

NORTH CAROLINA GENERAL ASSEMBLY  
1963 SESSION

CHAPTER 502  
HOUSE BILL 496

AN ACT TO PROHIBIT THE OPERATION OF MOTOR BOATS IN SUCH MANNER AS TO BE DANGEROUS TO OTHERS AND TO PROHIBIT ACTIONS WHICH CREATE HAZARDS TO WATER SAFETY IN LAKE JAMES IN BURKE AND MCDOWELL COUNTIES.

The General Assembly of North Carolina do enact:

Section 1. The definitions used in this Act shall be those set forth in G. S. 75A-2, relating to motor boats.

Sec. 2. It shall be unlawful for any person to operate any power-driven boat within fifty (50) yards of any boathouse, boat dock, pier, whether stationary or movable, anchored boat or any boat which is not being propelled by engine power, or when within fifty (50) yards of any person swimming, or fishing from a boat, at a greater speed than not more than five (5) miles per hour.

Sec. 3. It shall be unlawful for any person to operate a power-driven boat in the near vicinity of any water craft in which persons are fishing, whether such water craft is anchored or adrift, in such manner as to create a condition which endangers, or is likely to endanger, the safety of persons within such water craft being used for fishing.

Sec. 4. It shall be unlawful for any person to wilfully throw overboard, or to allow to be thrown overboard, in any public waters used for boating, swimming or fishing, any trash, debris, or litter of any kind, or any bottle, metal can, or other object, or any other material which is or is likely to become dangerous to boats, swimmers or fishermen using the said public waters. It shall be unlawful for any person to throw or place in any of the public waters used for boating, swimming or fishing, any unattended or unattached bottle, can, or other floating object to which any fishing line, hook or lure has been attached.

Sec. 5. Any person who may be in actual physical control of the motor boat, or other water craft, in which any violation of the above provisions shall be committed, shall be considered to have been in control of the conduct of persons in such boat, and responsible for violations of this Act committed by such persons. Unless it be otherwise shown, the registered owner of any boat operated in violation of the provisions of this Article, shall be presumed to be the operator of the same at the time of such violation or violations. Any person who is convicted of a violation of any of the provisions of this Act shall be guilty of a misdemeanor and shall be punished by a fine of not more than fifty dollars (\$50.00), or be imprisoned for not more than thirty (30) days.

Sec. 6. Enforcement officers of the North Carolina Wildlife Resources Commission, or other law enforcement officers, are empowered to enforce the provisions of this Act.

Sec. 7. The courts of either Burke County or McDowell County shall have jurisdiction to try persons charged with any offense committed within one-half mile of the county line dividing Burke and McDowell Counties in the waters of Lake James.

Sec. 8. This Act shall not apply in the waters of the canal connecting the Catawba side of Lake James with the Linville side of Lake James over which canal the canal bridge is constructed. This Act shall apply only to the waters of Lake James in Burke and McDowell Counties.

Sec. 9. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 10. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of May, 1963.