

# LAURENS COUNTY WATER and SEWER COMMISSION

## LAKE RABON USER POLICY

### BACKGROUND:

Lake Rabon serves as a flood control reservoir for the Rabon Creek Watershed and the drinking water source for the residents of Laurens County. It and the adjoining property are owned and operated by the Laurens County Water and Sewer Commission (LCWSC). In the interest of the public's health and safety, the following User Policy was adopted by the Board of Commissioners of LCWSC to regulate and restrict the public and private uses of the Lake Rabon reservoir and adjoining property owned by the Commission.

### ARTICLE I

### DEFINITIONS:

Unless the context specifically indicates otherwise, the meaning of terms used in this User Policy shall be as follows:

AGENT: Person authorized by the Commission to act on its behalf.

APPLICANT: Any person, company, corporation, or governmental body requesting a permit, considerations, or exemption from the LCWSC.

ADJACENT PROPERTY OWNER: A landowner of property that has a common property line with the LCWSC land at Lake Rabon.

BOAT: Any water flotation device used to support and/or transport a person or persons.

CANOE: A boat as defined above.

COMMISSION: Laurens County Water and Sewer Commission (LCWSC).

COUNTY: Laurens County.

COMMERCIAL USE: An activity relating to or connected with trade and commerce in general in any manner whatsoever by an entity other than the Commission.

DOCKS: A platform or deck structure conforming to construction and other requirements of Article V of this User Policy that extends out from the shoreline over or on the waters of Lake Rabon for any purpose.

DEBRIS: Discarded materials of any kind.

EXECUTIVE DIRECTOR: The Executive Director of the Laurens County Water and Sewer Commission

FIREARMS A weapon or instrument from which a shot or projectile is discharged by gunpowder or other combustion medium.

FIREWORKS: A device for producing a striking display of noise, light, or any combination thereof from the combustion of explosive or flammable compositions.

FLOTATION DEVICE: A piece of material, equipment or mechanism designed and/or having the capacity to float on water.

GARBAGE: Unwanted pollution or useless materials; refuse; trash; debris.

GUN: A firearm; pistol; rifle.

HOUSEBOAT: A barge or boat fitted for use as a dwelling supported on the water by floats.

JET SKI: Also known as a ski-bob; a vehicle that has two short skis one behind the other, a steering handle attached to the forward ski, and a low seat over the rear ski and that is used for skiing on water; generally this vehicle is propelled by jet propulsion.

LAKE SUPERINTENDENT: Any person designated by the Commission to provide policing, management, and other services needed to operate Lake Rabon facilities. The guardian or keeper of the Lake Rabon property and the enforcement of this User Policy.

LAND OWNER: An owner “in fact” of a parcel of land.

LEASEE: A person renting any property from an owner. For the purpose of this User Policy a leasee cannot be considered an owner nor qualify as an applicant regarding a permit for the property leased.

LOT: A parcel of land large enough to accommodate a house, well, and septic tank all of which meet required governmental regulations.

MOTOR BOAT: A boat which is propelled by an internal—combustion engine or an electric motor.

MSL: Mean Sea Level.

NON-ESSENTIAL WATER: Water used for any purpose other than raw water that is treated and distributed for human consumption.

PROPERTY OWNER: An owner of land that is adjacent to the Lake Rabon property and said property has one property line in common.

PONTOON BOAT: A flat deck boat that is supported by pontoons; said pontoons specifically designed and manufactured for boat purposes and coast guard approved. Pontoons made from barrels or other surplus materials are not acceptable under this definition.

POLLUTION: Any substance liquid, gas, or solid which is deposited in Lake Rabon or on Lake Rabon lands and has a deleterious effect on the waters or lands of Lake Rabon.

PICNIC: An excursion or outing with food provided by members of the group and eaten in the open.

RAMP: A sloping surface paved or unpaved used for launching of boats onto the waters.

RACING HULL: The shape or design of the body of a boat or water vessel said design providing the ability to race or speed.

RAFT: A flat surfaced water vessel used to support and/or transport people or things across the water.

RESIDENIAL IRRIGATION SYSTEM: A system designed to withdrawal water from Lake Rabon for the purpose of watering lawns, shrubs, trees or other non-commercial vegetation located on a single family lot.

SAILING CRAFT OR BOAT: A boat propelled by sails.

SPECIAL REASONS: Circumstances uniquely special to a particular privately owned land parcel or lot or a land parcel or tract owned by a public corporation that because of these special conditions should be granted relief or exemption under the User Policy and not held strictly to the limits of the uses, regulations and rules stated within User Policy by determination of the Commission.

VEGETATION: Plant life or plant cover; leaves; branches; grass.

VESSEL: A hollow structure designed for navigation on the water.

WALKWAY: A structure used for walking between an adjacent property owners land and the water line of Lake Rabon or to a dock which property owner has a permit for.

## ARTICLE II

### PROHIBITED USES, ACTIVITIES OR ACTIONS:

No person, individual, firm, company, association, corporation, institution or group shall be allowed to use any of the Lake Rabon properties owned by the Commission or on or within the waters of Lake Rabon for the following uses, activities, or actions which are expressly forbidden and will not be permitted:

SECTION 201 Burning of any kind, or creation of fire, from any source for the purpose of cooking or for the purpose of discarding trash, leaves or other vegetation in other than places expressly permitted and designated by the Commission.

SECTION 202 Discarding, placing, throwing or depositing of garbage, trees, tree limbs, or other debris in other than places expressly permitted and designated by the Commission.

SECTION 203 Possession or consumption of alcoholic beverages or other controlled substances.

SECTION 204 The erection or installation of electrical services of any kind not specifically directed and approved by the Commission, except where approved to serve a permitted residential irrigation system.

SECTION 205 Use of motorized land vehicles in other than areas specifically designated for such use such as paved roads, parking lots and public ramps.

SECTION 206 Waterskiing or towing of rafts, discs, or other floating devices.

SECTION 207 Construction or installation of private boat launching ramps of any kind.

SECTION 208 Commercial purposes of any kind in areas other than those specifically designated and approved by the Commission.

SECTION 209 Polluting the waters of Lake Rabon including the land area between the normal lake elevation of 529.5 and the retention area of the lake to elevation 545 with hazardous liquid/material, sewage, garbage, rubbish, vegetation, debris, petroleum products, or debris of any kind.

SECTION 210 Possession or use of any kind of firearm, gun, pistol, firecracker, or fireworks on any Commission lands or on or within the waters of the lake, excepting police or governmental personnel on duty with jurisdiction of the Lake Rabon area.

SECTION 211 Hunting.

SECTION 212 Any use, activity or action not expressly permitted in Article III of this User Policy.

### ARTICLE III

#### PERMITTED USES, ACTIVITIES OR ACTIONS:

SECTION 301 The following uses, acts or activities will be permitted on Lake Rabon and lands owned by the Commission only after permits have been obtained from the Commission's authorized agent or Lake Superintendent:

- (a) Planting or removal of permanent grass, trees, or vegetation.
- (b) Launching or use of a boat or vessel permitted for use under this User Policy on the waters of Lake Rabon.

(c) Construction and/or installation of a dock or walkway in conformance to requirements of Article V of this User Policy. Docking privilege is limited to permitted boats. Limit of two overnight boats per dock

(d) Construction and/or installation of a single-family residential irrigation system in conformance to requirements of Article V of this User Policy.

SECTION 302 The following uses, acts or activities are permitted on Lake Rabon and lands owned by the Commission during allowed hours (sunrise to sunset) without charge by the Commission:

(a) Fishing in accordance with Article VII of this User Policy.

(b) Picnicking within areas designated by the Commission with the exception of the large covered picnic shelters designed for large family gatherings. Reservations are required to use one of these covered picnic shelters and can be made at the LCWSC main administrative offices.

(c) Swimming at your own risk, except in areas prohibited by the Commission and within 100 feet of the Dam and/or Laurens County Water and Sewer Commission structures.

#### ARTICLE IV

##### APPEALS OF PROHIBITED USES, ACTIVITIES, OR ACTIONS:

Appeals of prohibited uses, activities, or actions prohibited in Article II may for “Special Reasons” (see definitions Article I) be requested to be reconsidered or exempted from compliance by the Commission. All requests must be in writing and submitted to the Executive Director.

SECTION 401 All requests for reconsideration or appeal are to include the following at a minimum:

(a) Written statement of request and basis applicant believes reconsideration and relief should be granted.

(b) Property surveys, maps, construction drawings, and other supporting data necessary to explain request.

#### ARTICLE V

##### REQUIREMENTS FOR DOCKS, WALKWAYS AND OTHER STRUCTURES:

SECTION 501 A floating dock and/or dock walkway shall be constructed of pressure treated wood meeting designation LP 22 with 0.40 treatment retention, or other approved material. Floating docks shall be of a size not to exceed twelve (12) feet by eighteen (18) feet. The Lake Superintendent/Executive Director may require that the dimensions of the proposed dock be reduced if the maximum size desired interferes

with the reasonable use, health, safety and well-being of other users of the reservoir and other landowners. Diving boards and towers will not be permitted on any dock or walkway or along the shoreline. Docks cannot be covered to provide protection for boats. The dock and structure attachments, of any kind, may not extend into the lake more than eighteen (18) feet from the 529.5 elevation line of the lake.

SECTION 502 Dock walkways shall not exceed four (4) feet in width and the total length of dock and walkway shall not exceed eighteen (18) feet in length extending from the 529.5 foot MSL contour. It shall be attached to that side of the dock nearest the shoreline.

SECTION 503 The floating dock and walkway shall be securely anchored to fixed posts (504 below) to assure flotation from elevation 529.5 thru 545.0 in a structurally safe and satisfactory manner to assure structure remains in place at all times.

SECTION 504 Pressure treated posts meeting designation LP 22 with 0.40 treatment retention must be used to support fixed sections of walkways. Posts must be buried in natural earth no less than four (4) feet, and must be at least six (6) inches square or eight (8) inches in diameter. Handrails may be provided along each side of walkways, provided they do not extend beyond the maximum walkway width.

SECTION 505 All floating docks must be supported by block pieces of styrofoam adequate in number and size to float the dock at all times. Bagged styrofoam particles are not permitted to provide dock flotation or for any other purpose. Supporting any floating dock by the use of barrels or other materials is not permitted.

SECTION 506 The Commission may deny a permit or agreement for the construction of any dock or dock walkway which is not suited to the lake frontage of a particular lot because of the shape of the shoreline, or for any and all other circumstances which would endanger the health, safety and welfare of persons entitled to use Lake Rabon.

SECTION 507 If the Commission determines that a permit or agreement should be denied, upon request, the Commission shall furnish the applicant written grounds for the denial. Such written denial shall be sent by registered or certified mail to the property owner at the address applicant used on the application.

SECTION 508 Any property owner, whose application for a permit to construct a dock or dock walkway has been denied by the Lake Superintendent and/or Executive Director, may appeal such decision to the Board of Commissioners by written notice sent by registered or certified mail to the commission office within ten (10) days from the date of rejection of the application. The appeal shall set forth in writing the grounds for the appeal and include plats or drawings if location or frontage is an issue in the appeal.

SECTION 509 No temporary or permanent structure of any kind with the exception of a dock or walkway as set forth below, may be erected on property owned by the Commission between the waters edge and the 545 foot MSL contour.

SECTION 510 Any person or persons who have erected, or caused to be erected, temporary or permanent structures, including fencing, except in accordance with these Rules and Regulations, or by authority given in land purchase agreements, between the waters edge and the 545 foot MSL contour, or who shall at any time erect or cause to be erected such structures, shall, upon notification by the

Commission immediately remove such structure from said property. All permittees of a dock, walkway, or other structure are required to keep said permitted structure in good repair at all times, and said structures will be inspected yearly by a Commission agent to assure this requirement is met. The permittee when notified in writing by the Commission of repairs necessary of said structures shall have ninety (90) days from date of such notice or less time if notified condition is dangerous to comply or Commission shall order said structure to be removed and permit for said use cancelled. Upon failure of the landowner responsible for construction of any improvements on said property to remove them, the Commission may cause the improvements to be removed at the expense of the person or persons who erected the improvements. All permits and agreements previously issued to that landowner, person or persons shall be cancelled until such time as all outstanding charges connected with such removal have been paid.

SECTION 511 Construction of residential irrigation systems must comply with all local, state and federal regulations, codes or ordinances. No structure, appurtenance or device may be installed on Commission property so that it is above ground or above the water level, except for pipe or conduit attached to a permitted dock. The Commission may require modification or removal of any residential irrigation system, or any portion thereof, at the discretion of the Executive Director.

SECTION 512 All withdrawal of water for non-essential use, such as residential irrigation, may be restricted during drought conditions at the discretion of the Executive Director. Withdrawal of water for non-essential use will be prohibited at any time the Drought Response Committee for the State of South Carolina determines that Laurens County is experience a “Severe” or “Extreme” Drought as defined by the State Drought Response Committee criteria.

## ARTICLE VI

### BOATING REQUIREMENTS AND REGULATIONS:

SECTION 601 The operations of boats of any type authorized on Lake Rabon shall be at the risk of the user and shall be subject to all federal and South Carolina laws, Rules and Regulation herein set forth by the Commission. Season boat permits shall be issued only on a calendar year basis.

SECTION 602 All Regulations of the Division of Boating of the South Carolina Wildlife and Marine Resources Department are hereby made a part of these Rules and Regulations. A copy is available from the Lake Superintendent.

SECTION 603 No boat, vessel or vehicle of any kind shall be operated for hire or for commercial purposes on Lake Rabon, nor shall any boat or floating device on the waters of the lake without a permit from the Commission.

SECTION 604 No boat or vessel of any type shall be operated within a distance of 100 feet of the dam, riser or intake.

SECTION 605 Rafts, hydroplanes, racing hulls, or houseboats will not be permitted on Lake Rabon.

SECTION 606 It shall be the responsibility of the operator of each boat or vessel to make certain that there is a U.S. Coast Guard approved lifesaving device for each person aboard.

SECTION 607 No person shall operate a boat or a vessel at a speed which will produce a wake within any cove or when approaching any dock, bridge or congested area. No person shall operate a boat in such a manner as to endanger the passengers of any boat or the safety of other persons or property. The operator is legally responsible for the wake of his boat.

SECTION 608 Permits for all boats must be secured from the Commission before boats are placed on the waters of Lake Rabon. The operator must have the written permit on board at all times and the permit sticker must be attached to the boat in a highly visible location as required by the Lake Superintendent.

SECTION 609 Any boat permit may be revoked and immediately seized by the Lake Superintendent whenever the holder or operator violates any of the Rules and Regulations governing the use of Lake Rabon or any of the restrictions which might pertain to the permit.

SECTION 610 At the discretion of the Executive Director a permit will be denied to operate any boat or vessel which:

- (a) Is in an unsafe condition.
- (b) Is greater than twenty-five (25) feet in length or is a houseboat of any type whatsoever.
- (c) Is a raft, hydroplane, racing hull, jet ski, or other floating device expressly prohibited from the lake (Sec 605).
- (d) Is propelled by a motor or motors having a combined horsepower rating in excess of 15 horsepower; or in the case of pontoons, in excess of 30 horsepower.
- (e) Has a motor from which the serial number or model number has been removed. The Lake Superintendent shall revoke any permit previously issued if he later discovers a boat propelled by a motor on which the serial number or model number has been removed, changed, or altered or if the cover of a small engine has been used to camouflage a larger engine size. Boat operators are required to show proof of actual horsepower rating of motors used, and proof must be self evident on motor used.
- (f) All boats and vessels of any kind requested to be permitted for use on Lake Rabon must have Coast Guard approval or possess manufacturers seal or plate testifying to said approval.

SECTION 611 If alterations to the exhaust system on any motor result in excessive noise, no permit will be issued. If a permit has been issued, such permit shall be immediately revoked and seized by the Lake Superintendent.

SECTION 612 No person under twelve (12) year of age shall operate a boat or vessel of any type. In no case shall there be more than two (2) children under twelve (12)



years of age per adult in any boat or vessel. At no time shall the boat carry more than the recommended weight specified by the boat manufacturer, nor so many person as to create an unsafe and hazardous condition.

SECTION 613 Sailing craft, rowing hulls and canoes may be used on Lake Rabon between sunrise and sunset.

SECTION 614.No boat of any type will be permitted to be tied up, anchored or left on the reservoir premises overnight except as allowed in Article III, section 301 (c).

## ARTICLE VII

### FISHING RULES AND REGULATIONS:

SECTION 701 All Rules and Regulations of the South Carolina Department of Natural Resources (SCDNR) concerning fishing, are hereby made a part of these Regulations.

SECTION 702 No fishing or boating will be permitted within a distance of 100 feet of the dam or downstream from the dam or spillway on Laurens County Water and Sewer Commission property.

## ARTICLE VIII

### DREDGING OR DIGGING OF CHANNELS OR CANALS:

SECTION 801 The dredging, digging, widening or altering in any way of any artificial or natural channel, canal, stream, creek, tributary, or any other water course is prohibited on any property lying below contour elevation 545 feet above MSL for the entire Lake Rabon Reservoir property.

## ARTICLE IX

### EROSION CONTROL

SECTION 901 There shall be no change of ground elevation or grading or any disturbance of the natural soil level between the water's edge and the 545 foot MSL contour without prior issuance of a permit by the Commission. Prior to any such activity, bales of straw shall be placed along the water's edge or at a location approved by the Lake Superintendent.

SECTION 902 No grading will be permitted that will change the location of the 545 foot MSL contour.

SECTION 903 In the event of a dispute the permittee at his sole expense shall provide location of the 545 foot MSL contour by a registered land surveyor, subject to review by the Laurens County Water and Sewer Commission.

## ARTICLE X

### REVOCATION OF PERMITS:

SECTION 1001 Any permit or agreement, whether issued for structures, fishing or boating or any other purpose may be revoked by the Lake Superintendent, Executive Director or the Commission whenever the holder thereof willfully or negligently violates any of the Rules and Regulations governing the use of Lake Rabon or any of the restrictions which might be attached to such a permit.

## ARTICLE XI

### CHANGES IN RULES AND REGULATIONS:

SECTION 1101 All permits issued by the Laurens County Water and Sewer Commission should not be considered perpetual. Any uses, activities or actions on Lake Rabon is considered a privilege and not a right and as such the Rules and Regulations contained herein are subject to change by action of the Laurens County Water and Sewer Commission.

## ARTICLE XII

The Commission may by Regulation set reasonable user fees for the following activities:

- (1) permits for boats or water vessels:
- (2) permits for construction of docks and walkways:
- (3) permits for planting or removal of vegetation.
- (4) permits for withdrawal of water for residential irrigation or watering livestock.

## ARTICLE XIII

Nothing contained in this User Policy shall abridge, modify, or amend any previously existing contract between any person and the Commission.

## ARTICLE XIV

The invalidity of any section, clause, sentence, or provision in this User Policy shall not be deemed to affect the validity of any other portion of this User Policy.

#### ARTICLE XV

All permittees, applicants, property owners, and users of Lake Rabon and the Commission's adjoining property shall be responsible for any and all damages and/or injuries to themselves and to all agents, servants, family members, guests, invitees, or employees while on or using Lake Rabon and the Commission's adjoining property and shall indemnify and save the Commission harmless from any and all claims of every kind and nature.

#### ARTICLE XIV

Violations of any provision of this User Policy shall be enforced via existing federal, state or local laws and may result in existing permits being revoked and all future requests of permits being denied.

- END -

Approved by the Laurens County Water and Sewer Commission at the regular meeting on January 24, 2006; amended November 22, 2011.

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E. L. Mason, Secretary