

1 H.417

2 Introduced by Representatives Hooper of Montpelier, Beck of St. Johnsbury,  
3 Bock of Chester, Kitzmiller of Montpelier, Macaig of Williston,  
4 McCullough of Williston, and Walz of Barre City

5 Referred to Committee on

6 Date:

7 Subject: Municipal government; regulations; surface water use

8 Statement of purpose of bill as introduced: This bill proposes to authorize  
9 municipalities to adopt ordinances to regulate the surface water use of a public  
10 water used as a public drinking water supply, excluding any transboundary  
11 lake or pond.

12 An act relating to authorizing municipalities to regulate the surface water  
13 use of public waters used as drinking water supplies

14 It is hereby enacted by the General Assembly of the State of Vermont:

15 Sec. 1. 24 V.S.A. § 2291 is amended to read:

16 § 2291. ENUMERATION OF POWERS

17 For the purpose of promoting the public health, safety, welfare,  
18 and convenience, a town, city, or incorporated village shall have the  
19 following powers:

20 \* \* \*

1           (29) To regulate the surface water use of a public water used as a public  
2           water source, regardless of where the public water is located, when the public  
3           water is used by a public water system of the municipality. Any ordinance  
4           adopted under this section shall be in addition to any rules adopted by the  
5           Secretary of Natural Resources pursuant to 10 V.S.A. § 1424, provided that, in  
6           the event of a conflict between a municipal ordinance adopted under this  
7           section and a rule adopted by the Secretary of Natural Resources, the  
8           municipal ordinance shall control. In this subdivision:

9                   (A) “Public water” shall have the same meaning as in 10 V.S.A.  
10                  § 1422, except that under this subdivision (29), “public water” shall not mean  
11                  transboundary lakes or ponds.

12                   (B) “Public water source” and “public water system” shall have the  
13                  same meanings as in 10 V.S.A. § 1671;

14           Sec. 2. EFFECTIVE DATE

15           This act shall take effect on passage.