeanor punishable by a fine not to exceed fifty dollars (\$50.00).

(c) The regulations promulgated under this Section take effect upon passage or upon such dates as may be stipulated in the regulations except that no regulation may be enforced unless adequate notice of the regulation has been posted in

or on Lake Norman or its shoreline area. Adequate notice as to a regulation affecting only a particular location may be by a sign, uniform waterway marker, posted notice, or other effective method of communicating the essential provisions of the regulation in the immediate vicinity of the location in question. Where a regulation applies generally as to Lake Norman or its shoreline area, or both, there must be a posting of notices, signs, or markers communicating the essential provisions in at least three different places throughout the area.

(d) A copy of each regulation promulgated under this Section must be filed by the Commission with the following persons:

- (1) The Secretary of State, in accordance with G.S. 143-195 to - 198.
- (2) The clerk of superior court of each of the four counties, in accordance with G.S. 143-198.1.
- (3) The Executive Director of the Wildlife Commission.
- (4) The Director of the Department of Local Affairs.
- (e) Any official designated in subsection (d) above may issue certified

copies of regulations filed with him under the seal of his office. Such certified copies may be received in evidence in any proceeding.

(f) Publication and filing of regulations promulgated under this Section as required above is for informational purposes and shall not be a prerequisite to their validity if they in fact have been duly promulgated, the public has been notified as to the substance of the regulations, a copy of the text of all regulations is in fact available to any person who may be affected, and no party to any proceeding has been prejudiced by any defect that may exist with respect to publication and filing. Rules and regulations promulgated by the Commission under the provisions of other sections of this Act relating to internal governance of the Commission need not be filed or published. Where posting of any sign, notice, or marker or the making of other communication is essential to the validity of a regulation duly promulgated, it shall be presumed in any proceeding that proper notice was given and maintained and the burden shall lie upon the party asserting to the contrary to prove lack of adequate notice of any regulation.

**Sec. 9. Enforcement.** (a) Where a joint resolution so provides, all law enforcement officers (or such officers as may be designated in the joint resolution) with territorial jurisdiction as to any part of Lake Norman or its shoreline area shall, within the limitations of their subject matter jurisdiction, have the authority of peace officers in enforcing the laws over all of Lake Norman and its shoreline area.

(b) Where a joint resolution so provides, the Commission may hire special officers to patrol and enforce the laws on Lake Norman and its shoreline area. Such special officers shall have and exercise all the powers of peace officers generally within the area in question and shall take the oaths and be subject to all provisions of law relating to law enforcement officers.

(c) Unless a joint resolution provides to the contrary, all courts in the four counties, within the limits of their subject matter jurisdiction, shall have concurrent jurisdiction as to all criminal offenses arising within the boundaries of Lake Norman and its shoreline area.

(d) Where a law enforcement officer with jurisdiction over any part of Lake Norman or its shoreline area is performing duties relating to the enforcement of the laws on Lake Norman or in its shoreline area, he shall have such extra-territorial jurisdiction as may be necessary to perform such duties. These duties include investigations of crimes an officer reasonably believes have been, or are about to be, committed within the area in question; traversing by reasonable routes from one portion of such area to another although across territory not within the boundaries of Lake Norman and its shoreline area; conducting prisoners in custody to such court or detention facilities as may be authorized by law, although this may involve going outside the area in question; execution of process connected with any criminal offense alleged to have been committed within the boundaries in question, except that such process may not be executed by virtue of this provision beyond the boundaries of the four counties; continuing pursuit of and arresting any violator or suspected violator as to which grounds for arrest arose within the area in question.

(e) Where law enforcement officers are given additional territorial jurisdiction under the provisions of this Section, this shall be deemed an extension of the duties of the office held and no officer shall take any additional oath or title of office.

**Sec. 10.** Repealer. All laws and clauses of laws in conflict with this Act are hereby repealed.

**Sec. 11.** Effective date. This Act shall take effect upon its ratification.

In the General Assembly read three times and ratified, this the 30th day of June, 1969.