1	H.551
2	Introduced by Representative Masland of Thetford
3	Referred to Committee on
4	Date:
5	Subject: Conservation and development; use of waters; wakesports zones
6	Statement of purpose of bill as introduced: This bill proposes to authorize a
7	municipality in which a wakesports zone is located or partially located to vote
8	to extend the distance of the wakesports zone from the shore up to 1,000 feet
9	for that portion of the zone within the boundaries of the municipality.
10	An act relating to wakesports zones on State waters
11	It is hereby enacted by the General Assembly of the State of Vermont:
12	Sec. 1. 10 V.S.A. § 1422 is amended to read:
13	§ 1422. DEFINITIONS
14	In this chapter, unless the context clearly requires otherwise:
15	(1) "Agency" means the Agency of Natural Resources.
16	(2) "Board" means the Natural Resources Board. [Repealed.]
17	* * *
18	(7) "Secretary" means the Secretary of Natural Resources or the
19	Secretary's duly authorized representative.
20	* * *

1	(11) "Lake" means a body of standing water, including a pond or a
2	reservoir, that may have natural or artificial water level control. Private ponds
3	as defined under section 5210 of this title, and reservoirs specifically
4	constructed for the following purposes shall not be considered lakes:
5	snowmaking storage, golf course irrigation, stormwater management, and fire
6	suppression.
7	* * *
8	(21) "Wakesports" means to:
9	(A) operate a wakeboat with ballast tanks, bags, or similar devices
10	engaged to enhance the boat's wake or with someone riding the wake directly
11	behind the boat; or
12	(B) use a surfboard, wakeboard, hydrofoil, or similar device to ride
13	on or in the wake directly behind a wakeboat with or without a rope.
14	(22) "Wakesports zone" means an area of a lake the use of which is
15	regulated by the Secretary and that:
16	(A) has a minimum of 50 contiguous acres;
17	(B) is located at least 500 feet from shore on all sides;
18	(C) is at least 20 feet deep; and
19	(D) is located on a lake on which the Secretary's rules allow vessels
20	to be used at speeds exceeding five miles per hour.

1	Sec. 2. 10 V.S.A. § 1424 is amended to read:
2	§ 1424. USE OF PUBLIC WATERS
3	(a) The Secretary may establish rules to implement the provisions of this
4	chapter, including:
5	(1) Rules to regulate the use of public waters of the State by:
6	(A) defining areas on public waters wherein certain uses may be
7	conducted;
8	(B) defining the uses which that may be conducted in the defined
9	areas;
10	(C) regulating the conduct in these areas, including the size of motors
11	allowed, size of boats allowed, allowable speeds for boats, and prohibiting the
12	use of motors or houseboats; and
13	(D) regulating the time various uses may be conducted.
14	(2) Rules to govern the surface levels of lakes, ponds, and reservoirs that
15	are public waters of the State.
16	* * *
17	(c) The Secretary shall attempt to manage the public waters so that the
18	various uses may be enjoyed in a reasonable manner, in the best interests of all
19	the citizens of the State. To the extent possible, the Secretary shall provide for
20	all normal uses.
21	* * *

1	(f) By rule, the Secretary may delegate authority under this section for the
2	regulation of public waters where:
3	(1) The delegation is to a municipality that is adjacent to or which that
4	contains the water; and.
5	(2) The municipality accepts the delegation by creating or amending a
6	bylaw or ordinance for regulation of the water. Appeals from a final act of the
7	municipality under the bylaw or ordinance shall be taken to the Environmental
8	Division. The Secretary may terminate a delegation for cause or without cause
9	upon six months' notice to the municipality.
10	(g)(1) If the rules adopted by the Secretary under subdivision (a)(1) of this
11	section establish a wakesports zone of 500 feet on a lake, a municipality in
12	which the wakesports zone is located or partially located may, at an annual or
13	special meeting warned for that purpose, vote to extend the distance of the
14	wakesports zone from the shore up to 1,000 feet for that portion of the zone
15	within the boundaries of the municipality.
16	(2) If a municipality votes to extend a wakesports zone under
17	subdivision (1) of this subsection, the clerk of the municipality shall notify the
18	Secretary within three business days after the vote of the results and the new
19	distance from the shore of the wakesports zone and area of the new wakesports
20	zone within the municipality.

1	(3) Upon receipt of a notice under subdivision (2) of this subsection, the
2	Secretary shall enforce the amended wakesports zone in the municipality. The
3	Secretary shall provide notice at any access area located within the
4	municipality of the size and acreage of the amended wakesports zone.
5	(4) The Secretary shall publish on the Agency website a list of any
6	municipality with an amended wakesports zone adopted under this section.
7	Sec. 3. EFFECTIVE DATE

8 <u>This act shall take effect on passage.</u>