

SECTION .0300 - LOCAL WATER SAFETY REGULATIONS

15A NCAC 10F .0301 GENERAL PROVISIONS

~~(a) Applicability. Except as limited by the subject matter, all of the provisions of this Rule apply to all public waters located within the territorial limits of the counties and municipalities in which special regulations are set forth for specific waters or regulated areas by the succeeding rules.~~

~~(b)(a) Definitions. Unless the context requires otherwise, the~~ The definitions used in G.S. 75A shall apply within these regulations: in this Subchapter. In addition, the following definitions ~~shall apply in these regulations:~~ apply:

- ~~(1) Commission.~~ "Commission" means the North Carolina Wildlife Resources Commission;
- ~~(2) Executive Director. Executive Director of the Commission;~~ "Executive Director" means Executive Director of the Commission;
- ~~(3) No Wake Speed. Idle speed or a slow speed creating no appreciable wake;~~ "No wake speed" means idle speed or slow speed creating no appreciable wake;
- ~~(4) Uniform System. Uniform Waterway Marking the supplementary standards for such system promulgated by the Commission.~~ "USATONS" means the U. S. Aids to Navigation System, which prescribes regulatory markers and aids to navigation that mark navigable waters of the United States, and is hereby incorporated by reference including all subsequent amendments and editions;
- ~~(5) "Designated agency" means a subdivision of the State that the Commission designates for placement of markers that conform to USATONS standards;~~
- ~~(6) "Regulatory Marker" and "Information Marker" means a marker with an orange geometric shape against a white background, used to alert a mariner to warnings or regulatory matters, as defined in 33 CFR 62.33;~~
- ~~(7) "Swimming area" means an enclosed area on the water for swimming, that is marked against entry by vessels;~~
- ~~(8) "Mooring area" means an area on the water delineated by speed zone markers, where vessels may be tied to fixed objects anchored on the seabed;~~
- ~~(9) "Restricted area" means an area on the water that is marked to limit recreational activity and vessel speed; and~~
- ~~(10) "Safety Zone" means a water area or shore area where, for safety or environmental purposes, access is limited to authorized persons and vessels, as defined in 33 CFR 165.20.~~

~~(c) Marking of Regulated Areas. The Executive Director may designate agencies for placement and maintenance of markers for regulated areas established by rules promulgated pursuant to this Section. The agency designated by the Executive Director may delegate the actual placement and maintenance of such markers to some other agency, corporation, group or individual, so long as the designating agency exercises supervisory authority over such agency, corporation, group or individual. Prior to marking a restricted zone established pursuant to G.S. 75A 15, the designated agency for placement and maintenance of the markers must obtain written approval from the Executive Director by making a written request for permission to mark the area specifically described therein.~~

~~(b) Formal application for water safety rulemaking. Any subdivision of the State may, after public notice, apply to the Commission for rules on waters within the subdivision's territorial limits on an application provided by the Commission at www.ncwildlife.org. The completed application and supporting documents shall be mailed to the No Wake Zone Coordinator at North Carolina Wildlife Resources Commission, 1701 Mail Service Center, Raleigh, North Carolina 27699-1701, or submitted via email to nowakezonecoordinator@ncwildlife.org. The application shall contain the following information:~~

- ~~(1) the name of the subdivision of the State applying for water safety rulemaking;~~
- ~~(2) the date of the application;~~
- ~~(3) contact person's name, telephone number, and mailing address;~~
- ~~(4) descriptive information for the body of water;~~
- ~~(5) location of the proposed no wake zone, marked swimming area, or other regulated area;~~
- ~~(6) a statement that the subdivision of the State has given public notice of its intention to apply for rulemaking on waters within its territorial limits;~~
- ~~(7) a resolution from the subdivision of the State requesting water safety rulemaking; and~~
- ~~(8) an affirmation that the subdivision of the State or its designee will bear the cost for purchase and placement of markers that conform to USATONS standards.~~

~~(c) Marking Regulated Areas. The Commission may designate agencies for the placement of markers in areas established by rules in this Section. The designated agency, or its designee, shall be responsible for the purchase and placement of markers conforming to USATONS required to implement a water safety rule.~~

~~(d) Placement of Markers. Except where done by supervening federal authority, it shall be unlawful for anyone to place or maintain regulatory markers or navigational aids without authorization from the Commission; or to place information markers without permission from the Executive Director or his or her designee.~~

~~(e) Mooring Areas. The boundaries of mooring areas shall be defined by the placement of speed zone markers. Upon the approval of the Executive Director or his designee, additional boundary floats or informational markers may be placed.~~

~~(f) Swimming Areas. No vessel entry is permitted in the waters of marked swimming areas. Marked swimming areas shall meet the following requirements:~~

- ~~(1) the perimeter of the enclosed swimming area in the water shall not exceed 5,000 square feet;~~
- ~~(2) the enclosed area shall be marked with float lines which, in conjunction with the shoreline, form an enclosed area;~~
- ~~(3) the swimming area shall not extend into a navigational channel or interfere with navigation of vessels;~~
- ~~(2) float lines shall have white, international orange, or alternating white and international orange floats along their length at intervals of not less than one every 10 feet;~~
- ~~(3) floats shall be buoyant enough to float at the surface of the water while attached to the float line, and no float shall exceed a size of 18 inches in length or diameter;~~

- (4) buoys or floating signs bearing the USATONS "boat exclusion area" symbol shall be attached to float lines at points to give warning to vessels approaching the swimming area from all directions; and
- (5) float lines and warning markers shall be anchored to prevent them from shifting position.

(g) Safety Zones. Markers prohibiting entry or use by vessels and swimmers in waters surrounding impoundment structures and powerhouses associated with hydroelectric generating facilities shall be buoys or floating signs placed in the water no greater than 50 yards from the protected facility. Markers shall be sufficient in number and size to give warning of the restriction to vessels approaching from all directions.

~~Enforcement of the restrictions set forth in Rule .0302 et seq. of this Section is dependent upon placement and maintenance of adequate marking of the regulated areas by suitable agencies, as designated in those rules, in accordance with the requirements of the Uniform Waterway Marking System, which are hereby incorporated by reference, and automatically include any later amendments of the incorporated matter as authorized by G.S. 150B-21.6 and the supplementary standards for such system promulgated by the Commission in Paragraph (g) of this Rule. Unless a specific variance is granted, placement and maintenance of the markers must be and remain in accordance with the uniform system. The Executive Director or his representative is instructed to supervise and approve placement and maintenance of individual markers to insure full implementation of the objectives of the uniform system.~~

~~(d) Implementation of Uniform Waterway Marking System. Except where done by virtue of the supervening federal authority, it is unlawful for anyone to place, maintain, or to allow to remain in place, any regulatory markers or navigational aids of the sort included in the uniform system in any waters without authorization of the Commission. The Executive Director is authorized to approve placement of the navigational aids, informational markers, and regulatory markers warning of dangers and not requiring enforcement sanctions, in accordance with both public interest in recreational use and water safety and in accordance with the policies embodied in the uniform system.~~

~~(e) Removal of Unauthorized Markers. Markers or navigational aids which do not conform to the specifications of the uniform system or which are placed without lawful authority or permission where the person responsible for the actual placement cannot be feasibly determined, may be removed. Nonconforming markers as to which the person responsible for placement and maintenance is known, may nevertheless be removed by agents of the Commission if such markers are likely to mislead the public or cause a dangerous situation. Where agents of the Commission discover authorized markers which have been improperly placed or are defective through lack of maintenance, such agents may serve written notice upon the person responsible for such improper placement or for the maintenance of the marker concerned. If, within 10 days no action has been taken in accordance with the notice given, such default constitutes a violation of these regulations.~~

(h) Enforcement. When an agent of the Commission discovers markers and navigational aids that do not conform to USATONS standards, that are placed without lawful authority or permission, or that fail to mark the defined regulated area, written notice shall be served upon the individual(s) responsible for improper placement of markers. Failure to take action to correct the deficiency within 10 days, in accordance with the written notice shall be a violation of this Rule.

(i) Miscellaneous Restrictions. Except for mooring buoys or markers as to which it is that are specifically permitted by State or federal law, it is shall be unlawful to tie a vessel to any waterway marker, marker, as specified in 33 CFR 70.05. It is shall be unlawful for any unauthorized person to move, remove, damage, obstruct, block, paint over, or in any way tamper with any marker lawfully placed in the waters of North Carolina in conformity with these regulations rules or the uniform system generally. and USATONS standards.

~~(g) Supplementary Standards. The standards listed in this Paragraph are supplementary to the Uniform Waterway Marking System and shall be applicable in the succeeding rules of this Section to the areas of water thereby regulated:~~

- ~~(1) The perimeter of swimming areas in the water must be marked with float lines which, in conjunction with the shoreline, form a completely enclosed area. The total enclosed area may not exceed 5,000 square feet. Such area may not extend out into the water sufficiently as to restrict travel unduly on any regular navigational channel or otherwise to obstruct passage of vessels in reasonably using the waters.~~
- ~~(2) Float lines must have attached floats along their length at intervals of not less than one every 10 feet.~~
- ~~(3) Floats must be buoyant enough to float at the surface of the water while attached to the float line, but no float may exceed a size of 18 inches as measured across its largest dimension.~~
- ~~(4) Floats may be solid or hollow and preferably should be of plastic or other light and resilient material not likely to cause injury should one strike a swimmer in the water.~~
- ~~(5) Floats must be either solid white or solid international orange in color. Float lines may consist of all white floats or of alternating white and orange floats.~~
- ~~(6) Buoys or floating signs indicating the "boats keep out" symbol of the uniform system and in conformity with its standards must be attached to the float lines at such points as necessary to give warning to the vessels approaching the swimming area from various directions.~~
- ~~(7) Float lines and warning markers must be anchored securely to prevent them from shifting position to any appreciable extent under normal conditions.~~
- ~~(8) All markers warning of a no wake speed zone around certain facilities must be buoys or floating signs placed in the water at a distance of not greater than 50 yards from the protected facility. The markers must be sufficient in number and size as to give adequate warning of the restriction to the vessels approaching from various directions.~~
- ~~(9) The boundaries of mooring areas may be defined by the placement of the speed zone warning markers themselves or by such warning markers plus additional boundary floats or markers that may be approved by the Executive Director or his representative.~~

*History Note: Authority G.S. 75A-3; 75A-15;
Eff. February 1, 1976;
Amended Eff. November 1, 1993; March 25, 1978;
Temporary Amendment Eff. July 1, 1998;*

15A NCAC 10F .0325 CHOWAN COUNTY

(a) Regulated Areas. This Rule applies to the following waters in Chowan County:

- (1) the waters contained within the entrance canals and docking areas of Edenton Marina and Pembroke Marina;
- (2) the waters of Pembroke Creek in Edenton, within from a line 50 yards north of the W. Queen Street bridge on SR 1204 shore to shore, from a point on the east shore at 36.05861 N, 76.62584 W, to a point on the west shore at 36.051813 N, 76.62735 W, to a line 200 yards southeast of the bridge, shore to shore from a point on the east shore at 36.05739 N, 76.62382 W to a point on the west shore at 36.05626 N, 76.62569 W; crossing Pembroke Creek in Edenton;
- (3) the boat basin and all canals located within Cape Colony Subdivision in Edenton; and
- (4) the swimming area located in Albemarle Sound adjacent to the Cape Colony Subdivision Recreation Area.

(b) Speed Limit. No person shall operate any ~~motorboat or~~ vessel at greater than no-wake speed within the regulated areas described in Subparagraphs ~~(1), (2) and (3) of Paragraph (a)~~ (a)(1), (2), and (3) of this Rule.

(c) Swimming Area. No person operating or responsible for the operation of any vessel, surfboard or water skis shall permit ~~the same~~ it to enter the swimming area described in Subparagraph ~~(4) of Paragraph (a)~~ (a)(4) of this Rule.

(d) Placement ~~and Maintenance~~ of Markers. The Board of Commissioners of Chowan County is the designated ~~a suitable~~ agency for placement ~~and maintenance~~ of the markers implementing this Rule, subject to the approval of the United States Coast Guard and the United States Army Corps of Engineers. ~~With regard to marking the regulated areas described in Paragraph (a) of this Rule, the supplementary standards listed in Subparagraphs (1) through (8) of Rule .0301 (g) of this Section shall apply.~~

*History Note: Authority G.S. 75A-3; 75A-15;
Amended Eff. October 1, 2018.*