

557.47 PROHIBITIONS.

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OH

Sheffield Lake

Codified Ordinances of Sheffield Lake, OH

557.47 PROHIBITIONS.

CHAPTER 557 Watercraft

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.)

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- (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.)

557.50 TAMPERING WITH NAVIGATION AID OR VESSEL PROHIBITED.

(a) No person shall knowingly:

- (1) Damage, remove, or tamper with any signal, buoy, or other aid to navigation;
- (2) Sever the mooring lines of, set adrift, or tamper with any vessel that is moored or tied up

on the waters in this municipality.

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

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- ORDER OF LAW ENFORCEMENT OFFICER; FLEEING AND ELUDING
- ordinance with Ohio R
- Ord. 79-07
- ordinance 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
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