

- **ARTICLE II. - HOPE MILLS LAKE**
- **DIVISION 1. - GENERALLY**
- **Sec. 62-31. - Use of proceeds.**

Monies derived from the operation of the Hope Mills Lake shall only be spent to carry out and improve the programs under the jurisdiction of the parks and recreation department and capital improvements to property maintained by the Town in and around the lake.

(Code 1985, § 101.20(A))

- **Sec. 62-32. - Hours open for use.**

(a)

It shall be unlawful for any person to be on or upon any part of the park and recreational area adjacent to Hope Mills Lake between the hours of 11:00 p.m. and sunrise daily, and no sunbathing or wearing of a bathing suit is permitted on Sunday before 12:30 p.m.

(b)

It shall be unlawful to swim in Hope Mills Lake public swimming areas except during the following periods: from April 1 through September 30 of each year, between the hours of 9:00 a.m. to 9:00 p.m., Monday through Saturdays, and 12:00 p.m. to 9:00 p.m. on Sundays. No public swimming shall be allowed in such lake from October 1 to March 31 of each year.

(Code 1985, § 101.21(B), (C); Ord. of 9-17-95, § 1)

- **Sec. 62-33. - Swimming.**

No charge shall be made for public swimming in Hope Mills Lake. Swimming will be limited to that area of Hope Mills Lake which is appropriately designated for swimming, which shall be separate from boating areas; ~~however, property owners who own and maintain property adjoining the lake, including piers and boat docks, may authorize swimming in the lake adjacent to their piers or docks at their discretion.~~ Swimmers shall swim in the Hope Mills Lake at their own risk. The Town shall have no liability or responsibility for the safety of piers or boat docks maintained by private property owners, or for the safety of anyone allowed to swim in the lake from property maintained by the Town or from property maintained by private citizens. It shall be unlawful for any person to swim in Hope Mills Lake who is under the age of 14 years unless that person is accompanied by an adult supervisor. An adult supervisor shall be considered as any person who has attained 18 years of age. The town shall not be liable for any injury or damage resulting from the use of Hope Mills Lake.

(Code 1985, § 101.20(F))

- **Sec. 62-34. – Docks and Piers.**

Any resident of the town with property along the edge of the lake may seek and obtain a permit from the Town to construct a pier or dock. Such permits may be granted subject to the Town's discretion, and the Town

Comment [DH1]: Consider whether this is necessary – who is going to enforce this?

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reserves the right to deny a permit for any reason, including general ~~asthetics~~asthetics or safety concerns. Any permits granted by the Town regarding the construction of a dock or pier may be revoked at any time. Existing docks may be maintained, but cannot be enlarged or expanded without seeking a permit as set forth herein. The Town reserves the right to remove any dock or pier to address public safety concerns or public nuisance issues.

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- **Sec. 62-~~3435~~.** - Closure.

The board of commissioners reserves the right to close the Hope Mills Lake and adjacent launching, parking and recreational facilities to all boaters upon ~~two weeks~~reasonable notice. The notice shall be posted at the lake launching site in writing.

(Code 1985, § 101.20(G))

- **Sec. 62-~~3536~~.** - Illegal conduct.

It shall be unlawful for any person to engage in illegal conduct in the park and recreational area adjacent to Hope Mills Lake. It shall be unlawful for any person to possess, display, use, or consume any alcoholic beverage in the park and recreational area adjacent to Hope Mills Lake.

(Code 1985, § 101.21(A))

- **Sec. 62-~~3637~~.** - Littering prohibited.

It shall be unlawful for any person to throw trash, debris, or other litter or materials on the Hope Mills Lake or any property adjacent thereto.

(Code 1985, § 101.22)

Cross reference— Solid waste management, Ch. 78

- **Sec. 62-~~3738~~.** - Proper swimming and sunbathing attire.

(a)

It shall be unlawful for any person to swim in the nude or otherwise go nude in Hope Mills Lake or at the facilities adjacent thereto.

(b)

It shall be unlawful for any person over the age of five years to appear in any public area in such a state of dress or undress so as to expose to the view of others the human male or female pubic area, pubic hair, anus, vulva, or buttocks with less than a fully opaque covering. ~~It shall be unlawful for any person to swim or sunbathe in any indecent.~~

Comment [DHJ2]: This provision is taken from the Code of Ordinances in Holden Beach, NC.

(Code 1985, § 101.23)

- **Sec. 62-~~3839~~.** - Dogs.

- **(a)**

It shall be unlawful for any person maintaining a dog in his possession and control to permit the dog to enter on to or be on or upon the premises of the park and recreation area adjacent to Hope Mills Lake at any time. Dogs on a leash walking with their owner are restricted to the sidewalk adjacent to Main Street and the park. ~~It shall be the responsibility of any dog owner to immediately pick up and properly dispose of any excrement deposited in or around the sidewalk area by their dog.~~ This provision does not impact Service Dogs/Animals, as that term is defined by the Americans With Disabilities Act. ~~Service Animals, under the control of their owner,~~ Service Animals which are allowed access to the Park areas while under control of their owner. (A service animal, in accordance with the ADA, is any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not considered service animals.) The Town reserves the right to restrict access to Service Animals to the extent necessary to protect the health and safety of the public

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(b)

~~It shall be the responsibility of any dog owner to immediately pick up and properly dispose of any excrement deposited in or around the sidewalk area by their dog.~~

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(Code 1985, § 101.21(D))

Cross reference— Dogs, § 10-41 et seq.

• **Sec. 62-39. - Mistreatment of animals.**

(a)

~~It shall be unlawful for any person within the corporate limits of the town, or on any lake or stream of water within the corporate limits of the town, to willfully overdrive, overload, wound, injure, torture, torment, deprive of necessary sustenance, cruelly beat, needlessly mutilate or kill, or cause or procure to be overdriven, overloaded, wounded, injured, tortured, tormented, deprived of necessary sustenance, cruelly beaten, needlessly mutilated or killed as aforesaid, any useful beast, fowl, or animal.~~

(b)

~~In this section, and in every law which may be enacted relating to animals, the words "animal" and "dumb animal" shall be held to include every living creature; the words "torture," "torment," or "cruelty," shall be held to include every act, omission, or neglect whereby unjustifiable physical pain, suffering, or death is caused or permitted. Such terms shall not be construed to prohibit the lawful taking of animals under the jurisdiction and regulation of the wildlife resources commission.~~

(Code 1985, § 101.29(B))

Cross reference— Animals, ch. 10

State law reference— Cruelty to animals, G.S. 14-360.

Comment [DHJ3]: This section essentially mirrors G.S. 14-360, which makes this behavior a violation of state law, and a misdemeanor. As such, this section may not be necessary.

• **Sec. 62-401. - Feeding of wildlife is prohibited.**

It shall be unlawful for any person to engage in feeding any variety of wildlife within the park area adjacent to Hope Mills Lake.

(Ord. of 3-4-02, § 1)

- Secs. 62-4142—62-55. - Reserved.
- DIVISION 2. - BOAT PERMITS
- Sec. 62-56. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Registered boat: Any vessel required to be registered in NC under the guidelines of NC Wildlife Commission. This includes all motorized vessels and sailboats longer than 14 feet at the load waterline.

Non-registered boat: Any vessel not required to be registered in NC under the guidelines of NC Wildlife Commission. This includes all vessels moved only by oars, paddles or the current, and all sailboats under 14 feet at the load waterline.

Class A vessel: Vessels less than 16 feet long from stern to point of the bow.

Class 1 vessel: Vessels 16 feet to 26 feet long from stern to point of the bow.

Wake means a clear and substantial wave action from the operation of a boat, craft or device, that causes any other boat, craft or device of any kind, type or description whatsoever to be interfered with, moved or rocked, or which would be likely to interfere with, move or rock another such boat, craft or device, if such a boat, craft or device were on the lake nearby. It shall also mean any wave action produced by a vessel that causes a clear and substantial disturbance of the water at any shoreline of Hope Mills Lake.

(Code 1985, § 101.26(A) (GS 75A)

Cross reference— Definitions generally, § 1-2

- Sec. 62-57. - Required.

(a) No registered boat of any description shall be operated on the Hope Mills Lake without a valid permit for the operation thereof, issued by the town. Boat permits shall expire on March 31 of the year following the year in which they are issued.

(b) Only Class A and Class 1 boats are authorized on Hope Mills Lake.

(c) All requirements of NC Wildlife Commission's "Vessel Operators Guide" must be adhered to when operating on Hope Mills Lake.

(e)(d) The Hope Mills Fire Department and Police Department may operate any boat deemed necessary for fire prevention and law enforcement, as well as necessary training, without a permit.

(Code 1985, § 101.20(B) (GS 75A)

- Sec. 62-58. - Lake attendant.

Subject to approval by the Town Board of Commissioners, the Town will make efforts to have a lake attendant ~~shall be~~ on duty daily from April 1 through September 30 of each year. The lake attendant shall maintain order and may dispense applications for boat permits. The Lake Attendant is not a lifeguard, and is not responsible for the safety of the public.

(Code 1985, § 101.20(C))

- **Sec. 62-59. - Regular permits.**

All Regular, Special and Daily permits will be issued by the Parks and Recreation Department at their office during normal business hours. Permits will be issued with applicable information as to boundaries and rules to be followed for the use of Hope Mills Lake.

(a) Any ~~resident of the town individual~~ with a lawfully registered boat (i.e., registered with the state) may obtain a season permit by paying the currently required annual fee to operate the registered boat from the town launch onto Hope Mills Lake. ~~Nonresidents of the town may obtain a season permit by paying the currently required annual fee to operate a registered boat from the town launch onto Hope Mills Lake. In order to prevent overcrowding of the Lake.~~ non-resident permits may be limited in number at the discretion of the Parks and Recreation Department with input from Town Staff and the Lake Advisory

(b) ~~Residents of the town may obtain a daily permit for the operation of a motor boat from the town launch onto Hope Mills Lake by paying the currently required fee. Nonresidents of the town may obtain a daily permit for the operation of a motor boat from the town launch onto Hope Mills Lake by paying the currently required fee.~~ Residents of the town may operate a ~~nonmotor nonvoter~~ boat on Hope Mills Lake without a permit. Nonresidents of the town may obtain a daily permit for the operation of a nonmotor boat from the town launch onto Hope Mills Lake by paying the currently required fee. Nonresidents of the town may obtain a season permit to operate a nonmotor boat from the town launch onto Hope Mills Lake by paying the currently required fee. ~~In order to prevent overcrowding of the Lake,~~ non-resident permits may be limited in number at the discretion of the Parks and Recreation Department with input from Town Staff and the Lake Advisory Committee

(c) ~~It shall be unlawful to operate a nonmotor boat from the town launch onto Hope Mills Lake except between the hours of sunrise and one-half hour before sunset Mondays through Saturdays and from 12:30 p.m. to 6:30 p.m. on Sundays. It shall also be unlawful to operate a nonmotor boat in those areas of the Hope Mills Lake designated as special use permit areas except between the hours of sunrise and 10:30 a.m. and from 2:30 p.m. until one-half hour before sunset Monday through Saturday and from 12:30 p.m. to 6:30 p.m. on Sundays.~~

~~(d)~~ Resident and nonresident season permit holders are entitled to use Hope Mills Lake as set out in this section, except when the lake is closed for any reason as determined by the town.

(Code 1985, § 101.26(B))

- **Sec. 62-60. - Special use permits—Residents.**

- **All Regular, Special and Daily permits will be issued by the Parks and Recreation Department at their office during normal business hours. Permits will be issued with applicable information as to boundaries and rules to be followed for the use of Hope Mills Lake.**

(a) Special use permits may be issued to residents of the town for the purpose of testing, winterizing, dewatering or demonstrating their motor boat or craft for sale. These permits may be issued on a daily

basis only to the owner of the boat or craft and shall be valid for a period of one hour only. A fee shall be charged for such permit.

(b)

Only one permit per day will be issued to such owner. The permit shall allow the holder thereof to operate his boat or craft in that area of Hope Mills Lake so designated for use by special use ~~permitholders~~ permit holders for a period of one hour only and during the designated time for the operation of motor boat as outlined in this chapter. Upon the issuance of such a special use permit, the owner of such boat or craft shall ~~not be limited to a no~~ be permitted to travel at wake speed in those areas of Hope Mills Lake not designated as "no wake" zones. The designated town employee issuing the special use permits shall have the final authority to determine all scheduling for the issuance of such permits. No more than two such permits shall be issued for any given hour.

(c)

This special use permit shall be in addition to any other permit required to operate a motor boat on Hope Mills Lake. Upon a violation of any of the conditions of the special use permit, the town shall have the authority to revoke the special use permit.

(Code 1985, § 101.26(C))

- **Sec. 62-61. - Same—Businesses.**

All Regular, Special and Daily permits will be issued by the Parks and Recreation Department at their office during normal business hours. Permits will be issued with applicable information as to boundaries and rules to be followed for the use of Hope Mills Lake.

(a)

Seasonal special use permits for the purpose of testing, winterizing, dewinterizing or demonstrating their motor boat or craft for sale, may be issued to any business or enterprise, located inside the corporate limits of the town or within three miles of the town's corporate limits, which business or enterprise has a primary business of maintaining or selling boats or boating equipment. The fee for such seasonal permits shall be set from time to time for such a business or enterprise located within the corporate limits of the town and for such a business or enterprise not located within the corporate limits of the town, but located within three miles of the corporate limits.

(b)

Daily special use permits, for the purposes set out hereinabove, may be issued to any such business or enterprise located within the corporate limits of the town for a fee as set from time to time and to any such business or enterprise not located within the corporate limits of the town, but located within three miles of the corporate limits of the town, for the currently required daily fee.

(c)

Any business obtaining a seasonal permit for the lawful use and under the guidelines in this section need not schedule such use with the town; however, such business may have only one boat on the lake at any given time.

(d)

This special use permit shall be in addition to any other permit required to operate a boat on Hope Mills Lake. Upon the issuance of such a special use permit, the holder of such permit shall not be limited to a no wake speed in those areas of Hope Mills Lake not designated as "no wake" zones.

(e)

The permit shall allow the holder thereof to operate its motor boat or craft in that area of the lake so designated for use by special use ~~permitholders~~ permit holders for a period of one hour only and during the designated time for the operation of ~~motor~~ boats as outlined in this chapter.

(f)

Upon a violation of any of the conditions of the special use permit, the town shall have the authority to revoke the special use permit.

(Code 1985, § 101.26(D))

Cross reference— Businesses, Ch. 18

- **Sec. 62-62. - Same—Insurance required.**

No special use permit shall be issued as set out in this section in subsection (c) of this section, unless and until the owner of such boat or craft presents to the town satisfactory evidence of liability insurance coverage on such boat or craft and further executes an appropriate release to the town to indemnify the town for any damages to the town or any other person for any damage resulting from the operation of such boat or craft upon Hope Mills Lake.

(Code 1985, § 101.26(F))

- **Sec. 62-63. - Display.**

It shall be unlawful to operate a registered boat upon Hope Mills Lake without a boat permit issued for that boat by the town being prominently displayed on the starboard side of the registered boat at all times during its operation on Hope Mills Lake.

(Code 1985, § 101.26(E))

- **Sec. 62-64. - Issuance agent.**

All boat permits, Regular, Special and Daily, required by this division will be issued by the Parks and Recreation Director or his appointee at the Town Recreation Building during normal business hours of the facility.

(Code 1985, § 101.26(G))

- **Sec. 62-65. - Denial.**

The parks and recreation department reserves the right to deny any request for a permit, determined not to be in the best interest of the town.

(Code 1985, § 101.26(H))

- **Sec. 62-66. - Revocation.**

The parks and recreation department reserves the right to revoke any permit, if the boat owner does not abide by established policies, rules and regulations governing the use of Hope Mills Lake and Park.

(Code 1985, § 101.26(I))

- **Sec. 62-67. - Duration.**

The annual permit year under this division is from April 1 through March 31.

(Code 1985, § 101.26(J))

- **Sec. 62-68. – 62-69 Reserved**
- **Sec. 62-70. - Fees nonrefundable.**

All fees collected under this division are nonrefundable.

(Code 1985, § 101.26(M))

- **Secs. 62-71—62-85. - Reserved.**
- **DIVISION 3. - BOAT OPERATION**

- **Sec. 62-86. - Boating Safety Act adopted.**

The provisions of G.S. 75A-1 et seq., the Boating Safety Act, are hereby incorporated by reference and are hereby made a part of this Code the same as if fully set forth in this section.

(Code 1985, § 101.20(E))

- **Sec. 62-87. - Hours of operation for boats.**

Registered boats (observing no wake limitations) may operate on Hope Mills Lake between the hours of sunrise to one-half hour before sunset Monday through Saturday, and between the hours of 12:30 p.m. and 6:30 p.m. on Sunday. It shall be unlawful to operate a registered boat upon the Hope Mills Lake except during the times set forth in this section and subject to the limitations set forth in this article. It shall be unlawful to operate any boat from the town launch onto Hope Mills Lake except between the hours of sunrise and one-half hour before sunset Mondays through Saturdays and from 12:30 p.m. to 6:30 p.m. on Sundays. It shall also be unlawful to operate any boat in those areas of the Hope Mills Lake designated as special use permit areas except between the hours of sunrise and 10:30 a.m. and from 2:30 p.m. until one-half hour before sunset Monday through Saturday and from 12:30 p.m. to 6:30 p.m. on Sundays.

Comment [DH4]: Consider moving this up to Sec. 62-32.

(Code 1985, § 101.20(D))

- **Sec. 62-88. - Boat launching area.**

(a)

The dock and boat launching area shall be restricted to launching and docking boats only. No swimming or picnicking shall be allowed in the dock and boat launching area.

(b)

It shall be unlawful to leave a boat unattended in the dock and boat launching area.
Boats shall be launched and loaded only in areas designated for launching and loading.

(Code 1985, § 101.25)

- **Sec. 62-89. - Parking areas.**

It shall be unlawful for motor vehicles with boat trailers to park in areas other than that designated for vehicles with boat trailers to park. It shall be unlawful for motor vehicles without boat trailers to park in the area designated for vehicles with boat trailers.

(Code 1985, § 101.24)

Cross reference— Parking, stopping and standing, [§ 90-131](#) et seq.

- **Sec. 62-90. - Size of boats regulated.**

Boat permits shall not be issued for boats in excess of 26 feet in length, Class A and Class 1 only . No boat in excess of 26 feet in length shall be allowed on Hope Mills Lake.

(Code 1985, § 101.27)

- **Sec. 62-91. - Water skiing prohibited.**

It shall be unlawful for the operator of any boat or craft to tow or otherwise pull any person at any time or place on Hope Mills Lake with water skis or other similar device.

(Code 1985, § 101.28(A))

- **Sec. 62-92. - Operation near dam.**

It shall be unlawful to operate a boat within 50 feet of the installed log boom at Hope Mills Lake.

(Code 1985, § 101.28(B))

- **Sec. 62-93. - Reserved**

- **Sec. 62-94. - Wakes.**

It shall be unlawful for the operator of any boat, craft or device of any type or kind whatsoever, at any time to operate said boat, craft or device on Hope Mills Lake in any manner so as to create a wake, except for those boats authorized by special use permit. [Boats authorized by special use permit shall only be permitted to operate at wake speeds in areas that are not designated as “no wake” zones.](#)

(Code 1985, § 101.28(D), (E); Ord. of 9-5-95(1), § 1)

- **Sec. 62-95. - Racing.**

It shall be unlawful to operate any boat, craft or device to engage in racing on Hope Mills Lake, except as may be specifically authorized by the board of commissioners for specific events coordinated with the Parks and Recreation Department and authorized by the Board of Commissioners.

(Code 1985, § 101.28(F))

- **Sec. 62-96. - Dangerous operation of vessels.**

(a)

It shall be unlawful for any person to operate any vessel on any lake or stream of water within the corporate limits of the town carelessly and heedlessly in willful or wanton disregard of the rights or safety of others.

(b)

It shall be unlawful for any person to operate any vessel on any lake or stream of water within the corporate limits of the town without due caution and circumspection and at a speed or in a manner so as to endanger or be likely to endanger any person or property.

(c)

It shall be unlawful for any person to operate any vessel on any lake or stream of water within the corporate limits of the town while consuming any quantity of any alcoholic beverage or any controlled substances.

(Code 1985, § 101.29(A)—(C))

- **Sec. 62-97. - Noise control.**

It shall be unlawful for any person to operate any vessel on any lake, stream, or body of water within the corporate limits of the town if that vessel is equipped with over transoms, open headers, or any device which creates an unreasonable noise, or is of such intensity or duration as to be a nuisance to others, or to be detrimental to the life or health of others.

(Code 1985, § 101.29(E))

Cross reference— Noise, § 34-26 et seq.

- **Sec. 62-98. – Reserved**

- **Sec. 62-99. - Personal Water Craft (PWC)**

Personal Water Craft (PWC) (see definitions 62-56) will not be allowed to use boat ramps, or any other town property for access to the lake and are not authorized for use on Hope Mills Lake.

(Code 1985, § 101.26(N))

- **Sec. 62-100. - Removal of vessels upon request.**

It shall be unlawful for any person operating a vessel of any description on the Hope Mills Lake to fail or refuse to remove the vessel from the waters of the lake when requested to do so by any law enforcement officer, lake attendant, or other person having the authority to enforce this Code.

(Code 1985, § 101.33)

- **Secs. 62-101—62-120. - Reserved.**

