557.34 CAPACITY PLATE.

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557.34 CAPACITY PLATE.
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)(l) 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)(l) 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)(l) 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.)

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 he 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)(l)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.)

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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, 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
- ordance with this division, chooses not to have numbered under this section
- ordance with Ohio R
- ords of the Division of Watercraft made or maintained for the purposes of divisions (a)(2) to (8) of this section are public records
- ords shall be available for inspection at reasonable hours and in a manner that is compatible with normal operations of the division

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- ordance with 46 C
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