

**CHAPTER 113. AIDS TO NAVIGATION AND
OBSTRUCTIONS TO NAVIGATION**

- Sec.
- 113.1. General.
 - 113.2. Prohibited acts.
 - 113.3. Operation of boats.
 - 113.4. Permits.
 - 113.5. Responsibilities of permittees.
 - 113.6. Maintaining of aids to navigation.
 - 113.7. Transfer of permit.
 - 113.8. Accidents involving aids or markers.
 - 113.9. Marking of wrecks and sunken vessels.
 - 113.10. Permits for installation and lighting of floats, ski ramps and other floating structures.
 - 113.11. Unpermitted buoys and floating structures.
 - 113.12. Reliance on location of aids and markers.

Source

The provisions of this Chapter 113 adopted June 3, 1994, effective June 4, 1994, 24 Pa.B. 2795, unless otherwise noted.

§ 113.1. General.

(a) The Coast Guard administers the United States Aids to Navigation System (33 CFR Part 62 (relating to United States Aids to Navigation System)). The System consists of Federal aids to navigation operated by the Coast Guard, aids to navigation operated by other armed services and private aids to navigation operated by other persons. This System is adopted by the Commission for use in this Commonwealth and is administered on waters not marked by the Coast Guard.

(b) An aid to navigation is a device external to a vessel intended to assist a boater in determining position or safe course, or warn of dangers or obstructions to navigation.

Source

The provisions of this § 113.1 amended September 25, 1998, effective September 26, 1998, 28 Pa.B. 4789. Immediately preceding text appears at serial page (213895).

§ 113.2. Prohibited acts.

(a) Aids, other than those placed by the United States government, may not be placed on or along waters of this Commonwealth unless authorized by the Commission under § 113.4 (relating to permits).

(b) A person may not moor or fasten watercraft to an authorized and lawfully placed State or Federal buoy, beacon or bridge. This section does not prohibit mooring of boats to authorized mooring buoys.

(c) It is unlawful for an unauthorized person to move, remove, tamper or injure a State or Federal aid or marker.

(d) A person may not place an aid to navigation that is incompatible with the United States Aids to Navigation System.

Source

The provisions of this § 113.2 amended September 25, 1998, effective September 26, 1998, 28 Pa.B. 4789. Immediately preceding text appears at serial pages (213895) to (213896).

§ 113.3. Operation of boats.

The Commission or the Executive Director acting under § 103.3(c) (relating to restriction for special areas), may establish or authorize establishment of control zones. Established control zones will be indicated by regulatory markers at the beginning, at the end and at appropriate intermediate points. It is unlawful for operators to operate a boat contrary to the restrictions of the controlled area.

Source

The provisions of this § 113.3 amended April 10, 2009, effective April 11, 2009, 39 Pa.B. 1859. Immediately preceding text appears at serial page (248928).

§ 113.4. Permits.

(a) Persons, including clubs, individuals, State agencies, municipalities and other groups, wishing to establish an aid shall apply for permission from the Commission on Form PFBC-227 at least 30 days prior to the intended date of installation. Application forms are available from and should be submitted to:

Aids to Navigation
Bureau of Law Enforcement
Pennsylvania Fish and Boat Commission
Post Office Box 67000
Harrisburg, Pennsylvania 17106-7000

(b) The authorization of the placement of a private aid to navigation does not grant exclusive privileges nor does it eliminate the necessity to comply with other Federal or state permitting requirements.

Authority

The provisions of this § 113.4 amended under section 506 of The Administrative Code of 1929 (71 P. S. § 186).

Source

The provisions of this § 113.4 amended July 26, 2013, effective July 27, 2013, 43 Pa.B. 4214. Immediately preceding text appears at serial page (342750).

§ 113.5. Responsibilities of permittees.

A permittee is solely responsible for placement and maintenance of private aids to navigation placed in waters of this Commonwealth under this chapter. Private aids to navigation are the property of the permittee only and are not the property of the Commission or the Commonwealth. The permittee alone is responsible for claims related to the placement or maintenance of private aids to navigation. The permit will contain appropriate terms and conditions setting forth the responsibility of the permittee.

§ 113.6. Maintaining aids to navigation.

Permittees shall maintain private aids to navigation throughout the period specified in the permit in accordance with permit requirements. If, during the

period specified in the permit, the private aid is not in place, the permittee shall notify the Commission in writing within 5 days, stating the status of the aid.

§ 113.7. Transfer of permit.

Aids to navigation permits are not transferrable. The party, or the successor in interest to the party, relinquishing responsibility for maintenance of the private aid to navigation shall advise the Commission in writing. The party accepting responsibility shall submit a new application.

§ 113.8. Accidents involving aids or markers.

Accidents involving an aid or marker shall be reported to the Commission as soon as possible, but not more than 5 days after the accident.

§ 113.9. Marking of wrecks and sunken vessels.

(a) When a sunken or submerged object creates a hazard to navigation, the owner of the boat, barge, raft or other craft, or of a motor vehicle or other obstruction which has sunk in waters of this Commonwealth is required to notify the Commission within 24 hours and to mark the hazard with a buoy or daymark during the day and with a light at night as the Commission directs.

(b) Buoys established by the Commission to mark wrecks may be lighted and placed on the channel side of the wreck and as near to the wreck as conditions will permit.

(c) Required markings shall be established and maintained until the wreck is removed or otherwise directed by the Commission.

§ 113.10. Permits for installation and lighting of floats, ski ramps and other floating structures.

(a) A person may not place a float, ski ramp or other floating structure on or along the waters of this Commonwealth unless authorized by the Commission, or an authorized representative of the Federal government.

(b) Application shall be made on forms provided by the Commission at least 30 days prior to the intended date of installation of the structure.

(c) A ski ramp, floating dock, swim dock or other floating structure shall be lighted between sunset and sunrise and at other times when restricted visibility warrants it. Each structure shall show at least one all around white light visible for a distance of at least 1 mile with a characteristic of flashing or oscillating. "Visible" means visible on a dark night with clear atmosphere.

(d) The permittee shall maintain the floating structure in accordance with permit requirements. The permittee shall notify the Commission in writing within 5 days if the floating structure is not in place or lighted during the period when the permit specifies that it shall be in place or lighted.

(e) A structure permitted under this section shall display the permit number in characters at least 3 inches in height in a position where it may be observed easily by an officer empowered to enforce this section.

Cross References

This section cited in 58 Pa. Code § 109.4 (relating to water skiing, aquaplaning, kite skiing and similar activities).

§ 113.11. Unpermitted buoys and floating structures.

(a) It is unlawful to place or maintain buoys and floating structures on the waters of this Commonwealth without proper permits. The owner of a buoy or structure is responsible for obtaining the necessary permits prior to placing or maintaining the buoy or structure on Commonwealth waters.

(b) Unpermitted buoys and structures shall be removed by the owner upon order of the Commission. If they are not removed, the Commission will remove or order their removal. The owner will be held responsible for the costs of the removal, in addition to payment of fines resulting from violation of this section.

§ 113.12. Reliance on location of aids and markers.

(a) The location of buoys and other aids vary in their reliability because:

(1) Buoy locations are always approximated.

(2) Buoy moorings vary in length allowing a degree of movement depending upon the wind, currents and water levels.

(3) Buoys may be dragged off-station, sunk, destroyed or vandalized.

(b) Boaters should not rely on buoys alone for determining their position or the degree of hazard present in a body of water. Prudent boaters shall use bearings, soundings, good lookout and various methods of electronic navigation to assure a safe voyage.

Source

The provisions of this § 113.12 adopted April 19, 1996, effective April 20, 1996, 26 Pa.B. 1822.

[Next page is 115-1.]