557.10 OPERATING UNDER INFLUENCE OF ALCOHOL OR DRUGS PROHIBITED.

557.10 OPERATING UNDER INFLUENCE OF ALCOHOL OR DRUGS PROHIBITED.

Document type	section
Identifier	557.10
Citation	§ 557.10
Ordinances detected	S, 116-84, ER, ERED, 79-07, INANCE, RELATING, SHALL, TO, AND
Dates detected	March 23, 2000
Original source	American Legal Publishing
Content hash	`bc3f3f955437201ddd605f4addab0f13371f59a73ef4baaefa3cc83fd2ee7899`

Skip to main content
Search
Sitemap
Login
Select Language
Resources
Skip to code content (skip section selection)
2025-04 (current)

Sheffield Lake Overview
Codified Ordinances of Sheffield Lake, OH
CODIFIED ORDINANCES OF THE CITY OF SHEFFIELD LAKE, OHIO
CERTIFICATION
ROSTER OF OFFICIALS
ADOPTING ORDINANCE NO. 116-84
COMPARATIVE SECTION TABLE
TABLES OF SPECIAL ORDINANCES OF SHEFFIELD LAKE
CHARTER
PART ONE - ADMINISTRATIVE CODE
PART THREE - TRAFFIC CODE
PART FIVE - GENERAL OFFENSES CODE
CHAPTER 501 General Provisions and Penalty
CHAPTER 505 Animals and Fowl
CHAPTER 509 Disorderly Conduct and Peace Disturbance
CHAPTER 513 Drug Abuse Control
CHAPTER 517 Gambling
CHAPTER 521 Health, Safety and Sanitation
CHAPTER 525 Law Enforcement and Public Office
CHAPTER 529 Liquor Control
CHAPTER 531 Noise Control
CHAPTER 533 Obscenity and Sex Offenses
CHAPTER 537 Offenses Against Persons
CHAPTER 541 Property Offenses
CHAPTER 545 Theft and Fraud
CHAPTER 549 Weapons and Explosives
CHAPTER 553 Railroads
CHAPTER 557 Watercraft
557.01 DEFINITIONS.
557.02 FLASHING LIGHTS PROHIBITED; EXCEPTIONS.
557.03 SIREN PROHIBITED; EXCEPTIONS.
557.04 REGULATIONS FOR OPERATION AND RENTAL OF POWERCRAFT OF MORE THAN TEN HORSEPOWER.
557.05 RESTRICTIONS ON CHILD OPERATORS; DUTY OF SUPERVISORY ADULT.
557.06 RECKLESS OPERATION.
557.07 UNSAFE CONDITIONS.
557.08 MARKING OF BATHING AND VESSEL AREAS.
557.09 MOORING PROHIBITED IN CERTAIN AREAS.
557.10 OPERATING UNDER INFLUENCE OF ALCOHOL OR DRUGS PROHIBITED.
557.11 IMPLIED CONSENT.
557.12 INCAPACITATED OPERATORS PROHIBITED.
557.13 FAILURE TO COMPLY WITH ORDER OF LAW ENFORCEMENT OFFICER; FLEEING AND ELUDING.
557.14 DUTY TO STOP OR GIVE WAY UPON APPROACH OF LAW ENFORCEMENT VESSEL.
557.15 WATER SKIING CONFINED TO SKI ZONES.
557.16 OBSERVER REQUIRED WHEN TOWING SKIER.

557.17 WATER SKIING AFTER DARK PROHIBITED.
557.18 PERSONAL FLOTATION DEVICE REQUIRED FOR TOWED PERSON.
557.19 SKI JUMPS PROHIBITED.
557.20 PERMIT FOR SPECIAL WATER EVENTS.
557.21 SALE OF SINGLE CELLED INFLATABLE VESSELS PROHIBITED.
557.22 SITTING, STANDING, WALKING ON MOVING VESSELS RESTRICTED.
557.23 ENGINE WARM-UP REQUIRED.
557.24 PERSONAL FLOTATION DEVICES FOR CHILDREN UNDER TEN.
557.25 OPERATION WITHOUT PERSONAL FLOTATION DEVICES PROHIBITED.
557.26 DISTRESS SIGNAL OR FLAG REQUIRED.
557.27 ANCHOR REQUIREMENTS.
557.28 SPECIFICATIONS FOR FIRE EXTINGUISHERS.
557.29 BACKFIRE FLAME CONTROL DEVICE REQUIRED.
557.30 VENTILATION REQUIREMENT ON POWERCRAFT.
557.31 ABANDONMENT OF JUNK VESSELS OR OUTBOARD MOTORS.
557.32 EXHAUST MUFFLER REQUIRED; NOISE LEVELS; EXCEPTIONS.
557.33 SAFETY EQUIPMENT ON RENTAL VESSELS.
557.34 CAPACITY PLATE.
557.35 DWELLINGS: SANITARY SYSTEMS.
557.36 PRIMA FACIE EVIDENCE OF NEGLIGENCE.
557.37 REQUIREMENTS FOR OPERATING PERSONAL WATERCRAFT.
557.38 LITTERING PROHIBITED.
557.39 NUMBERING.
557.40 REGISTRATION.
557.41 ALTERING OF SERIAL NUMBERS; FALSE INFORMATION PROHIBITED.
557.43 ENFORCEMENT.
557.44 HARBOR MASTER TO ENFORCE REGULATIONS.
557.45 CERTIFICATE OF TITLE; EXCEPTIONS.
557.46 MANUFACTURER'S OR IMPORTER'S CERTIFICATE.
557.47 PROHIBITIONS.
557.48 PERMANENTLY DISPLAYED HULL IDENTIFICATION NUMBER.
557.49 FIREARMS OFFENSES; SIGNALING DEVICES.
557.50 TAMPERING WITH NAVIGATION AID OR VESSEL PROHIBITED.
CHAPTER 561 Weeds and Grass
PART SEVEN - BUSINESS REGULATION CODE
PART NINE - STREETS, UTILITIES AND PUBLIC SERVICES CODE
PART ELEVEN - PLANNING AND ZONING CODE
PART THIRTEEN - BUILDING CODE
PART FIFTEEN - FIRE PREVENTION CODE
OH
Sheffield Lake
Codified Ordinances of Sheffield Lake, OH
557.10 OPERATING UNDER INFLUENCE OF ALCOHOL OR DRUGS PROHIBITED.
CHAPTER 557 Watercraft
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.)

557.10 OPERATING UNDER INFLUENCE OF ALCOHOL OR DRUGS PROHIBITED.

(a) No person shall operate or be in physical control of any vessel underway or shall manipulate any water skis, aquaplane, or similar device on the waters in this Municipality if, at the time of the operation, control, or manipulation, any of the following applies:

(1) The person is under the influence of alcohol, a drug of abuse, or a combination of them;

(2) The person has a concentration of 0.08% or more by weight of alcohol per unit volume in the person's whole blood;

(3) The person has a concentration of 0.096% or more by weight per unit volume of alcohol in the person's blood serum or plasma;

(4) The person has a concentration of 0.11 grams or more by weight of alcohol per 100 milliliters of the person's urine;

(5) The person has a concentration of 0.08 grams or more by weight of alcohol per 210 liters of the person's breath.

(6) Except as provided in division (h) of this section, the person has a concentration of any of the following controlled substances or metabolites of a controlled substance in the person's whole blood, blood serum or plasma, or urine that equals or exceeds any of the following:

A. The person has a concentration of amphetamine in the person's urine of at least 500 nanograms of amphetamine per milliliter of the person's urine or has a concentration of amphetamine in the person's whole blood or blood serum or plasma of at least 100 nanograms of amphetamine per milliliter of the person's whole blood or blood serum or plasma.

B. The person has a concentration of cocaine in the person's urine of at least 150 nanograms of cocaine per milliliter of the person's urine or has a concentration of cocaine in the person's whole blood or blood serum or plasma of at least 50 nanograms of cocaine per milliliter of the person's whole blood or blood serum or plasma.

C. The person has a concentration of cocaine metabolite in the person's urine of at least 150 nanograms of cocaine metabolite per milliliter of the person's urine or has a concentration of cocaine metabolite in the person's whole blood or blood serum or plasma of at least 50 nanograms of cocaine metabolite per milliliter of the person's whole blood or blood serum or plasma.

D. The person has a concentration of heroin in the person's urine of at least 2,000 nanograms of heroin per milliliter of the person's urine or has a concentration of heroin in the person's whole blood or blood serum or plasma of at least 50 nanograms of heroin per milliliter of the person's whole blood or blood serum or plasma.

E. The person has a concentration of heroin metabolite (6-monoacetyl morphine) in the person's urine of at least 10 nanograms of heroin metabolite (6-monoacetyl morphine) per milliliter of the person's urine or has a concentration of heroin metabolite (6-monoacetyl morphine) in the person's whole blood or blood serum or plasma of at least 10 nanograms of heroin metabolite (6-monoacetyl morphine) per milliliter of the person's whole blood or blood serum or plasma.

F. The person has a concentration of L.S.D. in the person's urine of at least 25 nanograms of L.S.D. per milliliter of the person's urine or has a concentration of L.S.D. in the person's whole blood or blood serum or plasma of at least 10 nanograms of L.S.D. per milliliter of the person's whole blood or blood serum or plasma.

G. The person has a concentration of marihuana in the person's urine of at least 10 nanograms of marihuana per milliliter of the person's urine or has a concentration of marihuana in the person's whole blood or blood serum or plasma of at least 2 nanograms of marihuana per milliliter of the person's whole blood or blood serum or plasma.

H. Either of the following applies:

1. The person is under the influence of alcohol, a drug of abuse, or a combination of them, and, as measured by gas chromatography mass spectrometry, the person has a concentration of marihuana metabolite in the person's urine of at least 15 nanograms of marihuana metabolite per milliliter of the person's urine or has a concentration of marihuana metabolite in the person's whole blood or blood serum or plasma of at least 5 nanograms of marihuana metabolite per milliliter of the person's whole blood or blood serum or plasma.

2. As measured by gas chromatography mass spectrometry, the person has a concentration of marihuana metabolite in the person's urine of at least 35 nanograms of marihuana metabolite per milliliter of the person's urine or has a concentration of marihuana metabolite in the person's whole blood or blood serum or plasma of at least 50 nanograms of marihuana metabolite per milliliter of the person's whole blood or blood serum or plasma.

I. The person has a concentration of methamphetamine in the person's urine of at least 500 nanograms of methamphetamine per milliliter of the person's urine or has a concentration of

methamphetamine in the person's whole blood or blood serum or plasma of at least 100 nanograms of methamphetamine per milliliter of the person's whole blood or blood serum or plasma.

J. The person has a concentration of phencyclidine in the person's urine of at least 25 nanograms of phencyclidine per milliliter of the person's urine or has a concentration of phencyclidine in the person's whole blood or blood serum or plasma of at least 10 nanograms of phencyclidine per milliliter of the person's whole blood or blood serum or plasma.

(b) No person under 21 years of age shall operate or be in physical control of any vessel underway or shall manipulate any water skis, aquaplane, or similar device on the waters in this Municipality if, at the time of the operation, control, or manipulation, any of the following applies:

(1) The person has a concentration of at least 0.02% but less than 0.08% by weight per unit volume of alcohol in the person's whole blood;

(2) The person has a concentration of at least 0.03% but less than 0.096% by weight per unit volume of alcohol in the person's blood serum or plasma.

(3) The person has a concentration of at least 0.028 grams, but less than 0.11 grams by weight of alcohol per 100 milliliters of the person's urine;

(4) The person has a concentration of at least 0.02 grams, but less than 0.08 grams by weight of alcohol per 210 liters of the person's breath.

(c) In any proceeding arising out of one incident, a person may be charged with a violation of division (a)(1) and a violation of division (b)(1), (2), (3) or (4) of this section, but the person shall not be convicted of more than one violation of those divisions.

(d) (1) In any criminal prosecution or juvenile court proceeding for a violation of division (a) or (b) this section or for an equivalent violation, the court may admit evidence on the concentration of alcohol or a drug of abuse, controlled substances, metabolites of a controlled substance, or a combination of them in the defendant's or child's whole blood, blood serum or plasma, urine, or breath at the time of the alleged violation as shown by chemical analysis of the substance withdrawn, or specimen taken within three hours of the time of the alleged violation. The three-hour time limit specified in this division regarding the admission of evidence does not extend or affect the two hour time limit specified in Section 557.11(c) or Ohio R.C. 1547.111(C) as the maximum period of time during which a person may consent to a chemical test or tests as described in that section.

(2) When a person submits to a blood test, only a physician, a registered nurse, or a qualified technician, chemist, or phlebotomist shall withdraw blood for the purpose of determining the alcohol, drug, controlled substance, metabolite of a controlled substance, or combination content of the whole blood, blood serum or plasma. This limitation does not apply to the taking of breath or urine specimens. A person authorized to withdrawn blood under this division (d) may refuse to withdraw blood under this division if, in that person's opinion, the physical welfare of the defendant or child would be endangered by withdrawing blood.

(3) The whole blood, blood serum or plasma, urine, or breath shall be analyzed in accordance with methods approved by the Director of Health by an individual possessing a valid permit issued by the Director pursuant to Ohio R.C. 3701.143.

(4) In a criminal prosecution or juvenile court proceeding for a violation of division (a) of this section or for a violation of a prohibition that is substantially equivalent to division (a) of this section, if there was at the time the bodily substance was taken a concentration of less than the applicable concentration of alcohol specified for a violation of division (a)(2), (a)(3), (a)(4), or (a)(5) of this section or less than the applicable concentration of a listed controlled substance or a listed

metabolite of a controlled substance specified for a violation of division (a)(6) of this section, that fact may be considered with other competent evidence in determining the guilt or innocence of the defendant or in making an adjudication for the child. This division does not limit or affect a criminal prosecution or juvenile court proceeding for a violation of division (b) of this section or for a violation of a prohibition that is substantially equivalent to that division.

(5) Upon the request of the person who was tested, the results of the chemical test shall be made available to the person or the person's attorney immediately upon completion of the test analysis.

(6) The person tested may have a physician, registered nurse, or qualified technician, chemist, or phlebotomist of the person's own choosing administer a chemical test or tests in addition to any administered at the direction of a law enforcement officer, and shall be so advised. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test or tests taken at the direction of a law enforcement officer.

(e) (1) In any criminal prosecution or juvenile court proceeding for a violation of division (a) or (b) of this section or for an equivalent violation, if a law enforcement officer has administered a field sobriety test to the operator or person found to be in physical control of the vessel underway involved in the violation or the person manipulating the water skis, aquaplane, or similar device involved in the violation and if it is shown by clear and convincing evidence that the officer administered the test in substantial compliance with the testing standards for reliable, credible, and generally accepted field sobriety tests for vehicles that were in effect at the time the tests were administered, including, but not limited to, any testing standards then in effect that have been set by the National Highway Traffic Safety Administration, that by their nature are not clearly inapplicable regarding the operation or physical control of vessels underway or the manipulation of water skis, aquaplanes, or similar devices, all of the following apply:

A. The officer may testify concerning the results of the field sobriety test so administered.

B. The prosecution may introduce the results of the field sobriety test so administered as evidence in any proceedings in the criminal prosecution or juvenile court proceeding.

C. If testimony is presented or evidence is introduced in division (e)(1)A. or (e)(1)B. of this section and if the testimony or evidence is admissible under the Rules of Evidence, the court shall admit the testimony or evidence, and the trier of fact shall give it whatever weight the trier of fact considers to be appropriate.

(2) Division (e)(1) of this section does not limit or preclude a court, in its determination of whether the arrest of a person was supported by probable cause or its determination of any other matter in a criminal prosecution or juvenile court proceeding of a type described in that division, from considering evidence or testimony that is not otherwise disallowed by division (e)(1) of this section.

(f) (1) Subject to division (f)(3) of this section, in any criminal prosecution or juvenile court proceeding for a violation of this section or for an equivalent violation, the court shall admit as prima-facie evidence a laboratory report from any laboratory personnel issued a permit by the Department of Health authorizing an analysis as described in this division that contains an analysis of the whole blood, blood serum or plasma, breath, urine, or other bodily substance tested and that contains all of the information specified in this division. The laboratory report shall contain all of the following:

A. The signature, under oath, of any person who performed the analysis;

B. Any findings as to the identity and quantity of alcohol, a drug of abuse, a controlled substance, a metabolite of a controlled substance, or a combination of them that was found;

C. A copy of a notarized statement by the laboratory director or a designee of the director that contains the name of each certified analyst or test performer involved with the report, the analyst's or test performer's employment relationship with the laboratory that issued the report, and a notation that performing an analysis of the type involved is part of the analyst's or test performer's regular duties;

D. An outline of the analyst's or test performer's education, training, and experience in performing the type of analysis involved and a certification that the laboratory satisfies appropriate quality control standards in general and, in this particular analysis, under rules of the Department of Health.

(2) Notwithstanding any other provision of law regarding the admission of evidence, a report of the type described in division (f)(1) of this section is not admissible against the defendant or child to whom it pertains in any proceeding, other than a preliminary hearing or a grand jury proceeding, unless the prosecutor has served a copy of the report on the defendant's or child's attorney or, if the defendant or child has no attorney, on the defendant or child.

(3) A report of the type described in division (f)(1) of this section shall not be prima-facie evidence of the contents, identity, or amount of any substance if, within seven days after the defendant or child to whom the report pertains or the defendant's or child's attorney receives a copy of the report, the defendant or child or the defendant's or child's attorney demands the testimony of the person who signed the report. The judge in the case may extend the seven-day time limit in the interests of justice.

(g) Except as otherwise provided in this division, any physician, registered nurse, or qualified technician, chemist, or phlebotomist who withdraws blood from a person pursuant to this section, and a hospital, first-aid station, or clinic at which blood is withdrawn from a person pursuant to this section, is immune from criminal and civil liability based upon a claim of assault and battery or any other claim that is not a claim of malpractice, for any act performed in withdrawing blood from the person. The immunity provided in this division is not available to a person who withdraws blood if the person engages in willful or wanton misconduct.

(h) Division (a)(6) of this section does not apply to a person who operates or is in physical control of a vessel underway or manipulates any water skis, aquaplane, or similar device while the person has a concentration of a listed controlled substance or a listed metabolite of a controlled substance in the person's whole blood, blood serum or plasma, or urine that equals or exceeds the amount specified in that division, if both of the following apply:

(1) The person obtained the controlled substance pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs.

(2) The person injected, ingested, or inhaled the controlled substance in accordance with the health professional's directions.

(i) For the purposes of this section:

(1) "Cocaine" and "L.S.D." have the same meanings as in Ohio R.C. 2925.01.

(2) "Controlled substance" and "marihuana" have the same meanings as in Ohio R.C. 3719.01.

(3) "Equivalent violation" means a violation of a municipal ordinance, law of another state, or law of the United States that is substantially equivalent to division (a) or (b) of this section.

(4) “National Highway Traffic Safety Administration” has the same meaning as in Ohio R.C.4511.19.

(5) “Operate” means that a vessel is being used on the waters in this state when the vessel is not securely affixed to a dock or to shore or to any permanent structure to which the vessel has the

right to affix or that a vessel is not anchored in a designated anchorage area or boat camping area that is established by the United States Coast Guard, this state, or a political subdivision and in which the vessel has the right to anchor.

(j) Whoever violates this section is guilty of a misdemeanor of the first degree and shall be punished as provided in division (j)(1), (j)(2), or (j)(3) of this section.

(1) Except as otherwise provided in division (j)(2) or (j)(3) of this section, the court shall sentence the offender to a jail term of three consecutive days and may sentence the offender pursuant to Ohio R.C. 2929.24 to a longer jail term. In addition, the court shall impose upon the offender a fine of not less than one hundred fifty dollars ($150.00) nor more than one thousand dollars ($1,000). The court may suspend the execution of the mandatory jail term of three consecutive days that it is required to impose by this division (j)(1) if the court, in lieu of the suspended jail term, places the offender under a community control sanction pursuant to Ohio R.C. 2929.25 and requires the offender to attend, for three consecutive days, a drivers' intervention program that is certified pursuant to Ohio R.C. 3793.10. The court also may suspend the execution of any part of the mandatory jail term of three consecutive days that it is required to impose by this division (j)(1) if the court places the offender under a community control sanction pursuant to Ohio R.C. 2929.25 for part of the three consecutive days; requires the offender to attend, for that part of the three consecutive days, a drivers' intervention program that is certified pursuant to Ohio R.C. 3793.10; and sentences the offender to a jail term equal to the remainder of the three consecutive days that the offender does not spend attending the drivers' intervention program. The court may require the offender, as a condition of community control, to attend and satisfactorily complete any treatment or education programs, in addition to the required attendance at a drivers' intervention program, that the operators of the drivers' intervention program determine that the offender should attend and to report periodically to the court on the offender's progress in the programs. The court also may impose any other conditions of community control on the offender that it considers necessary.

(2) If, within six years of the offense, the offender has been convicted of or pleaded guilty to one violation of this section; of Ohio R.C. 1547.11; of a municipal ordinance relating to operating a watercraft or manipulating any water skis, aquaplane, or similar device while under the influence of alcohol, a drug of abuse, a controlled substance, or a metabolite of a controlled substance or a combination of them; of a municipal ordinance relating to operating a watercraft or manipulating any water skis, aquaplane, or similar device with a prohibited concentration of alcohol in the whole blood, blood serum or plasma, breath, or urine; of Ohio R.C. 2903.06(A)(1); or of Ohio R.C. 2903.06(A)(2), (3) or (4) or Ohio R.C. 2903.06 or 2903.07 as they existed prior to March 23, 2000, in a case in which the jury or judge found that the offender was under the influence of alcohol, a drug of abuse, or a combination of them, the court shall sentence the offender to a jail term of 10 consecutive days and may sentence the offender pursuant to Ohio R.C. 2929.24 to a longer jail term. In addition, the court shall impose upon the offender a fine of not less than one hundred fifty dollars ($150.00) nor more than one thousand dollars ($1,000). In addition to any other sentence that it imposes upon the offender, the court may require the offender to attend a drivers' intervention program that is certified pursuant to Ohio R.C. 3793.10.

(3) If, within six years of the offense, the offender has been convicted of or pleaded guilty to more than one violation identified in division (j)(2) of this section, the court shall sentence the offender to a jail term of 30 consecutive days and may sentence the offender to a longer jail term of not more than one year. In addition, the court shall impose upon the offender a fine of not less than one hundred fifty dollars ($150.00) nor more than one thousand dollars ($1,000). In addition

to any other sentence that it imposes upon the offender, the court may require the offender to attend a drivers' intervention program that is certified pursuant to Ohio R.C. 3793.10.

(4) Upon a showing that serving a jail term would seriously affect the ability of an offender sentenced pursuant to division (j)(1), (j)(2), or (j)(3) of this section to continue the offender's employment, the court may authorize that the offender be granted work release after the offender has served the mandatory jail term of 3, 10, or 30 consecutive days that the court is required by division (j)(1), (j)(2), or (j)(3) of this section to impose. No court shall authorize work release during the mandatory jail term of 3, 10, or 30 consecutive days that the court is required by division (j)(1), (j)(2), or (j)(3) of this section to impose. The duration of the work release shall not exceed the time necessary each day for the offender to commute to and from the place of employment and the place in which the jail term is served and the time actually spent under employment.

(5) Notwithstanding any section of the Ohio Revised Code that authorizes the suspension of the imposition or execution of a sentence or the placement of an offender in any treatment program in lieu of being imprisoned or serving a jail term, no court shall suspend the mandatory jail term of 10 or 30 consecutive days required to be imposed by division (j)(2) or (j)(3) of this section or place an offender who is sentenced pursuant to division (j)(2) or (j)(3) of this section in any treatment program in lieu being imprisoned or serving a jail term until after the offender has served the mandatory jail term of 10 or 30 consecutive days required to be imposed pursuant to division (j)(2) or (j)(3) of this section. Notwithstanding any section of the Ohio Revised Code that authorizes the suspension of the imposition or execution of a sentence or the placement of an offender in any treatment program in lieu of being imprisoned or serving a jail term, no court, except as specifically authorized by division (j)(1) of this section, shall suspend the mandatory jail term of 3 consecutive days required to be imposed by division (j)(1) of this section or place an offender who is sentenced pursuant to division (j)(1) of this section in any treatment program in lieu of being imprisoned or serving a jail term until after the offender has served the mandatory jail term of 3 consecutive days required to be imposed pursuant to division (j)(1) of this section.

(6) As used in this division (j), "jail term" and "mandatory jail term" have the same meanings as in Ohio R.C. 2929.01.

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

557.11 IMPLIED CONSENT.

(a) (1) Any person who operates or is in physical control of a vessel or manipulates any water skis, aquaplane, or similar device upon any waters in this Municipality shall be deemed to have given consent to a chemical test or tests to determine the alcohol, drug of abuse, controlled substance, metabolite of a controlled substance, or combination content of the person's whole blood, blood serum or plasma, breath, or urine if arrested for operating or being in physical control of a vessel or manipulating any water skis, aquaplane, or similar device in violation of Ohio R.C. 1547.11 or a substantially equivalent municipal ordinance.

(2) The test or tests under division (a) of this section shall be administered at the direction of a law enforcement officer having reasonable grounds to believe the person was operating or in physical control of a vessel or manipulating any water skis, aquaplane, or similar device in violation of Ohio R.C. 1547.11 or a substantially equivalent municipal ordinance. The law enforcement agency by which the officer is employed shall designate which test or tests shall be administered.

(b) Any person who is dead or unconscious or who otherwise is in a condition rendering the person incapable of refusal shall be deemed to have consented as provided in division (a)(l) of this section, and the test or tests may be administered, subject to Ohio R.C. 313.12 to 313.16.

(c) Any person under arrest for violating Ohio R.C. 1547.11 or a substantially equivalent

municipal ordinance shall be advised of the consequences of refusing to submit to a chemical test or tests designated as provided in division (a) of this section. The advice shall be in a written form prescribed by the Chief of the Division of Watercraft and shall be read to the person. The form shall contain a statement that the form was shown to the person under arrest and read to the person by the arresting officer. The reading of the form shall be witnessed by one or more persons, and the witnesses shall certify to this fact by signing the form. The person must submit to the chemical test or tests, subsequent to the request of the arresting officer, within two hours of the time of the alleged violation, and if the person does not submit to the test or tests within that two-hour time limit, the failure to submit automatically constitutes a refusal to submit to the test or tests.

(d) (1) If a law enforcement officer asks a person under arrest for violating Ohio R.C. 1547.11 or a substantially equivalent municipal ordinance to submit to a chemical test or tests as provided in division (a) of this section, if the arresting officer advises the person of the consequences of the person's refusal as provided in division (c) of this section, and the person refuses to submit, no chemical test shall be given. Upon receipt of a sworn statement of the officer that the arresting law enforcement officer had reasonable grounds to believe the arrested person violated Ohio R.C. 1547.11 or a substantially equivalent municipal ordinance and that the person refused to submit to the chemical test upon the request of the officer, and upon receipt of the form as provided in division (d) of this section certifying that the arrested person was advised of the consequences of the refusal, the Chief of the Division of Watercraft shall inform the person by written notice that the person is prohibited from operating or being in physical control of a vessel, from manipulating any water skis, aquaplane, or similar device, and from registering any watercraft in accordance with Ohio R.C. 1547.54, for one year following the date of the alleged violation. The suspension of these operation, physical control, manipulation, and registration privileges shall continue for the entire one-year period, subject to review as provided in this section.

(2) If the person under arrest is the owner of the vessel involved in the alleged violation, the law enforcement officer who arrested the person shall seize the watercraft registration certificate and tags from the vessel involved in the violation and forward them to the Chief of the Division of Watercraft. The Chief of the Division of Watercraft shall retain the impounded registration certificate and tags and shall impound all other registration certificates and tags issued to the person in accordance with Ohio R.C. 1547.54 and 1547.57, for a period of one year following the date of the alleged violation, subject to review as provided in this section.

(3) If the arrested person fails to surrender the registration certificate because it is not on the person of the arrested person or in the watercraft, the law enforcement officer who made the arrest shall order the person to surrender it within 24 hours to the law enforcement officer or the law enforcement agency that employs the law enforcement officer. If the person fails to do so, the law enforcement officer shall notify the Chief of the Division of Watercraft of that fact in the statement the officer submits to the Chief of the Division of Watercraft under this division.

(e) Upon suspending a person's operation, physical control, manipulation, and registration privileges in accordance with division (d) of this section, the Chief of the Division of Watercraft shall notify the person in writing, at the person's last known address, and inform the person that the person may petition for a hearing in accordance with division (f) of this section. If a person, whose operation, physical control, manipulation, and registration privileges have been suspended, petitions for a hearing or appeals any adverse decision, the suspension shall begin at the termination of any hearing or appeal unless the hearing or appeal results in a decision favorable to the person.

(f) (1) Any person who has been notified by the Chief of the Division of Watercraft that the

person is prohibited from operating or being in physical control of a vessel or manipulating any water skis, aquaplane, or similar device and from registering any watercraft in accordance with Ohio R.C. 1547.54, or who has had the registration certificate and tags of the person's watercraft impounded pursuant to division (d) of this section, within 20 days of the notification or impoundment, may file a petition in the municipal court or the county court, or if the person is a minor in juvenile court, with jurisdiction over the place at which the arrest occurred, agreeing to pay the cost of the proceedings and alleging error in the action taken by the Chief of the Division of Watercraft under division (d) of this section or alleging one or more of the matters within the scope of the hearing as provided in this section, or both. The petitioner shall notify the Chief of the Division of Watercraft of the filing of the petition and send the Chief of the Division of Watercraft a copy of the petition.

(2) The scope of the hearing is limited to the issues of whether the law enforcement officer had reasonable grounds to believe the petitioner was operating or in physical control of a vessel or manipulating any water skis, aquaplane, or similar device in violation of Ohio R.C. 1547.11 or a substantially equivalent municipal ordinance, whether the petitioner was placed under arrest, whether the petitioner refused to submit to the chemical test upon request of the officer, and whether the petitioner was advised of the consequences of the petitioner's refusal.

(g) (1) The Chief of the Division of Watercraft shall furnish the court a copy of the affidavit as provided in division (c) of this section and any other relevant information requested by the court.

(2) In hearing the matter and in determining whether the person has shown error in the decision taken by the Chief of the Division of Watercraft as provided in division (d) of this section, the court shall decide the issue upon the relevant, competent, and material evidence submitted by the Chief of the Division of Watercraft or the person whose operation, physical control, manipulation, and registration privileges have been suspended. In the proceedings, the Chief of the Division of Watercraft shall be represented by the prosecuting attorney of the county in which the petition is filed if the petition is filed in a county court or juvenile court, except that if the arrest occurred within a city or village within the jurisdiction of the county court in which the petition is filed, the city director of law or village solicitor of that city or village shall represent the Chief of the Division of Watercraft. If the petition is filed in the municipal court, the Chief of the Division of Watercraft shall be represented as provided in Ohio R.C. 1901.34.

(3) If the court finds from the evidence submitted that the person has failed to show error in the action taken by the Chief of the Division of Watercraft under division (d) of this section or in one or more of the matters within the scope of the hearing as provided in division (f) of this section, or both, the court shall assess the cost of the proceeding against the person and shall uphold the suspension of the operation, physical control, use, and registration privileges provided in division (d) of this section. If the court finds that the person has shown error in the action taken by the Chief of the Division of Watercraft under division (d) of this section or in one or more of the matters within the scope of the hearing as provided in division (f) of this section, or both, the cost of the proceedings shall be paid out of the county treasury of the county in which the proceedings were held, Chief of the Division of Watercraft shall reinstate the operation, physical control, manipulation, and registration privileges of the person without charge, and the Chief of the Division of Watercraft shall return the registration certificate and tags, if impounded, without charge.

(4) The court shall give information in writing of any action taken under this section to the Chief of the Division of Watercraft.

(h) At the end of any period of suspension or impoundment imposed under this section, and upon request of the person whose operation, physical control, use, and registration privileges were

suspended or whose registration certificate and tags were impounded, the Chief of the Division of Watercraft shall reinstate the person's operation, physical control, manipulation, and registration privileges by written notice and return the certificate and tags.

(i) No person who has received written notice from the Chief of the Division of Watercraft that the person is prohibited from operating or being in control of a vessel, from manipulating any water skis, aquaplane, or similar device, and from registering a watercraft, or who has had the registration certificate and tags of the person's watercraft impounded, in accordance with division (d) of this section or Ohio R.C. 1547.111(D), shall operate or be in physical control of a vessel or manipulate any water skis, aquaplane, or similar device for a period of one year following the date of the person's alleged violation of Ohio R.C. 1547.11 or a substantially equivalent municipal ordinance.

(j) Whoever violates division (i) of this section is guilty of a misdemeanor of the first degree.
(Ord. 79-07. Passed 11-13-07.)

557.12 INCAPACITATED OPERATORS PROHIBITED.

(a) No person shall operate any vessel if the person is so mentally or physically incapacitated as to be unable to operate the vessel in a safe and competent manner.

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

(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.)

Disclaimer: This Code of Ordinances and/or any other documents that appear on this site may not reflect the most current legislation adopted by the Municipality. American Legal Publishing provides these documents for informational purposes only. These documents should not be relied upon as the definitive authority for local legislation. Additionally, the formatting and pagination of the posted documents varies from the formatting and pagination of the official copy. The official printed copy of a Code of Ordinances should be consulted prior to any action being taken.

For further information regarding the official version of any of this Code of Ordinances or other documents posted on this site, please contact the Municipality directly or contact American Legal Publishing toll-free at 800-445-5588.

Hosted by: American Legal Publishing

Back to Code Library
Previous Doc
Next Doc
0 items available

Detected legislative history

- 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
- 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
- Ord. 79-07
- ording 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 comm
- ordance with methods approved by the Director of Health by an individual possessing a valid permit issued by the Director pursuant to Ohio R
- ordance with the health professional's directions
- ordinance, law of another state, or law of the United States that is substantially equivalent to division (a) or (b) of this section
- ordinance relating to operating a watercraft or manipulating any water skis, aquaplane, or similar device while under the influence of alcohol, a drug of abuse, a controlled substance, or a
- ordinance relating to operating a watercraft or manipulating any water skis, aquaplane, or similar device with a prohibited concentration of alcohol in the whole blood, blood serum or plasma
- ordinance. (2) The test or tests under division (a) of this section shall be administered at the direction of a law enforcement officer having reasonable grounds to believe the person was
- ordinance. The law enforcement agency by which the officer is employed shall designate which test or tests shall be administered
- ordinance shall be advised of the consequences of refusing to submit to a chemical test or tests designated as provided in division (a) of this section
- ordinance to submit to a chemical test or tests as provided in division (a) of this section, if the arresting officer advises the person of the consequences of the person's refusal as provid
- ordinance and that the person refused to submit to the chemical test upon the request of the officer, and upon receipt of the form as provided in division (d) of this section certifying that
- ordance with Ohio R
- order the person to surrender it within 24 hours to the law enforcement officer or the law enforcement agency that employs the law enforcement officer
- ordance with division (d) of this section, the Chief of the Division of Watercraft shall notify the person in writing, at the person's last known address, and inform the person that t
- ordance with division (f) of this section
- ordinance, whether the petitioner was placed under arrest, whether the petitioner refused to submit to the chemical test upon request of the officer, and whether the petitioner was advised
- ordance with division (d) of this section or Ohio R

- ordinance. (j) Whoever violates division (i) of this section is guilty of a misdemeanor of the first degree
- Ordinances and/or any other documents that appear on this site may not reflect the most current legislation adopted by the Municipality
- Ordinances should be consulted prior to any action being taken
- Ordinances or other documents posted on this site, please contact the Municipality directly or contact American Legal Publishing toll-free at 800-445-5588

Imported automatically by MunicipalWiki. The original publisher remains the authoritative source pending legal normalization and verification.

Revision #1
Created 2026-07-18 21:37:41 UTC by MunicipalWiki Indexer
Updated 2026-07-18 21:37:41 UTC by MunicipalWiki Indexer