



No Wake Buoy Permit Application  
 Department of Planning & Zoning  
 143 Third Street, NW, Suite 1  
 Pulaski, VA 24301  
 540-980-7710  
<http://www.pulaskicounty.org>

<b>Applicant:</b>	
<b>Mailing Address:</b>	
<b>Phone:</b>	<b>E-mail:</b>
<b>Property Owner:</b>	<b>Tax Map Number:</b>
<b>911Address/Site of the proposed buoy:</b>	<b>Area or Acreage of Parcel:</b>
<b>Attach \$250 application fee to this</b>	<b>The <u>No Wake Buoy Ordinance</u> is attached. Has the applicant read and understood the process/requirements? YES _____ or NO _____</b>
<b>Applicant's Shoreline Length:</b>	<b>The Planning Commission and Board of Supervisors will each sponsor a meeting and public hearing to review the request. The applicant must be available to attend these meetings. Can you attend these meetings?</b>
<b>Zone District:</b>	<b>Proposed Distance into water as measured from shoreline: _____ linear ft.</b>
<b>Shoreline Management Zone:</b>	<b>Measured in linear feet, proposed length of No Wake Buoys _____</b>
<b>Has Virginia DGIF been consulted?</b>	<b>Measured in linear feet distance to closest docks _____</b>
<b>Final approval may be dependent of VDGIF comments.</b>	<b>Linear distance to any navigational aid? _____</b>
<b>Has APCO been consulted?</b>	<b>Attach a product specification of the proposed buoy to this application.</b>
	<b>Attach a narrative in your own words as to why you are requesting the no wake buoy. Address those items which will be under consideration from Section 8 of the <u>No Wake Buoy Ordinance</u>.</b>
	<b>Attach photos or any other supporting evidence that supports your claim that a no wake buoy is needed.</b>
	<b>Attach a site plan on aerial imagery showing the proposed buoy location and the linear distance in feet to all shorelines. Aerial imagery is available at <a href="http://pulaskicounty.org/gis.html">pulaskicounty.org/gis.html</a></b>

Pulaski County assumes no legal or financial liability to the applicant or any third party whatsoever by approving the plans associated with this permit. The approval of a zoning permit is based upon the information provided. By signing this application, I grant permission for an agent of the building or zoning department to visit my site for necessary review and inspections.

**Signature (Property Owner):** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Printed Name (Property Owner):** \_\_\_\_\_ **Date:** \_\_\_\_\_

Received by: _____	Date: _____
Payment Type and Amount:	Airport Overlay Review:

**PULASKI COUNTY  
NO WAKE BUOY ORDINANCE**

**Chapter XX No Wake Buoys**

**State Law reference**— Placement or Removal of No Wake Buoys, Code of Virginia, § 29.1-744

Sec. XX-1. Title

Sec. XX-2. Purpose

Sec. XX-3. Application

Sec. XX-4. Authorization

Sec. XX-5. Definitions

Sec. XX-6. Permit Required from Pulaski County Board of Supervisors

Sec. XX-7. Applications for Permit

Sec. XX-8. Application Review Criteria

Sec. XX-9. Permitting Process

Sec. XX-10. Buoy and Marker Maintenance

Sec. XX-11. Appeals

Sec. XX-12. Violations and Penalties

**Sec. XX-1. Title.**

This chapter shall be known as the "No Wake Buoy Ordinance of Pulaski County, Virginia."

**Sec. XX-2. Purpose.**

The purpose of this chapter is:

- (1) To promote the safety, welfare and health of Pulaski County residents and users of the New River and Claytor Lake;
- (2) To eliminate and prevent health and safety hazards; and
- (3) To provide for an orderly and consistent process for approval of No Wake Buoy placement in the New River and Claytor Lake.

**Sec. XX-3. Authorization.**

This chapter is enacted pursuant to the authority of the Code of Virginia, §29.1-744.

**Sec. XX-4. Application.**

The provisions of this chapter apply to the placement and maintenance of No Wake Buoys and other markers relating to the safe and efficient operation of vessels in Claytor Lake and portions of the New River located in Pulaski County, VA.

### **Sec. XX-5. Definitions.**

“No Wake Buoys” shall be defined as “markers and buoys designating a no wake zone.” The Pulaski County Planning & Zoning Administrator shall have the authority to determine how a specific marker or buoy is classified and if it qualifies for review under this Chapter, as well as interpretation of the provisions contained in this Chapter.

### **Sec. XX-6. Permit Required by the Pulaski County Board of Supervisors; Exemptions.**

The placement of any no wake buoy or marker in Claytor Lake or portion of the New River located in Pulaski County shall not occur unless a permit is issued for the installation of such buoy or marker by the Pulaski County Board of Supervisors. Buoys or markers needed for bona fide safety reasons by American Electric Power or any governmental agency are exempt from the provisions of this Chapter.

### **Sec. XX-7. Applications for permit.**

All applications for permits shall contain the information deemed necessary for an adequate review by the Planning & Zoning Administrator and an application fee of \$250.00. A list of specific application items shall be available in the Planning & Zoning Office, along with the application form used for the permit request. Permits may be submitted by property or business owners that have water frontage, property owner or home owner association representing multiple properties on the water, or agencies/organizations that have a direct interest in activities that occur in or around the New River or Claytor Lake.

### **Sec. XX-8. Application Review Criteria.**

All applications for permits shall be evaluated for approval or denial based on review of the following:

- (1) Whether the proposed buoy or marker is a “No Wake Buoy” as defined by Section 5 of this Ordinance.
- (2) Safety needs for persons and property in the immediate vicinity of the proposed buoy/ marker location;
- (3) Anticipated benefit of buoy/ marker placement;
- (4) Potential negative impacts to the waterway use from buoy/ marker;
- (5) Whether the proposed location is within a cove or other restricted waterway and not on the open Lake; and
- (6) Potential negative impacts to the scenic beauty of the waterway and visual clutter of buoys/ markers.

### **Sec. XX-9. Permitting Process.**

The Pulaski County Planning Commission and Board of Supervisors shall each hold a public hearing. Advertising of the public hearing shall include newspaper advertisement pursuant to Code of VA §15.2-2204 and letters sent to adjacent property owners from the proposed buoy location, excluding property owned by Appalachian Power. The Pulaski County Planning Commission shall review each application and provide a recommendation to the Board of Supervisors. The Pulaski County Board of Supervisors shall determine if a permit shall be issued for any no wake buoy or marker, as defined in this Chapter, only after consideration of the recommendation provided by the Planning Commission for

placement of such buoy or marker. All permit requests will be heard within ninety (90) days of a complete application submittal.

Permits issued shall be valid for twelve (12) months, unless the buoy or marker is installed. Once installed, the buoy or marker shall be allowed to remain unless removed for a period of time exceeding twenty-four (24) months. If a buoy or marker is removed for a period of time exceeding twenty-four (24) months, it shall not be replaced without obtaining a new permit as detailed in this Chapter.

All permits issued by the Pulaski County Board of Supervisors are subject to final approval by the Department of Game and Inland Fisheries (DGIF) and shall be forwarded to DGIF for review. DGIF shall review the issued permit to determine if it shall be approved, disapproved, or approved with modifications. DGIF shall have up to thirty (30) days to review and make a determination. If no determination is made by DGIF within 30 days of its receipt of the permit, the permit is deemed approved. After the Board of Supervisors approves a permit, DGIF has the final decision on whether a buoy or marker is actually allowed to be installed.

### **Sec. XX-10. Buoy and Marker Maintenance**

Once a permit is issued it is the responsibility of the applicant to purchase, install, and properly maintain the buoy and/or marker. If at any time the buoy and/or marker becomes a hazard to boaters through lack of maintenance, such as partially sinking, floating from the designated location, or fading, the buoy may be removed by DGIF with no financial compensation provided to the applicant. If a buoy and/or marker is removed by DGIF, it cannot be replaced without obtaining a new permit, as described in this Chapter.

### **Sec. XX-11. Appeals.**

If an applicant or County citizen wishes to appeal a decision made pursuant to this Chapter, the following appeal process shall apply:

1. An appeal from a decision made by the Board of Supervisors under this Ordinance shall be to the Pulaski County Circuit Court.
2. Appeals shall be filed in writing, in the Pulaski County Circuit Court Clerk's Office, within sixty (60) days of the decision by the Board of Supervisors granting or denying the permit;

### **Sec. XX-12. Violations and Penalties.**

It shall be unlawful for any person, firm, or corporation, on or after the effective date of this Chapter to violate any of its provisions. Any such violation shall be deemed a Class 4 misdemeanor punishable by a fine of not more than \$250.00.