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HOUSE BILL NO. 287

Offered January 13, 2010

Prefiled January 11, 2010

A *BILL to amend and reenact § 32.1-246 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 32.1-246.01, relating to regulation of marinas.*

Patron—Dance

Referred to Committee on Health, Welfare and Institutions

Be it enacted by the General Assembly of Virginia:

1. That § 32.1-246 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 32.1-246.01 as follows:

§ 32.1-246. Marinas.

A. As used in this article:

"Certificate" or "certificate to operate" means a written approval issued by the Commissioner or his designee indicating that plans for sanitary facilities and sewage facilities of a marina or other place where boats are moored satisfy the requirements of this chapter.

"Marina" means any facility that provides dockage or moorage for boats exclusive of paddle boats or rowboats and provides any equipment, supplies, or service for the convenience of the public or users of its facilities, including but not limited to fuel, electricity, or water.

"Other place where boats are moored" or "other place" means any facility that provides dockage, moorage, or mooring for boats exclusive of paddle boats or rowboats for the convenience of the public or users of its facilities.

B. No person shall own, establish, conduct, maintain, manage, operate, expand, modify, or alter any marina or other place where boats are moored in the Commonwealth unless (i) a certificate has been issued for the marina or other place as provided in this section and (ii) such marina or other place is operated in accordance with this chapter and regulations adopted by the Board.

C. Application for a certificate or renewal of a certificate shall be made in writing to the Commissioner. The Commissioner shall issue a certificate for each marina or other place that, upon inspection, is found to be in compliance with all applicable regulations and provisions of this chapter. Certificates shall be issued in the name of the owner or lessee of the marina or other place and shall not be transferable. Certificates may be subject to any reasonable terms and conditions imposed by the Commissioner. The Commissioner shall notify any applicant denied a certificate of the reasons for the denial by certified mail.

D. Any certificate issued pursuant to this section shall be valid for a period of five years and may be renewed as provided in subsection C.

E. The Commissioner shall assess and collect the following fees for processing of an application for a certificate for any marina or other place where boats are moored:

1. For an application for sanitary facilities, plan review, and initial certificate for a marina, a fee of \$700, to be assessed upon submission of the application;

2. For an application for renewal of a certificate for a marina, a fee of \$525, to be assessed upon submission of the application;

3. For an application for sanitary facilities, plan review, and initial certificate for an other place where boats are moored, a fee of \$300, to be assessed upon submission of the application; and

4. For an application for renewal of a certificate for an other place where boats are moored, a fee of \$250, to be assessed upon submission of the application.

Funds received pursuant to this subsection shall be transmitted to the Comptroller for deposit and shall be credited to the Marina Fund established pursuant to § 32.1-246.01.

F. The Commissioner may conduct more than one inspection per year of a marina or other place where boats are moored in conjunction with the issuance of a certificate.

G. The Board is empowered and directed to adopt and promulgate all necessary regulations establishing minimum requirements for adequate sewerage facilities at marinas and other places where boats are moored according to the number of boat slips and persons such marinas and places are designed to accommodate. The provisions of this section shall be applicable to every such marina and place regardless of whether such establishment serves food.

BH. The Commissioner shall enforce the provisions of this section and regulations adopted thereunder.

C. No such marina or place shall operate unless in accordance with this section and regulations

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59 adopted and promulgated thereunder.

60 DI. Whenever the Commissioner ~~shall have~~has approved the plan for the sewerage facilities of a
61 proposed marina or other place where boats are moored for presentation to the Marine Resources
62 Commission as provided in § 62.1-3, he shall have the power and duty to enforce compliance with such
63 plan.

64 § 32.1-246.01. Marina Fund established.

65 There is hereby created in the state treasury a special nonreverting fund to be known as the Marina
66 Fund, hereafter referred to as "the Fund." The Fund shall be established on the books of the
67 Comptroller. All funds as may be appropriated by the General Assembly and collected by the
68 Department pursuant to subsection E of § 32.1-246 shall be paid into the state treasury and credited to
69 the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any
70 moneys remaining in the Fund, including interest thereon, at the end of a fiscal year shall not revert to
71 the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes
72 of supporting the Office of Environmental Health Services' Marina Program. Expenditures and
73 disbursements from the Fund shall be made by the State Treasurer on warrants issued by the
74 Comptroller upon written request signed by the Commissioner.