



## THE CORPORATION OF THE CITY OF VERNON

### MEMORANDUM

**TO:** Will Pearce, Chief Administrative Officer **FILE:** 0912- Lake Access

**PC:** Kevin Poole, Director Community Safety, Lands & Administration **DATE:** November 16, 2022  
Darren Lees, Manager Protective Services  
Ellen Croy, Manager Transportation  
Kendra Kryszak, Manager Parks Public Spaces  
Maintenance

**FROM:** Brett Bandy, Real Estate Manager

**SUBJECT:** PRIVATE BUOYS IN OKANAGAN LAKE

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Council has requested information regarding the placement of private buoys in Okanagan Lake. The placement of private buoys in Okanagan Lake is administered by both Federal and Provincial Governments.

The floating, visible portion of buoys are the responsibility of Transport Canada (Federal) and are subject to Canada's *Private Buoy Regulations* as part of the Navigation Protection Program and administered through the *Canadian Navigable Waters Act*. "An Owner's Guide to Private Buoys" is attached.

The bed of a lake to which private buoys are anchored, is in most cases considered Provincial Crown Land and requires the permission of the Province. The Province has advised they do not have an easy authorization process and they do not have the capacity to provide formal tenure for all of the buoys in B.C., therefore they currently allow upland private property owners to place one or two buoys in front of their property. Non-waterfront property owners, according to the Province, do not have this privilege and if they install buoys, it is considered an illegal occupation under the *Land Act sec. 59* and they are subject to an order to remove the anchoring structure. Transport Canada conversely, advised Administration and provides public information (Attachment 2) that non-waterfront property owners can place private buoys in front of private property provided the buoys adhere to *Private Buoy Regulations*. Transport Canada does provide the caveat, there may be other riparian, local, regional, or provincial rights or regulations that do prohibit placement of buoys in front of private property (Attachment 2 – A4).

Provincial and Federal representatives advised foreshore jurisdiction can be administered by a local municipality or regional district as is the case for the Columbia Shuswap Regional District (CSRD) and its Lakes Zoning Bylaw 900. Administration has not reviewed and is not commenting on CSRD Bylaw 900 because at this time, Administration is not recommending new City of Vernon bylaws to administer the foreshore and water of Okanagan Lake located within the City boundary. Before Administration would recommend new bylaws for Council consideration, we need to understand the scope of problems relating to private buoys, foreshore and water management in Okanagan Lake

within the City boundary and the scale of resources and associated costs required to implement and manage new City bylaws.

According to the Province, private buoys on Okanagan Lake that have been placed within City lease tenured aquatic lands can be enforced by the City, because a lease is an exclusive use tenure, therefore the City has the right to enforce as per the *Land Act* sec. 65, either directly, or through the court. The only City leased tenured aquatic lands are adjacent to Kin Beach. Alternatively, private buoys placed within City licence tenured aquatic lands should be reported to Transport Canada and Provincial Compliance and Enforcement, because a licence is not an exclusive use tenure and may require both Federal and Provincial enforcement. City licenced aquatic lands are adjacent to Paddlewheel Park, Hurlburt Park and ten Lake Access Sites that are currently being processed.

The Province acknowledged there is a proliferation of buoys in communities by people who are not waterfront property owners; and further, advised that they do not have the resources to enforce compliance with buoys, so enforcement may require escalation to the Provincial Minister/MLA, or the Office of the Ombudsperson.

Private buoys located anywhere on Okanagan Lake that do not comply with *Private Buoy Regulations* should be reported to Transport Canada for enforcement.

**RECOMMENDATION:**

THAT Council receive for information the memorandum titled "Private Buoys in Okanagan Lake" dated November 16, 2022 and respectfully submitted by the Real Estate Manager.

Respectfully submitted:

A handwritten signature in black ink, appearing to be 'J. H. H.', is written over a horizontal line.

Attachment 1 – An Owner's Guide to Private Buoys – 25 pages

Attachment 2 – Mooring Buoy FAQ's – three pages



Transport  
Canada

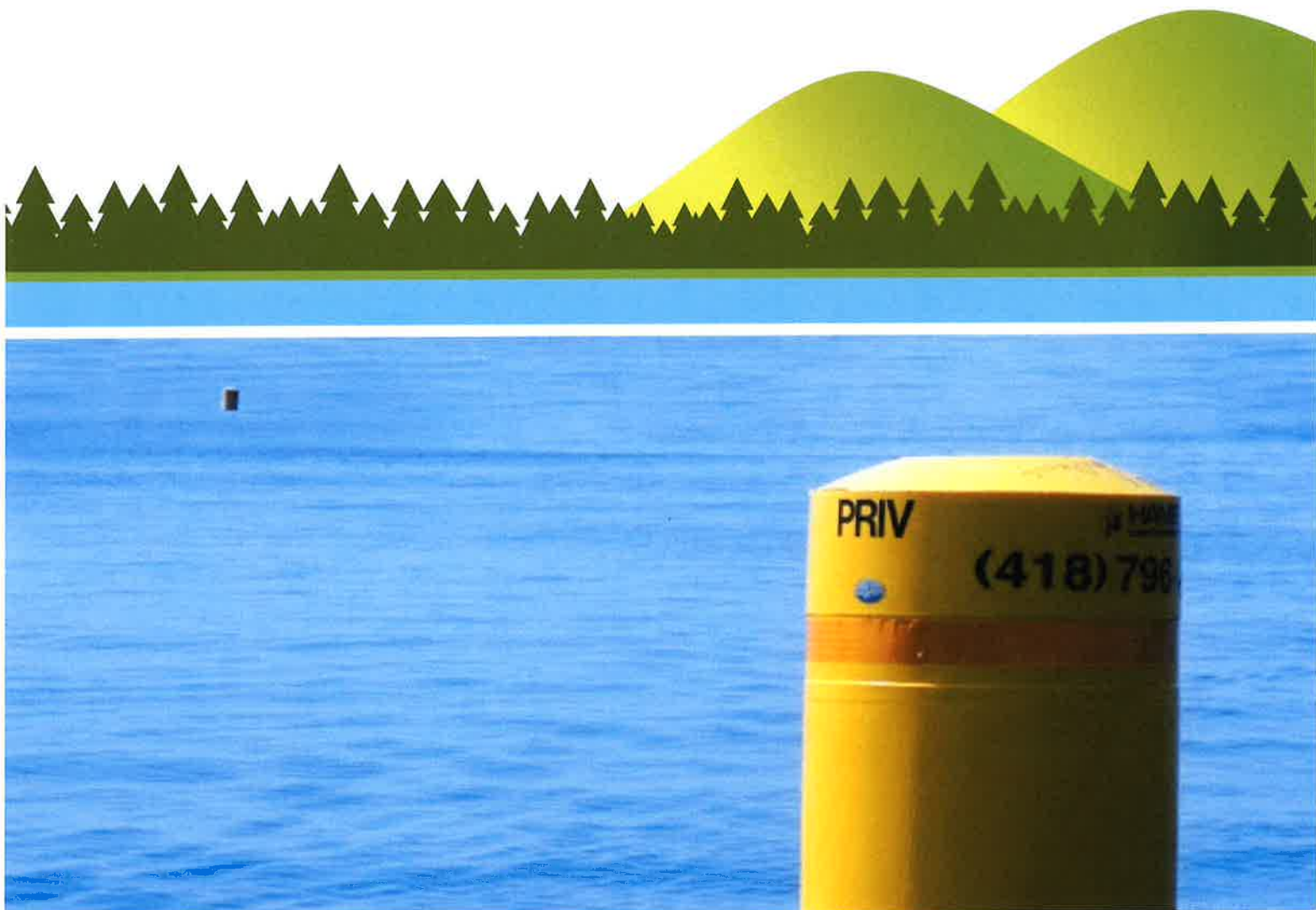
Transports  
Canada

## ATTACHMENT 1



# AN OWNER'S GUIDE TO PRIVATE BUOYS

NAVIGATION  
PROTECTION PROGRAM



Canada



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*Cette publication est aussi disponible en français  
sous le titre Bouées privées – Guide du propriétaire.*

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# INTRODUCTION

In Canada's marine navigation system, buoys are important to the safety and well-being of the boating community. Persons, organizations, corporations, or other groups may place "private buoys" on the water to communicate with other mariners.

Buoys are floating markers used for communicating traffic channels, speed limits, mooring locations or for warning boaters of hazards such as shoals, rocks or rapids. Depending on their purpose, they can:

- come in many shapes, sizes and colours;
- display different markings; and
- be equipped with lights, sound appliances and retroreflective material for added visibility.

Canada's [Private Buoy Regulations](#)<sup>2</sup> (PBR) applies to all private buoys placed as aids to navigation – except those used to mark fishing gear. These regulations set out private buoys' placement requirements, including the standards of the Canadian Coast Guard (CCG).

When you place a private buoy you are responsible for following the PBR under the [Canada Shipping Act, 2001](#)<sup>3</sup> (CSA, 2001). Where boating is restricted, private buoy owners and operators must also follow the [Vessel Operation Restriction Regulations](#)<sup>4</sup> (VORR).

On March 29, 2004, the responsibility for enforcement and compliance provisions of the PBR was transferred from Canadian Coast Guard (CCG) to Transport Canada (TC) Navigable Waters Protection Program, now known as the Navigation Protection Program (NPP). The NPP is also responsible for administering the [Canadian Navigable Waters Act](#)<sup>5</sup> (CNWA). More information on the CNWA can be found in the "[Canadian Navigable Water Act](#)" section of this document.

*This guide will help private buoy owners to understand and apply Canada's laws and standards, and inform them of their responsibilities when placing a private buoy.*

*For general information about the PBR, please [contact your local Navigation Protection Program office](#)<sup>6</sup>.*



# PRIVATE BUOYS REGULATIONS

The PBR describe the size and markings required for each buoy, as well as the responsibilities of the person(s) placing them. While the requirements for the colour, shape, placement and use of private buoys are the same as those for buoys maintained by the CCG, private buoy identification markings must conform to the PBR - **not** the number and letter identification system used by the CCG.

## WHY IT IS IMPORTANT TO COMPLY WITH THE REGULATIONS?

You can be fined for not meeting the requirements set out in the regulations and standards. In the event of an accident, private buoy owners may also be found liable for any damages resulting from negligence respecting their private buoy.

**Note:** *Canada Shipping Act, 2001*; [Contraventions Regulations](#)<sup>8</sup>



- 1 Do not place a private buoy that will/may interfere with the navigation of any vessel, or that will/may mislead any boater.
- 2 Do not place a private buoy in any water unless all size, shape and identification requirements are met and all required information is accurate and up to date.
- 3 Make sure that all private buoys meet the [Canadian Aids to Navigation System](#)<sup>7</sup> standards.
- 4 Understand that the Minister of Transport (the Minister) may require changes to a private buoy, such as size or adding retroreflective material, when there is a need for improved visibility or better identification.
- 5 Use, build and install anchors that will keep the buoy in position.
- 6 Use lighted buoys that meet the Canadian Aids to Navigation System standards, during the hours of darkness or periods of poor visibility.
- 7 Understand that when a private buoy does not meet legal standards, the Minister may remove or order you to modify it to meet current standards.





# CANADIAN NAVIGABLE WATERS ACT

Under the CNWA, it is prohibited to construct, place, alter, rebuild, remove or decommission a work in, on, over, under, through or across any navigable water except in accordance of the CNWA.

When issuing an approval for a work, NPP may include as a condition of approval, the requirement<sup>i</sup> for work owners to install private buoys or other aids to navigation to mark wharves, marinas, aquaculture areas, dams, bridges, etc. Owners of these works have the responsibility to install and maintain these

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<sup>i</sup> Private buoys, as mandated by the Private Buoy Regulations, must have PRIV on both sides, as well as the contact information of the owner of the buoy. Additional buoy requirements vary by province and may include business name, license number, and/or Crown lease number issued to the licensee (when buoys require a lease/license to occupy submerged provincial crown lands).

private buoys or other aids to navigation according to legal standards, or as directed by the Minister through their approval document or through orders given under the CNWA.

## MOORING BUOYS

TC considers mooring buoys as “works” under the CNWA on all navigable waters, since they usually secure vessels in fixed locations (such as docks, piers or wharves), and do not aid or direct mariners. Certain mooring buoys can be considered “minor works” as moorings systems are described in the [Minor Works Order](#)<sup>9</sup>.

This means that the placement of a mooring buoy is subject to review and approval under the CNWA, unless otherwise excluded by TC policies and standards.





# VESSEL OPERATION RESTRICTION REGULATIONS

Regulations under CSA, 2001 also govern the marking of any private buoy used to **restrict** navigation (for example, speed limits, engine size, keep-out areas, etc.). Under the VORR, requests for restrictions:

- Originate from a local authority; and
- Have gone through public consultation.

A complete application package must be sent to TC's Office of Boating Safety (OBS) for final review and publication in the regulations.

**Note:** In Quebec, there is a designated provincial authority that reviews each VORR application before it is submitted to TC.

Additional information on this process can be found in the [Local Authorities' Guide: Vessel Operation Restriction Regulations](#)<sup>10</sup>.



## TO COMPLY WITH THE MAIN PRINCIPLES OF THE VORR:

1. Do not place a sign that restricts the operation of any vessel in Canadian waters without the authorization of the Minister. Signs must comply with VORR requirements. VORR's prohibit the placement of signs or symbols on control buoys and keep-out buoys unless they are otherwise authorized under the *Canada Shipping Act, 2001* or another Act of Parliament, such as the CNWA.
2. Do not change, hide, damage or destroy any authorized sign or use a sign for mooring purposes.
3. Respect restrictions conveyed in an authorized sign when boating.
4. Do not hold a sporting, recreational, or public event in waters specified in [Schedule 8 of the VORR](#)<sup>11</sup>, unless authorized by a permit issued by the Minister.
5. Do not hold a sporting, recreational, or public event or activity in any waters in a manner or at a place that would unnecessarily obstruct navigation.
6. Under the VORR, an enforcement officer may direct or prohibit the movement of vessels to ensure compliance with the requirements for safe vessel operation.

**Note:** Any person who does not comply with these regulations may be charged with an offense. A schedule of fines can be found in the [Contraventions Regulations](#)<sup>12</sup>





# CANADIAN COAST GUARD – THE CANADIAN AIDS TO NAVIGATION SYSTEM

Following the basic rules of the [Canadian Aids to Navigation System](#) will lead to a better navigation system for all boaters and waterway users. These guidelines provide in-depth information on standard uses, colours, shapes and the identification of private buoys and other aids to navigation within Canada. Additional information on aids to navigation in Canada can be found on the [CCG Aids to Navigation webpage](#)<sup>13</sup>.

If you place private buoys or observe that private buoys have been placed in charted waters, and potentially pose a risk to navigation, contact the nearest CCG Marine Communications and Traffic Services (MCTS) Centre and provide their characteristics and positions, so that it may be published as a navigational warning, among other possible safety-related actions.





# BUOYS SELECTION

## TYPE

When selecting buoys for navigation or mooring, do your best to keep the system simple by using as few buoys and buoy types as possible. Some boaters have little knowledge of the purposes and meanings of buoys and marine aids to navigation.

By limiting the number of different types, shapes and sizes of buoys, and by selecting the more common types (such as lateral), the system is:

- easier to understand;
- more effective; and
- easier to maintain.

In small craft/low traffic areas, there is usually no need to use any private buoy other than the port (green), starboard (red) and cautionary (yellow) buoys for navigational purposes. Other popular types that may be used include hazard, swimming or information buoys, and those buoys prescribed under the VORR (for example, control, keep-out).

In uncharted waters or in lakes where identification of “upstream direction” may be a problem, it may be best to use cardinal buoys. Consult TC officials to determine the best option for your particular situation.

## BUOY CLASSIFICATIONS

**Lateral buoys** indicate the side on which they may be safely passed. There are six types of lateral buoys: port hand, starboard hand, port bifurcation, starboard bifurcation, fairway, and isolated danger.

**Cardinal buoys** indicate the location of the safest or deepest water by reference to the cardinal points of the compass. There are four cardinal buoys: North, South, East and West.

**Special buoys** convey a variety of information to the mariner, which while important, is not primarily intended to help in navigation.

Any of these buoys can be privately owned as long as they don't impact the navigation.

Examples of commonly used private buoys are shown in Figures 1 through 9, in the [Private Buoys \(Examples\)](#) section of this document.

## SIZE

The PBR require that all private buoys meet **minimum** above-water dimensions of 15.25 cm (6 inches) in width and 30.5 cm (12 inches) in height above water level. This buoy size is suitable only for very sheltered, low-traffic areas. Keeping in mind adverse weather conditions and varying sea states, a buoy should be large enough to be seen from the distance it takes a mariner to see, interpret and act upon its signal.

TC has the authority to require buoys to be larger than these minimum dimensions, be equipped with retroreflective material or be altered in any other way (for example, adding lights or sound appliances) in the interest of marine safety and according to site conditions.

All private buoys must display, on two opposite sides, the capital letters "PRIV". These letters are to be as large as practical for the size of the buoy and contrasting in colour (white when the background colour is red, green or black, and black when the background colour is white or yellow).

In addition, the buoy owner's current name, address and telephone number must be on the buoy in an easy to read, permanent manner. Any additional numbers or letters the owner wishes to place on the buoy must not interfere or conflict with the letter and number system used by the CCG in the area – to prevent confusion between government-operated buoys and private buoys.

**Information buoys:** Specific information (e.g., DANGER - RAPIDS) may be placed inside the orange symbol.

The identification required by the PBR and the identification required by the VORR are to be on every control and keep out buoy (this includes the TC wordmark at the bottom of the sign).

## MATERIAL

Before placing a private buoy, determine what construction material would be best to use. Ideally, a buoy should be rugged enough to withstand weather and water conditions, be very visible, and yet be soft enough to absorb vessel impacts and reduce collision damage. Several types of commercially manufactured buoys meet these different needs. While most manufactured buoys provide the safest, most reliable and standardized option available, **be aware that not all buoys meet the PBR standards.**

There are "home-made" buoys that will meet PBR requirements and weather well. For example, rigid plastic foam and rigid molded plastic buoy types are strongly recommended because they are readily available, lightweight and easy to install and handle. Steel buoys are very rugged, but they can cause extensive damage and be difficult to handle.

**Note:** Do not use steel drums, barrels, propane cylinders, bleach bottles and jugs as buoys. Most of these do not conform to the PBR or CCG standards.

## LIGHTS

At night, the colour and flash characteristics of a buoy light tell boaters why it is there. Under the PBR, all private buoys equipped with lights must continuously display that light during the hours of darkness and during periods of poor visibility. All lights that are part of a buoy must conform to standards and guidelines in the Canadian Aids to Navigation System.

## RETROREFLECTIVE MATERIAL

If your private buoy is too small for a light or you are not required to place a lighted buoy, an unlighted buoy equipped with retroreflective material is a good and affordable idea. On a lighted private buoy, retroreflective material provides extra safety because it makes your buoy easier to see and interpret at night or if the light fails.

**Applications:** Most retroreflective material on buoys or signs displays numbers, letters, backgrounds or horizontal bands. Where a horizontal band is used, it should be no less than 10 cm (4 inches) wide and should be placed around the buoys circumference.

## COLOUR

For all buoys other than “special buoys”, retroreflective material must be the same colour as that of a light for that buoy.

For example:

- green – port side buoy
- red – starboard side buoy

For “special buoys” (cautionary, control, hazard, information, keep out, mooring, or swimming):

- a yellow light, if lighted;
- yellow retroreflective material, if the material is used; and
- where the buoy displays an orange symbol orange retroreflective material in addition to yellow, for the purposes of enhancing the visibility of the symbol.

Reflective properties of retroreflective material may be reduced by:

- bird droppings, even after thorough cleaning; and
- exposure to the sun.

Since you may not notice less reflection during daytime, check your buoy’s level of performance with a light after dark. Any material that appears to be damaged should be replaced.



# RESPONSIBILITIES OF PRIVATE BUOY OWNERS

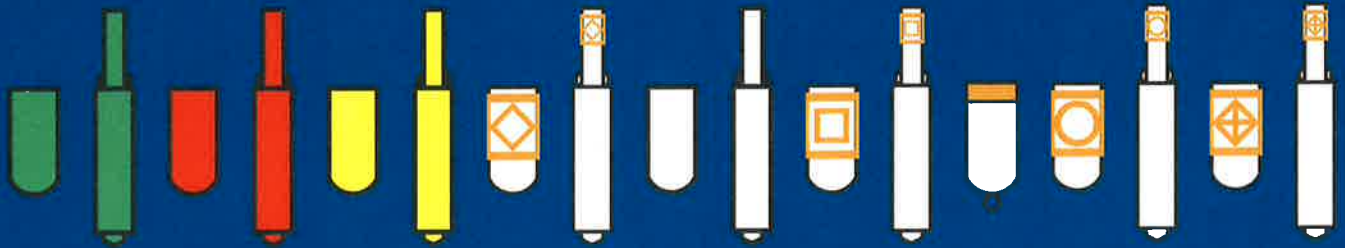
**As an owner of a private buoy, you are responsible to make sure that:**

1. It meets all legal requirements, standards and guidelines of the PBR, the Canadian Aids to Navigation System and TC directives included in this guide.
2. It is built and maintained so that it remains in position.
3. Anchors are used, built and installed in a way that will keep the buoy in position.
4. You have a monitoring and repair schedule for checking that the buoy continues to meet all legal requirements, stays in position and remains in good working order.
5. You use recommended retroreflective material (as a minimum).
6. Any lights comply with the Canadian Aids to Navigation System.
7. Any light or reflective markings shall not interfere or conflict with any CCG buoys in the area – to prevent confusion between government-operated buoys and private buoys.

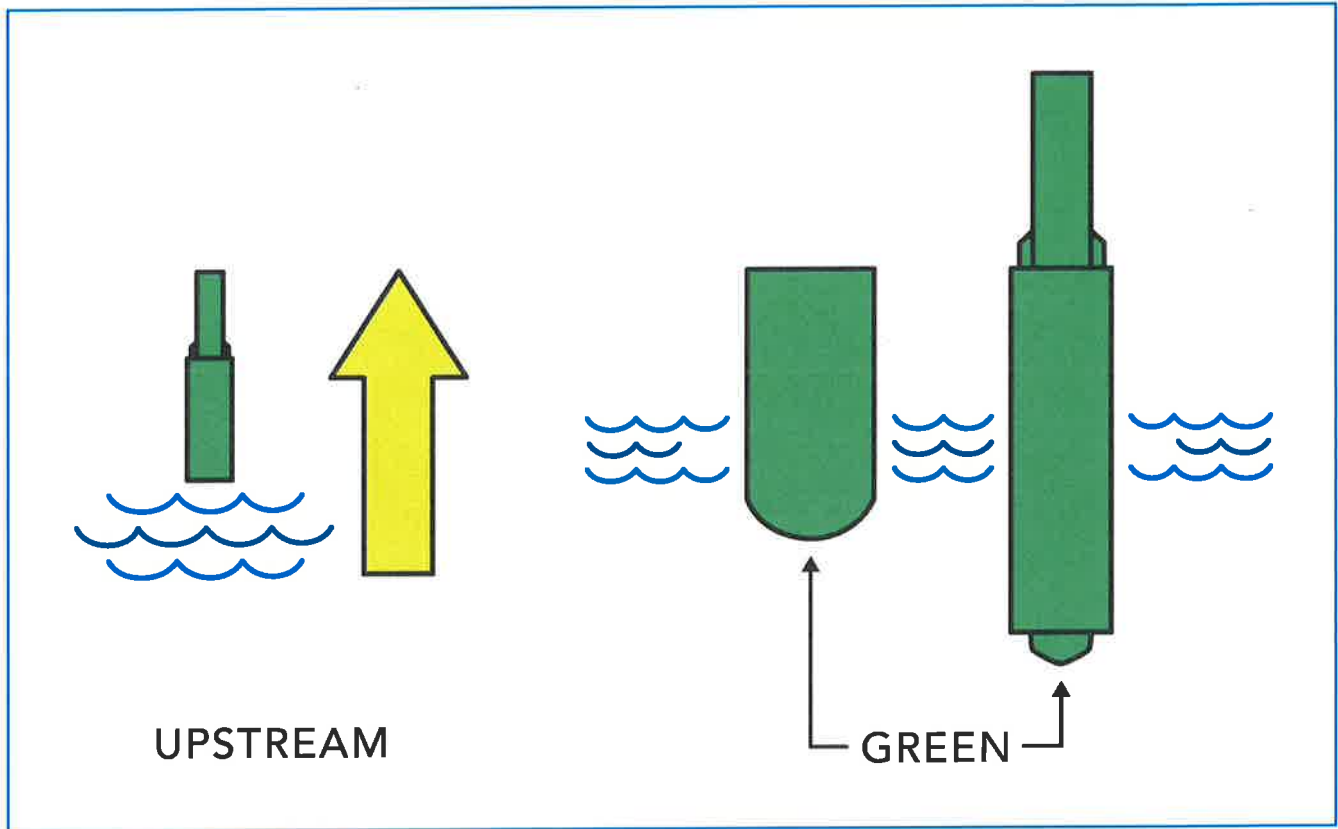
**Note:** In the event of an accident involving a private buoy, the owner(s) may be held liable for any resulting damages. This is why you should think about getting liability insurance coverage.

- Owners of any operations such as a yacht club or campground, must make sure to:
  - explain the purpose of their private buoys to local users;
  - have a plan in place to routinely monitor the position and condition of their private buoy(s) as per the PBR; and
  - if applicable, owners should ensure that they seek approval from other governments.

# PRIVATE BUOYS (EXAMPLES)



**FIGURE 1**  
**PORT BUOY**

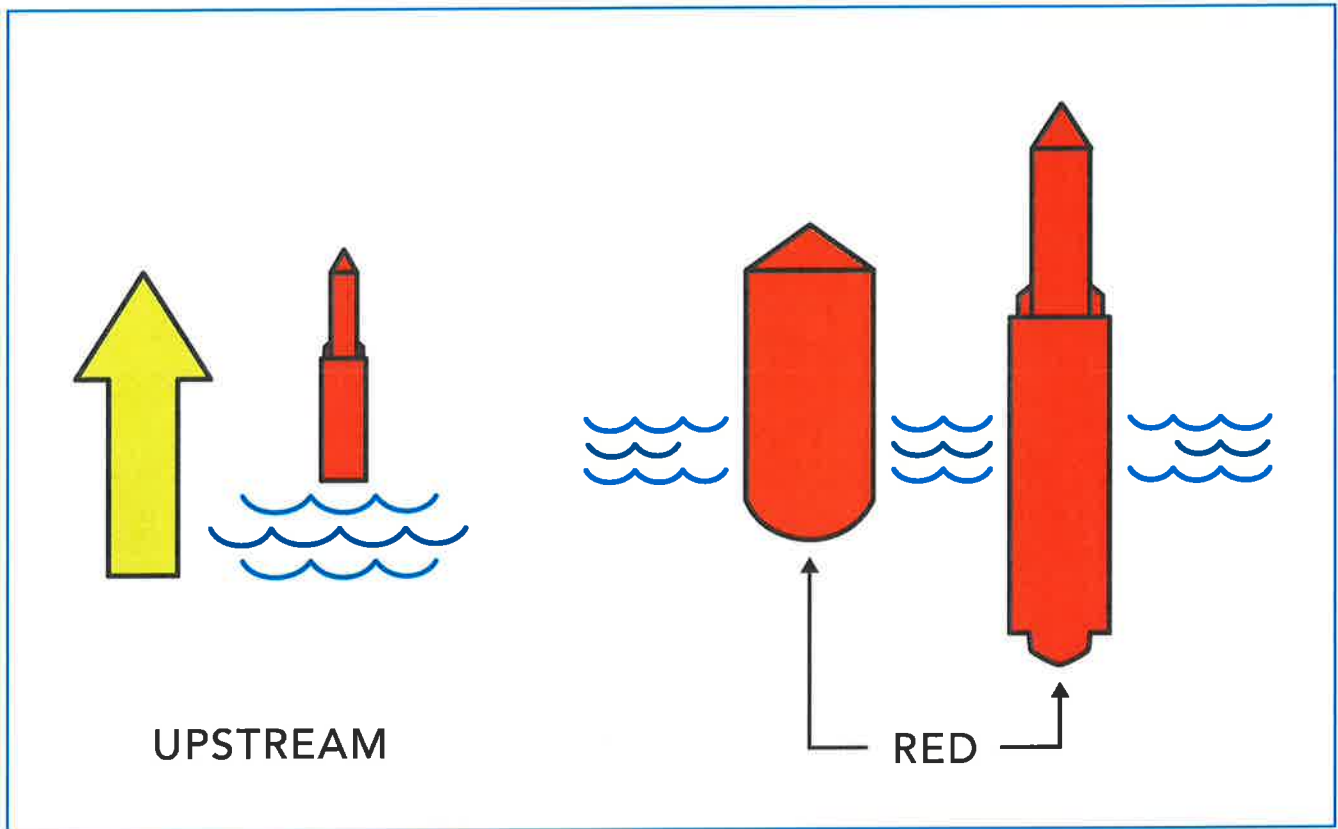


Port buoys are used to mark the left side of a channel or the location of a danger, which must be kept on the vessel's left side when going in the upstream direction. A port buoy is coloured green, displays identification letter(s) and odd number(s) and must have:

- a flat top, if unlighted;
- a green light, if lighted; and
- green retroreflective material, if material is used.



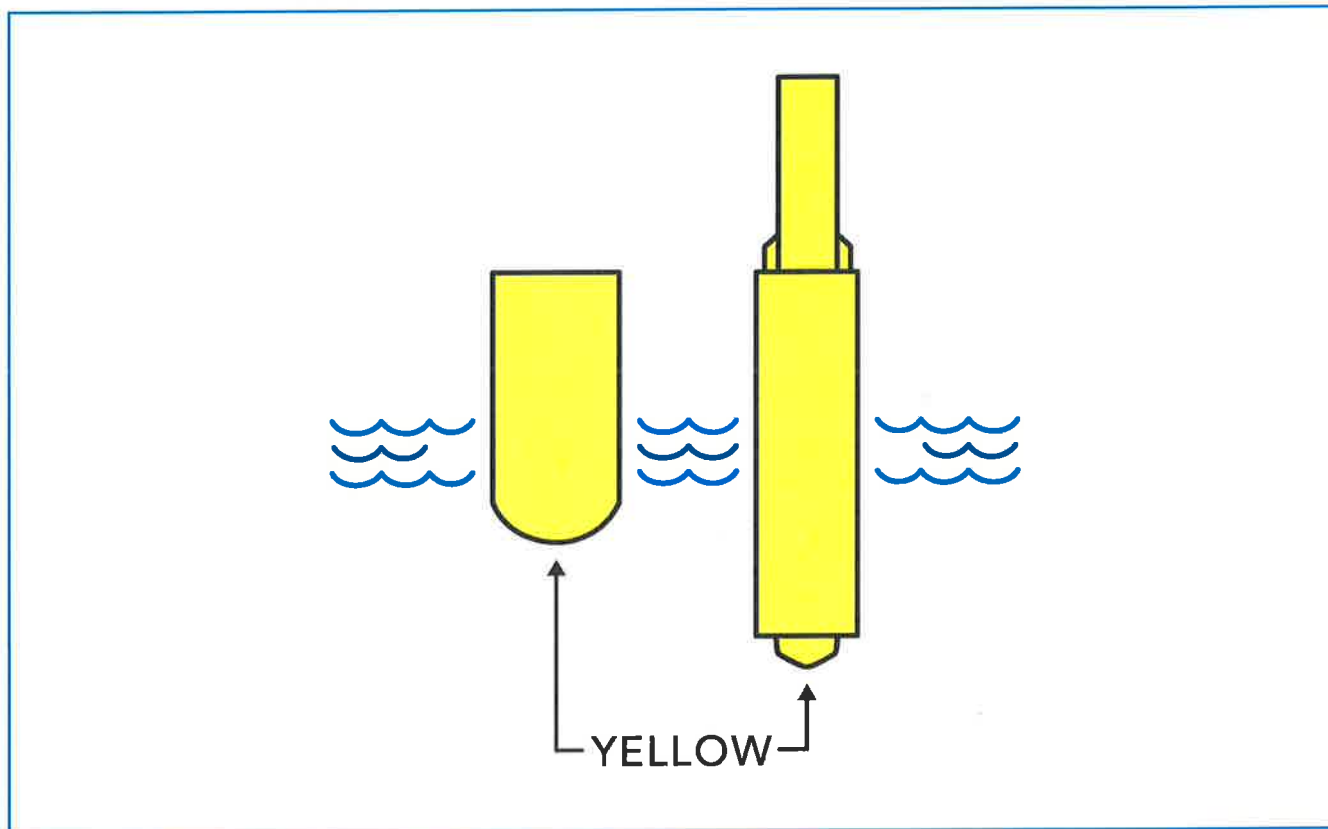
**FIGURE 2**  
**STARBOARD BUOY**



Starboard buoys mark the right side of a channel or the location of a danger that must be kept on the vessel's right side when going in the upstream direction. A starboard buoy is coloured red, displays identification letter(s) and even number(s) and must have

- a pointed (conical) top, if unlighted;
- a red light, if lighted; and
- red retroreflective material, if material is used.

**FIGURE 3**  
**CAUTIONARY BUOY**



Cautionary buoys mark an area where mariners are to be warned of:

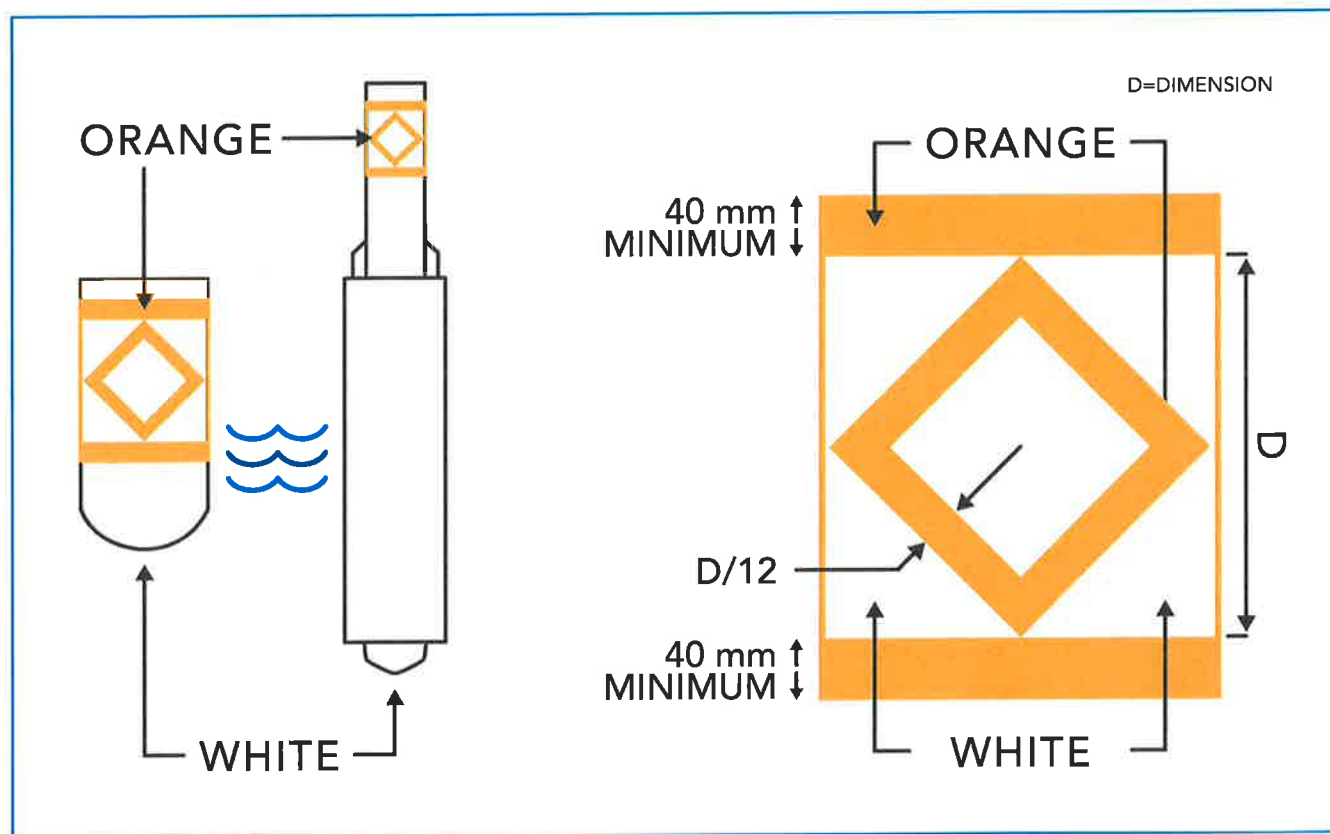
- aquaculture facilities;
- dangers such as firing ranges, racing courses, seaplane bases, underwater structures;
- areas where no safe through passage exists; and
- traffic separations.

A cautionary buoy is coloured yellow, displays identification letter(s) and if it carries a topmark, the topmark is a single yellow "X" shape and must have:

- a yellow light, if lighted; and
- yellow retroreflective material, if material is used.

# FIGURE 4

## HAZARD BUOY



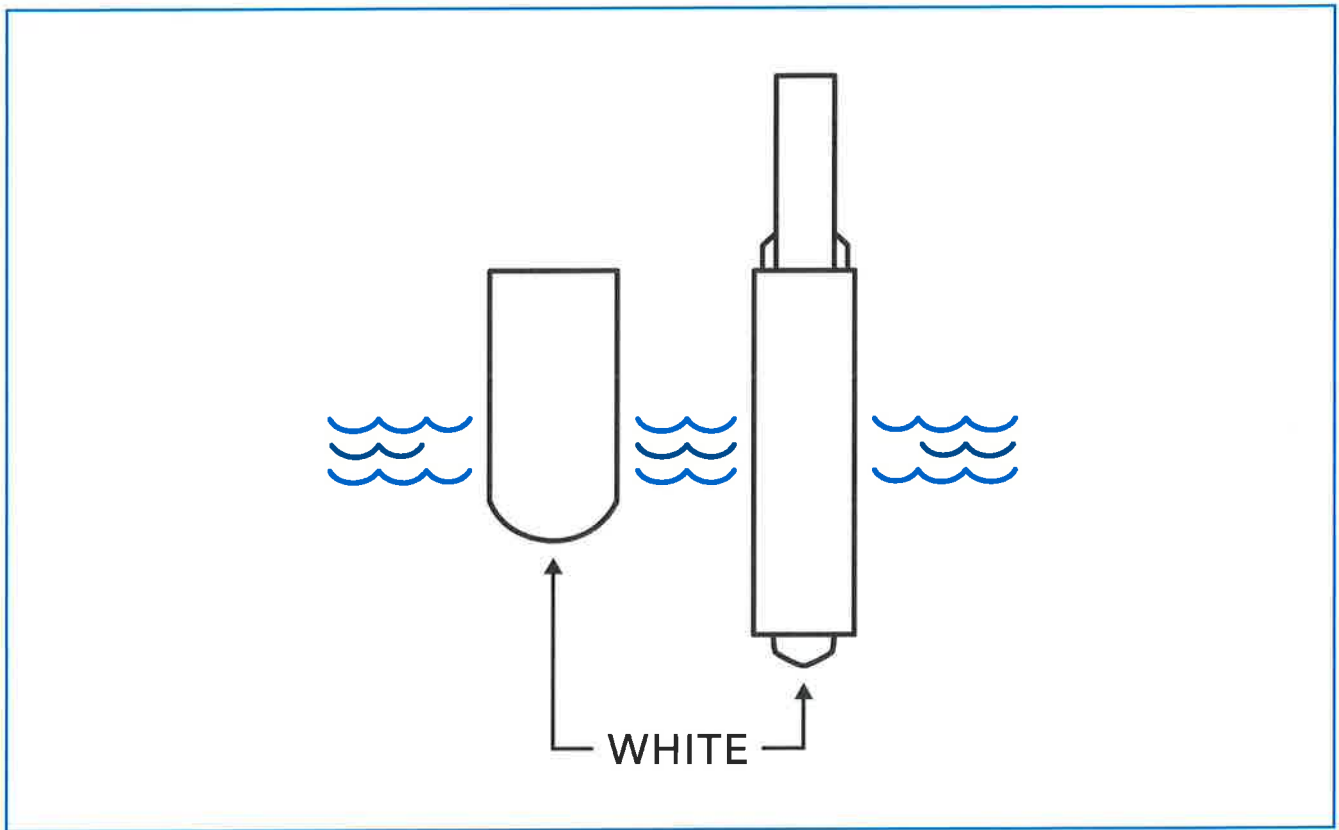
Hazard buoys mark random hazards such as rocks, shoals and turbulent waters. A hazard buoy is coloured white and has an open faced orange diamond on two opposite sides and two orange horizontal bands (40mm minimum), one above and one below the diamond symbols. The thickness of each side of the orange diamond is  $D/12$ , where  $D$  = the dimension of the diamond. Information words or symbols concerning the hazard may be placed within the diamond symbol, or if space doesn't permit, between the orange bands. It may also display identification letter(s) and must have:

- a yellow light, if lighted; and
- yellow retroreflective material, if material is used.

**Note:** Specific information may figure inside the orange diamond (e.g., rock, shoal, rapids).



**FIGURE 5**  
**SWIMMING BUOY**

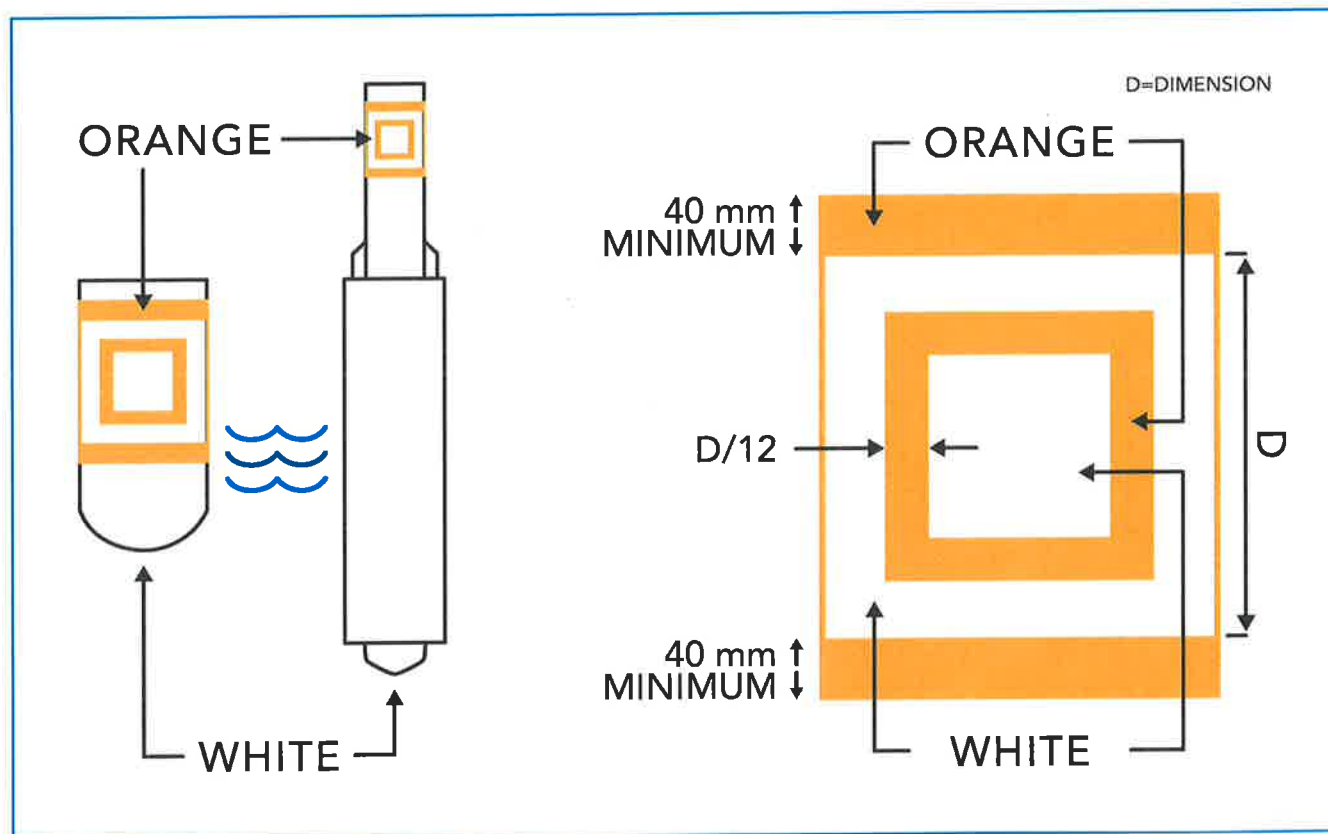


Swimming buoys<sup>14</sup> mark the perimeter of a swimming area. A swimming buoy is coloured white, and may display identification letter(s) and must have:

- a yellow light, if lighted; and
- yellow retroreflective material, if material is used.

# FIGURE 6

## INFORMATION BUOY

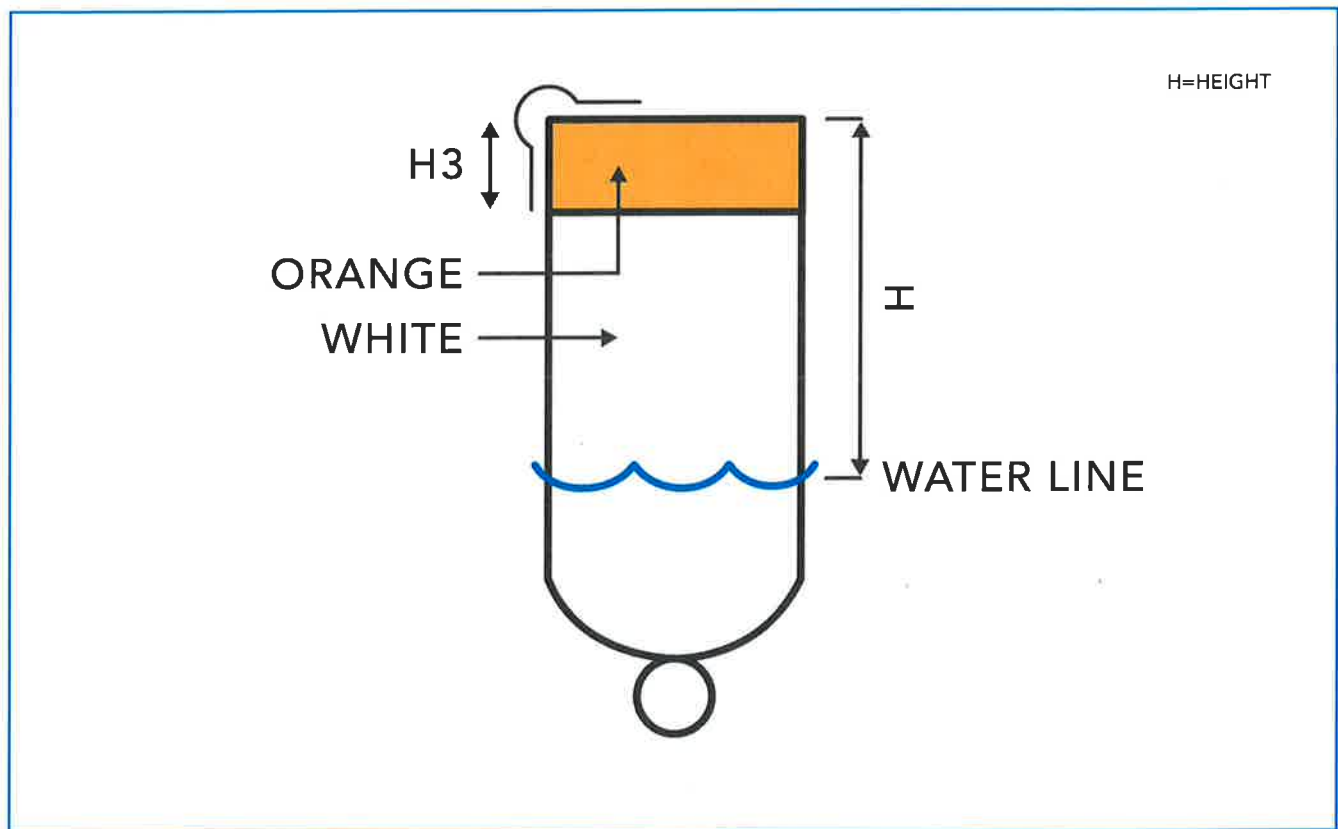


Information buoys display information of interest (e.g., marina entrance, campsite) by words or symbols inside the orange square. The orange square may be retroreflective orange.

An information buoy is coloured white and has an orange, open faced square symbol on two opposite sides and two orange horizontal bands (40mm minimum), one above and one below the square symbols. The thickness of each side of the square is  $D/12$ , where  $D$  = the dimension of the square. The information words or symbols are black and are placed within the white face of the square symbol. It may display identification letter(s) and must have:

- a yellow light, if lighted; and
- yellow retroreflective material, if material is used.

**FIGURE 7**  
**MOORING BUOYS**

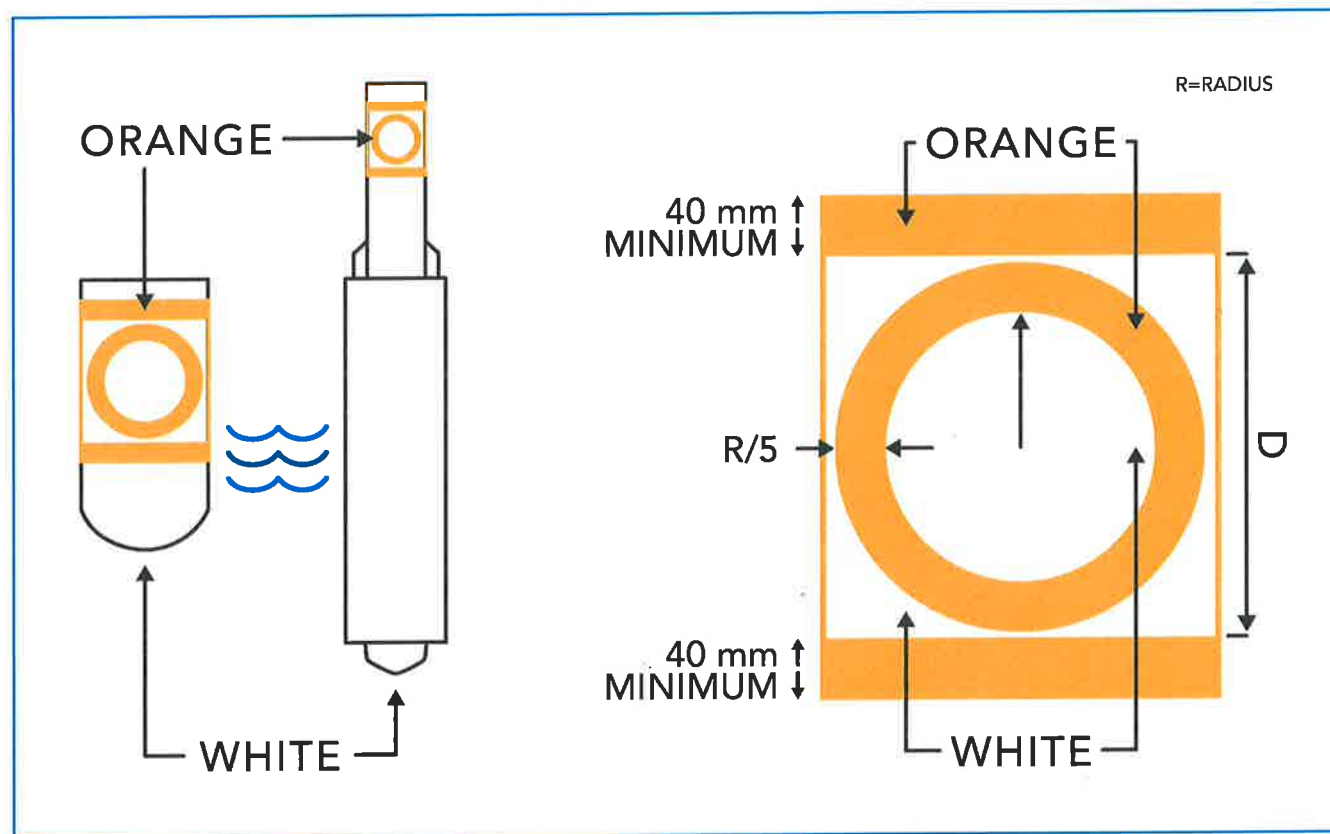


Mooring buoys are used for securing a vessel or similar thing. A mooring buoy is coloured white and orange. The height of the orange colour covering the top is  $H/3$ , where  $H$  = the height of the buoy above the waterline. It may display identification letter(s) and must have:

- a yellow light, if lighted; and
- yellow retroreflective material, if material is used.

# FIGURE 8

## CONTROL BUOYS



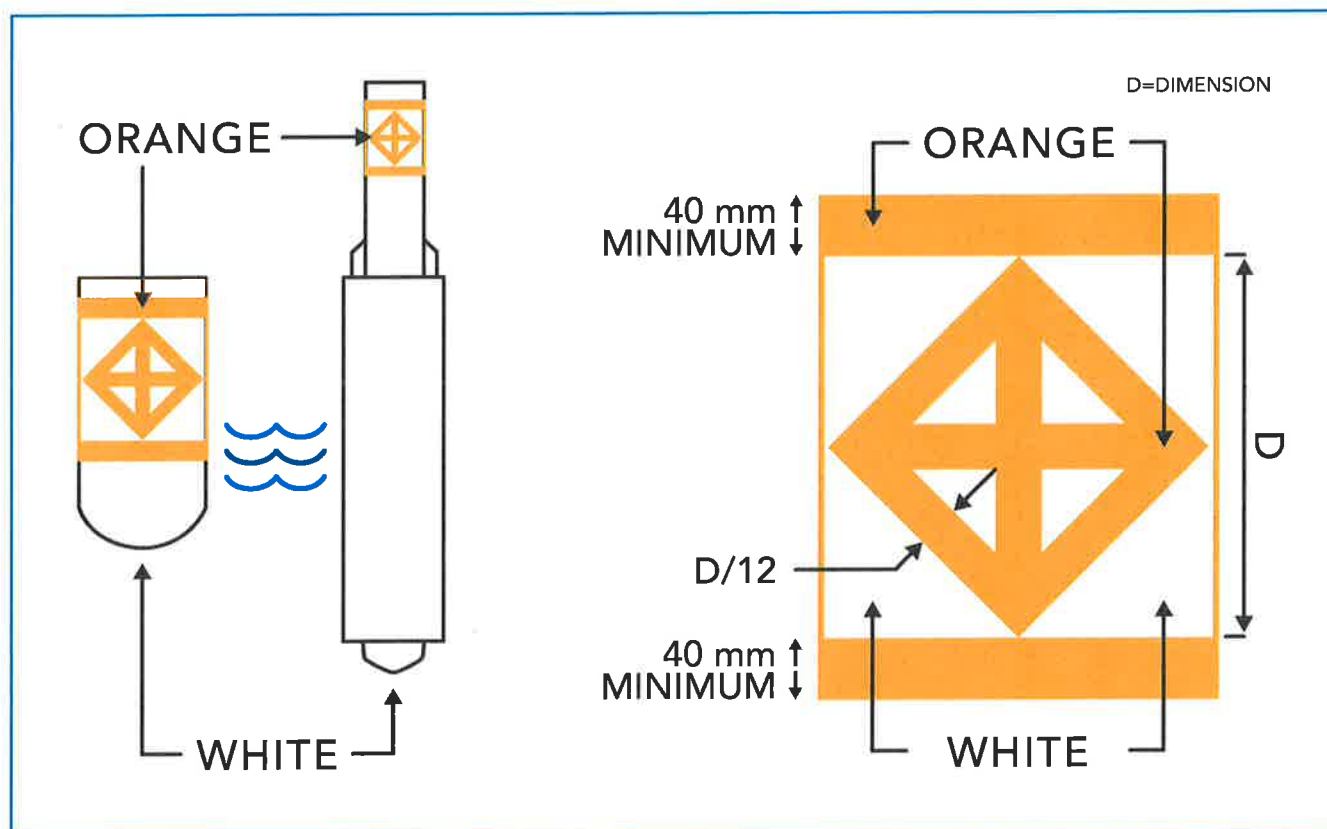
Control buoys mark an area where boating is restricted as authorized under the VORR. The orange circle may be retroreflective orange.

A control buoy is coloured white and has an orange, open faced circle on two opposite sides and two orange horizontal bands (40mm minimum), one above and one below the circles. The thickness of the orange circle is  $R/5$ , where  $R$  = the inner radius of the circle. A black figure or symbol inside the orange circles indicates the nature of the restriction in effect. It may display identification letter(s) and must have:

- a yellow light, if lighted; and
- yellow retroreflective material, if material is used.



**FIGURE 9**  
**KEEP OUT BUOYS**



Keep out buoys mark an area where all vessels are prohibited under the VORR. The orange diamond may be retroreflective orange. A keep-out buoy is coloured white and has an orange diamond containing an orange cross on two opposite sides and two orange horizontal bands (40mm minimum), one above and one below the diamond symbols. The thickness of each side of the orange diamond is  $D/12$ , where  $D$  = the dimension of the diamond. It may display identification letter(s) and must have:

- a yellow light, if lighted; and
- yellow retroreflective material, if material is used.

**Note:** For further information on the signage requirements on the VORR the Signage Guide to Vessel Operation Restriction Regulations (TP15400) can be requested through your [regional QBS office](#)<sup>15</sup>.

# CONTACT INFORMATION

For more information on private buoys, contact your regional NPP Office.

## NAVIGATION PROTECTION PROGRAM

Transport Canada  
Programs Group  
Tower C, Place de Ville  
330 Sparks Street  
Ottawa, ON K1A 0N5  
E-mail: [NPPHQ-PPNAC@tc.gc.ca](mailto:NPPHQ-PPNAC@tc.gc.ca)

For more information on recreational boating in Canada and the *Vessel Operation Restriction Regulations*, contact your regional OBS office.

## OFFICE OF BOATING SAFETY HEADQUARTERS

Transport Canada  
Marine Safety  
Tower C, Place de Ville  
330 Sparks Street  
Ottawa, ON K1A 0N5

Email: [obs-bsn@tc.gc.ca](mailto:obs-bsn@tc.gc.ca)  
Phone: 1-800-267-6687  
TTY/TDD: 1-888-675-6863  
Fax: 613-991-4818

For more information on aids to navigation in Canada, [contact your regional CCG office](#)<sup>16</sup>.

## CANADIAN COAST GUARD AIDS TO NAVIGATION

Aids to Navigation  
200 Kent Street  
Ottawa, ON K1A 0E6  
Email: [info@dfo-mpo.gc.ca](mailto:info@dfo-mpo.gc.ca)

# END NOTES

- 1 Application for Crown Copyright Clearance, <https://tc.canada.ca/en/corporate-services/application-crown-copyright-clearance>
- 2 Private Buoys Regulations, <https://laws-lois.justice.gc.ca/eng/regulations/SOR-99-335/index.html>
- 3 Canada Shipping Act, 2001, <https://laws-lois.justice.gc.ca/eng/acts/C-10.15/>
- 4 Vessel Operation Restriction Regulations, <https://laws-lois.justice.gc.ca/eng/regulations/sor-2008-120/page-1.html>
- 5 Canadian Navigable Waters Act, <https://laws-lois.justice.gc.ca/eng/acts/N-22/>
- 6 Contact Navigation Protection Program and Receiver of Wreck, <https://tc.canada.ca/en/marine/contact-navigation-protection-program-receiver-wreck>
- 7 Canadian Aids to Navigation System, <https://www.ccg-gcc.gc.ca/publications/maritime-security-surete-maritime/aids-aides-navigation/page01-eng.html>
- 8 Contraventions Regulations, <https://laws-lois.justice.gc.ca/eng/regulations/sor-96-313/page-4.html>
- 9 Minor Works Order, <https://tc.canada.ca/en/marine/departement-transport-navigable-waters-protection-act>
- 10 Local Authorities Guide: Vessel Operation Restriction Regulations, [https://www.tc.gc.ca/media/documents/marinesafety/LOCAL\\_AUTHORITIES\\_GUIDE\\_-\\_ENGLISH\\_-\\_ACCESSIBLE\\_PDF.pdf](https://www.tc.gc.ca/media/documents/marinesafety/LOCAL_AUTHORITIES_GUIDE_-_ENGLISH_-_ACCESSIBLE_PDF.pdf)
- 11 Schedule 8 of the Vessel Operation Restriction Regulations, <https://laws-lois.justice.gc.ca/eng/regulations/SOR-2008-120/page-12.html>
- 12 Contravention Regulations, <https://laws-lois.justice.gc.ca/eng/regulations/SOR-96-313/index.html>
- 13 Aids to Navigation, <https://www.ccg-gcc.gc.ca/navigation/aids-aides/index-eng.html>
- 14 Buoys cannot be joined by any means to one another (cable/rope/chain), as it is a violation
- 15 Contact the Office of Boating Safety, <https://tc.canada.ca/en/marine-transportation/marine-safety/contact-office-boating-safety>
- 16 Canadian Coast Guard Aids to Navigation Offices, <https://www.ccg-gcc.gc.ca/publications/maritime-security-surete-maritime/aids-aides-navigation/page12-eng.html>

# ATTACHMENT 2

## Mooring Buoy FAQ's

### Q1: What federal regulations cover the placement of mooring buoys and private docks?

**A1:** The *Private Buoy Regulations*, established pursuant to the *Canada Shipping Act*, prescribe the mandatory marking, lighting, size, and placement requirements for mooring buoys. Under the *Navigation Protection Act*, buoys are a "work" and may require authorization from Transport Canada. The only buoys that do not require authorization before being placed are those that are built or placed in accordance with the criteria listed in the Minor Works Order, under the class of works called "Mooring Systems".

Private Buoy Regulations – <http://laws-lois.justice.gc.ca/eng/regulations/SOR-99-335/>  
Minor Works Order - <http://www.tc.gc.ca/eng/programs-675.html>

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### Q2: What are the markings requirements for Mooring Buoys?

**A2:** Mooring buoys must be placed and marked in compliance with the *Private Buoy Regulations*. These include requirements for the owners name and contact information, standard colour requirements and location requirements. The full text is available at <http://laws-lois.justice.gc.ca/eng/regulations/SOR-99-335/>

The *Private Buoy Regulations* specify that buoys must also comply with the requirements set out in the *Canadian Aids to Navigation System* (TP 968), which directs that a mooring buoy is coloured white and orange, with the orange colour covering the top one third of the buoy above the waterline. A mooring buoy must have a yellow light, if lighted. The light must conform to the standards and guidelines in the *Canadian Aids to Navigation System* (TP 968). Retroreflective material, if used, must be yellow.

Canadian Aids to Navigation System - <http://www.ccg-gcc.gc.ca/aids/Canadian-Aids-To-Navigation-2011>

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### Q3: Who can place a mooring buoy?

**A3:** Any person or entity may install a mooring buoy, provided the buoy meets the requirements of both the *Private Buoy Regulations*, and the *Navigation Protection Act*. If the buoy is installed in accordance with the Minor Works Order, then no further authorization from Transport Canada is required. The Owner's Guide to Private Buoys has been published by Transport Canada to illustrate the standards for markings.

An Owner's Guide to Private Buoys -  
<https://www.tc.gc.ca/Publications/en/TP14799/PDF/HR/TP14799E.pdf>

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**Q4: Can anyone place a buoy in front of private property?**

**A4:** The *Navigation Protection Act* applies to Scheduled navigable waters measured from the High Water Mark (HWM) on either side of the water body. The Act does not have any mandate with respect to upland property.

Although the NPA does not prohibit the placement of buoys in front of private property, there may be other riparian, local, regional, or provincial rights or regulations that do. It is always best to check with your local authorities before proceeding.

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**Q5: How can I register or obtain approval for my mooring buoy?**

**A5:** Some mooring buoys require individual authorization under the NPA, and some do not. Buoys that do not require authorization before being placed are those that are built or placed in accordance with the criteria listed in the Minor Works Order, under the class of works called "Mooring Systems". Transport Canada does not keep a record of buoys that fall in the latter category.

For buoys that do require authorization, a Notice of Works form can be downloaded or printed at <https://www.tc.gc.ca/eng/programs-624.html>. Completed Notices can be sent to [NPPAC-PPNPAC@tc.gc.ca](mailto:NPPAC-PPNPAC@tc.gc.ca). There is no fee to apply.

If you own multiple buoys or you are part of a strata or homeowners group, you may wish to consider organizing them in such a way as to minimize their total footprint, while maximizing ease of access for your vessels. Two sample plans have been attached, illustrating two methods that are commonly used around the world to achieve this. The plans also represent the basic information required in a Notice of Work for authorization from TC to place the buoys.

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**Q6: What other permits do I need to place a mooring buoy?**

**A6:** Depending on where your proposed mooring buoy is located, there may be additional permits required from other responsible agencies. Different Regional and Municipal governments may have unique bylaws. To find out if a bylaw applies to you, a good resource to begin with is FrontCounter BC, at <http://www.frontcounterbc.gov.bc.ca/> or 1-877-855-3222. You may also wish to check with your Regional District and City or Municipality for further permits.

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**Q7: Does the Regional District Bylaw regulating mooring buoys supersede the *Navigation Protection Act*?**

**A7:** No. The *Navigation Protection Act* applies to all waterways that are listed on the Schedule as published in the Act. If multiple authorities have overlapping jurisdictions where the buoy is proposed to be located, then multiple authorizations may be required.

Navigation Protection Act and Schedule - <http://laws-lois.justice.gc.ca/eng/acts/N-22/>

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**Q8: How does Transport Canada enforce the requirements for mooring buoys?**

**A8:** Under both the *Navigation Protection Act* and the *Private Buoy Regulations*, unlawful works, including non-compliant buoys, may be subject to removal. Prior to conducting removals, Transport Canada will normally initiate public outreach, and engage with other agencies that have overlapping jurisdictions. Following this, notices of non-compliance may be placed on unlawful works, providing a period of time to rectify deficiencies. If the buoys remain unlawful after a specified date, they may be removed by Transport Canada.

Transport Canada is actively involved in several multi-agency collaborative initiatives to develop long-term solutions to areas known to be congested with mooring buoys or those that are not in compliance with the regulations. The Navigation Protection Program (NPP) will offer guidance and support to local community initiatives to alleviate problem areas, by providing input on developing public moorage facilities, or participating in the pre-development and consultative phases of community planning and by-law development.

For further guidance on the Navigation Protection Program, visit <https://www.tc.gc.ca/eng/programs-621.html>