

§ 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-Wataree 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).)