

557.03 SIREN PROHIBITED; EXCEPTIONS.

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CHAPTER 557 Watercraft

557.01 DEFINITIONS.

(a) As used in this chapter:

(1) "Canoe" means a narrow vessel of shallow draft, pointed at both ends and propelled by human muscular effort, and includes kayaks, racing shells, and rowing sculls.

(2) "Coast Guard approved" means bearing an approval number assigned by the United States Coast Guard.

(3) "Diver's flag" means a red flag not less than one foot square having a diagonal white stripe extending from the masthead to the opposite lower corner that when displayed indicates that divers are in the water.

(4) "Drug of abuse" has the same meaning as in Ohio R.C. 4506.01.

(5) "Electronic" includes electrical, digital, magnetic, optical, electromagnetic, or any other form of technology that entails capabilities similar to these technologies.

(6) "Electronic record" means a record generated, communicated, received, or stored by electronic means for use in an information system or for transmission from one information system to another.

(7) "Electronic signature" means a signature in electronic form attached to or logically associated with an electronic record.

(8) "Idle speed" means the slowest possible speed needed to maintain steerage or maneuverability.

(9) "In operation" in reference to a vessel means that the vessel is being navigated or otherwise used on the waters in this Municipality.

(10) "Inflatable watercraft" means any vessel constructed of rubber, canvas or other material which is designed to be inflated with any gaseous substance, constructed with two or more air cells and operated as a vessel. Inflatable watercraft propelled by a motor shall be classified as powercraft and shall be registered by length. Inflatable watercraft propelled by a sail shall be classified as a sailboat and shall be registered by length.

(11) "Law enforcement vessel" means any vessel used in law enforcement and under the command of a law enforcement officer.

(12) "Muffler" means an acoustical suppression device or system that is designed and installed to abate the sound of exhaust gases emitted from an internal combustion engine and that prevents excessive or unusual noise.

(13) "Navigable waters" means waters which come under the jurisdiction of the Department of the Army of the United States and any waterways within or adjacent to this Municipality, except inland lakes having neither a navigable inlet nor outlet.

(14) "No wake" has the same meaning as "idle speed."

(15) "Operator" includes any person who navigates or has under the person's control a vessel, or vessel and detachable motor, on the waters in this Municipality.

(16) "Owner" includes any person who claims lawful possession of a vessel by virtue of legal title or equitable interest therein that entitled the person to that possession.

(17) "Person" includes any legal entity defined as a person in Ohio R.C. 1.59 and any body politic, except the United States and this State, and includes any agent, trustee, executor, receiver, assignee or other representative thereof.

(18) "Personal watercraft" means a vessel, less than 16 feet in length, that is propelled by machinery and designed to be operated by an individual sitting, standing or kneeling on the vessel rather than by an individual sitting or standing inside the vessel.

(19) "Powercraft" means any vessel propelled by machinery, fuel, rockets or similar devices.

(20) "Rowboat" means any vessel, except a canoe, that is designed to be rowed and which is propelled by human muscular effort by oars or paddles and upon which no mechanical propulsion device, electric motor, internal combustion engine or sail has been affixed or is used for the operation of such vessel.

(21) "Sailboat" means any vessel, equipped with mast and sails, dependent upon the wind to propel it in the normal course of operation.

A. Any sailboat equipped with an inboard engine is deemed a powercraft with auxiliary sail.

B. Any sailboat equipped with a detachable motor is deemed a sailboat with auxiliary power.

C. Any sailboat being propelled by mechanical power, whether under sail or not, is deemed a powercraft and subject to all laws and rules governing powercraft operation.

(22) "Sewage" means human body wastes and wastes from toilets and other receptacles intended to receive or retain body waste.

(23) "Type 1 personal flotation device" means a device which is designed to turn an unconscious person floating in water from face downward position to a vertical or slightly face upward position and that has at least 9 kilograms, approximately 20 pounds, of buoyancy.

(24) "Type 2 personal flotation device" means a device which is designed to turn an unconscious person in the water from a face downward position to a vertical or slightly face upward position and that has at least 7 kilograms, approximately 15-2/5 pounds, of buoyancy.

(25) "Type 3 personal flotation device" means a device which is designed to keep a conscious person in a vertical or slightly face upward position and that has at least 7 kilograms approximately 15-2/5 pounds, of buoyancy.

(26) "Type 4 personal flotation device" means a device which is designed to be thrown to a person in the water and not worn and that has at least 7-1/2 kilograms, approximately 16-1/2 pounds, of buoyancy.

(27) "Type 5 personal flotation device" means a device that, unlike other personal flotation devices, has limitations on its approval by the United States Coast Guard, including, without limitation, all of the following:

A. The approval label on the type five personal flotation device indicates that the device is approved for the activity in which the vessel is being used or as a substitute for a personal flotation device of the type required on the vessel in use;

B. The personal flotation device is used in accordance with any requirements on the approval label;

C. The personal flotation device is used in accordance with requirements in its owner's manual if the approval label refers to such a manual.

(28) "Vessel" includes every description of craft, including nondisplacement craft and sea planes, designed to be used as a means of transportation on water.

(29) "Visible" means visible on a dark night with clear atmosphere.

(30) "Watercraft."

A. "Watercraft" means any of the following when used or capable of being used for transportation on the water:

1. A vessel operated by machinery either permanently or temporarily affixed;

2. A sailboat other than a sailboard;

3. An inflatable or manually propelled boat that is required by Federal law to have a hull identification number meeting the requirements of the United States Coast Guard; or

4. A canoe or rowboat.

B. "Watercraft" does not include ferries as referred to in Ohio R.C. Chapter 4583.

C. Watercraft subject to Ohio R.C. 1547.54 shall be divided into five classes as follows:

1. Class A: Less than 16 feet in length;

2. Class 1: At least 16 feet but less than 26 feet in length;

3. Class 2: At least 26 feet but less than 40 in length;

4. Class 3: At least 40 feet but less than 65 feet in length; and

5. Class 4: At least 65 feet in length.

(31) "Watercraft dealer" means any person who is regularly engaged in the business of manufacturing, selling, displaying, offering for sale or dealing in vessels at an established place of

business. "Watercraft dealer" does not include a person who is a marine salvage dealer or any other person who dismantles, salvages or rebuilds vessels using used parts.

(32) "Waters in this Municipality" means all streams, rivers, lakes, ponds, marshes, watercourses, waterways and all other bodies of water, natural or human-made, which are situated wholly or partially within this Municipality or within its jurisdiction and are used for recreational boating.

(b) Unless otherwise provided, this chapter applies to all vessels operating on the waters in this Municipality. Nothing in this chapter shall be construed in contravention of any valid Federal or State act or regulation, but is in addition to the act or regulation where not inconsistent. (Ord. 79-07. Passed 11-13-07.)

557.02 FLASHING LIGHTS PROHIBITED; EXCEPTIONS.

(a) No person shall install or use any intermittently flashing light of an type or color on any vessel in use or operation on the waters in this Municipality, except in accordance with Federal law.

(b) No person shall operate or permit to be operated any vessel on the waters in this Municipality in violation of this section.

(c) Whoever violates this section is guilty of a minor misdemeanor.
(Ord. 79-07. Passed 11-13-07.)

557.03 SIREN PROHIBITED; EXCEPTIONS.

(a) No person, except an authorized watercraft representative of the Federal government, the State, or any of its political subdivisions shall use or operate a siren on the waters in this Municipality except for emergency purposes.

(b) No person shall operate or permit to be operated any vessel on the waters in this Municipality in violation of this section.

(c) Whoever violates this section is guilty of a minor misdemeanor.
(Ord. 79-07. Passed 11-13-07.)

557.04 REGULATIONS FOR OPERATION AND RENTAL OF POWERCRAFT OF MORE THAN TEN HORSEPOWER.

(a) No person born on or after January 1, 1982, shall operate on the waters in this Municipality a powercraft powered by more than 10 horsepower, unless the operator successfully has completed either a safe boater course approved by the National Association of State Boating Law Administrators or a proctored or nonproctored proficiency examination that tests knowledge of information included in the curriculum of such a course, and has received a certificate as evidence of successful completion of the course or examination.

(b) A person born on or after January 1, 1982, who is operating on the waters in this Municipality a powercraft powered by more than 10 horsepower and who is stopped by a law enforcement officer in the enforcement of Ohio R.C. Chapter 1547 or rules adopted under it shall present to the law enforcement officer, not later than 72 hours after being stopped, a certificate obtained by the person pursuant to division (a) of this section prior to being stopped or proof of holding such a certificate. Failure of the person to present the certificate or proof of holding it within 72 hours constitutes prima facie evidence of a violation of division (a) of this section.

(c) No rental business shall lease, hire, or rent a powercraft powered by more than 10 horsepower for operation on the waters in this Municipality to a person born on or after January 1, 1982, unless the person meets one of the following requirements:

(1) The person signs a statement on the rental agreement or attached to the rental agreement that the person has successfully completed a safe boater course approved by the National Association of State Boating Law Administrators or has successfully completed a

proficiency examination as provided in division (a) of this section.

(2) The person receives educational materials from the rental business and successfully passes, with a score of 90% or better, an abbreviated examination given by the rental business. The achievement of a passing score on the examination shall be indicated on or attached to the powercraft rental agreement.

(d) Any person born on or after January 1, 1982, operating or supervising the operation of a leased, hired, or rented powercraft shall:

(1) Meet the requirements for boater education of division (c) of this section.

(2) Be named as an operator on the agreement that leases, hires, or rents the powercraft.

(e) The Division of Watercraft shall make available to all watercraft rental businesses in the State boater safety educational materials and an abbreviated examination that shall be used by the watercraft rental business for the purposes of division (c)(2) of this section.

(f) Whoever violates division (a) or (b) of this section is guilty of a misdemeanor of the fourth degree if the violation is not related to a collision, injury to a person, or damage to property and a misdemeanor of the third degree if the violation is related to a collision, injury to a person, or damage to property.

(g) Whoever violates division (c) or (d) of this section is guilty of a minor misdemeanor.

(h) The sentencing court, in addition to the penalty provided under this section for a violation of this section or a rule adopted under it that involves a powercraft powered by more than 10 horsepower and that, in the opinion of the court, involves a threat to the safety of persons or property, shall order the offender to complete successfully a boating course approved by the National Association of State Boating Law Administrators before the offender is allowed to operate a powercraft powered by more than 10 horsepower on the waters in this State. Violation of a court order entered under this division is punishable as contempt under Ohio R.C. Chapter 2705. (Ord. 79-07. Passed 11-13-07.)

557.05 RESTRICTIONS ON CHILD OPERATORS; DUTY OF SUPERVISORY ADULT.

(a) Except as otherwise provided in this division, no person under 16 years of age shall operate a personal watercraft on the waters in this Municipality. A person who is not less than 12 nor more than 15 years of age may operate a personal watercraft if a supervising person 18 years of age or older is aboard the personal watercraft and, in the case of a supervising person born on or after January 1, 1982, if the supervising person holds a certificate obtained under Section 557.04(a) or, in the case of a rented powercraft, meets the requirements of Section 557.04(c) and (d).

(b) No person under 12 years of age shall operate any vessel on the waters in this Municipality unless the person is under the direct visual and audible supervision, during the operation, of a person who is 18 years of age or older. This division does not apply to a personal watercraft, which shall be governed by division (a) of this section, or to a powercraft, other than a personal watercraft, powered by more than 10 horsepower, which shall be governed by division (c) of this section.

(c) No person under 12 years of age shall operate on the waters in this Municipality a powercraft, other than a personal watercraft, powered by more than 10 horsepower unless the person is under the direct visual and audible supervision, during the operation, of a person 18 years of age or older who is aboard the powercraft and, in the case of such a supervising person born on or after January 1, 1982, who holds a certificate obtained under Section 557.04(a) or, in the case of a rented powercraft, meets the requirements of Section 557.04(c) and (d).

(d) No supervising person 18 years of age or older shall permit any person who is under the supervising person's supervision and who is operating a vessel on the waters in this Municipality to

violate any section of this chapter, Ohio R.C. Chapter 1547 or a rule adopted under it.

(e) Whoever violates this section is guilty of a minor misdemeanor.

(Ord. 79-07. Passed 11-13-07.)

557.06 RECKLESS OPERATION.

(a) Any person who operates any vessel or manipulates any water skis, aquaplane, or similar device on the waters in this Municipality carelessly or heedlessly, or in disregard of the rights or safety of any person, vessel, or property, or without due caution, at a rate of speed or in a manner so as to endanger any person, vessel, or property is guilty of reckless operation of the vessel or other device.

(b) No person shall operate or permit the operation of a vessel in an unsafe manner. A vessel shall be operated in a reasonable and prudent manner at all times. Unsafe vessel operation includes, without limitation, any of the following:

(1) A vessel becoming airborne or completely leaving the water while crossing the wake of another vessel at a distance of less than 100 feet, or at an unsafe distance, from the vessel creating the wake;

(2) Operating at such a speed and proximity to another vessel or to a person attempting to ride on one or more water skis, surfboard, inflatable device, or similar device being towed by a vessel so as to require the operator of either vessel to swerve or turn abruptly to avoid collision;

(3) Operating less than 200 feet directly behind a person water skiing or attempting to water ski;

(4) Weaving through congested traffic.

(c) Whoever violates this section without causing injury to persons or damage to property is guilty of a misdemeanor of the fourth degree.

(d) Whoever violates this section causing injury to persons or damage to property is guilty of a misdemeanor of the third degree.

(Ord. 79-07. Passed 11-13-07.)

557.07 UNSAFE CONDITIONS.

(a) If a law enforcement officer observes a vessel being used and determines that at least one of the unsafe conditions identified in division (c) of this section is present and that an especially hazardous condition exists, the officer may direct the operator of the vessel to take whatever immediate and reasonable actions are necessary for the safety of the persons aboard the vessel, including directing the operator to return the vessel to mooring and remain there until the situation creating the hazardous condition is corrected or has ended. For the purposes of this section, an especially hazardous condition is one in which a reasonably prudent person would believe that the continued operation of a vessel would create a special hazard to the safety of the persons aboard the vessel.

(b) The refusal by an operator of a vessel to terminate use of the vessel after being ordered to do so by a law enforcement officer under division (a) of this section is prima facie evidence of a violation of Section 557.06.

(c) For the purposes of this section, any of the following is an unsafe condition:

(1) Insufficient personal flotation devices;

(2) Insufficient fire extinguishers;

(3) Overloaded, insufficient freeboard for the water conditions in which the vessel is operating;

(4) Improper display of navigation lights;

(5) Fuel leaks, including fuel leaking from either the engine or the fuel system;

- (6) Accumulation of or an abnormal amount of fuel in the bilges;
- (7) Inadequate backfire flame control;
- (8) Improper ventilation.
- (d) This section does not apply to any of the following:
 - (1) Foreign vessels temporarily using waters that are subject to the jurisdiction of the United States;
 - (2) Military vessels, vessels owned by the State or a political subdivision, or other public vessels, except those that are used for recreation;
 - (3) A ship's lifeboats, as defined in Ohio R.C. 1548.01;
 - (4) Vessels that are solely commercial and that are carrying more than six passengers for hire. (Ord. 79-07. Passed 11-13-07.)

557.08 MARKING OF BATHING AND VESSEL AREAS.

- (a) No person shall operate a vessel within or through a designated bathing area or within or through any area that has been buoyed off designating it as an area in which vessels are prohibited.
- (b) (1) No person shall operate a vessel at greater than idle speed or at a speed that creates a wake under any of the following circumstances:
 - A. Within 300 feet of any marina, boat docking facility, boat gasoline dock, launch ramp, recreational boat harbor, or harbor entrance on Lake Erie or on the Ohio River;
 - B. During the period from sunset to sunrise according to local time within any water between the Dan Beard bridge and the Brent Spence bridge on the Ohio River for any vessel not documented by the United States Coast Guard as commercial;
 - C. Within any area buoyed or marked as a no wake area on the waters in this Municipality.
- (2) Division (b)(1) of this section does not apply in either of the following places:
 - A. An area designated by the Chief of the Division of Watercraft unless it is marked by a buoy or sign as a no wake or idle speed area;
 - B. Within any water between the Dan Beard bridge and the Brent Spence bridge on the Ohio River when the United States Coast Guard has authorized the holding of a special event of a community nature on that water.
- (c) No person shall operate a vessel in any area of restricted or controlled operation in violation of the designated restriction.
- (d) No person shall operate a vessel within 300 feet of an official diver's flag unless the person is tendering the diving operation.
- (e) (1) All areas of restricted or controlled operation as described in division (a) of this section or as provided for in Section 557.15 or Ohio R.C. 1547.16 or 1547.61 shall be marked by a buoy or sign designating the restriction. All waters surrounded by or lying between such a buoy or sign and the closest shoreline are thereby designated as an area in which the designated restrictions shall apply in the operation of any vessel.
- (2) Markings on buoys designating areas of restricted or controlled operation shall be so spaced as to show all around the horizon. Lineal spacing between the buoys shall be such that under normal conditions of visibility any buoy shall be readily visible from the next adjacent buoy. No colors or symbols, except as provided for in rules of the Chief of the Division of Watercraft shall be used on buoys or signs for marking closed or controlled areas of boating waters.
- (3) Any State department, conservancy district, or political subdivision having jurisdiction and control of impounded boating waters may place such buoys or signs on its waters. Any political subdivision may apply to the Chief of the Division of Watercraft for permission to place such buoys

or signs on other waters within its territorial limits. No person shall place or cause to be placed a regulatory buoy or sign on, into, or along the waters in this Municipality unless the person has complied with all the provisions of this chapter and Ohio R.C. Chapter 1547.

(f) No person shall permit any vessel to be operated on the waters in this Municipality in violation of this section.

(g) Whoever violates any of the provisions of this section is guilty of a minor misdemeanor. (Ord. 79-07. Passed 11-13-07.)

557.09 MOORING PROHIBITED IN CERTAIN AREAS.

(a) No person shall moor or anchor any vessel in a designated speed zone or water ski zone. No person, unless in distress and no other vessel is endangered thereby, shall moor to, anchor to, or tie up to any marker, aid, buoy, light, or other aid to navigation.

(b) No person shall operate or permit to be operated any vessel on the waters in this Municipality in violation of this section.

(c) Whoever violates this section is guilty of a minor misdemeanor (Ord. 79-07. Passed 11-13-07.)

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- ORDINANCES OF THE CITY OF SHEFFIELD LAKE, OHIO
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- ORDINANCES OF SHEFFIELD LAKE
- orderly Conduct and Peace Disturbance
- ORDER OF LAW ENFORCEMENT OFFICER; FLEEING AND ELUDING

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