

Article 6B.

Lake Norman Marine Commission.

**§ 77-89.1. Definitions.**

The following definitions apply in this Article:

- (1) Board. – The publicly elected governing board of one of the participating local governments.
- (2) Commission. – The Lake Norman Marine Commission.
- (3) Commissioner. – A member of the governing board of the Lake Norman Marine Commission.
- (4) Eligible local governments. – Each of the four counties.
- (5) Four counties. – Catawba, Iredell, Lincoln, and Mecklenburg Counties.
- (6) Joint resolution. – A resolution substantially identical in content adopted separately by the board of each of the participating local governments.
- (7) Lake Norman. – The impounded body of water along the Catawba River in the four counties extending from the base of Lookout Shoals Dam downstream to Cowans Ford Dam and lying below the full pond elevation of 760 feet above mean sea level based on the National Geodetic Vertical Datum of 1929.
- (8) Participating local government. – Any of the eligible local governments that have adopted a resolution to participate in the Commission and have not withdrawn.
- (9) Shoreline area. – Except as modified by a joint resolution of the participating local governments, the area within the four counties lying within 50 feet landward of the full pond elevation contour of Lake Norman. This term also includes all islands within Lake Norman.
- (10) Wildlife Resources Commission. – The North Carolina Wildlife Resources Commission established under Article 24 of Chapter 143 of the General Statutes. (1969, c. 1089, s. 1; 2025-67, s. 5.1(a)-(c).)

**§ 77-89.2. Creation of Commission authorized.**

(a) Three or more of the eligible local governments may by joint resolution create the Lake Norman Marine Commission. Upon its creation, the Commission has the powers, duties, and responsibilities conferred upon it by the joint resolution, subject to the provisions of this Article. The provisions of any joint resolution may be modified, amended, or rescinded by a subsequent joint resolution. The purpose of the Lake Norman Marine Commission is to ensure the coordinated governance applicable to Lake Norman and its shoreline area concerning all matters related to public recreation and water quality and safety.

(b) A participating local government may unilaterally withdraw from participation as required by any joint resolution or the provisions of this Article, once the Commission has been created, and any participating local government may unilaterally withdraw from the Commission by resolution of its board upon the conclusion of the informal settlement discussion provided in subsection (c) of this section, not to exceed 90 days after the participating local government delivers to the Commission its notice of intent to withdraw.

(c) Upon providing the Commission with notice of intent to withdraw, the participating local government and the Commission shall jointly appoint a mediation officer. The mediation officer shall make a reasonable effort to initiate settlement discussions between the participating local government and all other interested parties.

(d) Upon withdrawing from the Commission, a local government is no longer obligated to continue any financial or in-kind support of the Commission. By joint resolution of the participating local governments, presented to and approved by the Commission, an eligible local government may rejoin the Commission as a participating local government.

(e) If upon the effectuation of the withdrawal there are fewer than three counties that remain as participating local governments, the Commission is dissolved until reestablished under the provisions of this Article or any successor act, and all property of the Commission shall be distributed to or divided among the participating local governments and any other public agency or agencies serving the Lake Norman area in a manner deemed equitable by the participating local governments. (1969, c. 1089, s. 2; 2025-67, s. 5.1(a)-(c).)

### **§ 77-89.3. Membership; terms of office; eligibility for appointment.**

(a) Upon its creation, the Commission has a governing board comprised of members appointed in accordance with subsections (b) and (c) of this section.

(b) Each participating local government shall appoint two members to the Commission, each of whom shall be individuals who have demonstrated proficiency in community engagement and consensus-building across multiple stakeholder groups. For the initial appointments, each participating local government shall appoint one commissioner to serve a four-year term and a second commissioner to serve a five-year term. Except as otherwise provided for the initial appointments, each commissioner shall serve a five-year term.

(c) The commissioners appointed in accordance with subsection (b) of this section shall select one at-large commissioner for a five-year term, subject to confirmation by joint resolution of all of the participating local governments. The at-large commissioner shall be an individual who has proficient knowledge of boater safety protocols and who possesses one or more of the following qualifications:

- (1) Has served in the United States Coast Guard or a similar maritime organization with a long-standing tradition of leadership in promoting the safety and security of the navigable waterways of the United States.
- (2) Has knowledge of water quality and aquatic vegetation management.
- (3) Has experience in law enforcement.
- (4) Has experience in public recreation management.
- (5) Has experience in wildlife resources management.

(d) No more than thirty-five percent (35%) of the commissioners serving at any given time may reside in the same county.

(e) No commissioner shall have any ownership interest in, or financial relationship with, any business or property that is dependent on income generated from Lake Norman, or that otherwise presents a conflict of interest with the purposes or responsibilities of the Commission.

(f) Each commissioner shall complete a written disclosure statement by January 31 of each year that identifies any conflicts of interest he or she has, including any conflicts identified in subsection (e) of this section. These annual disclosures shall be posted on a public website maintained by the Commission by January 31 each year.

(g) A commissioner appointed pursuant to subsection (b) of this section shall maintain his or her primary residence in the county that appointed the commissioner, and shall reside at this location for at least nine months every calendar year. The at-large commissioner appointed pursuant to subsection (c) of this section shall maintain his or her primary residence at a location

within any of the four counties and shall reside at this location for at least nine months every calendar year.

(h) In the event of death of a commissioner, resignation, incapacity or inability to serve, as determined by the board appointing the commissioner, or removal of the commissioner for cause, as determined by the board appointing the commissioner, that board may appoint another commissioner to fill the unexpired term. (1969, c. 1089, s. 3; 2025-67, s. 5.1(a)-(c).)

#### **§ 77-89.4. Compensation; budgetary and accounting procedures.**

No commissioner shall receive compensation in the form of salary, wages, fees, or other forms of compensation for serving as a commissioner. The joint resolution of the participating local governments shall state the terms relating to the compensation of consultants and staff members employed by the Commission, and reimbursement of expenses incurred by commissioners, consultants, and employees. The Commission is governed by any budgetary and accounting procedures specified by joint resolution. (1969, c. 1089, s. 4; 2025-67, s. 5.1(a)-(c).)

#### **§ 77-89.5. Organization and meetings.**

(a) Upon creation of the Commission, its governing board shall meet at a time and place agreed upon by the boards of the participating local governments. The commissioners shall elect a chair and any other officers that they choose, except that no commissioner may serve as chair for more than two consecutive terms. All officers shall serve one-year terms. The governing board shall adopt regulations necessary, not inconsistent with the provisions of this Article or of any joint resolution, for the proper discharge of its duties and for the governance of the Commission. The chair may appoint committees that have been authorized by regulation. The Commission shall meet regularly at any times and places specified in its regulations or in any joint resolution. Special meetings may be called as specified in the regulations.

(b) The at-large commissioner shall have no vote except that, in the event of a tie in a vote by the Commission, the at-large commissioner shall break the tie with an additional vote.

(c) The Commission is subject to the requirements of Chapter 132 of the General Statutes and Article 33C of Chapter 143 of the General Statutes. All records produced or maintained by the Commission are public records as defined in G.S. 132-1. The Commission shall maintain a public website providing the public access to its public records. (1969, c. 1089, s. 5; 2025-67, s. 5.1(a)-(c).)

#### **§ 77-89.6. Powers of Commission; administrative provision.**

(a) Within the limits of funds available to it and subject to the provisions of this Article and of any joint resolution, the Commission may do all of the following:

- (1) Hire and fix the compensation of permanent and temporary employees and staff that are necessary in carrying out its duties.
- (2) Contract with consultants for services.
- (3) Contract with the State of North Carolina or the federal government, or any agency or department or subdivision thereof, or any other person.
- (4) 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.

- (5) 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.
- (6) Assess fees as provided in G.S. 77-89.9, except as limited by any other provisions of State or federal law.
- (7) Request the Department of Environmental Quality to add certain species of vegetation and algae, as specifically applicable to Lake Norman and its shoreline area, to the Aquatic Weed Control Program.

(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 or its agencies or subdivisions, municipalities and towns or their agencies, or by private and civic sources.

(c) The boards of the participating local governments, municipalities, and towns bordering Lake Norman may appropriate funds to the Commission out of surplus funds or funds derived from nontax sources. They may also appropriate funds out of tax revenues and may annually levy taxes for the payment of the appropriation as a special purpose.

(d) The Commission is subject to any audit requirements specified in any joint resolution.

(e) The Commission may, with the agreement of the board concerned, utilize personnel and property of or assign responsibilities to any officer or employee of any of the participating local governments. A contribution in kind may, with the agreement of the other participating local governments, be deemed a substitute, in whole or in part, for the financial contribution required of the participating local government in support of the Commission.

(f) Unless otherwise specified by joint resolution, each of the participating local governments 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.

(g) Before the close of each fiscal year, the Commission shall prepare a budget for the ensuing year for consideration by the boards of each participating local government for approval. Upon receiving the budget from the Commission, the board of each participating local government shall consider the budget and make recommendations as to any changes it deems advisable. Each participating local government shall complete its action on the Commission's budget on or before the beginning of the Commission's fiscal year, or such later date as specified by joint resolution. (1969, c. 1089, s. 6; 2025-67, s. 5.1(a)-(c).)

#### **§ 77-89.7. 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 Resources Commission. When the Executive Director receives resolutions that are in substance identical from all participating local governments, 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 clerk to the board of each of the participating local governments.
- (3) The clerk of superior court of each of the four counties.
- (4) The Secretary of the Department of Commerce.
- (5) The Secretary of the Department of Environmental Quality.
- (6) A news outlet serving a general audience throughout the four counties.

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

(b) Unless a joint resolution specifies a later date, it takes 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 of submission to the Secretary of State are admissible in evidence in any court. Certifications by any clerk of superior court of the text of any certified resolution filed with the clerk by the Executive Director are also admissible in evidence, and the Executive Director's submission of the resolution for filing to the clerk constitutes prima facie evidence that the 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 shall 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.

(c) Each participating local government shall incorporate a copy of the text of every joint resolution in its local code of ordinances, as maintained in accordance with G.S. 153A-49 or G.S. 160A-77. (1969, c. 1089, s. 7; 2025-67, s. 5.1(a)-(c).)

**§ 77-89.8. Regulatory authority.**

(a) Except as limited by subsection (d) of this section, by restrictions in any joint resolution, or by other provisions of law, the Commission may make regulations applicable to Lake Norman and its shoreline area. These regulations shall not conflict with State or federal law, or the exercise of any authority granted under any permit or license issued by any State or federal agency. In lieu of or in addition to these regulations, the Commission may, after public notice, request that the Wildlife Resources Commission pass rules on this subject in accordance with the procedure established in G.S. 75A-15.

(b) Notwithstanding G.S. 75A-16.2, the Commission shall require any person born on or after January 1, 1988, to complete a boating education course, approved by the National Association of Safe Boating Law Administrators (NASBLA) and accepted by the Wildlife Resources Commission, to operate a motorized watercraft of 20 horsepower or greater on Lake Norman.

(c) Violation of any regulation of the Commission commanding or prohibiting an act is a Class 3 misdemeanor, which shall include a fine of not less than two hundred dollars (\$200.00) but not more than five hundred dollars (\$500.00).

(d) No regulation adopted under this section shall 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. If a regulation applies generally to Lake Norman or its shoreline area, or both, there shall be a posting of notices, signs, or markers communicating its essential provisions in at least three different places throughout the area.

(e) A copy of each regulation adopted under this section shall be filed by the Commission with the following persons:

- (1) The Secretary of State.
- (2) The clerk of superior court of each of the four counties.
- (3) The Executive Director of the Wildlife Resources Commission.
- (4) The Secretary of the Department of Commerce.
- (5) The Secretary of the Department of Environmental Quality.
- (6) The General Manager of Water Strategy, Hydro Licensing & Lake Services for the federal licensee of the Catawba-Wateree Hydro Project (FERC Project No. 2232).

(f) Any official designated in subsection (e) of this section may issue certified copies of regulations filed with the official. The certified copies may be received in evidence in any proceeding.

(g) Each participating local government shall incorporate a copy of the text of every regulation adopted by the Commission in its local code of ordinances, as maintained in accordance with G.S. 153A-49 or G.S. 160A-77.

(h) Publication and filing of regulations adopted under this section are for informational purposes and are not a prerequisite to their validity if they in fact have been adopted, the public has been notified as to their substance, a copy of the text of all regulations is in fact available to any person that may be affected, and no party to any proceeding has been prejudiced by any defect with respect to publication and filing. Regulations adopted by the Commission under other sections of this Article relating to internal governance of the Commission are not required to be filed or published. If posting of any sign, notice, or marker or the making of other communication is essential to the validity of a regulation, it is presumed in any proceeding that proper notice was given and maintained and the burden lies upon the party asserting to the contrary to prove lack of adequate notice of the regulation.

(i) Under authorization of a joint resolution, and subject to the limitations of this section, the Commission may regulate personal watercraft operation in Lake Norman and from its shoreline area. (1969, c. 1089, s. 8; 1991, c. 494, s. 3; 1991, c. 797, s. 1; 2025-67, s. 5.1(a)-(c).)

#### **§ 77-89.9. Fees.**

(a) Except as limited by any other provisions of State or federal law, the Commission may assess fees related only to the following:

- (1) Participation in education, training, or certification services provided by the Commission.
- (2) Use of facilities owned or operated by the Commission.
- (3) Application for a permit administered by the Commission to regulate privileged or special uses of Lake Norman and its shoreline area.

(b) In setting fee amounts to be charged for activities provided in subsection (a) of this section, the Commission shall not do any of the following:

- (1) Set a fee in an excessive amount that is neither reasonable nor customary for the services and privileges provided by the Commission.
- (2) Set a fee in an amount that exceeds the Commission's actual costs for the service provided.
- (3) Charge fees for general access to or use of Lake Norman or its shoreline area.
- (4) Discriminate on the basis of race, color, sex, religious creed, or national origin.

(c) Each year by January 31, the Commission shall produce a publicly available and auditable report that includes an accounting of all of its fee collections and funding from other sources compared to its program-specific expenses during the prior calendar year. This annual financial report shall include adequate detail to determine that the Commission has met each of the requirements of this section, accompanied by a formal written certification of the same by the chair of the Commission. If there is a surplus of fee collections or funding in a given calendar year, it shall be applied to program-specific expenses for the next calendar year. (2025-67, s. 5.1(d).)

**§ 77-89.10. Enforcement.**

(a) If a joint resolution so provides, all law enforcement officers (or any officers designated in the joint resolution) with territorial jurisdiction as to any part of Lake Norman 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 Lake Norman and its shoreline area, including any applicable ordinances or regulations adopted by local governments.

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

(c) If 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,, officer also has any extra-territorial jurisdiction that is necessary to perform these duties. These duties include any of the following:

- (1) Investigations of crimes an officer reasonably believes have been, or are about to be, committed within the area.
- (2) Traversing by reasonable routes from one portion of the area to another portion even if the route is not contained within the area.
- (3) Conducting prisoners in custody to a court or detention facility even if the court or facility is not within the area.
- (4) Execution of process connected with any criminal offense alleged to have been committed within the area. This subdivision, however, does not apply beyond the boundaries of the four counties.
- (5) Continuing pursuit of and arresting any violator or suspected violator whose grounds for arrest arose within the area.

(d) If any law enforcement officers are given additional territorial jurisdiction under this section, this section is deemed an extension of the duties of the office held and no officer shall take any additional oath or title of office. (1969, c. 1089, s. 9; 2025-67, s. 5.1(a)-(c).)