

# 557.05 RESTRICTIONS ON CHILD OPERATORS; DUTY OF SUPERVISORY ADULT.

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Codified Ordinances of Sheffield Lake, OH

CODIFIED ORDINANCES OF THE CITY OF SHEFFIELD LAKE, OHIO

CERTIFICATION

ROSTER OF OFFICIALS

ADOPTING ORDINANCE NO. 116-84

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OH

Sheffield Lake

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CHAPTER 557 Watercraft

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 Sheffield Lake, OH
  - ORDINANCES OF THE CITY OF SHEFFIELD LAKE, OHIO
  - ORDINANCE NO. 116-84
  - ORDINANCES OF SHEFFIELD LAKE
  - orderly Conduct and Peace Disturbance
  - ORDER OF LAW ENFORCEMENT OFFICER; FLEEING AND ELUDING
  - Ord. 79-07
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