

CHAPTER 93: NUISANCES

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Issuance of adjudication orders and stop work orders, see R.C. § 3781.031
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GENERAL PROVISIONS

§ 93.01 APPLICATION OF THE CHAPTER.

The provisions of this chapter shall be enforceable within this municipality concurrently with the state and federal laws relative to sanitation and health and the ordinances or orders of the local health district relative thereto, and shall not be construed as modifying, repealing, limiting, or affecting in any manner such laws, ordinances, or orders.

§ 93.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

NUISANCE. Any of the following:

(1) That which is defined and declared by statutes or ordinances to be a nuisance;

(2) Any place in or upon which lewdness, assignation, or prostitution is conducted, permitted, continued, or exists, or any place in or upon which lewd, indecent, lascivious or obscene films or plate negatives, film or plate positives, films designed to be projected on a screen

for exhibition films, or glass slides either in negative or positive form designed for exhibition by projection on a screen, are photographed, manufactured, developed, screened, exhibited, or otherwise prepared or shown, and the personal property and contents used in conducting and maintaining any such place for any such purpose. This chapter shall not affect any newspaper, magazine, or other publication entered as second class matter by the post office department;

(3) Any room, house, building, boat, vehicle, structure, or place where beer or intoxicating liquor is manufactured, sold, bartered, possessed, or kept in violation of law and all property kept and used in maintaining the same, and all property designed for the unlawful manufacture or beer, or intoxicating liquor and beer, or intoxicating liquor contained in the room, house, building, boat, structure, or place described in this division (3) where the operation of that place substantially interferes with public decency, sobriety, peace, and good order. "Violation of Law" includes but is not limited to sales to any person under the legal drinking age prohibited in R.C. § 4301.22(A) or R.C. § 4301.69(A), and any violation of R.C. § 2913.46 or R.C. § 2925.03.

PERSON. Includes any individual, corporation, association, partnership, trustee, lessee, agent or assignee.

PLACE. Includes any building, erection, or place or any separate part or portion thereof or the ground itself. (R.C. § 3767.01) (Rev. 1999)

Cross-reference:

Penalty and procedure when injunction issued pursuant to division (3) of the definition of "nuisance" is violated, see § 92.27

**§ 93.03 NUISANCES GENERALLY;
INJUNCTIONS; VIOLATION; CONTEMPT.**

(A) (1) Any person who uses, occupies, establishes, or conducts a nuisance, or aids and abets in the use, occupancy, establishment, or conduct of a nuisance; the owner, agent, or lessee of an interest in any such nuisance; any person who is employed in that nuisance by that owner, agent, or lessee; and any person who is in control of that nuisance is guilty of maintaining a nuisance and shall be enjoined as provided in R.C. §§ 3767.03 through 3767.11.

(2) A criminal gang that uses or occupies any building, premises, or real estate, including vacant land, on more than two occasions within a one-year period to engage in a pattern of criminal gang activity is guilty of maintaining a nuisance and shall be enjoined as provided in R.C. §§ 3767.03 through 3767.11. As used in this division (A)(2), **CRIMINAL GANG** and **PATTERN OF CRIMINAL GANG ACTIVITY** have the same meanings as in R.C. § 2923.41. (R.C. § 3767.02) (Rev. 1999)

(3) Any building, premises, or real estate, including vacant land, that is used or occupied by a criminal gang on more than two occasions within a one-year period to engage in a pattern of criminal gang activity constitutes a nuisance subject to abatement pursuant to R.C. §§ 3767.01 through 3767.11 (R.C. § 2923.43) (Rev. 1999)

(B) In case of the violation of any injunction or closing order granted under R.C. §§ 3767.01 through 3767.11, or of a restraining order or the commission of any contempt of court in proceedings under such sections, the court or, in vacation, a judge thereof, may summarily try and punish the offender. The trial may be had upon affidavits or either party may demand the production and oral examination of witnesses. (R.C. § 3767.07)

(C) Whoever is guilty of contempt under this section is guilty of a misdemeanor of the first degree. (R.C. § 3767.99(A))

Statutory reference:

Abatement of nuisance, bond and notice, see R.C. § 3767.03

Content of judgment and order, disposition of property seized, see R.C. § 3767.06

Criminal gang activity, see R.C. §§ 2923.41 et seq.

Priority of actions, evidence, costs; nuisances relating to liquor permit premises, see R.C. § 3767.05

Procedure in injunction action, see R.C. § 3767.04

§ 93.04 MAINTAINING CERTAIN NUISANCES.

(A) No person shall erect, continue to use, or maintain a building, structure, or place for the exercise of a trade, employment, or business or for keeping or feeding an animal which, by occasioning noxious exhalations or noisome or offensive smells, becomes injurious to the health, comfort, or property of individuals or of the public.

(B) No person shall cause or allow offal, filth, or noisome substances to be collected or remain in any place to the damage or prejudice of others or of the public.

(C) No person shall unlawfully obstruct or impede the passage of a navigable river, harbor, or collection of water, or corrupt or render unwholesome or impure a watercourse, stream of water, or unlawfully divert such watercourse from its natural course or state to the injury or prejudice of others.

(D) Persons who are engaged in agriculture-related activities, as "agriculture" is defined in R.C. § 519.01, and who are conducting those activities outside the municipality, in accordance with generally accepted agricultural practices, and in such a manner so as not to have a substantial, adverse effect on the public health, safety, or welfare, are exempt from divisions (A) and (B) above and from any ordinances, resolutions, rules, or other enactments of the municipality that prohibit excessive noise. (R.C. § 3767.13)

(E) Whoever violates this section is guilty of a misdemeanor of the third degree.
(R.C. § 3767.99(C))

§ 93.05 COLLECTION OF COST OF ABATING DANGEROUS PROPERTY CONDITION; INJUNCTION; REHABILITATION.

(A) *Collection of costs of abating dangerous property conditions.*

(1) As used in this division, **TOTAL COST** means any costs incurred due to the use of employees, materials, or equipment of the municipality or its agent pursuant to division (A)(5) of this section, any costs arising out of contracts for labor, materials, or equipment, and costs of service of notice or publication required under this division.

(2) The municipality or its agent pursuant to division (A)(5) of this section may collect the total cost of removing, repairing, or securing insecure, unsafe, structurally defective, abandoned, deserted, or open and vacant buildings or other structures, of making emergency corrections of hazardous conditions, or of abating any nuisance by any of the following methods:

(a) The Clerk of the Legislative Authority of the municipality or its agent pursuant to division (A)(5) of this section may certify the total costs, together with a proper description of lands to the County Auditor who shall place the costs upon the tax list and duplicate. The costs are a lien upon such lands from and after the date the costs were incurred. The costs shall be collected as other taxes and returned to the municipality or its agent pursuant to division (A)(5) of this section, as directed by the Clerk of the Legislative Authority in the certification of the total costs or in an affidavit from the agent delivered to the County Auditor or County Treasurer. The placement of the costs on the tax list and duplicate relates back to, and is effective in priority, as of the date the costs were incurred, provided that the municipal corporation or its agent pursuant to division (A)(5) of this section certifies the total costs within one year from the date the costs were incurred.

(b) The municipality or its agent pursuant to division (A)(5) of this section may commence a civil action to recover the total costs from the owner.

(3) This division (A) applies to any action taken by the municipality, or its agent pursuant to division (A)(5) of this section, pursuant to R.C. § 715.26, which authorizes the inspection, removal and repair of buildings, or pursuant to the Ohio Constitution, Article XVIII, Section 3.

(4) The municipality or its agent pursuant to division (A)(5) of this section shall not certify to the County Auditor for placement upon the tax list and duplicate the cost of any action that it takes under division (A)(2) of this

section if the action is taken on land that has been forfeited to the state for delinquent taxes, unless the owner of record redeems the land.

(5) The municipality may enter into an agreement with a County Land Reutilization Corporation organized under R.C. Chapter 1724 wherein the County Land Reutilization Corporation agrees to act as the agent of the municipality in connection with removing, repairing, or securing insecure, unsafe, structurally defective, abandoned, deserted, or open and vacant buildings or other structures, making emergency corrections of hazardous conditions, or abating any nuisance, including high weeds, overgrown brush, and trash and debris from vacant lots. The total costs of such actions may be collected by the corporation pursuant to division (A)(2) of this section, and shall be paid to the corporation if it paid or incurred such costs and has not been reimbursed.

(6) In the case of the lien of a County Land Reutilization Corporation that is the agent of the municipality, a notation shall be placed on the tax list and duplicate showing the amount of the lien ascribed specifically to the agent's total costs. The agent has standing to pursue a separate cause of action for money damages to satisfy the lien or pursue a foreclosure action in a court of competent jurisdiction or with the Board of Revision to enforce the lien without regard to occupancy. For purposes of a foreclosure proceeding by the County Treasurer for delinquent taxes, this division does not affect the lien priority as between a County Land Reutilization Corporation and the County Treasurer, but the corporation's lien is superior to the lien of any other lienholder of the property. As to a direct action by a County Land Reutilization Corporation, the lien for the taxes, assessment, charges, costs, penalties, and interest on the tax list and duplicate is in all cases superior to the lien of a County Land Reutilization Corporation, whose lien for total costs shall be next in priority as against all other interests, except as provided in division (A)(7) of this section.

(7) A County Land Reutilization Corporation acting as an agent of the municipality under an agreement under this division (A) may, with the County Treasurer's consent, petition the court or Board of Revision with jurisdiction over an action undertaken under division (A)(6) of this section pleading that the lien of the corporation, as agent, for the total costs shall be superior to the lien for the taxes, assessments, charges, costs, penalties, and interest. If the court or Board of Revision determines that the lien is for total costs paid or incurred by the corporation as such an agent, and that subordinating the lien for such taxes and other impositions to the lien of the corporation promotes the expeditious abatement of public nuisances, the court or board may order the lien for the taxes and other impositions to be subordinate to the corporation's lien. The court or board may not subordinate the lien for taxes and other such impositions to any other liens.
(R.C. § 715.261) (Rev. 2010)

(B) *Injunction may be granted for failure to comply.* No person shall erect, alter, repair or maintain any residential building, office, mercantile building, workshop or factory, including a public or private garage, or other structure, within the municipality unless all ordinances or resolutions enacted pursuant to R.C. §§ 715.26 through 715.30 are fully complied with. In the event any building or structure is being erected, constructed, altered, repaired or maintained in violation of such ordinances or resolutions, or there is imminent threat of violation, the municipality or the owner of any contiguous or neighboring property who would be especially damaged by such violation, in addition to any other remedies provided by law, may institute a suit for injunction to prevent or terminate such violation. (R.C. § 715.30)

(C) *Appropriation of property to rehabilitate; demolition or sale.*

(1) In order to rehabilitate a building or structure that the municipality has determined to be a blighted property as defined in R.C. § 1.08, the municipality may appropriate, in the manner provided by R.C. §§ 163.01 through 163.22, any such building or structure and the real property of which it is a part. The municipality shall rehabilitate the building or structure or cause it to be rehabilitated within two years after the appropriation so that the building or structure is no longer a public nuisance, insecure, unsafe, structurally defective, unhealthful or unsanitary, or a threat to the public health, safety, or welfare, in violation of a building code or ordinance adopted under R.C. § 731.231. Any building or structure appropriated pursuant to this division which is not rehabilitated within two years shall be demolished.

(2) If, during the rehabilitation process, the municipality retains title to the building or structure and the real property of which it is a part, then within 180 days after the rehabilitation is complete, the municipality shall appraise the rehabilitated building or structure and the real property of which it is a part, and shall sell the building or structure and property at public auction. The municipality shall advertise the public auction in a newspaper of general circulation in the municipality once a week for three consecutive weeks, or as provided in R.C. § 7.16, prior to the date of sale. The municipality shall sell the building or structure and real property to the highest and best bidder. No property that the municipality acquires pursuant to this division shall be leased.

(R.C. § 719.012) (Rev. 2012)

Statutory reference:

Adoption of technical ordinances and codes by reference, see R.C. § 731.231

§ 93.06 TRIMMING OF TREES AND SHRUBBERY TO PREVENT OBSTRUCTION.

(A) It shall be unlawful for any person to plant, grow, or maintain any shade tree or trees or shrubbery which will obstruct the proper distribution of light from street lamps or

which will obstruct the view of traffic approaching an intersection by operators of vehicles approaching such intersection from another direction.

(B) All trees shall be trimmed so as to have a clear height of ten feet above the surface of sidewalks and 12 feet above the surface of the street or roadway, and the branches of all trees in front of and along lots or lands near which street lights are placed shall be trimmed so as not to obstruct the free passage of light from such street lights to the street and sidewalk.

(C) The Legislative Authority shall cause a written notice to be given to property owners ordering them to trim or remove trees and shrubbery so that the trees and shrubbery conform to divisions (A) and (B).

(D) If the property owner fails to trim or remove the trees and shrubbery as ordered, the Legislative Authority may cause the trees and shrubbery to be trimmed or removed as ordered, and the cost thereof shall be a lien upon such real estate.

Penalty, see § 93.99

Statutory reference:

Power to regulate shade trees, see R.C. § 715.20

SEPTIC TANKS, CESSPOOLS, AND REFUSE

§ 93.20 LOCATION OF PRIVY VAULTS, CESSPOOLS, AND SEPTIC TANKS.

No owner, occupant, or person in charge of any premises situated as to permit connection with any sanitary sewer shall maintain or permit to be maintained on or in connection with such premises any privy vault, cesspool, septic tank, or other repository for human excreta.

Penalty, see § 93.99

Statutory reference:

Power to regulate privies, see R.C. § 715.40

Power to regulate refuse disposal, see R.C. § 715.43

§ 93.21 UNSANITARY VAULTS.

It shall be unlawful for any person being the owner, lessor, occupant, or person in charge of any premises upon which a privy vault, cesspool, or septic tank is located to permit such vault, pool, or tank, or any building, fixture, or device appurtenant thereto, to become foul, noisome, filthy, or offensive to neighboring property owners.

Penalty, see § 93.99

§ 93.22 REMOVAL OF CONTENTS OF VAULT.

Whenever any part of the waste in any privy vault or cesspool extends to a point less than three feet below the surface of the ground adjacent thereto, or whenever use of

any such vault or cesspool is abandoned or where such use or maintenance is prohibited by ordinance or health order, the owner, lessor, occupant or person in charge of such premises shall cause the vault or cesspool to be emptied of its contents, thoroughly cleaned, and disinfected, and if abandoned, to be filled with clean earth or mineral matter to the level of the adjacent ground.

Penalty, see § 93.99

§ 93.23 DEPOSIT OF DEAD ANIMALS, OFFAL UPON LAND OR WATER.

(A) No person shall put the carcass of a dead animal or the offal from a slaughter house, butcher's establishment, packing house or fish house, or spoiled meat, spoiled fish, or other putrid substance or the contents of a privy vault, upon or into a lake, river, bay, creek, pond, canal, road, street, alley, lot, meadow, public ground, market place, or common. No owner or occupant of such place shall knowingly permit such thing to remain therein to the annoyance of any citizen or neglect to remove or abate the nuisance occasioned thereby within 24 hours after knowledge of the existence thereof, or after notice thereof in writing from the designated municipal official.

(R.C. § 3767.16)

(B) Whoever violates this section is guilty of a minor misdemeanor.

(R.C. § 3767.99(D))

§ 93.24 DEFILING SPRING OR WELL PROHIBITED.

(A) No person shall maliciously put a dead animal, carcass, or part thereof, or other putrid, nauseous, or offensive substance into, or befoul, a well, spring, brook, or branch of running water, or a reservoir of a waterworks, of which use is or may be made for domestic purposes.

(R.C. § 3767.18)

(B) Whoever violates this section is guilty of a minor misdemeanor.

(R.C. § 3767.99(D))

§ 93.25 DUMPING OF REFUSE IN MUNICIPALITY PROHIBITED.

It shall be unlawful for any person to dump, cause to be dumped or permit to be dumped on any publicly or privately owned land or water in the municipality any paper, brush, rubbish, tin cans, vegetation, garbage, or refuse of any kind, without first having obtained a written license from the Mayor or other designated municipal officer to do so. The Mayor or other designated municipal officer shall issue a license permitting dumping of designated materials when it appears that filling of the land is necessary and that the material deposited will be immediately covered with earth or will not be objectionable to the citizens of the

neighborhood, or injurious to health, safety and general welfare of the citizens.

Penalty, see § 93.99

§ 93.26 ABANDONED REFRIGERATORS.

(A) No person shall abandon, discard, or knowingly permit to remain on premises under the person's control, in a place accessible to children, any abandoned or discarded icebox, refrigerator, or other airtight or semi-airtight container which has a capacity of 1.5 cubic feet or more and an opening of 50 square inches or more and which has a door or lid equipped with a hinge, latch, or other fastening device capable of securing such door or lid, without rendering the equipment harmless to human life by removing such hinges, latches or other hardware which may cause a person to be confined therein. This section shall not apply to an icebox, refrigerator or other airtight or semi-airtight container located in that part of a building occupied by a dealer, warehouse or repairer.

(R.C. § 3767.29) (Rev. 2012)

(B) Whoever violates this section shall be guilty of a misdemeanor of the fourth degree.

(R.C. § 3767.99(B))

§ 93.27 DISCARDING LITTER PROHIBITED.

(A) No person, regardless of intent, shall deposit litter or cause litter to be deposited on any public property, on private property not owned by the person, or in or on waters of the state, unless one of the following applies:

(1) The person is directed to do so by a public official as part of a litter collection drive.

(2) Except as provided in division (B) of this section, the person deposits the litter in a litter receptacle in a manner that prevents its being carried away by the elements.

(3) The person is issued a permit or license covering the litter pursuant to R.C. Chapter 3734 or 6111.

(B) No person, without privilege to do so, shall knowingly deposit litter, or cause it to be deposited, in a litter receptacle located on any public property or on any private property not owned by the person, unless one of the following applies:

(1) The litter was generated or located on the property on which the litter receptacle is located.

(2) The person is directed to do so by a public official as part of a litter collection drive.

(3) The person is directed to do so by a person whom the person reasonably believes to have the privilege to use the litter receptacle.

(4) The litter consists of any of the following:

(a) The contents of a litter bag or container of a type and size customarily carried and used in a motor vehicle.

(b) The contents of an ash tray of a type customarily installed or carried and used in a motor vehicle.

(c) Beverage containers and food sacks, wrappings, and containers of a type and in an amount that reasonably may be expected to be generated during routine commuting or business or recreational travel by a motor vehicle.

(d) Beverage containers, food sacks, wrappings, containers, and other materials of a type and in an amount that reasonably may be expected to be generated during a routine day by a person and deposited in a litter receptacle by a casual passerby.

(C) (1) As used in division (B)(1) of this section, **PUBLIC PROPERTY** includes any private property open to the public for the conduct of business, the provision of a service, or upon the payment of a fee but does not include any private property to which the public otherwise does not have a right of access.

(2) As used in division (B)(4) of this section, **CASUAL PASSERBY** means a person who does not have depositing litter in a litter receptacle as the person’s primary reason for traveling to or by the property on which the litter receptacle is located.

(D) As used in this section:

DEPOSIT. Means to throw, drop, discard, or place.

LITTER. Includes garbage, trash, waste, rubbish, ashes, cans, bottles, wire, paper, cartons, boxes, automobile parts, furniture, glass, or anything else of an unsightly or unsanitary nature.

LITTER RECEPTACLE. Means a dumpster, trash can, trash bin, garbage can, or similar container in which litter is deposited for removal.

(E) This section may be enforced by any Sheriff, deputy sheriff, police officer of the municipality, police constable or officer of a township, or township or joint police district, wildlife officer, park officer, forest officer, preserve officer, conservancy district police officer, inspector of nuisances of a county, or any other law enforcement officer within the law enforcement officer’s jurisdiction.
(R.C. § 3767.32) (Rev. 2012)

(F) Whoever violates any provision of this section shall be guilty of a misdemeanor of the third degree. The sentencing court may, in addition to or in lieu of the penalty

provided in this division, require a person who violates this section to remove litter from any public or private property or in or on waters of the state.

(R.C. § 3767.99(C))

§ 93.28 POWER OF THE MUNICIPALITY TO FILL OR DRAIN LAND.

(A) The municipality may fill or drain any lot or land within its limits on which water at any time becomes stagnant, remove all putrid substances from any lot, and remove all obstructions from culverts, covered drains, or private property, laid in any natural watercourse, creek, brook, or branch, which obstruct the water naturally flowing therein, causing it to flow back or become stagnant, in a way prejudicial to the health, comfort, or convenience of any of the citizens of the neighborhood. If such culverts or drains are of insufficient capacity, the municipality may make them of such capacity as reasonable to accommodate the flow of such water at all times.

(B) The Legislative Authority may, by resolution, direct the owner to fill or drain such lot, remove such putrid substance or other obstructions, and if necessary, enlarge such culverts or covered drains to meet the requirements thereof.

(C) After service of a copy of such resolution, or after a publication thereof in a newspaper of general circulation in the municipality or as provided in R.C. § 7.16, for two consecutive weeks, the owner, or the owner’s agent or attorney, shall comply with the directions of the resolution within the time therein specified.

(D) In case of the failure or refusal of such owner to comply with the resolution, the work required thereby may be done at the expense of the municipality, and the amount of money so expended shall be recovered from the owner before any court of competent jurisdiction. This expense from the time of the adoption of the resolution shall be a lien on such lot, which may be enforced by suit in the Court of Common Pleas, and like proceedings may be had as directed in relation to the improvement of streets.

(E) The officers connected with the Health Department of the municipality shall see that this section is strictly and promptly enforced.
(R.C. § 715.47) (Rev. 2012)

WEEDS AND LITTER ON PRIVATE PROPERTY

§ 93.40 KEEPING DOWN WEEDS.

(A) Any person owning or having charge of land within the municipality shall keep such property free and clear from all noxious weeds and rank vegetation and shall be required to cut all such weeds and vegetation on the lots

owned or controlled by him or her at least twice in every year, once between June 1 and July 1 and once between August 1 and September 1.

(B) Noxious weeds and rank vegetation shall include but not be limited to:

(1) Any weeds such as the following:

Noxious Weeds

Apple of Peru	Leafy Spurge
Buckthorn	Marestail
Canada Thistle	Mile-A-Minute Weed
Columbus Grass	Musk Thistle
Corncockle	Oxeye Daisy
Cressleaf Groundsel	Palmer Amarantha
Curly Dock	Perennial Sowthistle
Dodder	Poison Hemlock
Field Bindweed	Purple Loosestrife
Forage Kochia	Quackgrass
French Weed	Russian Knapweed
Giant Hogweed	Russian Thistle
Hairy Whitetop (Ballcress)	Serrated Tussock
Hedge Bindweed	Shatter Cane
Heart-podded Hoary Cress	Wild Carrot
Horsenettle	Wild Garlic
Japanese Knotweed	Wild Mustard
Johnsongrass	Wild Onion
Kochia	Wild Parsnip
Kudzu	

(2) Grapevines when growing in groups of 100 or more and not pruned, sprayed, cultivated, or otherwise maintained for two consecutive years;
(O.A.C. §§ 901:5-27-06, 901:5-37-01) (Rev. 2012)

(3) Bushes of the species of tall, common, or European barberry, further known as *berberis vulgaris* or its horticultural varieties;

(4) Any weeds, grass, or plants, other than trees, bushes, flowers, or other ornamental plants, growing to a height exceeding 12 inches.

§ 93.41 NOTICE TO OWNER TO CUT NOXIOUS WEEDS, REMOVE LITTER; SERVICE.

(A) Upon written information that noxious weeds are growing on lands in the municipality and are about to spread or mature seeds, the Legislative Authority shall cause written notice to be served on the owner, lessee, agent, or tenant having charge of such land, notifying him or her that noxious weeds are growing on such lands and that they must be cut and destroyed within five days after service of such notice.

(B) Upon a finding by the Legislative Authority that litter has been placed on lands in a municipality, and has not

been removed, and constitutes a detriment to public health, the Legislative Authority shall cause a written notice to be served upon the owner and, if different, upon the lessee, agent, or tenant having charge of the littered land, notifying him or her that litter is on the land, and that it must be collected and removed within 15 days after the service of the notice.

(C) As used in this section and § 93.43, **LITTER** includes any garbage, waste, peelings of vegetables or fruits, rubbish, ashes, cans, bottles, wire, paper, cartons, boxes, parts of automobiles, wagons, furniture, glass, oil of an unsightly or unsanitary nature, or anything else of an unsightly or unsanitary nature.

(D) If the owner or other person having charge of the land is a nonresident of the municipality whose address is known, the notice shall be sent to his or her address by certified mail. If the address of the owner or other person having charge of the land is unknown it is sufficient to publish the notice once in a newspaper of general circulation in the county.

(E) This section does not apply to land being used under a municipal building or construction permit or license, a municipal permit or license, or a conditional zoning permit or variance to operate a junkyard, scrap metal processing facility, or similar business, or a permit or license issued pursuant to R.C. Chapter 3734, R.C. §§ 4737.05 through 4737.12, or R.C. Chapter 6111.
(R.C. § 731.51)

§ 93.42 FEES FOR SERVICE AND RETURN.

The Police Chief, any police officer, or Clerk of the Legislative Authority may make service and return of the notice provided for in § 93.41 and shall be allowed the same fees as that provided for service and return of summons in civil cases before a magistrate.
(R.C. § 731.52)

§ 93.43 PROCEDURE WHEN OWNER FAILS TO COMPLY WITH NOTICE.

If the owner, lessee, agent, or tenant having charge of the lands mentioned in § 93.41 fails to comply with the notice required by such section, the Legislative Authority shall cause such noxious weeds to be cut and destroyed or such litter removed and may employ the necessary labor to perform the task. All expenses incurred shall, when approved by the Legislative Authority, be paid out of the money in the treasury of the municipality not otherwise appropriated.
(R.C. § 731.53)

§ 93.44 WRITTEN RETURN TO COUNTY AUDITOR; AMOUNT AS A LIEN UPON PROPERTY.

The Legislative Authority shall make a written return to the County Auditor of their action under §§ 93.41, 93.42, and 93.43, with a statement of the charges for their services, the amount paid for labor, the fees of the officers serving the notices, and a proper description of the premises. These amounts, when allowed, shall be entered upon the tax duplicate and be a lien upon such lands from and after the date of entry and be collected as other taxes and returned to the municipality with the General Fund. (R.C. § 731.54)

UNCLEAN HABITATIONS

§ 93.60 PERMITTING UNCLEAN HABITATIONS.

It shall be unlawful for any person to lease, let, permit the occupancy of, permit the continuation of the occupancy of, or continue the occupancy of a structure or building or any portion thereof used for human habitation, unless such structure or building or portion thereof is free from unclean and unsanitary conditions as defined in § 93.61 and unless the provisions of the subsequent sections are complied with. Penalty, see § 93.99

Statutory reference:

- Duties of the landlord, see R.C. § 5321.04*
- Duties of the tenant, see R.C. § 5321.05*
- Injunction for failure to comply, see R.C. § 715.30*
- Regulating occupied buildings, see R.C. § 715.29*

§ 93.61 WHEN HABITATIONS ARE DEEMED UNSANITARY.

A structure, building, or any portion thereof used for human habitation shall be deemed to be in an unclean and unsanitary condition when any of the following conditions exist:

- (A) Infection with communicable disease;
- (B) Absence of the toilet facilities required by law or ordinance;
- (C) Presence of sewer gas;
- (D) Dampness or wetness due to lack of repair;
- (E) Accumulation of dirt, filth, litter, refuse, or other offensive or dangerous substances likely to cause sickness among the occupants;
- (F) Defective or improperly used drainage, plumbing, or ventilation facilities likely to cause sickness.

§ 93.62 ORDER FOR ABATEMENT OR VACATION OF PREMISES.

If the local Board of Health ascertains from examination or reports of its inspectors or sanitary officers or otherwise determines that a public nuisance, as defined in § 93.61, exists in or upon any structure or building, or portion thereof, and has notified the owner, occupant, or person in charge of the premises to abate the nuisance or vacate the premises, it shall be unlawful to occupy or permit the occupancy of the premises or portion thereof until the nuisance has been completely abated and the building or portion thereof has been rendered clean and sanitary in accordance with the terms of the notices of the Board of Health.

§ 93.63 ENFORCEMENT OF VACATION ORDER BY FIRE CHIEF OR POLICE CHIEF.

When the notice or order of vacation has not been complied with, and the Board of Health certifies such fact to the Fire Chief or Police Chief, together with a copy of the order of notice, it shall be the duty of the Fire Chief or Police Chief to enforce such notice or order of vacation and to cause the premises to be vacated in accordance with the terms of the notice or order.

§ 93.64 ENFORCEMENT THROUGH COURT PROCEEDINGS.

Whenever the Board of Health certifies to the municipal legal officer any failure to comply with any order or notice of vacation, with the request that civil proceedings for the enforcement thereof be instituted, the municipal legal officer shall institute any and all proceedings, either legal or equitable, that may be appropriate or necessary for the enforcement of the order or notice and the abatement of the nuisance against which the order or notice was directed. These suits or proceedings shall be brought in the name of the municipality. Proceedings under this section shall not relieve any party defendant from criminal prosecution or punishment under this code or any other criminal law or ordinance in force within the municipality.

§ 93.99 PENALTY.

Whoever violates any provision of this chapter, for which another penalty is not already provided, shall be subject to the penalty prescribed in § 10.99.

CHAPTER 94: STREETS AND SIDEWALKS

Section

General Provisions

- 94.01 Conditions precedent to improving streets
- 94.02 Opening permit required
- 94.03 Application and cash deposit
- 94.04 Restoration of pavement
- 94.05 Barriers around excavations
- 94.06 Warning lights
- 94.07 Sidewalk construction by the municipality
- 94.08 Unloading on street or sidewalk
- 94.09 Street or sidewalk obstruction
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- 94.11 Duty to keep sidewalks in repair and clean of ice and snow
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- 94.25 Construction and repair may be required
- 94.26 Resolution of necessity
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- 94.40 Change of name, vacating or narrowing streets by petition
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Statutory reference:

Assessments generally, see R.C. Chapter 727
Vacation or establishment of streets by court, notice and hearings, see R.C. §§ 723.09 et seq.

GENERAL PROVISIONS

§ 94.01 CONDITIONS PRECEDENT TO IMPROVING STREETS.

No department of this municipality shall accept, lay out, open, improve, grade, pave, curb or light any street or other way, unless the street or way has been accepted or opened or otherwise has received the legal status of a public street or way prior to the effective date of this code; or unless the street or way corresponds in location and extent with a street or way shown on a recorded plat which has been legally accepted by the Legislative Authority.

Statutory reference:

Power over streets and sidewalks, see R.C. §§ 715.19, 717.01(P), 723.01, 723.011, 723.02, and 729.01

§ 94.02 OPENING PERMIT REQUIRED.

It shall be unlawful for any person, other than an authorized municipal official or the authorized employees or agents of such municipal official, to make any opening in any street, alley, sidewalk, or public way of the municipality unless a permit to make the opening has been obtained prior to commencement of the work.
Penalty, see § 94.99

§ 94.03 APPLICATION AND CASH DEPOSIT.

Each permit for making an opening shall be confined to a single project and shall be issued by the Mayor or other proper municipal officer. Application shall be made on a form prescribed by the Legislative Authority, giving the exact location of the proposed opening, the kind of paving, the area and depth to be excavated, and such other facts as may be provided for. The permit shall be issued only after a cash deposit sufficient to cover the cost of restoration has been posted with the Mayor or other proper municipal officer, conditioned upon prompt and satisfactory refilling of excavations and restoration of all surfaces disturbed.

§ 94.04 RESTORATION OF PAVEMENT.

(A) The opening and restoration of pavement or other surface shall be performed under the direction and to the satisfaction of an authorized municipal official, and in accordance with rules, regulations, and specifications approved by the Legislative Authority.

(B) Upon failure or refusal of the permittee satisfactorily to fill the excavation, restore the surface, and remove all excess materials within the time specified in the permit or where not specified therein, within a reasonable time after commencement of the work, the municipality may proceed without notice to make such fill and restoration, and the deposit referred to in § 94.03 shall be deemed forfeited. Thereupon, the deposit shall be paid into the Street Repair Fund of the municipality, except such part demanded and paid to the permittee as the difference between the deposit and the charges of the municipality for restoration services performed by it. If the amount of such services performed by the municipality should exceed the amount of the deposit, the Clerk or other proper municipal officer shall proceed to collect the remainder due from such permittee.

§ 94.05 BARRIERS AROUND EXCAVATIONS.

Any person engaged in or employing others in excavating, or opening any street, sidewalk, alley, or other public way shall have the excavation or opening fully barricaded at all times to prevent injury to persons or animals.

Penalty, see § 94.99

§ 94.06 WARNING LIGHTS.

Any person engaged in or employing others in excavating or otherwise in any manner obstructing a portion or all of any street, sidewalk, alley, or other public way, at all times during the night shall install and maintain at least two illuminated warning lamps which shall be securely and conspicuously posted on, at, or near each end of such obstruction or excavation, and if the space involved shall exceed 50 feet in extent, then at least one additional lamp for each added 50 feet or portion thereof excavated or obstructed.

Penalty, see § 94.99

§ 94.07 SIDEWALK CONSTRUCTION BY THE MUNICIPALITY.

It shall be the duty of the engineer of the municipality or, if none exist, another authorized municipal official, to supervise construction or repair of sidewalks within the municipality. He or she shall cause specifications to be prepared for the construction of the various kinds of pavements and transmit the same to the Legislative Authority for approval. When the specifications are approved, the Legislative Authority shall advertise for proposals to do all the work which may be ordered by the municipality in construction and repair of sidewalks, and shall contract therefor, for a period not exceeding one year, with the lowest responsible bidder, who shall furnish good and sufficient sureties for the faithful performance of the work. The Legislative Authority, if it deems advisable, may make separate contracts for the different kinds of work with different parties.

Cross-reference:

Legislative Authority; contracts, see §§ 32.025 et seq.

§ 94.08 UNLOADING ON STREET OR SIDEWALK.

No person shall unload any heavy material in the streets of the municipality, by throwing or letting the same fall upon the pavement of any street, alley, sidewalk, or other public way, without first placing some sufficient protection over the pavement.

Penalty, see § 94.99

§ 94.09 STREET OR SIDEWALK OBSTRUCTION.

(A) No person shall obstruct any street, alley, sidewalk, public ground, or other public way within the municipality by erecting thereon any fence, structure or building, or permitting any fence, structure or building to remain thereon unless authorized by the Legislative Authority or other proper municipal official. Each day that any such fence or building is permitted to remain upon such public way shall be deemed a separate offense.

(R.C. § 5589.01)

(B) Whoever violates this section is guilty of a misdemeanor of the third degree.

(R.C. § 5589.99(A))

Cross-reference:

Driving upon sidewalk prohibited, see § 72.118

§ 94.10 MATERIALS ON STREET OR SIDEWALK.

No person shall encumber any street or sidewalk. No owner, occupant, or person having the care of any building or lot of land bordering on any street or sidewalk shall permit the same to be encumbered with barrels, boxes, cans, articles, or substances of any kind so as to interfere with the free and unobstructed use thereof.

Penalty, see § 94.99

Cross-reference:

Placing injurious materials and litter upon streets or highways prohibited, see § 72.122

§ 94.11 DUTY TO KEEP SIDEWALKS IN REPAIR AND CLEAN OF ICE AND SNOW.

No owner or occupant of lots or lands abutting any sidewalk, curb or gutter shall fail to keep the sidewalks, curbs and gutters in repair and free from snow, ice or any nuisance, and to remove from such sidewalks, curbs or gutters all snow and ice accumulated thereon within a reasonable time, which will ordinarily not exceed 12 hours after any storm during which the snow and ice has accumulated.

(R.C. § 723.011) Penalty, see § 94.99

§ 94.12 RAMPED CURBING FOR PERSONS WITH DISABILITIES.

All new curbs that are authorized by the municipality, and all existing curbs which are part of any reconstruction, shall have a ramp with nonslip surface built into the curb at each pedestrian crosswalk so that the sidewalk and street blend to a common level. These ramps shall be not less than 40 inches wide and shall, insofar as feasible, be constructed in accordance with the standard drawings and specifications for curb ramps of the state Department of Transportation. (R.C. § 729.12) Penalty, see § 94.99

§ 94.13 FLAGPOLE ALONG RIGHT-OF-WAY.

(A) A property owner in the municipality may install a flagpole between the sidewalk and curb along the right-of-way of any public street or highway adjacent to his or her property. A property owner may also install underground lighting for the display of the flag. Installation of the flagpole and holder shall meet the following specifications:

(1) The flagpole holder shall be embedded in concrete, flush with the sidewalk or sodded area, and possess a cap or cover which shall be used when the holder is not used for the purpose of displaying the American flag;

(2) The holder shall not exceed two inches in diameter and shall be installed not less than one foot from the curb;

(3) Underground lighting for the flagpole shall be situated within a reasonable distance to the holder and meet all underwriters' requirements governing installation. The highest part of the lighting fixture shall at all times be flush with the sidewalk or sodded area in which it is embedded;

(4) At no time shall the flag, flagpole, or holder limit or restrict the view of pedestrian or vehicular traffic, nor shall a flag, flagpole, or holder be installed that comes in physical contact, or is likely to come in physical contact, with overhead wiring.

(B) The municipality may require the issuance of a permit for installation of flagpoles but shall not charge the property owner a permit fee or an inspection fee in excess of \$1 per installation.

(R.C. § 723.012) Penalty, see § 94.99

§ 94.14 ALTERING OR INJURING MARKER OR MONUMENT.

(A) No person shall alter, deface, injure or destroy any marker or monument placed along, upon, or near a public highway by the proper authorities to mark the boundary thereof, or for any other purpose.

(R.C. § 5589.02)

(B) Whoever violates this section is guilty of a minor misdemeanor.

(R.C. § 5589.99(B))

CONSTRUCTION AND REPAIR

§ 94.25 CONSTRUCTION AND REPAIR MAY BE REQUIRED.

In addition to the power conferred upon the municipality under R.C. § 727.01 to construct sidewalks, curbs or gutters and levy an assessment therefor, the Legislative Authority may require the construction or repair of sidewalks, curbs or gutters within the municipality by the owners of lots or lands abutting thereon, and upon the failure of such owners to construct or repair such sidewalks, curbs or gutters within the time prescribed in the resolution adopted under § 94.26, may cause such sidewalks, curbs or gutters to be constructed or repaired and assess the total cost thereof against the lots or land abutting thereon, notwithstanding the provisions of R.C. §§ 727.03 and 727.05.

(R.C. § 729.01)

§ 94.26 RESOLUTION OF NECESSITY.

(A) When it is deemed necessary by the municipality to require the construction or repair of sidewalks, curbs, or gutters within the municipality by the owners of the lots or lands abutting thereon, the Legislative Authority shall cause plans, specifications, and an estimate of the cost of such construction or repair to be prepared, showing the location and dimensions of such sidewalks, curbs or gutters and the specifications for the construction or repair thereof, and to be filed in the office of the Clerk of the Legislative Authority.

(B) After such plans, specifications and estimate of cost have been filed, as provided in this section, the Legislative Authority may declare the necessity for the construction or repair of such sidewalks, curbs or gutters by the adoption of a resolution which shall:

(1) Approve the plans, specifications and estimate of cost of the proposed construction or repair on file as provided by this section;

(2) Describe the lots and lands abutting upon the sidewalks, curbs or gutters to be constructed or repaired by the termini of the improvement or by the street address;

(3) Set forth that such sidewalks, curbs or gutters shall be constructed or repaired by the owners of the lots or lands abutting thereon in accordance with the specifications on file in the office of the Clerk of the Legislative Authority;

(4) Set forth the time within which such sidewalks, curbs or gutters shall be constructed or repaired by the owners of the lots and lands abutting thereon, which shall not be less than 30 days from the date of service of notice under § 94.27 on the owner of the lots or lands;

(5) State that in the event such sidewalks, curbs or gutters are not constructed or repaired by the owners of the lots and lands abutting thereon in accordance with such plans and specifications and within the time prescribed in this resolution, the municipality will so construct or repair such sidewalks, curbs or gutters and assess the costs thereof against the lots and lands abutting thereon.
(R.C. § 729.02)

§ 94.27 NOTICE TO CONSTRUCT OR REPAIR.

Notice of the passage of a resolution of necessity under § 94.26 shall be served by the Clerk of the Legislative Authority, or a person designated by such Clerk, upon the owners of the lots or lands abutting upon the sidewalks, curbs or gutters to be constructed or repaired in the same manner as service of summons in civil cases, or by certified mail addressed to such owner at his or her last known address or to the address to which tax bills are sent, or by a combination of the foregoing methods. If it appears by the return of service or the return of the certified mail notice that one or more of the owners cannot be found, such owners shall be served by publication of the notice once in a newspaper of general circulation within the municipality. The return of the person serving the notice or a certified copy thereof or a returned receipt for notice forwarded by certified mail accepted by the addressee or anyone purporting to act for him or her shall be prima facie evidence of the service of notice under this section. The notice shall also set forth the place where the specifications governing the construction or repair of such sidewalks, curbs or gutters are on file, the time within which the owner of such lot or parcel of land may construct or repair the sidewalks, curbs or gutters, and that in the event the owner does not construct or repair the sidewalks, curbs or gutters in accordance with the specifications and within such time, the municipality will construct or repair such sidewalks, curbs or gutters and assess the costs thereof against the lot or land of the owner.
(R.C. § 729.03)

§ 94.28 ASSESSMENTS OF COSTS AGAINST OWNER.

(A) Upon the expiration of the time within which sidewalks, curbs or gutters shall be constructed or repaired by the owner of the lots or lands abutting thereon as set forth in the resolution adopted under § 94.26, the sidewalks, curbs or gutters not constructed or repaired by the owners of the lots and lands abutting thereon shall be constructed or repaired by the municipality in accordance with the resolution adopted under § 94.26, and the Legislative Authority shall, upon the completion of such construction or

repair, assess the costs thereof against the lots or lands abutting thereon.

(B) In anticipation of the collection of the costs of construction or repair of such sidewalks, curbs or gutters from the owners of the lots or lands abutting thereon, the Legislative Authority may provide for the issuance of bonds or notes and the proceeds thereof shall be used to pay for the construction or repair of such sidewalks, curbs or gutters.
(R.C. § 729.04)

§ 94.29 PROCEEDINGS MAY INCLUDE DIFFERENT OWNERS.

In all proceedings pertaining to the construction or repair of sidewalks, curbs or gutters under this subchapter or R.C. §§ 729.01 through 729.08, sidewalks, curbs or gutters upon different streets abutting upon lots or lands owned by different owners may be included in the same resolution, notice, contract, ordinance, or other proceedings.
(R.C. § 729.05)

§ 94.30 MAKING AND LEVYING ASSESSMENTS.

(A) *Estimated assessments.* Upon completion of the construction or repair of sidewalks, curbs or gutters under this subchapter, the total cost of such construction, repair, or installation as defined in division (B) shall be ascertained and reported to the Legislative Authority by its Clerk, and the Legislative Authority shall cause a list of estimated assessments to be prepared. Such list shall include the total cost of such construction, repair, or installation to each lot or land abutting upon such construction, repair, or installation and shall be filed in the office of the Clerk of the Legislative Authority and be available for public inspection.
(R.C. § 729.07)

(B) *Notice of assessment; objection.*

(1) The Legislative Authority shall cause a notice to be published for three consecutive weeks in a newspaper of general circulation in the municipal corporation or as provided in R.C. § 7.16, stating that such list of estimated assessments has been made and is on file in the office of the Clerk of the Legislative Authority for the inspection and examination of persons interested therein.

(2) If any person objects to an assessment on such list, the person shall file the objection in writing with the Clerk of the Legislative Authority within two weeks after the expiration of the notice provided for in division (B)(1) of this section.
(R.C. § 729.08) (Rev. 2012)

(C) *Assessment ordinance.* The Clerk of the Legislative Authority shall deliver the objections received under division (B) of this section to the Legislative Authority. The Legislative Authority shall review the written objections and shall adopt an ordinance levying upon the lots

and lands enumerated in the list of estimated assessments the amount set forth on such list with such changes or corrections as the Legislative Authority shall determine to be proper after consideration of the written objections filed under division (B) of this section. Such ordinance shall state the number of annual installments, not exceeding ten, over which the assessments shall be payable and shall establish a period of time during which the assessments shall be payable in cash.

(R.C. § 729.09)

(D) *Assessment proceedings.* The provisions of R.C. §§ 727.26 through 727.43, inclusive, shall apply to and govern the proceedings taken under and the assessments levied under this subchapter. The proceedings taken under this subchapter shall be construed in accordance with the provisions of R.C. § 727.40.

(R.C. § 729.10) (Rev. 1999)

Statutory reference:

Assessments generally, see R.C. Chapter 727

CHANGES IN STREETS

§ 94.40 CHANGE OF NAME, VACATING OR NARROWING STREETS BY PETITION.

The Legislative Authority, on petition by a person owning a lot in the municipality requesting that a street or alley in the immediate vicinity of such lot be vacated or narrowed, or the name thereof changed, upon hearing, and upon being satisfied that there is good cause for such change of name, vacation, or narrowing, that it will not be detrimental to the general interest, and that it should be made, may, by ordinance, declare such street or alley vacated, narrowed or the name thereof changed. The Legislative Authority may include in one ordinance the change of name, vacation, or narrowing of more than one street, avenue or alley.

(R.C. § 723.04)

§ 94.41 CHANGE OF NAME, VACATING OR NARROWING STREETS WITHOUT PETITION.

(A) The Legislative Authority may, when there are two or more streets, avenues or alley of the same name in the municipality, by ordinance and without petition therefor, change the name of any such street, avenue or alley so as to leave only one to be designated by the original name.

(B) When, in the opinion of the Legislative Authority, there is good cause for vacating or narrowing a street or alley, or any part thereof, and that such vacation or narrowing will not be detrimental to the general interest, it may, by ordinance and without petition therefor, vacate or narrow such street or alley or any part thereof.

(R.C. § 723.05)

§ 94.42 NOTICE; EXCEPTION.

Notice of the intention of the Legislative Authority to vacate any street, alley, avenue, or part thereof shall be given as provided in § 94.43, except when written consent to such vacation is filed with the Legislative Authority by the owners of the property abutting the part of the street or alley proposed to be vacated, in which case such notice shall not be required.

(R.C. § 723.06)

§ 94.43 PUBLICATION OF NOTICE.

No street or alley shall be vacated or narrowed unless notice of the pendency and prayer of the petition under R.C. § 723.04 is given by publishing, in a newspaper of general circulation in the municipality, for six consecutive weeks preceding action on such petition, or as provided in R.C. § 7.16 preceding action on the petition. Where no newspaper is of general circulation in the municipality, notice shall be given by posting the notice in three public places therein six weeks preceding such action. Action thereon shall take place within three months after the completion of the notice.

(R.C. § 723.07) (Rev. 2012)

§ 94.44 EFFECT OF ORDER OF VACATION.

The order of the Legislative Authority vacating or narrowing a street or alley which has been dedicated to public use by the proprietor thereof shall, to the extent to which it is vacated or narrowed, operate as a revocation of the acceptance thereof by the Legislative Authority, but the right-of-way and easement therein of any lot owner shall not be impaired by such order.

(R.C. § 723.08)

§ 94.45 EFFECT ON PUBLIC UTILITY EASEMENTS.

When any street, alley or public highway, or a portion thereof, is vacated or narrowed by the municipality pursuant to the provisions of this subchapter or the provisions of R.C. Chapter 723, and the relocation of any conduits, cables, wires, towers, poles, sewer lines, steam lines, pipelines, gas and water lines, tracks, or other equipment or appliances of any railroad or public utility, whether owned privately or by any governmental authority, located on, over or under the portion of the street, alley, or highway affected by such vacation or narrowing, is not required for purposes of the municipality, including urban renewal, any affected railroad or public utility shall be deemed to have a permanent easement in such vacated portion or excess portion of such street, alley or highway for the purpose of maintaining, operating, renewing, reconstructing, and removing such utility facilities and for purposes of access to such facilities.

(R.C. § 723.041)

§ 94.99 PENALTY.

Whoever violates any provisions of this chapter for which another penalty is not already provided shall be subject to the penalty as prescribed in § 10.99.

CHAPTER 95: UNCLAIMED AND ABANDONED VEHICLES

Section

- 95.01 Impounding motor vehicle on private property; requirements
- 95.02 Impounding abandoned motor vehicle on public property; notice; disposition
- 95.03 Disposition of vehicle ordered into storage
- 95.04 Disposition of abandoned junk motor vehicles
- 95.05 Abandonment of junk motor vehicle prohibited
- 95.06 Junk motor vehicle; order to cover or remove; notice; exceptions

Cross-reference:

Abandonment of watercraft, see § 96.31

Nuisances generally, see Chapter 93

§ 95.01 IMPOUNDING MOTOR VEHICLE ON PRIVATE PROPERTY; REQUIREMENTS.

(A) (1) The Police Chief of the municipality, upon complaint of any person adversely affected, may order into storage any motor vehicle, other than an abandoned junk motor vehicle as defined in § 95.04, that has been left on private residential or private agricultural property for at least four hours without the permission of the of person having the right to the possession of the property. The Police Chief, upon complaint of the owner of a repair garage or place of storage, may order into storage any motor vehicle, other than an abandoned junk motor vehicle, that has been left at the garage or place of storage for a longer period than that agreed upon. The place of storage shall be designated by the Police Chief. When ordering a motor vehicle into storage pursuant to this division, the Police Chief, whenever possible, shall arrange for the removal of the motor vehicle by a private tow truck operator or towing company. Subject to division (C) of this section, the owner of a motor vehicle that has been removed pursuant to this division may recover the vehicle only in accordance with division (E) of this section.

(2) Divisions (A)(1) through (A)(3) of this section do not apply to any private residential or private agricultural property that is established as a private tow-away zone in accordance with division (B) of this section.

(3) As used in divisions (A)(1) and (A)(2) of this section, **PRIVATE RESIDENTIAL PROPERTY** means private property on which is located one or more structures that are used as a home, residence, or sleeping place by one or more persons, if no more than three separate households are maintained in the structure or structures. The term does not include any private property on which is located one or

more structures that are used as a home, residence, or sleeping place by two or more persons, if more than three separate households are maintained in the structure or structures.

(B) (1) The owner of private property may establish a private tow-away zone only if all of the following conditions are satisfied:

(a) The owner posts on the owner's property a sign that is at least 18 inches by 24 inches in size, that is visible from all entrances to the property, and that contains at least all of the following information:

1. A notice that the property is a private tow-away zone and that vehicles not authorized to park on the property will be towed away;

2. The telephone number of the person from whom a towed-away vehicle can be recovered, and the address of the place to which the vehicle will be taken and the place from which it may be recovered;

3. A statement that the vehicle may be recovered at any time during the day or night upon the submission of proof of ownership and the payment of a towing charge, in an amount not to exceed \$90, and a storage charge, in an amount not to exceed \$12 per 24-hour period; except that the charge for towing shall not exceed \$150, and the storage charge shall not exceed \$20 per 24-hour period, if the vehicle has a manufacturer's gross vehicle weight rating in excess of 10,000 pounds and is a truck, bus, or a combination of a commercial tractor and trailer or semitrailer.

(b) The place to which the towed vehicle is taken and from which it may be recovered is conveniently located, is well lighted, and is on or within a reasonable distance of a regularly scheduled route of one or more modes of public transportation, if any public transportation is available in the municipality in which the private tow-away zone is located.

(2) If a vehicle is parked on private property that is established as a private tow-away zone in accordance with division (B)(1) without the consent of the owner of the property or in violation of any posted parking condition or regulation, the owner or the owner's agent may remove, or cause the removal of, the vehicle, the owner and the operator of the vehicle shall be deemed to have consented to the removal and storage of the vehicle and to the payment of the towing and storage charges specified in division (B)(1)(a)3. of this section, and the owner, subject to division

(C) of this section, may recover a vehicle that has been so removed only in accordance with division (E) of this section.

(3) If the municipality requires tow trucks and tow truck operators to be licensed, no owner of private property located within the municipality shall remove or shall cause the removal and storage of any vehicle pursuant to division (B)(2) of this section by an unlicensed tow truck or unlicensed tow truck operator.

(4) Divisions (B)(1) through (B)(3) of this section do not affect or limit the operation of division (A) of this section, §§ 95.02 through 95.06 or R.C. §§ 4513.61 through 4513.65 as they relate to property other than private property that is established as a private tow-away zone under division (B)(1) of this section.

(C) If the owner or operator of a vehicle that has been ordered into storage pursuant to division (A)(1) of this section or of a vehicle that is being removed under authority of division (B)(2) of this section arrives after the vehicle 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 the removal of vehicles under division (A)(1) of this section or of vehicles under division (B)(2) of this section, whichever is applicable, that normally is assessed by the person who has prepared the vehicle for removal, in order to obtain release of the vehicle. Upon payment of that fee, the vehicle shall be released to the owner or operator, and upon its release, the owner or operator immediately shall move it so that:

(1) If the motor vehicle was ordered into storage pursuant to division (A)(1) of this section, it is not on the private residential or private agricultural property without the permission of the person having the right to possession of the property, or is not at the garage or place of storage without the permission of the owner, whichever is applicable;

(2) If the vehicle was being removed under authority of division (B)(2) of this section, it is not parked on the private property established as a private tow-away zone without the consent of the owner or in violation of any posted parking condition or regulation.

(D) (1) If an owner of private property that is established as a private tow-away zone in accordance with division (B)(1) of this section or the authorized agent of such an owner removes or causes the removal of a vehicle from that property under authority of division (B)(2) of this section, the owner or agent promptly shall notify the Police Department of the removal, the vehicle's license number, 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.

(2) The Police Chief shall maintain a record of vehicles that the Police Chief orders into storage pursuant to division (A)(1) of this section and of vehicles removed from private property in the Police Chief's jurisdiction that is established as a private tow-away zone of which the Police Chief has received notice under division (D)(1) of this section. The record shall include an entry for each such vehicle that identifies the vehicle's license number, 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 vehicle shall be provided to any person who, either in person or pursuant to a telephone call, identifies self as the owner or operator of the vehicle and requests information pertaining to its location.

(3) Any person who registers a complaint that is the basis of the Police Chief's order for the removal and storage of a vehicle under division (A)(1) of this section shall provide the identity of the law enforcement agency with which the complaint was registered to any person who identifies self as the owner or operator of the motor vehicle and requests information pertaining to its location.

(E) The owner of a vehicle that is ordered into storage pursuant to division (A)(1) of this section or of a vehicle that is removed under authority of division (B)(2) of this section may reclaim it upon payment of any expenses or charges incurred in its removal, in an amount not to exceed \$90, and storage, in an amount not to exceed \$12 per 24-hour period; except that the charge for towing shall not exceed \$150, and the storage charge shall not exceed \$20 per 24-hour period, if the vehicle has a manufacturer's gross vehicle weight rating in excess of 10,000 pounds and is a truck, bus, or a combination of a commercial tractor and trailer or semitrailer. Presentation of proof of ownership, which may be evidenced by a certificate of title to the vehicle also shall be required for reclamation of the vehicle. If a vehicle that is ordered into storage pursuant to division (A)(1) of this section remains unclaimed by the owner for 30 days, the procedures established by §§ 95.02 and 95.03 shall apply.

(F) No person shall remove, or cause the removal of, any vehicle from private property that is established as a private tow-away zone under division (B)(1) of this section other than in accordance with division (B)(2) of this section, and no person shall remove, or cause the removal of, any motor vehicle from any other private property other than in accordance with division (A)(1) of this section, §§ 95.02 through 95.06 or R.C. §§ 4513.61 through 4513.65.

(G) Whoever violates division (B)(3) or (F) of this section is guilty of a minor misdemeanor.
(R.C. § 4513.60) (Rev. 2012)

§ 95.02 IMPOUNDING ABANDONED MOTOR VEHICLE ON PUBLIC PROPERTY; NOTICE; DISPOSITION.

(A) The Police Chief of the municipality may order into storage any motor vehicle, including an abandoned junk motor vehicle as defined in § 95.04, that has come into the possession of the Police Chief as a result of the Police Chief's duties or that has been left on a public street or other property open to the public for purposes of vehicular travel, or upon or within the right-of-way of any road or highway, for 48 hours or longer without notification to the Police Chief of the reasons for leaving the motor vehicle in such place, except that when such motor vehicle constitutes an obstruction to traffic, it may be ordered into storage immediately. The Police Chief shall designate the place of storage of any motor vehicle so ordered removed.

(B) The Police Chief immediately shall cause a search to be made of the records of the Bureau of Motor Vehicles to ascertain the owner and any lienholder of a motor vehicle ordered into storage by the Police Chief, and if known, shall send or cause to be sent notice to the owner or lienholder at his or her last known address by certified mail with return receipt requested, that the motor vehicle will be declared a nuisance and disposed of if not claimed within ten days of the date of mailing of the notice. The owner or lienholder of the motor vehicle 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 or memorandum certificate of title to the motor vehicle. If the owner or lienholder of the motor vehicle reclaims it after a search of the records of the Bureau has been conducted and after notice has been sent to the owner or lienholder as described in this section, and the search was conducted by the owner of the place of storage or the owner's employee, and the notice was sent to the motor vehicle owner by the owner of the place of storage or the owner's employee, the owner or lienholder shall pay to the place of storage a processing fee of \$25, in addition to any expenses or charged incurred in the removal and storage of the vehicle.

(C) If the owner or lienholder makes no claim to the motor vehicle within ten days of the date of mailing the notice, and if the vehicle is to be disposed of at public auction as provided in § 95.03, the Police Chief, without charge to any party, 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 R.C. § 4513.61. Upon presentation of the affidavit, the Clerk, without charge, shall issue a salvage certificate of title, free and clear of all liens and encumbrances, to the Police Chief. If the vehicle is to be disposed of to a motor vehicle salvage dealer or other facility as provided in § 95.03, the Police Chief shall execute in triplicate an affidavit, as prescribed by the registrar of motor vehicles, describing the motor vehicle and the manner in which it was disposed, and that all requirements of R.C. § 4513.61 have been complied with. The Police Chief shall retain the original of the affidavit for his or her records, and shall furnish two copies to the motor

vehicle salvage dealer or other facility. Upon presentation of a copy of the affidavit by the motor vehicle salvage dealer, the Clerk of Courts, within 30 days of the presentation, will issue to such owner a salvage certificate of title, free and clear of all liens and encumbrances.

(D) Whenever a motor vehicle salvage dealer or other facility receives such an affidavit for the disposal of a motor vehicle as provided in this section, the dealer or facility is not required to obtain a state certificate of title to the motor vehicle in the dealer's or facility's own name if the vehicle is dismantled or destroyed and both copies of the affidavit are delivered to the Clerk of Courts.
(R.C. § 4513.61) (Rev. 2012)

§ 95.03 DISPOSITION OF VEHICLE ORDERED INTO STORAGE.

Unclaimed motor vehicles ordered into storage pursuant to § 95.01(A)(1) or § 95.02 shall be disposed of at the order of the Police Chief to a motor vehicle salvage dealer or scrap metal processing facility as defined in R.C. § 4737.05, or to any other facility owned by or under contract with the municipality for the disposal of such motor vehicles, or shall be sold by the Police Chief or licensed auctioneer at public auction after giving public notice by advertisement, published once a week for two successive weeks in a newspaper of general circulation in the county or as provided in R.C. § 7.16. Any monies accruing from the disposition of an unclaimed motor vehicle that are in excess of the expenses resulting from the removal and storage of the vehicle shall be credited to the General Fund of the municipality.
(R.C. § 4513.62) (Rev. 2012)

§ 95.04 DISPOSITION OF ABANDONED JUNK MOTOR VEHICLES.

(A) As used in this section, *ABANDONED JUNK MOTOR VEHICLE* means any motor vehicle meeting all of the following requirements:

- (1) The vehicle is left on private property for 48 hours or longer without the permission of the person having the right to the possession of the property, on a public street or other property open to the public for purposes of vehicular travel or parking, or upon or within the right-of-way of any road or highway for 48 hours or longer;
- (2) The vehicle is three years old or older;
- (3) The vehicle is extensively damaged, such damage including but not limited to any of the following: missing wheels, tires, motor, or transmission;
- (4) The vehicle is apparently inoperable; and
- (5) The vehicle has a fair market value of \$1,500 or less.

(B) The Police Chief shall order any abandoned junk motor vehicle to be photographed by a law enforcement officer. The officer shall record the make of motor vehicle, the serial number when available, and shall also detail the damage or missing equipment to substantiate the value of \$1,500 or less. The Police Chief shall thereupon immediately dispose of the abandoned junk motor vehicle to a motor vehicle salvage dealer as defined in R.C. § 4738.01 or a scrap metal processing facility as defined in R.C. § 4737.05 which is under contract to the municipality, or to any other facility owned by or under contract with the municipality for the destruction of such motor vehicles. The records and photographs relating to the abandoned junk motor vehicle shall be retained by the law enforcement agency ordering the disposition of such vehicle for a period of at least two years. The law enforcement agency shall execute in quadruplicate an affidavit, as prescribed by the registrar of motor vehicles, describing the motor vehicle and the manner in which it was disposed of, and that all requirements of R.C. § 4513.63 have been complied with, and, within 30 days of disposing of the vehicle, shall sign and file the affidavit with the Clerk of Courts of the county in which the motor vehicle was abandoned. The Clerk of Courts retains the original of the affidavit for the Clerk's files, furnishes one copy thereof to the registrar, one copy to the motor vehicle salvage dealer or other facility handling the disposal of the vehicle, and one copy to the law enforcement agency ordering the disposal, who shall file such copy with the records and photograph relating to the disposal. Any monies arising from the disposal of an abandoned junk motor vehicle shall be deposited in the General Fund of the municipality.

(C) Notwithstanding § 95.02, any motor vehicle meeting the requirements of division (A)(2), (A)(3) and (A)(5) of this section which has remained unclaimed by the owner or lienholder for a period of ten days or longer following notification as provided in § 95.02 may be disposed of as provided in this section.
(R.C. § 4513.63) (Rev. 2005)

§ 95.05 ABANDONMENT OF JUNK MOTOR VEHICLE PROHIBITED.

(A) (1) No person shall willfully leave an abandoned junk motor vehicle as defined in § 95.04 on private property for more than 72 hours without the permission of the person having the right to the possession of the property, or on a public street or other property open to the public for purposes of vehicular travel or parking, or upon or within the right-of-way of any road or highway for 48 hours or longer without notification to the Police Chief of the reason for leaving the motor vehicle in such place.

(2) For purposes of this section, the fact that a motor vehicle has been so left without permission or notification is prima facie evidence of abandonment.

(3) Nothing contained in §§ 95.01, 95.02 and 95.04 and R.C. §§ 4513.60, 4513.61 and 4513.63 shall invalidate or prevent the enactment of further provisions of municipal ordinances regulating or prohibiting the abandonment of motor vehicles on streets, highways, public property, or private property within the municipality.

(B) Whoever violates this section is guilty of a minor misdemeanor and shall also be assessed any costs incurred by the municipality in disposing of the abandoned junk motor vehicle that is the basis of the violation, less any money accruing to the municipality from the disposal of the vehicle.
(R.C. § 4513.64) (Rev. 2004)

§ 95.06 JUNK MOTOR VEHICLE; ORDER TO COVER OR REMOVE; NOTICE; EXCEPTIONS.

(A) (1) As used in this section, *JUNK MOTOR VEHICLE* means any motor vehicle meeting the requirements of § 95.04(A)(2), (A)(3), (A)(4) and (A)(5) that is left uncovered in the open on private property for more than 72 hours with the permission of the person having the right to possession of the property, except if the person is operating a junk yard or scrap metal processing facility licensed under the authority of R.C. §§ 4737.05 through 4737.12, or otherwise regulated under authority of a political subdivision; or if the property on which the motor vehicle is left is not subject to licensure or regulation by any governmental authority, unless the person having the right to the possession of the property can establish that the motor vehicle is part of a bona fide commercial operation; or if the motor vehicle is a collector's vehicle.

(2) The municipality shall not prevent a person from storing or keeping, or restrict him or her in the method of storing or keeping, any collector's vehicle on private property with the permission of the person having the right to the possession of the property, except that the municipality may require a person having such permission to conceal, by means of buildings, fences, vegetation, terrain, or other suitable obstruction, and unlicensed collector's vehicle stored in the open.

(3) The Police Chief, the Legislative Authority, or the zoning authority may send notice, by certified mail with return receipt requested, to the person having the right to the possession of the property on which a junk motor vehicle is left, that within ten days of receipt of the notice, the junk motor vehicle either shall be covered by being housed in a garage or other suitable structure, or shall be removed from the property.

(4) No person shall willfully leave a junk motor vehicle uncovered in the open for more than ten days after receipt of a notice as provided in this section. The fact that a junk motor vehicle is so left is prima facie evidence of willful failure to comply with the notice, and each

subsequent period of 30 days that a junk motor vehicle continues to be so left constitutes a separate offense.

(B) Whoever violates this section is guilty of a minor misdemeanor.

(R.C. § 4513.65) (Rev. 2010)

CHAPTER 96: WATERCRAFT

Section

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§ 96.01 DEFINITIONS.

(A) For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CANOE. A narrow vessel of shallow draft, pointed at both ends and propelled by human muscular effort, and includes kayaks, racing shells, and rowing sculls.

COAST GUARD APPROVED. Bearing an approval number assigned by the United States Coast Guard.

DIVER'S FLAG. A red flag not less than one 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.

DRUG OF ABUSE. Has the same meaning as in R.C. § 4506.01.

ELECTRONIC. Includes electrical, digital, magnetic, optical, electromagnetic, or any other form of technology that entails capabilities similar to these technologies.

ELECTRONIC RECORD. A record generated, communicated, received, or stored by electronic means for use in an information system or for transmission from one information system to another.

ELECTRONIC SIGNATURE. A signature in electronic form attached to or logically associated with an electronic record.

IDLE SPEED. The slowest possible speed needed to maintain steerage or maneuverability.

IMPOUNDMENT. Means the reservoir created by a dam or other artificial barrier across a watercourse that causes water to be stored deeper than and generally beyond the banks of the natural channel of the watercourse during periods of normal flow, but does not include water stored behind rock piles, rock riffle dams, and low channel dams where the depth of water is less than 10 feet above the channel bottom and is essentially confined within the banks of the natural channel during periods of normal stream flow.

IN OPERATION. In reference to a vessel, means that the vessel is being navigated or otherwise used on the waters in this municipality.

INFLATABLE WATERCRAFT. Any vessel constructed of rubber, canvas or other material which is designed to be inflated with any gaseous substance, constructed with two or more air cells and operated as a vessel. Inflatable watercraft propelled by a motor shall be classified as powercraft and shall be registered by length. Inflatable watercraft propelled by a sail shall be classified as a sailboat and shall be registered by length.

LAW ENFORCEMENT VESSEL. Any vessel used in law enforcement and under the command of a law enforcement officer.

MUFFLER. An acoustical suppression device or system that is designed and installed to abate the sound of exhaust gases emitted from an internal combustion engine and that prevents excessive or unusual noise.

NAVIGABLE WATERS. Waters which come under the jurisdiction of the Department of the Army of the United States and any waterways within or adjacent to this municipality, except inland lakes having neither a navigable inlet nor outlet.

NO WAKE. Has the same meaning as “idle speed”.

OPERATOR. Includes any person who navigates or has under the person’s control a vessel, or vessel and detachable motor, on the waters in this municipality.

OWNER. Includes any person who claims lawful possession of a vessel by virtue of legal title or equitable interest therein that entitled the person to that possession.

PERSON. Includes any legal entity defined as a person in R.C. § 1.59 and any body politic, except the United States and this State, and includes any agent, trustee, executor, receiver, assignee or other representative thereof.

PERSONAL WATERCRAFT. A vessel, less than 16 feet in length, that is propelled by machinery and designed to be operated by an individual sitting, standing or kneeling on the vessel rather than by an individual sitting or standing inside the vessel.

POWERCRAFT. Any vessel propelled by machinery, fuel, rockets or similar devices.

RECREATIONAL RIVER AREA. Means an area declared a recreational river area by the Director of Natural Resources under R.C. Chapter 1547 and includes those rivers or sections of rivers that are readily accessible by road or railroad, that may have some development along their shorelines, and that may have undergone some impoundment or diversion in the past.

ROWBOAT. Any vessel, except a canoe, that is 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.

SAILBOAT. Any vessel, equipped with mast and sails, dependent upon the wind to propel it in the normal course of operation.

(a) Any sailboat equipped with an inboard engine is deemed a powercraft with auxiliary sail.

(b) Any sailboat equipped with a detachable motor is deemed a sailboat with auxiliary power.

(c) Any sailboat being propelled by mechanical power, whether under sail or not, is deemed a powercraft and subject to all laws and rules governing powercraft operation.

SEWAGE. Human body wastes and wastes from toilets and other receptacles intended to receive or retain body waste.

SCENIC RIVER AREA. Means an area declared a scenic river area by the Director of Natural Resources under R.C. Chapter 1547 and includes those rivers or sections of rivers that are free of impoundments, with shorelines or watersheds still largely primitive and shorelines largely undeveloped, but accessible in places by roads.

TYPE 1 PERSONAL FLOTATION DEVICE. A device which is designed to turn an unconscious person floating in water from a face downward position to a vertical or slightly face upward position and that has at least nine kilograms, approximately 20 pounds, of buoyancy.

TYPE 2 PERSONAL FLOTATION DEVICE. A device which is designed to turn an unconscious person in the water from a face downward position to a vertical or slightly face upward position and that has at least seven kilograms, approximately 15.4 pounds, of buoyancy.

TYPE 3 PERSONAL FLOTATION DEVICE. A device which is designed to keep a conscious person in a vertical or slightly face upward position and that has at least seven kilograms, approximately 15.4 pounds, of buoyancy.

TYPE 4 PERSONAL FLOTATION DEVICE. A device which is designed to be thrown to a person in the water and not worn and that has at least seven and one-half kilograms, approximately 16.5 pounds, of buoyancy.

TYPE 5 PERSONAL FLOTATION DEVICE. A device that, unlike other personal flotation devices, has limitations on its approval by the United States Coast Guard, including, without limitation, all of the following:

(a) The approval label on the type 5 personal flotation device indicates that the device is approved for the activity in which the vessel is being used or as a substitute for a personal flotation device of the type required on the vessel in use;

(b) The personal flotation device is used in accordance with any requirements on the approval label;

(c) The personal flotation device is used in accordance with requirements in its owner's manual if the approval label refers to such a manual.

VESSEL. Includes every description of craft, including nondisplacement craft and sea planes, designed to be used as a means of transportation on water.

VISIBLE. Means visible on a dark night with clear atmosphere.

WATERCOURSE. Means a substantially natural channel with recognized banks and bottom in which a flow of water occurs, with an average of at least 10 feet mean surface water width and at least 5 miles of length.

WATERCRAFT. As used in §§ 96.27, 96.34(A) and (B), 96.39, 96.41, and 96.42:

(a) The term means any of the following when used or capable of being used for transportation on the water:

1. A vessel operated by machinery either permanently or temporarily affixed;

2. A sailboat other than a sailboard;

3. An inflatable or manually propelled boat that is required by federal law to have a hull identification number meeting the requirements of the United States Coast Guard; or

4. A canoe or rowboat.

(b) The term does not include ferries as referred to in R.C. Chapter 4583.

(c) Watercraft subject to R.C. § 1547.54 shall be divided into five classes as follows:

1. Class A: less than 16 feet in length;

2. Class 1: at least 16 feet but less than 26 feet in length;

3. Class 2: at least 26 feet but less than 40 in length;

4. Class 3: at least 40 feet but less than 65 feet in length; and

5. Class 4: at least 65 feet in length.

WATERCRAFT DEALER. Any person who is regularly engaged in the business of manufacturing, selling, displaying, offering for sale or dealing in vessels at an established place of business. The phrase does not include a person who is a marine salvage dealer or any other person who dismantles, salvages or rebuilds vessels using used parts.

WATERS IN THIS MUNICIPALITY. All streams, rivers, lakes, ponds, marshes, watercourses, waterways and all other bodies of water, natural or human-made, which are situated wholly or partially within this municipality or within its jurisdiction and are used for recreational boating.

WILD RIVER AREA. Means an area declared a wild river area by the Director of Natural Resources under R.C. Chapter 1547 and includes those rivers or sections of rivers that are free of impoundments and generally inaccessible except by trail, with watersheds or shorelines essentially primitive and waters unpolluted, representing vestiges of primitive America.
(R.C. § 1547.01) (Rev. 2010)

(B) Unless otherwise provided, this chapter applies to all vessels operating on the waters in this municipality. Nothing in this chapter shall be construed in contravention of any valid federal or state act or regulation, but is in addition to the act or regulation where not inconsistent.
(R.C. § 1547.02) (Rev. 2010)

§ 96.02 FAILURE TO COMPLY WITH LAW ENFORCEMENT ORDER; FLEEING.

(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.

(C) No person shall operate or permit to be operated any vessel on the waters in this municipality in violation of this section.
(R.C. § 1547.13)

(D) Whoever violates this section is guilty of a misdemeanor of the first degree.
(R.C. § 1547.99(B)) (Rev. 2002)

§ 96.03 DUTY UPON APPROACH OF LAW ENFORCEMENT VESSEL.

(A) Upon the approach of a law enforcement vessel with at least one flashing, rotating, or oscillating light of a color conforming with the requirements of federal law, the operator of any vessel shall stop if followed or give way in any crossing, head-on, or overtaking situation and shall remain in that 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 state.

(B) No person shall operate or permit to be operated any vessel on the waters in this municipality in violation of this section.
(R.C. § 1547.131)

(C) Whoever violates this section is guilty of a misdemeanor of the fourth degree.
(R.C. § 1547.99(F)) (Rev. 2002)

§ 96.04 FLASHING LIGHTS PROHIBITED; EXCEPTIONS.

(A) 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 municipality, except in accordance with Federal law.

(B) No person shall operate or permit to be operated any vessel on the waters in this municipality in violation of this section.
(R.C. § 1547.03) (Rev. 2002) Penalty, see § 96.99

§ 96.05 SIREN PROHIBITED; EXCEPTIONS.

(A) No person, except an authorized watercraft representative of the federal government, the state, or any of its political subdivisions shall use or operate a siren on the waters in this municipality except for emergency purposes.

(B) No person shall operate or permit to be operated any vessel on the waters in this municipality in violation of this section.
(R.C. § 1547.04) (Rev. 2002) Penalty, see § 96.99

§ 96.06 REGULATIONS FOR OPERATION AND RENTAL OF POWERCRAFT OF MORE THAN TEN HORSEPOWER.

(A) (1) No person born on or after January 1, 1982, shall operate on the waters in this municipality a powercraft powered by more than 10 horsepower, unless the operator successfully has completed either a safe boater course approved by the National Association of State Boating Law Administrators or a proctored or nonproctored proficiency examination that tests knowledge of information included in the curriculum of such a course, and has received a certificate as evidence of successful completion of the course or examination.

(2) No person shall permit a powercraft to be operated in this municipality in violation of this division (A).
(R.C. § 1547.05) (Rev. 2008)

(B) A person born on or after January 1, 1982, who is operating on the waters in this municipality a powercraft powered by more than 10 horsepower and who is stopped by a law enforcement officer in the enforcement of R.C. Chapter 1547 or rules adopted under it shall present to the law enforcement officer, not later than 72 hours after being stopped, a certificate obtained by the person pursuant to division (A) of this section prior to being stopped or proof of holding such a certificate. Failure of the person to present the certificate or proof of holding it within 72 hours constitutes prima facie evidence of a violation of division (A) of this section.
(R.C. § 1547.051)

(C) No rental business shall lease, hire, or rent a powercraft powered by more than 10 horsepower for operation on the waters in this municipality to a person born on or after January 1, 1982, unless the person meets one of the following requirements:

(1) The person signs a statement on the rental agreement or attached to the rental agreement that the person has successfully completed a safe boater course approved by the National Association of State Boating Law Administrators or has successfully completed a proficiency examination as provided in division (A) of this section.

(2) The person receives educational materials from the rental business and successfully passes, with a score of 90% or better, an abbreviated examination given by the rental business. The achievement of a passing score on the examination shall be indicated on or attached to the powercraft rental agreement.

(D) Any person born on or after January 1, 1982, operating or supervising the operation of a leased, hired, or rented powercraft shall:

(1) Meet the requirements for boater education of division (C) of this section.

(2) Be named as an operator on the agreement that leases, hires, or rents the powercraft.

(E) The Division of Watercraft shall make available to all watercraft rental businesses in the state boater safety educational materials and an abbreviated examination that shall be used by the watercraft rental business for the purposes of division (C)(2) of this section.
(R.C. § 1547.052)

(F) Whoever violates division (A) or (B) of this section is guilty of a misdemeanor of the fourth degree if the violation is not related to a collision, injury to a person, or damage to property and a misdemeanor of the third degree if the violation is related to a collision, injury to a person, or damage to property.
(R.C. § 1547.99(K)) (Rev. 2002) Penalty, see § 96.99

§ 96.07 RESTRICTIONS ON CHILD OPERATORS; DUTY OF SUPERVISORY ADULT.

(A) Except as otherwise provided in this division, no person under 16 years of age shall operate a personal watercraft on the waters in this municipality. A person who is not less than 12 nor more than 15 years of age may operate a personal watercraft if a supervising person 18 years of age or older is aboard the personal watercraft and, in the case of a supervising person born on or after January 1, 1982, if the supervising person holds a certificate obtained under § 96.06(A) or, in the case of a rented powercraft, meets the requirements of § 96.06(C) and (D).

(B) No person under 12 years of age shall operate any vessel on the waters in this municipality unless the person is under the direct visual and audible supervision, during the operation, of a person who is 18 years of age or older. This division does not apply to a personal watercraft, which shall be governed by division (A) of this section, or to a powercraft, other than a personal watercraft, powered by more than 10 horsepower, which shall be governed by division (C) of this section.

(C) No person under 12 years of age shall operate on the waters in this municipality a powercraft, other than a personal watercraft, powered by more than 10 horsepower unless the person is under the direct visual and audible supervision, during the operation, of a person 18 years of age or older who is aboard the powercraft and, in the case of such a supervising person born on or after January 1, 1982, who holds a certificate obtained under § 96.06(A) or, in the case of a rented powercraft, meets the requirements of § 96.06(C) and (D).

(D) No supervising person 18 years of age or older shall permit any person who is under the supervising person's supervision and who is operating a vessel on the waters in this municipality to violate any section of this chapter, R.C. Chapter 1547 or a rule adopted under it.
(R.C. § 1547.06) (Rev. 2002) Penalty, see § 96.99

§ 96.08 RECKLESS OPERATION; MAINTAINING SUFFICIENT CONTROL; WAKES RESTRICTED.

(A) *Reckless operation.*

(1) Any person who operates any vessel or manipulates any water skis, aquaplane, or similar device on the waters in this municipality 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 is guilty of reckless operation of the vessel or other device.

(2) No person shall operate or permit the operation of a vessel in an unsafe manner. A vessel shall be operated in a reasonable and prudent manner at all times. Unsafe vessel operation includes, without limitation, any of the following:

(a) A vessel becoming airborne or completely leaving the water while crossing the wake of another vessel at a distance of less than 100 feet, or at an unsafe distance, from the vessel creating the wake;

(b) Operating at such a speed and proximity to another vessel or to a person attempting to ride on one or more water skis, surfboard, inflatable device, or similar device being towed by a vessel so as to require the operator of either vessel to swerve or turn abruptly to avoid collision;

(c) Operating less than 200 feet directly behind a person water skiing or attempting to water ski;

(d) Weaving through congested traffic.
(R.C. § 1547.07)

(B) *Maintaining sufficient control.* No person shall operate or permit the operation of a vessel on the waters in this municipality without maintaining sufficient control to avoid an incident that results in property damage, physical injury, loss of life, or any combination of them.
(R.C. § 1547.072) (Rev. 2009)

(C) *Wakes restricted.*

(1) As used in this division (C), **PUBLIC SERVICE** means activities that include but are not limited to escorting or patrolling special water events, traffic control, salvage, firefighting, medical assistance, assisting disabled vessels, and search and rescue.

(2) No person shall operate a vessel at a speed that creates a wake within 100 feet of a stationary law enforcement vessel displaying at least one flashing, oscillating, or rotating light conforming with 33 C.F.R. § 88.11.

(3) No person shall operate a vessel at a speed that creates a wake within 100 feet of a vessel that is being used to provide public service and that displays at least one flashing, oscillating, or rotating light conforming with 33 C.F.R. § 88.12.

(4) No person shall permit any vessel to be operated on the waters in this municipality in violation of this division (C).
(R.C. § 1547.132) (Rev. 2009)

(D) *Penalty.*

(1) Whoever violates divisions (A) or (C) of this section without causing injury to persons or damage to property is guilty of a misdemeanor of the fourth degree.
(R.C. § 1547.99(D))

(2) Whoever violates divisions (A) or (C) of this section causing injury to persons or damage to property is guilty of a misdemeanor of the third degree.
(R.C. § 1547.99(E))

(3) Whoever violates division (B) of this section shall be subject to the penalty provided in § 96.99.
(Rev. 2009)

§ 96.09 UNSAFE CONDITIONS.

(A) If a law enforcement officer observes a vessel being used and determines that at least one of the unsafe conditions identified in division (C) of this section is present and that an especially hazardous condition exists, the officer may direct the operator of the vessel to take whatever immediate and reasonable actions are necessary for the safety of the persons aboard the vessel, including directing the operator to return the vessel to mooring and remain there until the situation creating the hazardous condition is corrected or has ended. For the purposes of this section, an especially hazardous condition is one in which a reasonably prudent person would believe that the continued operation of a vessel would create a special hazard to the safety of the persons aboard the vessel.

(B) The refusal by an operator of a vessel to terminate use of the vessel after being ordered to do so by a law enforcement officer under division (A) of this section is prima facie evidence of a violation of § 96.08.

(C) For the purposes of this section, any of the following is an unsafe condition:

- (1) Insufficient personal flotation devices;

- (2) Insufficient fire extinguishers;

- (3) Overloaded, insufficient freeboard for the water conditions in which the vessel is operating;

- (4) Improper display of navigation lights;

- (5) Fuel leaks, including fuel leaking from either the engine or the fuel system;

- (6) Accumulation of or an abnormal amount of fuel in the bilges;

- (7) Inadequate backfire flame control;

- (8) Improper ventilation.

(D) This section does not apply to any of the following:

- (1) Foreign vessels temporarily using waters that are subject to the jurisdiction of the United States;

- (2) Military vessels, vessels owned by the state or a political subdivision, or other public vessels, except those that are used for recreation;

- (3) A ship's lifeboats, as defined in R.C. § 1548.01;

- (4) Vessels that are solely commercial and that are carrying more than six passengers for hire.
(R.C. § 1547.071) (Rev. 2002)

§ 96.10 MARKING OF BATHING AND VESSEL AREAS.

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

(B) (1) No person shall operate a vessel at greater than idle speed or at a speed that creates a wake under any of the following circumstances:

- (a) Within 300 feet of any marina, boat docking facility, boat gasoline dock, launch ramp, recreational boat harbor, or harbor entrance on Lake Erie or on the Ohio River;

- (b) During the period from sunset to sunrise according to local time within any water between the Dan Beard bridge and the Brent Spence bridge on the Ohio River for any vessel not documented by the United States Coast Guard as commercial;

- (c) Within any area buoyed or marked as a no wake area on the waters in this municipality.

(2) Division (B)(1) of this section does not apply in either of the following places:

(a) An 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;

(b) Within any water between the Dan Beard bridge and the Brent Spence bridge on the Ohio River when the United States Coast Guard has authorized the holding of a special event of a community nature on that water.

(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 vessel within 300 feet of an official diver's flag unless the person is tendering the diving operation.

(E) (1) All areas of restricted or controlled operation as described in division (A) of this section or as provided for in § 96.15 or R.C. § 1547.16 or 1547.61 shall be marked by a buoy or sign designating the restriction. 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.

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

(3) Any state department, conservancy district, or political subdivision having jurisdiction and control of impounded boating waters may 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. No person shall place or cause to be placed a regulatory buoy or sign on, into, or along the waters in this municipality unless the person has complied with all the provisions of this chapter and R.C. Chapter 1547.

(F) No person shall enter, operate a vessel that enters, or allow a vessel to enter a federally-declared security zone as defined in 33 C.F.R Chapter 1, subparts 6.01-1, 6.01-2, 6.01-3, 6.01-4, 6.01-5, 6.04-1, 6.04-5, 6.04-6, 6.04-7, and 6.04-8.

(G) No person shall permit any vessel to be operated on the waters in this municipality in violation of this section. (R.C. § 1547.08) (Rev. 2008)

(H) (1) Whoever violates divisions (A), (B), (C), (D), (E), or (G) of this section shall be punished as provided in § 96.99.

(2) Whoever violates division (F) of this section is guilty of a misdemeanor of the first degree. (R.C. § 1547.99(B)) (Rev. 2008)

§ 96.11 MOORING PROHIBITED IN CERTAIN AREAS.

(A) 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.

(B) No person shall operate or permit to be operated any vessel on the waters in this municipality in violation of this section. (R.C. § 1547.09) (Rev. 2002) Penalty, see § 96.99

§ 96.12 OPERATING UNDER INFLUENCE OF ALCOHOL OR DRUGS PROHIBITED.

(A) No person shall operate or be in physical control of any vessel underway or shall manipulate any water skis, aquaplane, or similar device on the waters in this municipality if, at the time of the operation, control, or manipulation, any of the following applies:

(1) The person is under the influence of alcohol, a drug of abuse, or a combination of them.

(2) The person has a concentration of 0.08% or more by weight of alcohol per unit volume in the person's whole blood.

(3) The person has a concentration of 0.096% or more by weight per unit volume of alcohol in the person's blood serum or plasma.

(4) The person has a concentration of 0.11 grams or more by weight of alcohol per 100 milliliters of the person's urine.

(5) The person has a concentration of 0.08 grams or more by weight of alcohol per 210 liters of the person's breath.

(6) Except as provided in division (H) of this section, the person has a concentration of any of the following controlled substances or metabolites of a controlled substance in the person's whole blood, blood serum or plasma, or urine that equals or exceeds any of the following:

(a) The person has a concentration of amphetamine in the person's urine of at least 500 nanograms

of amphetamine per milliliter of the person's urine or has a concentration of amphetamine in the person's whole blood or blood serum or plasma of at least 100 nanograms of amphetamine per milliliter of the person's whole blood or blood serum or plasma.

(b) The person has a concentration of cocaine in the person's urine of at least 150 nanograms of cocaine per milliliter of the person's urine or has a concentration of cocaine in the person's whole blood or blood serum or plasma of at least 50 nanograms of cocaine per milliliter of the person's whole blood or blood serum or plasma.

(c) The person has a concentration of cocaine metabolite in the person's urine of at least 150 nanograms of cocaine metabolite per milliliter of the person's urine or has a concentration of cocaine metabolite in the person's whole blood or blood serum or plasma of at least 50 nanograms of cocaine metabolite per milliliter of the person's whole blood or blood serum or plasma.

(d) The person has a concentration of heroin in the person's urine of at least 2,000 nanograms of heroin per milliliter of the person's urine or has a concentration of heroin in the person's whole blood or blood serum or plasma of at least 50 nanograms of heroin per milliliter of the person's whole blood or blood serum or plasma.

(e) The person has a concentration of heroin metabolite (6-monoacetyl morphine) in the person's urine of at least ten nanograms of heroin metabolite (6-monoacetyl morphine) per milliliter of the person's urine or has a concentration of heroin metabolite (6-monoacetyl morphine) in the person's whole blood or blood serum or plasma of at least ten nanograms of heroin metabolite (6-monoacetyl morphine) per milliliter of the person's whole blood or blood serum or plasma.

(f) The person has a concentration of L.S.D. in the person's urine of at least 25 nanograms of L.S.D. per milliliter of the person's urine or has a concentration of L.S.D. in the person's whole blood or blood serum or plasma of at least ten nanograms of L.S.D. per milliliter of the person's whole blood or blood serum or plasma.

(g) The person has a concentration of marihuana in the person's urine of at least ten nanograms of marihuana per milliliter of the person's urine or has a concentration of marihuana in the person's whole blood or blood serum or plasma of at least two nanograms of marihuana per milliliter of the person's whole blood or blood serum or plasma.

(h) The State Board of Pharmacy has adopted a rule pursuant to R.C. § 4729.041 that specifies the amount of salvia divinorum and the amount of salvinorin A that constitute concentrations of salvia divinorum and

salvinorin A in a person's urine, in a person's whole blood, or in a person's blood serum or plasma at or above which the person is impaired for purposes of operating or being in physical control of any vessel underway or manipulating any water skis, aquaplane, or similar device on the waters of this state, the rule is in effect, and the person has a concentration of salvia divinorum or salvinorin A of at least that amount so specified by rule in the person's urine, in the person's whole blood, or in the person's blood serum or plasma.

(i) Either of the following applies:

1. The person is under the influence of alcohol, a drug of abuse, or a combination of them, and, as measured by gas chromatography mass spectrometry, the person has a concentration of marihuana metabolite in the person's urine of at least 15 nanograms of marihuana metabolite per milliliter of the person's urine or has a concentration of marihuana metabolite in the person's whole blood or blood serum or plasma of at least five nanograms of marihuana metabolite per milliliter of the person's whole blood or blood serum or plasma.

2. As measured by gas chromatography mass spectrometry, the person has a concentration of marihuana metabolite in the person's urine of at least 35 nanograms of marihuana metabolite per milliliter of the person's urine or has a concentration of marihuana metabolite in the person's whole blood or blood serum or plasma of at least 50 nanograms of marihuana metabolite per milliliter of the person's whole blood or blood serum or plasma.

(j) The person has a concentration of methamphetamine in the person's urine of at least 500 nanograms of methamphetamine per milliliter of the person's urine or has a concentration of methamphetamine in the person's whole blood or blood serum or plasma of at least 100 nanograms of methamphetamine per milliliter of the person's whole blood or blood serum or plasma.

(k) The person has a concentration of phencyclidine in the person's urine of at least 25 nanograms of phencyclidine per milliliter of the person's urine or has a concentration of phencyclidine in the person's whole blood or blood serum or plasma of at least ten nanograms of phencyclidine per milliliter of the person's whole blood or blood serum or plasma.

(B) No person under 21 years of age shall operate or be in physical control of any vessel underway or shall manipulate any water skis, aquaplane, or similar device on the waters in this municipality if, at the time of the operation, control, or manipulation, any of the following applies:

(1) The person has a concentration of at least 0.02%, but less than 0.08% by weight per unit volume of alcohol in the person's whole blood.

(2) The person has a concentration of at least 0.03% but less than 0.096% by weight per unit volume of alcohol in the person's blood serum or plasma.

(3) The person has a concentration of at least 0.028 grams, but less than 0.11 grams by weight of alcohol per 100 milliliters of the person's urine.

(4) The person has a concentration of at least 0.02 grams, but less than 0.08 grams by weight of alcohol per 210 liters of the person's breath.

(C) In any proceeding arising out of one incident, a person may be charged with a violation of division (A)(1) and a violation of division (B)(1), (B)(2), (B)(3), or (B)(4) of this section, but the person shall not be convicted of more than one violation of those divisions.

(D) (1) (a) In any criminal prosecution or juvenile court proceeding for a violation of division (A) or (B) of this section or for an equivalent offense that is watercraft-related, the result of any test of any blood or urine withdrawn and analyzed at any health care provider, as defined in R.C. § 2317.02, may be admitted with expert testimony to be considered with any other relevant and competent evidence in determining the guilt or innocence of the defendant.

(b) In any criminal prosecution or juvenile court proceeding for a violation of division (A) or (B) of this section or for an equivalent offense that is watercraft-related, the court may admit evidence on the concentration of alcohol, drugs of abuse, controlled substances, metabolites of a controlled substance, or a combination of them in the defendant's or child's whole blood, blood serum or plasma, urine, or breath at the time of the alleged violation as shown by chemical analysis of the substance withdrawn, or specimen taken within three hours of the time of the alleged violation. The three-hour time limit specified in this division regarding the admission of evidence does not extend or affect the two-hour time limit specified in § 96.13(C) or R.C. § 1547.111(C) as the maximum period of time during which a person may consent to a chemical test or tests as described in that section. The court may admit evidence on the concentration of alcohol, drugs of abuse, or a combination of them as described in this division when a person submits to a blood, breath, urine, or other bodily substance test at the request of a law enforcement officer under R.C. § 1547.111, or any substantially equivalent municipal ordinance, or a blood or urine sample is obtained pursuant to a search warrant. Only a physician, a registered nurse, an emergency medical technician-intermediate, an emergency medical technician-paramedic, or a qualified technician, chemist, or phlebotomist shall withdraw blood for the purpose of determining the alcohol, drug, controlled substance, metabolite of a controlled substance, or combination content of the whole blood, blood serum, or blood plasma. This limitation does not apply to the taking of breath or urine specimens. A person authorized to withdraw blood under this division may refuse to withdraw blood under this division if, in that person's

opinion, the physical welfare of the defendant or child would be endangered by withdrawing blood.

(c) The whole blood, blood serum or plasma, urine, or breath withdrawn under division (D)(1)(b) of this section shall be analyzed in accordance with methods approved by the Director of Health by an individual possessing a valid permit issued by the Director pursuant to R.C. § 3701.143.

(2) In a criminal prosecution or juvenile court proceeding for a violation of division (A) of this section or for an equivalent offense that is watercraft-related, if there was at the time the bodily substance was taken a concentration of less than the applicable concentration of alcohol specified for a violation of division (A)(2), (A)(3), (A)(4), or (A)(5) of this section or less than the applicable concentration of a listed controlled substance or a listed metabolite of a controlled substance specified for a violation of division (A)(6) of this section, that fact may be considered with other competent evidence in determining the guilt or innocence of the defendant or in making an adjudication for the child. This division does not limit or affect a criminal prosecution or juvenile court proceeding for a violation of division (B) of this section or for a violation of a prohibition that is substantially equivalent to that division.

(3) Upon the request of the person who was tested, the results of the chemical test shall be made available to the person or the person's attorney immediately upon completion of the test analysis. If the chemical test was administered pursuant to division (D)(1)(b) of this section, the person tested may have a physician, registered nurse, or qualified technician, chemist, or phlebotomist of the person's own 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.

(E) (1) In any criminal prosecution or juvenile court proceeding for a violation of division (A) or (B) of this section, of a municipal ordinance relating to operating or being in physical control of any vessel underway or to manipulating any water skis, aquaplane, or similar device on the waters of this state while under the influence of alcohol, a drug of abuse, or a combination of them, or of a municipal ordinance relating to operating or being in physical control of any vessel underway or to manipulating any water skis, aquaplane, or similar device on the waters of this state with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum or plasma, breath, or urine, if a law enforcement officer has administered a field sobriety test to the operator or person found to be in physical control of the vessel underway involved in the violation or the person manipulating the water skis, aquaplane, or similar device involved in the violation and if it is shown by clear and convincing evidence that the officer administered the test in substantial compliance with the testing standards for reliable,

credible, and generally accepted field sobriety tests for vehicles that were in effect at the time the tests were administered, including but not limited to any testing standards then in effect that have been set by the National Highway Traffic Safety Administration, that by their nature are not clearly inapplicable regarding the operation or physical control of vessels underway or the manipulation of water skis, aquaplanes, or similar devices, all of the following apply:

(a) The officer may testify concerning the results of the field sobriety test so administered.

(b) The prosecution may introduce the results of the field sobriety test so administered as evidence in any proceedings in the criminal prosecution or juvenile court proceeding.

(c) If testimony is presented or evidence is introduced under division (E)(1)(a) or (E)(1)(b) of this section and if the testimony or evidence is admissible under the Rules of Evidence, the court shall admit the testimony or evidence, and the trier of fact shall give it whatever weight the trier of fact considers to be appropriate.

(2) Division (E)(1) of this section does not limit or preclude a court, in its determination of whether the arrest of a person was supported by probable cause or its determination of any other matter in a criminal prosecution or juvenile court proceeding of a type described in that division, from considering evidence or testimony that is not otherwise disallowed by division (E)(1) of this section.

(F) (1) Subject to division (F)(3) of this section, in any criminal prosecution or juvenile court proceeding for a violation of division (A) or (B) of this section or for an equivalent offense that is substantially equivalent to either of those divisions, the court shall admit as prima facie evidence a laboratory report from any laboratory personnel issued a permit by the Department of Health authorizing an analysis as described in this division that contains an analysis of the whole blood, blood serum or plasma, breath, urine, or other bodily substance tested and that contains all of the information specified in this division. The laboratory report shall contain all of the following:

(a) The signature, under oath, of any person who performed the analysis;

(b) Any findings as to the identity and quantity of alcohol, a drug of abuse, a controlled substance, a metabolite of a controlled substance, or a combination of them that was found;

(c) A copy of a notarized statement by the laboratory director or a designee of the director that contains the name of each certified analyst or test performer involved with the report, the analyst's or test performer's employment relationship with the laboratory that issued the report, and a notation that performing an analysis of the type

involved is part of the analyst's or test performer's regular duties;

(d) An outline of the analyst's or test performer's education, training, and experience in performing the type of analysis involved and a certification that the laboratory satisfies appropriate quality control standards in general and, in this particular analysis, under rules of the Department of Health.

(2) Notwithstanding any other provision of law regarding the admission of evidence, a report of the type described in division (F)(1) of this section is not admissible against the defendant or child to whom it pertains in any proceeding, other than a preliminary hearing or a grand jury proceeding, unless the prosecutor has served a copy of the report on the defendant's or child's attorney or, if the defendant or child has no attorney, on the defendant or child.

(3) A report of the type described in division (F)(1) of this section shall not be prima facie evidence of the contents, identity, or amount of any substance if, within seven days after the defendant or child to whom the report pertains or the defendant's or child's attorney receives a copy of the report, the defendant or child or the defendant's or child's attorney demands the testimony of the person who signed the report. The judge in the case may extend the seven-day time limit in the interests of justice.

(G) Except as otherwise provided in this division, any physician, registered nurse, emergency medical technician-intermediate, emergency medical technician-paramedic, or qualified technician, chemist, or phlebotomist who withdraws blood from a person pursuant to this section, R.C. § 1547.111 or any substantially equivalent municipal ordinance, and a hospital, first-aid station, or clinic at which blood is withdrawn from a person pursuant to this section, R.C. § 1547.111 or any substantially equivalent municipal ordinance, is immune from criminal and civil liability based upon a claim of assault and battery or any other claim that is not a claim of malpractice, for any act performed in withdrawing blood from the person. The immunity provided in this division also extends to an emergency medical service organization that employs an emergency medical technician-intermediate or an emergency medical technician-paramedic who withdraws blood under this section. The immunity provided in this division is not available to a person who withdraws blood if the person engages in willful or wanton misconduct.

(H) Division (A)(6) of this section does not apply to a person who operates or is in physical control of a vessel underway or manipulates any water skis, aquaplane, or similar device while the person has a concentration of a listed controlled substance or a listed metabolite of a controlled substance in the person's whole blood, blood serum or plasma, or urine that equals or exceeds the amount specified in that division, if both of the following apply:

(1) The person obtained the controlled substance pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs.

(2) The person injected, ingested, or inhaled the controlled substance in accordance with the health professional's directions.

(I) As used in this section and § 96.13:

COCAINE. Has the same meaning as in R.C. § 2925.01.

CONTROLLED SUBSTANCE. Has the same meaning as in R.C. § 3719.01.

EMERGENCY MEDICAL TECHNICIAN-INTERMEDIATE and **EMERGENCY MEDICAL TECHNICIAN-PARAMEDIC.** Have the same meanings as in R.C. § 4765.01.

EQUIVALENT OFFENSE. Has the same meaning as in R.C. § 4511.181.

EQUIVALENT OFFENSE THAT IS WATERCRAFT-RELATED. Means an equivalent offense that is one of the following:

(a) A violation of division (A) or (B) of this section;

(b) A violation of a municipal ordinance prohibiting a person from operating or being in physical control of any vessel underway or from manipulating any water skis, aquaplane, or similar device on the waters of this state while under the influence of alcohol, a drug of abuse, or a combination of them or prohibiting a person from operating or being in physical control of any vessel underway or from manipulating any water skis, aquaplane, or similar device on the waters of this state with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum or plasma, breath, or urine;

(c) A violation of an existing or former municipal ordinance, law of another state, or law of the United States that is substantially equivalent to division (A) or (B) of this section;

(d) A violation of an existing or former law of this state that is or was substantially equivalent to division (A) or (B) of this section.

L.S.D. Has the same meaning as in R.C. § 2925.01.

MARIHUANA. Has the same meaning as in R.C. § 3719.01.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION. Has the same meaning as in R.C. § 4511.19.

OPERATE. Means that a vessel is being used on the waters in this state when the vessel is not securely affixed to a dock or to shore or to any permanent structure to which the vessel has the right to affix or that a vessel is not anchored in a designated anchorage area or boat camping area that is established by the United States Coast Guard, this state, or a political subdivision and in which the vessel has the right to anchor.
(R.C. § 1547.11) (Rev. 2011)

(J) Whoever violates this section is guilty of a misdemeanor of the first degree and shall be punished as provided in division (J)(1), (J)(2), or (J)(3) of this section.

(1) Except as otherwise provided in division (J)(2) or (J)(3) of this section, the court shall sentence the offender to a jail term of three consecutive days and may sentence the offender pursuant to R.C. § 2929.24 to a longer jail term. In addition, the court shall impose upon the offender a fine of not less than \$150 nor more than \$1,000. The court may suspend the execution of the mandatory jail term of three consecutive days that it is required to impose by this division (J)(1) if the court, in lieu of the suspended jail term, places the offender under a community control sanction pursuant to R.C. § 2929.25 and requires the offender to attend, for three consecutive days, a drivers' intervention program that is certified pursuant to R.C. § 3793.10. The court also may suspend the execution of any part of the mandatory jail term of three consecutive days that it is required to impose by this division (J)(1) if the court places the offender under a community control sanction pursuant to R.C. § 2929.25 for part of the three consecutive days; requires the offender to attend, for that part of the three consecutive days, a drivers' intervention program that is certified pursuant to R.C. § 3793.10; and sentences the offender to a jail term equal to the remainder of the three consecutive days that the offender does not spend attending the drivers' intervention program. The court may require the offender, as a condition of community control, to attend and satisfactorily complete any treatment or education programs, in addition to the required attendance at a drivers' intervention program, that the operators of the drivers' intervention program determine that the offender should attend and to report periodically to the court on the offender's progress in the programs. The court also may impose any other conditions of community control on the offender that it considers necessary.

(2) If, within six years of the offense, the offender has been convicted of or pleaded guilty to one violation of this section, R.C. § 1547.11 or one other equivalent offense, the court shall sentence the offender to a jail term of 10 consecutive days and may sentence the offender pursuant to R.C. § 2929.24 to a longer jail term. In addition, the court shall impose upon the offender a fine of not less than \$150 nor more than \$1,000. In addition to any

other sentence that it imposes upon the offender, the court may require the offender to attend a drivers' intervention program that is certified pursuant to R.C. § 3793.10.

(3) If, within six years of the offense, the offender has been convicted of or pleaded guilty to more than one violation or offense identified in division (J)(2) of this section, the court shall sentence the offender to a jail term of 30 consecutive days and may sentence the offender to a longer jail term of not more than one year. In addition, the court shall impose upon the offender a fine of not less than \$150 nor more than \$1,000. In addition to any other sentence that it imposes upon the offender, the court may require the offender to attend a drivers' intervention program that is certified pursuant to R.C. § 3793.10.

(4) Upon a showing that serving a jail term would seriously affect the ability of an offender sentenced pursuant to division (J)(1), (J)(2), or (J)(3) of this section to continue the offender's employment, the court may authorize that the offender be granted work release after the offender has served the mandatory jail term of 3, 10, or 30 consecutive days that the court is required by division (J)(1), (J)(2), or (J)(3) of this section to impose. No court shall authorize work release during the mandatory jail term of 3, 10, or 30 consecutive days that the court is required by division (J)(1), (J)(2), or (J)(3) of this section to impose. The duration of the work release shall not exceed the time necessary each day for the offender to commute to and from the place of employment and the place in which the jail term is served and the time actually spent under employment.

(5) Notwithstanding any section of the Ohio Revised Code that authorizes the suspension of the imposition or execution of a sentence or the placement of an offender in any treatment program in lieu of being imprisoned or serving a jail term, no court shall suspend the mandatory jail term of 10 or 30 consecutive days required to be imposed by division (J)(2) or (J)(3) of this section or place an offender who is sentenced pursuant to division (J)(2) or (J)(3) of this section in any treatment program in lieu of being imprisoned or serving a jail term until after the offender has served the mandatory jail term of 10 or 30 consecutive days required to be imposed pursuant to division (J)(2) or (J)(3) of this section. Notwithstanding any section of the Ohio Revised Code that authorizes the suspension of the imposition or execution of a sentence or the placement of an offender in any treatment program in lieu of being imprisoned or serving a jail term, no court, except as specifically authorized by division (J)(1) of this section, shall suspend the mandatory jail term of 3 consecutive days required to be imposed by division (J)(1) of this section or place an offender who is sentenced pursuant to division (J)(1) of this section in any treatment program in lieu of imprisonment until after the offender has served the mandatory jail term of 3 consecutive days required to be imposed pursuant to division (J)(1) of this section.

(6) As used in this division (J) of this section:

EQUIVALENT OFFENSE. Has the same meaning as in R.C. § 4511.181.

JAIL TERM. Has the same meaning as in R.C. § 2929.01.

MANDATORY JAIL TERM. Has the same meaning as in R.C. § 2929.01.
(R.C. § 1547.99(G)) (Rev. 2009)

§ 96.13 IMPLIED CONSENT.

(A) (1) (a) Any person who operates or is in physical control of a vessel or manipulates any water skis, aquaplane, or similar device upon any waters in this municipality shall be deemed to have given consent to a chemical test or tests to determine the alcohol, drug of abuse, controlled substance, metabolite of a controlled substance, or combination content of the person's whole blood, blood serum or plasma, breath, or urine if arrested for operating or being in physical control of a vessel or manipulating any water skis, aquaplane, or similar device in violation of R.C. § 1547.11 or a substantially equivalent municipal ordinance.

(b) The test or tests under division (A)(1) of this section shall be administered at the request of a law enforcement officer having reasonable grounds to believe the person was operating or in physical control of a vessel or manipulating any water skis, aquaplane, or similar device in violation of R.C. § 1547.11 or a substantially equivalent municipal ordinance. The law enforcement agency by which the officer is employed shall designate which test or tests shall be administered.

(2) Any person who is dead or unconscious or who otherwise is in a condition rendering the person incapable of refusal shall be deemed to have consented as provided in division (A)(1) of this section, and the test or tests may be administered, subject to R.C. §§ 313.12 through 313.16.

(B) (1) If a law enforcement officer arrests a person for operating or being in physical control of a vessel or manipulating any water skis, aquaplane, or similar device in violation of R.C. § 1547.11 or a substantially equivalent municipal ordinance and if the person previously has been convicted of or pleaded guilty to two or more violations of § 1547.11 or other equivalent offenses, the law enforcement officer shall request the person to submit, and the person shall submit, to a chemical test or tests of the person's whole blood, blood serum or plasma, breath, or urine for the purpose of determining the alcohol, drug of abuse, controlled substance, metabolite of a controlled substance, or combination content of the person's whole blood, blood serum or plasma, breath, or urine. A law enforcement officer who makes a request pursuant to this division that a person submit to a chemical test or tests is not required to advise the person of the consequences of refusing to submit

to the test or tests and is not required to give the person the form described in division (C) of this section, but the officer shall advise the person at the time of the arrest that if the person refuses to take a chemical test the officer may employ whatever reasonable means are necessary to ensure that the person submits to a chemical test of the person's whole blood or blood serum or plasma. The officer shall also advise the person at the time of the arrest that the person may have an independent chemical test taken at the person's own expense. The advice shall be in written form prescribed by the Chief of the Division of Watercraft and shall be read to the person. The form shall contain a statement that the form was shown to the person under arrest and read to the person by the arresting officer. The reading of the form shall be witnessed by one or more persons, and the witnesses shall certify to this fact by signing the form. Divisions (A)(1)(b) and (A)(2) of this section apply to the administration of a chemical test or tests pursuant to this division.

(2) If a person refuses to submit to a chemical test upon a request made pursuant to division (B)(1) of this section, the law enforcement officer who made the request may employ whatever reasonable means are necessary to ensure that the person submits to a chemical test of the person's whole blood or blood serum or plasma. A law enforcement officer who acts pursuant to this division to ensure that a person submits to a chemical test of the person's whole blood or blood serum or plasma is immune from criminal and civil liability based upon a claim for assault and battery or any other claim for the acts, unless the officer so acted with malicious purpose, in bad faith, or in a wanton or reckless manner.

(C) Except as provided in division (B) of this section, any person under arrest for violating R.C. § 1547.11 or a substantially equivalent municipal ordinance shall be advised of the consequences of refusing to submit to a chemical test or tests designated as provided in division (A) of this section. The advice shall be in a written form prescribed by the Chief of the Division of Watercraft and shall be read to the person. The form shall contain a statement that the form was shown to the person under arrest and read to the person by the arresting officer. The reading of the form shall be witnessed by one or more persons, and the witnesses shall certify to this fact by signing the form. The person must submit to the chemical test or tests, subsequent to the request of the arresting officer, within two hours of the time of the alleged violation, and if the person does not submit to the test or tests within that two-hour time limit, the failure to submit automatically constitutes a refusal to submit to the test or tests.

(D) (1) Except as provided in division (B) of this section, if a law enforcement officer asks a person under arrest for violating R.C. § 1547.11 or a substantially equivalent municipal ordinance to submit to a chemical test or tests as provided in division (A) of this section, if the arresting officer advises the person of the consequences of the person's refusal as provided in division (C) of this

section, and the person refuses to submit, no chemical test shall be given. Upon receipt of a sworn statement of the officer that the arresting law enforcement officer had reasonable grounds to believe the arrested person violated R.C. § 1547.11 or a substantially equivalent municipal ordinance and that the person refused to submit to the chemical test upon the request of the officer, and upon receipt of the form as provided in division (C) of this section certifying that the arrested person was advised of the consequences of the refusal, the Chief of the Division of Watercraft shall inform the person by written notice that the person is prohibited from operating or being in physical control of a vessel, from manipulating any water skis, aquaplane, or similar device, and from registering any watercraft in accordance with R.C. § 1547.54, for one year following the date of the alleged violation. The suspension of these operation, physical control, manipulation, and registration privileges shall continue for the entire one-year period, subject to review as provided in this section.

(2) If the person under arrest is the owner of the vessel involved in the alleged violation, the law enforcement officer who arrested the person shall seize the watercraft registration certificate and tags from the vessel involved in the violation and forward them to the Chief of the Division of Watercraft. The Chief of the Division of Watercraft shall retain the impounded registration certificate and tags and shall impound all other registration certificates and tags issued to the person in accordance with R.C. §§ 1547.54 and 1547.57, for a period of one year following the date of the alleged violation, subject to review as provided in this section.

(3) If the arrested person fails to surrender the registration certificate because it is not on the person of the arrested person or in the watercraft, the law enforcement officer who made the arrest shall order the person to surrender it within 24 hours to the law enforcement officer or the law enforcement agency that employs the law enforcement officer. If the person fails to do so, the law enforcement officer shall notify the Chief of the Division of Watercraft of that fact in the statement the officer submits to the Chief of the Division of Watercraft under this division.

(E) Upon suspending a person's operation, physical control, manipulation, and registration privileges in accordance with division (D) of this section, the Chief of the Division of Watercraft shall notify the person in writing, at the person's last known address, and inform the person that the person may petition for a hearing in accordance with division (F) of this section. If a person whose operation, physical control, manipulation, and registration privileges have been suspended petitions for a hearing or appeals any adverse decision, the suspension shall begin at the termination of any hearing or appeal unless the hearing or appeal results in a decision favorable to the person.

(F) (1) Any person who has been notified by the Chief of the Division of Watercraft that the person is prohibited from operating or being in physical control of a

vessel or manipulating any water skis, aquaplane, or similar device and from registering any watercraft in accordance with R.C. § 1547.54, or who has had the registration certificate and tags of the person's watercraft impounded pursuant to division (D) of this section, within 20 days of the notification or impoundment, may file a petition in the municipal court or the county court, or if the person is a minor in juvenile court, with jurisdiction over the place at which the arrest occurred, agreeing to pay the cost of the proceedings and alleging error in the action taken by the Chief of the Division of Watercraft under division (D) of this section or alleging one or more of the matters within the scope of the hearing as provided in this section, or both. The petitioner shall notify the Chief of the Division of Watercraft of the filing of the petition and send the Chief of the Division of Watercraft a copy of the petition.

(2) The scope of the hearing is limited to the issues of whether the law enforcement officer had reasonable grounds to believe the petitioner was operating or in physical control of a vessel or manipulating any water skis, aquaplane, or similar device in violation of R.C. § 1547.11 or a substantially equivalent municipal ordinance, whether the petitioner was placed under arrest, whether the petitioner refused to submit to the chemical test upon request of the officer, and whether the petitioner was advised of the consequences of the petitioner's refusal.

(G) (1) The Chief of the Division of Watercraft shall furnish the court a copy of the affidavit as provided in division (C) of this section and any other relevant information requested by the court.

(2) In hearing the matter and in determining whether the person has shown error in the decision taken by the Chief of the Division of Watercraft as provided in division (D) of this section, the court shall decide the issue upon the relevant, competent, and material evidence submitted by the Chief of the Division of Watercraft or the person whose operation, physical control, manipulation, and registration privileges have been suspended. In the proceedings, the Chief of the Division of Watercraft shall be represented by the prosecuting attorney of the county in which the petition is filed if the petition is filed in a county court or juvenile court, except that if the arrest occurred within a city or village within the jurisdiction of the county court in which the petition is filed, the city director of law or village solicitor of that city or village shall represent the Chief of the Division of Watercraft. If the petition is filed in the municipal court, the Chief of the Division of Watercraft shall be represented as provided in R.C. § 1901.34.

(3) If the court finds from the evidence submitted that the person has failed to show error in the action taken by the Chief of the Division of Watercraft under division (D) of this section or in one or more of the matters within the scope of the hearing as provided in division (F) of this section, or both, the court shall assess the cost of the proceeding against the person and shall uphold the suspension of the operation, physical control, use, and registration privileges provided in division (D) of

this section. If the court finds that the person has shown error in the action taken by the Chief of the Division of Watercraft under division (D) of this section or in one or more of the matters within the scope of the hearing as provided in division (F) of this section, or both, the cost of the proceedings shall be paid out of the county treasury of the county in which the proceedings were held, Chief of the Division of Watercraft shall reinstate the operation, physical control, manipulation, and registration privileges of the person without charge, and the Chief of the Division of Watercraft shall return the registration certificate and tags, if impounded, without charge.

(4) The court shall give information in writing of any action taken under this section to the Chief of the Division of Watercraft.

(H) At the end of any period of suspension or impoundment imposed under this section, and upon request of the person whose operation, physical control, use, and registration privileges were suspended or whose registration certificate and tags were impounded, the Chief of the Division of Watercraft shall reinstate the person's operation, physical control, manipulation, and registration privileges by written notice and return the certificate and tags.

(I) No person who has received written notice from the Chief of the Division of Watercraft that the person is prohibited from operating or being in control of a vessel, from manipulating any water skis, aquaplane, or similar device, and from registering a watercraft, or who has had the registration certificate and tags of the person's watercraft impounded, in accordance with division (D) of this section or R.C. § 1547.111(D), shall operate or be in physical control of a vessel or manipulate any water skis, aquaplane, or similar device for a period of one year following the date of the person's alleged violation of R.C. § 1547.11 or a substantially equivalent municipal ordinance. (R.C. § 1547.111) (Rev. 2010)

(J) Whoever violates division (I) of this section is guilty of a misdemeanor of the first degree. (R.C. § 1547.99(B)) (Rev. 2002)

§ 96.14 INCAPACITATED OPERATORS PROHIBITED.

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

(B) No person shall permit any vessel to be operated on the waters in this municipality in violation of this section. (R.C. § 1547.12)

(C) Whoever violates this section without causing injury to persons or damage to property is guilty of a misdemeanor of the fourth degree. (R.C. § 1547.99(D))

(D) Whoever violates this section causing injury to persons or damage to property is guilty of a misdemeanor of the third degree.

(R.C. § 1547.99(E)) (Rev. 2002)

§ 96.15 WATER SKIING CONFINED TO SKI ZONES.

(A) Except on the waters of the Ohio River, or Lake Erie and immediately connected harbors and bays, 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 a person riding or attempting to ride on one or more water skis, surfboard, or similar device, or engaging or attempting to engage in barefoot skiing, shall confine that activity to the water area within a designated ski zone on all bodies of water on which a ski zone has been established.

(B) On all bodies of water where no specific activity zones have been established, the activities described in division (A) of this section shall be confined to areas where the activities are not specifically restricted by this chapter and rules adopted under R.C. Chapter 1547.

(C) Divisions (A) and (B) of this section do not apply to an activity described in division (A) of this section if the vessel involved in the activity is traveling at idle speed in a designated no wake zone and the activity is not being conducted in any of the following areas:

- (1) Within 300 feet of a gas dock, marina, launch ramp, or harbor entrance;
- (2) Within a designated anchorage area, swim zone, boat swim zone, or boat camping area;
- (3) Under a bridge or within 300 feet of a bridge underpass;
- (4) Any area designated as a no ski zone.

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

(R.C. § 1547.14) (Rev. 2009) Penalty, see § 96.99

§ 96.16 OBSERVER REQUIRED WHEN TOWING SKIER.

(A) Any person who operates a vessel towing any person riding or attempting to ride upon one or more water skis or upon a surfboard or similar device, or engaging or attempting to engage in barefoot skiing, on the waters in this municipality shall have present in the vessel a person or persons other than the operator, 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.

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

(R.C. § 1547.15) (Rev. 2002) Penalty, see § 96.99

§ 96.17 WATER SKIING AFTER DARK 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 municipality during that period of the day between sunset and sunrise, except upon special permit issued by the state department, conservancy district, or political subdivision having jurisdiction and control of such water.

(R.C. § 1547.16) (Rev. 2002) Penalty, see § 96.99

§ 96.18 PERSONAL FLOTATION DEVICE REQUIRED FOR TOWED PERSON.

(A) No person shall ride or attempt to ride on one or more water skis, surfboard, inflatable device, or similar device being towed by a vessel without wearing an adequate and effective Coast Guard approved type 1, 2, or 3 personal flotation device or type 5 personal flotation device specifically designed for water skiing, 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 the water.

(B) No person shall engage or attempt to engage in barefoot skiing without wearing an adequate and effective Coast Guard approved type 1, 2, or 3 personal flotation device or type 5 personal flotation device specifically designed for water skiing, 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.

(R.C. § 1547.18) (Rev. 2002) Penalty, see § 96.99

§ 96.19 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 municipality. 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 political subdivision having jurisdiction and control over such water.

(R.C. § 1547.19) (Rev. 2002) Penalty, see § 96.99

§ 96.20 PERMIT FOR SPECIAL WATER EVENTS.

(A) No person or organization shall conduct any race, regatta, or other special event upon the waters in this municipality without first obtaining written permission, upon application not less than 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.

(B) On any waters in this municipality over which no federal agency, state department, conservancy district, or political subdivision has jurisdiction and control, no person or organization shall conduct any race, regatta, or other special event without first obtaining written permission, upon application not less than 30 days prior to the time of the proposed race, regatta, or event, of the Chief of the Division of Watercraft. The Chief of the Division of Watercraft may, if he or she determines that the public safety will be adequately protected, grant written permission for holding such race, regatta, or special event. This section does not apply to privately owned lakes or ponds nor to canoes or rowboats.

(R.C. § 1547.20) (Rev. 2002) Penalty, see § 96.99

§ 96.21 SALE OF SINGLE CELLED INFLATABLE VESSELS PROHIBITED.

No person shall use or offer for use on the waters in this municipality any inflatable vessel made of canvas, rubber, synthetic rubber, or vinyl plastic unless the inflatable vessel is of multiple air cell or compartment construction and is capable of remaining afloat if one air cell or compartment is punctured or collapsed.

(R.C. § 1547.21) (Rev. 2002) Penalty, see § 96.99

§ 96.22 SITTING, STANDING, WALKING ON MOVING VESSELS RESTRICTED.

(A) No occupant of any vessel underway on the waters in this municipality 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 the vessel. No operator of a vessel underway on the waters in this municipality 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.

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

(R.C. § 1547.22) (Rev. 2002) Penalty, see § 96.99

§ 96.23 ENGINE WARM-UP REQUIRED.

The pilot or engineer of any powercraft for hire to carry passengers shall not permit passengers to come aboard before the engine of such powercraft has been permitted to run for a minimum of two minutes.

(R.C. § 1547.23) (Rev. 2002) Penalty, see § 96.99

§ 96.24 PERSONAL FLOTATION DEVICES FOR CHILDREN UNDER TEN.

No person shall operate or permit to be operated any vessel under 18 feet in length while there is present in the vessel any person under 10 years of age, not wearing a Coast Guard approved type 1, 2, 3, or 5 personal flotation device in good and serviceable condition of appropriate size securely attached to the person under 10 years of age.

(R.C. § 1547.24) (Rev. 2009) Penalty, see § 96.99

§ 96.25 OPERATION WITHOUT PERSONAL FLOTATION DEVICES PROHIBITED.

(A) No person shall operate or permit to be operated any vessel, other than a commercial vessel or other vessel exempted by rules adopted under R.C. § 1547.52, on the waters in this municipality:

(1) That is 16 feet or greater in length without carrying aboard one type 1, 2, or 3 personal flotation device for each person aboard and one type 4 personal flotation device;

(2) That is less than 16 feet in length, including canoes and kayaks of any length, without carrying aboard one type 1, 2, or 3 personal flotation device for each person aboard.

(B) A type 5 personal flotation device may be carried in lieu of a type 1, 2, or 3 personal flotation device required under division (A) of this section.

(C) No person shall operate or permit to be operated any commercial vessel on the waters in this municipality:

(1) That is less than 40 feet in length and is not carrying persons for hire without carrying aboard at least one type 1, 2, or 3 personal flotation device for each person aboard;

(2) That is carrying persons for hire or is 40 feet in length or longer and is not carrying persons for hire without carrying aboard at least one type 1 personal flotation device for each person aboard;

(3) That is 26 feet in length or longer without carrying aboard at least one type 4 ring life buoy in addition to the applicable requirements of divisions (C)(1) and (C)(2) of this section.

(D) Each personal flotation device carried aboard a vessel, including a commercial vessel, 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 the vessel at all times.

(E) As used in this section, *COMMERCIAL VESSEL* means any vessel used in the carriage of any person or property for a valuable consideration whether flowing directly or indirectly from the owner, partner, or agent or any other person interested in the vessel. The term does not include any vessel that is manufactured or used primarily for noncommercial use or that is leased, rented, or chartered to another for noncommercial use. (R.C. § 1547.25) (Rev. 2003)

(F) Whoever violates this section is guilty of a misdemeanor of the fourth degree. (R.C. § 1547.99(F)) (Rev. 2002)

§ 96.26 DISTRESS SIGNAL OR FLAG REQUIRED.

(A) No person shall operate on the waters of Lake Erie or the immediately connecting bays, harbors, and anchorage areas at any time a vessel that is 16 or more feet in length or any vessel carrying six or fewer passengers for hire without carrying Coast Guard approved visual distress signals for both day and night use.

(B) No person shall operate upon the waters of Lake Erie or the immediately connecting bays, harbors, and anchorage areas during the period from sunset to sunrise according to local time any of the following without carrying Coast Guard approved visual distress signals for night use:

- (1) A vessel less than 16 feet in length;
- (2) A vessel competing in an organized marine parade, race, regatta, or similar event;
- (3) A manually propelled vessel;
- (4) A sailboat less than 26 feet in length with completely open construction and without propulsion machinery.

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

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

(E) Divisions (A) and (C) of this section do not apply to any of the following:

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

(F) The distress signals required by this section shall be in good and serviceable condition, readily accessible, and of the type and quantities required by regulations adopted under 46 U.S.C. § 4302, as amended.

(G) No person shall operate or permit to be operated any vessel on the waters in this municipality in violation of this section. (R.C. § 1547.251) (Rev. 2002) Penalty, see § 96.99

§ 96.27 ANCHOR REQUIREMENTS.

(A) All watercraft, except sailboats less than 16 feet long having a cockpit depth of less than 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, by rule, may exempt other types of watercraft from this section after determining that carrying such an anchor and line would constitute a hazard.

(B) No person shall operate or permit to be operated any watercraft on the waters in this municipality in violation of this section. (R.C. § 1547.26) (Rev. 2002) Penalty, see § 96.99

§ 96.28 SPECIFICATION FOR FIRE EXTINGUISHERS.

(A) Except those powercraft propelled by an electric motor and those less than 26 feet in length designed for use with an outboard motor, of open construction, and not carrying passengers for hire, all powercraft 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 powercraft shall carry at least one B-1 fire extinguisher. Class 2 powercraft shall carry at least two B-1 fire extinguishers or at least one B-2 fire extinguisher. Class 3 powercraft shall carry at least three

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, 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, 15 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 municipality any powercraft that does not comply with this section.

(R.C. § 1547.27) (Rev. 2002) Penalty, see § 96.99

§ 96.29 BACKFIRE FLAME CONTROL DEVICE REQUIRED.

Every gasoline engine installed in a vessel after April 25, 1940, except an outboard motor, shall be equipped with an acceptable device to control backfire flame. The device shall comply with all of the following:

(A) Be securely attached to the air intake with a flame-tight connection;

(B) Be in proper working order;

(C) Be Coast Guard approved or comply with either SAE J1928 or UL 1111;

(D) Be marked to indicate approval or compliance under division (C) of this section.

(R.C. § 1547.28) (Rev. 2002) Penalty, see § 96.99

§ 96.30 VENTILATION REQUIREMENT ON POWERCRAFT.

All powercraft using gasoline or other liquid fuel having a flashpoint of less than 110°F. shall be provided with ventilation as follows:

(A) At least two 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 inflammable 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.

(R.C. § 1547.29) (Rev. 2002) Penalty, see § 96.99

§ 96.31 ABANDONMENT OF JUNK VESSELS OR OUTBOARD MOTORS.

(A) *Law enforcement official may order storage of vessel or outboard motor left on private property; towing by private dock owner.*

(1) As used in this section:

LAW ENFORCEMENT AGENCY. Means any organization or unit comprised of law enforcement officers, as defined in R.C. § 2901.01.

VESSEL OR OUTBOARD MOTOR. Excludes an abandoned junk vessel or outboard motor, as defined in division (D) of this section, or any watercraft or outboard motor under R.C. § 4585.31.

(2) (a) The County Sheriff, Chief of Police, or other chief of a law enforcement agency, within the Sheriff's or Chief's 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, other than a private dock or mooring facility or structure, for at least 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 that agreed upon. The place of storage shall be designated by the Sheriff or Chief. When ordering a vessel or motor into storage under division (A)(2)(a) of this section, a Sheriff or Chief, whenever possible, shall arrange for the removal of the vessel or motor by a private tow truck operator or towing company.

(b) 1. Except as provided in division (A)(2)(b)4. of this section, no person, without the consent of the owner or other person authorized to give consent, shall moor, anchor, or tie a vessel or outboard motor at a private dock or mooring facility or structure owned by another person if the owner has posted, in a conspicuous manner, a prohibition against the mooring, anchoring, or tying of vessels or outboard motors at the dock, facility, or structure by any person not having the consent of the owner or other person authorized to give consent.

2. If the owner of a private dock or mooring facility or structure has posted at the dock, facility, or structure, in a conspicuous manner, conditions and regulations under which the mooring, anchoring, or tying of vessels or outboard motors is permitted at the dock, facility, or structure, no person, except as provided in division (A)(2)(b)4. of this section, shall moor, anchor, or tie a vessel or outboard motor at the dock, facility, or structure in violation of the posted conditions and regulations.

3. The owner of a private dock or mooring facility or structure may order towed into storage any vessel or outboard motor found moored, anchored, or

tied in violation of division (A)(2)(b)1. or (A)(2)(b)2. of this section, provided that the owner of the dock, facility, or structure posts on it a sign that states that the dock, facility, or structure is private, is visible from all entrances to the dock, facility, or structure, and contains all of the following information:

a. The information specified in division (A)(2)(b)1. or (A)(2)(b)2. of this section, as applicable;

b. A notice that violators will be towed and that violators are responsible for paying the cost of the towing;

c. The telephone number of the person from whom a towed vessel or outboard motor may be recovered, and the address of the place to which the vessel or outboard motor will be taken and the place from which it may be recovered.

4. Divisions (A)(2)(b)1. or (A)(2)(b)2. of this section do not prohibit a person from mooring, anchoring, or tying a vessel or outboard motor at a private dock or mooring facility or structure if either of the following applies:

a. The vessel or outboard motor is disabled due to a mechanical or structural malfunction, provided that the person immediately removes the vessel or outboard motor from the dock, facility, or structure when the malfunction is corrected or when a reasonable attempt has been made to correct it;

b. Weather conditions are creating an imminent threat to safe operation of the vessel or outboard motor, provided that the person immediately removes the vessel or outboard motor from the dock, facility, or structure when the weather conditions permit safe operation of the vessel or outboard motor.

5. A person whose vessel or outboard motor is towed into storage under division (A)(2)(b)3. of this section either shall pay the costs of the towing of the vessel or outboard motor or shall reimburse the owner of the dock or mooring facility or structure for the costs that the owner incurs in towing the vessel or outboard motor.

(c) Subject to division (A)(3) of this section, the owner of a vessel or motor that has been removed under division (A)(2) of this section may recover the vessel or motor only in accordance with division (A)(6) of this section.

(3) If the owner or operator of a vessel or outboard motor that has been ordered into storage under division (A)(2) 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 the removal of vessels or motors under division (A)(2) 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.

(4) The County Sheriff, Chief of Police, and each other chief of a law enforcement agency shall maintain a record of vessels or outboard motors that are ordered into storage under division (A)(2)(a) 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, pursuant to a statement the person makes either in person or by telephone, is identified as the owner or operator of the vessel or motor and requests information pertaining to its location.

(5) Any person who registers a complaint that is the basis of a Sheriff's or Chief's order for the removal and storage of a vessel or outboard motor under division (A)(2)(a) of this section shall provide the identity of the law enforcement agency with which the complaint was registered to any person who, pursuant to a statement the person makes, is identified as the owner or operator of the vessel or motor and requests information pertaining to its location.

(6) (a) The owner of a vessel or outboard motor that is ordered into storage under division (A)(2) of this section may reclaim it upon payment of any expenses or charges incurred in its removal, in an amount not to exceed \$200, and storage, in an amount not to exceed \$5 per 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 R.C. § 1548.01.

(b) If a vessel or outboard motor that is ordered into storage under division (A)(2)(a) of this section remains unclaimed by the owner for 30 days, the procedures established by divisions (B) and (C) of this section shall apply.

(c) If a vessel or outboard motor ordered into storage under division (A)(2)(b) of this section remains unclaimed for 72 hours after being stored, the tow truck operator or towing company that removed the vessel or

outboard motor shall provide notice of the removal and storage to the County Sheriff, Chief of Police, or other chief of a law enforcement agency within whose territorial jurisdiction the vessel or outboard motor had been moored, anchored, or tied in violation of division (A)(2)(b) of this section. The notice shall be in writing and include the vessel's hull identification number or serial number, if any, the vessel's or outboard 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.

1. Upon receipt of the notice, the Sheriff or Chief immediately shall cause a search to be made of the records of the Division of Watercraft to ascertain the owner and any lienholder of the vessel or outboard motor, and, if known, shall send notice to the owner and lienholder, if any, at the owner's and lienholder's last known address by certified mail, return receipt requested, that the vessel or outboard motor will be declared a nuisance and disposed of if not claimed not later than 30 days after the date of the mailing of the notice.

2. If the owner or lienholder makes no claim to the vessel or outboard motor within 30 days of the date of the mailing of the notice, 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 division (A)(6)(c) of this section, and the vessel or outboard motor shall be disposed of in accordance with division (C) of this section.

(7) No person shall remove, or cause the removal of, any vessel or outboard motor from private property other than in accordance with division (A)(2) of this section or division (B) of this section.
(R.C. § 1547.30)

(B) Storage of vessel or motor left in sunken, beached, drifting or docked condition; notice; affidavit; salvage certificate.

(1) The County Sheriff, Chief of Police, or other chief of a law enforcement agency, within the Sheriff's or Chief's respective territorial jurisdiction, or a state highway patrol trooper, 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 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 the Sheriff or Chief.

(2) 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 lienholder of a vessel or outboard motor ordered into storage by the Sheriff or Chief, and, if known, shall send notice to the owner and lienholder, if any, at the owner's or lienholder's 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 days of the date of mailing of the notice. The owner or lienholder 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 R.C. § 1548.01.

(3) If the owner or lienholder makes no claim to the vessel or outboard motor within ten 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 division (C) of this section, 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 division (B). 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 and shall send a copy of the affidavit to the Chief of the Division of Watercraft. If the vessel or motor is to be disposed of to a marine salvage dealer or other facility as provided in division (C) of this section, 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 that all requirements of this division (B) have been complied with. The Sheriff or Chief shall retain the original of the affidavit for the Sheriff's or Chief's records and shall furnish two 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.

(4) Whenever the marine salvage dealer or other facility receives an affidavit for the disposal of a vessel or outboard motor as provided in this division (B), such owner shall not be required to obtain an Ohio certificate of title to the vessel or motor in the owner's 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.
(R.C. § 1547.301)

(C) *Disposal of unclaimed vessel or motor.*

(1) Unclaimed vessels or outboard motors ordered into storage under division (A)(2) of this section or division (B) of this section shall be disposed of at the order of the County Sheriff, the Chief of Police, or another chief of a law enforcement agency, in any of the following ways:

(a) To a marine salvage dealer;

(b) To any other facility owned, operated, or under contract with the state or the county, municipality, township, or other political subdivision;

(c) To a charitable organization, religious organization, or similar organization not used and operated for profit;

(d) By sale at public auction by the Sheriff, the Chief, or an auctioneer licensed under R.C. Chapter 4707, after giving notice of the auction by advertisement, published once a week for two consecutive weeks in a newspaper of general circulation in the county or as provided in R.C. § 7.16.

(2) 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, municipality, township, or other political subdivision, as appropriate.

(3) As used in this division (C), **CHARITABLE ORGANIZATION** has the same meaning as in R.C. § 1716.01.
(R.C. § 1547.302) (Rev. 2012)

(D) *Disposal of abandoned vessel or motor.*

(1) As used in this division and division (E) of this section:

ABANDONED JUNK VESSEL OR OUTBOARD MOTOR. Means any vessel or outboard motor meeting all of the following requirements:

1. It has been left on private property for at least 72 hours without the permission of the person having the right to the possession of the property; left in a sunken, beached, or drifting condition for any period of time; or left 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 48 hours or longer without notification to the County Sheriff, the Chief of Police, 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;

2. It is three years old or older;

3. It is extensively damaged, such damage including but not limited to any of the following: missing deck, hull, transom, gunwales, motor, or outdrive;

4. It is apparently inoperable;

5. It has a fair market value of \$200 or less.

LAW ENFORCEMENT AGENCY. Means any organization or unit comprised of law enforcement officers, as defined in R.C. § 2901.01.

(2) The County Sheriff, Chief of Police, or other chief of a law enforcement agency, within the Sheriff's or Chief's respective territorial jurisdiction, or a state highway patrol trooper, 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 \$200 or less. The Sheriff or Chief shall thereupon 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 municipality 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 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 the Clerk's files, shall furnish one copy thereof to the Chief of the Division of Watercraft, one copy to the marine salvage dealer or other facility handling the disposal of the vessel or motor, and one 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 an abandoned junk vessel or outboard motor shall be credited to the General Revenue Fund, or to the General Fund of the county, township, municipality, or other political subdivision, as appropriate.

(3) Notwithstanding division (B) of this section, any vessel or outboard motor meeting the requirements of divisions (D)(1)(a)3. to (D)(1)(a)5. of this section which has remained unclaimed by the owner or lienholder for a period of ten days or longer following notification as provided in division (B) of this section may be disposed of as provided in this division (D).
(R.C. § 1547.303)

(E) *Abandonment of vessel or motor without notice to law enforcement official prohibited.*

(1) No person shall purposely leave an abandoned junk vessel or outboard motor on private property for more than 72 hours without the permission of the person having the right to the 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 48 hours or longer without notification to the County Sheriff, Chief of Police 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.

(2) For purposes of this division (E), the fact that an abandoned junk vessel or outboard motor has been so left without permission or notification is prima facie evidence of abandonment.

(3) Nothing in this section or R.C. §§ 1547.30, 1547.301, and 1547.303 invalidates the provisions of any ordinance of the municipality 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 municipality. (R.C. § 1547.304)

(F) *Penalty.*

(1) Whoever violates division (A)(7) of this section is guilty of a misdemeanor of the fourth degree. (R.C. § 1547.99(F))

(2) Whoever violates division (E) of this section is guilty of a misdemeanor of the fourth degree and also shall be assessed any costs incurred by the state or a county, township, municipal corporation, or other political subdivision in disposing of an abandoned junk vessel or outboard motor, less any money accruing to the state, county, township, municipal corporation, or other political subdivision from that disposal.

(R.C. § 1547.99(H)) (Rev. 2002) Penalty, see § 96.99

§ 96.32 EXHAUST MUFFLER REQUIRED; NOISE LEVELS; EXCEPTIONS.

(A) Every powercraft operated on the waters in this municipality shall be equipped at all times with a muffler or a muffler system that is in good working order, in constant operation, and effectively installed to prevent excessive or unusual noise.

(B) (1) No person shall operate or give permission for the operation of a powercraft on the waters in this municipality in such a manner as to exceed a noise level of 90 decibels on the "A" scale when subjected to a stationary sound level test as prescribed by SAE J2005.

(2) No person shall operate or give permission for the operation of a powercraft on the waters in this municipality in such a manner as to exceed a noise level of 75 decibels on the "A" scale measured as specified by SAE J1970. Measurement of a noise level of not more than 75 decibels on the "A" scale of a powercraft in operation does not preclude the conducting of a stationary sound level test as prescribed by SAE J2005.

(C) No person shall operate or give permission for the operation of a powercraft on the waters in this municipality that is equipped with an altered muffler or muffler cutout, or operate or give permission for the operation of a powercraft on the waters in this municipality in any manner that bypasses or otherwise reduces or eliminates the effectiveness of any muffler or muffler system installed in accordance with this section, unless the applicable mechanism has been permanently disconnected or made inoperable.

(D) No person shall remove, alter, or otherwise modify in any way a muffler or muffler system in a manner that will prevent it from being operated in accordance with this section.

(E) No person shall manufacture, sell, or offer for sale a powercraft that is not equipped with a muffler or muffler system that prevents noise levels in excess of those established in division (B)(1) of this section.

(F) This section does not apply to any of the following:

(1) A powercraft that is designed, manufactured, and sold for the sole purpose of competing in racing events. The exception established under this division (F)(1) shall be documented in each sale agreement and shall be acknowledged formally by the signatures of the buyer and the seller. The buyer and the seller shall maintain copies of the sale agreement. A copy of the sale agreement shall be kept aboard the powercraft when it is operated. A powercraft to which the exception established under this division (F)(1) applies shall be operated on the waters in this municipality only in accordance with division (F)(2) of this section.

(2) A powercraft that is actually participating in a sanctioned racing event or in tune-up periods for a sanctioned racing event on the waters in this municipality and that is being operated in accordance with this division (F)(2). For the purposes of this division (F)(2), a sanctioned racing event is a racing event that is conducted in accordance with § 96.20 or R.C. § 1547.20 or that is approved by the United States Coast Guard. The operator of a powercraft that is operated on the waters in this municipality for the purpose of a sanctioned racing event shall comply with § 96.20 and R.C. § 1547.20 and requirements established under it or with requirements established by the Coast Guard, as appropriate. Failure to comply subjects the operator to this section.

(3) A powercraft that is being operated on the waters in this municipality by or for a boat or engine manufacturer for the purpose of testing, development, or both and that complies with this division (F)(3). The operator of such a powercraft shall have aboard at all times and shall produce on demand of a law enforcement officer a current, valid letter issued by the Chief of the Division of Watercraft in accordance with rules adopted under R.C. § 1547.31(I)(1). Failure to produce the letter subjects the operator to this section.

(G) A law enforcement officer who is trained in accordance with rules adopted under R.C. § 1547.31(I)(2) and who has reason to believe that a powercraft is not in compliance with the noise levels established in this section may direct the operator of the powercraft to submit it to an on-site test to measure the level of the noise emitted by the powercraft. The operator shall comply with that direction. The officer may remain aboard the powercraft during the test at the officer's discretion. If the level of the noise emitted by the powercraft exceeds the noise levels established in this section, the officer may direct the operator to take immediate and reasonable measures to correct the violation, including returning the powercraft to a mooring and keeping it at the mooring until the violation is corrected or ceases.

(H) A law enforcement officer who conducts powercraft noise level tests pursuant to this section shall be trained to do so in accordance with rules adopted under Ohio R.C. § 1547.31(I)(2).
(R.C. § 1547.31(A) - (H))

(I) Whoever violates this section is guilty of a misdemeanor of the fourth degree on a first offense. On each subsequent offense, the person is guilty of a misdemeanor of the third degree.
(R.C. § 1547.99(J)) (Rev. 2002)

§ 96.33 SAFETY EQUIPMENT ON RENTAL VESSELS.

(A) No person who lets vessels for hire, or the agent or employee thereof, shall rent, lease, charter, or otherwise permit the use of a vessel, unless the person provides the vessel with the equipment required under R.C. §§ 1547.25, 1547.251, 1547.26, 1547.27, 1547.28, 1547.29, and 1547.31, or any substantially equivalent municipal ordinances, and rules adopted under R.C. Chapter 1547 regarding the equipment of vessels, and complies with the requirements of R.C. §§ 1547.24, 1547.40, 1547.53, 1547.57, and either R.C. § 1547.54 or 1547.542, or any substantially equivalent municipal ordinances, and rules adopted under Ohio R.C. Chapter 1547 to implement and enforce those sections.
(R.C. § 1547.38)

(B) Whoever violates this section is guilty of a misdemeanor of the fourth degree.
(R.C. § 1547.99(F)) (Rev. 2002)

§ 96.34 CAPACITY PLATE.

(A) *Required; display.*

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

(2) No person shall operate or permit to be operated on the waters in this municipality watercraft for which a capacity plate is required under this section unless the capacity plate is attached.

(3) No person shall alter, remove, or deface any information contained on the capacity plate unless the manufacturer has altered the watercraft in such a way that would require a change in the information contained on the capacity plate.

(4) As used in this division (A), **MANUFACTURE** means to construct or assemble a watercraft, or to alter a watercraft in such a manner as to affect or change its weight capacity or occupant capacity.
(R.C. § 1547.39)

(B) *Prohibitions.*

(1) No person shall operate or permit to be operated on the waters in this municipality a watercraft to which a capacity plate is attached if the total load exceeds the weight capacity indicated on the capacity plate, if the number of persons aboard exceeds the occupant capacity indicated on the capacity plate, or if the horsepower of any attached outboard motor exceeds the maximum horsepower indicated on the capacity plate.

(2) When no capacity plate exists, no person shall operate or permit to be operated on the waters in this municipality a watercraft if a reasonably prudent person would believe that either of the following circumstances applies:

(a) The total load aboard the watercraft has associated with it a risk of physical harm to persons or property;

(b) The total horsepower of any inboard engine or attached outboard motor has associated with it a risk of physical harm to persons or property.
(R.C. § 1547.40)

(C) *Penalty.* Whoever violates any of the provisions of this section is guilty of a misdemeanor of the fourth degree.
(R.C. § 1547.99(F)) (Rev. 2002)

§ 96.35 LITTERING PROHIBITED.

(A) As used in this section, *LITTER* means garbage, trash, waste, rubbish, ashes, cans, bottles, wire, paper, cartons, vessel parts, vehicle parts, furniture, glass, or anything else of an unsightly or 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 or in any waters in this municipality, except into a litter receptacle in a manner that prevents its being carried away or deposited by the elements.

(C) No operator of a vessel in operation upon any waters in this municipality 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.
(R.C. § 1547.49)

(D) Whoever violates division (B) or (C) of this section is guilty of a minor misdemeanor.
(R.C. § 1547.99(I)) (Rev. 2002)

§ 96.36 DWELLINGS: SANITARY SYSTEMS.

(A) *Watercraft dwelling unlawful if a nuisance; exception.* No person shall use any vessel for the purpose of establishing or maintaining a dwelling which creates a nuisance of either permanent or temporary nature on any of the waters in this state except Lake Erie, the Muskingum River, the Ohio River, and the immediately connected harbors and anchorage facilities or in such other areas as may be designated for the purpose.
(R.C. § 1547.32)

(B) *Discharging sanitary systems prohibited; exception.* Except on the waters of Lake Erie, the Muskingum River, or the Ohio River, no person shall launch, moor, dock, use, operate, or permit to be operated on any of the waters in this state any vessel that contains a sink, toilet, or sanitary system that is capable of discharging urine, fecal matter, contents of a chemical commode, kitchen wastes, laundry wastes, slop sink drainage, or other household wastes into the waters in this state. Such a sink, toilet, or sanitary system shall be removed, sealed, or made to drain into a tank or reservoir that can be carried or pumped ashore for disposal in a sewage treatment works approved by the Director of Environmental Protection.
(R.C. § 1547.33)

(C) *Penalty.* Whoever violates division (B) of this section is guilty of a misdemeanor of the fourth degree.
(R.C. § 1547.99(F)) (Rev. 2002) Penalty, see § 96.99

§ 96.37 PRIMA FACIE EVIDENCE OF NEGLIGENCE.

Violations of §§ 96.02 through 96.36 and/or R.C. §§ 1547.02 through 1547.36 which result in injury to persons or damage to property shall constitute prima facie evidence of negligence in a civil action.
(R.C. § 1547.34) (Rev. 2002)

§ 96.38 REQUIREMENTS FOR OPERATING PERSONAL WATERCRAFT.

(A) (1) No person shall operate or permit the operation of a personal watercraft unless each person on the watercraft is wearing a type 1, 2, 3, or 5 personal flotation device.

(2) A person operating a personal watercraft that is equipped by the manufacturer with a lanyard type engine cutoff switch shall attach the lanyard to the person, the person's clothing, or the personal flotation device as appropriate for the specific watercraft.

(3) No person shall operate a personal watercraft at any time between sunset and sunrise.

(4) No person who owns a personal watercraft or who has charge over or control of a personal watercraft shall authorize or knowingly permit the personal watercraft to be operated in violation of this chapter or R.C. Chapter 1547.

(B) This section does not apply to a person who is participating in a regatta, race, marine parade, tournament, or exhibition that is operated in accordance with § 96.20 or R.C. § 1547.20 or that is United States Coast Guard approved.
(R.C. § 1547.41) (Rev. 2002) Penalty, see § 96.99

§ 96.39 NUMBERING.

(A) Every watercraft operated on the waters in this municipality shall be numbered by this state in accordance with federal law or a federally approved numbering system of another state. A watercraft numbered by this state shall display the number on the watercraft as provided in R.C. § 1547.57.

(B) Watercraft exempt from numbering by the state are:

(1) Those currently documented by the United States Coast Guard or its successor;

(2) Those whose principal use is not on the waters in this state and that have not been used within this state for more than 60 days and have a valid number assigned under a federally approved numbering system by another state if the number is displayed in accordance with the requirements of that system and the certificate of number is available for inspection whenever the watercraft is on waters in this state;

(3) Those from a country other than the United States, temporarily using the waters in this state;

(4) Those whose owner is the United States, a state, or a political subdivision of a state, that fit either of the following descriptions, and that are clearly identifiable as such:

(a) A powercraft that principally is used for governmental purposes other than recreational purposes;

(b) A watercraft other than a powercraft;

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

(6) Those that have been exempted from numbering by the Chief of the Division of Watercraft after the Chief of the Division of Watercraft has found that the numbering of the watercraft will not materially aid in their identification and, if an agency of the United States has a numbering system applicable to the watercraft, after the Chief of the Division of Watercraft has further found that they also would be exempt from numbering by the United States government if they were subject to the federal law;

(7) Those temporarily using the waters in this state under a waiver issued by the Chief of the Division of Watercraft to an organization sponsoring a race, regatta, or special event. The Chief of the Division of Watercraft may issue a waiver upon application by the sponsoring organization at least 15 days before the date of the proposed race, regatta, or special event. The waiver shall be effective for ten days including the day or days of the proposed race, regatta, or special event. Such a waiver does not obviate the need for compliance with § 96.20 or R.C. § 1547.20;

(8) Canoes, rowboats, and inflatable watercraft that are registered under R.C. § 1547.54 and that an owner, in accordance with this division, chooses not to have numbered under this section. An owner of a canoe, rowboat, or inflatable watercraft may choose to do either of the following:

(a) Have it numbered under this section, pay a lesser registration fee under R.C. § 1547.54(A)(2)(a), and obtain square tags under R.C. § 1547.57(A);

(b) Not have it numbered under this section, pay a higher registration fee under R.C. § 1547.54

(A)(2)(b), and obtain a rectangular tag under R.C. § 1547.57(C).

(R.C. § 1547.53) (Rev. 2003) Penalty, see § 96.99

§ 96.40 REGISTRATION.

(A) (1) Except as provided in division (A)(2) or (B) of this section, no person shall operate or give permission for the operation of any watercraft on the waters in this municipality unless the watercraft is registered in the name of the current owner in accordance with R.C. § 1547.54, and the registration is valid and in effect.

(2) (a) On and after January 1, 1999, if a watercraft that is required to be issued a certificate of title under R.C. Chapter 1548 is transferred to a new owner, it need not be registered under R.C. § 1547.54 for 45 days following the date of the transfer, provided that the new owner purchases a temporary watercraft registration under division (A) of this section or holds a bill of sale from a watercraft dealer.

(b) For the purposes of division (A)(2) of this section, a temporary watercraft registration or a bill of sale from a watercraft dealer shall contain at least all of the following information:

1. The hull identification number or serial number of the watercraft;
2. The make of the watercraft;
3. The length of the watercraft;
4. The type of propulsion, if any;
5. The state in which the watercraft principally is operated;
6. The name of the owner;
7. The address of the owner, including the zip code;
8. The signature of the owner;
9. The date of purchase;

10. A notice to the owner that the temporary watercraft registration expires 45 days after the date of purchase of the watercraft or that the watercraft cannot be operated on the waters in this State solely under the bill of sale beginning 45 days after the date of purchase of the watercraft, as applicable.

(3) A person may purchase a temporary watercraft registration from the Chief of the Division of Watercraft or from an authorized agent designated under R.C. § 1547.54. The Chief of the Division of Watercraft

shall furnish forms for temporary watercraft registrations to authorized agents. In addition to completing the registration form with the information specified in divisions (A)(2) of this section, the person shall pay one of the applicable fees required under R.C. § 1547.54(A)(2)(a) through (A)(2)(g) as provided in that section. Moneys received for the payment of temporary watercraft registrations shall be deposited to the credit of the Waterways Safety Fund created in R.C. § 1547.75.

(4) In addition to the applicable fee required under division (A)(3) of this section, the Chief of the Division of Watercraft or an authorized agent shall charge an additional writing fee of \$3 for a temporary watercraft registration that the Chief of the Division of Watercraft or the authorized agent issues. When the temporary watercraft registration is issued by an authorized agent, the agent may retain the additional writing fee. When the temporary watercraft registration is issued by the Chief of the Division of Watercraft, the additional writing fee shall be deposited to the credit of the Waterways Safety Fund.

(5) A person who purchases a temporary watercraft registration for a watercraft and who subsequently applies for a registration certificate under R.C. § 1547.54 need not pay the fee required under R.C. § 1547.54(A)(2) for the initial registration certificate issued for that watercraft, provided that at the time of application for the registration certificate, the person furnishes proof of payment for the temporary watercraft registration.

(6) A person who purchases a temporary watercraft registration, who subsequently applies for a registration certificate under R.C. § 1547.54, and who is exempt from payment for the registration certificate under R.C. § 1547.54(P), may apply to the Chief of the Division of Watercraft for a refund of the amount paid for the temporary watercraft registration at the time that the person applies for a registration certificate. The Chief of the Division of Watercraft shall refund that amount upon issuance to the person of a registration certificate.

(7) All records of the Division of Watercraft made or maintained for the purposes of divisions (A)(2) through (A)(8) of this section are public records. The records shall be available for inspection at reasonable hours and in a manner that is compatible with normal operations of the division.

(8) Pursuant to R.C. § 1547.52(A)(1), the Chief of the Division of Watercraft may adopt rules establishing all of the following:

(a) Record-keeping requirements governing the issuance of temporary watercraft registrations and the use of bills of sale from watercraft dealers for the purposes of division (A)(2) of this section;

(b) Procedures and requirements for the refund of fees under division (A)(6) of this section;

(c) Any other procedures and requirements necessary for the administration and enforcement of divisions (A)(2) through (A)(8) of this section.

(B) All of the following watercraft are exempt from registration:

(1) Those that are exempt from numbering by the State under R.C. § 1547.53(B) through (G);

(2) Those that have been issued a commercial documentation by the United States Coast Guard or its successor and are used exclusively for commercial purposes;

(3) Those that have been documented by the United States Coast Guard or its successor as temporarily transiting, whose principal use is not on the waters in this state, and that have not been used within this state for more than 60 days.

(C) No person shall operate a watercraft documented by the United States Coast Guard or its successor unless the certificate of documentation is valid, is on the watercraft for which it has been issued, and is available for inspection whenever the watercraft is in operation. In accordance with 46 C.F.R. § 67, as amended, the watercraft shall display the official number, the vessel name, and the home port listed on the certificate of documentation.

(D) (1) For the purposes of this section and R.C. § 1547.53, a watercraft is principally using the waters in this state if any of the following applies:

(a) The owner resides in this state and declares that the watercraft principally is using the waters in this state.

(b) The owner resides in another state but declares that the watercraft principally is using the waters in this state.

(c) The watercraft is registered in another state or documented by the United States Coast Guard and is used within this state for more than 60 days regardless of whether it has been assigned a seasonal or permanent mooring at any public or private docking facility in this State.

(2) Notwithstanding division (D)(1)(c) of this section, a person on active duty in the armed forces of the United States may register a watercraft in the person's state of permanent residence in lieu of registering it in this state regardless of the number of days that the watercraft is used in this state.

(R.C. § 1547.531) (Rev. 2010) Penalty, see § 96.99

**§ 96.41 TAGS INDICATING EXPIRATION DATE;
ATTACHMENT OF IDENTIFICATION NUMBER.**

(A) Except as otherwise provided in division (C) of this section, when the Chief of the Division of Watercraft issues a registration certificate under R.C. § 1547.54, the Chief of the Division of Watercraft also shall issue to the applicant two tags not larger than three inches square, color coded, indicating the expiration date of the certificate. The owner of watercraft currently documented by the United States Coast Guard and for which a registration certificate is issued shall securely affix one tag to the watercraft's port side and the other tag to the starboard side so that the tags are clearly visible under normal operating conditions. The tags shall be removed from the watercraft when they become invalid. The owner of any other watercraft for which a registration certificate is issued shall securely affix one tag to the watercraft's port side, six inches toward the stern from the identification number, and the other tag to the starboard side, six inches toward the stern from the identification number. The tags shall be securely affixed to the watercraft prior to its operation, but shall be removed from the watercraft when they become invalid. A person may operate without a registration certificate issued under R.C. § 1547.54, for a period not to exceed 45 days, any watercraft required to be titled on the waters in this state if the person is in compliance with R.C. § 1547.531.

(B) The owner of every watercraft requiring numbering by this state shall attach to each side of the bow of the watercraft the permanent identification number in such manner as may be prescribed by applicable federal standards in order that it shall be clearly visible. The number shall be maintained in a legible condition at all times. No number other than the number assigned to a watercraft or granted by reciprocity pursuant to R.C. Chapter 1547 shall be painted, attached, or otherwise displayed on either side of the bow of the watercraft.

(C) When the Chief of the Division of Watercraft issues a registration certificate under R.C. § 1547.54 for a canoe, rowboat, or inflatable watercraft that has not been numbered under R.C. § 1547.53, the Chief shall also issue to the applicant a tag not larger than three inches by six inches, with distinguishing color coding and a number for identification purposes. The owner of the canoe, rowboat, or inflatable watercraft for which the registration certificate is issued shall affix the tag securely to a location on the canoe, rowboat, or inflatable watercraft as prescribed by the rules adopted by the Chief under R.C. § 1547.52.

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

(R.C. § 1547.57) (Rev. 2003) Penalty, see § 96.99

**§ 96.42 ALTERING OF SERIAL NUMBERS; FALSE
INFORMATION PROHIBITED.**

(A) No person shall deface or alter any serial number, model designation, or other identifying mark on any watercraft or motor as placed thereon by the manufacturer thereof, or remove, deface, or alter the registration number of any watercraft as the registration number appears on the bow thereof except by specific order of the Chief of the Division of Watercraft.

(B) No person shall give purposely false information concerning any watercraft or motor when applying for registration of the watercraft. Any certificate issued which is found to be based on such false information is void. (R.C. § 1547.66)

(C) Whoever violates this section is guilty of a misdemeanor of the first degree. (R.C. § 1547.99(B)) (Rev. 2002)

§ 96.43 ACCIDENT REPORTS.

(A) *Operator to stop and furnish information upon accident or collision.*

(1) In case of accident to or collision with persons or property on the waters of this municipality, due to the operation of any vessel, the operator having knowledge of the accident or collision shall immediately stop the vessel at the scene of the accident or collision, to the extent that it is safe and practical, and shall remain at the scene of the accident or collision until he or she has given his or her name and address and, if he or she is not the owner, the name and address of the owner of the vessel, together with the registration number of the vessel, if any, to any person injured in the accident or collision or to the operator, occupant, owner, or attendant of any vessel damaged in the accident or collision, or to any law enforcement officer at the scene of the accident or collision.

(2) If the injured person is unable to comprehend and record the information required to be given by this section, the other operator involved in the accident or collision shall forthwith notify the nearest law enforcement agency having authority concerning the location of the accident or collision, and his or her name, address, and the registration number, if any, of the vessel he or she was operating, and then remain at the scene of the accident or collision or at the nearest location from which notification is possible until a law enforcement officer arrives, unless removed from the scene by an emergency vehicle operated by the state or a political subdivision or by an ambulance.

(3) If the accident or collision is with an unoccupied or unattended vessel, the operator so colliding with the vessel shall securely attach the information required to be given in this section, in writing, to a conspicuous place in or on the unoccupied or unattended vessel. (R.C. § 1547.10)

(B) *Duties after collision or accident; accident reports.*

(1) The operator of a vessel involved in a collision, accident, or other casualty, so far as the operator can do so without serious danger to the operator's own vessel, crew, and passengers, shall render to other persons affected by the collision, accident, or other casualty such assistance as may be practicable and as may be necessary in order to save them from or minimize any danger caused by the collision, accident, or other casualty. The operator also shall give the operator's name, address, and identification of the operator's vessel in writing to any person injured and to the owner of any property damaged in the collision, accident, or other casualty.

(2) Any person who renders assistance at the scene of a collision, accident, or other casualty involving a vessel is not liable in a civil action for damages or injury to persons or property resulting from any act or omission in rendering assistance or in providing or arranging salvage, towage, medical treatment, or other assistance, except that the person is liable for willful or wanton misconduct in rendering assistance. Nothing in this section precludes recovery from any tortfeasor causing a collision, accident, or other casualty of damages caused or aggravated by the rendering of assistance.

(3) In the case of collision, accident, or other casualty involving a vessel, the operator thereof, if the collision, accident, or other casualty results in loss of life, personal injury requiring medical treatment beyond first aid, or damage to property in excess of \$500, shall file with the Chief of the Division of Watercraft a full description of the collision, accident, or other casualty on a form prescribed by the Chief of the Division of Watercraft. The report so filed shall be used for statistical purposes only and shall not be admissible for any purpose in any civil, criminal, or administrative action at law.

(4) If the operator of the vessel involved in a collision, accident, or other casualty is incapacitated, the investigating law enforcement officer shall file the required form as prescribed by the Chief of the Division of Watercraft.
(R.C. § 1547.59)

(C) *Penalty.* Whoever violates division (A) of this section is guilty of a misdemeanor of the first degree.
(R.C. § 1547.99(B)) (Rev. 2002) Penalty, see § 96.99

§ 96.44 ENFORCEMENT.

Every Sheriff, deputy sheriff, Marshal, deputy marshal, member of the organized police department of any municipal corporation, police constable of any township, wildlife officer, park officer, preserve officer, conservancy district police officer, and other law enforcement officer, within the area of his or her authority, may enforce this

chapter, R.C. Chapter 1547 and rules adopted by the Chief of the Division of Watercraft and, in the exercise thereof, may stop and board any vessel subject to this chapter and Ohio R.C. Chapter 1547, and rules adopted under it.
(R.C. § 1547.63) (Rev. 2002)

§ 96.45 FIREARMS OFFENSES; SIGNALING DEVICES.

(A) As used in this section:

FIREARM. Has the same meaning as in R.C. § 2923.11.

HANDGUN. Has the same meaning as in R.C. § 2923.11.

UNLOADED. Has the same meaning as in 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 R.C. § 2923.12(D)(1) and (D)(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 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 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 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) (1) This section does not apply to officers any of the following:

(a) An officer, agent, or employee of this or any other state or of the United States, or to a law enforcement officer, when authorized to carry or have loaded or accessible firearms in a vessel and acting within the scope of the officer's, agent's, or employee's duties;

(b) Any person who is employed in this state, who is authorized to carry or have loaded or accessible firearms in a vessel, and who is subject to and in compliance with the requirements of R.C. § 109.801, unless the appointing authority of the person has expressly specified that the exemption provided in this division (H)(1)(b) does not apply to the person;

(c) Any person legally engaged in hunting.

(2) 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 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 R.C. § 109.69, unless the person knowingly is in a place on the vessel described in 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.
(R.C. § 1547.69) (Rev. 2008)

(J) Whoever violates this section is guilty of a misdemeanor of the fourth degree.
(R.C. § 1547.99(F)) (Rev. 2002)

§ 96.46 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.
(R.C. § 1547.92)

(B) Whoever violates this section is guilty of a misdemeanor of the fourth degree.
(R.C. § 1547.99(F)) (Rev. 2002)

§ 96.47 CERTIFICATE OF TITLE; EXCEPTIONS.

(A) No person, except as provided in § 96.48, 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 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.
(R.C. § 1548.03)

(B) Division (A) of this section and §§ 96.48 and 96.49 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.
(R.C. § 1548.01(B), (C))

(D) Whoever violates this section is guilty of a misdemeanor of the fourth degree.
(Rev. 2002)

§ 96.48 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.
(R.C. § 1548.05)

(D) Whoever violates this section is guilty of a misdemeanor of the fourth degree.
(Rev. 2002)

§ 96.49 PROHIBITIONS RELATING TO CERTIFICATES OF TITLE.

(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 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 R.C. Chapter 1548;

(4) Fail to surrender the certificate of title to a Clerk of a Court of Common Pleas as provided in 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 R.C. Chapter 1548 for which no penalty is otherwise provided, or any lawful rules adopted pursuant to 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.

(R.C. § 1548.18)

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

(R.C. § 1548.99(A)) (Rev. 2002)

course approved by the National Association of State Boating Law Administrators before the offender is allowed to operate a powercraft powered by more than 10 horsepower on the waters in this state. Violation of a court order entered under this division is punishable as contempt under R.C. Chapter 2705.

(R.C. § 1547.99(L)) (Rev. 2002)

§ 96.50 PERMANENTLY DISPLAYED HULL IDENTIFICATION NUMBER.

(A) A watercraft constructed on or after 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 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 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.

(R.C. § 1547.65)

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

(R.C. § 1547.99(F)) (Rev. 2003)

§ 96.99 PENALTY.

(A) Whoever violates a provision of this chapter, or a rule adopted thereunder, for which penalty is otherwise provided, is guilty of a minor misdemeanor.

(R.C. § 1547.99(C))

(B) The sentencing court, in addition to the penalty provided under this chapter for a violation of this chapter or a rule adopted under it that involves a powercraft powered by more than 10 horsepower and that, in the opinion of the court, involves a threat to the safety of persons or property, shall order the offender to complete successfully a boating

