

**DRAFT**

**LAKE WYLIE MARINE COMMISSION  
CHARTER BOAT AND RENTAL VESSEL REGULATION**

**DRAFT**

Effective [REDACTED], 2024

**SECTION 1. SHORT TITLE.** These Regulations may be cited externally as the RENTAL REGULATIONS, and in this document as the “Regulations.”

**SECTION 2. JURISDICTIONAL BOUNDARIES.** These Regulations shall be applicable on the waters of Lake Wylie, the boundaries of which are described in Public Law 100-549, Joint Resolution, 100<sup>th</sup> United States Congress.

**SECTION 3. DEFINITIONS**

As used in these Regulations:

(a) “Advertise” means to make an announcement, and includes, without limitation, the following ways of making an announcement: person to person communications, whether verbal or in writing, including by posting signs, handing out flyers, or sending letters or e-mails; communications by using the radio, communication by publication in a newspaper or magazine or any other type of printed media; electronic communications via a web site or social media; and communications by video or other visual media, such as on television or internet based video services.

(b) “Captain” means a person (commonly referred to as a captain, skipper, or master) in command or control of a Vessel that is responsible for the operations of such Vessel.

(c) “Charter Boat” means any Vessel that is (i) hired, or Advertised for hire, to carry passengers who have paid a fee for services including, without limitation, sightseeing, fishing, consuming food or beverages, swimming, transporting to destinations, waterskiing, or diving; and (ii) owned, operated, or controlled by a person or entity other than the passengers. “Charter Boat” differs from “Rental Vessel” in that a Charter Boat includes a Captain who is responsible for the operation of the vessel.

(d) “Charter Boat Inspection” means an annual inspection by the U.S. Coast Guard or as an entity designated by the U.S. Coast Guard. The inspection shall determine that all applicable safety equipment as required by U.S. Coast Guard regulations are in place for the specific Vessel and may include (without limitation) properly sized life jackets, current registration and numbering, operational navigation lights, adequate ventilation, fire extinguishers, distress signals (flares, horn, etc.) and battery cover and connections, and general condition verification. Charter Boats restricted to six (6) or fewer passengers are exempt from this **inspection** requirement (see Section 5 (c)).

(e) “Charter Boat Permit” means the permit issued by the Commission for each Charter Boat, and which must be obtained and kept in good standing.

(f) “Charter Boat Proprietor” means any individual, partnership, company, or other entity that (i) Advertises Charter Boat services, or (ii) provides Charter Boat services, regardless of whether such individual, partnership, company, or entity is the Charter Boat’s owner of record.

(g) “Charter Boat Services Authorization Permit” means the permit issued by the Commission to Charter Boat Proprietors that must be kept in good standing to provide Charter Boat services.

(h) “Islands” are the islands located in Lake Wylie owned by Duke Energy or designated in Duke Energy’s Shoreline Management Plan for **public** recreation.

- (i) “Manifest” is the listing of all Charter Boat passengers with appropriate contact information for each.
- (j) “Marine Liability Insurance” means a liability insurance policy that covers all reasonably predictable liabilities that may arise while Charter Boats or Rental Vessels are rented, embarked, moving, stationary, loading passengers, and unloading passengers, including, without limitation, bodily injury, and property damage.
- (k) “Motorized Vessel” or “Motorboat” means any vessel equipped with propulsion machinery of any type, whether or not the machinery is the principal source of propulsion. “Motorboat” includes personal watercraft, i.e., jet skis and similar watercraft and includes sailboats equipped with inboard or auxiliary power.
- (l) “Non-Motorized Vessel” means “human-powered” kayaks (both paddle and propeller driven), paddle boards, canoes, rowboats, pedal boats, and similar vessels, including non-motorized sailboats.
- (m) “Operations Plan” is the plan to be prepared by the Charter Boat owner that must state (i) where the boat’s permanent mooring will be; (ii) what type of passenger service is offered; (iii) the type and details of the boat(s) it plans to operate; (iv) the type of food and beverage service it plans to offer; and (v) what parking arrangements have been made for vehicles operated by staff and passengers.
- (n) “Rental Agreement” is the contract between the Rental Vessel Proprietor and the Renter that has the signatures of both, and the date of the contract, and the responsibilities of all parties. The contract may be electronically initiated and signed.
- (o) “Rental Vessel” means any Vessel that is (i) rented, or Advertised for rent, from a Rental Vessel Proprietor; and (ii) owned by a person or entity other than the passengers but operated and controlled (while rented) by one or more passengers.
- (p) “Rental Vessel Inspection” means a perpetual, mandatory vessel inspection conducted by the Rental Vessel Proprietor to insure that all applicable safety equipment as required by U.S. Coast Guard regulations are in place for the specific vessel and may include (without limitation) properly sized life jackets, current registration and numbering, operational navigation lights, adequate ventilation, fire extinguishers, distress signals (flares, horn, etc.) and battery cover and connections, and general condition verification.
- (q) “Rental Vessel Permit” means the permit issued by the Commission for each Rental Vessel, and which must be obtained and kept in good standing.
- (r) “Rental Vessel Proprietor” means any individual, partnership, company, or other entity that either (i) Advertises one or more vessels as being available for rent, including as part of a short-term property rental; or (ii) provides one or more vessels for rental, regardless of whether such individual, partnership, company, or entity is the vessel’s owner of record.
- (s) “Rental Vessel Proprietor Authorization Permit” means the permit issued by the Commission to Rental Vessel Proprietors that must be kept in good standing to provide Charter Boat Services.
- (t) “Renter” means any individual, partnership, company, or other entity that rents one or more vessels from a Rental Vessel Proprietor.

(u) “The Lake Wylie Marine Commission” has the meaning set forth in Public Law 100-549, Joint Resolution, 100<sup>th</sup> United States Congress, and is sometimes referred to in these Regulations as the “Commission.”

(v) “Vessel” **in accordance with state laws** means every description of watercraft or structure, other than a seaplane on the water, used or capable of being used as a means of transportation or habitation on the water, including, without limitation, personal watercraft (PWC), paddle craft (stand-up paddleboards, kayaks, canoes, rowboats, etc.), power boats (pontoon, center consoles, bow riders, ski and wake board boats, fishing boats, etc.), and watercraft powered by sail, electric, or alternate propulsion.

#### **SECTION 4. REQUIREMENTS FOR OFFERING CHARTER BOAT SERVICES**

(a) Offering Charter Boat services on Lake Wylie requires a Charter Boat services Authorization Permit and one (1) Charter Boat Permit per Charter Boat from the Commission. Charter Boat Permits must be prominently displayed on the Charter Boat at a location visible to passengers on the Vessel. Each Charter Boat Permit must identify the period it is valid and must be renewed by April 1st of each year. Upon request, the Charter Boat's Captain will allow any law enforcement officer to examine the Charter Boat Permit. A fee will be required for each **Charter Boat Proprietor. (deleted “for each Charter Boat Permit requested.”)** The fee will be determined annually prior to the distribution of the application material and will be an amount necessary to cover the expense of the permits, permitting process, and related expenses. Among the factors to be considered prior to issuing a Charter Boat Permit are any matters pertaining specifically to public safety or violations of federal, state, or local laws. Once the Commission has issued a Charter Boat Permit, the Commission will advise the appropriate county, town, or other municipality in the event the applicant is seeking a business permit or other form of license or approval from such municipality.

(b) An appropriate business permit must be applied for from the appropriate County or Town for their approval of the boat's Operations Plan.

(c) Charter Boat Proprietors wishing to obtain a Charter Boat Services Authorization Permit, Charter Boat Permit, and operate on Lake Wylie must at a minimum satisfy the following requirements:

1. Liability Insurance. Proof of Marine Liability Insurance of at least \$1,000,000.
2. Charter Boat Inspection. For boats carrying more than six (6) passengers, proof of a successful and current U.S. Coast Guard (“USCG”) inspection must be submitted to the Commission. Copies of any required re-inspections by the USCG must also be submitted to the Commission.
3. Captain(s). Each Charter Boat must have a Captain. Permit applicants must submit proof that each Captain of each Charter Boat is qualified. Each Captain must hold a valid U.S. Coast Guard license and submit a copy of such license to the Commission to satisfy this requirement. For Motorboats carrying six (6) passengers or less, an Operator of Uninspected Passenger Vessel (OUPV) Captain's license (6 pack) is required, for Motorboats carrying more than six (6) passengers a Master Captains license is required. Each Captain is solely responsible for the safe operation of the Charter Boat and for the safety of all passengers and crew and is not subordinate to any other person on-board, including the Motorboat owner.
4. Boarding Location. Charter Boats must have written permission from the owner of the location where passengers will board and disembark, which must include a dock that complies with

all federal, state, and local laws, and Duke Energy's Shoreline Management Plan. Charter Boats with on-board restroom facilities must have access to a marina that has 24-hour access to a fixed, commercial, sewage pump-out facility.

5. Other Sites and Operations. The Owner of each Charter Boat must agree in writing (a) not to use public boat ramps **owned by Duke Energy or city or county parks** for boarding or disembarking passengers **or for parking vehicles operated by staff and passengers**; and (b) not to moor at islands except those approved by Duke Energy for public recreation purposes; and (c) not to moor after sunset at those approved Islands except when approved **in writing by Duke Energy** by special request. In cruising operations on Lake Wylie, all Charter Boats must operate at No-Wake speed within 50 ft. of (i) a moored or an anchored Motorboat, (ii) a person in the water, (iii) any private wharf, (iv) any private dock, (v) any private bulkhead, or (vi) any private pier on Lake Wylie and within 50 yards of public docks and piers in the North Carolina waters of Lake Wylie.

6. Harboring and Mooring Requirements. Except as otherwise provided in these Regulations, harboring or mooring of any Charter Boat, whether on an incidental, occasional, routine, or permanent basis, shall occur only at shoreline locations designated by Duke Energy. **(deleted "that permit commercial operations.")**

7. Records. Charter Boat Proprietors must prepare and retain a Manifest for each charter for two (2) years.

8. Abandoned/Sunken Vessels. Charter Boat Proprietors must remove or cause to be removed any of their damaged, abandoned, or sunken Charter Boats from Lake Wylie.

9. Issuance. Any Charter Boat Proprietor that complies with these Regulations shall receive a Charter Boat Services Authorization Permit, which shall be renewed annually each April 1st provided such Charter Boat Proprietor (a) holds at least one Charter Boat Permit and (b) otherwise is and remains in compliance with these Regulations.

## **SECTION 5. CHARTER BOAT REQUIREMENTS**

(a) Each Charter Boat must be equipped with radar, meet all United States Coast Guard requirements, and must not exceed ninety (90) feet in registered, documented, or actual length. Charter Boats that only operate from sunrise to sunset are not required to have radar installed, provided the Charter Boat Proprietor certifies that operation is only during daylight hours.

(b) Each Charter Boat must meet the passenger weight limit requirements, if applicable, based on an assumed passenger weight of one hundred eighty-five (185) pounds per passenger in accordance with United States Coast Guard regulations (46CFR 170.090 (g)).

(c) Charter Boats always carrying six (6) or fewer paying passengers do not require a Charter Boat Inspection, however they must still display a valid, current Charter Boat Permit.

(d) Charter Boat **operators** must comply with all federal, state, local laws, and Duke Energy's shoreline management plan, including, without limitation, Duke Energy's Lake Permit Guidelines applicable to docks and piers. Violation of federal, state, or local laws, or Duke Energy Shoreline management plan shall be grounds for denial or revocation of a Charter Boat Permit.

(e) Charter Boats carrying more than six (6) paying passengers must undergo an annual Charter Boat Inspection as defined in Section 3(d) which specifies minimum equipment requirements. The inspection

shall determine that all applicable safety equipment as required by U.S. Coast Guard regulations are in place for the specific vessel and may include (without limitation) properly sized life jackets, current registration and numbering, operational navigation lights, adequate ventilation, fire extinguishers, distress signals (flares, horn, etc.) and battery cover and connections, and general condition verification.

(f) Each Charter Boat must display its current Charter Boat Permit upon approval by the Commission.

(g) Each Charter Boat Permit will be accompanied by two stickers, both of which must be prominently displayed on the Charter Boat – one on the starboard side and one on the port side.

## **SECTION 6. REQUIREMENTS FOR OFFERING RENTAL VESSEL SERVICES**

(a) Offering Rental Vessel services on Lake Wylie requires a Rental Vessel Services Authorization Permit and one (1) Rental Vessel Permit per Rental Vessel from the Commission.

(b) Rental Vessel Proprietors must secure a Rental Vessel Permit from the Commission for each Rental Vessel. Each Rental Vessel Permit will be accompanied by two stickers, both of which must be prominently displayed on all Motorized Vessels for rent – one on the starboard side and one on the port side. Rented Non-Motorized Vessels need not display their Rental Vessel Permit stickers. Each Rental Vessel Permit must identify the period it is valid and must be renewed by April 1st of each year. Any law enforcement officer may, upon request, examine the Rental Vessel Permit. A fee will be required for each Rental Vessel Proprietor. ~~(deleted "Motorboat for which a Rental Vessel Permit is requested.")~~ The fee will be determined annually by the Commission prior to the distribution of the application material. Among the factors to be considered prior to issuing a Rental Vessel Permit are any matters pertaining specifically to public safety or violations of federal, state, or local laws. Criteria for issuing a Rental Vessel Permit may vary between Motorized Vessels and Non-Motorized Vessels.

(c) Rental Vessel Proprietors wishing to obtain a Rental Vessel Proprietor Authorization Permit to operate on Lake Wylie must document with its application that it satisfies the following requirements:

1. Liability Insurance. Proof of Marine Liability Insurance of at least \$300,000 or as mandated by state law. For Personal Water Craft, the Rental Vessel Proprietor must show proof of Liability Insurance for the Rental Vessel Proprietor and the Renter or as mandated by state law for each personal watercraft rented.
2. Vessel Inspection. a perpetual, mandatory vessel inspection must be conducted by the Rental Vessel Proprietor to insure that all applicable safety equipment as required by U.S. Coast Guard regulations are in place for the specific vessel and may include (without limitation) properly sized life jackets, current registration and numbering, operational navigation lights, adequate ventilation, fire extinguishers, distress signals (flares, horn, etc.) and battery cover and connections, and general condition verification.
3. Show proof of completing an approved National Association of State Boating Law Administrators boating education course, USCG license, or other similar training.
4. Provide all Renters with appropriate training or familiarization based on each rented Vessel's complexity and the Renter's prior boating experience or possession of a boater safety education certification. For Motorized Vessels, training will include an on-the-water demonstration and check ride.

5. Provide all Renters with instruction in the proper and safe navigation on Lake Wylie, including the issuance of a map of Lake Wylie and a briefing on the navigational aids in use (danger buoys, no-wake buoys, boat exclusion buoys, and channel markers).
6. Maintain on file for each Renter and passenger for two (2) years a copy of the Rental Agreement and signed "pre-rental/pre-ride Instruction Checklist" acknowledging that the requirements of these Regulations have been reviewed and understood by both parties.
7. Ensure that all employees or agents comply with these Regulations.
8. Provide renters with contact information for towing services and reimburse the Renter for expenses incurred should the Vessel fail to operate as demonstrated prior to the rental.
9. Brief the Renter on the requirement to render assistance per 46 U.S. Code § 2304 - Duty to provide assistance at sea: "A master or individual in charge of a vessel shall render assistance to any individual found at sea (on water) in danger of being lost, so far as the master or individual in charge can do so without serious damage to the master's or individual's motorboat or individuals on-board."
10. Remove or cause to be removed any of their damaged, abandoned, or sunken Rental Vessels from Lake Wylie.
11. Comply with all federal, state, local laws and Duke Energy's **Shoreline Management Plan**. Violation of federal, state, or local laws shall be grounds for denial or revocation of a Rental Vessel Permit.
12. **Harboring and Mooring Requirements.** Except as otherwise provided in these Regulations, harboring or mooring of any Rental Vessel, whether on an incidental, occasional, routine, or permanent basis, shall only occur at shoreline locations designated by Duke Energy. **(deleted "that permit commercial operations.")**

## **SECTION 7. RENTAL VESSEL RENTER REQUIREMENTS**

Each Rental Vessel renter must:

- (a) Demonstrate a familiarity with proper operation of the Rental Vessel and safe means of navigation on Lake Wylie, including the use of any applicable navigational chart and/or appropriate navigation app.
- (b) Comply with all federal, state, and local laws, Duke Energy Shoreline Management Plan.

## **SECTION 8. VIOLATIONS; PENALTY**

- (a) It shall be unlawful to operate a Charter Boat or Rental Vessel on the waters of Lake Wylie without a valid Charter Boat Permit or Rental Vessel Permit as required by these Regulations.
- (b) It shall be unlawful for any person to (i) Advertise, offer, or provide Charter Boat services on Lake Wylie; or (ii) Advertise, offer, or provide Rental Vessel services on Lake Wylie without a valid Charter Boat Services Authorization Permit or Rental Vessel Services Authorization Permit, respectively.

(c) It shall be unlawful for the Captain of a Charter Boat to operate the boat without having in his or her possession a United States Coast Guard's OUPV (Operator of Uninspected Passenger Vessel) Captain's license or a Master Captain's License, or to refuse to allow a law enforcement officer to examine the Captain's identification.

(d) It shall be unlawful to operate a Charter Boat on the waters of Lake Wylie between the hours of 12:00 Midnight and 9:00 a.m. except for the following exceptions: (i) while moving the boat with only a crew of no more than six (6) persons aboard; (ii) New Year's Eve and July 4<sup>th</sup>; or (iii) other special occasions for which approval has been obtained in writing in advance from the Commission.

(e) It shall be unlawful for any facility not authorized under the Duke Energy Shoreline Management Plan to serve as a staging facility for a Charter Boat or Rental Vessel after having received written notice from the Lake Wylie Marine Commission that such boat is operating in violation of these Regulations.

(f) It shall be unlawful for any Rental Vessel Proprietor to refuse to allow a law enforcement officer to examine its Rental Vessel Proprietor Authorization Permit and Rental Vessel Permit(s).

(g) It shall be unlawful for a Charter Boat Proprietor or Rental Vessel Proprietor to charter, rent, or offer to charter or rent a Vessel after having received written notice from the Lake Wylie Marine Commission that such proprietor is operating in violation of these Regulations.

(h) It shall be unlawful to refuse to allow any Lake Wylie Marine Commissioner to inspect the records of any Charter Boat Proprietor, Rental Vessel Proprietor, Charter Boat, or Rental Vessel, provided such Marine Commissioner provides at least forty-eight (48) hours' notice.

(i) Any notice required or permitted to be given under these Regulations shall be delivered by a nationally recognized overnight courier with a tracking number, proof of delivery, and all fees prepaid.

(j) Any person who violates any of the above provisions shall be guilty of a Class 3 misdemeanor and, upon conviction, shall be subject to a maximum fine of two hundred dollars (\$200.00), or imprisonment not to exceed 30 days. **(deleted "or both")** Each violation shall be considered a separate and distinct offense, and each day of continued violation shall be considered as a separate offense. In addition, a violator may be subject to appropriate injunctive relief and other applicable legal consequences.

(k) Any person who violates these Regulations may have any and all permits issued under these Regulations revoked and shall not be eligible to apply again for one (1) year.

**SECTION 9. ENFORCEMENT.** Provisions of these Regulations will be enforced by federal, state, and local law enforcement agencies that operate on Lake Wylie.

**SECTION 10. EXCLUSIONS.** These Regulations do not apply to situations where a paid Captain is hired to operate a privately owned motorboat operating solely as a fishing guide. Section 4(b)(3) of the United States Coast Guard Captain License requirements apply to private motorboats if the operator is paid for services, including instruction and delivery.

**SECTION 11. EFFECTIVE DATE.** These Regulations shall take effect on **(date)**, 2024.