

## **Chapter 370. Watercraft: in General**

### **4VAC15-370-50. Regulatory markers and aids to navigation.**

**Summary:** Staff proposes amendments to this chapter to simplify the regulation and clarify the application of the regulation.

#### **Rationale:**

The proposed updates would add references to the U.S. Coast Guard (USCG) rules for waterway markers, including their shapes and colors. By referring to the USCG standards instead of listing specific shapes and colors in our own regulations, we ensure our rules stay aligned with any future USCG changes. Other changes would require that regulatory markers be installed and maintained according to the terms of their application, authorization, or the department's requirements. These updates also aim to better explain the rules for regulatory markers that individuals place under a local ordinance, as allowed by § 29.1-744 E. The requirements for size, shape, color, and wording will be expanded in agency requirements/authorization rather than specified in regulation.

### **4VAC15-370-50. Regulatory markers and aids to navigation.**

A. Under the provisions of Chapter 7 of Title 29.1 of the Code of Virginia [and the United States Aids to Navigation System, as established by 33 Code of Federal Regulations Part 62](#), 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. [The design, construction, and color of regulatory markers shall be uniform so that all vessel operators may readily recognize, identify and distinguish authorized regulatory markers. These specifications shall be prescribed in department requirements and shall be in accordance with the United States Aids to Navigation System, as established by 33 Code of Federal Regulations](#)

~~Part 62. When buoys are used as regulatory markers, they shall be white with horizontal bands of international orange, having a minimum width of two 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~~ C. Regulatory markers shall be placed where they are reasonably visible from boats approaching the marker and the visibility of the marker shall be maintained in accordance with agency requirements or authorization.

D. Applications for waterway markers to be authorized by the Department under § 29.1-734 or § 29.1-744 E shall be submitted in a manner determined by the department and shall include but not be limited to: specific purpose of control area, danger or hazard to navigation, or public swim area; specific location of the regulated area; and reference to local ordinance authorizing a control area.

1. Authorized waterways markers must be placed in accordance with all department conditions.

~~H~~ 2. Written approval of the department must be obtained before relocation of any marker.

~~I~~ 3. 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~~ 4. 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~~ 5. The political subdivision or agency making application shall certify that the markers to be installed conform to the above provisions.

~~L~~ E. 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~~ F. 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.

Statutory Authority

§§ 29.1-103, 29.1-501, 29.1-502, and 29.1-701 of the Code of Virginia.