

**CHAPTER 407. NAVIGATION****GENERAL PROVISIONS**

<b>Sec.</b>	
407.1.	Definitions.
407.2.	Authority.
407.3.	Regulation Enforcement.

**NAVIGATION REGULATIONS**

407.11.	Sunken vessels.
407.12.	Removal of vessels.
407.13.	Casting refuse.
407.14.	Speed of vessels.

**Source**

The provisions of this Chapter 407 renumbered from 13 Pa. Code Chapter 207, May 16, 1997, effective May 17, 1997, 27 Pa.B. 2415, unless otherwise noted. Immediately preceding text appears at serial pages (209851) to (209853).

**GENERAL PROVISIONS****§ 407.1. Definitions.**

The following words and terms, when used in this chapter, have the following meanings unless the context clearly indicates otherwise.

*Agent*—An individual, corporation or other entity contracting to man, victual, navigate or operate a vessel.

**§ 407.2. Authority.**

(a) Section 4 of the act of July 9, 1976 (P. L. 980, No. 197) (71 P. S. § 670.2) authorizes the Commission to promulgate rules and regulations necessary for the proper navigation of the River.

(b) Section 1 of the act of May 9, 1913 (P. L. 185, No. 126) (55 P. S. § 401) authorizes the Commissioners to make rules for regulating the speed of vessels navigating the River and its navigable tributaries, between Marcus Hook and Bristol, in this Commonwealth, provided, that the rules may not extend to, impair, or in any way infringe on, the mutual arrangements entered into by this Commonwealth and the state of New Jersey.

**§ 407.3. Regulation enforcement.**

It will be the duty of the Chairperson of the Commission to take the necessary action to enforce this chapter, and, if a person refuses or neglects to comply with the directions of the Chairperson of the Commission in matters within the juris-

diction of his office, or shall knowingly fail to comply with this chapter, or if a person obstructs or prevents the Chairperson in the execution of his duties, the person shall be guilty of a misdemeanor and, upon conviction thereof, shall be sentenced to pay, for each offense, a fine not exceeding \$500 unless another penalty is specified.

### NAVIGATION REGULATIONS

#### § 407.11. Sunken vessels.

(a) It shall be the duty of the Chairperson of the Commission, immediately upon information of the sinking of a vessel in the channelway of the tidewaters of the River or in any of the docks thereof or in any location as to present a hazard to navigation, to give notice to the owner, master or other agent having charge thereof to raise and remove the obstruction or present a plan for the removal satisfactory to the Commission within 10 days after the date of the notice, under a penalty of \$100, to and for the use of the Commonwealth.

(b) In case of refusal or neglect of the parties interested, as set forth in subsection (a), to raise and remove an obstruction within 10 days, it will be the further duty of the Chairperson to have it raised and removed, at the expense of the owner, master or agent, and the vessel and its cargo shall be subject to a lien, in the hands of the Chairperson, until the expenses of raising and removing shall be fully paid to him. The Chairperson is hereby authorized to sell at public auction to the highest bidder, for cash, the property or so much thereof as is necessary to pay the expenses of raising and removing, together with the penalty provided in subsection (a) and the cost of sale, and he will return the surplus, if any, of the sale to the person as shall be legally entitled to receive the same.

(c) The Chairperson of the Commission, before proceeding to sell the property, will give 5 days notice by at least 20 printed handbills, to be posted in conspicuous places in the immediate neighborhood of the locality setting forth a full description of his property to be sold, together with the time and place of selling the same. Should the sum realized from the sale be insufficient to pay the expenses of raising and removing, together with the penalty and expenses of sale, the Chairperson of Commissioners may sue for the amount of the deficiency in the name of and for the benefit of the Commonwealth, in any court of the Commonwealth having jurisdiction in similar cases, and it is the duty of the Attorney General of the Commonwealth to institute and prosecute the suits at the request of the Commissioners.

#### § 407.12. Removal of vessels.

If the Commission directs the removal of any vessel obstructing commerce or navigation in the River and if the vessel is not promptly moved as directed, it may cause the vessel to be moved at the expense of the master or owners thereof,

and, if such master or owners neglect or refuse on demand to pay such an expense, the Commission may recover the amount in an action of assumpsit.

**§ 407.13. Casting refuse.**

If any person casts, places or leaves in position where the same may be washed or drifted into the tideway of the River, any ballast, cinders, ashes, dirt, refuse or any heavy article whatever, he, for every offense, shall forfeit and pay a sum not exceeding \$100, to be sued for and recovered with costs of suit by the Chairperson of Commissioners, for the use of the Commonwealth, before any magistrate of the city of Philadelphia or before a district justice of the proper county.

**§ 407.14. Speed of vessels.**

Every master, officer or other person, having charge of a vessel navigating the River who operates a vessel at such speed as to risk harm to persons or property shall forfeit and pay a sum not exceeding \$50 for the first offense and not less than \$75 nor more than \$100 for each subsequent offense, to be sued for and recovered with costs of suit by the Chairperson of Commissioners, for the use of the Commonwealth, before any magistrate of the city of Philadelphia or before an alderman or district justice of the proper county.

[Next page is 409-1.]

407-4

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