

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 29.1-744 of the Code of Virginia, relating to "no wake" buoys or other*
 3 *markers.*

[S 1315]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 29.1-744 of the Code of Virginia is amended and reenacted as follows:**

8 § 29.1-744. Local regulation; application for placement or removal of "no wake" buoys, etc.

9 A. Any political subdivision of this Commonwealth may, at any time, but only after public notice,
 10 formally apply to the Board for special rules and regulations with reference to the safe and reasonable
 11 operation of vessels on any water within its territorial limits and shall specify in the application the
 12 reasons which make the special rules or regulations necessary or appropriate.

13 B. The Board is authorized upon application by a political subdivision or its own motion to make
 14 special or general rules and regulations with reference to the safe and reasonable operation of vessels on
 15 any waters within the territorial limits of any political subdivision of this Commonwealth. Without
 16 limiting the generality of the grant of such power, a system of regulatory or navigational markers may
 17 be adopted by the Board. Nothing in this section shall be construed to affect the application of any
 18 general law concerning the tidal waters of this Commonwealth.

19 C. Any county, city or town of this Commonwealth may enact ordinances which parallel general law
 20 regulating the operation of vessels on any waters within its territorial limits, including the marginal
 21 adjacent ocean, and the conduct and activity of any person using such waters. The locality may also
 22 provide for enforcement and penalties for the violation of the ordinances, provided the penalties do not
 23 exceed the penalties provided in this chapter for similar offenses.

24 D. After notice to the Department, any county, city or town may, by ordinance, establish "no wake"
 25 zones along the waterways within the locality in order to protect public safety and prevent erosion
 26 damage to adjacent property. *However, any county that is adjacent to an inland lake (i) more than 500*
 27 *feet above sea level and (ii) of 20,000 acres or more and wholly located within the Commonwealth may,*
 28 *by ordinance, establish "no wake" zones along such lake within the locality in order to protect public*
 29 *safety or prevent erosion damage to adjacent property.* The markers and buoys designating a no wake
 30 zone shall conform to the requirements established by the Board. Any marker or buoy which is not
 31 placed in conformance with the regulations of the Board or which is not properly maintained shall be
 32 removed by the locality. The locality may provide for enforcement and penalties for the violation of the
 33 ordinance.

34 E. Any person who desires to place or remove "no wake" buoys or other markers relating to the safe
 35 and efficient operation of vessels pursuant to any local ordinance shall apply to the local governing
 36 body. The local governing body shall approve, disapprove or approve with modifications the application
 37 and forward it to the Director, who shall approve, disapprove or approve with modifications within
 38 thirty days the placement and type of marker to be used or the removal of "no wake" buoys or other
 39 markers. The cost of the purchase and placement or the removal of the buoys or markers shall be borne
 40 by the person requesting the placement or removal of the buoys or markers. Any marker or buoy which
 41 is not placed in conformance with the regulations of the Board or which is not properly maintained may
 42 be removed by the Department. *"No wake" buoys or other markers placed prior to July 1, 2001, shall*
 43 *only be removed when no longer required for the safe and efficient operation of vessels pursuant to any*
 44 *local ordinance.*

ENROLLED

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