

## Chapter 6.5

### MISCELLANEOUS PROVISIONS

Art. I. In General, §§ 6.5-1--6.5-30

Art. II. Recreational Activities on Lake Sequoyah, §§ 6.5-31--6.5-41

#### ARTICLE I.

#### IN GENERAL

##### **Sec. 6.5-1. Carrying concealed weapons on certain municipal property; location of signs.**

(a) *Posting of signs required.* The chief of police is hereby authorized and instructed to post conspicuous signage at appropriate locations on or within the following municipal property, indicating that carrying a concealed handgun is prohibited therein, as well as on the premises thereof:

- (1) The Highlands Recreation Park.
- (2) The Highlands Ball Park.
- (3) The Highlands Conference Center.
- (3) The Town Hall.
- (4) The Highlands Police Station.
- (5) The Highlands Playhouse.
- (5) The Highlands ABC store.
- (6) The water treatment plant.
- (7) The wastewater treatment plant.

(b) *Location of signs.* Signs on buildings shall be visibly posted on the exterior of each entrance by which the general public can access the building. The chief of police shall exercise discretion in determining the number and appropriate location of signs to be placed on or within appurtenant premises and parks.

(Ord. of 11-15-95(1), §§ 1, 2)

**Secs. 6.5-2--6.5-30. Reserved.**

#### ARTICLE II.

## RECREATIONAL ACTIVITIES ON LAKE SEQUOYAH

### **Sec. 6.5-31. Purpose and scope.**

In cooperation with the Public Water Supply Section, North Carolina Department of Environment and Natural Resources; in order to meet the intent of "The Rules Governing Public Water Systems" of the North Carolina Administrative Code; and in order to adequately protect the quality of water in Lake Sequoyah, the board of commissioners of the town does hereby adopt this article. Nothing herein shall be construed to violate the regulations of the North Carolina Commission for Health Services and the North Carolina Wildlife Resources Commission.

(Ord. of 11-15-95(2), § 1-1; Ord. of 10-6-99)

### **Sec. 6.5-32. Definitions.**

*Big Creek Arm of Lake Sequoyah* shall be that portion of Lake Sequoyah lying north of the US-64 bridge.

*Public access point* for Lake Sequoyah shall be on the property owned by the town adjacent to the Lake Sequoyah power dam, or such other properties as may in the future be dedicated to that purpose by the town and posted as such.

*Lake Sequoyah or the lake* shall be that "Class I Public Water Supply Reservoir," as defined by "The Rules Governing Public Water Systems" of the North Carolina Administrative Code, a private lake lying entirely within the corporate limits of the town. The town shall maintain in its office a map showing the boundaries of Lake Sequoyah, which shall be established by its normal full level.

*The environs of Lake Sequoyah* shall include the shores of the lake, the public access points, and all areas where natural or man-made causes are likely to result in runoff of liquids or solids into the waters of the lake. In no event shall the environs be interpreted to be less than the area within fifty (50) feet of the shore of the lake at normal full level.

(Ord. of 11-15-95(2), § 1-2; Ord. of 10-6-99)

### **Sec. 6.5-33. Posting.**

Copies of this article, and rules and regulations applying to use of Lake Sequoyah, shall be posted conspicuously at any public access points of the lake.

(Ord. of 11-15-95(2), § 1-3; Ord. of 10-6-99)

### **Sec. 6.5-34. Penalties.**

Any person violating any provisions of this article shall be guilty of a misdemeanor and, upon conviction, shall be fined five hundred dollars (\$500.00) and/or imprisoned for thirty (30) days.

(Ord. of 11-15-95(2), § 1-4; Ord. of 10-6-99)

### **Sec. 6.5-35. Ejection.**

The town's police department is authorized to eject and remove from Lake Sequoyah and its environs any person suspected to be violating this article, and such person shall not be allowed to return to the lake or its environs for twenty-four (24) hours.

(Ord. of 11-15-95(2), § 1-5; Ord. of 10-6-99)

#### **Sec. 6.5-36. Pollution.**

(a) No person shall commit any act, whether intentional or by neglect, that is likely to affect the purity of the water in Lake Sequoyah. Acts prohibited by this article include, but are not limited to, the following: Spitting, urinating or defecating in the lake or its environs; placing liquids (other than pure water) on or in the lake or its environs; placing any non-liquid substance (except as authorized or allowed by this article) on or in the lake or its environs; or allowing other persons or animals to commit any of the foregoing acts.

(b) In addition to the foregoing paragraph, and not in derogation or limitation thereof, no person shall allow the watering, washing, or wallowing of any horses, mules, cattle, or domestic animals in the lake or its environs; nor shall any person allow domestic or farm animals within fifty (50) feet of the shore of the lake at normal full level.

(Ord. of 11-15-95(2), § 1-6; Ord. of 10-6-99)

#### **Sec. 6.5-37. General regulations.**

(a) It shall be unlawful for any person to possess a firearm, air rifle, air pistol, pump gun, spear gun, or other similar weapon of any kind in or upon the waters of Lake Sequoyah or its environs. This section shall not apply to officers of the town's police department or other duly authorized law enforcement officials while carrying out their official duties.

(b) No trash shall be deposited on or in the lake or its environs or in the vicinity of any public facilities of Lake Sequoyah except in trash receptacles provided by the town at the established public access points.

(c) No fires shall be allowed on the shores of the lake or at any of the lake's public facilities.

(d) Except as otherwise provided by this article, hunting, killing, taking, or in any way molesting wildlife in the vicinity of Lake Sequoyah is prohibited.

(Ord. of 10-6-99)

#### **Sec. 6.5-38. Fishing and boating.**

(a) In accordance with Section .1201(c) of "The Rules Governing Public Water Systems" of the North Carolina Administrative Code, fishing and boating on Lake Sequoyah are permitted in accordance with this article; however, boating is prohibited within a fifty-yard radius of the water intake in the Big Creek Arm of Lake Sequoyah, except in the event of emergency as declared by the town's police department, for the town's maintenance of the intake facilities, or for the occasional passage in the Big Creek arm of the lake of non-motorized boats.

(b) No boating shall be permitted on Lake Sequoyah except upon issuance of a boating permit from

the town police department. The assistant police chief shall be designated lake warden and shall be vested with the duty and authority to patrol the lake and its environs and enforce this article.

(c) No person shall operate a boat on the lake in excess of five (5) miles per hour. It is also recommended that any boat motors used on Lake Sequoyah be electric motors.

(d) All boat passengers who cannot swim shall wear life preservers while on the lake.

(e) No person shall enter, be the operator of, or be a passenger in any boat on Lake Sequoyah while under the influence of any alcoholic beverage or other impairing substance.

(f) The operator of any boat on Lake Sequoyah shall be responsible for preventing passengers from committing any violations of this article, and failure in this regard, whether intentional or by neglect, shall constitute a violation of this article.

(g) No boat shall enter or leave Lake Sequoyah except from the established public access points. This provision, however, shall not apply to boats operated by owners of private property along the shore of the lake.

(Ord. of 10-6-99)

#### **Sec. 6.5-39. Locations for activities and individuals.**

All recreational activities on Lake Sequoyah are prohibited except as provided in this article at the locations described herein. Except for emergency, security, or maintenance purposes, no person may be on any part of the lake except in the places designated for recreational use. The area within fifty (50) yards of the power dam, and within a fifty-yard radius of the water intake in the Big Creek Arm of Lake Sequoyah, shall not be used for recreational purposes, except as otherwise allowed herein.

(Ord. of 10-6-99)

#### **Sec. 6.5-40. Boat docks and boat houses.**

(a) The construction of boat docks and boat houses is considered to be inconsistent with allowable practices on Class I or Class II public water supply reservoirs. Structures of any kind, including new boat docks or boat houses, shall not be permitted to be constructed or placed in or on Lake Sequoyah.

(b) Boat docks and boat houses which existed at the time of the enactment of this section shall be deemed in compliance herewith, provided that no activities inconsistent with allowable practices on Class I or II public water supply reservoirs are conducted thereon. Existing boat docks and boat houses may be repaired or reconstructed to the same size provided there is no substantial disturbance of the grounds, but shall in no instance be expanded in size. No materials shall be used for repair or reconstruction that are likely to affect the purity of the water. Materials in contact with the water shall consist of untreated wood--such as cypress, cedar, redwood, or locust--and similar materials, such as plastic, concrete or PVC. Materials in contact with the water shall not consist of creosote, pressure-treated wood, and similar materials.

(Ord. of 6-6-01)

#### **Sec. 6.5-41. Severability.**

Should any section or provision of this article be declared invalid or unconstitutional by any court of competent jurisdiction, the declaration shall not affect the validity of this article as a whole or any part thereof that is not specifically declared to be invalid or unconstitutional. This article repeals all inconsistent ordinances to the extent of the inconsistency.  
(Ord. of 10-6-99; Ord. of 6-6-01)

**Editors Note:** Formerly § 6.5-40.