

182001

COMMONWEALTH OF VIRGINIA
COMMISSION OF GAME AND INLAND FISHERIES

Application for Establishment of Regulatory Markers on
Public Waters of Virginia

Date of Application Aug. 28, 1974 Proposed Date of Installation As soon as possible after application is approved.

A. Applicant

1. Name The Green Association (a condominium) Phone Conrad 438-7491
~~(Political Subdivision or Agency)~~ Number Bivins 438-7376
Address Rt. 1, Weems, Va. 22576

2. Individual to be responsible for installation and maintenance
Name Board of Directors of game Phone Number _____
Address same

B. NECESSITY OR REASON FOR REQUESTED MARKERS

- 1. Attach a letter, with two signed copies, addressed to Executive Director, Commission of Game And Inland Fisheries, Box 11104, Richmond, Virginia 23230, explaining conditions which make such markers necessary.
- 2. Political subdivision- attach three copies of proposed regulation or ordinance and a copy of public notice, which has been issued prior to this application.
Dead Man's Bones Cove

C. LOCATION OF MARKERS - Body of water of Carters Creek County Lancaster

- 1. Attach eight copies of a map, chart section, or drawing to a scale which will readily depict the proposed zoned area to its surroundings showing the location of each marker to be placed in the water and its relation to nearby channels and water traffic patterns. Have inset or attachment showing type of marker to be used at each location.

D. MARKERS

- 1. All markers must conform to specifications as listed in Rules for Establishment of Uniform Regulatory Markers. State below name of manufacturer of commercial markers that will be used, or, if obtained otherwise indicate source.

Suffolk Sign Co., Suffolk, Va. Tony del Fabro Irvington, Va.

E. CERTIFICATION

The applicant hereby agrees and certifies that all markers authorized by the Commission will be installed and maintained at no expense to the Commission; that all such markers will conform to the specifications, standards and conditions as set forth in "Rules For Establishment of State Uniform Regulatory Markers on Public Waters of Virginia and may be inspected at any time, without prior notice, by authorized personnel. Should markers not be maintained in satisfactory condition the Commission may order them removed at no expense to the Commission. The applicant agrees that the Commission of Game and Inland Fisheries will not be held liable with respect to any and all claims that may result from the installation and maintenance of such markers and the the marking of any waters does not convey any exclusive privileges.

John M. Adkins *Sept. 19, 1974*

Signature

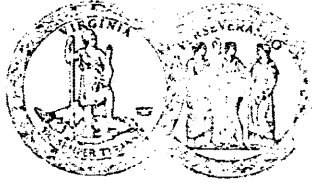
President

Title

Instructions: Complete four copies; mail three copies with required enclosures to:

Executive Director
Commission of Game and Inland Fisheries
P. O. Box 11104
Richmond, Virginia 23230

COMMONWEALTH OF VIRGINIA



ALLAN A. HOFFMAN, M.D., CHAIRMAN
1010 MAIN ST., DANVILLE 24541
G. RICHARD THOMPSON, VICE CHAIRMAN
MARSHALL 22115
EDWARD E. EDGAR
5640 SHENANDOAH COURT, NORFOLK 23509
RALPH G. GUNTER, ABINGDON 24210
DOLPH HAYS
1441 N. COURTHOUSE RD., ARLINGTON 22201
JAMES R. KNIGHT, JR., D.D.S.
BOX 438, WARSAW 22172
JOHN P. RANDOLPH
RT. 2, SPRING GROVE 23381
RICHARD E. WATKINS
RT. 5, RICHMOND 23101
RALPH L. WEAVER
BOX 1080, WASHINGTON 22180
WILLIAM H. WEST
LOCKSLEY FARM, WASHINGTON 22180

CHESTER F. PHELPS, EXECUTIVE DIRECTOR
4010 WEST BROAD STREET
BOX 11104
RICHMOND, 23230

COMMISSION OF GAME AND INLAND FISHERIES

Box 11104

Richmond, 23230

September 27, 1974

Mr. S. M. Rogers
Chief Environmental Engineer
Virginia Marine Resources Commission
P. O. Box 756
Newport News, Virginia 26307

Dear Mr. Rogers:

Transmitted herewith is the application dated August 28, 1974 submitted by THE GREEN ASSOCIATION, Route 1, Weems, Virginia 22576, Lancaster County, with all supporting documents pertaining to the establishment of three (3) "No Wake" signs to be placed in Dead Man's Bones Cove, Carter's Creek, Lancaster County, adjacent to property owned by THE GREEN ASSOCIATION.

It is recommended that the Virginia Marine Resources Commission approve the placement of these "No Wake" signs for the safety and welfare of all concerned.

Sincerely,

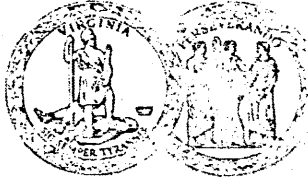
James N. Kerrick
Safety Officer

JNK/gh

Enclosures: 1. Application, dated August 28, 1974
2. Copy of chart, showing location of signs
3. Letter of necessity, dated June 17, 1974
4. Description of "No Wake" signs

cc: Commissioners Edgar, Knight, Watkins, Boating Committee
R. S. Purks, Assistant Chief, Law Enforcement
Fred Brown, Game Warden Supervisor
S. R. Stanford, Assistant Supervisor (Law)
H. H. Pittman, Area Leader
U.S. Army Corps of Engineers (Norfolk)
J. Gilliam Conrad, THE GREEN ASSOCIATION

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BOX 1083, WAYNESBORO 22980
WILLIAM H. WEST
LOCKSLEY FARM, MILLWOOD 22646

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COMMISSION OF GAME AND INLAND FISHERIES

Box 11104

Richmond, 23230

September 27, 1974

Department of the Army
Norfolk District, Corps of Engineers
Fort Norfolk
803 Front Street
Norfolk, Virginia 23520

Dear Sir:

Transmitted herewith is the application dated August 28, 1974 submitted by THE GREEN ASSOCIATION, Route 1, Weems, Virginia 22576, Lancaster County, with all supporting documents pertaining to the establishment of three (3) "No Wake" signs to be placed in Dead Man's Bones Cove, Carter's Creek, Lancaster County, adjacent to property owned by THE GREEN ASSOCIATION.

It is recommended that the U.S. Army Corps of Engineers approve the placement of these "No Wake" signs for the safety and welfare of all concerned.

Sincerely,

James N. Kerrick
Safety Officer

JNK/gh

Enclosures: 1. Application dated August 28, 1974
2. Five copies of chart location of signs
3. Letter of necessity, dated June 17, 1974
4. Five copies, description of "No Wake" signs

cc: Commissioners Edgar, Knight, Watkins, Boating Committee
R. S. Purks, Assistant Chief, Law Enforcement
Fred Brown, Game Warden Supervisor
S. R. Stanford, Assistant Supervisor (Law)
H. H. Pittman, Area Leader
Virginia Marine Resources Commission
J. Gilliam Conrad, THE GREEN ASSOCIATION

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COMMISSION OF GAME AND INLAND FISHERIES

Box 11104
Richmond, 23230

July 1, 1974

Mr. J. Gilliam Conrad
The Green, Route 1
Weems, Virginia 22576

File No. 182

Dear Mr. Conrad:

The inspection conducted on June 28, 1974 of Dead and Bones Creek Cove of Carters Creek, Lancaster County, see Coast and Geodetic Chart 534-SC, disclosed that some restrictions are needed and we are prepared to approve the placement of no more than six (6) "NO WAKE" signs to slow boating traffic.

Since more than one landowner borders on the cove, written authorization must be obtained from each to the effect they pose no objection in marking the cove as a "NO WAKE" zone.

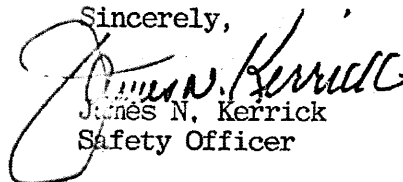
As indicated in letter this office dated April 30, 1974 this office requires that a resolution be obtained from your governing body, such as the Lancaster County Board of Supervisors, to the placement of these "NO WAKE" signs for the safety of all concerned.

All cost connected with the establishment and maintenance of uniform waterway markers must be assumed by the political sub-division or agency requesting authorization to install same. All markers shall be maintained in proper condition.

Since Carters Creek is classified as navigable waters of these United States approval must be obtained from the U. S. Army Corps of Engineers and the U. S. Coast Guard but upon your compliance with our requirements and procedures we will obtain this additional approval for you.

No buoys or signs may be placed in or near the water until approval is obtained from both the State and Federal Agencies.

Sincerely,


James N. Kerrick
Safety Officer

JNK/mg

Encls: 1. Rules for the Establishment of Regulatory markers
on the Public Waters of Virginia.
2. Application for the Establishment etc.
3. Check sheet.
4. Description of 'NO WAKE' sign.

CC: Commissioner James R. Knight, Jr. D.D.S.
Commissioners Edgar, Gunter, Watkins (Boating Committee)
R. S. Purks, Assistant Chief, Law Enforcement
Fred Brown, Game Warden Supervisor
S. R. Stanford, Assistant Supervisor (Law)
H. H. Pittman, Area Leader

Waterway Marker Law

§ 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.

(1960, c. 500, § 62-174.15; 1964, cc. 346, 654; 1968, c. 659, § 62.1-182; 1978, c. 598; 1982, c. 232; 1987, c. 488; 1997, c. 522; 1999, c. 489; 2001, c. 649.)

§ 29.1-746. Penalties.

A. Unless specified otherwise, any person who violates any provision of this chapter or any regulation adopted under this chapter shall be guilty of a Class 4 misdemeanor for each such violation.

B. Upon the conviction of any person for the violation of any provision of this chapter or any regulation adopted thereunder for which the criminal penalty is a Class 3 misdemeanor or greater, the court shall order the person to complete and pass a boating safety course approved by the National Association of State Boating Law Administrators and accepted by the Department. A list of such courses shall be made available by the Department. Any person who has been ordered by the court to complete and pass a boating safety course shall submit to the court, in a form approved by the Department, proof of completion and passage of the course within six months of the time of his conviction. If the person who has been required to complete and pass a boating safety course is under 18 years of age, the court may require the person to obtain parental consent to enroll in the course. If the person does not complete and pass the boating safety course within the prescribed time period, the court may, for good cause, extend the period for completion; however, absent good cause, the court shall impose a fine not to exceed \$250.

(1960, c. 500, § 62-174.18; 1962, c. 626; 1964, c. 654; 1968, c. 659, § 62.1-185; 1984, c. 417; 1987, c. 488; 2006, c. 23.)

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 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.

Statutory Authority

§§[29.1-501](#), [29.1-502](#), [29.1-701](#), [29.1-735](#), and [29.1-744](#) of the Code of Virginia.

Historical Notes

Derived from VR325-04-1 §5, eff. August 26, 1993; amended, Virginia Register Volume 19, Issue 5, eff. January 1, 2003.

4VAC15-370-51. Regulatory markers and aids to navigation maintenance.

The person responsible for a regulatory marker or aid to navigation shall maintain such marker or aid to ensure visibility, readability and proper placement of the marker or aid to navigation. The department may remove, have removed or require removal of any marker not maintained or repaired. All costs of removal shall be borne by the person responsible for the marker.

Statutory Authority

§§29.1-501, 29.1-502, 29.1-701, 29.1-735, and 29.1-744 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 19, Issue 5, eff. January 1, 2003.

Waterway Marker Compliance Guide

4VAC15-370-50; 29.1-744

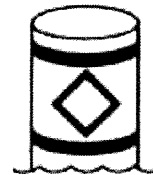
A - General Symbols and specifications of markers

- Must be white with international orange bands
- Any lettering must be visible and legible black letters of good proportion
- General symbols:



B - Buoys used as markers must be white with two (2) international orange bands and stand at least 24" above waterline

- Bands must be:
 - Displayed on the top and bottom of the buoy
 - $\geq 2''$ in width
 - Completely around the buoy visible above the waterline
- Display area (area between bands) must be
 - $\geq 12''$ in height



C - Signs used as markers must be white with international orange border

- Border must be $\geq 3''$ wide
- Symbols must be centered



D - Display area

- $\geq 12''$ high
- Diamond, rectangle or circle shall be $2/3^{\text{rds}}$ of display area
 - Diamond and rectangle are measured from outside width
 - Circle is measured from inside diameter