

1 H.722  
2 Introduced by Representatives Boutin of Barre City and Waszazak of Barre  
3 City  
4 Referred to Committee on  
5 Date:  
6 Subject: Municipal government; conservation and development; public water  
7 supply; regulation of 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, and  
18 convenience, a town, city, or incorporated village shall have the following  
19 powers:

20 \* \* \*

1                   (31) 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 and the municipality  
4                   owns all of the land adjoining the public water. Any ordinance adopted under  
5                   this section shall be in addition to any rules adopted by the Secretary of  
6                   Natural Resources pursuant to 10 V.S.A. § 1424, provided that, in the event of  
7                   a conflict between a municipal ordinance adopted under this section and a rule  
8                   adopted by the Secretary of Natural Resources, the municipal ordinance shall  
9                   control. In this subdivision:

10                   (A) “Public water” has the same meaning as in 10 V.S.A. § 1422,  
11                   except that under this subdivision (31), “public water” does not mean  
12                   transboundary lakes or ponds.

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

15                   Sec. 2. EFFECTIVE DATE

16                   This act shall take effect on passage.