

# 557.32 EXHAUST MUFFLER REQUIRED; NOISE LEVELS; EXCEPTIONS.

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CODIFIED ORDINANCES OF THE CITY OF SHEFFIELD LAKE, OHIO

CERTIFICATION

ROSTER OF OFFICIALS

ADOPTING ORDINANCE NO. 116-84

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Sheffield Lake

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#### CHAPTER 557 Watercraft

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.)

#### 557.32 EXHAUST MUFFLER REQUIRED; NOISE LEVELS; EXCEPTIONS.

(a) Every powercraft operated on the waters in this Municipality shall be equipped at all times with a muffler or a muffler system that is in good working order, in constant operation, and effectively installed to prevent excessive or unusual noise.

(b) (1) No person shall operate or give permission for the operation of a powercraft on the waters in this Municipality in such a manner as to exceed a noise level of 90 decibels on the "A" scale when subjected to a stationary sound level test as prescribed by SAE J2005.

(2) No person shall operate or give permission for the operation of a powercraft on the waters in this Municipality in such a manner as to exceed a noise level of 75 decibels on the "A" scale measured as specified by SAE J1970. Measurement of a noise level of not more than 75 decibels on the "A" scale of a powercraft in operation does not preclude the conducting of a stationary sound level test as prescribed by SAE J2005.

(c) No person shall operate or give permission for the operation of a powercraft on the waters in this Municipality that is equipped with an altered muffler or muffler cutout, or operate or give permission for the operation of a powercraft on the waters in this Municipality in any manner that bypasses or otherwise reduces or eliminates the effectiveness of any muffler or muffler system installed in accordance with this section, unless the applicable mechanism has been permanently disconnected or made inoperable.

(d) No person shall remove, alter, or otherwise modify in any way a muffler or muffler system in a manner that will prevent it from being operated in accordance with this section.

(e) No person shall manufacture, sell, or offer for sale a powercraft that is not equipped with a muffler or muffler system that prevents noise levels in excess of those established in division (b)(1) of this section.

(f) This section does not apply to any of the following:

(1) A powercraft that is designed, manufactured, and sold for the sole purpose of competing in racing events. The exception established under this division (f)(1) shall be documented in each sale agreement and shall be acknowledged formally by the signatures of the buyer and the seller. The buyer and the seller shall maintain copies of the sale agreement. A copy of the sale agreement shall be kept aboard the powercraft when it is operated. A powercraft to which the exception established under this division (f)(1) applies shall be operated on the waters in this Municipality only

in accordance with division (f)(2) of this section.

(2) A powercraft that is actually participating in a sanctioned racing event or in tune-up periods for a sanctioned racing event on the waters in this Municipality and that is being operated in accordance with this division (f)(2). For the purposes of this division (f)(2), a sanctioned racing event is a racing event that is conducted in accordance with Section 557.20 or Ohio R.C. 1547.20 or that is approved by the United States Coast Guard. The operator of a powercraft that is operated on the waters in this Municipality for the purpose of a sanctioned racing event shall comply with Section 557.20 and Ohio R.C. 1547.20 and requirements established under it or with requirements established by the Coast Guard, as appropriate. Failure to comply subjects the operator to this section.

(3) A powercraft that is being operated on the waters in this Municipality by or for a boat or engine manufacturer for the purpose of testing, development, or both and that complies with this division (f)(3). The operator of such a powercraft shall have aboard at all times and shall produce on demand of a law enforcement officer a current, valid letter issued by the Chief of the Division of Watercraft in accordance with rules adopted under Ohio R.C. 1547.31(I)(1). Failure to produce the letter subjects the operator to this section.

(g) A law enforcement officer who is trained in accordance with rules adopted under Ohio R.C. 1547.31(I)(2) and who has reason to believe that a powercraft is not in compliance with the noise levels established in this section may direct the operator of the powercraft to submit it to an on-site test to measure the level of the noise emitted by the powercraft. The operator shall comply with that direction. The officer may remain aboard the powercraft during the test at the officer's discretion. If the level of the noise emitted by the powercraft exceeds the noise levels established in this section, the officer may direct the operator to take immediate and reasonable measures to correct the violation, including returning the powercraft to a mooring and keeping it at the mooring until the violation is corrected or ceases.

(h) A law enforcement officer who conducts powercraft noise level tests pursuant to this section shall be trained to do so in accordance with rules adopted under Ohio R.C. 1547.31(I)(2).

(i) Whoever violates this section is guilty of a misdemeanor of the fourth degree on a first offense. On each subsequent offense, the person is guilty of a misdemeanor of the third degree. (Ord. 79-07. Passed 11-13-07.)

#### 557.33 SAFETY EQUIPMENT ON RENTAL VESSELS.

(a) No person who lets vessels for hire, or the agent or employee thereof, shall rent, lease, charter, or otherwise permit the use of a vessel, unless the person provides the vessel with the equipment required under Ohio R.C. 1547.25, 1547.251, 1547.26, 1547.27, 1547.28, 1547.29, and 1547.31, or any substantially similar municipal ordinances, and rules adopted under Ohio R.C. Chapter 1547 regarding the equipment of vessels, and complies with the requirements of Ohio R.C. 1547.24, 1547.40, 1547.53, 1547.57, and either 1547.54 or 1547.542, or any substantially similar municipal ordinances, and rules adopted under Ohio R.C. Chapter 1547 to implement and enforce those sections.

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

#### 557.34 CAPACITY PLATE.

(a) Required; Display.

(1) No person, after January 1, 1977, shall manufacture, sell, or offer for sale any watercraft propelled by machinery as its principal source of power, or watercraft designed to be manually propelled, less than 20 feet in length, and designed to carry two or persons, manufactured after

that date, unless a capacity plate containing the correct information, as prescribed by regulations adopted by the United States Coast Guard, is firmly attached to the watercraft. The capacity plate shall be attached in such a location that it is clearly legible from the position designed or intended to be occupied by the operator when the watercraft is underway.

(2) No person shall operate or permit to be operated on the waters in this Municipality a watercraft for which a capacity plate is required under this section unless the capacity plate is attached.

(3) No person shall alter, remove, or deface any information contained on the capacity plate unless the manufacturer has altered the watercraft in such a way that would require a change in the information contained on the capacity plate.

(4) As used in this division (a), "manufacture" means to construct or assemble a watercraft, or to alter a watercraft in such a manner as to affect or change its weight capacity or occupant capacity.

(b) Prohibitions.

(1) No person shall operate or permit to be operated on the waters in this Municipality a watercraft to which a capacity plate is attached if the total load exceeds the weight capacity indicated on the capacity plate, if the number of persons aboard exceeds the occupant capacity indicated on the capacity plate, or if the horsepower of any attached outboard motor exceeds the maximum horsepower indicated on the capacity plate.

(2) When no capacity plate exists, no person shall operate or permit to be operated on the waters in this Municipality a watercraft if a reasonably prudent person would believe that either of the following circumstances applies:

A. The total load aboard the watercraft has associated with it a risk of physical harm to persons or property;

B. The total horsepower of any inboard engine or attached outboard motor has associated with it a risk of physical harm to persons or property.

(c) Penalty. Whoever violates any of the provisions of this section is guilty of a misdemeanor of the fourth degree.

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

557.35 DWELLINGS: SANITARY SYSTEMS.

(a) Watercraft Dwelling Unlawful if a Nuisance; Exception. No person shall use any vessel for the purpose of establishing or maintaining a dwelling which creates a nuisance of either permanent or temporary nature on any of the waters in this State except Lake Erie, the Muskingum River, the Ohio River, and the immediately connected harbors and anchorage facilities or in such other areas as may be designated for the purpose.

(b) Discharging Sanitary Systems Prohibited; Exception. Except on the waters of Lake Erie, the Muskingum River, or the Ohio River, no person shall launch, moor, dock, use, operate, or permit to be operated on any of the waters in this State any vessel that contains a sink, toilet, or sanitary system that is capable of discharging urine, fecal matter, contents of a chemical commode, kitchen wastes, laundry wastes, slop sink drainage, or other household wastes into the waters in this State. Such a sink, toilet, or sanitary system shall be removed, sealed, or made to drain into a tank or reservoir that can be carried or pumped ashore for disposal in a sewage treatment works approved by the Director of Environmental Protection.

(c) Penalty.

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

(2) Whoever violates division (b) of this section is guilty of a misdemeanor of the fourth

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

#### 557.36 PRIMA FACIE EVIDENCE OF NEGLIGENCE.

Violations of Sections 557.02 to 557.32 and/or Ohio R.C. 1547.02 to 1547.36 which result in injury to persons or damage to property shall constitute prima facie evidence of negligence in a civil action. (Ord. 79-07. Passed 11-13-07.)

#### 557.37 REQUIREMENTS FOR OPERATING PERSONAL WATERCRAFT.

(a) (1) No person shall operate or permit the operation of a personal watercraft unless each person on the watercraft is wearing a type one, two, three, or five personal flotation device.

(2) A person operating a personal watercraft that is equipped by the manufacturer with a lanyard type engine cutoff switch shall attach the lanyard to the person, the person's clothing, or the personal flotation device as appropriate for the specific watercraft.

(3) No person shall operate a personal watercraft at any time between sunset and sunrise.

(4) No person who owns a personal watercraft or who has charge over or control of a personal watercraft shall authorize or knowingly permit the personal watercraft to be operated in violation of this chapter or Ohio R.C. Chapter 1547.

(b) This section does not apply to a person who is participating in a regatta, race, marine parade, tournament, or exhibition that is operated in accordance with Section 557.20 or Ohio R.C. 1547.20 or that is United States Coast Guard approved.

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

#### 557.38 LITTERING PROHIBITED.

(a) As used in this section, "litter" means garbage, trash, waste, rubbish, ashes, cans, bottles, wire, paper, cartons, vessel parts, vehicle parts, furniture glass, or anything else of an unsightly or sanitary nature.

(b) No operator or occupant of a vessel shall, regardless of intent, throw, drop, discard, or deposit litter from any vessel in operation or control upon or in any waters in this state, except into a litter receptacle in a manner that prevents its being carried away or deposited by the elements.

(c) No operator of a vessel in operation upon any waters in this state shall allow litter to be thrown, dropped, discarded, or deposited from the vessel, except into a litter receptacle in a manner that prevents its being carried away or deposited by the elements.

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

#### 557.39 NUMBERING.

(a) Every watercraft operated on the waters in this Municipality shall be numbered by this State in accordance with Federal law or a federally approved numbering system of another state. A watercraft numbered by this State shall display the number on the watercraft as provided Ohio R.C. 1547.57. Watercraft exempt from numbering by the State are:

(1) Those currently documented by the United States Coast Guard or its successor;

(2) Those whose principal use is not on the waters in this State and that have not been used within this State for more than 60 days and have a valid number assigned under a federally approved numbering system by another state if the number is displayed in accordance with the requirements of that system and the certificate of number is available for inspection whenever the watercraft is on waters in this State;

(3) Those from a country other than the United States, temporarily using the waters in this State;

(4) Those whose owner is the United States, a state, or a political subdivision of a state that

fit either of the following descriptions, and that are clearly identifiable as such:

A. A powercraft that principally is used for governmental purposes other than recreational purposes;

B. A watercraft other than a powercraft.

(5) A ship's lifeboat. As used in this division, "lifeboat" means a watercraft that is held aboard another vessel and used exclusively for emergency purposes.

(6) Those that have been exempted from numbering by the Chief of the Division of Watercraft after the Chief of the Division of Watercraft has found that the numbering of the watercraft will not materially aid in their identification and, if an agency of the United States has a numbering system applicable to the watercraft, after the Chief of the Division of Watercraft has further found that they also would be exempt from numbering by the United States government if they were subject to the Federal law;

(7) Those temporarily using the waters in this State under a waiver issued by the Chief of the Division of Watercraft to an organization sponsoring a race, regatta, or special event. The Chief of the Division of Watercraft may issue a waiver upon application by the sponsoring organization at least 15 days before the date of the proposed race, regatta, or special event. The waiver shall be effective for 10 days including the day or days of the proposed race, regatta, or special event. Such a waiver does not obviate the need for compliance with Section 557.20 or Ohio R.C. 1547.20.

(8) Canoes, rowboats, and inflatable watercraft that are registered under Ohio R.C. 1547.54 and that an owner, in accordance with this division, chooses not to have numbered under this section. An owner of a canoe, rowboat, or inflatable watercraft may choose to do either of the following:

A. Have it numbered under this section, pay a lesser registration fee under Ohio R.C. 1547.54(A)(2)(a), and obtain square tags under Ohio R.C. 1547.57(A);

B. Not have it numbered under this section, pay a higher registration fee under Ohio R.C. 1547.54(A)(2)(b), and obtain a rectangular tag under Ohio R.C. 1547.57(C).

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

#### 557.40 REGISTRATION.

(a) (1) Except as provided in division (a)(2) or (b) of this section, no person shall operate or give permission for the operation of any watercraft on the waters in this Municipality unless the watercraft is registered in the name of the current owner in accordance with Ohio R.C. 1547.54, and the registration is valid and in effect.

A. On and after January 1, 1999, if a watercraft that is required to be issued a certificate of title under Ohio R.C. Chapter 1548 is transferred to a new owner, it need not be registered under Ohio R.C. 1547.54 for 45 days following the date of the transfer, provided that the new owner purchases a temporary watercraft registration under division (a) of this section or holds a bill of sale from a watercraft dealer.

B. For the purposes of division (a)(2) of this section, a temporary watercraft registration or a bill of sale from a watercraft dealer shall contain at least all of the following information:

1. The hull identification number or serial number of the watercraft;
2. The make of the watercraft;
3. The length of the watercraft;
4. The type of propulsion, if any;
5. The state in which the watercraft principally is operated;
6. The name of the owner;

7. The address of the owner, including the zip code;
8. The signature of the owner;
9. The date of purchase;
10. A notice to the owner that the temporary watercraft registration expires 45 days after the date of purchase of the watercraft or that the watercraft cannot be operated on the waters in this State solely under the bill of sale beginning 45 days after the date of purchase of the watercraft, as applicable.

(3) A person may purchase a temporary watercraft registration from the Chief of the Division of Watercraft or from an authorized agent designated under Ohio R.C. 1547.54. The Chief of the Division of Watercraft shall furnish forms for temporary watercraft registrations to authorized agents. In addition to completing the registration form with the information specified in divisions (a)(2) of this section, the person shall pay one of the applicable fees required under Ohio R.C. 1547.54(A)(2)(a) to (g) as provided in that section. Moneys received for the payment of temporary watercraft registrations shall be deposited to the credit of the Waterways Safety Fund created in Ohio R.C. 1547.75.

(4) In addition to the applicable fee required under division (a)(3) of this section, the Chief of the Division of Watercraft or an authorized agent shall charge an additional fee of three dollars (\$3.00) for a temporary watercraft registration that the Chief of the Division of Watercraft or the authorized agent issues. When the temporary watercraft registration is issued by an authorized agent, the agent may retain the additional fee. When the temporary watercraft registration is issued by the Chief of the Division of Watercraft, the additional fee shall be deposited to the credit of the Waterways Safety Fund.

(5) A person who purchases a temporary watercraft registration for a watercraft and who subsequently applies for a registration certificate under Ohio R.C. 1547.54 need not pay the fee required under Ohio R.C. 1547.54(A)(2) for the initial registration certificate issued for that watercraft, provided that at the time of application for the registration certificate, the person furnishes proof of payment for the temporary watercraft registration.

(6) A person who purchases a temporary watercraft registration, who subsequently applies for a registration certificate under Ohio R.C. 1547.54, and who is exempt from payment for the registration certificate under Ohio R.C. 1547.54(O), may apply to the Chief of the Division of Watercraft for a refund of the amount paid for the temporary watercraft registration at the time that the person applies for a registration certificate. The Chief of the Division of Watercraft shall refund that amount upon issuance to the person of a registration certificate.

(7) All records of the Division of Watercraft made or maintained for the purposes of divisions (a)(2) to (8) of this section are public records. The records shall be available for inspection at reasonable hours and in a manner that is compatible with normal operations of the division.

(8) Pursuant to Ohio R.C. 1547.52(A)(1), the Chief of the Division of Watercraft may adopt rules establishing all of the following:

- A. Record-keeping requirements governing the issuance of temporary watercraft registrations and the use of bills of sale from watercraft dealers for the purposes of division (a)(2) of this section;
- B. Procedures and requirements for the refund of fees under division (a)(6) of this section;
- C. Any other procedures and requirements necessary for the administration and enforcement of divisions (a)(2) to (8) of this section.

(b) All of the following watercraft are exempt from registration:

- (1) Those that are exempt from numbering by the State under Ohio R.C. 1547.53(B) to (G);

(2) Those that have been issued a commercial documentation by the United States Coast Guard or its successor and are used exclusively for commercial purposes;

(3) Those that have been documented by the United States Coast Guard or its successor as temporarily transiting, whose principal use is not on the waters in this State, and that have not been used within this State for more than 60 days.

(c) No person shall operate a watercraft documented by the United States Coast Guard or its successor unless the certificate of documentation is valid, is on the watercraft for which it has been issued, and is available for inspection whenever the watercraft is in operation. In accordance with 46 C.F.R. 67, as amended, the watercraft shall display the official number, the vessel name, and the home port listed on the certificate of documentation.

(d) (1) For the purposes of this section and Ohio R.C. 1547.53, a watercraft is principally using the waters in this State if any of the following applies:

A. The owner resides in this State and declares that the watercraft principally is using the waters in this State;

B. The owner resides in another state but declares that the watercraft principally is using the waters in this State;

C. The watercraft is registered in another state or documented by the United States Coast Guard and is used within this State for more than 60 days regardless of whether it has been assigned a seasonal or permanent mooring at any public or private docking facility in this State.

(2) Notwithstanding division (d)(1)C. of this section, a person on active duty in the armed forces of the United States may register a watercraft in the person's state of permanent residence in lieu of registering it in this State regardless of the number of days that the watercraft is used in this State.

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

#### 557.41 ALTERING OF SERIAL NUMBERS; FALSE INFORMATION PROHIBITED.

(a) No person shall deface or alter any serial number, model designation, or other identifying mark on any watercraft or motor as placed thereon by the manufacturer thereof, or remove, deface, or alter the registration number of any watercraft as the registration number appears on the bow thereof except by specific order of the Chief of the Division of Watercraft.

(b) No person shall give purposely false information concerning any watercraft or motor when applying for registration of the watercraft. Any certificate issued which is found to be based on such false information is void.

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

#### 557.42 ACCIDENT REPORTS.

(a) Operator to Stop and Furnish Information upon Accident or Collision.

(1) In case of accident to or collision with persons or property on the waters of this Municipality, due to the operation of any vessel, the operator having knowledge of the accident or collision shall immediately stop the vessel at the scene of the accident or collision, to the extent that it is safe and practical, and shall remain at the scene of the accident or collision until he or she has given his or her name and address and, if he or she is not the owner, the name and address of the owner of the vessel, together with the registration number of the vessel, if any, to any person injured in the accident or collision or to the operator, occupant, owner, or attendant of any vessel damaged in the accident or collision, or to any law enforcement officer at the scene of the accident or collision.

(2) If the injured person is unable to comprehend and record the information required to be given by this section, the other operator involved in the accident or collision shall forthwith notify the nearest law enforcement agency having authority concerning the location of the accident or collision, and his or her name, address, and the registration number, if any, of the vessel he or she was operating, and then remain at the scene of the accident or collision or at the nearest location from which notification is possible until a law enforcement officer arrives, unless removed from the scene by an emergency vehicle operated by the State or a political subdivision or by an ambulance.

(3) If the accident or collision is with an unoccupied or unattended vessel, the operator so colliding with the vessel shall securely attach the information required to be given in this section, in writing, to a conspicuous place in or on the unoccupied or unattended vessel.

(b) Duties After Collision or Accident; Accident Reports.

(1) The operator of a vessel involved in a collision, accident, or other casualty, so far as the operator can do so without serious danger to the operator's own vessel, crew, and passengers, shall render to other persons affected by the collision, accident, or other casualty such assistance as may be practicable and as may be necessary in order to save them from or minimize any danger caused by the collision, accident, or other casualty. The operator also shall give the operator's name, address, and identification of the operator's vessel in writing to any person injured and to the owner of any property damaged in the collision, accident, or other casualty.

(2) Any person who renders assistance at the scene of a collision, accident, or other casualty involving a vessel is not liable in a civil action for damages or injury to persons or property resulting from any act or omission in rendering assistance or in providing or arranging salvage, towage, medical treatment, or other assistance, except that the person is liable for willful or wanton misconduct in rendering assistance. Nothing in this section precludes recovery from any tortfeasor causing a collision, accident, or other casualty of damages caused or aggravated by the rendering of assistance.

(3) In the case of collision, accident, or other casualty involving a vessel, the operator thereof, if the collision, accident, or other casualty results in loss of life, personal injury requiring medical treatment beyond first aid, or damage to property in excess of five hundred dollars (\$500.00), shall file with the Chief of the Division of Watercraft a full description of the collision, accident, or other casualty on a form prescribed by the Chief of the Division of Watercraft. The report so filed shall be used for statistical purposes only and shall not be admissible for any purpose in any civil, criminal, or administrative action at law.

(4) If the operator of the vessel involved in a collision, accident, or other casualty is incapacitated, the investigating law enforcement officer shall file the required form as prescribed by the Chief of the Division of Watercraft.

(c) Penalty.

(1) Whoever violates division (a) of this section is guilty of a misdemeanor of the first degree.

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

557.43 ENFORCEMENT.

Every sheriff, deputy sheriff, marshal, deputy marshal, member of the organized police department of any municipal corporation, police constable of any township, wildlife officer, park officer, preserve officer, conservancy district police officer, and other law enforcement officer, within the area of his or her authority, may enforce this chapter, Ohio R.C. Chapter 1547 and rules adopted by the Chief of the Division of Watercraft and, in the exercise thereof, may stop and board



any vessel subject to this chapter and Ohio R.C. Chapter 1547, and rules adopted under it.  
(Ord. 79-07. Passed 11-13-07.)

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## Detected legislative history

- Ordinances of Sheffield Lake, OH
- ORDINANCES OF THE CITY OF SHEFFIELD LAKE, OHIO
- ORDINANCE NO. 116-84
- ORDINANCES OF SHEFFIELD LAKE
- orderly Conduct and Peace Disturbance
- ORDER OF LAW ENFORCEMENT OFFICER; FLEEING AND ELUDING
- Order Storage of Vessel or Outboard Motor Left on Private Property; Towing by Private Dock Owner
- 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
- ordinance 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
- Ord. 79-07
- order, in constant operation, and effectively installed to prevent excessive or unusual noise
- effectiveness of any muffler or muffler system installed in accordance with this section, unless the applicable mechanism has been permanently disconnected or made inoperable
- ordance with this section
- ordance with division (f)(2) of this section

- ordinance with this division (f)(2)
- ordinance with Section 557
- ordinance with rules adopted under Ohio R
- ordinances, and rules adopted under Ohio R
- adopted by the United States Coast Guard, is firmly attached to the watercraft
- ordinance with Federal law or a federally approved numbering system of another state
- ordinance with the requirements of that system and the certificate of number is available for inspection whenever the watercraft is on waters in this State;
- effective for 10 days including the day or days of the proposed race, regatta, or special event
- ordinance with this division, chooses not to have numbered under this section
- ordinance with Ohio R
- orders of the Division of Watercraft made or maintained for the purposes of divisions (a)(2) to (8) of this section are public records
- orders shall be available for inspection at reasonable hours and in a manner that is compatible with normal operations of the division
- order-keeping requirements governing the issuance of temporary watercraft registrations and the use of bills of sale from watercraft dealers for the purposes of division (a)(2) of this
- ordinance with 46 C
- amended, the watercraft shall display the official number, the vessel name, and the home port listed on the certificate of documentation
- order of the Chief of the Division of Watercraft
- order the information required to be given by this section, the other operator involved in the accident or collision shall forthwith notify the nearest law enforcement agency having authority
- order to save them from or minimize any danger caused by the collision, accident, or other casualty
- adopted by the Chief of the Division of Watercraft and, in the exercise thereof, may stop and board any vessel subject to this chapter and Ohio R
- adopted under it
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