

557.41 ALTERING OF SERIAL NUMBERS; FALSE INFORMATION PROHIBITED.

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Document type	section
Identifier	557.41
Citation	§ 557.41
Ordinances detected	S, 116-84, ER, 79-07, INARY
Dates detected	November 1, 1972
Original source	American Legal Publishing
Content hash	7a797081b03c6b226e7d9109c219d112311fae65dc7421905d4b5fc29094e208

Codified Ordinances of Sheffield Lake, OH

CODIFIED ORDINANCES OF THE CITY OF SHEFFIELD LAKE, OHIO

CERTIFICATION

ROSTER OF OFFICIALS

ADOPTING ORDINANCE NO. 116-84

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OH

Sheffield Lake

Codified Ordinances of Sheffield Lake, OH

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CHAPTER 557 Watercraft

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.)

557.44 HARBOR MASTER TO ENFORCE REGULATIONS.

The Chief of Police is hereby designated as Harbor Master for the City, and he or any of his duly appointed deputies shall regulate the navigation, operation, mooring and anchoring of all watercraft in or upon the waters of the City, in accordance with this chapter, and he shall be charged with the enforcement of this chapter.

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

557.45 CERTIFICATE OF TITLE; EXCEPTIONS.

(a) No person, except as provided in Section 557.40, shall sell or otherwise dispose of a watercraft or outboard motor without delivering to the purchaser or transferee a physical certificate of title with an assignment on it as is necessary to show title in the purchaser or transferee; nor shall any person purchase or otherwise acquire a watercraft or outboard motor without obtaining a certificate of title for it in the person's name in accordance with Ohio R.C. Chapter 1548; however, a purchaser may take possession of and operate a watercraft or outboard motor on the waters in this State without a certificate of title for a period not exceeding 30 days if the purchaser has been issued and has in the purchaser's possession a dealer's dated bill of sale, or in the case of a casual sale, a notarized bill of sale.

(b) Division (a) of this section and Sections 557.39 and 557.40 do not apply to any of the following:

(1) A watercraft covered by a marine document in effect that has been assigned to it by the United States government pursuant to Federal law;

(2) A watercraft from a country other than the United States temporarily using the waters in this State;

(3) A watercraft whose owner is the United States, a state, or a political subdivision of a state;

(4) A ship's lifeboat. As used in this division (b)(4), "lifeboat" means a watercraft that is held aboard another vessel and used exclusively for emergency purposes.

(5) A canoe;

(6) A watercraft less than 14 feet in length without a permanently affixed mechanical means of propulsion;

(7) A watercraft less than 14 feet in length with a permanently fixed mechanical means of

propulsion of less than 10 horsepower as determined by the manufacturer's rating;

(8) Outboard motors of less than 10 horsepower as determined by the manufacturer's rating.

(c) The various certificates, applications, and assignments necessary to provide certificates of title for watercraft and outboard motors shall be made on appropriate forms approved by the Chief of the Division of Watercraft.

(d) Whoever violates this section is guilty of a misdemeanor of the fourth degree.

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

557.46 MANUFACTURER'S OR IMPORTER'S CERTIFICATE.

(a) No manufacturer, importer, dealer, or other person shall sell or otherwise dispose of a new watercraft or outboard motor to a dealer to be used by the dealer for purposes of display and resale without delivering to the dealer a manufacturer's or importer's certificate executed in accordance with this section and with such assignments on it as are necessary to show title in the name of the purchaser. No dealer shall purchase or acquire a new watercraft or outboard motor without obtaining from the seller the manufacturer's or importer's certificate.

(b) A manufacturer's or importer's certificate of the origin of a watercraft or outboard motor shall contain the following information in such form and together with such further information as the Chief of the Division of Watercraft may require:

(1) Description of the watercraft, including the make, year, length, series or model, if any, body type, hull identification number or serial number, and make, manufacturer's serial number, and horsepower of any inboard motor or motors; or description of the outboard motor, including the make, year, series or model, if any, manufacturer's serial number, and horsepower;

(2) Certification of the date of transfer of the watercraft or outboard motor to a distributor or dealer or other transferee, and the name and address of the transferee;

(3) Certification that this was the first transfer of the new watercraft or outboard motor in ordinary trade and commerce;

(4) Signature and address of a representative of the transferor.

(c) An assignment of a manufacturer's or importer's certificate before a notary public or other officer empowered to administer oaths shall be printed on the reverse side of the manufacturer's or importer's certificate in the form to be prescribed by the Chief of the Division of Watercraft. The assignment form shall include the name and address of the transferee, a certification that the watercraft or outboard motor is new, and a warranty that the title at the time of delivery is subject only to such liens and encumbrances as are set forth and described in full in the assignment.

(d) Whoever violates this section is guilty of a misdemeanor of the fourth degree.

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

557.47 PROHIBITIONS.

(a) No person shall do any of the following:

(1) Operate in this Municipality a watercraft for which a certificate of title is required or a watercraft powered by an outboard motor for which a certificate of title is required without having the certificate or a valid temporary permit and number in accordance with Ohio R.C. Chapter 1548 or, if a physical certificate of title has not been issued for it, operate the watercraft or outboard motor in this State knowing that the ownership information relating to the watercraft or outboard motor has not been entered into the automated title processing system by a Clerk of a Court of Common Pleas;

(2) Operate in this Municipality a watercraft for which a certificate of title is required, or a watercraft powered by an outboard motor for which a certificate of title is required, upon which the certificate of title has been canceled;

(3) Fail to surrender any certificate of title upon cancellation of it by the Chief of the Division of Watercraft and notice of the cancellation as prescribed in Ohio R.C. Chapter 1548;

(4) Fail to surrender the certificate of title to a Clerk of a Court of Common Pleas as provided in Ohio R.C. Chapter 1548, in case of the destruction or dismantling or change of a watercraft or outboard motor in such respect that it is not the watercraft or outboard motor described in the certificate of title;

(5) Violate any provision of Ohio R.C. Chapter 1548 for which no penalty is otherwise provided, or any lawful rules adopted pursuant to Ohio R.C. Chapter 1548;

(6) Operate in this Municipality a watercraft or outboard motor knowing that the certificate of title to or ownership of the watercraft or outboard motor as otherwise reflected in the automated title processing system has been canceled.

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

557.48 PERMANENTLY DISPLAYED HULL IDENTIFICATION NUMBER.

(a) A watercraft constructed on or before November 1, 1972, shall have a hull identification number permanently displayed and affixed to it in accordance with Federal law.

(b) A watercraft constructed before November 1, 1972, shall have a hull identification number assigned to it by the Chief of the Division of Watercraft at the time of registration, at the time of application for title, after transfer of ownership, or at the time of a change to this State as the principal location of operation. The number shall be permanently displayed and affixed as prescribed by rules adopted under Ohio R.C. 1547.52.

(c) A person who builds a watercraft or imports a watercraft from another county for personal use and not for the purpose of sale shall request a hull identification number from the Chief of the Division of Watercraft and permanently display and affix the number as prescribed by rules adopted under Ohio R.C.1547.52.

(d) No person shall operate or permit to be operated any watercraft on the waters in this State in violation of this section.

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

557.49 FIREARMS OFFENSES; SIGNALING DEVICES.

(a) As used in this section:

(1) "Firearm" and "handgun" have the same meaning as in Ohio R.C. 2923.11.

(2) "Unloaded" has the same meaning as in Ohio R.C. 2923.16.

(b) No person shall knowingly discharge a firearm while in or on a vessel.

(c) No person shall knowingly transport or have a loaded firearm in a vessel in a manner that the firearm is accessible to the operator or any passenger.

(d) No person shall knowingly transport or have a firearm in a vessel unless it is unloaded and is carried in one of the following ways:

(1) In a closed package, box, or case;

(2) In plain sight with the action opened or the weapon stripped, or if the firearm is of a type on which the action will not stay open or that cannot easily be stripped, in plain sight.

(e) (1) The affirmative defenses authorized in Ohio R.C. 2923.12(D)(1) and (2) are affirmative defenses to a charge under division (c) or (d) of this section that involves a firearm other than a handgun. It is an affirmative defense to a charge under division (c) or (d) of this section of transporting or having a firearm of any type, including a handgun, in a vessel that the actor transported or had the firearm in the vessel for any lawful purpose and while the vessel was on the

actor's own property, provided that this affirmative defense is not available unless the actor, prior to arriving at the vessel on the actor's own property, did not transport or possess the firearm in the vessel or in a motor vehicle in a manner prohibited by this section or Ohio R.C. 2923.16(B) or (C) while the vessel was being operated on a waterway that was not on the actor's own property or while the motor vehicle was being operated on a street, highway, or other public or private property used by the public for vehicular traffic.

(2) No person who is charged with a violation of division (c) or (d) of this section shall be required to obtain a license or temporary emergency license to carry a concealed handgun under Ohio R.C. 2923.125 or 2923.1213 as a condition for the dismissal of the charge.

(f) Divisions (b), (c), and (d) of this section do not apply to the possession or discharge of a United States Coast Guard approved signaling device required to be carried aboard a vessel under Ohio R.C. 1547.251 when the signaling device is possessed or used for the purpose of giving a visual distress signal. No person shall knowingly transport or possess any signaling device of that nature in or on a vessel in a loaded condition at any time other than immediately prior to the discharge of the signaling device for the purpose of giving a visual distress signal.

(g) No person shall operate or permit to be operated any vessel on the waters in this municipality in violation of this section.

(h) This section does not apply to officers, agents, or employees of this or any other state or of the United States, or to law enforcement officers, when authorized to carry or have loaded or accessible firearms in a vessel and acting within the scope of their duties, and this section does not apply to persons legally engaged in hunting. Divisions (c) and (d) of this section do not apply to a person who transports or possesses a handgun in a vessel and who, at the time of that transportation or possession, is carrying a valid license or temporary emergency license to carry a concealed handgun issued to the person under Ohio R.C. 2923.125 or 2923.1213 or a license to carry a concealed handgun that was issued by another state with which the Attorney General has entered into a reciprocity agreement under Ohio R.C. 109.69, unless the person knowingly is in a place on the vessel described in Ohio R.C. 2923.126(B).

(i) If a law enforcement officer stops a vessel for a violation of this section or any other law enforcement purpose, if any person on the vessel surrenders a firearm to the officer, either voluntarily or pursuant to a request or demand of the officer, and if the officer does not charge the person with a violation of this section or arrest the person for any offense, the person is not otherwise prohibited by law from possessing the firearm, and the firearm is not contraband, the officer shall return the firearm to the person at the termination of the stop.

(j) Whoever violates this section is guilty of a misdemeanor of the fourth degree.
(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
- ordance with Ohio R
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- adopted under it
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- ordinary trade and commerce;
- adopted pursuant to Ohio R
- ordance with Federal law
- adopted under Ohio R

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Revision #1

Created 2026-07-18 21:37:56 UTC by MunicipalWiki Indexer

Updated 2026-07-18 21:37:56 UTC by MunicipalWiki Indexer