



Rules of
Department of Public Safety
Division 80—Missouri State Water Patrol
Chapter 5—Aids to Navigation and
Regulatory Markers

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**Title 11—DEPARTMENT OF
PUBLIC SAFETY**

**Division 80—Missouri State Water Patrol
Chapter 5—Aids to Navigation and
Regulatory Markers**

11 CSR 80-5.010 Approval of Aids to Navigation and Regulatory Markers

PURPOSE: This rule regulates the placement of aids to navigation and regulatory markers on the waterways of the state of Missouri to ensure that such aids and markers are uniform and promote the public safety and welfare.

(1) All persons requesting permission to place or have placed an aid to navigation or regulatory marker as defined in section 306.124, RSMo on the waterways of the state of Missouri must submit a completed application form supplied by the Missouri State Water Patrol, PO Box 1368, Jefferson City, MO 65102-1368. All applications must be submitted to the Missouri State Water Patrol General Headquarters in Jefferson City at least thirty (30) days before the date permission is requested. The application will be reviewed by the Missouri State Water Patrol at a public hearing after notice of the hearing has been published in the county paper at least ten (10) days before the hearing. Hearings will be conducted only once per month during the months of September, November, January, March and May. The commissioner of the Missouri State Water Patrol, or his/her designated representative, shall approve or disapprove all applications within a reasonable length of time after the conclusion of the hearing.

(2) Applications for buoys one hundred feet (100') from a dock—

(A) Applications must include a copy of the applicant's dock permit (306.903, RSMo);

(B) The application must include a diagram of the cove indicating the distance between the most lakeward portion of the applicant's dock and the dock(s) or shoreline on the opposite side of the cove;

(C) The application must show the proposed placement of the buoy(s) requested in relationship to the applicants' dock;

(D) Docks that are within two hundred feet (200') of the applicant's dock must be indicated on the diagram;

(E) "No wake-idle speed" buoys will not be approved for docks that are less than three hundred feet (300') from a dock on the opposite side of the cove due to constriction and increased potential for accidents;

(F) Generally, private docks will only be permitted for one "no wake-idle speed" buoy unless other circumstances exist; and

(G) Buoy placement will be centered one hundred feet (100') out from the most lakeward portion of the applicant's dock unless extenuating circumstances determined by the Missouri State Water Patrol dictate otherwise. Placement of buoy(s) must comply with the approved permit.

(3) Applications to buoy the full width of a cove—

(A) All applications, including appeals, to regulate boating traffic for the full width of any portion of a cove shall be heard at the Missouri State Water Patrol Headquarters in Jefferson City;

(B) If the width of the cove is such that the distance between docks on opposite sides of the cove is in excess of four hundred feet (400'), the cove shall not be buoyed unless in the opinion of officials of the Missouri State Water Patrol the volume of boating traffic is significantly disproportionate to similar coves on the same body of water, or traffic accident data support the need for "no wake-idle speed" buoys. If the distance between opposing docks is disputed, the applicant at his/her expense shall have an official survey conducted by a Missouri registered surveyor to determine the exact distance;

(C) Applications to buoy coves that have a distance of four hundred feet (400') or less between docks on opposite sides of the cove must include a plot map of the cove with all affected owners names on their plot;

(D) The applicant is responsible for submitting proof of property ownership and documentation that seventy-five percent (75%) or more of property owners in the affected area are in agreement by including with the application a petition signed by at least seventy-five percent (75%) of property owners and a photocopy of each property owner's dock permit or personal property tax receipt or real estate property tax receipt;

(E) There will be a one (1) property, one (1) vote rule applied, to be determined by property tax receipts or official dock permit. Individuals who own more than one (1) property in the affected area are only to be counted as one (1) vote regardless of the number of lots owned;

(F) Second tier homeowners may sign the petition if they own a dock and must prove dock ownership by dock permit or personal property tax receipt. Condominium owners may sign the petition only if they own or lease a slip within the condominium dock. Condominium owners must prove voting rights by submitting a personal property tax

receipt or leasing agreement for a dock slip;

(G) Placement of buoys in a diagonal pattern, rather than a straight line, may be permitted if the shoreline and situation necessitate such a pattern;

(H) If there are permitted buoys within the area that is to be controlled, the permit number of the existing buoys must be submitted with the application. If the new application is approved, all existing permits within the new controlled area will be cancelled and the previously permitted buoys removed unless the officials of the Missouri State Water Patrol determine that it is in the interest of public safety to retain some or all existing permitted buoys;

(I) Owners of property within a permitted area may, by petition, request a revocation of permitted buoys. Revocation will only be considered, however, if twenty-six percent (26%) or more of property owners sign the petition requesting revocation. The one (1) property, one (1) vote rule applies;

(J) Approved buoys for a "no wake-idle speed" cove shall be placed one hundred feet (100') below or prior to the first dock affected, unless it would extend the buoys into the main channel. Owners of docks at both ends of the proposed buoy line and within one hundred feet (100') outside of the proposed buoy line must agree in writing to the placements of the proposed buoys;

(K) If a cove is such that it has a bottleneck effect within the cove and then opens up in excess of four hundred feet (400') between docks on opposite sides, the property owners may petition for "no wake-idle speed" buoys to control speed within the bottleneck and one hundred feet (100') on each side. The permit holder shall be required to place a four foot by six foot (4' x 6') sign conforming to prescribed markings on a dock or approved structure at each end of the zone. The sign must face boaters when entering the controlled zone from either side;

(L) Applications for "no-anchor" designation on all or any portion of a cove may be approved if in the opinion of the officials of the Missouri State Water Patrol the anchoring of boats unnecessarily impedes the normal flow of traffic, interferes with a dock owner's ability to navigate from or to his/her property or if electric cables, gas lines or similar utilities could be vulnerable to damage as a result of anchoring;

(M) Lighted signs and flashing lights on buoys will be discouraged unless seventy-five percent (75%) of the property owners in the affected cove agree to the application for lights. All property owners within two hundred feet (200') of proposed lighted signs on buoys must agree to the placement of the



lights. If lighted signs or buoys are approved, affected property owners may, by petition, request to have the lights removed. The Missouri State Water Patrol Buoy Committee may not consider removal of permitted lights unless the petition to remove the lights bears the validated signatures of twenty-six percent (26%) or more of the current property owners in the permitted area. Shoreline property owners within two hundred feet (200') of the permitted area may be included in the revocation petition. Lighted signs and flashing lights may be required by the Missouri State Water Patrol in some instances if deemed necessary for safe navigation; and

(N) Approved or required lights on buoys shall be solar white flashing lights. Approved or required lights on signs shall be solar amber flashing lights.

(4) Modification(s) to an existing buoy permit must be approved by the Missouri State Water Patrol. A request to modify an existing permit may require a new application and hearing if the modification would have a significant effect on boating traffic in the immediate area as determined by the Missouri State Water Patrol. The Missouri State Water Patrol shall determine if a permit modification requires a public hearing. New applications must conform to the above rules. Modifications of an existing permit for name or ownership change only, does not require a new hearing. Permit holders are required to notify the Missouri State Water Patrol if they have a change of address or transfer of property ownership.

(5) Buoy applications for the same general area will be considered not more than two (2) times within any twelve (12) consecutive month period.

(6) All rejected buoy applications shall be granted one (1) appeal for the same location. Appeal hearings will normally be held at Missouri State Water Patrol General Headquarters in Jefferson City. Either the commissioner or the field services commander will serve on the appeal board.

(7) A personal watercraft is by statutory definition a vessel, which requires their operation to be in compliance with all regulatory markers.

(8) Temporary buoy permits for regattas, construction sites, etc., will each be considered on their own merits.

(9) It will be the responsibility of the permit holder to purchase, install and maintain all approved buoys and signs. All approved

buoys and signs must be installed and in place from May 1 through Labor Day each year. Permitted buoys and signs may remain installed or removed the remainder of the year. Buoys and signs approved for new applications during the May hearings must be installed within thirty (30) days of the approval date. The permit holder shall mark each permitted buoy and sign with the permit number assigned by the Missouri State Water Patrol. The permit number must be placed on each buoy or sign by a method that is both durable and legible. Buoys and signs that cannot be identified by visible permit number are subject to removal. All buoys must be reflective and conform to the Uniform State Waterway Marking System as established by the United States Coast Guard. The commissioner of the Missouri State Water Patrol may revoke the permit of any permit holder upon failure to abide by these rules. Upon fourteen (14) days written notice, the commissioner of the Missouri State Water Patrol may revoke any permit if the permit holder fails to maintain buoys, signs, markers and/or lights in proper placement or in a well-maintained and legible condition. Buoys that have shifted in position because of water level, boat waves or some force of nature and the buoy still performs the purpose set forth in the application shall remain a legal navigation marker unless determined otherwise by the commissioner.

(10) The Missouri State Water Patrol retains, pursuant to section 306.124, RSMo, sole discretion to provide for the uniform marking of the waterways of this state through the placement of aids to navigation and regulatory markers. The Missouri State Water Patrol may approve or revoke regulatory markers and navigational aids on any area of the waterways of this state when, in the opinion of officials of the Missouri State Water Patrol, public safety will be enhanced by the regulation or deregulation of boating traffic. The Missouri State Water Patrol shall consider traffic density, traffic patterns, accident data and other pertinent criteria prior to approval of an application or revocation of a permit.

(11) Nothing in this rule shall be construed to create in any other party any right or entitlement to the privilege of placing such aids or markers or any legal duty on behalf of the Missouri State Water Patrol to approve or disapprove any request to place such aids or markers.

AUTHORITY: section 306.124, RSMo Supp. 2003. Original rule filed Dec. 18, 1975, effective Dec. 28, 1975. Amended: Filed Aug.*

25, 1977, effective Jan. 13, 1978. Amended: Filed Sept. 13, 1983, effective Jan. 13, 1984. Amended: Filed May 31, 1984, effective Sept. 14, 1984. Amended: Filed Oct. 29, 1999, effective April 30, 2000. Amended: Filed Nov. 7, 2003, effective April 30, 2004.

**Original authority: 306.124, RSMo 1969, amended 1985, 1989, 2002.*

Op. Atty. Gen. No. 292, Bolinger, 6-25-71. The Missouri Boat Commission is authorized to establish speed limit zones on the waterways of Missouri and to enforce compliance with such regulations.