

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 28.2-1203 of the Code of Virginia, relating to private piers.*

3 [H 1661]

4 Approved

5 **Be it enacted by the General Assembly of Virginia:**6 **1. That § 28.2-1203 of the Code of Virginia is amended and reenacted as follows:**

7 § 28.2-1203. Unlawful use of subaqueous beds; penalty.

8 A. It shall be unlawful for any person to build, dump, trespass or encroach upon or over, or take or
9 use any materials from the beds of the bays, ocean, rivers, streams, or creeks which are the property of
10 the Commonwealth, unless such act is performed pursuant to a permit issued by the Commission or is
11 necessary for the following:

12 1. Erection of dams, the construction of which has been authorized by proper authority;

13 2. Uses of subaqueous beds authorized elsewhere in this title;

14 3. Construction and maintenance of congressionally approved navigation and flood-control projects
15 undertaken by the United States Army Corps of Engineers, the United States Coast Guard, or other
16 federal agency authorized by Congress to regulate navigation, navigable waters, or flood control;17 4. Construction of piers, docks, marine terminals, and port facilities owned or leased by or to the
18 Commonwealth or any of its political subdivisions;19 5. Except as provided in subsection D of § 28.2-1205, placement of private piers for noncommercial
20 purposes by owners of the riparian lands in the waters opposite those lands, provided that (i) the piers
21 do not extend beyond the navigation line or private pier lines established by the Commission or the
22 United States Army Corps of Engineers, (ii) *the piers do not exceed six feet in width, (iii) any L or T*
23 *head construction at the end of a pier does not exceed 25 feet in length and six feet in width, and (iv)*
24 *the piers are determined not to be a navigational hazard by the Commission.* Subject to any applicable
25 local ordinances, such piers may include an attached boat lift and an open-sided roof designed to shelter
26 a single boat slip or boat lift. In cases in which such roofs will exceed 700 square feet in coverage, and
27 in cases in which an adjoining property owner objects to a proposed roof structure, permits shall be
28 required as provided in § 28.2-1204; or29 6. Agricultural, horticultural or silvicultural irrigation on riparian lands or the watering of animals on
30 riparian lands, provided that (i) no permanent structure is placed on or over the subaqueous bed, (ii) the
31 person withdrawing water complies with requirements administered by the Department of Environmental
32 Quality under Title 62.1, and (iii) the activity is conducted without adverse impacts to instream
33 beneficial uses as defined in § 62.1-10.

34 B. A violation of this section is a Class 1 misdemeanor.

ENROLLED

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