

557.33 SAFETY EQUIPMENT ON RENTAL VESSELS.

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OH

Sheffield Lake

Codified Ordinances of Sheffield Lake, OH

557.33 SAFETY EQUIPMENT ON RENTAL VESSELS.

CHAPTER 557 Watercraft

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 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.)

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- ORDINANCE NO. 116-84
- ORDINANCES OF SHEFFIELD LAKE
- orderly Conduct and Peace Disturbance
- ORDER OF LAW ENFORCEMENT OFFICER; FLEEING AND ELUDING
- 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
- ordance with this division (f)(2)
- ordance with Section 557
- ordance with rules adopted under Ohio R
- Ord. 79-07
- ordinances, and rules adopted under Ohio R
- adopted by the United States Coast Guard, is firmly attached to the watercraft
- ordance with Federal law or a federally approved numbering system of another state
- ordance 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
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