

SECTION .0300 - LOCAL WATER SAFETY REGULATIONS

15A NCAC 10F .0301 GENERAL PROVISIONS

(a) Definitions. The definitions used in G.S. 75A-2 shall apply in this Subchapter. In addition, the following definitions shall apply to all rules in this Section:

- (1) "Designated agency" means a subdivision of the State that the Commission designates for the purchase and placement of markers that conform to USATONS standards;
- (2) "Executive Director" means the Executive Director of the Commission;
- (3) "Mooring area" means an area on the water delineated by speed zone markers where vessels may be tied to objects anchored on the seabed;
- (4) "Placement of markers" means putting regulatory and information markers in areas specified by the Rules of this Section and includes the re-placement of dislocated markers and the replacement of missing markers.
- (5) "Regulatory Marker" and "Information Marker" means markers 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;
- (6) "Restricted area" means an area on the water that is marked to limit recreational activity and vessel speed;
- (7) "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, which is hereby incorporated by reference, including subsequent amendments and editions and can be found free of charge online at <https://www.ecfr.gov/current/title-33/section-165.20>.
- (8) "Swimming area" means an enclosed area on the water for swimming that is marked against entry by vessels; and
- (9) "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. The rules governing USATONS in 33 CFR 62, are hereby incorporated by reference including all subsequent amendments and editions and can be found free of charge online at <https://www.ecfr.gov/current/title-33/part-62>.

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

- (1) the enclosed swimming area in the water shall not exceed 5,000 square feet;
- (2) the enclosed area shall be marked with float lines that, 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;
- (4) 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;
- (5) 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;

- (6) buoys or floating signs bearing the USATONS "boat exclusion area" symbol shall be attached to float lines to give warning to vessels approaching the swimming area from all directions; and
 - (7) float lines and warning markers shall be anchored.
- (d) 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. Markers shall meet USATONS standards in number and size to give warning of the restriction to vessels approaching from all directions.
- (e) Enforcement. If 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 individuals responsible for the improper placement of the markers or navigational aids. Individuals served a written notice of violation shall have 10 days to correct any deficiency before the Commission issues a citation.
- (f) Restrictions.
- (1) Except for mooring buoys or markers that are specifically permitted by State or federal law, it shall be unlawful to tie a vessel to any waterway marker, as specified in 33 CFR 70.05.
 - (2) It shall be unlawful for any unauthorized person to move, remove, damage, block, paint over, or tamper with any marker lawfully placed in the waters of North Carolina in conformity with these rules or USATONS standards.
 - (3) Except where done by supervening federal authority, it shall be unlawful for anyone to place 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.

*History Note: Authority G.S. 75A-15;
Eff. February 1, 1976;
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