

## **Chapter I – Lakes and Parks**

(Amended 5/18/16)

### **Article I – Use of Lake Facilities**

#### **Section 1. Coverage**

The properties covered by this Ordinance include Village owned lakes / ponds, dams, lake access areas and parks / playgrounds. The lakes / ponds include Thagard Lake (including Thagard Island, Little River and environs), Spring Valley Lake, Fly Rod Lake, Pine Lake, Whisper Lake, Shadow Lake, Blue Lake, Cardinal Lake (including middle and lower ponds), Hummingbird Pond and Whispering Winds Pond.

#### **Section 2. Purpose**

The properties defined in Section 1 are to be used as:

- a. Recreational facilities for Village residents, property owners, authorized guests and Village employees.
- b. A source of water for firefighting; and
- c. A water utility for the purpose of irrigation of lakefront properties within the Village
- d. A resource for the enhancement of the Village character and environment

#### **Section 3. Recreational Use of the Lakes and Parks**

The lakes and parks are available for recreational uses by residents, property owners and employees of the Village of Whispering Pines.

Additionally the following have recreational privileges:

- a. Authorized occupants of the Country Club of Whispering Pines villas shall have the right to use the lakes and parks for recreation purposes during the period of villa rental only;
- b. Guests of residents or property owners may use the lake and park recreational facilities only when accompanied by the host, or when a permit has been issued by the Village Administrative Staff or the Whispering Pines Police Department. Guests not accompanied by their host must have a guest pass in their possession at all times. The host must be a minimum of 16 years of age. Passes are valid for up to three (3) days. The same guest is permitted a maximum of six (6) guest passes per calendar year regardless of the host. (6/14/17)

The host of such guests shall be solely responsible for their safety, welfare and conduct while on lake or park premises and the Village of Whispering Pines may not be held responsible or liable for injury or damages such guests may receive while on said premises.

#### **Section 4. Emergencies**

In case of an emergency, water from the lakes may be used for firefighting or other emergency purposes by other than residents or property owners within the Village.

**Section 5. Use of Lake Water for Irrigation** (Amended 2/11/15)

**Section 5.1 Intent and Purpose:** It is the intent and purpose of this Ordinance to implement procedures that promote water conservation through the efficient use of the Village lakes, ponds, and streams.

**Section 5.2 Application of Ordinance:** The provisions of this Ordinance shall apply to all property owners located within the Village.

No system using water from the lakes for irrigation of private property shall be placed in operation without obtaining a permit from the Planning and Zoning Administrator. Systems in existence on the effective date of this Ordinance may be retained.

Delivery of water by any permit holder to any party not holding a permit is prohibited.

**Section 5.3 Definitions:** The following definitions shall apply within this ordinance:

- (a) “Village Lake” means any one or more of the Village owned lakes, ponds, and streams.
- (b) “Village” means within the Village of Whispering Pines, North Carolina.
- (c) “Lake Irrigation” means the withdrawal of water from any Village Lake for the purpose of direct or eventual application of such water to any land.
- (d) “Lake Irrigation System” means equipment and devices which deliver water to areas being irrigated or to impoundments of water, including, but not limited to pumps, pipelines, control structures, pipes and ditches, pumping stations, emitters, valves and fittings.
- (e) “Lake Water Withdrawal” means the withdrawal of water from any Village lake for the purpose of irrigation.
- (f) “Resident” means the individual property owner or person occupying a specific property address.
- (g) “Property Address” means the house or business number of the physical location of a specific property.
- (h) “Registration” means the completion of a form to Village Hall showing the property owner, physical address, phone number, e-mail address, and the lake used for lake irrigation.
- (i) “Impervious” means land surfaces which do not allow the penetration of water including paved roads, sidewalks, driveways, parking lots and highly compacted areas including shell, clay, and gravel.

- (j) “Normal Lake Level” means a lake level equal to that when water is flowing out of the spillway.
- (k) “Spillway” means a pipe or pipes, or any other structure, formally designed as part of the dam that allows lake water to exit once normal lake level is reached or exceeded.
- (l) “Below Normal Lake Level” is determined by measuring the number of inches a lake is below the lake spillway.

**Section 5.4 Lake Deficiency Level / Restrictions:** The following chart defines the deficiency levels for Village Lake(s) and establishes the residential irrigation and lake water withdrawal restrictions to be imposed on private residents and golf courses for any Village Lake that is declared deficient. Any Village Lake not declared deficient will have no restrictions. Nor shall the provisions of this ordinance restrict the withdrawal of water by any property owner who, as a result of a conveyance by or to the Village of Whispering Pines, has a specifically articulated property right to withdraw water for irrigation purposes from a Village owned lake in which quantities as such property owner deems necessary.

<b>Below Normal Lake Level</b>	<b>Lake Deficiency Level</b>	<b>Resident Restrictions</b>	<b>Golf Course Restrictions Per Lake*</b>
6”	Moderate	Notify lake irrigation users and request voluntary reduction in lake irrigation.	Voluntary reduction to 225,000 gallons per day of lake water withdrawal
12”	Serious	Limit resident lake irrigation to twice weekly based on street address. Odd-numbered addresses irrigate on Monday and Thursday. Even-numbered addresses irrigate on Tuesday and Friday.	Limit to 150,000 gallons per day of lake water withdrawal
18”	Severe	Limit resident irrigation to once weekly based on street address. Odd-numbered addresses irrigate on Tuesday. Even-numbered addresses irrigate on Thursday.	Limit to 75,000 gallons per day of lake water withdrawal
24”	Extreme	All resident lake irrigation is banned.	Limit to 30,000 gallons per day of lake water withdrawal

\*If a golf course has access to more than one Village Lake for the purpose of extracting water for irrigation, the restrictions set forth in the table apply on a per Village Lake basis, according to the deficiency level, if any, established for each lake. The maximum withdrawal restrictions are based on withdrawing lake water for the irrigation of 18 holes. If only 9 holes are irrigated, the withdrawal limitations shall be 50% of those stated in the table.

**Section 5.5 Wasting Water:** In addition to the Section 5.4 restrictions, it shall be unlawful to operate any irrigation system in a manner causing water to be wasted, including, but not limit to, unnecessary watering of impervious areas. Excluded from this restriction shall be that activity required by the Village for maintenance of a Village Lake.

**Section 5.6 Irrigation Pump(s):**

(a) Any lake irrigation pump(s) individually or collectively withdrawing 100,000 gallons or more of lake water per day, from any one lake, must be fitted with a monitoring device that allows the Village to monitor the number of gallons withdrawn per day. (Amended 5/21/15)

(b) Lake irrigation pumps individually or collectively capable of withdrawing 100,000 gallons or more of lake water per day from any one lake shall be fitted with the devices described in sub-section (a) above within 90 days of the effective date of this ordinance.

**Section 5.7 Exceptions:** Lake irrigation regulations and restrictions shall be subject to the following exceptions:

- (a) Lake irrigation using drip or micro-irrigation is permitted anytime.
- (b) Lake irrigation for the purpose of watering newly planted grass and foliage at new home construction during the initial forty-five days after installation provided such grass or foliage was installed prior to the initiation of lake deficiency restrictions or is required for a Certificate of Occupancy.
- (c) The operation of lake irrigation systems for system repairs and maintenance.
- (d) Lake irrigation using a hand-held hose equipped with an automatic shut-off nozzle is permitted anytime.
- (e) Irrigation systems which use water from a source other than a public water system or a Village Lake are exempt from the irrigation restrictions established in this ordinance. Examples of such sources include, but are not limited to, 'gray water' from approved waste water treatment systems, wells, cisterns, and rain barrels.

**Section 5.8 Enforcement:** The Public Works Director shall be responsible for monitoring of a lake level and reporting to the Village Manager when a lake level is at

“Moderate”, “Serious”, “Severe” or “Extreme” Deficiency Level and/or returns to a “Normal” level. The Village Clerk will implement and communicate to residents and property owners the initiation of and/or the lifting of the restrictions stated in this ordinance. The Public Works Director shall be responsible to monitor and ensure the provisions of this ordinance are enforced.

**Section 5.9 Penalties:** Any property owner or person who violates this Ordinance shall be subject to the penalties as prescribed in Chapter J of this Code of Ordinances.

**Section 6. Operation of Watercraft** (2/13/19)

a. Watercraft shall be operated at all times in accordance with regulations and safety rules dictated by Section 11 of this Chapter. No watercraft shall be operated at any time so as to in any way endanger or create a nuisance to any persons, other watercraft, shorelines, or other property of any sort.

b. No watercraft shall be placed in or operated on the lakes without a Village of Whispering Pines Boat Permit. Such a boat permit will be issued as two decals, which must be displayed on each outer side of the bow of the watercraft so as to be plainly visible when the watercraft is being operated. Boat permits will be issued only to residents, owners of within the corporate limits of the Village of Whispering Pines or Village employees. Each permit is issued for and limited to one specific watercraft, and is nontransferable.

c. Watercraft propelled by internal combustion engines may be operated only on Thagard Lake. However, it has been determined that certain types of watercraft can be operated in a manner dangerous to persons or damaging to property. These watercraft include jet skis, water scooters, wave surfers, power sleds, and similar devices; therefore; in the interest of the health, safety, and general welfare of the Community, the use of any such watercraft is prohibited. The use of ballast tanks is prohibited.

d. Watercraft may be launched into the Lakes only at approved access areas or from private property when approved by the owner.

**Section 7. Codes of Conduct and Dress**

All persons using the Lakes, access areas and parks will comply with the high standards of conduct and consideration for others.

a. Proper swimming attire (trunks, swim suit) shall be worn shall be worn at all times when in Village owned lakes, access or recreational areas and shall be worn when participating in aquatic activities such as boating, water skiing, or fishing.

b. When picnicking or otherwise using the parks or access areas, not associated with aquatic activities, proper sports or casual attire shall be worn.

c. Noise regulations as specified in Chapter F., Article II of this Code of Ordinances shall be complied with on the Lakes and in the parks and access areas.

d. In compliance with this Code of Ordinances, the carrying or use of firearms of any type on Village owned property, except by authorized law enforcement officers during the

performance of their duties shall be prohibited.

**Section 8. Docks and Floats (2/13/19)**

a. Permanently affixed docks may be constructed or placed on the lakes as provided for in Chapter 6, SR3 of the Land Development Ordinance.

b. Free-floating docks in existence on the effective date of this Ordinance may be retained, but any new floating docks or swim platforms are prohibited except for those the Village may authorize in designated swimming areas. All floating docks or swim platforms shall be maintained in such a way as not to be detrimental to safety, health and the general welfare. Any floats destroyed or discontinued shall not be replaced.

c. Docks, boat houses or other structures in the lakes, which are allowed to deteriorate to the point of being a safety or health hazard, shall be repaired or removed at the owner's expense. Should any owner fail to repair or remove the structure after due notice by the Village of Whispering Pines, such owners shall be responsible to the Village for the cost of such repair or removal. Such cost shall be a lien against said owners' property and shall be collected from the owner of said property as unpaid taxes.

**Section 9. Clearing of Vegetation from the Lakes**

a. No chemical substance or other procedure including the introduction of fish will be used to clear vegetation from the lakes unless approved by the Public Works Director.

b. Nothing in this Ordinance prohibits a property owner from clearing any vegetation that exists in the lake adjacent to his/her property as long as any cleared vegetation is removed and properly disposed of.

**Section 10. Parks and Access Areas**

a. Parking of motor vehicles, boats, trailers or other vehicles in the parks or other access areas is prohibited in other than approved parking spaces.

b. The parks and access areas, including lake dams, shall be closed to all persons and to the parking of vehicles or trailers of any type during the period from 9:00 p.m. to 6:00 a.m.

c. The parks at 57 Lakeview Drive and 204 Pine Ridge Drive are restricted to swimming and recreational use only. No motorized boats are allowed in the area, including docking, beaching or anchoring off-shore. Picking up or dropping off skiers within 150 feet of shore is prohibited.

d. Non-lake front residents or property owners may store non-trailerred, hand launch watercraft in the access areas, at the risk of the owner, provided the following conditions are met:

- (1) A boat rack has been installed by the Village and there is space available on such rack. Spring Valley Lake access areas (68 and 204 Pine Ridge Drive) are limited to canoe and kayak storage only
- (2) the watercraft has been properly permitted with a Whispering Pines Boat Permit
- (3) watercraft storage in access areas is limited to two (2) watercraft per household

- (4) all watercraft must be stored upside down or in a manner not to collect standing water

### **Section 11. Regulations and Safety Rules**

- a. Boating regulations and safety rules as prescribed by the North Carolina Wildlife Commission shall be strictly observed.
- b. All watercraft engaged in skiing shall observe the Water Safety Regulations recommended by the Lakes and Watershed Board and approved by the Village Council.
- c. Boats 26 feet long or longer are prohibited on the lakes.
- d. All boats shall be equipped with at least one U.S. Coast Guard approved Personal Floatation Device (PFD) for each person in the boat. Water skiers shall wear a PFD at all times. Each boat towing a skier shall contain at least two (2) responsible persons; one a driver and another observing the person or persons skiing.
- e. Every motorboat shall be numbered by the State as required by the North Carolina Wildlife Commission. In general, boats which are propelled manually or by sail alone are not required to obtain a Certificate of Number from the State but Whispering Pines permit rules apply.
- f. There are no life-guards provided for the lakes; therefore, although swimming is permitted, it shall be at the swimmers' own risk.
- g. Children under the age of 12 are prohibited from swimming, boating, or playing in the lakes and parks unless accompanied by an adult responsible for the safety of the child.
- h. Water skis, rafts and all other devices towed by a water craft but manipulated by the person being towed thereupon may be operated only during the daylight hours between sunrise and sunset. Except upon entry to and exit from your own property, no water-skiing activities of any sort shall be permitted in prohibited areas nor take place closer than one hundred and fifty (150) feet to any residential shoreline.
- i. All watercraft operating on the lakes between sunset and one hour after sunset and between one hour before sunrise and sunrise shall display proper running lights as required by North Carolina boating law.
- j. To prevent erosion and damage from watercraft wake, no watercraft shall be operated at more than 32 MPH and shall reduce speed to 5 MPH within 150 feet of any residential shoreline.

### **Section 12. Fishing in Lakes**

- a. Anyone fishing in the Whispering Pines lakes is required to comply with applicable North Carolina State fishing laws, and be a person hereinbefore authorized by the Village to use the lakes or guest of such person.
- b. Fishing from the dams of the lakes where posted is prohibited. Fishing from the

access areas, except where posted, is permitted in those locations and at times when the fishing does not interfere with swimmers.

- c. Fishing from bridges is prohibited.

### **Section 13. Obtaining Permits**

- a. Permits from the Village are required for boats, the building of docks and bulkheads, the installation of irrigation systems, and such other items as may be prescribed in Chapter A, Article III, Section 4 of this Code of Ordinances.
- b. Permits may be obtained at the Village Hall during normal business hours.

### **Section 14. Penalties**

- a. Any person convicted of a violation of this Ordinance shall be subject to the penalties as prescribed in Chapter J of this Code of Ordinances.
- b. Also the Village of Whispering Pines shall have authority to seek injunctive relief against any violation, as provided in the General Statutes of North Carolina, Chapter 160A.

### **Section 15. Maintaining the Ecology of the Lakes, Ponds, Rivers and Streams**

- a. In order to provide structure for fish and other aquatic life, artificial fish attractors, such as Christmas trees, may be placed into Village lakes by the public works department or the Lakes and Watershed representatives. Individual property owners along the Village lakes are prohibited from such activity.
- b. No person shall place trash, refuse or material of any kind into any lake, pond, river or stream, except as provided for in Paragraph 15-a above.
- c. No person shall clean docks, piers, boathouses or boats with detergents or chemicals where runoff goes into any lake, pond, river or stream.
- d. The following conditions shall govern the issuing of a permit for a Mooring Buoy to be placed in a Village lake.
  - 1. Only one mooring buoy is permitted for any lake of 100 acres or less of surface area. Thagard Lake may have no more than 2 buoys.
  - 2. The buoy is to be placed not closer than 150 feet to any shoreline.
  - 3. A petition with the signatures of a majority of lake front residents indicating approval of the buoy must accompany a first year permit application.
  - 4. A drawing and/or photos showing construction and appearance of the buoy must be attached to the initial permit application.
  - 5. Maintenance of the buoy is the responsibility of the applicant.
  - 6. The buoy is for the enjoyment of all who are authorized to use the Village lakes. Use of the buoy is on a first-come basis.
  - 7. The Village assumes no liability for any personal injury or damage to personal property or equipment in connection with use of the installed buoy.

### **Section 16. Water safety regulations for boats on Thagard Lake**

The following are regulations governing the safe operation of watercraft on Thagard Lake.



- a. Applicable to all boats:
  1. No boating within roped-off areas.
  2. No watercraft shall exceed a speed limit of 32 MPH and shall reduce speed to 5 MPH (no wake speed):
    - a. within 150 feet from shore (except between an area 50 feet from the north shore of the island and the buoys),
    - b. anywhere inside the shoreline buoys,
    - c. all parts of Little River and surrounding bays,
    - d. the entire large bay on the north side of the lake designated by the large white buoy.
  3. All internal combustion engine powered watercraft operating outside of the shoreline buoy shall move in a counter-clockwise direction around the lake. All other watercraft are also encouraged to travel in a counter-clockwise direction.
  4. All watercraft shall move from and to their docks at more or less of a right angle until they are outside the shoreline buoys unless the intent is to cruise at or below the 5 MPH speed limit.
  5. Watercraft liability insurance is required of all boats having an internal combustion engine rated at more than 15 horsepower and evidence of such insurance will be required prior to the issuance of a Whispering Pines Boat Permit.
  6. All N.C. Boating laws and safety rules and regulations apply.
  7. Littering is prohibited.
  8. Boats 26 feet or longer are prohibited on the lake.
  9. While underway, all powerboats must keep a reasonable distance from all other users of the lake such as sailboats, fisherman, canoes and swimmers.
  10. Watercraft operating on the lake between sunset and one hour after sunset and between one hour before sunrise and sunrise shall display proper running lights as required by N.C. boating law.
  11. All watercraft passing through the island narrows (north side of island) should do so approximately fifty (50) feet from the island shore.
  12. Certain watercraft such as jet skis, water scooters, wave surfers, power sleds and the like are prohibited on Thagard Lake.
  13. Racing of any kind is not permitted on the lake.
- b. Applicable to watercraft towing water skiers, rafts, floats, etc.
  1. When passing through the island narrows, the skier shall avoid wake crossing and must stay directly behind the boat.
  2. Each boat towing a skier or other floats must have at least two responsible people on board including the driver and a spotter.
  3. A ski boat shall not tow more than two (2) skiers at one time.
  4. When retrieving a fallen skier, speed should be reduced for a minimal wake
  5. Ramp jumping is not permitted on the lake.
  6. When watercraft congestion occurs, allow other watercraft the opportunity to ski or boat while you take a break. No one likes rough water.
  7. Water skis, rafts and all other devices towed by a watercraft may be operated only during the daylight hours between sunrise and sunset.

c. Violation of any of these regulations may result in a Civil Penalty from the Police Department.

d. The Public Works Director, upon recommendation from the Lake and Watershed Board, shall recommend revisions to these regulations for Council approval.