557.30 VENTILATION REQUIREMENT ON POWERCRAFT.

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Document type	section
Identifier	557.30
Citation	§ 557.30
Ordinances detected	S, 116-84, ER, 79-07, ERING, ERED, OF
Dates detected	April 25, 1940
Original source	American Legal Publishing
Content hash	`2462bae5bb4f2ab6a2fe2f816f0e4ffeb6cf4bee8721f6787b47f8ca64361a67`

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Sheffield Lake Overview

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CHAPTER 557 Watercraft
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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- 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 p
- 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
- ordering a vessel or motor into storage under division (a)(2)A
- order towed into storage any vessel or outboard motor found moored, anchored, or tied in violation of division (a)(2)B
- ordance with division (a)(6) of this section
- 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 owne
- 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,
- ord 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 o
- order for the removal and storage of a vessel or outboard motor under division (a)(2)A
- 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 dolla
- 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
- ordance with division (c) of this section
- ordance 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
- ords 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 noti
- ords and shall furnish two copies to the marine salvage dealer or other facility
- 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 chi
- order any abandoned junk vessel or outboard motor to be photographed by a law enforcement officer
- ord 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
- 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
- ordering the disposal, who shall file such copy with the records and photographs relating to the disposal
- 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
- 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

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Revision #1
Created 2026-07-18 21:37:51 UTC by MunicipalWiki Indexer
Updated 2026-07-18 21:37:51 UTC by MunicipalWiki Indexer