

557.13 FAILURE TO COMPLY
WITH ORDER OF LAW
ENFORCEMENT OFFICER;
FLEEING AND ELUDING.

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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

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Sheffield Lake

557.13 FAILURE TO COMPLY WITH ORDER OF LAW ENFORCEMENT OFFICER; FLEEING AND ELUDING.

CHAPTER 557 Watercraft

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)(1) 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.)

557.13 FAILURE TO COMPLY WITH ORDER OF LAW ENFORCEMENT OFFICER; FLEEING AND ELUDING.

(a) No person shall fail to comply with any lawful order or direction of any law enforcement officer having authority to direct, control, or regulate the operation or use of vessels.

(b) No person shall operate any vessel so as to purposely elude or flee from a law enforcement officer after receiving a visible or audible signal from a law enforcement officer to bring the vessel to a stop.

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

(d) Whoever violates any provision of this section is guilty of a misdemeanor of the first degree. (Ord. 79-07. Passed 11-13-07.)

557.14 DUTY TO STOP OR GIVE WAY UPON APPROACH OF LAW ENFORCEMENT VESSEL.

(a) Upon the approach of a law enforcement vessel with at least one flashing, rotating, or oscillating light of color conforming with the requirements of federal law, the operator of any vessel shall stop if followed or give way in any crossing, head-on, or overtaking situation and shall remain in that position until the law enforcement vessel has passed, except when otherwise directed by a law enforcement officer. If traffic conditions warrant, a siren or other sound producing device may also be operated as an additional signaling device. This section does not relieve the operator of any law enforcement vessel from the duty to operate with due regard for the safety of all persons and property on the waters in this state.

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

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

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

557.15 WATER SKIING CONFINED TO SKI ZONES.

(a) Except on the waters of Lake Erie, the Ohio River, and immediately connected harbors and anchorage facilities, any person who rides or attempts to ride upon one or more water skis, surfboard, or similar device, or who engages or attempts to engage in barefoot skiing, and any person who operates a vessel towing a person riding or attempting to ride on one or more water skis, surfboard, or similar device, or engaging or attempting to engage in barefoot skiing, shall confine that activity to the water area within a designated ski zone on all bodies of water on which a ski zone has been established.

(b) On all bodies of water designated as "open zone", that is, having a combined speed and ski zone, the activities described in division (a) of this section shall be confined to the open zone.

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

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

557.16 OBSERVER REQUIRED WHEN TOWING SKIER.

(a) Any person who operates a vessel towing any person riding or attempting to ride upon one or more water skis or upon a surfboard or similar device, or engaging or attempting to engage in barefoot skiing, on the waters in this Municipality shall have present in the vessel a person or persons other than the operator, 10 years of age or older, who shall at all times observe the progress of the person being towed. The operator of the towing vessel shall at all times observe the traffic pattern toward which the vessel is approaching.

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

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

557.17 WATER SKIING AFTER DARK PROHIBITED.

(a) No person shall ride or attempt to ride upon water skis, surfboard, or similar device, or engage or attempt to engage in barefoot skiing, or use or operate any vessel to tow any person thereon on the waters in this Municipality during that period of the day between sunset and sunrise, except upon special permit issued by the State department, conservancy district, or political subdivision having jurisdiction and control of such water.

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

557.18 PERSONAL FLOTATION DEVICE REQUIRED FOR TOWED PERSON.

(a) No person shall ride or attempt to ride on one or more water skis, surfboard, inflatable device, or similar device being towed by a vessel without wearing an adequate and effective Coast Guard approved type one, two, or three personal flotation device or type five personal flotation device specifically designed for water skiing, in good and serviceable condition and of appropriate size, except upon special permit issued by the State department, conservancy district, or political subdivision having jurisdiction and control of the water.

(b) No person shall engage or attempt to engage in barefoot skiing without wearing an adequate and effective Coast Guard approved type one, two, or three personal flotation device or type five personal flotation device specifically designed for water skiing, in good and serviceable condition and of appropriate size, or a wet suit specifically designed for barefoot skiing.

(c) No operator of a vessel shall tow any person who fails to comply with division (a) or (b) of this section.

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

557.19 SKI JUMPS PROHIBITED.

(a) No person shall install or maintain any structure or inclined platform known as a water ski jump on the waters in this Municipality. No person shall use any such platform or structure for the purpose of water ski jumping, except upon special permit issued by the State department, conservancy district, or political subdivision having jurisdiction and control over such water.

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

557.20 PERMIT FOR SPECIAL WATER EVENTS.

(a) No person or organization shall conduct any race, regatta, or other special event upon the waters in this Municipality without first obtaining written permission, upon application not less than 30 days prior to the time of the proposed race, regatta, or event, of the Federal agency, State department, conservancy district, or political subdivision having jurisdiction and control over such waters. Any State department, conservancy district, or political subdivision may suspend its respective rules during a race, regatta, or special event. Nothing in this section shall be construed to mean that the operator of a vessel competing in a specially authorized race, regatta, or special event shall not attempt to attain high speeds on a marked racing course.

(b) On any waters in this Municipality over which no Federal agency, State department, conservancy district, or political subdivision has jurisdiction and control, no person or organization shall conduct any race, regatta, or other special event without first obtaining written permission, upon application not less than 30 days prior to the time of the proposed race, regatta, or event, of the Chief of the Division of Watercraft. The Chief of the Division of Watercraft may, if he or she

determines that the public safety will be adequately protected, grant written permission for holding such race, regatta, or special event. This section does not apply to privately owned lakes or ponds nor to canoes or rowboats.

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

557.21 SALE OF SINGLE CELLED INFLATABLE VESSELS PROHIBITED.

(a) No person shall use or offer for use on the waters in this Municipality any inflatable vessel made of canvas, rubber, synthetic rubber, or vinyl plastic unless the inflatable vessel is of multiple air cell or compartment construction and is capable of remaining afloat if one air cell or compartment is punctured or collapsed.

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

557.22 SITTING, STANDING, WALKING ON MOVING VESSELS RESTRICTED.

(a) No occupant of any vessel underway on the waters in this Municipality shall sit, stand, or walk upon any portion of the vessel not specifically designed for that movement, except when immediately necessary for the safe and reasonable navigation or operation of the vessel. No operator of a vessel underway on the waters in this Municipality shall allow any occupant of the vessel to sit, stand, or walk on any portion of the vessel underway not specifically designed for that use, except when immediately necessary for the safe and reasonable navigation or operation of the vessel.

(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.)

557.23 ENGINE WARM-UP REQUIRED.

(a) The pilot or engineer of any powercraft for hire to carry passengers shall not permit passengers to come aboard before the engine of such powercraft has been permitted to run for a minimum of two minutes.

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

557.24 PERSONAL FLOTATION DEVICES FOR CHILDREN UNDER TEN.

(a) No person shall operate or permit to be operated any vessel under 18 feet in length while there is present in the vessel any person under 10 years of age, not wearing a Coast Guard approved type one, two, or three personal flotation device in good and serviceable condition of appropriate size securely attached to the person under 10 years of age.

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

557.25 OPERATION WITHOUT PERSONAL FLOTATION DEVICES PROHIBITED.

(a) No person shall operate or permit to be operated any vessel, other than a commercial vessel or other vessel exempted by rules adopted under Ohio R.C. 1547.52, on the waters in this Municipality:

(1) That is 16 feet or greater in length without carrying aboard one type one, two, or three personal flotation device for each person aboard and one type four personal flotation device;

(2) That is less than 16 feet in length, including canoes and kayaks of any length, without carrying aboard one type one, two, or three personal flotation device for each person aboard.

(b) A type five personal flotation device may be carried in lieu of a type one, two, or three

personal flotation device required under division (a) of this section.

(c) No person shall operate or permit to be operated any commercial vessel on the waters in this Municipality:

(1) That is less than 40 feet in length and is not carrying persons for hire without carrying aboard at least one type one, two, or three personal flotation device for each person aboard;

(2) That is carrying persons for hire or is 40 feet in length or longer and is not carrying persons for hire without carrying aboard at least one type one personal flotation device for each person aboard;

(3) That is 26 feet in length or longer without carrying aboard at least one type four ring life buoy in addition to the applicable requirements of divisions (c)(1) and (2) of this section.

(d) Each personal flotation device carried aboard a vessel, including a commercial vessel, pursuant to this section shall be Coast Guard approved and in good and serviceable condition, of appropriate size for the wearer, and readily accessible to each person aboard the vessel at all times.

(e) As used in this section, "commercial vessel" means any vessel used in the carriage of any person or property for a valuable consideration whether flowing directly or indirectly from the owner, partner, or agent or any other person interested in the vessel. "Commercial vessel" does not include any vessel that is manufactured or used primarily for noncommercial use or that is leased, rented, or chartered to another for noncommercial use.

(f) Whoever violates this section is guilty of a misdemeanor of the fourth degree.

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

557.26 DISTRESS SIGNAL OR FLAG REQUIRED.

(a) No person shall operate on the waters of Lake Erie or the immediately connecting bays, harbors, and anchorage areas at any time a vessel that is 16 or more feet in length or any vessel carrying six or fewer passengers for hire without carrying Coast Guard approved visual distress signals for both day and night use.

(b) No person shall operate upon the waters of Lake Erie or the immediately connecting bays, harbors, and anchorage areas during the period from sunset to sunrise according to local time any of the following without carrying Coast Guard approved visual distress signals for night use:

(1) A vessel less than 16 feet in length;

(2) A vessel competing in an organized marine parade, race, regatta, or similar event;

(3) A manually propelled vessel;

(4) A sailboat less than 26 feet in length with completely open construction and without propulsion machinery.

(c) No person shall operate a vessel on the waters in this State other than Lake Erie or the immediately connecting bays, harbors, and anchorage areas unless the vessel carries either a distress flag at least two feet square and international orange in color or a Coast Guard approved daytime distress signal.

(d) No person shall display any distress signal unless a vessel or a person is in distress and in need of help.

(e) Divisions (a) and (c) of this section do not apply to any of the following:

(1) Vessels competing in an organized marine parade, race, regatta, or similar event;

(2) Manually propelled vessels;

(3) Sailboats less than 26 feet in length with completely open construction and without propulsion machinery.

(f) The distress signals required by this section shall be in good and serviceable condition,

readily accessible, and of the type and quantities required by regulations adopted under 46 U.S.C. 4302, as amended.

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

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

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- amended
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