

USER'S GUIDE

THIS BOOKLET HAS BEEN DESIGNED TO HELP INSURE YOUR SAFETY WHILE ENJOYING THE FOLLOWING FACILITIES OWNED BY THE CITY OF KINGS MOUNTAIN: JOHN H. MOSS RESERVOIR AREA, DAVIDSON LAKE, AND CITY LAKE ON YORK ROAD. ARTICLES II AND III FROM CHAPTER 14 AS CONTAINED IN THE CODE OF ORDINANCES FOR THE CITY OF KINGS MOUNTAIN WHEN AMENDED AS FOLLOWS ON MARCH 31, 1992.

ARTICLE II. MUNICIPAL LAKES GENERALLY

Sec. 14-20. Office of park ranger - Created.

There is hereby created the office of park ranger for the municipal lakes who shall be appointed by the City Manager and supervised by the Chief of Police.

Sec. 14-21. Same - Duties.

It shall be the duty of the park ranger to enforce all rules and regulations set forth in this article and to enforce the watershed regulations and state laws relative to fishing and public water supplies. The park ranger shall from time to time render reports as required by the City Manager and Chief of Police regarding the operations of his office.

Sec. 14-22. Fishing permit - Required.

No person shall be permitted to fish in Davidson Lake, City Lake on York Road or Moss Lake without first obtaining a permit therefore from the park ranger or a designated employee. At all times while fishing in Davidson Lake, City Lake on York Road or Moss Lake, such person shall keep that permit in such a person's possession.

Sec. 14-23. Same. Fee.

A fee will be charged to obtain a permit as required by Sec. 14-22 above. A schedule of said fees, as adopted by Resolution of the City Council, will be posted at the Moss Lake office.

Sec. 14-24. Same. Issuance.

Any person desiring a permit to fish in the municipal lakes shall secure their permit from the park ranger at the Moss Lake office.

Sec. 14-25. Same - Transfer.

No permit to fish in the municipal lakes shall be transferable, nor shall any such permit be recognized when presented by a person other than the person to whom the same was issued

Sec. 14-26. Motorboats prohibited; exceptions.

Motorboats are prohibited on the Davidson Lake and City Lake on York Road unless: (1) used by a law enforcement officer or government employee on official duty; or (2) used by rescue personnel in performance of duty. "Motorboats" as used in this section shall not include a boat using an electric motor as the only means of mechanical propulsion of any vessel.

Sec. 14-27. Manner of fishing restricted.

No seining or trapping of fish shall be permitted in the municipal lakes.

Sec. 14-28. Hunting prohibited.

No hunting is permitted on any municipal lake or property around the lake owned by the City.

Sec. 14-29. Swimming.

Swimming is prohibited in the Davidson Lake and City Lake on York Road.

Sec. 14-30. Intoxicated persons; use, possession of intoxicants.

Admission to the municipal lakes will be denied to any person having in such person's possession intoxicating drinks or beverages or who

shows evidence of being under the influence of any alcoholic or intoxicating beverage.

Sec. 14-31. Minors.

No person under the age of twelve (12) shall be allowed upon the municipal Lakes except when accompanied by a parent or guardian.

Secs. 14-32 - 14-39. Reserved.

**ARTICLE III. MOSS RESERVOIR AREA
DIVISION 1. GENERALLY**

Sec. 14-40. Moss Lake Commission - Established; members.

The John H. Moss Reservoir Area Authority previously established is hereby dissolved; and all powers, authority, responsibilities, rights and interests in any land, contracts, leases, subleases, easements and other property interests are hereby conveyed, assigned, and transferred to the City Council.

There is hereby created and established the "Moss Lake Commission", which shall be an advisory committee to the City Council. The Commission shall consist of seven (7) residents of the City of Kings Mountain selected by the City Council. The terms of office shall be for three years. The terms shall be staggered such that two (2) members' terms will expire on December 31, 1991; three (3) members' terms will expire on December 31, 1992; and two (2) members' terms will expire on December 31, 1993. After the initial terms expire, all subsequent appointments shall be for terms of three (3) years. All vacancies occurring for any reason shall be filled by appointment of the City Council.

The members of the John H. Moss Reservoir Area Authority, which is being dissolved, shall continue the initial Moss Lake Commission, with the terms to run as indicated in the initial appointment to the dissolved authority.

Sec. 14-41. Same - Organization, meetings, quorum.

(a) Officers. At its first meeting, the Commission shall elect a chairman, a vice-chairman and a secretary. The chairman and the vice-chairman shall be members of the Commission, but the secretary may be either a member of the Commission or an employee of the City. These officers shall perform the duties usually pertaining to such officers. In January of each year, the Commission shall meet and elect a chairman. The term of the chairman and other officers shall be one (1) year, with eligibility for reelection.

(b) Conduct; meetings. The Commission shall adopt rules for transaction of its business and shall keep a record of its members' attendance and of its resolutions, discussions, findings, and recommendations, which record shall be a public record. The Commission shall hold at least one meeting monthly, and all of its meetings shall be open to the public. However, if the chairman deems that there is insufficient business to be acted upon, he may delay the meeting for one month. There shall be a quorum if a majority of the appointed members are present. From and after its organizational meeting, the Commission shall have the powers and duties herein provided.

Sec. 14-42. Same - Report.

The Commission shall forward to the governing body and City Manager copies of the minutes of each of its meetings, within (5) days subsequent to the date of its meeting.

Sec. 14-43. Same - Duties and powers

The Commission is authorized:

(1) To recommend that the City Council secure by purchase, by gift or by lease such lands and waters within the Moss Lake area as may be most desirable and practicable for public needs.

(2) To recommend to the City Council and to the Board of Commissioners of Cleveland County such zoning laws and watershed protection laws within the Moss Lake area as may in the opinion of the Commission be most conducive to the orderly development of the area and the protection of the City's water supply.

(3) To recommend that the City Council construct upon any lands acquired by the City by deed, by will or by lease, suitable facilities for public recreations, including, but not limited to, roads, parking areas, and sanitary facilities, provided such construction is not in conflict with the provisions of the respective instruments under which the Commission or the City may have acquired such fee or leasehold, and to charge such reasonable fees as may be approved by the City Council for use of such lands and facilities.

(4) To recommend that the City Council lease to others, including governmental agencies, corporations, firms, and individuals, such lands as the City may have under its control as the Moss Lake area, upon such terms as may be approved by the City Council, not in conflict with the provisions of the respective instruments under which the Commission or the City acquired its title.

To recommend that the City Council sublease to others, including, governmental agencies, corporations, firms and individuals, such lands as the City Council may lease from the respective owners of the fee upon such terms as may be approved by the City Council, not inconsistent with the provisions of the original lease or leases.

To recommend that the City Council initiate and carry out policies which will promote the development of the Moss Lake area and bodies of water within it over which the City Council may acquire control under provisions of subparagraph (1) above to empower the City Council to confer with any agencies, corporations, firms, or individuals, to the fullest extent possible for the benefit of the public, and to negotiate and confer with any agencies, corporations, firms or individuals, which may be directly or indirectly concerned in the development of the resources of this area.

To recommend to the City Council, and to the Board of Commissioners of Cleveland County, and to the State, the adoption of ordinances regulating the use by the public of waters and lands under the supervision and control of the City Council and of recreation facilities established hereon. The governing body is hereby authorized to request the governor to commission as special officers such of the employees of the City as the governing body may designate for the purpose of enforcing the laws and ordinances for the protection, preservation and government of the lands and waters under the supervision or control of the City. Any employees so commissioned special officers as herein provided shall be required to give bond, and to take an oath as provided for special peace officers under G.S. 113-28.3 and 113.28.4. Any such special officer shall have the right to arrest with warrant any person violating any law or ordinance on or relating to the waters and lands under the supervisions or control of the City, and shall have the right to pursue and arrest without warrant any person violating in said officer's presence any law or ordinance on or relating to the waters and lands under the supervision or control of the City, subject of the laws of the state. In lieu of securing appointment of special officers, the governing body may provide for policing of the waters and lands under the supervision or control of the City by the police department of the City, and the City is hereby authorized to expend funds for such purposes. The jurisdiction of the police department and officers of the City is hereby extended to include all the territory allowed by all local laws and other laws of the State with reference to the Moss Lake area, and all property, easements, and other rights in land owned by the City, wherever located.

To recommend that the City Council carry out and cause such ordinary and necessary operating procedures, maintenance and repairs of the lake facilities as it deems appropriate, for the health, safety and welfare of the public and others authorized in use of the facilities.

To recommend to the City Council for approval such rules and regulations as from time to time might become necessary for the preservation of the property and facilities under the control of the City in causing compliance by those making use of the Moss Lake area.

Sec. 14-44. Same - Finance.

(a) Budget: The Commission shall prepare and recommend a proposed annual budget to the City Manager for the operation of the Moss Lake area. A budget for said operation shall be adopted as part of the annual budget of the City. All monies received by the park ranger shall be paid into the General Fund of the City, and shall be earmarked for use of the City and shall be paid out as other municipal funds are paid out.

(b) Operation expenses; grants or donations: The City Council is hereby authorized and empowered to make annual appropriations for the purpose of defraying the necessary expenses of operation, and the City is authorized and empowered to accept appropriate grants or donations from any interested persons or from any state or federal agency, upon the expressed approval of the City Council.

(c) Travel and subsistence expenses: The travel and subsistence expenses incurred by the members of the Commission in actual commission work shall be reimbursed by the City upon proper documentation of said expenses being submitted to the City's Finance Director.

(d) Use of revenues: All revenues and funds received by the park ranger shall be applied to the purpose set out in the foregoing provisions of this article.

Sec. 14-45 - 14-48. Reserved.

DIVISION 2. RULES AND REGULATIONS

Sec. 14-49. Definitions.

In the construction of this division of Article III, the following definitions shall be used, unless inconsistent with the intent of the City Council or the content clearly requires otherwise:

Animal Unit - A unit of measure used to compare the amount of manure produced by different types of animals to the amount produced by a slaughter steer or heifer.

Boathouse - A storage structure constructed outside of the control strip to store and protect a boat.

Cluster Mooring Facility - A fixed or floating pier for use as boat landing place or berth for more than one boat.

Cluster Mooring Facility (Private) - A fixed or floating pier located on land adjacent to the front footage of land owned by persons using the cluster facility such as a condominium.

Cluster Mooring Facility (Public) - A fixed or floating pier located on land adjacent to the front footage of land owned by the City of Kings Mountain and operated as a full-service marina.

Cove - A small sheltered arm of the lake usually fed by a small stream or wet weather drainage ditch.

Dredging/Excavation - Removal of soil below or above the 736.0 contour line.

Lake Commission - The Moss Lake Commission authorized by the Kings Mountain City Council in accordance with Ordinance 1991-33 of the Kings Mountain Code.

Marina - See Cluster Mooring Facility (Public).

Markers (Floating) - Navigational or warning signs installed with polystyrene floatation.

Markers (Stationary) - Navigational or warning signs installed at fixed elevations.

Mooring Facility - A fixed or floating pier for use as a boat landing place or berth.

Permit - Written request of approval for construction of structures on the control strip or beyond the shoreline.

Piers (Stationary) - See Mooring Facilities.

Piers (Floating) - See Mooring Facilities.

Ramp (Launching) - Ramp constructed to allow launching and removal of boats to the Lake.

Rip-Rap - Quarry run stone or field stone classified as either Class 1 or Class 2 and in conformance with Sections 868 and 1402 of the "Standard Specifications for Road and Structures" dated January 1, 1990, published by the North Carolina Department of Transportation.

Seawall (Gravity) - A wall built to retain the soil from eroding into the lake, where the weight of the structure prevents it from overturning.

Seawall (Cantilever) - A wall built to retain the soil from eroding into the lake, where the footing is designed to support the wall, and acts as a counterweight to prevent the wall from overturning.

Shoreline - Line where the land and water meet at elevation 736.0 feet MSL.

Structure (Floating) - Piers or mooring facilities constructed beyond the shoreline which rise and fall on the lake water level using polystyrene floatation.

Structure (Stationary) - Piers, mooring facilities, launching ramps, or seawall constructed on the control strip or beyond the shoreline.

Wastewater Treatment Facility - A plant constructed to receive and treat wastewater before discharging to the waters of the Lake in accordance with the North Carolina Division of Environmental Management.

Wetlands - Those areas that are inundated or saturated by surface or ground water at a frequency and durations sufficient to support a prevalence of vegetations typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Sec. 14-50. Applicability of state rules and regulations.

All ordinances, rules and regulations of the City Council made pursuant to this article shall be in accordance with the subject to the rules and regulations of the state.

Sec. 14.51. Motor vehicles.

(a) The operation and parking of off-road vehicles as set forth in subsection (b) of this section, is prohibited on roadways of the Moss Lake area at those locations and at times designated and marked by the posting of appropriate signs.

(b) The operation of off-road vehicles, including but not limited to motorcycles, minibikes, trail bikes, snowmobiles, dune buggies, all-terrain vehicles and other motor vehicles designed for or capable of cross-country travel on natural terrain when operated off the roadways of the Moss Lake area is prohibited except at locations and at times designated by the City Council.

(c) No person shall operate any motor vehicle including off-road vehicles in a careless, negligent, or reckless manner or as to endanger any person or property.

Sec. 14-52. Boats.

(a) It shall be a violation of these regulations to operate any boat for a fee or profit upon the water of Moss Lake unless such operation is authorized by lease, license or concession contract with the City Council.

(b) No boat shall be operated in prohibited areas of lake, reservoir, or other body of water. Such areas shall be designated by the City Council and marked by the posting of appropriate signs.

(c) No person shall operate any boat or manipulate any water skis, or other similar device in a careless, negligent, or reckless manner so as to endanger any person or property. While water skiing a person will wear an approved life jacket. **The operator and passenger of any personal watercraft or sail boards must wear an approved life jacket. Personal watercraft may not be operated without the lanyard-type engine cutoff switch attached to the body, clothing or personal floatation device.**

(d) No jetskis or similar device or craft shall be operated by a person under the age of sixteen (16). No machine-powered boat shall be operated by a person under the age of sixteen (16) unaccompanied by an adult in the boat.

(e) No person operating or responsible for the operation of a vessel shall permit it to enter any marked swimming area.

(f) No person shall operate any motorboat or vessel at greater than no-wake speed within fifty (50) yards of any boat launching area, dock, pier, marina, boat storage structure, boat service area, swimming area, or bank fishing area, which has been properly marked and approved by the executive director of the State Wildlife Resources Commission or the director's representative.

(g) The Kings Mountain Police Department is designated a suitable agency for placement and maintenance of markers implementing this rule.

Sec. 14-53. Structures.

(a) The construction of floating or stationary mooring facilities in the Moss Lake or on the shoreline property owned by the City is prohibited except on those area leased by the City for the development of marinas, launching ramps, camping facilities and related commercial facilities open to the public.

(b) Any other structure of any kind shall be subject to approval, plans and specifications, and fee as set by the City Council.

(c) All vessels when not in actual use shall be removed from the lake, reservoir, or other body of water unless securely moored at mooring facilities permitted by the City.

Sec. 14-54. Aircraft.

(a) The operation of aircraft on lands or waters other than at authorized landing areas designated by the City is prohibited. Such designated areas shall be marked by the posting of appropriate signs.

(b) Except in extreme emergencies involving the safety of human life or threat of serious property loss, the air delivery of any person or thing by parachute, helicopter, or other means without written permission of the City is prohibited.

(c) The provisions of this section shall not be applicable to aircraft engaged on official business of the federal government or used in emergency rescue in accordance with the directions of the City or forced to land due to circumstances beyond the control of the operator.

Sec. 14.55. Swimming.

(a) Swimming or skiing within two hundred (200) feet of any public launching area is prohibited.

(b) Boating or skiing within two hundred (200) feet of any roped-off public swimming area is prohibited.

(c) Diving from bridges, public or private, is prohibited.

(d) Swimming shall be permitted in private areas, subject to the following rules: The swimming area must not project out into lake any further than is allowed for piers; the swimming area must be buoyed with the coast guard approved buoys and well marked; the swimming areas must be adjacent to land leased.

(e) Swimming in other than an approved swimming area is prohibited.

Sec. 14. 56. Picnicking.

Picnicking is prohibited, except in those areas designated by the City.

Sec. 14.57. Camping.

The intent of these campground regulations is to give the public the opportunity for family oriented outdoor recreational opportunities in accordance with the purpose of the Land Water Conservation Fund (Parks and Recreation Trust Fund) grants.

(a) Camping is prohibited except in areas designated by the City. Such designated areas shall be marked by the posting of appropriate signs.

(b) Camping at a fee site without payment of designated fees and issuance of a permit is prohibited.

(c) The length of stay at all campgrounds shall be limited to thirty (30)

consecutive days. There shall be at a minimum at least forty-eight (48) hours consecutive during which the person, parties and equipment for which a camping permit was issued have vacated the campgrounds in any thirty-two (32) day period. Under no circumstances may a person, either individually or within a group have permits or reservations for more than thirty (30) days in any thirty-four (34) day period. Under no circumstances may a person, party or equipment occupy the campgrounds for more than 120 days in any 365-day period.

(d) Occupancy of any campsite for a period greater than fourteen (14) consecutive days prohibited.

(e) Camping equipment or other property left unattended at a campsite for the purpose of holding the site for future occupancy is prohibited.

(f) The digging or leveling of any ground or the construction of any facility without written permission of the City is prohibited.

(g) Camping equipment shall be completely removed and the sites cleaned before the departure of the campers.

(h) Violation of "Campground Rules" as approved by the City Manager or false statements on camping permit application forms shall be sufficient reason for immediate termination of camping permits and the immediate vacating of city property.

(i) Camping Fees shall be in accordance with the fee schedule adopted by the City of Kings Mountain.

Sec. 14.58. Hunting, fishing and trapping.

(a) Hunting and trapping are prohibited on the Moss Lake area.

(b) Fishing shall be allowed in Moss Lake in accordance with the rules and regulations of the State Wildlife Resources Commission and the City.

(c) Where feasible, fishing shall be permitted from private piers.

(d) Bank fishing is allowed in designated areas.

Sec. 14.59. Sanitation.

(a) Dumping or disposal in any manner of refuse, garbage, rubbish, trash, debris, or litter of any kind into the waters of or onto any land owned by the City is prohibited except at locations and in receptacles provided for such purposes.

(b) It shall be a violation to bring onto any Moss Lake area rubbish, trash, debris, or litter of any kind for dumping or in any other manner disposing of such refuse, garbage, rubbish, trash, debris, or litter of any kind into the waters of or onto any City-owned land.

Sec. 14.60. Fires.

(a) Gasoline and other fuels, except that which is contained in storage tanks of vehicles, vessels, camping equipment, or hand portable containers shall not be stored within the Moss Lake areas without written permission of the City Council.

(b) Fires shall be confined to fireplaces, grills, or other facilities designated for this purpose and shall in addition be confined to those areas designated by the City.

(c) The gathering of wood for use as fuel at campsites or picnic area is prohibited except for gathering of dead material on the ground.

Sec. 14.61. Control of horse, dogs, cats, and pets.

(a) No person shall bring or have horses in camping, picnic, swimming, beach, or other similar areas, or developed recreation areas.

(b) No person shall bring dogs, cats, or other pets into developed recreation areas unless penned, caged, on a leash not longer than six (6) feet in length, or otherwise under physical restrictive controls at all times.

Sec. 14.62. Restrictions; noise, emergencies, intoxicating beverages.

(a) The City may establish a reasonable schedule of visiting hours for

all or portions of a project area and close or restrict the public use of all or any portion of a project area by the posting of appropriate signs indicating the extend and scope of closure. All persons shall observe such posted restrictions.

(b) Quiet shall be maintained in all public use areas between the hours of 10:00 p.m. and 6:00 a.m. Excessive noise during such times, which unreasonably disturbs persons, is prohibited.

(c) The operations or use of any audio or other noise-producing device including but not limited to communications media and motorized equipment or vehicles in such a manner as to unreasonably annoy or endanger persons is prohibited.

(d) In an emergency or at any time deemed necessary, the Chief of Police or his authorized representative may close all or part of the lake property to the public.

(e) There shall be no public display or consumption of intoxicating beverages on lake property.

Sec. 14.63. Explosives, firearms, other weapons, and fireworks.

(a) The possession of loaded firearms, ammunitions, projectile, firing devices, bows and arrows, crossbows, and explosives of any kind is prohibited unless: (1) in the possession of a law enforcement officer or government officer or government employee on Official duty; or (2) written permission has been received from the Chief of Police.

(b) The possession or use of fireworks is prohibited unless written permission has been received from the Chief of Police.

Sec. 14.64. Public property.

Destruction, damage, defacement, or removal of public property including natural formations, historical and archeological features, and vegetative growth is prohibited without written permission of the City Council.

Sec. 14.65. Lost and found articles.

All lost articles shall be deposited by the finder at the park ranger's office or patrolman.

Sec. 14.66. Advertisements.

Advertising by the use of billboards, signs, markers, audio devices, or any other means is prohibited unless permission has been received from the City Council.

Sec. 14.67. Commercial activities.

The engaging or solicitation of business without the express written agreement of the City Council is prohibited.

Sec. 14.68. Compliance with terms of permits.

It shall be a violation of these regulations to refuse to comply with the terms or conditions of any permit issued by the City.

Sec. 14.69. Special events.

Special events such as water carnivals, boat regattas, music festivals, dramatic presentations, or other special recreation programs are prohibited unless a permit therefore has been issued by the City Council. The public shall not be charged any fee by the sponsor of such event unless the City Council has approved in writing the proposed schedule of fees as part of its permit issuance procedure.

Sec. 14.70. Boating permit.

No vessels shall be operated on Moss Lake without a valid permit issued by the City. Such permit must be displayed on the vessel on the starboard side before the state registration number.

Sec. 14.71. Cutting trees.

The cutting of trees or shrubs on the City-owned land surrounding the reservoir is prohibited unless a special use permit has been issued by the City Council.

Sec. 14.72. Shoreline alterations.

No alterations shall be made to the natural shoreline of the reservoir such as filling, grading, lagooning, dredging or constructing a retaining wall unless it is the opinion of the City Manager that the water of the reservoir is responsible for serious erosion of the bank and unless a special use permit is issued by the City for specific alterations.

Sec. 14.73. Shoreline use.

A permit issued by the City shall be required for private use of City-owned shoreline property by residents or owners of property adjacent to the same City-owned shoreline property. The regulations outlined above shall not be altered by the issuance of a permit for private use.

Sec. 14.74. Permit to construct.

All structures, including stationary and floating docks, launching ramps, and mooring facilities, which are proposed for construction either on or in the waters of Moss Lake, or upon or over the city's control strip of land, adjacent to the lake (generally between the 736.0' and 744.0' above mean sea level elevations), must be approved and inspected by the city's building inspector. Permit approval is required before construction can begin on structures or dredging. Application for such permits may be obtained either from the park ranger's office or the building inspector's office.

Structure permits shall be submitted with a complete set of plans, signed and sealed by the registered Engineer, Architect, or Landscape Architect, showing the proposed stationary pier, floating structure, launching ramp, cluster mooring facility or seawall. The plans shall show the relationship of the structure to the property lines, the projection of the property corners (see Figure 1) and the materials of construction. The permit fee for structures, shall be recommended by the Lake Commission and approved by resolution of the City Council.

Dredging permits shall be submitted with a complete set of plans showing all elevation changes and required erosion protection (i.e. rip-rap, seawall, or similar measures). Documentation must be submitted for any required permits from the U.S. Army Corps of Engineers, and the N.C. Department of Environment, Health, and Natural Resources, Division of Land Resources, Land Quality Section. The permit fee for dredging shall be recommended by the Lake Commission and approved by resolution of the City Council. A deposit shall be collected prior to issuance of a dredging permit, as required by Sec. 14.75 (a) of this Code.

Final approval of the construction of any structure (stationary or floating) shall require an as-built survey and certification of the registered Engineer, Architect, or Landscape Architect that the structure was built substantially in accordance with the approved plans. All approved structures, upon final inspection, shall have a permanent permit attached to the structure to indicate it is an approved structure. All existing structure deemed in compliance with the regulations contained in this Article, also shall have such permanent permit attached following an inspection by the building inspector or the park ranger. Thereafter, any structure not having a permanent permit attached shall be considered in violation of this Article.

The Moss Lake Commission shall have the authority to condemn piers, docks, and structures built on the lake or within the city's control strip. However, the Commission must afford the property owner a hearing before the Commission, and determine from the evidence represented whether repair or condemnation is required, giving the owner a reasonable time period to comply with the Commission's determination. All structures must be maintained properly by the owner(s). Any property owner whose structure is in disrepair, and following notification to repair by the building inspector shall fail to do so within the prescribed time, may have his lease agreement revoked by the Moss Lake Commission. The city may remove, or have removed, any such structure in disrepair which the owner refused to repair or remove within the required time, and bill the property owner for the costs of said removal.

(a) Limits of Projection

Stationary and floating pier structures may project into the Lake to a depth of ten feet below the normal water level. The maximum projection of any structure into the Lake shall be 60' as measured from the 736 contour line (normal pool). All projections shall normally be perpendicular to the shoreline and shall be within the confines of the lake front lot being served.

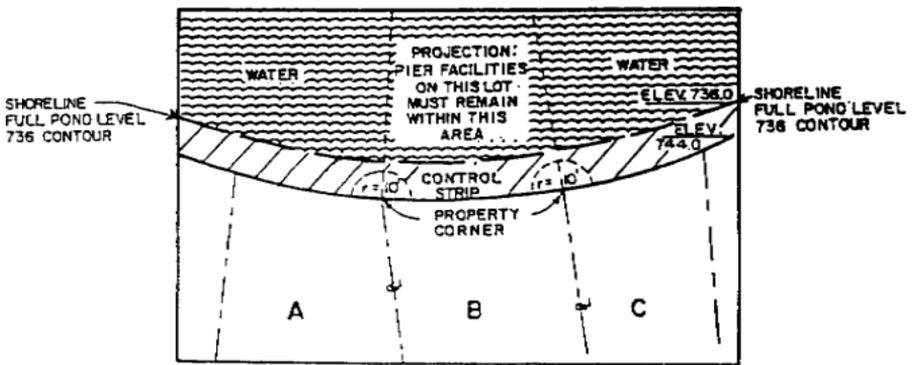


FIGURE 1

A projection may be established at each of the two property corners located at the control strip. Each projection should be perpendicular to a line connecting two points on the 744.0 contour line (control strip) where a ten foot radius from that property corner intersects that contour line as shown on Figure 1.

In cove areas, no structure shall project beyond the one-third point of the width of the cove, as measured from the shoreline at the point of proposed construction to the closest point on the opposite shore. The Lake Commission may grant variances to a property owner for unusual horizontal or vertical configurations of the shoreline in coves or peninsulas which may prevent a property owner fair access and use of the Lake. In such cases, the Lake Commission will make a recommendation to the City Council for the entire area affected. At least one-third of the waterway must be left unobstructed.

Where, due to existing non-conforming piers on nearby property or to unusual property configuration, a pier cannot be constructed as described above, the Lake Commission may grant a variance from this requirement. The Lake Commission shall insure that the proposed pier construction has no effect on existing facilities.

(b) Material Construction

Materials of construction for pilings shall include reinforced concrete, hot dipped galvanized steel, aluminum, or pressure treated wood. Materials of construction for decking shall include reinforced concrete, hot dipped galvanized steel, aluminum fiberglass, and treated wood. Floating structures shall be constructed of hot dipped galvanized steel and polystyrene floatation. Steel drums are prohibited. Anchorage for the floating structure shall be of galvanized steel cables secured to reinforced concrete anchorage or steel anchor piles in firm ground beyond the shoreline, or approved pilings with appropriate connections. The Building Inspector may approve new material or technologies (not listed above) manufactured or intended for a specific use such as piers, docks, floating decks, sea water, etc. if he determines that they will not negatively impact water quality.

All piers and docks shall have white reflectors located at least six inches above full pool elevation, on the furthest corner of the extension of the pier into the water, which reflects light parallel to the shoreline in each direction and directly across the Lake. White reflectors shall be placed on each side of the pier at intervals of 15' or less, beginning at its outermost extension into the water, and extending to the 736' contour of the shoreline.

(c) Stationary Piers

Stationary piers shall conform to Sections 14-74 (a) and (b). Stationary structures may be covered, but no siding or wall surfaces are permitted.

(d) Floating Structures

Floating structures including ramps or bridge sections used for access to the floating structure shall conform to Sections 14-74 (a) and (b). The ramp or bridge shall be designed to accommodate any rise or fall in water level.

(e) Boathouse.

Boathouses may be constructed on private property, outside the control

strip, for use by lake front property owners in accordance with the Cleveland County Zoning Ordinance of the Buffalo Creek Reservoir Area. The Lake Commission exercises no jurisdiction or control over the materials or design of boathouses, but recommends that materials for construction and design be compatible with the residence.

A permit shall be obtain for the launching ramp or tram rails which will facilitate the launching or withdrawing of the boat. The boat dolly or other launching mechanism shall be withdrawn from the water, after the boat is launched. The rail shall be galvanized steel pipe or rolled rail steel, and shall be securely anchored in concrete piers.

(f) Launching Ramps

Launching ramps shall be constructed of 3,000 psi minimum concrete with a minimum slab thickness of four inches. The ramp shall not be less than 12' wide with a 6" x 6" curb. The concrete ramp should begin approximately six feet from the shoreline and be sloped approximately 1" per foot to drain toward the lake. The ramp shall then be sloped along the lake floor approximately 1-1/2" to 1-3/4" per foot until a water depth of two feet is reached or approximately 14'. The ramp shall then slope approximately 2" per foot to a water depth of four feet or approximately 12'. Where more than one launching ramp is required at one side, they should be spaced approximately six feet apart separated by a four foot wide stationary pier.

(g) Cluster Mooring Facilities (Private)

Cluster facilities shall be installed where permitted by the Lake Commission, for use by and for the convenience of owners and residents of interior lots contained in residential subdivisions of land bordering on the Reservoir Area. Cluster facilities shall conform to the requirements contained herein for Stationary and Floating Structures. These facilities may extend beyond the ten foot depth and beyond the 60' projection from the existing 736.0 contour line which is specifically applicable to facilities constructed for use by the individual owner of a lake front lot provided that a minimum distance of 300 feet between the proposed projection and the opposite shore exists. The width of the cluster facility shall be kept within the confines of the lake frontage of the lot of land as described in Section 14-74. (a).

(h) Cluster Mooring Facilities (Public)

A public mooring facility is to be a full-service marina designed to serve the needs of the boater who is permitted the use of the Lake. It shall be designed, in conjunction with other lakeside recreational facilities to be located on property owned by the City of Kings Mountain. Materials of construction shall conform to Section 14.74 (b). Restrictions to positioning, projection limits and water depth are not applicable to this facility, but shall be determined by the City Council, following receipt of a recommendation from the Lake Commission.

Sec. 14.75. Shoreline Improvement.

Property owners are prohibited from increasing or decreasing the existing shoreline of the lake. Owners of property contiguous to the lake may make, at their own cost, shoreline improvements if approved by the Lake Commission. Plans for such improvements must be submitted to the building inspector, and shall include the following: existing site plan; new and proposed contours with profile showing existing and proposed improvements; and location and details of rip-rap and seawall. Said plans shall be reviewed by the building inspector for compliance with the article, and forwarded to the Lake Commission. In determining whether the improvements should be allowed, the Lake Commission shall weigh the applicant's need for shoreline improvement against the aesthetic appeal of an unhardended (natural) shoreline. It is the policy of the City to give preference to maintaining the natural shoreline whenever possible, while preserving the property of the contiguous property owner.

(a) Dredging

Boating access may be improved by removal of earth from the Lake bottom below elevation 736.0 feet MSL. The Lake Commission may require this new slope be rip-rapped from elevation 733.0 to elevation 739.0 to prevent erosion. No excavation is permitted to alter the existing 736.0 contour. The shoreline may be grade back from the 736.0 contour to the 744.0 elevation at a slope not steeper than 2:1 unless a retaining wall is allowed and constructed.

Earth removed from the Lake bottom shall be disposed of in an approved manner. Disposed material shall be stabilized, seeded, fertilized and mulched in a manner which will prevent erosion and silting of the lake or adjacent streams. No dredged material may be disposed of within the City's control strip.

Before excavating, the property owner must notify the North Carolina Department of Environment, Health, and Natural Resources, Division of Land Resources, Land Quality Section, Post Office Box 950, Mooresville, North Carolina 28115, phone (704) 663-1699 and the U.S. Army Corps of Engineers Regulatory Field Office, Room 75, Grove Arcade Building, 37 Battery Park Avenue, Asheville, North Carolina 28801, phone (704) 259-0857, in order to determine if any wetlands will be affected or permits required. Correspondence from the State and Corps must be submitted to the Lake Commission with the appropriate plans and Lake dredging application.

A deposit or performance bond equal to 100% of the contract price to perform said dredging will be required prior to the property owner initiating work. The deposit will be returned upon completion of the excavation, if work is in accordance with the permit and approved plans. If the property owner fails to complete the work proposed to the satisfaction of the Lake Commission or other approving agency, the Lake Commission shall seize the deposit or performance bond, and the city engineer is authorized to hire a contractor to complete the job according to the approved plans and all applicable permits.

(b) Rip-Rap.

Stone for rip-rap shall conform to NCDOT Class 1 or Class B for erosion control. The depth of any allowed rip-rap shall not be less than one foot and shall extend from elevation 733.0 to 739.0.

(c) Concrete

Any allowed concrete lining for shoreline protection shall consist of 3,000 psi minimum concrete not less than four inches in thickness, and shall extend from elevation 733.0 to 739.0. The bottom edge shall attach a toe-footing extending not less than one foot, vertically into the lake bottom and having a thickness of not less than six inches.

(d) Seawall.

A seawall, or retainer wall for erosion control, if permitted, must be constructed on the existing 736.0 contour. Earth fills below the 736.0 contour are prohibited.

A gravity type seawall shall be constructed of stone or mass concrete (3,000 psi minimum). Mortar used in seawall construction shall consist of 1 part portland cement, 1/4 part hydrated lime 3-3/4 parts sand (maximum) with no more water than necessary to make a workable mixture. The use of concrete building blocks is not permitted.

Cantilever sea walls shall be constructed of reinforced concrete or reinforced brick.

Properly designed steel or aluminum sheet piling systems are acceptable alternative construction materials.

Sec. 14-76. Wastewater Treatment and Fuel Storage Tanks.

(a) All Wastewater treatment facilities shall meet all requirements of the North Carolina Department of Environment, Health, and Natural Resources Divisions of Environmental Management. Plans of any wastewater treatment facility shall be submitted to the Building Inspector for review and submitted to and approved by the appropriate state and county agencies.

(b) Septic tanks and drainage fields shall be located a minimum of 100' from the existing 736.0 contour line of the Lake. Under no circumstances shall any treatment facility, or any part of a treatment facility be located in the City of Kings Mountain control strip.

(c) In order to insure the integrity of the water quality in the John H. Moss Reservoir, all property owners with existing fuel tanks are prohibited from dispensing gasoline or oil across the City of Kings Mountain control strip, via hose, pipe, or other devices, because of the potential for a major accidental spill. Gasoline or oil must be carried across the control strip in approved container of six gallons or less.

(d) Any tank larger than 1,100 gallons must meet the requirement of NCAC 15A-2N. Fuel storage tanks, under or above the ground, are not allowed on the City's control strip, or on any structure built over the Lake.

(e) The Lake Commission shall inventory all existing tanks, and advise owners of their responsibility to protect the water quality of the Lake.

Sec. 14-77. Miscellaneous Provisions.

(a) The North Carolina Environment Management Commission (EMC) has adopted watershed protection classifications and management criteria for the entire state. John H. Moss Lake has received a classification of WS III. Since Cleveland County has jurisdiction in the Lake watershed, the County is required to adopt and enforce ordinances that will meet or exceed the requirements of this Act. The ordinance will limit density of development, control storm water runoff, establish a buffer around the water supply reservoirs, and maintain an inventory of hazardous materials in the watershed. The EMC has established water quality standards to protect WS III classified waters. To meet these standards, no trees, stumps, brush, or other vegetative matter shall be allowed in the lake. If concentrations in the Lake exceed these limits, the City of Kings Mountain shall immediately investigate and eliminate its sources.

(b) Any lake front property owner may apply for permission to withdraw water from the lake for irrigation of lake front property only. The permit expires annually on June 30. The Lake Commission reserves the right to cancel the property owners permit at any time. There shall be no extension of the irrigation line beyond the property of the permittee and there shall be no resale of any lake water by the permittee. The installation and maintenance of the pump and suction line is the responsibility of the property owner. Neither the City Council nor the Lake Commission will be responsible for the Lake level dropping below the pump suction and causing damage to the property owner's equipment. All irrigation pumps shall have a backflow preventer or a double check valve assemble, and shall be inspected for such by the city prior to the initial permit and each subsequent annual renewal.

(c) No livestock or other animals raised commercially may be allowed access to the city's control strip or the lake.

(d) All markers, location, and installation shall be reviewed and approved by the park ranger. The Federal-Uniform Marking System adopted by national boating organizations for use in both ocean and inland waters shall be followed. Markers shall be mounted on polystyrene floatation and anchored with a galvanized steel cable attached to concrete weight. Stationary markers shall be mounted on galvanized steel posts driven firmly into the Lake bottom.

(e) The regulations set out in this Chapter are supplemental to, and do not in any way negate or void any other applicable statute, ordinance, rule or regulation of the federal, state or county governments, or any agencies thereof.

Sec. 14.79. Violations of rules and regulations.

Violation of any provision of this chapter shall be enforced by the park ranger or any other sworn law enforcement officer through the use of either criminal or civil enforcement procedures, or both, as provided in Sec. 1-8 of this Code. Those procedures shall include the power to arrest for such violations. Persons other than sworn law enforcement officers, who have been designated by the City, are authorized to enforce any provision of this chapter by the use of civil penalties, or the seeking of an equitable remedy, injunctive relief, or an order of abatement issued from a court of competent jurisdiction, or any combination of such enforcement procedures as prevailing law may allow, all as provided in Sec. 1-8 of the Code.

DIVISION 3. USAGE OF RAW WATER

Sec. 14-80. Permit - Required.

Any person who shall engage in the taking or usage of raw water impounded with Moss Lake shall first obtain a permit therefore.

Sec. 14.81. Same - Application.

An application for a permit to engage in the usage or taking of raw water from Moss Lake shall be made to the City Council.

Sec. 14.82. Same - Conditions for issuance.

A permit shall be issued for the taking or usage of raw water from Moss Lake upon compliance with any and all rules and regulations governing the same, if it shall appear that the use or taking shall not pose any hazardous, unhealthful, improper or unsanitary condition to Moss Lake or such water impounded therein. The fee for such usage shall be set by the City Council.

Sec. 14.83. Violations; termination of permit.

Violation of these regulations or the failure to comply with the terms or conditions of any permit issued, shall cause an immediate termination of any permit issued.

SECTION 2. That all ordinances, resolutions, motions, written or oral policies in conflict herewith are hereby repealed by this ordinance to the extent of such conflict.

SECTION 3. That this ordinance shall be, and remain in full force and effect from and after the date of its adoption.

Sec. 1-8. General penalty; enforcement of ordinances; continuing violations.

(a) Unless otherwise specifically provided, violation of any provision of this Code or any other ordinance shall be a misdemeanor or an infraction as the case may be, provided by section 14-4 of the General statutes of North Carolina, and punishable as provided therein.

(b) Violation of any provision of this Code or any other ordinance shall subject the offender to the civil penalty to be recovered by the City in a civil action in the nature of debt if the offender does not pay the penalty within a reasonable period of time prescribed by an administrative officer of the City after such offender has been cited for such violation.

(c) Any provision of this Code or any ordinance may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction. In such case, the General Court of Justice shall have jurisdiction to issue such orders as may be appropriate, and it shall not be a defense to the application of the City for equitable relief that there is an adequate remedy at law.

(d) Any provision of this Code or any other ordinance that makes unlawful a condition existing upon or use made of real property may be enforced by injunction and order of abatement, and the General Court of Justice shall have jurisdiction to issue such orders. When a violation of such a provision occurs, the City may apply to the appropriate division of the General Court of Justice for a mandatory or prohibitory injunction and order of abatement commanding the defendant to correct the unlawful condition upon or cease the unlawful use of the property. The action shall be governed in all respects by the laws and rules governing civil proceedings, including the Rules of Civil Procedure in general and Rule 65 in particular. In addition to an injunction, the court may enter an order of abatement as a part of the judgement in the cause. An order of abatement may direct that buildings or other structures on the property be closed, demolished or removed; that fixtures, furniture or other movable property be removed from building on the property; that grass and weeds be cut; that improvements or repairs be made; or that any other action be taken that is necessary to bring the property into compliance with this Code or such ordinance. If the defendant within the time allowed by the court, such defendant may be cited for contempt, and the City may execute the order of abatement. The City shall have a lien on the property for the cost of executing an order of abatement in the nature of a mechanic's and materialman's lien. The defendant may secure cancellation of an order of abatement by paying all costs of the proceedings and posting a bond for compliance with the order. The bond shall be given with sureties approved by the clerk of Superior Court in an amount approved by the judge before whom the matter is heard and shall be conditioned on the defendant's full compliance with the terms of the order of abatement within a time fixed by the judge. Cancellation of an order of abatement shall not suspend or cancel an injunction issued in conjunction therewith.

(e) The provisions of this Code and any other ordinance may be enforced by any one (1), all or a combination of the remedies authorized and prescribed by this section.

(f) Except as otherwise specifically provided, each day's continuing violation of any provision of this Code or any other ordinance shall be a separate and distinct offense.

State law references - Authority, G.S. 160A-175; abatement of health nuisances, G.S. 160A-193.

**ORDINANCE AMENDING THE MUNICIPAL CODE
OF THE CITY OF KINGS MOUNTAIN, NORTH CAROLINA**

THAT WHEREAS, The Municipal Code of the City of Kings Mountain, North Carolina does have a Commission which is known as and has been formed as the "Moss Lake Commission";

THAT WHEREAS FURTHER, the "Moss Lake Commission" has been delegated certain authority and duties to be performed by members of that Commission;

THAT WHEREAS FURTHER, the establishment of "Moss Lake Commission" is as set out in "Chapter 14, Article III. Moss Reservoir Area, Division 1. Generally." That more particularly the Commission was established and its duties and powers are set out in Section 14-40, et seq;

THAT THE CITY COUNCIL is authorized and granted certain authority and powers pursuant to Chapter 160A of the General Statutes for North Carolina for the establishment of certain Commissions as it may deem fit, and further to adopt and amend the Ordinances of the City of Kings Mountain, North Carolina, as from time to time may be deemed appropriate.

THAT WHEREAS FURTHER, it is now desired by the City Council for the City of Kings Mountain, North Carolina, to dissolve the "Moss Lake Commission", and further to amend the Code of Ordinances for the City of Kings Mountain, which are those Ordinances which set out such authorities, duties and powers as have been delegated to the "Moss Lake Commission" and further which it has been performing;

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED by the City of Kings Mountain, North Carolina, assembled, this the 10th day of December, 1996, as follows:

That Chapter 14, Article III, Sections 14-40, 14-42, 14-43 and 14-44, are hereby amended as follows:

That the "Moss Lake Commission" is hereby dissolved and abolished.

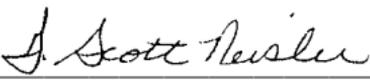
That such duties and powers as previously exercised by the "Moss Lake Commission" pursuant to Section 14-40, et seq, shall now be performed and carried out by the City Manager, as a part of the managerial duties of that position.

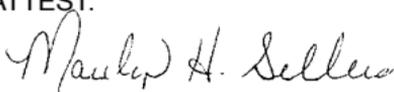
Any Ordinance, Resolution, Motion or Provisions or an Chapter of the City Code of Ordinances for the City of Kings Mountain, North Carolina, which is in conflict with the Provision of this Ordinance, is hereby repealed, to the extent of such conflict.

That this Ordinance shall take full force and effect from its date of adoption.

PASSED AND ADOPTED, this the 10th day of December, 1996.

CITY OF KINGS MOUNTAIN, NORTH CAROLINA

BY: 
G. SCOTT NEISLER, Mayor

ATTEST:

MARILYN H. SELLERS, City Clerk

(Municipal Seal)

**ORDINANCE RE-ESTABLISHING
THE JOHN H. MOSS RESERVOIR COMMISSION**

THAT WHEREAS, the City of Kings Mountain, North Carolina has previously abolished the "Moss Lake Commission", which was an amending of ARTICLE III. MOSS RESERVOIR AREA DIVISION I. GENERALLY;

THAT WHEREAS FURTHER, it is now desired by the City Council for the City of Kings Mountain to re-establish such Commission; and,

THAT WHEREAS FURTHER, the "Moss Lake Commission" was previously a body which was established pursuant to Section 14-40 of the aforementioned ARTICLE III, with further responsibilities and duties being performed by that body pursuant to ARTICLE III. Section 14-41; Section 14-42; Section 14-43; and Section 14-44 of the Code of Ordinances for the City of Kings Mountain, North Carolina;

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED by the City of Kings Mountain, North Carolina, assembled in Regular Session this the 29th day of July, 1997, as follows:

ARTICLE III. MOSS RESERVOIR AREA DIVISION 1. GENERALLY.

Section 14-40. JOHN H. MOSS RESERVOIR COMMISSION - Established; Members; Meetings; Duties and Powers

The John H. Moss Reservoir Commission is hereby re-established, with such responsibilities and powers as are hereinafter set out. The John H. Moss Reservoir Commission shall be an Advisory Committee to the City Council.

The Commission shall consist of seven (7) members. Five (5) of those members shall be members as designated and appointed by the City Council, and shall be residents of the City of Kings Mountain, and may not be members of the City Council nor employees of the City of Kings Mountain. The remaining two (2) members of the Commission shall be designated and appointed by the "Moss Lake Property Owners Association". That is no designation and appointment has been made by the "Moss Lake Property Owners Association" within sixty (60) days from the date of the adoption of this Ordinance, then the City Council may itself then designate and appoint Moss Lake residents, as the members to fill those seats. The terms of office shall be for a period of one (1) year. That the terms of office of the initial members of the Commission after this re-establishment shall expire on June 30, 1998. That thereafter, all members of the Commission shall serve one (1) year terms with those terms expiring on the 30th day of June of the next year after such appointment. If there shall be a vacancy which shall occur during a term of membership for any reason, then if a vacancy shall occur in a member that was appointed by City Council, then City Council may fill that vacancy to complete the remainder of the unexpired term. That if a vacancy might occur as to one is appointed by the "Moss Lake Property Owners Association", then the "Moss Lake Property Owners Association" may appoint a member to complete the unexpired term; however, if a seat shall remain vacant for a period of sixty (60) days, then the City Council may fill such vacancy by appointment of a Moss Lake resident.

That subsequent to the appointments to the Commission, the Mayor shall cause the first meeting of the Commission to be scheduled. That at the first meeting to be conducted by the Commission after the adoption of this Ordinance, the Commission shall elect a Chairman, a Vice Chairman and a Secretary. The Chairman and the Vice Chairman shall be members of the Commission; but the Secretary may be either a member of the Commission or an employee of the City of Kings Mountain. These officers shall perform the duties usually performed by such officers. That at all times after the first meeting subsequent to the appointment as set out above, the election of the aforementioned officers shall occur.

The Commission shall adopt rules for the transaction of its business and shall keep records of its members in attendance and further as to any discussions and recommendations made by it. That all records of such meetings shall be public record. The Commission shall further hold at least one (1) meeting monthly, with its meetings being open to the public. That if it is determined by the Chairman that there is insufficient business to be acted upon, then he may delay the meeting for one (1) month. For all business which may be conducted by the Commission, such shall require a quorum to be present for the conduct of such business. The Commission shall forward to the City Council and the City Manager, copies of the minutes of each of its meetings within seven (7) days subsequent to the date of its meetings.

The Commission shall prepare, recommend and submit a proposed annual budget and a Moss Lake user fee schedule to the City Manager for the operation of and use for the John H. Moss Reservoir and the adjoining Moss Lake Area. That further, the Commission may recommend to the City Council, proposed policies which will promote the development of the Moss Lake Area and bodies of water, and further for the regulation and control of use of the John H. Moss Reservoir and adjoining area. That further, the Commission shall conduct business as is referred to it by the City Council or its designee. That after such business or matters have been referred to the Commission by the City Council and such study or consideration has been given by the Commission, then the Commission shall make recommendations to the City Council for possible action to be taken.

That this Ordinance shall be and remain in full force and effect from and after the date of its adoption.

ADOPTED, this the 29th day of July, 1997.

CITY OF KINGS MOUNTAIN, NORTH CAROLINA

BY: 
G. SCOTT NEISLER, Mayor

ATTEST:


MARILYN H. SELLERS, City Clerk

(Municipal Seal)

CERTIFICATION OF ORDINANCE #93-07

Upon motion by Councilmember Jim Guyton, Seconded by Councilmember Elvin Greene, the attached Ordinance Amending the Municipal Code of the City of Kings Mountain, North Carolina Regarding the Operation of Motorized Boats and Jet Skis was adopted at a Regular City Council Meeting on March 30th, 1993 by the following votes:

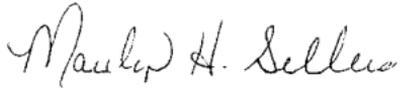
- Ayes: 1) Al Moretz
 2) Phillip Hager
 3) Jim Guyton
 4) Norma Bridges
 5) Elvin Greene
 6) Jerry White

Noes: None

Absent: Councilmember Fred Finger

I Marilyn H. Sellers, City Clerk of the City of Kings Mountain, North Carolina, DO HEREBY CERTIFY that the attached Ordinance is a true and complete copy of said Ordinance.

WITNESS my hand and the official seal of said City, this 19th day of June, 1998.



Marilyn H. Sellers, City Clerk

(SEAL)

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF KINGS MOUNTAIN, NORTH CAROLINA REGARDING THE OPERATION OF MOTORIZED BOATS AND JET SKIS.

THAT WHEREAS, the City of Kings Mountain owns the Moss Lake Reservoir, which is both the city's drinking water supply and a major recreational resource; and

WHEREAS, the City Council previously adopted an amendment to the Municipal Code on November 26, 1991 dealing with boating safety on the lake; and

WHEREAS, the Moss Lake Commission has recommended that the age for operation of jetskis and similar devices, and motorized boats without an adult in the boat, be changed from twelve (12) to sixteen (16);

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED by the City Council of the City of Kings Mountain, North Carolina in Regular Session assembled this 30th day of March, 1993 as follows:

SECTION 1. That Section 14-52 (d) of the Municipal Code of the City of Kings Mountain, North Carolina is hereby amended to read as follows:

"Section 14.52 (d) No jetskis or similar device or craft shall be operated by a person under the age of sixteen (16). No machine-powered boat shall be operated by a person under the age of sixteen (16) unaccompanied by an adult in the boat."

SECTION 2. That this ordinance shall be, and remain in full force and effect from and after the date of its adoption.

Passed and adopted this 30th day of March, 1993.

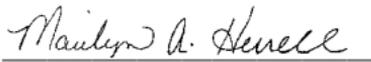
THE CITY OF KINGS MOUNTAIN, NORTH CAROLINA

BY: 

G. SCOTT NEISLER, Mayor

(Municipal Seal)

ATTEST:



MARILYN A. Herrell, City Clerk

Approved as To Form:

Clayward C. Corry, Jr. City Attorney

CERTIFICATION OF ORDINANCE #96-01

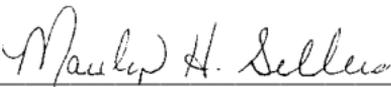
Upon motion by Councilmember Phillip Hager, Seconded by Councilmember Ralph Grindstaff, the attached Ordinance Amending the Code of Ordinance of the City of Kings Mountain, (Chapter 14, Article III, Division 2, Section 14-74 Permit to Construct Para. (b) Material Construction was adopted at a Regular City Council Meeting on April 30th, 1996 by the following votes:

- Ayes: 1) Dean Spears
- 2) Rick Murphrey
- 3) Jerry Mullinax
- 4) Phillip Hager
- 5) Ralph Grindstaff
- 6) Jerry White
- 7) Norma Bridges

Noes: None

I Marilyn H. Sellers, City Clerk of the City of Kings Mountain, North Carolina, DO HEREBY CERTIFY that the attached Ordinance is a true and complete copy of said Ordinance.

WITNESS my hand and the official seal of said City, this 19th day of June, 1998.



 Marilyn H. Sellers, City Clerk

(SEAL)

ORDINANCE AMENDING THE CODE OF ORDINANCE OF THE CITY OF KINGS MOUNTAIN

(Chapter 14, Article III, Division 2, Section 14-74
Permit to Construct Para. (b) Material Construction)

WHEREAS, the City of Kings Mountain has previously adopted a Code of Ordinance which does provide for the regulation of activities on City owned property surrounding the water of Moss Lake; and,

THAT WHEREAS, the Moss Lake Commission of The City of Kings Mountain has recommended an amendment to the Code of Ordinance, and more particularly that which does regulate the construction of piers, docks, sea walls, etc. on City owned shoreline property by residents or owners adjacent to the same City owned shoreline such being as presently shown in Sec. 14-74 Para. (b) Material Construction of The Code of Ordinance; and,

THAT WHEREAS FURTHER, The City Council of The City of Kings Mountain, North Carolina has conducted a public hearing this date, at which time all interested citizens, residents and property owners who might be effected, could be heard on whether they approved or disapproved of any proposed change or amendment;

NOW THEREFORE, BE IT ORDAINED and established by The City Council of Kings Mountain, North Carolina, assemble in regular session this the 30th Day of April, 1996, as follows:

That Section 14-74, Permit to Construct Para (b) Material Construction shall hereby be amended, to read, as follows:

Materials of construction for pilings shall include reinforced concrete, hot dipped galvanized steel, aluminum, or pressure treated wood. Materials of construction for decking shall include reinforced concrete, hot dipped galvanized steel, aluminum fiberglass, and treated wood. Floating structures shall be constructed of hot dipped galvanized steel and polystyrene floatation. Steel drums are prohibited. Anchorage for the floating structure shall be of galvanized steel cables secured to reinforced concrete anchorage or steel anchor piles in firm ground beyond the shoreline, or approved pilings with appropriate connections. The Building Inspector may approve new material or technologies (not listed above) manufactured or intended for a specific use such as piers, docks, floating decks, sea water, etc. if he determines that they will not negatively impact water quality.

All piers and docks shall have white reflectors located at least six inches above full pool elevation, on the furthest corner of the extension of

the pier into the water, which reflects light parallel to the shoreline in each direction and directly across the Lake. White reflectors shall be placed on each side of the pier at intervals of 15' or less, beginning at its outermost extension into the water, and extending to the 736' contour of the shoreline.

That this amendment to the Ordinance shall become effective from and after the date of its adoption.

ADOPTED, this the 30th day of April, 1996

THE CITY OF KINGS MOUNTAIN, NORTH CAROLINA

BY: G. Scott Neisler
G. SCOTT NEISLER, Mayor

(Municipal Seal)

ATTEST:

Marilyn H. Sellers
MARILYN H. Sellers, City Clerk

Approved as To Form:

Clayward C. Corry, Jr. City Attorney

CERTIFICATION OF ORDINANCE #05-13

Upon Motion by Councilmember Brenda Ross, Seconded by Councilmember Houston Cornn, the attached Ordinance Amending the Code of Ordinance of the City of Kings Mountain, (Chapter 14, Article III, Division 2, Section 14.57 Camping. was adopted at a Regular City Council Meeting on June 28th, 2005 by the following votes:

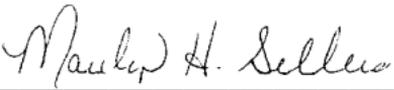
- Ayes: 1) Howard Shipp
- 2) Carl DeVane
- 3) Kay Hambright
- 4) Brenda Ross
- 5) Rick Moore
- 6) Houston Corn
- 7) Jerry Mullinax

Noes: None

Absent: None

I Marilyn H. Sellers, City Clerk of the City of Kings Mountain, North Carolina, DO HEREBY CERTIFY that the attached Ordinance is a true and complete copy of said Ordinance.

WITNESS my hand and the official seal of said City, this 22nd day of July 2005.



 Marilyn H. Sellers, City Clerk

(SEAL)

ORDINANCE AMENDING THE CODE OF ORDINANCE OF THE CITY OF KINGS MOUNTAIN

(Chapter 14, Article III, Division 2, Section 14.57 Camping)

WHEREAS, The City of Kings Mountain has previously adopted a Code of Ordinance which does provide for the regulation of activities on City owned property surrounding the water of Moss Lake; and,

THAT WHEREAS, the Moss Lake Commission of The City of Kings Mountain has recommended an amendment to the Code of Ordinance, and more particularly that which does regulate the use of city property for outdoor recreational uses including camping as presently shown in Section 14.57 Camping; and,

THAT WHEREAS FURTHER, the City Council of The City of Kings Mountain, North Carolina has conducted a public hearing this date, at which time all interested citizens, residents and property owners who might be effected, could be heard on whether they approved or disapproved of any proposed change or amendment;

NOW THEREFORE, BE IT ORDAINED and established by the City Council of Kings Mountain, North Carolina, assembled in regular session this the 28th day of June, 2005, as follows:

That Section 14.57, Camping, shall hereby be amended to read as follows:

Section 14.57 - CAMPING

The intent of these campground regulations is to give the public the opportunity for family oriented outdoor recreational opportunities in accordance with the purpose of the Land Water Conservation Fund (Parks and Recreation Trust Fund) grants.

- (a) Camping is prohibited except in areas designated by the City. Such designated areas shall be marked by the posting of appropriate signs.

(b) Camping at a fee site without payment of designated fees and issuance of a permit is prohibited.

(c) The length of stay at all campgrounds shall be limited to thirty (30) consecutive days. There shall be at a minimum at least forty-eight (48) hours consecutive during which the person, parties and equipment for which a camping permit was issued have vacated the campgrounds in any thirty-two (32) day period. Under no circumstances may a person, either individually or within a group have permits or reservations for more than thirty (30) days in any thirty-four (34) day period. Under no circumstances may a person, party or equipment occupy the campgrounds for more than 120 days in any 365-day period.

(d) Occupancy of any campsite for a period greater than fourteen (14) consecutive days prohibited.

(e) Camping equipment or other property left unattended at a campsite for the purpose of holding the site for future occupancy is prohibited.

(f) The digging or leveling of any ground or the construction of any facility without written permission of the City is prohibited.

(g) Camping equipment shall be completely removed and the sites cleaned before the departure of the campers.

(h) Violation of "Campground Rules" as approved by the City Manager or false statements on camping permit application forms shall be sufficient reason for immediate termination of camping permits and the immediate vacating of city property.

(i) Camping Fees shall be in accordance with the fee schedule adopted by the City of Kings Mountain.

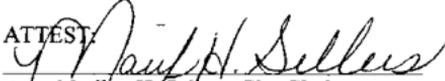
That this amendment to the Ordinance shall become effective from and after the date of its adoption.

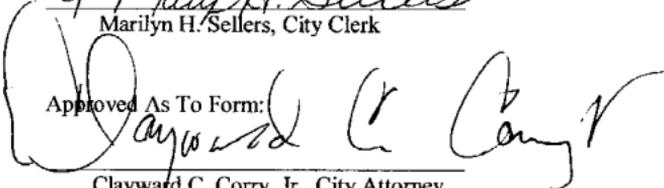
ADOPTED, this the 28th day of June, 2005

CITY OF KINGS MOUNTAIN, NORTH CAROLINA

By: 
Edgar O. Murphrey, Jr., Mayor

(Municipal Seal)

ATTEST: 
Marilyn H. Sellers, City Clerk

Approved As To Form: 
Clayward C. Corry, Jr., City Attorney

**ORDINANCE 09-26
RE-ESTABLISHING
THE JOHN H. MOSS RESERVOIR COMMISSION**

THAT WHEREAS, the City of Kings Mountain, North Carolina has previously abolished the "Moss Lake Commission", which was an amending of ARTICLE III. MOSS RESERVOIR AREA DIVISION I. GENERALLY;

THAT WHEREAS FURTHER, it is now desired by the City Council for the City of Kings Mountain to re-establish such Commission; and,

THAT WHEREAS FURTHER, the "Moss Lake Commission" was previously a body which was established pursuant to Section 14-40 of the aforementioned ARTICLE III, with further responsibilities and duties being performed by that body pursuant to ARTICLE III, Section 14-41; Section 14-42; Section 14-43; and Section 14-44 of the Code of Ordinances for the City of Kings Mountain, North Carolina;

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED, by the City of Kings Mountain, North Carolina, assembled in Regular Session this the 29th day of September, 2009,as follows:

ARTICLE III. MOSS RESERVOIR AREA DIVISION 1. GENERALLY.

**Section 14-40. JOHN H MOSS RESERVOIR COMMISSION –
Established; Members; Meeting; Duties and Powers**

The John H. Moss Reservoir Commission is hereby re-established, with such responsibilities and powers as are hereinafter set out. The John H. Moss Reservoir Commission shall be an Advisory Committee to the Planning Department/Reservoir Department.

The Commission shall consist of seven (7) members. Five (5) of those members shall be members as designated and appointed by the City Council, and shall be residents of the City of Kings Mountain, and may not be members of the City Council of the City of Kings Mountain. The remaining two (2) members of the Commission shall be designated and appointed by the "Moss Lake Property Owners Association". That if no designation and appointment has been made by the "Moss Lake Property Owners Association" within sixty (60) days from the date of the adoption of this Ordinance, then the City Council may itself then designate and appoint Moss Reservoir residents, as the members to fill those seats. The terms of office shall be for a period of one (1) year. That the terms of office of the initial members of the Commission after this re-establishment shall expire on June 30, 1998. That thereafter, all members of the Commission shall serve one (1) year terms with those terms expiring on the 30th day of June of the next year after such appointment. If there shall be a vacancy which shall occur during a term of membership for any reason, then if a vacancy shall occur in a member that was appointed by City Council, then City Council may fill that vacancy to complete the remainder of the unexpired term. That if a vacancy might occur as to one appointed by the "Moss Lake Property Owners Association", then the "Moss Lake Property Owners Association" may appoint a member to complete the unexpired term; however, if a seat shall remain vacant for a period of sixty (60) days, then the City Council may fill such vacancy by appointment of a Moss Reservoir resident. The City shall acknowledge the appointment and terms of the Commission members. Commission members may serve two consecutive terms and may be reappointed after not serving for a minimum of one (1) year.

That subsequent to the appointments to the Commission, the Planning Director shall cause the first meeting of the Commission to be scheduled. That at the first meeting to be conducted by the Commission after the adoption of this Ordinance, the Commission shall elect a Chairman and a Vice Chairman. The Chairman shall appoint a Secretary who will

facilitate the meetings. The Chairman and the Vice Chairman shall be members of the Commission; but the Secretary shall be either a member of the Commission or an employee of the City of Kings Mountain Planning Department.

The Commission shall adopt rules for the transaction of its business and shall keep records of its members in attendance and further as to any discussions and recommendations made by it. That all records of such meetings shall be public records. The Commission shall further hold at least one (1) meeting quarterly, with its meeting being open to the public. That if it is determined by the Chairman that there is insufficient business to be acted upon, then he may delay the meeting for one (1) month. For all business which may be conducted by the Commission, such shall require a quorum of four members to be present for the conduct of such business.

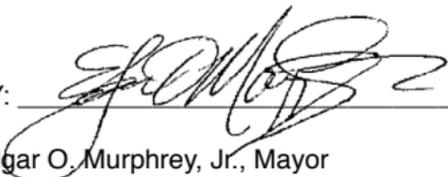
The Commission shall forward to the Planning Director copies of the minutes of each of its meetings within seven (7) days subsequent to the date of its meetings.

The Commission shall prepare, recommend and submit a proposed annual budget and a Moss Reservoir user fee schedule to the Planning Director for the operation of and use for the John H. Moss Reservoir and the adjoining Moss Reservoir Area. That further, the Commission may recommend to the Planning Director, proposed policies which will promote the development of the Moss Reservoir Area and bodies of water, and further for the regulation and control of use of the John H. Moss Reservoir and adjoining area. That further, the Commission shall conduct business as is referred to it by the Planning Director and after such study or consideration has been given by the Commission, then the Commission shall make recommendations to the Planning Director for possible action to be taken.

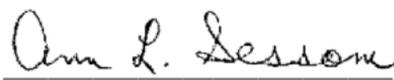
That this Ordinance shall be and remain in full force and effect from and after the date of its adoption.

ADOPTED, this the 29th day of September, 2009.

City of Kings Mountain, North Carolina

BY: 
Edgar O. Murphrey, Jr., Mayor

ATTEST:


Ann L. Sessom, City Clerk

OrdMLCRevisedAug2009



ORDINANCE – 14-01
AMENDING THE CODE OF ORDINANCE
OF THE CITY OF KINGS MOUNTAIN

**Chapter 14, Article III, Division 2, Section 14-74
Permit to Construct Paragraph 5**

(i) Other Structures

**Chapter 14, Article III, Division 2 Section 14-75
(d) Seawall**

WHEREAS, the City of Kings Mountain has previously adopted a Code of Ordinance which does provide for the regulation of activities on City owned property surrounding the water of Moss Lake; and,

THAT WHEREAS, the Moss Lake Commission of the City of Kings Mountain has recommended an amendment to the Code of Ordinance, and more particularly that which does regulate the construction of piers, docks, sea walls, etc. on City owned shoreline such being as presently shown in Section 14.74 and Section 14.75.

THAT WHEREAS FURTHER, the City Council of the City of Kings Mountain, North Carolina has conducted a public hearing this date, at which time all interested citizens, residents and property owners who might be effected, could be heard on whether they approved or disapproved of any proposed change or amendment.

NOW THEREFORE, BE IT ORDAINED and established by the City Council of Kings Mountain, North Carolina, assemble in regular session this the 25th day of February, 2014, as follows:

The Section 14-74, Permit to Construct Paragraph 5 shall hereby be amended to read as follows:

The City Manager or the City Manager's designee shall have the authority to condemn piers, docks, and any other structures built on the lake or within the city's control strip. However, the City Manager or the City Manager's designee must afford the property owner a hearing before the City Manager or the City Manager's designee and determine from the evidence presented whether repair or condemnation is required, giving the owner a reasonable time period to comply with the City Manager or the City Manager's designee's determination.

All structures must be maintained properly by the owner(s). A property whose structure is in disrepair, and following notification to repair by the building inspector shall fail to do so within the prescribed time, may have his lease agreement revoked by the City Manager or the City Manager's designee. The city may remove, or have removed, any such structure in disrepair which the owner refused to repair or remove within the required time, and bill the property owner for the cost of said removal. All structures and improvements shall be subject to periodic inspections for the purpose of determining conformance with the ordinance and with this section. To that end the lease shall allow access into a structure and make all engineering and architectural drawings available to the lessor.

(i) Other Structures

In accordance with this section no other structures may be installed on the control strip. It is the spirit and intent of this ordinance to provide and preserve for safety, protection of the watershed, protection of the reservoir, and enjoyment of a lake setting. For example no gazebos, picnic shelters and pergolas are allowed. Structures for storage purposes such as "yard barns" and garages are not allowed. Other structures that are not transitory in nature such as, swimming pools, hot tubs, house additions, and saunas are not allowed.

Section 14.75

DELETE

(d) Seawalls

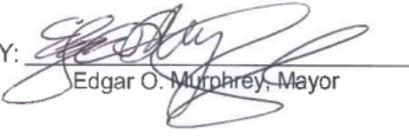
~~Cantilever sea walls shall be constructed of reinforce concrete or reinforced brick.~~

That this amendment to the Ordinance shall become effective from and after the date of its adoption.

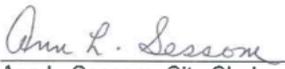
ADOPTED, this the 25th day of February, 2014

THE CITY OF KINGS MOUNTAIN, NORTH CAROLINA

BY:


Edgar O. Murphrey, Mayor

ATTEST:


Ann L. Sessom, City Clerk

MLordamend22514



ORDINANCE 15-06
AMENDING THE CODE OF ORDINANCE
OF THE CITY OF KINGS MOUNTAIN

Article III. Moss Reservoir Area – Division 2. Rules and Regulations
Section 14.70 Boating Permit and Section 14.71 Cutting Trees

WHEREAS, the City of Kings Mountain has previously adopted a Code of Ordinance which does provide for the regulation of activities on City owned property surrounding the water of Moss Lake; and,

THAT WHEREAS, the Moss Lake Commission of the City of Kings Mountain has recommended an amendment to the Code of Ordinance, and more particularly that which does regulate the construction of piers, docks, sea walls, etc. on City owned shoreline such being as presently shown in Section 14.74 and Section 14.75.

THAT WHEREAS FURTHER, the City Council of the City of Kings Mountain, North Carolina has conducted a public hearing on March 31, 2015, at which time all interested citizens, residents and property owners who might be effected, could be heard on whether they approved or disapproved of any proposed change or amendment.

NOW THEREFORE, BE IT ORDAINED and established by the City Council of Kings Mountain, North Carolina, assemble in regular session this the 31st day of March, 2015, as follows:

The Section 14.70, Boating Permit shall hereby be amended to read as follows:

No vessels shall be operated on Moss Lake, Davidson Lake, or City Lake without a valid permit issued by the City. Such permit must be displayed on the vessel on the starboard side before the state registration number.

The Section 14.71, shall hereby be amended to read as follows:

The cutting of trees or shrubs on the City-owned land surrounding the reservoir is prohibited unless a special use permit has been issued by the City Manager or City

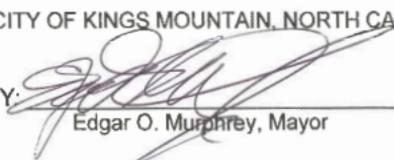
Manager's agent. Said permit shall consider mitigation of non-point source pollution and other factors such as habitat, aesthetics, and maintenance.

That this amendment to the Ordinance shall become effective from and after the date of its adoption.

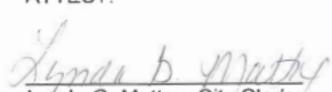
ADOPTED, this the 31st day of March, 2015

THE CITY OF KINGS MOUNTAIN, NORTH CAROLINA

BY:


Edgar O. Murphrey, Mayor

ATTEST:


Lynda G. Mattox, City Clerk