

## TITLE ELEVEN

Chap. 381. Navigation and Equipment.

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## CHAPTER 381

## Navigation and Equipment

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#### CROSS REFERENCES

See section histories for similar State law  
 State licensing provisions - see Ohio R.C. 1547.51 et. seq.  
 Accidents; required assistance and written report - see  
 TRAF. 383.04

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#### 381.01 DEFINITIONS; SUPPLEMENT TO FEDERAL LAWS.

As used in Title Eleven of this Traffic Code:

- (a) "Watercraft" means any of the following when used or capable of being used for transportation on the water:
- (1) A boat operated by machinery either permanently or temporarily affixed;
  - (2) A sailboat other than a sailboard;
  - (3) An inflatable, manually propelled boat having a hull identification number meeting the requirements of the United States Coast Guard;
  - (4) A canoe or rowboat.

"Watercraft" does not include ferries as referred to in Chapter 4583 of the Ohio Revised Code.

Watercraft subject to Section 1547.54 of the Ohio Revised Code shall be divided into four classes as follows:

Class A: Less than sixteen (16) feet in length;

Class 1: At least sixteen (16) feet but less than twenty-six (26) feet in length;

Class 2: At least twenty-six (26) feet but less than forty (40) feet in length;

Class 3: At least forty (40) feet but not more than sixty-five (65) feet in length.

Any watercraft over sixty-five (65) feet in length shall comply with federal regulations.

(b) As used in this Chapter:

- (1) "Vessel" includes every description of watercraft, including non-displacement craft and seaplanes, used or capable of being used as a means of transportation on water.
- (2) "Rowboat" means any vessel designed to be rowed and which is propelled by human muscular effort by oars or paddles and upon which no mechanical propulsion device, electric motor, internal combustion engine, or sail has been affixed, or is used for the operation of such vessel.
- (3) "Sailboat" means any vessel, equipped with mast and sails, depending upon the wind to propel it in the normal course of operation.
  - (A) Any sailboat equipped with an inboard engine is deemed a
  - (B) Any sailboat equipped with detachable motor is deemed a
  - (C) Any sailboat being propelled by mechanical power, whether
- (4) "Power craft" means any vessel propelled by machinery, fuel, rockets, or similar device.
- (5) "Person" includes any individual, firm, partnership, corporation, company, association, or body politic, except the United States and this State and includes any agent, trustee, executor, receiver, assignee, or other representative thereof.

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- (6) "Owner" includes any person who claims lawful possession of a vessel by virtue of legal title or equitable interest therein which entitled him to such possession.
  - (7) "Operator" includes any person who navigates or has under his control a vessel, or vessel and detachable motor, on the waters in this City.
  - (8) "Visible" means visible on a dark night with clear atmosphere.
  - (9) "Waters in this City" means all streams, rivers, lakes, ponds, marshes, watercourses, waterways, and all other bodies of water, natural or manmade, which are situated wholly or partially within this City or within its jurisdiction, and are used for recreational boating. It shall further mean any waters within the jurisdiction of the City in which any watercraft is or may be operated and includes the waters of Lake Erie and the Rocky River.

The jurisdiction in Lake Erie includes all waters within the easterly and westerly City limits and extending into Lake Erie to the distance of two (2) miles from the natural shore line.

- (10) "Navigable waters" means waters which come under the jurisdiction of the Department of the Army of the United States and any waterways within or adjacent to this City, except inland lakes having neither a navigable inlet or outlet.
- (11) "City" means the entire territorial limits of the City of Rocky River, Ohio.
- (12) "Motorboat" means any power craft or watercraft propelled by machinery, fuel, rockets or similar device up to but not more than sixty-five (65) feet in length. Motorboats of Class A are those less than sixteen (16) feet in length, measured from end to end in a straight line from the foremost part of the vessel to the aftermost, measured parallel to the center line. Bowsprits, bumpkins, rudders, outboard motors and brackets and similar fittings or attachments are not to be included. Length shall be stated in feet and inches. Motorboats of Class 1 shall be sixteen (16) feet to less than twenty-six (26) feet in length. Motorboats of Class 2 shall be twenty-six (26) feet to less than forty (40) feet in length. Motorboats of Class 3 shall be forty (40) feet to not more than sixty-five (65) feet in length.

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- (13) "Starboard" means right and reference is to the right or starboard side of a vessel when looking forward on such vessel.
- (14) "Port" means left and reference is to the left or port side of a vessel when looking forward on such vessel.
- (15) "Anchorage" means a designated position where vessels or watercraft may anchor or moor.
- (16) "Aquatic event" means any organized water event of limited duration which is duly sanctioned by the Commanding Officer of the Ninth Coast Guard District at least thirty (30) days prior to the start of such event and includes Marine Regattas and Marine Parades, which by hazards to the safety of life on navigable waters.
- (17) "Emergency watercraft" means Police Division, Fire Division, and State patrol watercraft when identified as such and watercraft commandeered by police officers.
- (18) "Pier" means any pier, wharf, dock, float, gridiron, or other structure to promote the convenient loading or unloading or other discharge of vessels or watercraft, or the repair thereof.
- (19) "Breakwall" means any construction of stone, steel or other material constructed mainly as a barrier which breaks the force of waves.
- (20) "Restricted areas" means an area that has been designated in accordance with and as authorized by the laws or regulations of the City to be used for, or closed to, certain designated purposes such as swimming, skin diving, skiing, fishing, aquatic events and any other water activities.
- (21) "Water ski" means all forms, manners, means or contrivances used by persons or persons being towed behind a motorboat or watercraft.
- (22) "Coast Guard approved" means bearing an approved number assigned by the United States Coast Guard.
- (23) "Wake" means the track, waves, path or disturbance left in the water by a watercraft, either by means of its movement through the water or by its power, exhaust or propeller whether such watercraft is actually moving or not.

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- (24) "Boat number" means a series of letters and numerals assigned to the owner by the Division of Watercraft. The number will be designated on a certificate of number issued to each boat owner in accordance with a system of numbering which will be uniform throughout the United States and its territories.
- (25) "Water traffic control devices" means all signs, signals, markings, placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding marine or water traffic including (no mooring signs) or (limited docking signs) at public piers, wharfs, dock, floats, etc.
- (26) "Sewage" means human body wastes and wastes from toilets and other receptacles intended to receive or retain body waste.
- (27) "Canoe" means a narrow vessel of shallow draft, pointed at both ends and propelled by human muscular effort and includes kayaks.
- (28) "Coast Guard Approved" means bearing an approval number assigned by the United States Coast Guard.
- (29) "Type one personal flotation device" means a device which is designed to turn an unconscious person floating in water from a face downward position to vertical or slightly face upward position, and which has at least nine (9) kilograms, approximately twenty (20) pounds of buoyancy.
- (30) "Type two personal flotation device" means a device which is designed to turn an unconscious person in the water from a face downward position to vertical or slightly face upward position and to have at least seven (7) kilograms, approximately fifteen and four-tenths pounds of buoyancy.
- (31) "Type three personal flotation device" means a device which is designed to keep a conscious person in a vertical or slightly face upward position and to have at least seven (7) kilograms, approximately fifteen and four-tenths pounds of buoyancy.
- (32) "Type four personal flotation device" means a device which is designed to be thrown to a person in the water and not worn, and is designed to have at least seven (7) and five-tenths kilograms, approximately sixteen and five-tenths pounds of buoyancy.
- (33) "Recreational Hybrid personal flotation device" means a type five personal flotation device that has one inflation chamber in

combination with inherently buoyant material and is approved for use on recreational boat. As used in this division, "Type Five personal flotation device" means a device that, unlike other personal flotation devices, has limitations on its approval by the United States Coast Guard.

- (34) "Inflatable watercraft" means any vessel constructed of rubber, canvas, or other material which is designed to be inflated with any gaseous substance, constructed with two (2) or more air cells and operated as a vessel. Inflatable watercraft propelled by a motor shall be classified as power craft and shall be registered by length.  
(ORC 1547.01.)
- (35) "Idle Speed" means the slowest possible speed needed to maintain steerage or maneuverability.
- (36) "Divers flag" means a red flag not less than one (1) foot square having a diagonal white stripe extending from the masthead to the opposite lower corner that when displayed indicates that divers are in the water.
- (37) "Muffler" means an acoustical filtering device containing a baffle or baffles, including water-cooled exhaust risers, elbows, or both, that when installed in or on the exhaust pipe of an internal combustion engine results in a reduction of exhaust noise.
- (38) "Law Enforcement Vessel" means any vessel used in law enforcement and under the command of a law enforcement officer.

Unless otherwise provided, the provisions of Title Eleven of this Traffic Code shall be applicable to all vessels operating on the waters in the City. Nothing contained in Title Eleven of this Traffic Code shall be construed in contravention of any valid Federal act or rule, but shall be deemed in addition thereto where not inconsistent therewith.

The State of Ohio shall have the exclusive right to regulate the minimum equipment requirements of watercraft and vessels operated upon the waters in this City.  
(Ord. 43-83. Passed 5-23-83.)

#### 381.011 MARINE PATROL FUND.

There is hereby established and created a fund to be known as the Marine Patrol Fund. All moneys received from the Division of Watercraft for the establishment and maintenance of a marine patrol under its assistance program shall be deposited therein and all expenses for the operation and maintenance of

such marine patrol shall be paid therefrom. (Ord. 92-68. Passed 7-8-68.)

### 381.02 WATERCRAFT TO CARRY LIGHTS.

All watercraft, subject to this Chapter, shall, in all weather from sunset to sunrise, and at any other time when there is not sufficient natural light to render discernible other watercraft and substantial objects on the water at a distance of three hundred (300) feet, carry and exhibit the following lights when underway and, during such time, no other lights which may be mistaken for those prescribed shall be exhibited.

(a) All power-craft under twenty-six (26) feet in length shall carry the following lights:

- (1) A bright white light aft to show all around the horizon; and
- (2) A combined lantern in the forepart of the vessel and lower than the white light aft, showing green to starboard and red to port, so fixed as to throw light from right ahead to twenty-two and one-half (22-1/2) degrees, two (2) points, abaft the beam, on their respective sides, each light thereby sustaining an arc of 112.5 degrees ten (10) points, measured from the centerline of the boat and beginning right ahead.

(b) All power-craft from twenty-six (26) feet in length and not more than sixty-five (65) feet in length shall carry the following lights:

- (1) A bright white light in the forepart of the vessel as near the stem as practicable, so constructed as to show an unbroken light over an arc of the horizon of two hundred twenty-five (225) degrees, twenty (20) points, so fixed as to throw the light 112.5 degrees, ten (10) points, on each side of the vessel; namely from right ahead to twenty-two and one-half (22-1/2) degrees, two (2) points, abaft the beam on either side;
- (2) A bright white light aft to show all around the horizon and higher than the white light forward; and
- (3) On the starboard side, a green light so constructed as to show an unbroken light over an arc of the horizon of 112.5 degrees, ten (10) points, so fixed as to throw the light from right ahead to twenty-two and one-half (22-1/2) degrees, two (2) points, abaft the beam on the starboard side. On the port side, a red light so constructed as to show an unbroken light over an arc of the horizon of 112.5 degrees, ten (10) points, so fixed as to throw the light from right ahead to twenty-two and one-half (22-1/2) degrees, two (2) points, abaft the beam on

the port side. Such side lights shall be fitted with inboard screens of sufficient height so set as to prevent these lights from being seen across the bow.

- (c) Sailboats propelled by machinery, whether under sail or not, shall exhibit the same lights as prescribed for power-crafts of comparable length.
- (d) Every sailboat, regardless of length, under sail alone shall exhibit:
  - (1) On the starboard side, a green light, so constructed as to throw an unbroken light over an arc of the horizon of 112.5 degrees, ten (10) points, so fixed to throw the light from the right ahead to twenty-two and one-half (22-1/2) degrees, two (2) points, abaft the beam on the starboard side;
  - (2) On the port side, a red light, so constructed to show an unbroken light over an arc of the horizon of 112.5 degrees, ten (10) points, so fixed as to throw the light from the right ahead to twenty-two and one-half (22-1/2) degrees, two (2) points, abaft the beam on the port side;
  - (3) At her stern a white light, so constructed that it shall show an unbroken light over an arc of the horizon one hundred thirty-five (135) degrees, twelve (12) points, so fixed as to show the light sixty-seven and one-half (67-1/2) degrees six (6) points, from right aft on each side of the vessel, and of such character as to be visible a distance of at least two (2) miles, and carried as nearly as practicable on the same level as the side lights, or, in lieu of the white stern light, a readily accessible lantern or flashlight, showing a white light.
- (e) Rowboats and canoes shall carry either a white light visible all around the horizon or a readily accessible lantern or flashlight showing a white light.
- (f) All watercraft required to carry a readily accessible flashlight or lantern shall exhibit such flashlight or lantern in sufficient time to avert a collision.
- (g) A white light visible all around the horizon shall be exhibited by watercraft while at anchor.

(h) Every white light prescribed by this Section shall be of such character as to be visible at a distance of at least two (2) miles. Every colored light prescribed by this Section shall be of such character as to be visible at a distance of at least one (1) mile.

(i) In lieu of the lights required by this Section, any power-craft may carry and exhibit lights required by:

- (1) "Act of February 8, 1895", 28 Stat. 645, 33 U.S.C. 241, as amended.
- (2) "Act of September 24, 1963", 77 Stat. 194, 33 U.S.C. 1061, as amended.
- (3) "Act of May 21, 1948", 62 Stat. 250, 33 U.S.C. 301, as amended.

(j) In lieu of the lights required by this Section, any sailboat may carry and exhibit the lights required by either:

- (1) "Act of February 8, 1895", 28 Stat. 645, 33 U.S.C. 241, as amended;  
or
- (2) "Act of May 21, 1948", 62 Stat. 250, 33 U.S.C. 301, as amended.  
(OAC, Rules: 1501:47-2-20 - 1501:47-2-31).

#### 381.03 FLASHING LIGHTS PROHIBITED; EXCEPTIONS.

No person shall install or use any intermittently flashing light of any type or color on any vessel in use or operation on the waters in this City, except that such flashing lights may be installed and used in an emergency to attract attention to such an emergency for aid and relief of the distressed, and except that a blue revolving or flashing horizontal beam located at any effective point on the vessel may be displayed by authorized patrol boats when engaged in law enforcement duties day or night on waters in this City.(ORC 1547.03.)

(Ord. 43-83. Passed 5-23-83.)

#### 381.04 SIREN PROHIBITED.

No person except an authorized watercraft representative of the Federal government, the State of Ohio, or any of its political subdivisions shall use or operate a siren on the waters in this City except for emergency purposes. (ORC 1547.04.)

(Ord. 43-83.Passed 5-23-83.)

#### 381.05 OPERATING REGULATIONS.

The following rules for preventing collisions shall be followed in the navigation of all public and private watercraft operating upon the waters in this City:

(a) Every watercraft which is underway propelled by sail alone shall be considered a sailboat. Every watercraft which is underway propelled by sail and machinery shall be considered a power-craft. Every watercraft shall be considered underway when it is not at anchor or made fast to the shore or aground. In addition to any other situation, "risk of collision" shall be determined to exist whenever the compass bearing of the approaching watercraft remains substantially the same.

(b) When two (2) sailboats are approaching one another so as to involve the risk of collision, one of them shall yield to the right of way to the other, as follows, namely:

- (1) When one sailboat has the wind on the port side and the other has the wind on the starboard side, the sailboat with the wind on the port side shall keep out of the way of the sailboat with the wind on the starboard side.
- (2) When both sailboats have the wind on the same side, the sailboat which is to the windward shall keep out of the way of the sailboat which is to leeward.
- (3) When a sailboat with the wind on the port side sees a sailboat to windward and cannot determine with certainty whether the other sailboat has the wind on the port or the starboard side, it shall keep out of the way of the other sailboat.

(c) When two (2) power crafts are meeting end on, or nearly end on, so as to involve the risk of collision, each shall alter its course to starboard, so that each will pass the other on the port side of the other.

(d) When two (2) power-crafts are crossing at right angles or obliquely so as to involve the risk of collision, the power-craft which has the other on its own starboard side shall yield the right of way to the other.

(e) When a power craft and a sailboat are proceeding in such directions as to involve the risk of collision, the power craft shall yield the right of way to the sailboat, except when the sailboat is overtaking the power craft

(f) Every watercraft which is directed by these rules to yield the right of way to another watercraft shall, on approaching such other watercraft, if necessary, slacken its speed, stop, reverse or alter the course. Where, by any of the rules prescribed by this Chapter, one or two watercraft shall yield the right of way, the other shall keep its course and speed.

(g) Notwithstanding anything contained in these rules, every watercraft overtaking another shall yield the right of way to the overtaken watercraft. Every watercraft coming up with another watercraft from any direction more than twenty-two and one-half (22-1/2) degrees abaft the other's beam, that is, at such a position which reference to the watercraft which it is overtaking that at night it would be unable to see either of the other's side or combination bow lights, is an overtaking watercraft; and no subsequent alteration of bearing between the two watercraft shall make the overtaking watercraft a crossing watercraft within the meaning of these rules, or relieve it of the duty of keeping clear of the overtaking watercraft is in doubt as to whether it is forward of or abaft this direction from the other watercraft, it should assume that it is an overtaking watercraft and yield the right of way.

(h) In rivers and streams or other areas in which there is a water current, the descending watercraft shall have the right of way over a watercraft which is ascending.

(i) When a power-craft and a rowboat are proceeding in such direction as to involve the risk of collision, such power-craft shall yield the right of way to such rowboat.

(j) Watercraft leaving a dock, boat slip or tie-up space shall yield the right of way to all watercraft approaching such dock, boat slip or tie-up space.

(k) At all times the operator of a watercraft shall maintain a proper lookout required by the ordinary practice of seamen and by the special circumstances of the case.

(l) In obeying and construing these rules, due regard shall be had to all dangers of navigation and collision and to any special circumstances which may render a departure from the above rules necessary in order to avoid immediate danger.

(OAC, Rules: 1501:47-2-01 - 1501:47-2-19)

(Ord. 43-83. Passed 5-23-83.)

#### 381.06 CHILD OPERATORS; SUPERVISING PERSON.

No person under twelve (12) years of age shall operate any vessel upon the waters in this City unless the person is under the direct visual and audible supervision, during such operation, of a parent, guardian or other person over the age of sixteen (16) years. No supervising parent, guardian or other person over sixteen (16) years of age shall permit any person under twelve (12) years of age operating a vessel upon the waters in this City to violate any provision of this Chapter or a rule adopted under it.

(ORC 1547.06.) (Ord. 43-83. Passed 5-23-83.)

### 381.07 RECKLESS OPERATION.

Any person who operates any vessel or manipulates any water skis, aquaplane or similar device upon the waters in this City carelessly or heedlessly, or in disregard of the rights or safety of any person, vessel or property, or without due caution, at a rate of speed or in a manner so as to endanger any person, vessel or property shall be guilty of reckless operation of the vessel or other device. (ORC 1547.07.)

It will be prima-facie lawful for the operation of a vessel to operate the same at a speed not exceeding the following: six (6) miles per hour within two hundred (200) feet of any shore line, pier, obstruction, stalled, becalmed or anchored watercraft or within any boat club harbor basin, or in the Rocky River.

Nothing in this Chapter shall be construed to mean that the operator of a watercraft competing in a race or regatta, or trials therefor, which have been duly authorized by the Commanding Officer of the United States Coast Guard District shall be prohibited from attempting to attain high speeds on a duly designated and indicated racing course. (Ord. 43-83. Passed 5-23-83.)

### 381.08 OPERATION IN RESTRICTED AREAS.

(a) No person shall operate a watercraft within or through a designated bathing area or within or through any area which has been buoyed off designating it as an area in which vessels are prohibited.

(b) No person shall operate a vessel at greater than idle speed or at a speed that creates a wake within three hundred (300) feet of any marina, boat docking facility, boat gasoline dock, launch ramp, recreational boat harbor or harbor entrance or within any area buoyed or marked as a no-wake area. This division does not apply to any other area designated by the Chief of the Division of Watercraft unless it is marked by a buoy or sign as a no wake or idle speed area.

(c) No person shall operate a vessel in any area of restricted or controlled operation in violation of the designated restriction.

(d) No person shall operate a watercraft within three hundred feet (300) of an official diver's flag unless he is tendering the diving operation.

(e) All areas of restricted or controlled operation as described above or as provided for in Section 1547.14 or 1547.61 of the Revised Code shall be marked by a buoy or sign designating the restriction. The specific areas described above shall be considered restricted areas without being designated by a buoy or sign. All waters surrounded by or lying between such a buoy or sign and the closest shoreline are thereby designated as an area in which the designated restrictions shall apply in the operation of any vessel.

Marking on a buoy or sign designating areas of restricted or controlled operation shall be so spaced as to show all around the horizon. Lineal spacing between such buoys or signs shall be such that under normal conditions of visibility any such buoy or sign shall be readily visible from the next adjacent buoy or sign. No colors or symbols, except as provided for in rules of the Chief of the Division of Watercraft, shall be used for marking closed or controlled areas of boating waters.

Any State department, conservancy district, or political subdivision having jurisdiction and control of impounded boating waters is authorized to place such buoys or signs on its waters. Any political subdivision may apply to the Chief of the Division of Watercraft for permission to place such buoys or signs on other waters within its territorial limits.  
(ORC 1547.08.) (Ord. 43-83. Passed 5-23-83.)

#### 381.09 MOORING PROHIBITED IN CERTAIN AREAS.

No person shall moor or anchor any vessel in a designated speed zone or water ski zone. No person, unless in distress and no other vessel is endangered thereby, shall moor to, anchor to or tie up to any marker, aid, buoy, light or other aid to navigation. (ORC 1547.09.)

#### 381.10 ACCIDENT INFORMATION EXCHANGE PROCEDURES

In the case of accident to or collision with persons or property on the waters of the City, 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 has given his name and address and, if he 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.

If the injured person is unable to comprehend and record the information required to be given by this section, the 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 name, address, and the registration number, if any, of the vessel he 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.

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. (ORC 1547.10)

### 381.11 OPERATING UNDER THE INFLUENCE

(a) No person shall operate, be in physical control of any vessel underway, or manipulate any water skis, aquaplane or similar device upon the waters in this state if any of the following apply:

- (1) The person is under the influence of alcohol or a drug of abuse, or the combined influence of alcohol and a drug of abuse;
- (2) The person has a concentration of ten-hundredths of one percent or more by weight of alcohol in his blood;
- (3) The person has a concentration of fourteen-hundredths of one gram or more by weight of alcohol per one hundred milliliters of his urine;
- (4) The person has a concentration of ten-hundredths of one gram or more by weight of alcohol per two hundred ten liters of his breath.

(b) In any criminal prosecution for violation of this section or of an ordinance of any municipal corporation relating to operating a vessel or using any water skis, aquaplane, or similar device while under the influence of alcohol or a drug of abuse, the court may admit evidence on the concentration of alcohol or a drug of abuse in the defendant's blood, urine, or breath at the time of the alleged violation as shown by chemical analysis of the defendant's blood, urine, or breath taken within two hours of the time of the alleged violation.

When a person submits to a blood test, only a physician, registered nurse, or qualified technician or chemist shall withdraw blood for the purpose of determining its alcohol or drug of abuse content. This limitation does not apply to the taking of breath or urine specimens. A physician, registered nurse, or qualified technician or chemist may refuse to draw blood for the purpose of

determining its alcohol or drug of abuse content if in his opinion the physical welfare of the person would be endangered by the withdrawing of blood.

The blood, urine, or breath shall be analyzed in accordance with methods approved by the Director of Health by an individual possessing a valid permit issued by the Director of Health pursuant to Section 3701.143 of the Revised Code.

If there was at the time the blood, urine, or breath was taken a concentration of less than ten-hundredths of one percent by weight of alcohol in the defendant's blood, less than fourteen-hundredths of one gram by weight of alcohol per one hundred milliliters of his urine, or less than ten-hundredths of one gram by weight of alcohol per two hundred ten liters of his breath, that fact may be considered with other competent evidence in determining the guilt or innocence of the defendant.

Upon the request of any person who was tested, the results of the test shall be made available to him, his attorney, or agent, immediately upon completion of the analysis.

The person tested may have a physician, registered nurse, or qualified technician or chemist of their choosing administer a chemical test or tests in addition to any administered at the direction of a law enforcement officer, and shall be so advised. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test or tests taken at the direction of a law enforcement officer.

A physician, registered nurse, or qualified technician or chemist who withdraws blood from a person pursuant to this section, and a hospital, first-aid station, or clinic at which blood is withdrawn from a person pursuant to this section is immune from criminal liability, and from civil liability that is based upon a claim of assault and battery or based upon any other claim that is not in the nature of a claim of malpractice, for any act performed in withdrawing blood from the person. (ORC 1547.11)

#### 381.12 INCAPACITATED OPERATORS PROHIBITED.

No person shall operate any vessel if such person is so mentally or physically incapacitated as to be unable to operate the vessel in a safe and competent manner.  
(ORC 1547.12.)

#### 381.13 LAWFUL ORDER, FLEE AND ELUDE

(a) No person shall fail to comply with any lawful order or direction of any law enforcement officer having authority to direct, control, or regulate the operation or use of vessels.

(b) No person shall operate any vessel so as to purposely elude or flee from a law enforcement officer after receiving a visible or audible signal from a law enforcement officer to bring the vessel to a stop. (ORC 1547.13)

#### 381.131 LAW ENFORCEMENT VESSEL RIGHT-OF-WAY

Upon the approach of a law enforcement vessel with at least one blue flashing, rotating, or oscillating light, the operator of any vessel shall stop or give way in a crossing, head-on, or overtaking situation, and shall remain in such position until the law enforcement vessel has passed, except when otherwise directed by a law enforcement officer. If traffic conditions warrant, a siren or other sound producing device also may be operated as an additional signaling device. This section does not relieve the operator of any law enforcement vessel from the duty to operate with due regard for the safety of all persons and property on the waters in this City. (ORC 1547.131)

#### 381.14 SKIING CONFINED TO SKI OR OPEN ZONE.

(a) Except on the waters of Lake Erie and the immediately connected harbors and anchorage facilities, any person who rides or attempts to ride upon one or more water skis, surfboard or similar device, or who engages or attempts to engage in barefoot skiing, and any person who operates a vessel towing such person riding or attempting to ride on one or more water skis, surfboard, or similar device, engages or attempts to engage in barefoot skiing shall confine that activity to the water area within a designated ski zone on all bodies of water whereon a ski zone has been established. (ORC 1547.14.)

(b) On all bodies of water designated "open zone" that is, having a combined speed and ski zone, the activities described in division (A) of this section shall be confined to the open zone.

#### 381.15 OBSERVER REQUIRED WHEN TOWING SKIER.

Any person who operates a vessel towing any person riding or attempting to ride upon one or more water skis, surfboard or similar device, engages or attempts to engage in barefoot skiing, on the waters in this City shall have present in the vessel a person or persons other than the operator, ten (10) years of age or older, who shall at all times observe the progress of the person being towed. The operator of the towing vessel shall at all times observe the traffic pattern toward which the vessel is approaching. (ORC 1547.15.)

No person shall operate a watercraft for the purpose of towing any person riding or attempting to ride upon one or more water skis, surfboard or similar device on the waters in this City within two hundred (200) feet of any shoreline, any breakwall or the mouth of the Rocky River. (Ord. 43-83. Passed 5-23-83.)

**381.16 WATER SKIING AFTER SUNSET PROHIBITED.**

No person shall ride or attempt to ride upon water skis, surfboard or similar device, or engage or attempt to engage in barefoot skiing, or use or operate any vessel to tow any person thereon on the waters in this City during that period of day between sunset and sunrise, except upon special permit issued by the State Department, conservancy district or this City, whoever has jurisdiction and control of such waters.

(ORC 1547.16.) (Ord. 43-83. Passed 5-23-83.)

**381.17 PERSONAL FLOTATION DEVICE REQUIRED FOR SKIERS.**

(a) No person shall ride or attempt to ride upon one or more water skis, surfboard, or similar device without wearing an adequate and effective coast guard approved type one, two or three personal flotation device, in good and serviceable condition and of appropriate size, except upon special permit issued by the state department, conservancy district, or political subdivision having jurisdiction and control of such water.

(b) No person shall engage or attempt to engage in barefoot skiing without wearing an adequate and effective coast guard approved type one, two or three personal flotation device, in good and serviceable condition and of appropriate size, or a wet suit specifically designed for barefoot skiing.

(c) No operator of a vessel shall tow any person who fails to comply with division (A) or (B) of this section.

(ORC 1547.18).

**381.18 SKI JUMPS PROHIBITED.**

No person shall install or maintain any structure or inclined platform known as a water ski jump on the waters in this City. No person shall use any such platform or structure for the purpose of water ski jumping, except upon special permit issued by the State Department, conservancy district or this City, whoever has jurisdiction and control over such water. (ORC 1547.19)

**381.19 PERMISSION FOR CONDUCTING SPECIAL WATER EVENTS**

No person or organization shall conduct any race, regatta, or other special event upon the waters in this City without first obtaining written permission, upon application not less than thirty (30) days prior to the time of the proposed race, regatta, or event of the federal agency, State Department, conservancy district, or political subdivision having jurisdiction and control over such waters. Any State Department, conservancy district, or political subdivision may suspend its respective rules during a race, regatta, or special event. Nothing in this Section shall be construed to mean that the operator of a vessel competing in a specially authorized race, regatta, or special event shall not attempt to attain high speeds on a marked racing course.

(Ord. 43-83. Passed 5-23-83.) (ORC 1547.20)

**381.20 SALE OF SINGLE-CELLED INFLATABLE WATERCRAFT PROHIBITED.**

No person shall use or offer for use on the waters in this City any inflatable vessel made of canvas, rubber, synthetic rubber or vinyl plastic unless such inflatable vessel is of multiple air cell or compartment construction and is capable of remaining afloat, if one (1) air cell or compartment is punctured or collapsed. (ORC 1547.21.)  
(Ord. 43-83. Passed 5-23-83.)

**381.21 SIT, STAND, WALK, RESTRICTIONS; OVERLOADING**

No occupant of any vessel under way on the waters of this City shall sit, stand or walk upon any portion of the vessel not specifically designed for that movement, except when immediately necessary for the safe and reasonable navigation or operation of such vessel. No operator of a vessel underway on the waters in this state shall allow any occupant of the vessel to sit, stand, or walk on any portion of the vessel underway not specifically designed for that use except when immediately necessary for the safe and reasonable navigation or operation of the vessel. (ORC 1547.22.)

No watercraft shall be loaded with passengers or cargo beyond its safe carrying capacity, nor carry passengers in an unsafe manner, taking into consideration weather and other existing operating conditions. (Ord. 43-83. Passed 5-23-83.)

**381.22 POWERCRAFT FOR HIRE; ENGINE WARMUP REQUIRED.**

The pilot or engineer of any power craft for hire to carry passengers shall not permit passengers to come aboard before the engine of such power craft has been permitted to run for a minimum of two (2) minutes. (ORC 1547.23.)

**381.23 CHILDREN UNDER TEN MUST WEAR PERSONAL FLOTATION DEVICE.**

No person shall operate or permit to be operated any vessel under eighteen (18) feet in length while there is present in such vessel any person under ten (10) years of age, not wearing a Coast Guard approved type one, two or three personal flotation device in good and serviceable condition of appropriate size securely attached to the person under ten (10) years of age. (ORC 1547.24.)

**381.24 SPECIFICATIONS FOR PERSONAL FLOTATION DEVICES CARRIAGE REQUIREMENTS.**

(a) No person shall operate or permit to be operated any watercraft on the waters in this City:

- (1) Sixteen (16) feet or greater in length, without carrying on board one (1) type one, two or three personal flotation device for each person on board and one (1) type four personal flotation device.

- (2) Less than sixteen (16) feet in length, including canoes, without carrying on board one (1) type one, two, three or four personal flotation device for each person on board.

(b) A recreational hybrid personal flotation device that is marked "required to be worn" may be used to meet the carriage requirements of this Section if both of the following conditions are met:

- (1) The device is worn whenever the watercraft is underway;
- (2) The intended wearer is not in an enclosed space. If recreational Hybrid personal flotation devices with the marking "required to be worn" are not under these conditions, other personal flotation devices shall be provided to comply with the carriage requirements of this Section.

(c) Each personal flotation device carried aboard a watercraft pursuant to this section shall be Coast Guard approved and in good and serviceable condition, of appropriate size for the wearer and readily accessible to each person aboard for the vessel at all times.

(ORC 1547.25.) (Ord. 43-83. Passed 5-23-83.)

#### 381.25 DISTRESS SIGNALS TO BE CARRIED; DISPLAY; EXCEPTIONS

(a) No person shall operate upon the waters of Lake Erie or the immediately connecting bays, harbors and anchorage areas a vessel:

- (1) Sixteen (16) or more feet in length or any vessel carrying six (6) or fewer passengers for hire without carrying Coast Guard approved visual distress signals for both day and night use;
- (2) Less than sixteen (16) feet in length between sunset and sunrise without carrying Coast Guard approved distress signals for night use.

The distress signals required by this division shall be in good and serviceable condition, readily accessible, and of the type and quantities required by the Federal Boat Safety Act of 1971, 85 Stat, 213 46 U.S.C.A. 1451, as amended.

(b) No person shall operate a vessel upon the waters in this State other than Lake Erie or the immediately connecting bays, harbors, and anchorage, unless the vessel carries either a distress flag at least two (2) feet square and international orange in color or a Coast Guard approved daytime distress signal.

(c) No person shall display any distress signal, unless a vessel or a person is in distress and in need of help.

(d) This Section does not apply to:

- (1) Vessels competing in an organized marine parade, race, regatta or similar event;
- (2) Manually propelled vessels;
- (3) Sailboats less than twenty-six (26) feet in length with completely open construction and without propulsion machinery. (ORC 1547.251).

#### 381.26 ANCHOR, WHISTLE AND BELL REQUIREMENTS; EXCEPTIONS

All watercraft, except sailboats less than sixteen (16) feet long having a cockpit in depth of less than twelve (12) inches and except canoes, shall carry an anchor and line of sufficient weight and length to anchor the watercraft securely. The Chief of the Division of Watercraft may, by rule, exempt other types of watercraft from this Section if he determines that carrying such anchor and line would constitute a hazard. (ORC 1547.26)

All power craft of class 1 in operation shall carry one (1) mouth, hand or power operated whistle audible at least one-half (1/2) mile.

All power craft of class 2 in operation shall carry one (1) hand or power operated whistle audible at least one (1) mile and one (1) bell which, when struck, produces a clear bell like tone of full round characteristic.

All power craft of class 3 in operation shall carry one (1) power operated whistle audible at least one (1) mile and one (1) bell which, when struck, produces a clear bell like tone of full round characteristic.

#### 381.27 SPECIFICATIONS FOR FIRE EXTINGUISHERS.

(a) Except those power craft propelled by an electric and those less than twenty-six (26) feet in length designed for use with an outboard motor, of "open construction" and not carrying passengers for hire, all power craft shall carry fire extinguishers as prescribed in this Section. The fire extinguishers shall be capable of extinguishing a burning gasoline fire, shall be so placed as to be readily accessible and in such condition as to be ready for immediate and effective use, and shall comply with minimum or higher standards for such extinguishers then prevailing as prescribed by the United States Coast Guard.

- (b) Class A and Class 1 power craft shall carry at least one B-1 fire extinguisher.

Class 2 power craft shall carry at least two (2) B-1 fire extinguishers or at least one B-2 fire extinguisher.

Class 3 power craft shall carry at least three (3) B-1 fire extinguishers, or at least one B-1 and one B-2 fire extinguishers. A B-1 fire extinguisher is one containing a minimum of one and one-fourth gallons foam, four pounds carbon dioxide or two pounds dry chemical, two and one-half pounds halon or another extinguishing material approved by the United States Coast Guard, in a quantity approved by the United States Coast Guard for such use. A B-2 fire extinguisher is one containing a minimum of two and one-half gallons foam, fifteen pounds carbon dioxide, ten pounds dry chemical, ten pounds halon, or another extinguishing material approved by the United States Coast Guard, in a quantity approved by the United States Coast Guard for such use.

- (c) No person shall operate or permit to be operated on the waters in this City any power craft that does not comply with this Section.  
(ORC 1547.27.) (Ord. 43-83. Passed 5-23-83.)

#### 381.28 BACKFIRE FLAME ARRESTOR.

Carburetors on all engines of power craft other than those propelled by a detachable outboard motor shall be fitted with a Coast Guard approved backfire flame arrestor securely attached to the carburetor and in proper working order.  
(ORC 1547.28)

#### 381.29 VENTILATION REQUIREMENTS.

All power craft using gasoline or other liquid fuel having a flashpoint of less than one hundred ten (110) degrees Fahrenheit shall provide with ventilation as follows:

- (a) At least two (2) ventilators fitted with cowls or their equivalent for the purpose of properly and efficiently ventilating the bilges of every engine and fuel tank compartment in order to remove any flammable or explosive gases.

- (b) Any type of ventilating system approved for use by the United States Coast Guard.

- (c) The ventilation of the boat is not required where the greater portion of the bilges of the engine and fuel tank compartment is open to the natural atmosphere.  
(ORC 1547.29)

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381.30 ABANDONMENT OF VESSELS; DEFINITIONS; PRIVATE PROPERTY

(a) As used in this Section and Sections 381.31, 381.32 and 381.34 of the Codified Ordinances of the City of Rocky River, and Section 1547.301, 1547.302 and 1547.304 of the Ohio Revised Code:

- (1) "Vessel or Outboard Motor" excludes any abandoned junk vessel or outboard motor, as defined in Section 1547.303 of the Ohio Revised Code, or any watercraft or outboard motor under Section 4585.31 of the Ohio Revised Code.
- (2) "Law Enforcement Agency" means any organization or unit comprised of law enforcement officers, as defined in Division (K) (2) of Section 2901.01 of the Ohio Revised Code.

(b) The Sheriff of a County, Chief of Police of a Municipal corporation, Township or Township Police District, or other Chief of a Law Enforcement Agency, within his respective territorial jurisdiction, upon complaint of any person adversely affected, may order into storage any vessel or outboard motor that has been left on private property for at least seventy-two (72) hours without the permission of the person having the right to the possession of the property. The Sheriff or Chief upon complaint of the owner of a marine repair facility or place of storage, may order into storage any vessel or outboard motor that has been left at the facility or place of storage for a longer period than agreed upon. The place of storage shall be designated by the Sheriff or Chief. When ordering a vessel or motor into storage under this Division, a Sheriff or Chief shall, whenever possible, arrange for the removal of the vessel or motor by a private tow truck operator or towing company. Subject to Division (C) of this Section, the owner of a vessel or motor that has been removed under this Division may recover the vessel or motor only in accordance with Division (F) of this Section.

(c) If the owner or operator of a vessel or outboard motor that has been ordered into storage under Division (B) of this Section arrives after the vessel or motor has been prepared for removal but prior to its actual removal from the property, the owner or operator shall be given the opportunity to pay a fee of not more than one-half of the charge for removal of vessels or motors under Division (B) of this Section that normally is assessed by the person who has prepared the vessel or motor for removal, in order to obtain release of the vessel or motor. Upon payment of that fee, the vessel or motor shall be released to the owner or

operator, and upon its release, the owner or operator immediately shall move it so that it is not on the private property without the permission of the person having the right to possession of the property, or is not at the facility or place of storage without the permission of the owner, whichever is applicable.

(d) Each County Sheriff, each County Chief of Police of a Municipal Corporation, Township, or Township Police District, and each other Chief of a Law Enforcement Agency shall maintain a record of vessels or outboard motors that he orders into storage under Division (B) of this Section. The record shall include an entry for each such vessel or motor that identifies the vessel's hull identification number or serial number, if any, the vessel's or motor's make, model, and color, the location from which it was removed, the date and time of its removal, the telephone number of the person from whom it may be recovered, and the address of the place to which it has been taken and from which it may be recovered. Any information in the record that pertains to a particular vessel or motor shall be provided to any person who, either in person or by telephone, identifies himself as the owner or operator of the vessel or motor and requests information pertaining to its location.

(e) Any person who registers a complaint that is the basis for the Sheriff's or Chief's order for removal and storage of a vessel or outboard motor under Division (B) of this Section shall provide the identity of the Law Enforcement Agency with which the complaint was registered to any person who identifies himself as the owner or operator of the vessel or motor and requests information pertaining to its location.

(f) The owner of a vessel or outboard motor that is ordered into storage under Division (B) of this Section may reclaim it upon payment of any expenses or charges incurred in its removal, in an amount not to exceed two hundred dollars (\$200.00) and storage, in an amount not to exceed five dollars (\$5.00) per twenty-four (24) hour period, and upon presentation of proof of ownership, which may be evidenced by a Certificate of Title to the vessel or motor, Certificate of United States Coast Guard Documentation, or Certificate of Registration if the vessel or motor is not subject to titling under Section 1548.01 of the Ohio Revised Code. If a vessel or motor that is ordered into storage under Division (B) of this Section remains unclaimed by the owner for thirty (30) days, the procedures established by Section 381.31 and 381.32 of this Code, and Section 1547.301 and

1547.302 of the Revised Code shall apply.

(g) No person shall remove, or cause the removal of, any vessel or outboard motor from private property other than in accordance with Division (B) of this Section or Section 1547.301 of the Ohio Revised Code.

381.301 ABANDONMENT OF VESSELS; PUBLIC AREAS; DISPOSAL OF.

The Sheriff of a County, Chief of Police of a Municipal Corporation, Township, or Township Police District or other Chief of a Law Enforcement Agency, within his respective territorial jurisdiction, or a State Highway Patrolman, upon notification to the Sheriff or Chief of such action and of the location of the place of storage, may order into storage any vessel or outboard motor that has been left in a sunken, beached, or drifting condition for any period of time, or in a docked condition, on a public street or other property open to the public, or upon or within the right-of-way of any waterway, road, or highway, for forty-eight (48) hours or longer without notification to the Sheriff or Chief of the reasons for leaving the vessel or motor in any such place or condition. The Sheriff or Chief shall designate the place of storage of any vessel or motor ordered removed by him.

The Sheriff or Chief shall immediately cause a search to be made of the records of the Division of Watercraft to ascertain the owner and any lien holder of a vessel or outboard motor ordered into storage by the Sheriff or Chief, and, if known, shall send notice to the owner and lien holder, if any, at his last known address by certified mail, return receipt requested, that the vessel or motor will be declared a nuisance and disposed of if not claimed within ten (10) days of the date of mailing of the notice. The owner or lien holder of the vessel or motor may reclaim it upon payment of any expenses or charges incurred in its removal and storage, and presentation of proof of ownership which may be evidenced by a Certificate of Title to the vessel or motor, Certificate of United States Coast Guard documentation, or Certificate of Registration if the vessel or motor is not subject to titling under Section 1548.01 of the Ohio Revised Code.

If the owner or lien holder makes no claim to the vessel or outboard motor within ten (10) days of the date of mailing of the notice, and if the vessel or motor is to be disposed of at public auction as provided in Section 1547.302 of the Ohio Revised Code, the Sheriff or Chief shall file with the Clerk of Courts of the County in which the place of storage is located an affidavit showing compliance with the requirements of this Section. Upon presentation of the affidavit, the Clerk of Courts shall without charge issue a salvage Certificate of title, free and clear of all liens and encumbrances, to the Sheriff or Chief of the Division of Watercraft. If the vessel motor is to be disposed of to a marine salvage dealer or

other facility as provided in Section 1547.302 of the Ohio Revised Code, the Sheriff or Chief shall execute in triplicate an affidavit, as prescribed by the Chief of the Division of Watercraft, describing the vessel or motor and the manner in which it was disposed of, and all requirements of this Section have been complied with. The Sheriff or Chief shall furnish two (2) copies to the marine salvage dealer or other facility. Upon presentation of a copy of the affidavit by the marine salvage dealer or other facility, the Clerk of Courts shall issue to such owner a salvage Certificate of Title, free and clear of all liens and encumbrances.

Whenever the marine salvage dealer or other facility receives an affidavit for the disposal of a vessel or outboard motor as provided in this Section, such owner shall not be required to obtain an Ohio Certificate of Title to the vessel or motor in his own name if the vessel or motor is dismantled or destroyed and both copies of the affidavit are delivered to the Clerk of Courts. Upon receipt of such an affidavit, the Clerk of Courts shall send one copy of it to the Chief of the Division of Watercraft.

(ORC 1547.301)

#### 381.302 ABANDONMENT OF VESSELS; DISPOSAL REQUIREMENTS.

Unclaimed vessels or outboard motors ordered into storage under Division (B) of Section 1547.30 or Section 1547.301 of the Ohio Revised Code shall be disposed of at the order of the Sheriff of the County, the Chief of Police of the Municipal Corporation, the Township, or Township Police District, or other Chief of a Law Enforcement Agency to a marine salvage dealer or to any other facility owned, operated, or under contract with the State, or the County, Municipal corporation, Township, or other political subdivision, or shall be sold at public auction by the Sheriff, Chief, or an auctioneer licensed under Chapter 4707 of the Ohio Revised Code, after giving notice thereof by advertisement, published once a week for two consecutive weeks in a newspaper of general circulation in the County. Any moneys accruing from the disposition of an unclaimed vessel or motor that are in excess of the expenses resulting from the removal and storage of the vessel or motor shall be credited to the General Revenue Fund, or to the General Fund of the County, Municipal Corporation, Township, or other political subdivision, as appropriate. (ORC 1547.302)

#### 381.303 ABANDONMENT OF JUNK VESSELS AND MOTORS; DEFINITIONS, PROCEDURES.

(a) As used in this Section and Section 381.304 the Codified Ordinances.

- (1) "Abandoned junk vessel or outboard motor" means any vessel or outboard motor meeting all of the following requirements:

(A) It has been left on private property for at least seventy two (72) or other property open to the public, or upon or within the right-of-way of any waterway, road or highway, for forty-eight (48) hours or longer without notification to the Sheriff of the County, the Chief of Police of the Municipal Corporation, Township, or Township Police District, or other Chief of a Law enforcement Agency, having territorial jurisdiction with respect to the location of the vessel or motor, of the reasons for leaving the vessel or motor in any such place or condition;

(B) It is three years old or older;

(C) It is extensively damaged, such damage including but not limited

(D) It is apparently inoperable;

(E) It has a fair market value of two hundred dollars (\$200.00) or

- (2) "Law Enforcement Agency" means any organization or unit comprised of Law Enforcement Officers, as defined in Division (K)(2) of Section 2901.01 of the Ohio Revised Code.

(b) The Sheriff of a County, Chief of Police of a Municipal Corporation, Township, or Township Police District, or other chief of a Law Enforcement Agency, within his respective territorial jurisdiction or a State Highway Patrolman, upon notification to the Sheriff or Chief of such action, shall order any abandoned junk vessel or outboard motor to be photographed by a Law Enforcement Officer. The Officer shall record the make of vessel or motor, the hull identification number or serial number when available, and shall also detail the damage or missing equipment to substantiate the value of two hundred dollars (\$200.00) or less. The Sheriff or Chief shall immediately dispose of the abandoned junk vessel or outboard motor to a marine salvage dealer or other facility owned, operated, or under contract to the State, the County, Township, or Municipal Corporation for the destruction of such vessels or motors. The records and photographs relating to the abandoned junk vessel or outboard motor shall be retained by the Law Enforcement Agency ordering the disposition of the vessel or

motor for a period of at least two (2) years. The Law Enforcement Agency shall execute in quadruplicate an affidavit, as prescribed by the Chief of the Division of Watercraft, describing the vessel or motor and the manner in which it was disposed of, and that all requirements of this Section have been complied with, and shall sign and file the same with the Clerk of Courts of the County in which the vessel or motor was abandoned. The Clerk of Courts shall retain the original of the affidavit for his files, shall furnish one (1) copy thereof to the Chief of the Division of Watercraft, one (1) copy to the marine salvage dealer or other facility handling the disposal of the vessel or motor, and one (1) copy to the Law Enforcement Agency ordering the disposal, who shall file such copy with the records and photographs relating to the disposal. Any moneys arising from the disposal of the abandoned junk vessel or outboard motor shall be credited to the General Revenue Fund, or to the General Fund of the County, Township, Municipal Corporation or other political subdivision, as appropriate.

Notwithstanding Section 1547.301 of the Ohio Revised Code, any vessel or outboard motor meeting the requirements of Divisions (A) (1) (c) to (e) of this Section which has remained unclaimed by the owner or lienholder for a period of ten (10) days or longer following the notification as provided in Section 1547.301 of the Ohio Revised Code may be disposed of as provided in this Section. (ORC 1547.303)

#### 381.304 ABANDONMENT OF JUNK VESSELS AND MOTORS PROHIBITED

No person shall purposely leave an abandoned junk vessel or outboard motor on private property for more than seventy-two (72) hours without the permission of the person having right to possession of the property; in a sunken, beached, or drifting condition for any period of time; or in a docked condition, on a public street or other property open to the public, or upon or within the right-of-way of any waterway, road, or highway for forty-eight (48) hours or longer without notification to the Sheriff of the County, Chief of Police of the Municipal Corporation, Township, or Township Police District, or other Chief of a Law Enforcement Agency, having territorial jurisdiction with respect to the location of the vessel or motor, of the reason for leaving the vessel or motor in any such place or condition.

For purposes of this Section, the fact that an abandoned junk vessel or outboard motor has been so left without permission or notification is prima-facia evidence of abandonment.

Nothing in Section 1547.30, 1547.301, and 1547.303 of the Ohio Revised Code invalidates the provisions of any ordinance of a Municipal Corporation regulating or prohibiting the abandonment of vessels or outboard motors on waterways, beaches, docks, streets, highways, public property, or private property within the boundaries of the Municipal Corporation. (ORC 1547.304)

**381.31 EXHAUST MUFFLER REQUIRED.**

No person shall operate on the waters in this City any power craft without a muffler, underwater exhaust or other device that muffles or suppresses the sound of the exhaust at all speeds. (ORC 1547.31) (Ord. 43-83. Passed 5-23-83).

**381.32 WATERCRAFT DWELLING UNLAWFUL IF A NUISANCE;  
EXCEPTIONS**

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 of this city, except Lake Erie and the immediately connected harbors and anchorage facilities or in such other areas as may be designated for the purpose. (ORC 1547.32)

**381.33 WATERCRAFT SANITARY SYSTEMS PROHIBITED;  
EXCEPTIONS**

Except on the waters of Lake Erie no person shall launch, moor, dock, use or operate on any of the waters in this City 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 City. Such sink, toilet or sanitary system shall be removed or 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 Ohio Director of Environmental Protection. (ORC 1547.33.) (Ord. 43-83. Passed 5-23-83.)

**381.34 VIOLATION RESULTING IN INJURY OR DAMAGE IS  
EVIDENCE OF NEGLIGENCE**

Violations of any of the Sections of this Chapter, which result in injury to persons or damage to property, shall constitute prima-facie evidence of negligence in a civil action.(ORC 1547.34.)

It will be prima-facie evidence of reckless operation when a watercraft is operated faster than six (6) miles per hour in the Rocky River or branches of the Rocky River or within two hundred (200) feet of the mouth of the Rocky River, or within a distance of two hundred (200) feet of an obstructing, stalled, becalmed or anchored watercraft. (Ord. 43-83. Passed 5-23-83.)

**381.35 ENFORCEMENT.**

Every police officer, sheriff, division of parks officer, division of wildlife officer and all conservancy district officers appointed under the provisions of Ohio R.C. 6101.75, have the authority to enforce the provisions of Title Eleven of this Traffic Code, and in the exercise thereof, have the authority to stop and board any watercraft subject to the terms of Ohio R.C. Chapter 1547.

No person shall refuse to comply with any lawful order, signal or direction of any member of the Police Division in connection with the operation of watercraft in the waters of the City.

(Ord. 63-66. Passed 5-9-66.)

**381.36 RESISTING AN ENFORCING OFFICIAL PROHIBITED.**

(a) No person shall resist, hinder, obstruct or abuse any law enforcement officer while such officer is attempting to arrest offenders under Title Eleven of this Traffic Code. No person shall interfere with any person charged under such sections with the enforcement of the law relative to the waters of this City.

(b) Whoever violates this Section shall be charged with obstructing official business in violation of Section 525.07 of the Codified Ordinances.

**381.37 INJURING WATERCRAFT PROHIBITED.**

(a) No person shall wantonly or maliciously loose, take, sink, injure, deface or render unfit for use by the owner, a boat or other watercraft used or kept for use on a canal, river, watercourse, lake or pond.

(b) Whoever violates this Section shall be charged with criminal mischief in violation of Section 541.04 of the Codified Ordinances.

**381.38 SPEED OF WATERCRAFT REGULATED.**

No watercraft shall be propelled or operated at a greater rate than six (6) statute miles per hour in the waters of this City, extending from the north end of the Breakwater southerly to the south City limits, except in case of fire or distress. (Ord. 1938. Passed 7-23-51.)

**381.39 INTERFERENCE WITH WORK VESSELS PROHIBITED.**

All watercraft shall keep clear and slow down or stop, as conditions may require, to avoid interference with any tender, sand sucker, dredge, pile driver, launch, skiff, floating plant or other vessel engaged in working buoys or improving the channel, or otherwise engaged in work upon the water, under the water or at the water's edge. (Ord. 1938. Passed 7-23-51.)

**381.40 LITTERING FROM A VESSEL**

(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 unsanitary 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 the waters in this City, 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 the waters in this City 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. (ORC 1547.49)

**381.41 OBSTRUCTING SAFE OPERATION PROHIBITED.**

(a) No person shall prevent or interfere with the safe operation or navigation of a watercraft while in any of the waters of the City.

(b) No person shall willfully or carelessly obstruct the free navigation of any of the waters of the City or delay any watercraft having the right to use these waters. (Ord. 1938. Passed 7-23-51.)

**381.42 WATERCRAFT OR BOAT RENTAL REGULATIONS.**

(a) No person shall rent, lease or hire to any minor under the age of seventeen (17) years, any watercraft or boat of any description, without the written consent of the parent or guardian of such minor.

(b) Whenever any watercraft or boat of any description shall be rented, leased or hired, the owner, keeper, lessor his agent or employee, shall insure that the watercraft or boat is equipped with the lights and the safety equipment required by this Chapter or the laws of the State. (Ord. 1938. Passed 7-23-51.)

**381.43 EXCESSIVE POWER.**

No watercraft shall be equipped with any motor or other propulsion machinery beyond its safe power capacity, taking into consideration the type and construction of such watercraft and other existing operating conditions. (Ord. 63-66. Passed 5-9-66.)

**381.44 WHISTLES AND LIGHTS.**

No master, owner or any other person in charge of any watercraft, while lying at any pier, or at anchor or while navigating in City waters, shall unnecessarily cause any whistle or siren to be blown or sounded, nor shall any person, flash the rays of a searchlight or other blinding light onto the bridge or into the pilot house of any watercraft under way for any purpose other than those authorized by law. (Ord. 63-66. Passed 5-9-66.)

**381.45 PROOF OF OWNERSHIP.**

In any hearing in the Municipal Court of Rocky River on a charge of operating a watercraft under the influence of alcohol or narcotic drugs or opiates or hypnotics, testimony that a watercraft bearing a certain number award was found to be in violation hereunder and further testimony that the records of the State of Ohio show that such number award was issued to the defendant and further testimony that the defendant was found on the watercraft or immediate vicinity when the violation occurred, shall be prima-facie evidence of unlawful operation

of such watercraft by the defendant. A certified copy showing such facts from the State Bureau of Watercraft shall be proof of such ownership. (Ord. 63-66. Passed 5-9-66.)

#### 381.46 FOLLOWING TOO CLOSELY.

The operator of a watercraft shall not follow another watercraft more closely than is reasonable and prudent, having due regard to the speed of such watercraft and other marine traffic in the immediate vicinity. (Ord 63-66. Passed 5-9-66.)

#### 381.47 EMERGING FROM HARBOR, BASIN, RIVER INTO OPEN WATER.

The operator of a watercraft emerging from a boat club basin, boat club harbor, or any other enclosure, or from behind a breakwall, pier or other obstruction either permanent or temporary or from a river shall before entering open water, slow such watercraft to a speed slow enough to enable him to observe marine traffic in such open water, and shall yield the right of way to such other marine traffic so that he may safely enter such open water without hindrance to other watercraft already in such open water. (Ord. 63-66. Passed 5-9-66.)

#### 381.48 OPERATING UNSAFE WATERCRAFT.

No person shall operate or cause or knowingly permit to be operated in City waters any watercraft which is in such unsafe condition as to endanger any person or his property. No inflated rafts or inner tubes or similar devices shall be permitted in City waters. (Ord. 63-66. Passed 5-9-66.)

#### 381.49 EXEMPTIONS TO EMERGENCY WATERCRAFT.

The provisions of this Chapter regulating the operation of watercraft shall apply to authorized emergency watercraft, except that an operator of such emergency watercraft in an emergency may:

(a) Exceed the prima-facie speed limits so long as he operates with due regard for the safety of all persons in the area and sounds audible signals by bell, siren or exhaust whistle.

(b) Anchor, stop, moor, dock, dive notwithstanding the provisions of this Chapter.

(c) The provisions of this Chapter shall not apply to persons, barges, derricks, tugs, work watercraft and other equipment while actually engaged in work within an area designated by the Director of Port Control of the City of Cleveland or other State or Federal Government agencies. (Ord. 63-66. Passed 5-9-66.)

#### 381.50 RELEASE FROM ARREST ON NOTICE TO APPEAR.

Whenever any person is arrested for any violation of this Chapter, the arresting officer may serve upon him a citation and notice to appear in Court. The arrested

person, in order to secure release and when permitted by the arresting officer, must give his written promise to appear in Court, as required by the citation and notice served by the arresting officer.

Upon the arrested person's failure or refusing to sign such written promise, he may be taken into custody of such arresting officer and so remain or be placed in confinement. The arrestee's watercraft may be taken into a place of impoundment at the expense of the arrestee. (Ord. 63-66. Passed 5-9-66.)

#### 381.51 ANCHORING.

No person shall anchor a watercraft for fishing, or anchor or stop or allow a watercraft to drift for any purpose other than an emergency in any City waters in such a position as to obstruct a passageway or channel ordinarily used by other watercraft, including entrances and channels into yacht clubs or marina harbors.

No person shall anchor or allow a watercraft to drift or obstruct traffic in the Rocky River or in the mouth of the Rocky River. (Ord. 63-66. Passed 5-9-66.)

#### 381.52 SWIMMING, SKIN DIVING, SCUBA DIVING.

No person shall swim, skin dive or scuba dive in the Rocky River or in the mouth of the Rocky River, or within two hundred (200) feet of the mouth of the Rocky River. The provisions of this subsection shall not apply to authorized emergency personnel. (Ord. 65-66. Passed 5-9-66.)

#### 381.53 SECRETARY OF STATE TO SERVE AS AGENT.

The operation by a nonresident of a vessel upon the waters in this State, or the operation on the waters in this State of a vessel owned by a nonresident if operated with his consent, express or implied, shall be deemed equivalent to an appointment by the nonresident of the Secretary of State to be his true and lawful attorney, upon whom may be served the summons in any action against him growing out of an accident or collision in which the nonresident may be involved while operating a vessel on the waters in this State, or in which the vessel may be involved while being so operated on the waters in this State. The operation shall be deemed a signification of his agreement that any summons served against him which is so served shall have the same legal force and validity as if served on him personally within this State. Service of summons shall be made by leaving a copy thereof with the Secretary of State, or his deputy, who shall keep a record of each process and the day and hour of service and service shall be sufficient services upon the nonresident, if notice of the service and a copy of the summons are forthwith either served upon the defendant personally by the Sheriff or Constable of the county in which he resides or sent by certified mail by the plaintiff or his attorney to the defendant. If personal service of the notice and copy of the summons is had upon the defendant, the officer making the service shall so certify

in his return which shall be filed with the Court having jurisdiction of the cause. If service is made by certified mail then the plaintiff or his attorney shall make an affidavit showing that he has made service of the notice and the summons upon the defendant by certified mail and the affidavit shall attach thereto a true copy of the summons and notice so served and the return receipt of the defendant and shall file the affidavit and attached papers with the Court having jurisdiction of the cause. The Court in which the action is pending may order such extension of time as may be necessary to afford the defendant reasonable opportunity to defend the action.

The death of a nonresident shall not operate to revoke the appointment by him of the Secretary of State as his true and lawful attorney upon whom may be served the summons in an action against him growing out of any the accident or collision; and in the event of his death, any action growing out of such accident or collision may be commenced or prosecuted against his executor or administrator duly appointed by the State, territory or districts of the United States or foreign country in which the nonresident resided at the time of his death, and service of the summons shall be made upon the Secretary of State, and personal service of the notice and the copy of the summons be had upon his executor or administrator, as the case may be, in like manner, with the same force and effect as service upon the nonresident during his lifetime.

Any action or proceeding pending in any court of this State, in which the Court has obtained jurisdiction of the nonresident pursuant to Sections 1547.01 to 1547.36 of the Ohio Revised Code, shall not abate by reason of the death of the nonresident, but his executor or administrator duly appointed in the State, territory or district of the United States or foreign country in which he resided at the time of his death, upon the application of the plaintiff in the action and upon such notice as the court may prescribe, shall be brought in and substituted in the place of the defendant and the action or proceeding shall continue.

The court shall include as taxable costs, in addition to other legal costs, against the plaintiff in case the defendant prevails in the action, the actual traveling expenses of the defendant from his resident to the place of trial and return, not to exceed the sum of one hundred dollars (\$100.00).

This section applies to actions commenced in all courts of this State having civil jurisdiction.

381.54 CAPACITY PLATE REQUIRED; INFORMATION;  
ATTACHMENT; DEFACING.

(a) No person shall, after January 1, 1977, manufacture, sell, or offer for sale any watercraft propelled by machinery as its principle source of power, or watercraft designed to be manually propelled, less than twenty (20) feet in length and designed to carry two or more 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, in such location that the capacity plate is clearly legible from the position designed or intended to be occupied by the operator when underway.

(b) No person shall operate watercraft for which a capacity plate is required under this Section unless the capacity plate is attached.

(c) 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.

(d) As used in this Section, "manufacture" means to construct or assemble a watercraft, or to alter a watercraft in such a manner as to affect its weight capacity or occupant capacity.

381.55 LOAD, OCCUPANT AND HORSEPOWER LIMITATIONS

(a) No person shall operate 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.

(b) When no capacity plate exists, no person shall operate a watercraft if a reasonable and prudent person would believe that either of the following circumstances applies:

- (1) The total load aboard the watercraft has associated with it a risk of physical harm to person or property;
- (2) The total horsepower of any inboard engine or attached outboard motor has associated with it a risk of physical harm to persons or property.

381.99 PENALTY.

(a) Whoever violates Section 381.10, 381.11, or 381.13 is guilty of a misdemeanor of the first degree.

(b) Whoever violates Section 381.07 or 381.12 is guilty of a misdemeanor of the third degree.

(c) Whoever violates Section 381.131, 381.24, 381.30, 381.303, 381.33, 381.54 or 381.55 is guilty of a misdemeanor of the fourth degree.

(d) Whoever violates Section 381.304 is guilty of a misdemeanor of the fourth degree, and shall also be assessed any costs incurred by the Municipality in disposing of such junk vessels and/or motors, less any money accruing to the municipality from such disposal.

(e) Whoever violates any provision of this Chapter for which no classification is otherwise provided is guilty of a minor misdemeanor on a first offense; on a second offense and each subsequent offenses within one (1) year after the first offense, such person is guilty of a misdemeanor of the fourth degree.

(EDITOR'S NOTE: See Section 303.99 for misdemeanor classifications and penalties.)

(Ord. No. 20-91. Passed 3-25-91).