

# **RULES FOR ESTABLISHMENT OF UNIFORM REGULATORY MARKERS ON THE PUBLIC WATERS OF VIRGINIA**

## **1. PURPOSE**

In order to promote boating safety and minimize interference between users of public waters, a system of uniform regulatory markers has been adopted by Virginia and other states. This system, to be administered by the Department, has been developed as a supplement to the Coast Guard system. Its principal purpose is to convey to the small craft operator, without the need for reference charts or published regulations, the presence of natural or artificial hazards and zoned areas where boat operation is, in some manner, restricted or controlled.

## **2. APPLICATION**

On public waters of the State not marked by an agency of the United States, application may be made (form attached) for regulatory markers or aids to navigation as permitted by the following:

### CODE OF VIRGINIA

§ 29.1-744. Local regulation; application for placement or removal of "no wake" buoys, etc.

- A. Any political subdivision of this Commonwealth may, at any time, but only after public notice, formally apply to the Board for special rules and regulations with reference to the safe and reasonable operation of vessels on any water within its territorial limits and shall specify in the application the reasons which make the special rules or regulations necessary or appropriate.
- B. The Board is authorized upon application by a political subdivision or its own motion to make special or general rules and regulations with reference to the safe and reasonable operation of vessels on any waters within the territorial limits of any political subdivision of this Commonwealth. Without limiting the generality of the grant of such power, a system of regulatory or navigational markers may be adopted by the Board. Nothing in this section shall be construed to affect the application of any general law concerning the tidal waters of this Commonwealth.
- C. Any county, city or town of this Commonwealth may enact ordinances which parallel general law regulating the operation of vessels on any waters within its territorial limits, including the marginal adjacent ocean, and the conduct and activity of any person using such waters. The locality may also provide for enforcement and penalties for the violation of the ordinances, provided the penalties do not exceed the penalties provided in this chapter for similar offenses.
- D. After notice to the Department, any county, city or town may, by ordinance, establish "no wake" zones along the waterways within the locality in order to protect public safety and

prevent erosion damage to adjacent property. However, any county that is adjacent to an inland lake (i) more than 500 feet above sea level and (ii) of 20,000 acres or more and wholly located within the Commonwealth may, by ordinance, establish "no wake" zones along such lake within the locality in order to protect public safety or prevent erosion damage to adjacent property. The markers and buoys designating a no wake zone shall conform to the requirements established by the Board. Any marker or buoy which is not placed in conformance with the regulations of the Board or which is not properly maintained shall be removed by the locality. The locality may provide for enforcement and penalties for the violation of the ordinance.

- E. Any person who desires to place or remove "no wake" buoys or other markers relating to the safe and efficient operation of vessels pursuant to any local ordinance shall apply to the local governing body. The local governing body shall approve, disapprove or approve with modifications the application and forward it to the Director, who shall approve, disapprove or approve with modifications within thirty days the placement and type of marker to be used or the removal of "no wake" buoys or other markers. The cost of the purchase and placement or the removal of the buoys or markers shall be borne by the person requesting the placement or removal of the buoys or markers. Any marker or buoy which is not placed in conformance with the regulations of the Board or which is not properly maintained may be removed by the Department. "No wake" buoys or other markers placed prior to July 1, 2001, shall only be removed when no longer required for the safe and efficient operation of vessels pursuant to any local ordinance.

§ 29.1-734. Authorization for and placing of markers in waters of the Commonwealth used for public swimming areas; no motorboating, waterskiing in marked area.

- A. Any owner of real estate which touches any of the waters of this Commonwealth or the agent of the owner may petition the Board to authorize the placing of markers approved by the Board around a public swimming or bathing area.
- B. The Department, upon receiving the petition and sufficient proof that the water adjacent to the real estate is used in whole or in part as a public swimming or bathing area, may authorize the placement of the markers to designate the area as a swimming or bathing area.
- C. The cost of the purchase and placement of the markers shall be borne by the party requesting the placement of the markers.
- D. No person shall operate a motorboat or manipulate skis within the area of the waters of the Commonwealth marked under this section. Persons violating this subsection shall be guilty of a Class 4 misdemeanor.

## DEPARTMENT REGULATION

### 4 VAC 15-370-50. Regulatory markers and aids to navigation.

- A. Under the provisions of Chapter 7 of Title 29.1 of the Code of Virginia a system of regulatory markers and a lateral buoyage marking system of aids to navigation are hereby adopted on all public waters of the Commonwealth not marked by an agency of the United States. Regulatory markers will be white with international orange bands. A vertical open-faced diamond shape with a white center shall denote danger. A vertical open-faced diamond shape with an inside cross shall denote a prohibition of all vessels. A circular shape with a white center shall denote a control or restriction. A rectangular shape shall denote information other than a danger, control or restriction. No regulatory marker, aid to navigation or other waterway marker affecting the safety, health or well-being of a boat operator, excepting those placed by an agency of the United States or a political subdivision of this Commonwealth as authorized in §29.1-744 D of the Code of Virginia, shall be placed in, on or near the water unless authorized by the department.
- B. When buoys are used as regulatory markers, they shall be white with horizontal bands of international orange, having a minimum width of three inches, placed completely around the buoy circumference. One band shall be at the top of the buoy, with a second band placed just above the waterline so that both bands are clearly visible to approaching watercraft. The area of the buoy body visible between the two bands shall be white and not less than 12 inches in height. No buoy shall be less than 24 inches in overall height from the waterline.
- C. Where a regulatory marker consists of a sign displayed from a marine structure, post or piling, the sign shall be white, with an international orange border having a minimum width of three inches. The geometric shape associated with the meaning of the marker shall be centered on the signboard.
- D. The size of the display area shall be as required by circumstances, except that no display area shall be smaller than one foot in height. The outside width of the diamond, the inner diameter of the circle, and the average of the inside and outside widths of a square shall be two-thirds of the display area. The side of the diamond shall slope at a 35° angle from the vertical on the plane surface. Approximate adjustments for curvature may be made when applied to a cylindrical surface.
- E. Explanatory words may be added outside the diamond with a center cross, the open diamond and the no wake circle on fixed markers only, and shall be added to the inside of the circle, square and rectangle. The letters of such words shall be black, in block characters of good proportion, spaced in a manner that will provide maximum legibility, and of a size that will provide the necessary degree of visibility. Applicable words include, but are not limited to:
1. Open faced diamond: rock, snag, cable, dam, dredge, shoal, reef, wreck.
  2. Diamond with cross: dam, swim area, rapids, no boats.

3. Circle: no skiing, no wake, no anchoring, no fishing, no scuba, no boats, ski only, fishing only, for wording inside the circle; and entering no wake zone, leaving no wake zone, for wording outside the circle.
  4. Square or rectangle: information other than a danger, control or restriction, which may contribute to health, safety, or well-being of boaters, such as place names, arrows indicating availability of gas, oil, groceries, marine repairs, limits of controlled areas, or approaching controlled area.
- F. Waterway markers shall be made of materials that will retain the characteristics essential to their basic significance, such as color, shape, legibility and position, despite weather or other exposures.
- G. Regulatory markers shall be placed where they are reasonably visible from boats approaching the marker and the visibility of the marker shall be maintained.
- H. Written approval of the department must be obtained before relocation of any marker.
- I. The person responsible for the marker shall immediately notify the department when any approved marker is removed or destroyed. Such marker shall be replaced without unnecessary delay.
- J. After notification to the person responsible for the marker, the department may cancel for reasonable cause any marker authorization. Such marker shall be removed by the person responsible for the marker without unnecessary delay. Should the marker not be removed within a reasonable amount of time, the department may remove the marker or have it removed at the expense of the person responsible for the marker.
- K. The political subdivision or agency making application shall certify that the markers to be installed conform to the above provisions.
- L. It shall be unlawful to enter, use, or occupy public waters for a purpose contrary to the use indicated on markers authorized by the department, or placed by an agency of the United States or a political subdivision of this Commonwealth.
- M. It shall be unlawful to moor or attach a vessel to a marker other than an approved mooring buoy, or move, remove, displace, tamper with, damage or destroy a marker authorized by the department, placed by an agency of the United States or placed by a political subdivision of this Commonwealth.

### 3. **NECESSITY FOR MARKERS**

A letter of necessity must be submitted with the application and must state clearly the need for regulatory markers.

#### 4. LOCATION

- A. All regulatory markers shall be colored white with international orange bands.
- B. When buoys are used as regulatory markers they shall be white with horizontal bands of international orange, having a minimum width of 2", placed completely around the buoy circumference. One band shall be at the top of the buoy, with a second band placed just above the waterline so that both bands are clearly visible to approaching watercraft. The area of the buoy body visible between the two bands shall be white and not less than 12" in height. No buoy shall be less than 24" in overall height from the waterline.
- C. The geometric shape displayed on a regulatory marker is intended to convey specific meaning to a vessel. Geometric shapes shall be placed on the white portion of the buoy body and shall be colored international orange. The authorized geometric shapes and meaning associated to each shape are:
  - 1. A vertical open faced diamond to mean danger;
  - 2. A vertical open faced diamond shape having a cross centered in the diamond to mean prohibition of all vessels.
  - 3. A circular shape to mean that watercraft operated in an area so marked are subject to certain operating restrictions.
  - 4. A square or rectangle shape with information or directions lettered inside the borders.
- D. Where a regulatory marker consists of a sign displayed from a structure located on a marine site, the sign shall be white, with an international orange border having a minimum width of 2". The geometric shape associated with the meaning of the marker shall be centered on the sign board.
- E. The size of the display area shall be as required by circumstances, except that no display area shall be smaller than one foot in height. The outside width of the diamond, the inner diameter of the circle, and the average of the inside and outside widths of a square shall be two-thirds of the display area. The side of the diamond shall slope at a 35 degree angle from the vertical on the plane surface. Approximate adjustments for curvature may be made when applied to a cylindrical surface.
- F. Explanatory words may be added outside the diamond with a center cross and the open diamond, and shall be added to the inside of the circle, square and rectangle. The letters of such words shall be black, in block characters of good proportion, spaced in a manner than will provide maximum legibility, and of a size which will provide the necessary degree of visibility. Suggested words are:

1. Open faced diamond: rock, snag, cable, dam, dredge, shoal, reef, wreck, etc.
2. Diamond with cross: dam, swim area, rapids, no boats, etc.
3. Circle: no ski, no wake, no anchor, no fishing, no scuba, no prop boats, ski only, fishing only, etc.
4. Square or rectangle: information other than a danger, control or restriction, which may contribute to health, safety, or well-being, place names, distances arrows indicating availability of gas, oil, groceries, marine repairs, etc.

G. Materials. Waterway markers shall be made of materials which will retain, despite weather or other exposures, the characteristics essential to their basic significance, such as color, shape, legibility and position.

H. Certification. The political subdivision, agency, or individual making application shall certify that the markers to be installed conform with the above provisions.

I. A suggested list of manufacturers from whom approved markers may be obtained is available from the Department.

## 6. **COST AND MAINTENANCE OF MARKERS**

All costs connected with the establishment and maintenance of uniform waterway markers shall be assumed by the political subdivision, agency or individual making application and requesting authorization to install same. All markers shall be maintained in proper condition.

## 7. **CANCELLATION OR CHANGE OF MARKERS**

- A. Written approval of the Department must be obtained before effecting the relocation of any marker.
- B. If any marker is removed, by the permittee for any reason, the Department shall be notified within 10 days of such removal.
- C. The Department may cancel for reasonable cause any marker authorization after notification to the permittee. Such marker shall be removed without expense to the Department.

## 8. **ENFORCEMENT**

Every Conservation Police Officer and every other law enforcement officer of this state and its subdivision may enforce proper observance by watercraft operators of any marker installed under authorization by the Board under Department Regulation 4 VAC 15-370-50.