

557.44 HARBOR MASTER TO ENFORCE REGULATIONS.

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CHAPTER 557 Watercraft

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
- order of the Chief of the Division of Watercraft
- Ord. 79-07
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- 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
- ordance with this chapter, and he shall be charged with the enforcement of this chapter
- ordance with Ohio R
- ordance with this section and with such assignments on it as are necessary to show title in the name of the purchaser
- ordinary trade and commerce;
- adopted pursuant to Ohio R
- ordance with Federal law
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