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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

Codified Ordinances of Sheffield Lake, OH

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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)(I) 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.)

557.27 ANCHOR REQUIREMENTS.

(a) All watercraft, except sailboats less than 16 feet long having a cockpit depth of less than 12 inches and except canoes, shall carry an anchor and line of sufficient weight and length to anchor the watercraft securely. The Chief of the Division of Watercraft, by rule, may exempt other types of watercraft from this section after determining that carrying such an anchor and line would constitute a hazard.

(b) No person shall operate or permit to be operated any watercraft on the waters of 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.)

557.28 SPECIFICATIONS FOR FIRE EXTINGUISHERS.

(a) Except those powercraft propelled by an electric motor and those less than 26 feet in length designed for use with an outboard motor, of open construction, and not carrying passengers, all powercraft shall carry fire extinguishers as prescribed in this section. The fire extinguishers shall be capable of extinguishing a burning gasoline fire, shall be so placed as to be readily accessible and in such condition as to be ready for immediate and effective use, and shall comply with minimum or higher standards for such extinguishers then prevailing as prescribed by the United States Coast Guard.

(b) Class A and Class 1 powercraft shall carry at least one B-1 fire extinguisher, Class 2 powercraft shall carry at least two B-1 fire extinguishers or at least one B-2 fire extinguisher. Class 3 powercraft shall carry at least three B-1 fire extinguishers, or at least one B-1 and one B-2 fire extinguisher. A B-1 fire extinguisher is one containing a minimum of 1-1/4 gallon foam, 4 pounds of carbon dioxide, 2 pounds dry chemical, 2-1/2 pounds halon, or other extinguishing material approved by the United States Coast Guard, in a quantity approved by the United States Coast Guard, for such use. A B-2 fire extinguisher is one containing a minimum of 2-1/2 gallons foam, 15 pounds carbon dioxide, 10 pounds dry chemical, 10 pounds halon, or another extinguishing material approved by the United States Coast Guard, in a quantity approved by the United States Coast Guard, for such use.

(c) No person shall operate or permit to be operated on the waters in this Municipality any powercraft that does not comply with 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.)

557.29 BACKFIRE FLAME CONTROL DEVICE REQUIRED.

(a) Every gasoline engine installed in a vessel after April 25, 1940, except an outboard motor, shall be equipped with an acceptable device to control backfire flame. The device shall comply with all of the following:

- (1) Be securely attached to the air intake with a flame-tight connection;
- (2) Be in proper working order;
- (3) Be Coast Guard approved or comply with either SAE J1928 or UL 1111;
- (4) Be marked to indicate approval or compliance under division (a)(3) of this section.

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

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

557.30 VENTILATION REQUIREMENT ON POWERCRAFT.

(a) All powercraft using gasoline or other liquid fuel having a flashpoint of less than 110° F. shall be provided with ventilation as follows:

- (1) At least two ventilators fitted with cowls or their equivalent for the purpose of properly

and efficiently ventilating the bilges of every engine and fuel tank compartment in order to remove any inflammable or explosive gases;

(2) Any type of ventilating system approved for use by the United States Coast Guard;

(3) The ventilation of the boat is not required where the greater portion of the bilges of the engine and fuel tank compartment is open to the natural atmosphere.

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

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

557.31 ABANDONMENT OF JUNK VESSELS OR OUTBOARD MOTORS.

(a) Law Enforcement Official May Order Storage of Vessel or Outboard Motor Left on Private Property; Towing by Private Dock Owner.

(1) As used in this section:

A. "Law enforcement agency" means any organization or unit comprised of law enforcement officers, as defined in Ohio R.C. 2901.01.

B. "Vessel or outboard motor" excludes an abandoned junk vessel or outboard motor, as defined in division (d) of this section, or any watercraft or outboard motor under Ohio R.C. 4585.31.

(2) A. The County Sheriff, Chief of Police, or other chief of a law enforcement agency, within the Sheriff's or Chief's respective territorial jurisdiction, upon complaint of any person adversely affected, may order into storage any vessel or outboard motor that has been left on private property, other than a private dock or mooring facility or structure, for at least 72 hours without the permission of the person having the right to the possession of the property. The Sheriff or Chief, upon complaint of the owner of a marine repair facility or place of storage, may order into storage any vessel or outboard motor that has been left at the facility or place of storage for a longer period than that agreed upon. The place of storage shall be designated by the Sheriff or Chief. When ordering a vessel or motor into storage under division (a)(2)A. of this section, a Sheriff or Chief, whenever possible, shall arrange for the removal of the vessel or motor by a private tow truck operator or towing company.

B. 1. Except as provided in division (a)(2)B.4. of this section, no person, without the consent of the owner or other person authorized to give consent, shall moor, anchor, or tie a vessel or outboard motor at a private dock or mooring facility or structure owned by another person if the owner has posted, in a conspicuous manner, a prohibition against the mooring, anchoring, or tying of vessels or outboard motors at the dock, facility, or structure by any person not having the consent of the owner or other person authorized to give consent.

2. If the owner of a private dock or mooring facility or structure has posted at the dock, facility, or structure, in a conspicuous manner, conditions and regulations under which the mooring, anchoring, or tying of vessels or outboard motors is permitted at the dock, facility, or structure, no person, except as provided in division (a)(2)B.4. of this section, shall moor, anchor, or tie a vessel or outboard motor at the dock, facility, or structure in violation of the posted conditions and regulations.

3. The owner of a private dock or mooring facility or structure may order towed into storage any vessel or outboard motor found moored, anchored, or tied in violation of division (a)(2)B. 1. or (a)(2)B.2. of this section, provided that the owner of the dock, facility, or structure posts on it a sign that states that the dock, facility, or structure is private, is visible from all entrances to the dock, facility, or structure, and contains all of the following information:

a. The information specified in division (a)(2)B.1. or (a)(2)B.2. of this section, as applicable;

b. A notice that violators will be towed and that violators are responsible for paying

the cost of the towing;

c. The telephone number of the person from whom a towed vessel or outboard motor may be recovered, and the address of the place to which the vessel or outboard motor will be taken and the place from which it may be recovered.

4. Divisions (a)(2)B. 1. or (a)(2)B.2. of this section do not prohibit a person from mooring, anchoring, or tying a vessel or outboard motor at a private dock or mooring facility or structure if either of the following applies:

a. The vessel or outboard motor is disabled due to a mechanical or structural malfunction, provided that the person immediately removes the vessel or outboard motor from the dock, facility, or structure when the malfunction is corrected or when a reasonable attempt has been made to correct it;

b. Weather conditions are creating an imminent threat to safe operation of the vessel or outboard motor, provided that the person immediately removes the vessel or outboard motor from the dock, facility, or structure when the weather conditions permit safe operation of the vessel or outboard motor.

5. A person whose vessel or outboard motor is towed into storage under division (a)(2)B.3. of this section either shall pay the costs of the towing of the vessel or outboard motor or shall reimburse the owner of the dock or mooring facility or structure for the costs that the owner incurs in towing the vessel or outboard motor.

C. Subject to division (a)(3) of this section, the owner of a vessel or motor that has been removed under division (a)(2) of this section may recover the vessel or motor only in accordance with division (a)(6) of this section.

(3) If the owner or operator of a vessel or outboard motor that has been ordered into storage under division (a)(2) of this section arrives after the vessel or motor has been prepared for removal, but prior to its actual removal from the property, the owner or operator shall be given the opportunity to pay a fee of not more than one-half of the charge for the removal of vessels or motors under division (a)(2) of this section that normally is assessed by the person who has prepared the vessel or motor for removal, in order to obtain release of the vessel or motor. Upon payment of that fee, the vessel or motor shall be released to the owner or operator, and upon its release, the owner or operator immediately shall move it so that it is not on the private property without the permission of the person having the right to possession of the property, or is not at the facility or place of storage without the permission of the owner, whichever is applicable.

(4) The County Sheriff, Chief of Police, and each other chief of a law enforcement agency shall maintain a record of vessels or outboard motors that are ordered into storage under division (a)(2)A. of this section. The record shall include an entry for each such vessel or motor that identifies the vessel's hull identification number or serial number, if any, the vessel's motor's make, model, and color, the location from which it was removed, the date and time of its removal, the telephone number of the person from whom it may be recovered, and the address of the place to which it has been taken and from which it may be recovered. Any information in the record that pertains to a particular vessel or motor shall be provided to any person who, pursuant to a statement the person makes either in person or by telephone, is identified as the owner or operator of the vessel or motor and requests information pertaining to its location.

(5) Any person who registers a complaint that is the basis of a Sheriff's or Chief's order for the removal and storage of a vessel or outboard motor under division (a)(2)A. of this section shall provide the identity of the law enforcement agency with which the complaint was registered to any person who, pursuant to a statement the person makes, is identified as the owner or operator of

the vessel or motor and requests information pertaining to its location.

(6) A. The owner of a vessel or outboard motor that is ordered into storage under division (a)(2) of this section may reclaim it upon payment of any expenses or charges incurred in its removal, in an amount not to exceed two hundred dollars (\$200.00), and storage, in an amount not to exceed five dollars (\$5.00) per 24-hour period, and upon presentation of proof of ownership, which may be evidenced by a certificate of title to the vessel or motor, certificate of United States Coast Guard documentation, or certificate of registration if the vessel or motor is not subject to titling under Ohio R.C. 1548.01.

B. If a vessel or outboard motor that is ordered into storage under division (a)(2)A. of this section remains unclaimed by the owner for 30 days, the procedures established by divisions (b) and (c) of this section shall apply.

C. If a vessel or outboard motor ordered into storage under division (a)(2)B. of this section remains unclaimed for 72 hours after being stored, the tow truck operator or towing company that removed the vessel or outboard motor shall provide notice of the removal and storage to the County Sheriff, Chief of Police, or other chief of a law enforcement agency within whose territorial jurisdiction the vessel or outboard motor had been moored, anchored, or tied in violation of division (a)(2)B. of this section. The notice shall be in writing and include the vessel's hull identification number or serial number, if any, the vessel's or outboard motor's make, model, and color, the location from which it was removed, the date and time of its removal, the telephone number of the person from whom it may be recovered, and the address of the place to which it has been taken and from which it may be recovered.

1. Upon receipt of the notice, the Sheriff or Chief immediately shall cause a search to be made of the records of the Division of Watercraft to ascertain the owner and any lienholder of the vessel or outboard motor, and, if known, shall send notice to the owner and lienholder, if any, at the owner's and lienholder's last known address by certified mail, return receipt requested, that the vessel or outboard motor will be declared a nuisance and disposed of if not claimed not later than 30 days after the date of the mailing of the notice.

2. If the owner or lienholder makes no claim to the vessel or outboard motor within 30 days of the date of the mailing of the notice, the Sheriff or Chief shall file with the Clerk of Courts of the county in which the place of storage is located an affidavit showing compliance with the requirements of division (a)(6)C. of this section, and the vessel or outboard motor shall be disposed of in accordance with division (c) of this section.

(7) No person shall remove, or cause the removal of, any vessel or outboard motor from private property other than in accordance with division (a)(2) of this section or division (b) of this section.

(b) Storage of Vessel or Motor Left in Sunken, Beached, Drifting or Docked Condition; Notice; Affidavit; Salvage Certificate.

(1) The County Sheriff, Chief of Police, or other chief of a law enforcement agency, within his or her respective territorial jurisdiction, or a State highway patrol trooper, upon notification to the Sheriff or Chief of such action and of the location of the place of storage, may order into storage any vessel or outboard motor that has been left in a sunken, beached, or drifting condition for any period of time, or in a docked condition, on a public street or other property open to the public, or upon or within the right-of-way of any waterway, road, or highway, for 48 hours or longer without notification to the Sheriff or Chief of the reasons for leaving the vessel or motor in any such place or condition. The Sheriff or Chief shall designate the place of storage of any vessel or motor ordered removed by him or her.

(2) The Sheriff or Chief shall immediately cause a search to be made of the records of the Division of Watercraft to ascertain the owner and any lienholder of a vessel or outboard motor ordered into storage by the Sheriff or Chief, and, if known, shall send notice to the owner and lienholder, if any, at his or her last known address by certified mail, return receipt requested, that the vessel or motor will be declared a nuisance and disposed of if not claimed within 10 days of the date of mailing of the notice. The owner or lienholder of the vessel or motor may reclaim it upon payment of any expenses or charges incurred in its removal and storage, and presentation of proof of ownership, which may be evidenced by a certificate of title to the vessel or motor, certificate of United States Coast Guard documentation, or certificate of registration if the vessel or motor is not subject to titling under Ohio R.C. 1548.01.

(3) If the owner or lienholder makes no claim to the vessel or outboard motor within 10 days of the date of mailing of the notice, and if the vessel or motor is to be disposed of at public auction as provided in division (c) of this section, the Sheriff or Chief shall file with the Clerk of Courts of the county in which the place of storage is located an affidavit showing compliance with the requirements of this division (b). Upon presentation of the affidavit, the Clerk of Courts shall without charge issue a salvage certificate of title, free and clear of all liens and encumbrances, to the Sheriff or Chief and shall send a copy of the affidavit to the Chief of the Division of Watercraft. If the vessel or motor is to be disposed of to a marine salvage dealer or other facility as provided in division (c) of this section, the Sheriff or Chief shall execute in triplicate an affidavit, as prescribed by the Chief of the Division of Watercraft, describing the vessel or motor and the manner in which it was disposed of, and that all requirements of this division (b) have been complied with. The Sheriff or Chief shall retain the original of the affidavit for his or her records and shall furnish two copies to the marine salvage dealer or other facility. Upon presentation of a copy of the affidavit by the marine salvage dealer or other facility, the Clerk of Courts shall issue to such owner a salvage certificate of title, free and clear of all liens and encumbrances.

(4) Whenever the marine salvage dealer or other facility receives an affidavit for the disposal of a vessel or outboard motor as provided in this division (b), such owner shall not be required to obtain an Ohio certificate of title to the vessel or motor in his or her own name if the vessel or motor is dismantled or destroyed and both copies of the affidavit are delivered to the Clerk of Courts. Upon receipt of such an affidavit, the Clerk of Courts shall send one copy of it to the Chief of the Division of Watercraft.

(c) Disposal of Unclaimed Vessel or Motor.

(1) Unclaimed vessels or outboard motors ordered into storage under division (a)(2) of this section or division (b) of this section shall be disposed of at the order of the County Sheriff, the Chief of Police, or another chief of a law enforcement agency, in any of the following ways:

- A. To a marine salvage dealer;
- B. To any other facility owned, operated, or under contract with the State or the County, Municipality, Township, or other political subdivision;
- C. To a charitable organization, religious organization, or similar organization not used and operated for profit;
- D. By sale at public auction by the Sheriff, the Chief, or an auctioneer licensed under Ohio R.C. Chapter 4707, after giving notice of the auction by advertisement, published once a week for two consecutive weeks in a newspaper of general circulation in the County.

(2) Any moneys accruing from the disposition of an unclaimed vessel or motor that are in excess of the expenses resulting from the removal and storage of the vessel or motor shall be credited to the general revenue fund or to the general fund of the County, Municipality, Township,

or other political subdivision, as appropriate.

(3) As used in this division (c), "charitable organization" has the same meaning as in Ohio R.C. 1716.01.

(d) Disposal of Abandoned Vessel or Motor.

(1) As used in this division and division (e) of this section:

A. "Abandoned junk vessel or outboard motor" means any vessel or outboard motor meeting all of the following requirements:

1. It has been left on private property for at least 72 hours without the permission of the person having the right to the possession of the property; left in a sunken, beached, or drifting condition for any period of time; or left in a docked condition, on a public street or other property open to the public, or upon or within the right-of-way of any waterway, road, or highway, for 48 hours or longer without notification to the County Sheriff, the Chief of Police, or other chief of a law enforcement agency having territorial jurisdiction with respect to the location of the vessel or motor, of the reasons for leaving the vessel or motor in any such place or condition;

2. It is three years old or older;

3. It is extensively damaged, such damage including but not limited to any of the following: missing deck, hull, transom, gunwales, motor, or outdrive;

4. It is apparently inoperable;

5. It has a fair market value of two hundred dollars (\$200.00) or less.

B. "Law enforcement agency" means any organization or unit comprised of law enforcement officers, as defined in Ohio R.C. 2901.01.

(2) The County Sheriff, Chief of Police, or other chief of a law enforcement agency, within the Sheriff's or Chief's respective territorial jurisdiction, or a State highway patrol trooper, upon notification to the Sheriff or Chief of such action, shall order any abandoned junk vessel or outboard motor to be photographed by a law enforcement officer. The officer shall record the make of vessel or motor, the hull identification number or serial number when available, and shall also detail the damage or missing equipment to substantiate the value of two hundred dollars (\$200.00) or less. The Sheriff or Chief shall thereupon immediately dispose of the abandoned junk vessel or outboard motor to a marine salvage dealer or other facility owned, operated, or under contract to the State, the County, Township, or Municipality for the destruction of such vessels or motors. The records and photographs relating to the abandoned junk vessel or outboard motor shall be retained by the law enforcement agency ordering the disposition of the vessel or motor for a period of at least two years. The law enforcement agency shall execute in quadruplicate an affidavit, as prescribed by the Chief of the Division of Watercraft, describing the vessel or motor and the manner in which it was disposed of, and that all requirements of this section have been complied with, and shall sign and file the same with the Clerk of Courts of the county in which the vessel or motor was abandoned. The Clerk of Courts shall retain the original of the affidavit for the Clerk's files, shall furnish one copy thereof to the Chief of the Division of Watercraft, one copy to the marine salvage dealer or other facility handling the disposal of the vessel or motor, and one copy to the law enforcement agency ordering the disposal, who shall file such copy with the records and photographs relating to the disposal. Any moneys arising from the disposal of an abandoned junk vessel or outboard motor shall be credited to the general revenue fund, or to the general fund of the County, Township, Municipality, or other political subdivision, as appropriate.

(3) Notwithstanding division (b) of this section, any vessel or outboard motor meeting the requirements of divisions (d)(1)A.3. to (d)(1)A.5. of this section which has remained unclaimed by the owner or lienholder for a period of 10 days or longer following notification as provided in

division (b) of this section may be disposed of as provided in this division (d).

(e) Abandonment of Vessel or Motor Without Notice to Law Enforcement Official Prohibited.

(1) No person shall purposely leave an abandoned junk vessel or outboard motor on private property for more than 72 hours without the permission of the person having the right to the possession of the property; in a sunken, beached, or drifting condition for any period of time; or in a docked condition, on a public street or other property open to the public, or upon or within the right-of-way of any waterway, road, or highway, for 48 hours or longer without notification to the County Sheriff, Chief of Police or other chief of a law enforcement agency having territorial jurisdiction with respect to the location of the vessel or motor, of the reasons for leaving the vessel or motor in any such place or condition.

(2) For purposes of this division (e), the fact that an abandoned junk vessel or outboard motor has been so left without permission or notification is prima facie evidence of abandonment.

(3) Nothing in this section or Ohio R.C. 1547.30, 1547.301, and 1547.303 invalidates the provisions of any ordinance of the Municipality regulating or prohibiting the abandonment of vessels or outboard motors on waterways, beaches, docks, streets, highways, public property, or private property within the boundaries of the Municipality.

(f) Penalty.

(1) Whoever violates any provision of this section for which no penalty is otherwise provided is guilty of a minor misdemeanor.

(2) Whoever violates division (a)(7) of this section is guilty of a misdemeanor of the fourth degree.

(3) Whoever violates division (e) of this section guilty of a misdemeanor of the fourth degree and also shall be assessed any costs incurred by the State or a county, township, municipal corporation, or other political subdivision in disposing of an abandoned junk vessel or outboard motor, less any money accruing to the State, county, township, municipal corporation, or other political subdivision from that disposal.

(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
- 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
- Ord. 79-07
- order or direction of any law enforcement officer having authority to direct, control, or regulate the operation or use of vessels
- 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 condi
- adopted under Ohio R
- ording to local time any of the following without carrying Coast Guard approved visual distress signals for night use:

- adopted under 46 U
- amended
- effective use, and shall comply with minimum or higher standards for such extinguishers then prevailing as prescribed by the United States Coast Guard
- order;
- order to remove any inflammable or explosive gases;
- Order Storage of Vessel or Outboard Motor Left on Private Property; Towing by Private Dock Owner
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- order towed into storage any vessel or outboard motor found moored, anchored, or tied in violation of division (a)(2)B
- ordinance with division (a)(6) of this section
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- order to obtain release of the vessel or motor
- ord of vessels or outboard motors that are ordered into storage under division (a)(2)A
- ord shall include an entry for each such vessel or motor that identifies the vessel's hull identification number or serial number, if any, the vessel's motor's make, model, and color,
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- ordered into storage under division (a)(2)A
- ordered into storage under division (a)(2)B
- ords of the Division of Watercraft to ascertain the owner and any lienholder of the vessel or outboard motor, and, if known, shall send notice to the owner and lienholder, if any, at
- ordinance with division (c) of this section
- ordinance with division (a)(2) of this section or division (b) of this section
- order into storage any vessel or outboard motor that has been left in a sunken, beached, or drifting condition for any period of time, or in a docked condition, on a public street or
- ordered removed by him or her
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 - ords and photographs relating to the abandoned junk vessel or outboard motor shall be retained by the law enforcement agency ordering the disposition of the vessel or motor for a peri
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 - ordinance of the Municipality regulating or prohibiting the abandonment of vessels or outboard motors on waterways, beaches, docks, streets, highways, public property, or private property wi
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