

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 water areas 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 waters of the state of Missouri must complete an application form supplied by the Missouri State Water Patrol, P.O. 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 between April 1 and the third Monday in September. 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, the distance between the most lakeward portion of the applicant's dock and the dock(s) on the opposite side of the cove;

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

(D) Docks that are within one hundred feet (100') of the applicant's dock must be indicated on the application; and

(E) Because of increased potential for boating accidents due to constricting of traffic lanes, "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.

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

(A) 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 "idle speed-no wake" buoys;

(B) 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 (306.903, RSMo);

(C) The application must include a petition signed by a minimum of seventy-five percent (75%) of the property owners. The signature petition shall include each property owner's dock permit number;

(D) The applicant is responsible for submitting proof of property ownership and documentation that seventy-five percent (75%) or more of property owners are in agreement;

(E) There will be a one (1) property, one (1) vote rule applied, to be determined by property tax receipts;

(F) Second tier homeowners and condominium owners may sign the petition if they own or lease a dock. Second tier owners may prove ownership by personal property tax receipts;

(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 upon approval, 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;

(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;

(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 permittee shall be required to place a four feet by six feet (4' × 6') sign on a dock or approved structure at each end of the zone reading, "no wake-idle speed" and conforming to prescribed markings. The sign must face boaters when entering the controlled zone from either side; and

(L) Lighted signs and flashing lights on buoys will be discouraged unless one hundred percent (100%) of the property owners in the affected cove agree to the application for lights. All property owners within two hundred feet (200') of the marked "no wake-idle speed" zone must agree to all proposed lighting schemes. 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.

(4) Modification(s) to an existing buoy permit must be approved by the Missouri State Water Patrol. A request to relocate existing permitted buoys will require a new application and 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.

(5) Buoy applications for the same general area will be considered not more than two (2) times in a calendar year.

(6) For all buoy application concerns, a personal watercraft is considered a boat for all legal purposes.

(7) 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 director of field services will hear the appeal.

(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 applicant to purchase, install and maintain all approved buoys. The buoys must be installed



within sixty (60) days of the approval date. The Missouri State Water Patrol will mark approved buoy(s) for identification purposes by affixing to each buoy a metal stick-on tag showing the buoy permit number. All buoys must have reflective tape. If the buoys are removed during the winter months they must be replaced prior to May 1 of each year. The commissioner of the Missouri State Water Patrol may revoke the permit of any applicant upon failure to abide by these rules, if the buoy installation and placement is not in good maintenance and repair, not at specified locations as indicated on approval sent to the applicant by the commissioner or for the well-being of the public health and welfare as determined necessary by the commissioner upon a fifteen (15)-day written notice to the applicant. 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 water areas in this state through the placement of aids to navigation and regulatory markers. 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 1994. 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.*

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

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.