

SECTION .0300 - CONSTRUCTION AND USE OF PIERS AND OTHER STRUCTURES ON STATE LAKES

07 NCAC 13C .0301 STATE LAKE PERMITS

- (a) No structure shall be built upon the floor of, erected in, or floating upon any state lake without a state lake permit.
- (b) Applications for a state lake permit may be made by submitting a completed application to the park office that manages the state lake which will be the subject of the permit.
- (c) The following uses of Division property, as defined in 07 NCAC 13B .0101(2), on a state lake shall require a state lake permit authorized by the Division:
- (1) initial construction of a structure;
 - (2) major modification of an existing structure; and
 - (3) transfer of ownership rights or interest in an existing structure.
- (d) State lake permits shall be available only to the following classes of persons and only for the state lake appurtenant to the applicant's property interest:
- (1) owners of waterfront property;
 - (2) owners of an exclusive right to use waterfront property; and
 - (3) towns, municipalities, or county governments at a public beach or at the end of a dedicated street abutting upon the waters of a state lake.
- (e) Applicants shall obtain an approved state lake permit signed by the Park Superintendent or his or her designee prior to beginning construction or major modification of a structure. A completed application for a state lake permit shall include the following information:
- (1) the name, permanent address, and phone number of the applicant;
 - (2) the address of the waterfront property for which the permit is requested;
 - (3) the name, address, and phone number of a pier agent, if applicable;
 - (4) a written description of the structure for which the permit is desired, or if the structure already exists, the modification to be made to the structure;
 - (5) a drawing, photograph, diagram, or other illustration depicting the structure for which the permit is requested. The drawing, photograph, diagram, or other illustration shall locate the structure relative to the waterfront property which gives rise to the right to apply for the permit and show compliance with the requirements of Rule .0303 of this Section. If the application is for modification of an existing structure, the applicant shall also locate in the drawing, photograph, diagram or other illustration the proposed modification with respect to the existing structure. The Division may request the applicant to provide professional drawings created by a licensed engineer or architect if the Division is not able to determine if the structure will comply with the rules of this Subchapter from the submitted drawing, photograph, diagram or other illustration; and
 - (6) a copy of the waterfront-property deed to which the structure would be appurtenant, or if the structure is not to be attached to the waterfront property at the water line, the waterfront property which gives rise to the right to apply for the permit. If the applicant does not own the property, applicant shall also provide proof of the applicant's property rights which authorize them to apply for the permit.
- (f) Except as prohibited in Rule .0407(h) of this Subchapter, applicants shall obtain an approved state lake permit transfer signed by the Park Superintendent or his or her designee in order to transfer any permit for a structure permitted under these Rules. A completed application to transfer a state lake permit shall include the following information:
- (1) the name, permanent address, and phone number of the transferee;
 - (2) the address of the waterfront property for which the permit is requested;
 - (3) the permit number of the structure for which the permit transfer is requested;
 - (4) the name, address, and phone number of the transferor;
 - (5) the name, address, and phone number of a pier agent, if applicable; and
 - (6) proof of the conveyance, devise, or other mode of transfer of title to the property giving rise to the right to the permit.
- (g) The Park Superintendent or their designee shall issue a state lake permit on receipt of a completed application unless:

- (1) the construction, modification, or transfer will threaten the health or safety of persons using the state lake;
 - (2) the construction, modification, or transfer would be detrimental to the protection or use of state property;
 - (3) the construction, modification, or transfer would constitute a violation of applicable law or rule;
 - (4) the applicant has an outstanding balance resulting from unpaid state lake permit fees; or
 - (5) the construction or modification of the structure does not comply with the rules of this Subchapter.
- (h) All structures permitted under this Rule shall be subject to the following additional provisions:
- (1) No structure or any portion thereof, except boat ramps, shall be located closer than 15 feet from the corners of the property for which the structure is permitted. Where adjoining waterfront properties do not conform to the 15-foot requirement, the owners of said property shall submit an application for a joint private state lake permit, including a copy of a written agreement between the property owners to share the structure, and request a waiver of the 15-foot requirement from the Division. The Division shall waive the 15-foot requirement unless a safety hazard would be created by permitting the structure or granting the waiver would create noncompliance with the rules of this Subchapter;
 - (2) No structure may be located within 25 feet of another structure, except a seawall;
 - (3) Permit holders shall not collect any charges or fees for the use of structures that are permitted under private, joint private, or public state lake permits, except for a homeowner association in accordance with Rule .0407(e) of this Subchapter;
 - (4) Boats shall not be moored or tethered to a boat ramp;
 - (5) Swim lines shall require a Special Activity Permit issued in accordance with 07 NCAC 13B .0104(d)(7);
 - (6) All permitted structures shall prominently display the structure's assigned permit number at all times; and
 - (7) The following items shall not be stored or installed in storage boxes, lofts, and compartments on any structure:
 - (A) electrical appliances or their components;
 - (B) fireworks or other explosives; or
 - (C) gasoline, oil, or any other petroleum-based or hazardous materials.
- (i) All structures which meet the following requirements shall be considered non-conforming structures:
- (1) existed on February 1, 1974;
 - (2) are not conforming to permissible structural dimensions, as set forth in Rule .0303 of this Section, at the time of the adoption of this Rule; and
 - (3) have previously been permitted by the Division.

Notwithstanding Paragraph (k) of this Rule, non-conforming structures shall continue to be permitted as long as the structure is not the subject of a major modification. If a non-conforming structure is subject to a major modification, then the entire structure shall be brought into compliance with the dimension requirements set forth in Rule .0303 of this Section. Should a non-conforming structure be destroyed or substantially damaged (greater than 50 percent or more of the existing structure) from any causes, the structure shall be brought into compliance with the dimension requirements set forth in Rule .0303 of this Section.

(j) All permits issued in accordance with this Rule are valid for one year from the date of issuance. Permit holders shall renew their state lake permits on an annual basis to remain valid. All permit fees shall be paid at the time of issuance or renewal in order for the permit to remain valid.

(k) Permits issued in accordance with this Rule may be revoked by the Division for one or more of the following reasons:

- (1) failure to pay any permit fee within 60 days after the due date thereof; or
- (2) failure to bring a permitted structure into compliance with rules of this Subchapter, unless excepted under Paragraph (i) of this Rule, or with any term or condition imposed by the permit within 30 days after receipt of a notice from the Division setting forth the corrective measures, in accordance with Rule .0315 of this Section.

*History Note: Authority G.S. 143B-135.16;
Eff. February 1, 1976;
Transferred from 15A NCAC 12C .0301 Eff. April 1, 2017;
Readopted Eff. February 1, 2023.*

