



# City of Columbus

## Legislation Report File Number: 2278-2021

Office of City Clerk  
90 West Broad Street  
Columbus OH 43215-9015  
columbuscitycouncil.org

### 30-Day

**File ID:** 2278-2021 **Type:** Ordinance **Status:** Passed

**Version:** 1 **\*Committee:** Rules & Reference Committee

**File Name:** Amendment of Chapter 9 of Columbus City Code – **File Created:**  
08/30/2021

Private Boat Docks and Stewardship

**Final Action:** 12/16/2021

### Auditor Cert #:

**Auditor:** When assigned an Auditor Certificate Number I , the City Auditor, hereby certify that there is in the treasury, or anticipate to come into the treasury, and not appropriated for any other purpose, the amount of money specified hereon, to pay the within Ordinance.

**Contact Name/No.:** Chad Karg, 645-3313

### Floor Action (Clerk's Office Only)

### Mayor's Action

### Council Action

Mayor	Date	Date Passed/ Adopted	President of Council
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Veto	Date		City Clerk
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### Title:

To amend various sections of Title 9 of the Columbus City Codes, including Chapters 912, 913, 919, and 921, in order to transfer authority for private boat dock permitting to the Department of Public Utilities (DPU); and to codify the management of the Land Stewardship Program DPU.

**Sponsors:** Rob Dorans



# City of Columbus

## Legislation Report File Number: 2278-2021

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**Attachments:** 921 Stewardship Code Change Final 8-25-21, 919  
Stewardship Code Chage Final, 913 Stewardship Code  
Change Final, 912 Stewardship Code Change Final

### Approval History

Version	Seq #	Action Date	Approver	Action	Due Date
1	1	8/31/2021	Elaine Hostetler	Approved	9/2/2021
1	3	8/31/2021	Elaine Hostetler	Approved	9/2/2021
1	4	8/31/2021	Jessica Friedli	Approved	9/2/2021
1	5	8/31/2021	Trisha Wentzel	Approved	9/1/2021
1	6	8/31/2021	Jonathan Lee	Approved	9/1/2021
1	7	8/31/2021	Raechelle Holmes	Approved	9/1/2021
1	8	8/31/2021	Aileen Heiser	Delegated	
<b>Notes:</b> Delegated: Out Of Office					
1	9	8/31/2021	Adam Robins	Approved	9/1/2021
1	10	8/31/2021	Adam Robins	Approved	9/2/2021
1	11	9/1/2021	Christopher Long	Approved	9/2/2021
1	12	9/2/2021	Joe Lombardi	Approved	9/3/2021
1	13	9/3/2021	ODI APPROVER	Approved	9/6/2021
1	14	9/15/2021	Auditor Reviewer	Approved	9/7/2021
<b>Notes:</b> MNK/blp					
1	15	9/15/2021	AUDITOR APPROVER	Approved	9/17/2021
<b>Notes:</b> MNK/bam					
1	16	11/29/2021	ATTORNEY APPROVER	Approved	9/17/2021
<b>Notes:</b> ln b					

### History of Legislative File

Ver.	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Columbus City Council	12/06/2021	Read for the First				



# City of Columbus

## Legislation Report File Number: 2278-2021

Office of City Clerk  
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Columbus OH 43215-9015  
columbuscitycouncil.org

		Time	
1	Columbus City Council	12/13/2021	Approved
1	COUNCIL PRESIDENT	12/13/2021	Signed
1	MAYOR	12/14/2021	Signed
1	CITY CLERK	12/16/2021	Attest

Pass

**ODI:** Following the review and approval, when required, the Office of Diversity and Inclusion certifies compliance with Title 39 as of date listed.

**City Attorney:** Following review and approval, when required, this ordinance has been reviewed by the City Attorney's Office as to its form and legality only.

### Explanation

**Background:** This code package includes modifications to various sections of the following Chapters of Title 9: 912, 913, 919, and 921. These modifications are necessary in order to transfer authority for private boat dock permitting to the Department of Public Utilities (DPU) and to authorize the Land Stewardship Program to be managed by DPU. The Land Stewardship Program is currently authorized by a joint management agreement between CRPD and DPU. The revisions to Title 9 are contingent upon the passage of Ordinance Number 2142-2021 authorizing the creation of Chapter 1117 of the Columbus City Codes. The changes herein shall become effective on the same date as new Code Chapter 1117.

CRPD and DPU worked together on a multi-year project to amend and improve the management of City of Columbus property located between private property and Griggs, Hoover, and O'Shaughnessy Reservoirs. The recommendation of the project team was to transfer private dock permitting to DPU in order to streamline both City of Columbus internal process and customer/public service. Currently there is duplication of responsibility which creates inefficiencies in the management of this land and the process for a neighbor to obtain a recreational boat dock requires coordination with both departments.

Also, there was agreement from the project team to codify the management of the Land Stewardship Program by DPU. This program is currently authorized by a joint management agreement. Adding this to code will improve program transparency. The CRPD Commission voted for and approved these modification in March of 2021.



# City of Columbus

## Legislation Report File Number: 2278-2021

Office of City Clerk  
90 West Broad Street  
Columbus OH 43215-9015  
columbuscitycouncil.org

**Benefits to the Public:** Customer service for those neighboring the Reservoirs will greatly improve. Obtaining a private boat dock permit will only require coordination with one department. CRPD worked closely with DPU to update the rules and regulations and will review and approve any changes to the program.

**Community Input/Issues:** A major part of the multi-year project was community outreach through open houses, review of drafts, and public comment periods.

**Area(s) Affected:** Griggs, Hoover, and O'Shaughnessy Reservoirs

**Master Plan Relation:** Promoting blueways and permitting passive use of natural areas

**Fiscal Impact:** No cost to City of Columbus. Possibility of revenue under \$2,000 annually if properties obtain a dock permit.

### Title

To amend various sections of Title 9 of the Columbus City Codes, including Chapters 912, 913, 919, and 921, in order to transfer authority for private boat dock permitting to the Department of Public Utilities (DPU); and to codify the management of the Land Stewardship Program DPU.

### Body

**WHEREAS**, it is necessary to amend various sections of Title 9 of the Columbus City Codes, including Chapters 912, 913, 919, and 921 in order to transfer authority for private boat dock permitting from the Recreation and Parks Department to the Department of Public Utilities (DPU) and to codify the management of the Land Stewardship Program by DPU; and

**WHEREAS**, all other dock, stake, and mooring standards will remain in effect and be applied to all contiguous property consistently; and

**WHEREAS**, the revisions to these Sections are contingent upon the passage of Ordinance Number 2142-2021 authorizing the creation of Chapter 1117 of the Columbus City Codes and shall become effective on the same date Chapter 1117 becomes effective; and

**WHEREAS**, it has become necessary in the usual daily operation of the Recreation and Parks



# City of Columbus

## Legislation Report File Number: 2278-2021

Office of City Clerk  
90 West Broad Street  
Columbus OH 43215-9015  
columbuscitycouncil.org

Department to amend various sections of Title 9 of Columbus City Codes; **NOW, THEREFORE,**

### **BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

**SECTION 1.** That Section 912.02 of the Columbus City Codes is hereby amended to read as follows:

912.02 - Management and protection.

The department shall have charge, custody and control of trees, shrubs and evergreens planted or to be planted in or on public streets, parks and public places. The department shall have authority to plant, prune, spray, remove and otherwise maintain such trees, shrubs and evergreens in the public streets and parks or upon property owned or controlled by the city of Columbus. Such authority shall exist as long as it does not interfere with the public travel, peace, health and safety. This section shall not apply to city-owned property eligible for coverage under a Land Stewardship License Agreement entered into between the Department of Public Utilities and a private property owner pursuant to Chapter 1117 of the Columbus City Codes.

**SECTION 2.** That Section 913.02 of the Columbus City Codes is hereby amended to read as follows:

913.02 Miscellaneous contracts.

(A) The director of recreation and parks is authorized, with the approval of the recreation and parks commission, to enter into the following contracts on behalf of the city of Columbus: lease of equipment, facilities and property, under control and supervision of the recreation and parks department, to the public for recreation and park purposes; lease of space, fixtures and equipment under the control and supervision of the recreation and parks department to concessionaires for the purpose of operating concessions; contract for various services to be performed on recreation and park facilities and property whereby the city of Columbus incurs no financial obligation, contract with seasonal athletic officials, athletic scorers, and attendants in conjunction with the operation of recreation and parks programs and facilities.

(B) In order to carry out the purpose of Section 913.02, the recreation and parks commission and the director of recreation and parks shall be governed by the guidelines as set forth below:

1. The recreation and parks director, with the approval of the recreation and parks commission, will have the authority to sign various agreements which deal with the day-to-day operations of the department of recreation and parks. Such agreements shall include:

a. Rental of boat docks and boat stakes in accordance with Sections 921.01-7 (Application for city-owned docks, stakes, and moorings) ~~and 921.01-8 (Permitting of private docks, stakes, and moorings)~~ of the Columbus City Codes and in accordance with fees and charges established by the recreation and parks commission.

b. Rental of recreation facilities on an hourly, daily or seasonal basis in accordance with the board of



# City of Columbus

## Legislation Report File Number: 2278-2021

Office of City Clerk  
90 West Broad Street  
Columbus OH 43215-9015  
columbuscitycouncil.org

education (where applicable) and in accordance with fees and charges established by the recreation and parks commission.

c. Agreements for the operation of vending machines, telephones, and other utilities within recreation and park facilities where fees and charges will be reimbursed to the recreation and parks department through a fees and charges schedule as approved by the recreation and parks commission.

d. Special permits for the use of parklands, showmobile, shelterhouses, swimming pools, or similar recreation and park facilities or properties where a fee is required (as established by the recreation and parks commission) or a deposit is required to insure proper utilization of facilities.

e. Rental of city-owned golf carts on a daily basis or as established by contractual agreement with a golf cart leasing company with fees and charges established by the recreation and parks commission.

f. Permits allowing for the rental of non-motorized boats including canoes, kayaks, stand up paddleboards, paddle boats and similar watercraft, establishment of arts and crafts class fees, establishment of fees for tennis lessons, league fees for sports programs, and related programs as established by fees and charges from the recreation and parks commission, contractual agreements, or cost of program materials.

g. Rental of city-owned residences in accordance with rental rates established by appraised values and approved as a part of the city's master salary ordinance.

2. The recreation and parks director, with the approval of the recreation and parks commission, will have the authority to execute various license agreements, not to exceed two (2) years in length, with individuals, groups, clubs or organizations for the utilization of recreation and parks facilities and/or property which does not involve the expenditure of city of Columbus funds. Such license agreements shall include:

a. License agreements for the use of recreation and park properties for activities commensurate with the development of recreation and park opportunities within Central Ohio such as:

- (1) Lease of space for model airplane use;
- (2) Lease of White Sulphur Quarry as a ski area;
- (3) Lease of properties to boat clubs.

b. Lease of undeveloped properties until such land is required for future development.

3. The recreation and parks director, with the approval of the recreation and parks commission, will have the authority to execute various concession agreements in conjunction with the day-to-day operation of various recreation and parks facilities and programs. In each case, the department of recreation and parks will advertise and seek competitive bids for the operation and privilege of these concessions however, if no bids are received, the director of recreation and parks, with the approval of the recreation and parks

commission, has the option to negotiate an appropriate agreement for the privilege of operating a concession for a period not to exceed two (2) years. Such agreements shall include:

a. Gas and oil concessions, bait store concessions, and similar concessions relating to the operation and utilization of the reservoir areas.

b. Concession privileges for the sale of food, drinks, etc. at various recreation and parks facilities as a part of the day-to-day operation.



# City of Columbus

## Legislation Report File Number: 2278-2021

Office of City Clerk  
90 West Broad Street  
Columbus OH 43215-9015  
columbuscitycouncil.org

- c. Specialized concession agreements that relate to the day-to-day operation of a recreation and park facility.
- d. The length of term and procedures for execution of concession agreements shall be as follows:
  - (1) The contract term shall not exceed two (2) years.
  - (2) Concession agreements in excess of two (2) years shall be submitted to city council as standard legislation after appropriate approval from the recreation and parks commission.
  - (3) All agreements shall be approved as to form by the city attorney.
- 4. The recreation and parks director, with the approval of the recreation and parks commission will have the authority to establish a schedule of special rates for contracting with seasonal athletic officials, athletic scorers, and attendants in conjunction with the operation of recreation and parks programs and facilities, and to contract with such officials, scorers, and attendants for such purpose.
  - a. All such contracts shall be in accordance with the schedule of special rates established, and
  - b. Such contracts may be informal on a per-game, per-match, or per-hour-of-game-or-match basis and need not be individually executed in writing.
- 5. The fee policy or fee schedule for all recreation and parks facilities and programs will be established by the recreation and parks commission.

**SECTION 3.** That Section 919.03 of the Columbus City Codes is hereby amended as follows:

**919.03 - ~~Applicability~~ Purpose and Administration**

- (A) The director, acting through the commission, shall manage the natural, cultural, developed and undeveloped resources, as well as such wildlife resources in the parks, in the public interest, providing the public with safe and healthful recreational opportunities while also protecting, enhancing and where possible, expanding these resources.
- (B) Administration Rules. The commission may promulgate such rules and regulations pursuant to its authority under the City Charter.
- (C) Any violation of any section of this chapter shall constitute a separate violation for each calendar day in which it occurs.

**SECTION 4.** That Section 919.09 of the Columbus City Codes is hereby amended as follows:

**919.09 - Destruction and alteration of property.**

No person, without privilege to do so, shall ~~recklessly~~ do any of the following in any park:

- (A) Cause or attempt to cause physical harm to any park facilities, structures, vegetation, trees, natural formations, mineral deposits, historical features or archeological features.
- (B) Construct, create or attempt to create or erect any structures, trails, paths, roads, ball fields, or landscape features.
- (C) Cut, mow, trim, gather, collect or take possession of any vegetation, flowers, trees or parts thereof.



# City of Columbus

## Legislation Report File Number: 2278-2021

Office of City Clerk  
90 West Broad Street  
Columbus OH 43215-9015  
columbuscitycouncil.org

- (D) Alter or rearrange any natural habitat or terrain.
- (E) No person shall purposely cause the removal or replacement of any shorebound or waterway habitats.
- (F) No person shall enhance or create any waterway habitat without written permission from the

director.

- (G) No person shall plant or cultivate any seed or vegetation in any area administered by the department without a permit issued by the director.

(H) This section shall not apply to city-owned property eligible for coverage under a Land Stewardship License Agreement entered into between the Department of Public Utilities and a private property owner pursuant to Chapter 1117 of the Columbus City Codes.

(I) Strict liability is intended to be imposed for a violation of divisions (A), (B), (C), (D), (F), and (G) of this section.

**SECTION 5.** That Section 919.14 of the Columbus City Codes is hereby amended as follows:

919.14 - Fishing.

No person shall:

- (A) Engage in fishing in violation of Ohio R.C. Chapter 1533.
- (B) Bowfish except on Hoover Reservoir north of the second bridge upstream from the dam.
- (C) Use nets, buckets, or methods other than pole fishing to harvest fish from ponds which are solely contained within park boundaries, except Antrim Lake.
- (D) Engage in fishing from publicly accessible, city owned docks or boat ramps, except those designated by the director.

**SECTION 6.** That Section 921.01 of the Columbus City Codes is hereby amended as follows:

921.01 - Definitions.

As used in this chapter:

- (1) "Canoe" means a narrow vessel of shallow draft, pointed at both ends and propelled by human muscular effort, and includes kayaks, racing shells, and rowing sculls.
- (2) "City-controlled" includes all city-owned land, including but not limited to leases, easements and other legal agreements and all waters within the territorial limits of the city of Columbus or bounded by city-owned lands.
- (3) "Coast Guard approved," means bearing an approval number assigned by the United States Coast Guard.





# City of Columbus

## Legislation Report File Number: 2278-2021

Office of City Clerk  
90 West Broad Street  
Columbus OH 43215-9015  
columbuscitycouncil.org

~~(4) "Contiguous property" shall mean lands owned by persons upstream from the dams which have a common boundary line with reservoir lands but not including abutting property separated from the reservoir by a right of way dedicated for public use.~~

(54) "Director, auditor, treasurer" shall mean the duly appointed officers of the city acting in their official capacity or through their deputies or employees legally authorized to act in their stead.

(65) "Diver's flag" means a red flag not less than one (1) foot square having a diagonal white stripe extending from the masthead to the opposite lower corner that when displayed indicates that divers are in the water.

(76) "Dock" means a structure or platform designed to provide access to or an area to secure watercraft. Boat docking facility means any facility supporting watercraft and designated by the director of recreation and parks, which excludes private permitted dock structures.

(87) "Idle speed" means the slowest possible speed needed to maintain steerage or maneuverability.

~~(9) "Immediate family" mean those family members residing within the same household.~~

~~(10) "Income taxpayer" means a taxpayer of the Columbus City Income Tax for the year preceding the issuance of any license, slip rental permit or private dock lease.~~

~~(148) "Inflatable watercraft" means any vessel constructed of rubber, canvas, or other material that is~~

designed to be inflated with any gaseous substance, constructed with two (2) or more air cells, and operated as a vessel. Inflatable watercraft propelled by a motor shall be classified as 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. Excludes any contrivances that do not bear a Hull Identification Number (HIN) recognized by the United States Coast Guard.

~~(429) "In operation" in reference to a vessel means that the vessel is being navigated or otherwise used on the waterways of this city.~~

~~(4310) "Law enforcement vessel" means any vessel used in law enforcement and under the command of a law enforcement officer.~~

~~(4411) "Muffler" means 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.~~

~~(4512) "Navigable waters," means waters which come under the jurisdiction of the Department of the Army of the United States and any waterways within or adjacent to this state, except inland lakes having neither a navigable inlet nor outlet.~~

~~(4613) "No wake" has the same meaning as "idle speed."~~

~~(4714) "Operator" includes any person who navigates or has under the person's control a vessel, or vessel and detachable motor, on the waters of this city.~~

~~(18) "Ordinary high water mark" means the line on the shore established by the fluctuations of water and indicated by physical characteristics such as clear, natural line impressed on the bank, shelving, changes in~~



# City of Columbus

## Legislation Report File Number: 2278-2021

Office of City Clerk  
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Columbus OH 43215-9015  
columbuscitycouncil.org

~~the soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.~~

(1915) "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.

(2016) "Pedal boat," means any watercraft designed to be propelled by pedals only through human muscular effort.

(2117) "Person" includes any legal entity defined as a person in Section 1.59 of the Revised Code and any body politic, except the United States and this state, and includes any agent, trustee, executor, receiver, assignee, or other representative thereof.

(2218) "Personal watercraft" means a vessel, less than sixteen (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.

(2319) "Powercraft" means any vessel propelled by machinery, fuel, rockets, or similar device.

(2420) "Reservoirs" shall mean the O'Shaughnessy, Griggs and Hoover water supply storage reservoir, and all adjacent city lands, unless specifically designated otherwise, from the dams upstream to the further most upstream extent of city owned shores of the streams feeding into the reservoirs.

~~(25) "Resident" shall mean a bona fide resident or registered voter of the city.~~

(2621) "Rowboat" means any vessel, except a canoe, that is designed to be rowed and that 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 the vessel.

(2722) "Sailboat" means 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 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.

(2823) "Sewage" means human body wastes and the wastes from toilets and other receptacles intended to receive or retain body waste.

(2924) "South Side Scioto River Park" means the area bounded downstream by the spillway at

Greenlawn Avenue and upstream a distance of one and one quarter (1 1/4) statute miles.

(3025) "Type one personal flotation device" means a device that 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 (9) kilograms, approximately twenty (20) pounds, of buoyancy.

(3126) "Type two personal flotation device" means a device that 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 (7) kilograms, approximately fifteen and four tenths (15.4) pounds, of buoyancy.

(3227) "Type three personal flotation device" means a device that is designed to keep a conscious person



# City of Columbus

## Legislation Report File Number: 2278-2021

Office of City Clerk  
90 West Broad Street  
Columbus OH 43215-9015  
columbuscitycouncil.org

in a vertical or slightly face upward position and that has at least seven (7) kilograms, approximately fifteen and four tenths (15.4) pounds of buoyancy.

(3328) "Type four personal flotation device," means a device that is designed to be thrown to a person in the water and not worn and has at least seven and five tenths (7.5) kilograms, approximately sixteen and five tenths (16.5) pounds, of buoyancy.

(3429) "Type five personal flotation device" means a device that, unlike other personal flotation devices, has limitations on its approval by the United States Coast Guard, including, without limitation, all of the following:

(a) The approval label on the type five 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 the requirements in its owner's manual if the approval label refers to such a manual.

(3530) "Vessel" includes every description of watercraft, including non displacement craft and seaplanes, designed to be used as a means of transportation on water. Excludes any contrivances that do not bear a Hull Identification Number (HIN) recognized by the United States Coast Guard.

(3631) "Visible" means visible on a dark night with clear atmosphere.

(3732) "Watercraft" means any of the following when used or capable of being used for transportation on the water:

(a) A vessel operated by machinery either permanently or temporarily affixed;

(b) A sailboat other than a sailboard; Board type sailboats without rigidly affixed masts; commonly referred to as "sailboards" are not watercraft; excludes any contrivances that do not bear a Hull Identification Number (HIN) recognized by the United States Coast Guard.

(c) An inflatable, manually propelled boat that is required by federal law to have a hull identification number meeting the requirement of the United States Coast Guard;

(d) A canoe or rowboat.

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

"Watercraft" excludes any contrivances that do not bear a Hull Identification Number (HIN) recognized by the United States Coast Guard.

Watercraft subject to Section 1547.54 of the Revised Code shall be divided into five (5) classes as follows:

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

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

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

Class 3: At least forty (40) feet but less than sixty five (65) feet in length.

Class 4: At least sixty five (65) feet in length.

(3833) "Watercraft dealer" means any person who is regularly engaged in the business of manufacturing,



# City of Columbus

## Legislation Report File Number: 2278-2021

Office of City Clerk  
90 West Broad Street  
Columbus OH 43215-9015  
columbuscitycouncil.org

selling, displaying, offering for sale, or dealing in vessels at an established place of business. "Watercraft

dealer" does not include a person who is a marine salvage dealer or any other person who dismantles, salvages, or rebuilds vessels using used parts.

(3934) "Waters of the city" shall mean all city administered water including, but not limited to reservoirs, reservoir lands, rivers, lakes, creeks, streams, ponds and water filled quarries. Unless otherwise provided, this chapter applies to all vessels operating on waters of this city. Nothing in this chapter shall be construed in contravention of any valid federal act or regulations, but is in addition to such act or regulation where not inconsistent.

(4035) "Drug of abuse" has the same meaning as in section 4506.01 of the Revised Code.

**SECTION 7.** That Section 921.01-3 of the Columbus City Codes is hereby amended as follows:

921.01-3 - Vessel and operations in Griggs Reservoir

(A) Unless otherwise authorized in this chapter, no person shall operate in Griggs Reservoir any vessel of:

- (1) Less than eight (8) feet or more than twenty-two (22) feet.
- (2) Less than thirty-six (36) inches in beam or;
- (3) Less than fifty (50) pounds in weight.

(B) Exceptions: Canoes, kayaks, rowing shells, pedal boats and inflatable watercraft bearing a Hull Identification Number (HIN) and recognized by the United States Coast Guard as vessels and watercraft are permitted and are specifically exempted from the length, beam and weight requirements provided;

(1) Rowing shells are permitted during the months of May through September on weekdays from one (1) hour before sunrise until sunset and on weekends and holidays from one (1) hour before sunrise until 10:00 a.m. Rowing shells are permitted at all times during the months of October through April on all days of the week. Rowing shells will be operated parallel to the shoreline at a distance no greater than one hundred (100) feet except that north of the Hayden Run Bridge rowing shells will be operated no greater than fifty (50) feet of the shoreline, except for the safe operation around a navigational hazard. Rowing shells longer than forty-five (45) feet will not be permitted north of the Hayden Run Road Bridge. There will be four

(4) crossing areas and rowing shells will utilize only those areas designated for crossing.

(2) The crossing areas will be:

- (a) The no wake zone south of buoy number one (1).
- (b) Between the north side of the Fishinger Road Bridge and buoy number three (3).
- (c) At buoy number four (4) ("Fisher's Wall"). Rowing shells will not stop within the open zone when crossing.
- (d) Between buoy number five (5) and the south side of the Hayden Run Road Bridge.

(3) The rowing shell course shall be:



# City of Columbus

## Legislation Report File Number: 2278-2021

Office of City Clerk  
90 West Broad Street  
Columbus OH 43215-9015  
columbuscitycouncil.org

(a) Northbound shells leaving the west side boathouse shall immediately assume a course on the west side of the river to the Fishinger Road Bridge. Shells launching on the east side, shall cross to the west side in the no wake zone south of buoy number one (1) to begin the course and use the same route when returning.

(b) Northbound on the east side of the river from the Fishinger Road Bridge to the Hayden Run Road Bridge.

(c) Northbound on the west side of the river between Hayden Run Road Bridge and the Griggs Park northern boundary line approximately two hundred (200) feet south Rt. 161.

(d) Southbound or returning shells shall hug the west bank all the way back to the boathouse.

(4) Canoes, kayaks, pedal boats and inflatable watercraft shall operate parallel to the shoreline at a distance no greater than fifty (50) feet from the shoreline in all areas parallel and adjacent to an open zone except for the safe operation around a navigational hazard. There will be two (2) crossing areas and canoes, kayaks, pedal boats and inflatable watercraft will utilize only those areas designated for crossing.

(a) The crossing areas will be:

(1) Within one hundred (100) feet either side of the Fishinger Road Bridge.

(2) Within one hundred (100) feet either side of the Hayden Run Road Bridge.

(b) Canoes, kayaks, rowing shells, pedal boats and inflatable watercraft will not operate on the east side of the river between buoy number six (6) and buoy number seven (7).

(C) Operations of sailboats and sailboards are prohibited.

(D) The waterway from the safety cables north of the dam shall be open to boating at all times.

(E) Motorized vessel operations, zones, and their speed limits shall be:

(1) From the safety cables north of the dam to buoy number one (1), motorized vessels shall be operated at idle speed;

(2) From buoy number one (1) to buoy number two (2), on the eastern half of the river, motorized vessels shall be operated at idle speed, and on the western half, motorized vessels shall be operated at a speed not to exceed forty (40) miles per hour;

(3) The speed limit from buoy number two (2) north to buoy number three (3) is idle speed;

(4) The speed limit from buoy number three (3) north to buoy number five (5) is forty (40) miles per hour.

(5) The speed limit from buoy number five (5) north to buoy number six (6) is idle speed.

(6) The speed limit from buoy number six (6) north to buoy number seven (7) shall be forty (40) miles per hour, except within the eastern two-thirds ( $\frac{2}{3}$ ) of the waterways when skiing is being conducted, no motorized vessel, which is not actively engaged in towing water-skiers shall be operated at a speed exceeding idle speed;

(7) The speed limit from buoy number seven (7) north to two hundred (200) feet south of Rt. 161 shall be idle speed.

(F) Water-skiing will be permitted only between buoy number three (3) to buoy number five (5) and between buoy number six (6) to buoy number seven (7).



# City of Columbus

## Legislation Report File Number: 2278-2021

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90 West Broad Street  
Columbus OH 43215-9015  
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(G) The eastern two-thirds (2/3) of the waterway, from buoy number six (6) to buoy number seven (7) is designated as a water sports practice and tournament zone, with a ski jump area on the eastern portion thereof as well as a slalom course.

(H) No person shall operate any motorized vessel at a speed exceeding idle speed within a distance of one hundred (100) feet of the shorelines.

**SECTION 8.** That Section 921.01-5 of the Columbus City Codes is hereby amended to read as follows:

921.01-5 - Vessel and operations in O'Shaughnessy Reservoir.

(A) Unless otherwise authorized by this chapter, no person shall operate in O'Shaughnessy Reservoir any vessel of:

(1) Less than eight (8) feet or more than twenty-two (22) feet.

(2) Less than thirty-six (36) inches in beam or;

(3) Less than fifty (50) pounds in weight.

(B) Exceptions:

Canoes, kayaks, rowing shells, pedal boats and inflatable watercraft bearing a Hull Identification Number (HIN) and recognized by the United States Coast Guard as vessels and watercraft are permitted and are specifically exempted from the length, beam and weight requirements;

(C) The above exempted vessels are permitted provided that:

(1) Rowing shells are permitted during the months of May through September on weekends and holidays from one (1) hour before sunrise until 10:00 a.m. Rowing shells are permitted on all other days of the year from sunrise until sunset. Rowing shells will be operated parallel to the shoreline at a distance no greater than one hundred (100) feet except that between buoy number four (4) and buoy number five (5) rowing shells will be operated no greater than fifty (50) feet from the shoreline except for the safe operation

around a navigational hazard. Rowing shells will utilize only those areas designated for crossing.

(2) Crossing areas will be:

(a) The No Wake areas.

(b) Just south of buoy number four (4).

(3) Canoes, kayaks, pedal boats and inflatable watercraft shall operate parallel to the shoreline at a distance not greater than fifty (50) feet from the shoreline in all areas parallel and adjacent to an open zone, except for the safe operation around navigational hazards.

(4) Canoes, kayaks, rowing shells, pedal boats and inflatable watercraft will not operate on the east side of the river between buoy number four (4) and buoy number five (5) "Tournament Water-ski Zone".

(5) Canoes, kayaks, pedal boats and inflatable watercraft may operate anywhere within the posted no wake zones.

(6) The designated canoe, kayak, pedal boat and inflatable watercraft crossing shall be between buoy



# City of Columbus

## Legislation Report File Number: 2278-2021

Office of City Clerk  
90 West Broad Street  
Columbus OH 43215-9015  
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number two (2) and buoy number three (3).

(D) Board type sailboats without rigidly affixed masts, referred to as "sailboards" are permitted in the area from the safety cable at the dam north to buoy number one (1).

(E) The waterway north of the safety cable north of the dam shall be open to boating at all times.

(F) Vessel operations, zones, and speed limits shall be:

(1) From the safety cable north of the dam north to buoy number one (1) is a designated sailboat area and all sailboats shall stay south of buoy number one (1) on Saturdays, Sundays and holidays.

(a) Exception: Sailboats launching or docked south of Home Road may sail in a path as direct as possible to and from the designated sailing area south of buoy number one (1).

(2)

## Contents

Chapter 912 - TREES AND SHRUBS; COLUMBUS TREE SUBCOMMISSION.....	1
912.011 – Applicability.....	2
Chapter 913 - RECREATION AND PARKS COMMISSION .....	<b>Error! Bookmark not defined.</b>
913.02 - Miscellaneous contracts. ....	<b>Error! Bookmark not defined.</b>

## Chapter 912 - TREES AND SHRUBS; COLUMBUS TREE SUBCOMMISSION

### 912.01 - Definitions.

For the purpose of this chapter, and other chapters of the Columbus City Codes where applicable, the words in this section shall have the following meanings:

- (A) "Trees" when used by itself, means any woody plant which generally includes those having a single main stem which grows to a mature height of over ten (10) feet.
- (B) "Trees, shrubs and evergreens" when used together means all woody vegetation including but not limited to all ground covers.
- (C) "Other plants" means all other vegetation not trees, shrubs or evergreens.
- (D) "Plant materials" means all trees, shrubs, evergreens and other plants.
- (E) "Arboriculture" means the selection, planting, maintenance and removal of trees.
- (F) "Public street" means all the land lying within the dedicated right-of-way or easement.
- (G) "Park" means all public parks having individual names.
- (H) "Public place" means all other ground owned by the city that is not part of a "public street" or "park".
- (I) "Private property" means all real estate within the city of Columbus except real estate that is owned, leased, controlled or occupied by the United States government, state of Ohio, Franklin County government, city of Columbus or any department or agency thereof.
- (J) "Person" means any individual, firm, partnership, association, corporation, business trust, joint stock company, unincorporated organization, religious or charitable organization, or any owner, person, persons or entities.
- (K) "Property owner" shall be presumed to be any one or more of the following:
  - (1) The property owner or owners in fee simple of a parcel of real estate including the life tenant or tenants, if any;
  - (2) Or the record owner or owners as reflected by the current records in the Franklin County auditor's office; or
  - (3) The purchaser or purchasers of such real estate under any contract for the conditional sale thereof.
- (L) "Occupant" means the person or persons who are from time to time in possession of any house or other structure located on private property, or who are exercising dominion or control over any house or other structure located on private property.
- (M) "Director" means the director of the recreation and parks department of the city of Columbus, or any representative the director so designates.
- (N) "Department" means the recreation and parks department of the city of Columbus.

(Ord. 975-91.)



## 912.01 – Applicability

The provisions of this Chapter shall not apply to city-owned property eligible for coverage under a Land Stewardship Agreement entered into between the Department of Public Utilities and a private property owner pursuant to Section 1117 of the Columbus City Codes.

### 912.02 - Management and protection.

The department shall have charge, custody and control of trees, shrubs and evergreens planted or to be planted in or on public streets, parks and public places. The department shall have authority to plant, prune, spray, remove and otherwise maintain such trees, shrubs and evergreens in the public streets and parks or upon property owned or controlled by the city of Columbus. Such authority shall exist as long as it does not interfere with the public travel, peace, health and safety.

(Ord. 975-91.)

### 912.03 - Traffic obstructions.

Whenever the director has been notified by the Director of Public Safety that a violation of Section 912.18 may exist or that a hazard or menace to the safe movement or control of traffic exists by reason of the obstruction of the view of any street light, traffic control device, traffic control signal, or of any public street intersection by trees or parts thereof existing on private property, it shall be the director's duty to determine if a violation of Sections 912.18 or 912.03 of the Columbus City Codes (1959) exists.

(Ord. 975-91.)

### 912.04 - Preliminary notice of violation.

If it is determined by the director that a violation of Sections 912.18 or 912.03 of the Columbus City Codes exists, then the director shall give a preliminary notice to the owner or occupant of the private property by posting the notice upon such property.

Such preliminary notice shall state the nature of the violation and the action deemed necessary to correct this condition. The preliminary notice shall fix a date, not sooner than seven (7) calendar days thereafter, when the property will be reinspected to determine if compliance has been effected.

If upon reinspection, in accordance with the preliminary notice, it is determined that the violation has been corrected, then the owner or occupants shall not be liable for any charges by reason of the preliminary procedure.

(Ord. 975-91.)

### 912.05 - Formal notice of violation.

If upon reinspection, after the preliminary notice has been given, the condition has not been corrected, then the director shall cause to be sent to the owner or occupant "formal notice" by Certified Mail, Return Receipt Requested, and the director shall cause to be posted a copy of the formal notice of violation upon such property.

The formal notice shall state the nature of the violation, describe the real estate upon which the condition exists, state the action deemed necessary to correct the violation and set a date not sooner than two (2) calendar weeks after the date such notice was sent and posted when the property will be reinspected to ascertain if abatement has been effected.

(Ord. 975-91.)

### 912.06 - Failure to abate after notice.

If upon reinspection of the property, after formal notice of the violation, the violation has not been corrected, then the director shall enter upon such private property where the violation exists and take such action that is reasonable and necessary to correct the offending condition.

(Ord. 975-91.)

#### 912.07 - Charges for notice procedure and abatement correction.

The owner or occupant of property upon which labor has been performed for violations of Sections 912.18 or 912.03 of the Columbus City Codes shall pay to the department the actual costs incurred by the department in abating the violation.

(Ord. 975-91.)

#### 912.08 - Lien.

The department shall have a lien upon the offending property from and after the date of performance of the correction acts. The lien shall be perfected in the following manner:

- (A) By the adoption of the recreation and parks commission in a regular or special meeting of an Assessment Resolution which shall give the name of the owner, occupant, or tenant, description of the offending property, and the amount of charges to be assessed; and
- (B) The certification of such Assessment Resolution to the auditor of Franklin County, Ohio, who by special assessment shall cause the amount to be placed on the tax duplicate for the offending private property subject to a collection as in the nature of an additional or supplemental real property tax; and
- (C) Contemporaneously with certification of the Assessment Resolution to the county auditor, the director shall send by ordinary mail a written statement of the amount due to each offending owner, occupant or tenant.

(Ord. 975-91.)

#### 912.09 - Planting permit.

It shall be unlawful for any person to plant or set out any tree, shrub or evergreen in or on any public street, park or public place without first obtaining a written permit from the department. To obtain a permit, an application must be filed with the department specifying the species, cultivar, or variety, size, grade, location, method of planting, method of support, and pruning of the trees, shrubs and evergreens concerned. The application may be approved or disapproved by the director. If the application is approved, a permit shall be issued; however, the permit may be declared void if its terms are violated.

(Ord. 975-91.)

#### 912.10 - Maintenance permit.

Any person desiring to engage in the maintenance of trees, shrubs and evergreens by spraying, fertilizing, bracing, cabling, pruning, surgery work, cutting above or below the ground, or cutting branches or roots in a public street, park or public place, shall first obtain a permit from the department by written application. The permit shall be issued when the director determines that the work applied for is necessary and he approves the proposed method and workmanship.

(Ord. 975-91.)

#### 912.11 - Removal permit.

Any person desiring to remove any trees, shrubs or evergreens in a public street, park or public place shall first obtain a permit from the department by written application. The permit shall be issued when the director determines that the removal is necessary and the applicant agrees to pay the cost of the removal.

(Ord. 975-91.)

912.12 - Protection during building operations.

All trees, shrubs and evergreens on public streets, parks or public places located where any excavation or construction could damage them shall be protected.

The protection shall be a substantial fence protecting the trees, shrubs and evergreens from the materials and debris of construction which shall be kept outside the protection.

(Ord. 975-91.)

912.13 - Protection of wires during pruning or removal.

Whenever the director determines it necessary to prune or remove any trees, shrubs or evergreens in a public street, park or public place, and it is necessary to move or cut off the electricity from any wire designed to carry electric current; then the director shall serve notice on the owner of such wire, to protect such wire, and such owner shall comply with such order within twenty-four (24) hours after the service of such notice.

(Ord. 975-91.)

912.14 - Open space around trees.

No person shall place or maintain upon the ground in a public street, park or public place any stone, brick, sand, concrete, or other material which may injure or impede the passage of water, air and fertilizer to the roots of any trees, shrubs or evergreens unless a permit has been issued by the director. A permit shall be issued upon written application outlining the work to be performed and approved by the director. The permit shall require an open space not less than two (2) feet in width from the trunk of any trees as a condition to its issuance.

(Ord. 975-91.)

912.15 - Plant material fund.

The city auditor has been authorized and directed to establish a trust fund to be known as the "plant material fund". The director may receive contributions which shall be turned over to the city auditor who shall deposit same with the city treasurer in the "plant material fund".

The director shall provide for the purchase of necessary plant material to be paid out of the plant material fund. The director shall set up rules and regulations governing the kinds or types of plant material, the location of the plantings, the rights of any owner or person in possession of such property who contributed the wholesale cost or more and allowed plant material in front of his property, and the rights of any person contributing a sum of money to have plant materials in a public street, park or a public place.

Any funds that are recovered through the sale of wood or wood products from the maintenance or removal of trees, or funds that are generated through the reimbursement of damages for the injury or destruction of plant material located on public streets, parks or public places, shall become part of the plant material fund.

Expenditures from such fund can be used only for the purchase of plant material to be used on public streets, parks or public places. Expenditures shall be made only upon an approved voucher by the director.

The city auditor shall keep a separate account of all receipts of the plant material fund. No part of the plant material fund shall be commingled with any other funds and no unexpended portion of the fund shall at any time lapse into or become part of the general fund of the city. No part of the plant material fund shall be subject to appropriation by the city council for purposes other than those set forth in this section.

(Ord. 975-91.)

912.16 - Prohibited species.

(A) The following species shall not be planted along the public streets or public places, to wit:

- (1) Acer negundo (boxelder);
- (2) Acer saccharinum (silver maple);
- (3) Ailanthus altissima (tree of heaven);
- (4) Catalpa (catalpa - all common species, cultivars and varieties);
- (5) Morus (mulberry - all fruiting species, cultivars and varieties);
- (6) Populus (poplar - all common species, cultivars or varieties);
- (7) Salix (willow - all common species, cultivars or varieties); or
- (8) Ulmus pumila (siberian elm).

(B) This section shall not apply to the recreation and parks department.

(Ord. 975-91.)

#### 912.17 - Abuse or mutilation of trees.

Unless issued a written permit by the director of the recreation and parks department, no person shall attach any rope, wire, nails, advertising poster, or other contrivance to any tree in any public street, park or public place. No person shall permit any fire to burn where such fire or heat therefrom, or heat from any source, will injure any portion of any tree in any public street, park or public place. Without permit, no person shall use herbicides or other chemicals on any trees, shrubs or evergreens in any public street, park or public place.

(Ord. 975-91.)

#### 912.18 - Gas leaks.

No owner, occupant or any public utility maintaining or operating any gas pipes or mains laid beneath any public street, park or public place shall permit a leak to occur or continue after discovery thereof. In the event that such leak exists or occurs in any pipe or main in or on the public street, park or public place, it shall be the duty of the public utility, or the owner, or occupant, or person controlling and maintaining the pipe or main to cause repair to be made immediately. In no event shall such repair take longer than seven (7) calendar days after the leak is discovered. If the owner, occupant, public utility, or person maintaining control and maintenance over the defective pipe or main has received notice from the recreation and parks department that such a defect exists, each day beyond the fifth day from the discovery of the leak shall constitute a violation of this section and subject the person to penalties under this chapter.

(Ord. 975-91.)

#### 912.19 - Interfering with city employees.

No person shall hinder, prevent or interfere with the agents or employees of the recreation and parks department while the employees are engaged in planting, maintaining or removing any tree, shrub or evergreen in any public street, park or public place.

(Ord. 975-91.)

#### 912.20 - Excavation prohibited.

No person shall excavate any ditch, tunnel, trench or lay any drive within a radius of ten (10) feet from any tree, shrub or evergreen standing on any public street, park or public place without first obtaining a permit from the recreation and parks department.

(Ord. 975-91.)

912.21 - Dead or diseased trees.

It shall be unlawful for any property owner to maintain, or permit to stand on his property, dead, diseased, damaged or alive, tree, shrub, evergreen or other plant which is deemed by the recreation and parks department to be a menace to the public peace, health or safety.

(Ord. 975-91.)

912.22 - Destruction of trees.

It shall be unlawful for any person to break, deface, injure, mutilate, kill or destroy any tree, shrub or evergreen in any public street, park or public place.

(Ord. 975-91.)

912.23 - Columbus tree subcommission composition; terms.

There is created an advisory subcommission to the recreation and parks commission to be known and designated as the Columbus tree subcommission, composed of nine (9) citizens. Seven (7) of said members shall be appointed by the mayor with the approval of Columbus city council. The eighth member shall be the director of recreation and parks and the ninth member shall be the city forester of the recreation and parks department, both of whom shall serve as ex-officio members.

New members shall be appointed by the mayor, with concurrence of council, to serve as members without compensation, for the term of five (5) years and until their successors are appointed and qualified. When a vacancy occurs before the expiration of the appointed term, the mayor shall, with the concurrence of council, appoint a member to serve for the unexpired term.

All members of the Columbus tree subcommission shall serve without compensation.

(Ord. 975-91.)

912.24 - Organization of subcommission; by-laws and rules.

The organization of the Columbus tree subcommission shall be as follows:

The subcommission shall elect from its membership at its first meeting a chairman, vice chairman and a secretary. The secretary shall be an employee of the recreation and parks department. All secretarial supplies needed by the secretary shall be supplied by the recreation and parks department.

The subcommission shall meet bi-monthly at such time and place as it decides. The subcommission shall meet at special meetings as called by the chairman, provided twenty-four hours written notice is given to each member.

The Columbus tree subcommission shall adopt by-laws, rules and regulations that are not inconsistent with the provisions of the Columbus City Codes. A copy of the by-laws and rules shall be filed with the clerk of the city of Columbus.

(Ord. 975-91.)

912.25 - Duties of subcommission.

The duties of the Columbus tree subcommission shall be as follows:

To study the problems and determine the needs of the city of Columbus in connection with its tree planting program.

To recommend to the recreation and parks commission the type and kinds of trees to be planted in parks, public places and along city streets.

(Ord. 975-91.)

912.99 - Penalty.

Whoever violates any provision of this chapter shall be deemed guilty of a misdemeanor of the third degree and fined not exceeding five hundred dollars (\$500.00) or imprisoned for not more than sixty (60) days, or both. Any such violation shall constitute a separate offense on each day the violation exists.

(Ord. 975-91.)



## Chapter 913 - RECREATION AND PARKS COMMISSION

### 913.01 - Community shelters.

The maintenance, operation and the control of all the community shelters are transferred to the recreation and parks commission.

(Ord. 114-73.)

### 913.02 - Miscellaneous contracts.

- (A) The director of recreation and parks is authorized, with the approval of the recreation and parks commission, to enter into the following contracts on behalf of the city of Columbus: lease of equipment, facilities and property, under control and supervision of the recreation and parks department, to the public for recreation and park purposes; lease of space, fixtures and equipment under the control and supervision of the recreation and parks department to concessionaires for the purpose of operating concessions; contract for various services to be performed on recreation and park facilities and property whereby the city of Columbus incurs no financial obligation, contract with seasonal athletic officials, athletic scorers, and attendants in conjunction with the operation of recreation and parks programs and facilities.
- (B) In order to carry out the purpose of Section 913.02, the recreation and parks commission and the director of recreation and parks shall be governed by the guidelines as set forth below:
1. The recreation and parks director, with the approval of the recreation and parks commission, will have the authority to sign various agreements which deal with the day-to-day operations of the department of recreation and parks. Such agreements shall include:
    - a. Rental of boat docks and boat stakes in accordance with Sections 921.01-7 (Application for city-owned docks, stakes, and moorings) and ~~921.01-8 (Permitting of private docks, stakes, and moorings)~~ of the Columbus City Codes and in accordance with fees and charges established by the recreation and parks commission.
    - b. Rental of recreation facilities on an hourly, daily or seasonal basis in accordance with the board of education (where applicable) and in accordance with fees and charges established by the recreation and parks commission.
    - c. Agreements for the operation of vending machines, telephones, and other utilities within recreation and park facilities where fees and charges will be reimbursed to the recreation and parks department through a fees and charges schedule as approved by the recreation and parks commission.
    - d. Special permits for the use of parklands, showmobile, shelterhouses, swimming pools, or similar recreation and park facilities or properties where a fee is required (as established by the recreation and parks commission) or a deposit is required to insure proper utilization of facilities.
    - e. Rental of city-owned golf carts on a daily basis or as established by contractual agreement with a golf cart leasing company with fees and charges established by the recreation and parks commission.
    - f. Permits allowing for the rental of non-motorized boats including canoes, kayaks, stand up paddleboards, paddle boats and similar watercraft, establishment of arts and crafts class fees, establishment of fees for tennis lessons, league fees for sports programs, and related programs as established by fees and charges from the recreation and parks commission, contractual agreements, or cost of program materials.
    - g. Rental of city-owned residences in accordance with rental rates established by appraised values and approved as a part of the city's master salary ordinance.
  2. The recreation and parks director, with the approval of the recreation and parks commission, will have the authority to execute various license agreements, not to exceed two (2) years in length, with individuals, groups, clubs or organizations for the utilization of recreation and parks facilities and/or property which does not involve the expenditure of city of Columbus funds. Such license agreements shall include:
    - a. License agreements for the use of recreation and park properties for activities commensurate with the development of recreation and park opportunities within Central Ohio such as:
      - (1) Lease of space for model airplane use;



- (2) Lease of White Sulphur Quarry as a ski area;
  - (3) Lease of properties to boat clubs.
- b. Lease of undeveloped properties until such land is required for future development.
- 3. The recreation and parks director, with the approval of the recreation and parks commission, will have the authority to execute various concession agreements in conjunction with the day-to-day operation of various recreation and parks facilities and programs. In each case, the department of recreation and parks will advertise and seek competitive bids for the operation and privilege of these concessions however, if no bids are received, the director of recreation and parks, with the approval of the recreation and parks commission, has the option to negotiate an appropriate agreement for the privilege of operating a concession for a period not to exceed two (2) years. Such agreements shall include:
  - a. Gas and oil concessions, bait store concessions, and similar concessions relating to the operation and utilization of the reservoir areas.
  - b. Concession privileges for the sale of food, drinks, etc. at various recreation and parks facilities as a part of the day-to-day operation.
  - c. Specialized concession agreements that relate to the day-to-day operation of a recreation and park facility.
  - d. The length of term and procedures for execution of concession agreements shall be as follows:
    - (1) The contract term shall not exceed two (2) years.
    - (2) Concession agreements in excess of two (2) years shall be submitted to city council as standard legislation after appropriate approval from the recreation and parks commission.
    - (3) All agreements shall be approved as to form by the city attorney.
- 4. The recreation and parks director, with the approval of the recreation and parks commission will have the authority to establish a schedule of special rates for contracting with seasonal athletic officials, athletic scorers, and attendants in conjunction with the operation of recreation and parks programs and facilities, and to contract with such officials, scorers, and attendants for such purpose.
  - a. All such contracts shall be in accordance with the schedule of special rates established, and
  - b. Such contracts may be informal on a per-game, per-match, or per-hour-of-game-or-match basis and need not be individually executed in writing.
- 5. The fee policy or fee schedule for all recreation and parks facilities and programs will be established by the recreation and parks commission.

(Ord. 2949-79; Ord. 1132-2008 Attach. (part); Ord. No. [3160-2015](#), § 1, 10-24-2016; Ord. No. [0520-2019](#), § 1, 3-25-2019)

#### 913.03 - Discrimination prohibited.

- (A) No person, partnership, organization, club, committee, association, or corporation using any city-owned recreation and parks property or facilities, by lease, permit, contract, agreement or other means shall discriminate in employment, membership, activity participation or guest privileges on the basis of race, religion, national origin or sex and shall agree not to so discriminate as a condition of the lease, permit, contract or agreement granting them the right to use such facilities.
- (B) Any person, partnership, organization, club, committee, association or corporation violating Section 913.03(A) shall immediately forfeit the right to use such property or facilities.

(Ord. 1723-78.)

Contents

Chapter 921 - WATERCRAFT ON RESERVOIRS ..... 2

    921.01 - Definitions. .... 2

    921.01-3 - Vessel and operations in Griggs Reservoir. .... 5

    921.01-5 - Vessel and operations in O'Shaughnessy Reservoir. .... 7

    921.01-7 - Application for city-owned docks, stakes and moorings. .... 9

    921.01-8 - Permitting of private docks. .... 10

# Chapter 921 - WATERCRAFT ON RESERVOIRS

## 921.01 - Definitions.

As used in this chapter:

- (1) "Canoe" means a narrow vessel of shallow draft, pointed at both ends and propelled by human muscular effort, and includes kayaks, racing shells, and rowing sculls.
- (2) "City-controlled" includes all city-owned land, including but not limited to leases, easements and other legal agreements and all waters within the territorial limits of the city of Columbus or bounded by city-owned lands.
- (3) "Coast Guard approved," means bearing an approval number assigned by the United States Coast Guard.
- ~~(4) "Contiguous property" shall mean lands owned by persons upstream from the dams which have a common boundary line with reservoir lands but not including abutting property separated from the reservoir by a right-of-way dedicated for public use.~~
- (54) "Director, auditor, treasurer" shall mean the duly appointed officers of the city acting in their official capacity or through their deputies or employees legally authorized to act in their stead.
- (75) "Diver's flag" means a red flag not less than one (1) foot square having a diagonal white stripe extending from the masthead to the opposite lower corner that when displayed indicates that divers are in the water.
- (76) "Dock" means a structure or platform designed to provide access to or an area to secure watercraft. Boat docking facility means any facility supporting watercraft and designated by the director of recreation and parks, which excludes private permitted dock structures.
- (87) "Idle speed" means the slowest possible speed needed to maintain steerage or maneuverability.
- ~~(9) "Immediate family" mean those family members residing within the same household.~~
- ~~(10) "Income taxpayer" means a taxpayer of the Columbus City Income Tax for the year preceding the issuance of any license, slip rental permit or private dock lease.~~
- (148) "Inflatable watercraft" means any vessel constructed of rubber, canvas, or other material that is designed to be inflated with any gaseous substance, constructed with two (2) or more air cells, and operated as a vessel. Inflatable watercraft propelled by a motor shall be classified as 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. Excludes any contrivances that do not bear a Hull Identification Number (HIN) recognized by the United States Coast Guard.
- (429) "In operation" in reference to a vessel means that the vessel is being navigated or otherwise used on the waterways of this city.
- ~~(4310)~~ "Law enforcement vessel" means any vessel used in law enforcement and under the command of a law enforcement officer.
- (4411) "Muffler" means 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.
- (4512) "Navigable waters," means waters which come under the jurisdiction of the Department of the Army of the United States and any waterways within or adjacent to this state, except inland lakes having neither a navigable inlet nor outlet.
- (4613) "No wake" has the same meaning as "idle speed."
- (4714) "Operator" includes any person who navigates or has under the person's control a vessel, or vessel and detachable motor, on the waters of this city.
- ~~(18) "Ordinary high water mark" means the line on the shore established by the fluctuations of water and indicated by physical characteristics such as clear, natural line impressed on the bank, shelving, changes in the soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.~~
- (4915) "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.

- (2016) "Pedal boat," means any watercraft designed to be propelled by pedals only through human muscular effort.
- (2417) "Person" includes any legal entity defined as a person in Section 1.59 of the Revised Code and any body politic, except the United States and this state, and includes any agent, trustee, executor, receiver, assignee, or other representative thereof.
- (2218) "Personal watercraft" means a vessel, less than sixteen (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.
- (2319) "Powercraft" means any vessel propelled by machinery, fuel, rockets, or similar device.
- (2420) "Reservoirs" shall mean the O'Shaughnessy, Griggs and Hoover water supply storage reservoir, and all adjacent city lands, unless specifically designated otherwise, from the dams upstream to the further most upstream extent of city-owned shores of the streams feeding into the reservoirs.
- ~~(25) "Resident" shall mean a bona fide resident or registered voter of the city.~~
- (2621) "Rowboat" means any vessel, except a canoe, that is designed to be rowed and that 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 the vessel.
- (2722) "Sailboat" means 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 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.
- (2823) "Sewage" means human body wastes and the wastes from toilets and other receptacles intended to receive or retain body waste.
- (2924) "South Side Scioto River Park" means the area bounded downstream by the spillway at Greenlawn Avenue and upstream a distance of one and one-quarter (1-1/4) statute miles.
- (3025) "Type one personal flotation device" means a device that 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 (9) kilograms, approximately twenty (20) pounds, of buoyancy.
- (3126) "Type two personal flotation device" means a device that 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 (7) kilograms, approximately fifteen and four-tenths (15.4) pounds, of buoyancy.
- (3227) "Type three personal flotation device" means a device that is designed to keep a conscious person in a vertical or slightly face upward position and that has at least seven (7) kilograms, approximately fifteen and four-tenths (15.4) pounds of buoyancy.
- (3328) "Type four personal flotation device," means a device that is designed to be thrown to a person in the water and not worn and has at least seven and five-tenths (7.5) kilograms, approximately sixteen and five-tenths (16.5) pounds, of buoyancy.
- (3429) "Type five personal flotation device" means a device that, unlike other personal flotation devices, has limitations on its approval by the United States Coast Guard, including, without limitation, all of the following:
- (a) The approval label on the type five 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 the requirements in its owner's manual if the approval label refers to such a manual.
- (3530) "Vessel" includes every description of watercraft, including non-displacement craft and seaplanes, designed to be used as a means of transportation on water. Excludes any contrivances that do not bear a Hull Identification Number (HIN) recognized by the United States Coast Guard.

~~(3631)~~ "Visible" means visible on a dark night with clear atmosphere.

~~(3732)~~ "Watercraft" means any of the following when used or capable of being used for transportation on the water:

- (a) A vessel operated by machinery either permanently or temporarily affixed;
- (b) A sailboat other than a sailboard; Board type sailboats without rigidly affixed masts; commonly referred to as "sailboards" are not watercraft; excludes any contrivances that do not bear a Hull Identification Number (HIN) recognized by the United States Coast Guard.
- (c) An inflatable, manually propelled boat that is required by federal law to have a hull identification number meeting the requirement of the United States Coast Guard;
- (d) A canoe or rowboat.

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

"Watercraft" excludes any contrivances that do not bear a Hull Identification Number (HIN) recognized by the United States Coast Guard.

Watercraft subject to Section 1547.54 of the Revised Code shall be divided into five (5) classes as follows:

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

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

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

Class 3: At least forty (40) feet but less than sixty-five (65) feet in length.

Class 4: At least sixty-five (65) feet in length.

~~(3833)~~ "Watercraft dealer" means 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. "Watercraft dealer" does not include a person who is a marine salvage dealer or any other person who dismantles, salvages, or rebuilds vessels using used parts.

~~(3934)~~ "Waters of the city" shall mean all city-administered water including, but not limited to reservoirs, reservoir lands, rivers, lakes, creeks, streams, ponds and water-filled quarries. Unless otherwise provided, this chapter applies to all vessels operating on waters of this city. Nothing in this chapter shall be construed in contravention of any valid federal act or regulations, but is in addition to such act or regulation where not inconsistent.

~~(4035)~~ "Drug of abuse" has the same meaning as in section 4506.01 of the Revised Code.

(ORC 1547.01) (Ord. 805-05 § 1 (part): Ord. 2276 § 1 (part).)

921.01-1 - Vessel and operations on waterways.

- (A) In all waterways of the city except Griggs, O'Shaughnessy and Hoover Reservoirs and the downtown Scioto River Pool or as otherwise authorized by this chapter, no person shall operate any vessel of:
  - (1) Less than eight (8) feet or more than twenty-two (22) feet in length or;
  - (2) Less than thirty-six (36) inches in beam or;
  - (3) Less than fifty (50) pounds in weight;
  - (4) More than ten (10) horsepower.
- (B) Canoes, kayaks, rowing shells, pedal boats and inflatable watercraft bearing a Hull Identification Number (HIN) recognized by the United States Coast Guard as vessels and watercraft are permitted and specifically exempted from the length, beam and weight requirements.
- (C) No watercraft shall operate beyond the safety cable at those dams where safety cables have been installed. Except as otherwise provided in this chapter, in those areas where there are no safety cables, no vessel shall operate within one hundred (100) feet of the upriver or downriver side of any dam. This section shall not prohibit the launching or loading of a vessel in designated areas as provided for in Section 921.01-15.

- (D) Except as otherwise provided in this chapter, no person shall operate any motorized vessel on any waterways of the city at a speed exceeding idle speed within a distance of one hundred (100) feet of the shorelines.
- (E) No person shall swim or wade in any waterways of the city, except as a means of rescue, nor allow a minor, who is in custodial care, to swim or wade. This section shall not prohibit wading for the purpose of fishing.
- (F) Personal watercraft, which are classified by the Coast Guard as small Class A-1 or A-2 vessels and which use, as their primary source of mechanical power, an inboard or outboard motor powering a jet pump, and which are designed to be operated by a person in a sitting, standing, or kneeling position rather than that of the conventional manner of either sitting or standing inside the vessel, are prohibited on all city controlled waterways.
- (G) No person shall operate any motorized vessel on waterways of the city at a speed exceeding ten (10) miles per hour between sunset and sunrise.
- (H) Between the dates of November 30 of each year to April 1 of the following year, all vessels must be removed from all stakes, boat docks, sailboat moorings and waterways. Any vessel found unattended in any waterways of the city or park controlled by the City of Columbus between the dates as specified in this paragraph will be considered abandoned by the owner and will be impounded by a law enforcement officer and will be subject to provisions as set forth elsewhere in this chapter.
- (I) Sailboarding for the purpose of this chapter shall be limited to those sailboats without a rigidly affixed mast and which meet all the other requirements of this chapter.
- (J) No person shall engage or attempt to engage in any sailboard activity without wearing an adequate and effective Coast Guard approved type one, two or three personal flotation device in good and serviceable condition and of appropriate size, or a jacket or harness specifically manufactured for sailboarding, and which provides for positive buoyancy in the water.
- (K) This section shall not be construed or interpreted so as to prevent or prohibit boating on waterways of the city between the dates of November 30 of each year and April 1 of the following year, except in restricted areas, provided that the vessel is not stored on city property and is immediately removed from the waterway after use.

(Ord. 805-05 § 1 (part); Ord. No. 1961-2013, § 1, 9-16-2013)

**921.01-2 - Vessels and operations on the downtown Scioto River Pool.**

- (A) Unless otherwise authorized by this chapter no person shall operate in the downtown Scioto River Pool from one hundred (100) feet south of the intake dam opposite the Dublin Road Pumping Station, south to the safety cable at the Main Street Dam and from one hundred (100) feet south of the Main Street Dam to the safety cable at the Scioto River Park Dam (Greenlawn Dam), and north on the Olentangy River to the Goodale Avenue Bridge, any vessel of:
  - (1) Less than eight (8) feet or more than twenty-two (22) feet.
  - (2) Less than thirty-six (36) inches in beam or;
  - (3) Less than fifty (50) pounds in weight.
- (B) Canoes, kayaks, rowing shells, pedal boats and inflatable watercraft bearing a Hull Identification Number (HIN) and recognized by the United States Coast Guard as vessels and watercraft are permitted and specifically exempted from the length, beam and weight requirements.
- (C) No person shall operate any motorized vessel in this area at a speed greater than ten (10) miles per hour.
- (D) No person shall operate any motorized vessel at a speed exceeding idle speed within a distance of one hundred (100) feet of the shorelines.

(Ord. 805-05 § 1 (part); Ord. No. 1961-2013, § 1, 9-16-2013)

**921.01-3 - Vessel and operations in Griggs Reservoir.**

- (A) Unless otherwise authorized in this chapter, no person shall operate in Griggs Reservoir any vessel of:
  - (1) Less than eight (8) feet or more than twenty-two (22) feet.
  - (2) Less than thirty-six (36) inches in beam or;
  - (3) Less than fifty (50) pounds in weight.

- (B) Exceptions: Canoes, kayaks, rowing shells, pedal boats and inflatable watercraft bearing a Hull Identification Number (HIN) and recognized by the United States Coast Guard as vessels and watercraft are permitted and are specifically exempted from the length, beam and weight requirements provided;
- (1) Rowing shells are permitted during the months of May through September on weekdays from one (1) hour before sunrise until sunset and on weekends and holidays from one (1) hour before sunrise until 10:00 a.m. Rowing shells are permitted at all times during the months of October through April on all days of the week. Rowing shells will be operated parallel to the shoreline at a distance no greater than one hundred (100) feet except that north of the Hayden Run Bridge rowing shells will be operated no greater than fifty (50) feet of the shoreline, except for the safe operation around a navigational hazard. Rowing shells longer than forty-five (45) feet will not be permitted north of the Hayden Run Road Bridge. There will be four (4) crossing areas and rowing shells will utilize only those areas designated for crossing.
  - (2) The crossing areas will be:
    - (a) The no wake zone south of buoy number one (1).
    - (b) Between the north side of the Fishinger Road Bridge and buoy number three (3).
    - (c) At buoy number four (4) ("Fisherman's Wall"). Rowing shells will not stop within the open zone when crossing.
    - (d) Between buoy number five (5) and the south side of the Hayden Run Road Bridge.
  - (3) The rowing shell course shall be:
    - (a) Northbound shells leaving the west side boathouse shall immediately assume a course on the west side of the river to the Fishinger Road Bridge. Shells launching on the east side, shall cross to the west side in the no wake zone south of buoy number one (1) to begin the course and use the same route when returning.
    - (b) Northbound on the east side of the river from the Fishinger Road Bridge to the Hayden Run Road Bridge.
    - (c) Northbound on the west side of the river between Hayden Run Road Bridge and the Griggs Park northern boundary line approximately two hundred (200) feet south Rt. 161.
    - (d) Southbound or returning shells shall hug the west bank all the way back to the boathouse.
  - (4) Canoes, kayaks, pedal boats and inflatable watercraft shall operate parallel to the shoreline at a distance no greater than fifty (50) feet from the shoreline in all areas parallel and adjacent to an open zone except for the safe operation around a navigational hazard. There will be two (2) crossing areas and canoes, kayaks, pedal boats and inflatable watercraft will utilize only those areas designated for crossing.
    - (a) The crossing areas will be:
      - (1) Within one hundred (100) feet either side of the Fishinger Road Bridge.
      - (2) Within one hundred (100) feet either side of the Hayden Run Road Bridge.
    - (b) Canoes, kayaks, rowing shells, pedal boats and inflatable watercraft will not operate on the east side of the river between buoy number six (6) and buoy number seven (7).
- (C) Operations of sailboats and sailboards are prohibited.
- (D) The waterway from the safety cables north of the dam shall be open to boating at all times.
- (E) Motorized vessel operations, zones, and their speed limits shall be:
- (1) From the safety cables north of the dam to buoy number one (1), motorized vessels shall be operated at idle speed;
  - (2) From buoy number one (1) to buoy number two (2), on the eastern half of the river, motorized vessels shall be operated at idle speed, and on the western half, motorized vessels shall be operated at a speed not to exceed forty (40) miles per hour;
  - (3) The speed limit from buoy number two (2) north to buoy number three (3) is idle speed;
  - (4) The speed limit from buoy number three (3) north to buoy number five (5) is forty (40) miles per hour.
  - (5) The speed limit from buoy number five (5) north to buoy number six (6) is idle speed.

- (6) The speed limit from buoy number six (6) north to buoy number seven (7) shall be forty (40) miles per hour, except within the eastern two-thirds (  $\frac{2}{3}$  ) of the waterways when skiing is being conducted, no motorized vessel, which is not actively engaged in towing water-skiers shall be operated at a speed exceeding idle speed;
- (7) The speed limit from buoy number seven (7) north to two hundred (200) feet south of Rt. 161 shall be idle speed.
- (F) Water-skiing will be permitted only between buoy number three (3) to buoy number five (5) and between buoy number six (6) to buoy number seven (7).
- (G) The eastern two-thirds ( $\frac{2}{3}$ ) of the waterway, from buoy number six (6) to buoy number seven (7) is designated as a water sports practice and tournament zone, with a ski jump area on the eastern portion thereof as well as a slalom course.
- (H) No person shall operate any motorized vessel at a speed exceeding idle speed within a distance of one hundred (100) feet of the shorelines.

(Ord. 805-05 § 1 (part).)

**921.01-4 - Vessel and operations in Hoover Reservoir.**

- (A) Unless otherwise authorized by this chapter, no person shall operate in Hoover Reservoir any vessel of:
  - (1) Less than eight (8) feet or more than twenty-two (22) feet except sailboats which may be up to twenty-five (25) feet in length.
  - (2) Less than thirty-six (36) inches in beam or;
  - (3) Less than fifty (50) pounds in weight or;
  - (4) More than ten (10) horsepower or restricted thereto.
- (B) Exceptions:
  - (1) Canoes, kayaks, rowing shells, pedal boats and inflatable watercraft bearing a Hull Identification Number (HIN) and recognized by the United States Coast Guard as vessels and watercraft are permitted and specifically exempted from the length, beam and weight requirements.
  - (2) Board type sailboats without rigidly affixed masts; commonly referred to as "sailboards" are specifically exempted from the length, beam and weight requirements and their hours of use shall be restricted to those hours from sunrise to sunset.
- (C) The waterway north of the no boat buoys at the dam shall be open to boating at all times except for areas specifically exempted. Boating will not be permitted within one hundred (100) feet of the down-river side of the dam.
- (D) No person shall operate a motorized vessel at a speed greater than ten (10) miles per hour.
- (E) Before launching a vessel with a motor in excess of ten (10) horsepower, the motor will be tilted and must remain tilted while on the waterway.
  - (1) Motors in excess of ten (10) horsepower may remain in a non-tilt position provided their prop is removed prior to launch and remain so while on the waterway.
- (F) No water skiing will be permitted.
- (G) No person shall operate any motorized vessel at a speed exceeding idle speed within a distance of one hundred (100) feet of the shorelines.

(Ord. 805-05 § 1 (part).)

**921.01-5 - Vessel and operations in O'Shaughnessy Reservoir.**

- (A) Unless otherwise authorized by this chapter, no person shall operate in O'Shaughnessy Reservoir any vessel of:
  - (1) Less than eight (8) feet or more than twenty-two (22) feet.
  - (2) Less than thirty-six (36) inches in beam or;
  - (3) Less than fifty (50) pounds in weight.



(B) Exceptions:

Canoes, kayaks, rowing shells, pedal boats and inflatable watercraft bearing a Hull Identification Number (HIN) and recognized by the United States Coast Guard as vessels and watercraft are permitted and are specifically exempted from the length, beam and weight requirements;

(C) The above exempted vessels are permitted provided that:

- (1) Rowing shells are permitted during the months of May through September on weekends and holidays from one (1) hour before sunrise until 10:00 a.m. Rowing shells are permitted on all other days of the year from sunrise until sunset. Rowing shells will be operated parallel to the shoreline at a distance no greater than one hundred (100) feet except that between buoy number four (4) and buoy number five (5) rowing shells will be operated no greater than fifty (50) feet from the shoreline except for the safe operation around a navigational hazard. Rowing shells will utilize only those areas designated for crossing.
- (2) Crossing areas will be:
  - (a) The No Wake areas.
  - (b) Just south of buoy number four (4).
- (3) Canoes, kayaks, pedal boats and inflatable watercraft shall operate parallel to the shoreline at a distance not greater than fifty (50) feet from the shoreline in all areas parallel and adjacent to an open zone, except for the safe operation around navigational hazards.
- (4) Canoes, kayaks, rowing shells, pedal boats and inflatable watercraft will not operate on the east side of the river between buoy number four (4) and buoy number five (5) "Tournament Water-ski Zone".
- (5) Canoes, kayaks, pedal boats and inflatable watercraft may operate anywhere within the posted no wake zones.
- (6) The designated canoe, kayak, pedal boat and inflatable watercraft crossing shall be between buoy number two (2) and buoy number three (3).

(D) Board type sailboats without rigidly affixed masts, referred to as "sailboards" are permitted in the area from the safety cable at the dam north to buoy number one (1).

(E) The waterway north of the safety cable north of the dam shall be open to boating at all times.

(F) Vessel operations, zones, and speed limits shall be:

- (1) From the safety cable north of the dam north to buoy number one (1) is a designated sailboat area and all sailboats shall stay south of buoy number one (1) on Saturdays, Sundays and holidays.
  - (a) Exception: Sailboats launching or docked south of Home Road may sail in a path as direct as possible to and from the designated sailing area south of buoy number one (1).
- (2) The speed limit in the area known as Eversole Run and Twin Lakes shall be no wake, idle speed.
- (3) The speed limit between buoy number one (1) and buoy number two (2) shall be forty (40) miles per hour and is designated as an open zone;
- (4) The speed limit between buoy number two (2) and buoy number three (3) shall be no wake, idle speed;
- (5) The speed limit between buoy number three (3) and buoy number four (4) shall be forty (40) miles per hour and is designated as an open zone;
- (6) The speed limit between buoy number four (4) and buoy number five (5) shall be forty (40) miles per hour except within the eastern two-thirds (  $\frac{2}{3}$  ) of the waterway when skiing is being conducted, no vessel, which is not actively engaged in towing water-skiers, shall be operated at a speed greater than no wake, idle speed;
- (7) The speed limit north of buoy number five (5) shall be no wake, idle speed.

(E) Water-skiing will be permitted only between buoy number one (1) and buoy number two (2) and between buoy number three (3) and buoy number five (5).

(F) The eastern two-thirds ( $\frac{2}{3}$ ) of the waterway between buoy number four (4) and buoy number five (5) is designated as a water sports practice and tournament zone with a ski jump area on the eastern portion thereof as well as a slalom course.

(G) No person shall operate any motorized vessel at a speed exceeding idle speed within a distance of one hundred (100) feet of the shoreline.

(Ord. 805-05 § 1 (part).)

921.01-6 - Permits for special water events.

- (A) No person or organization shall conduct any race, regatta, or other special event upon the waterways of the city without first obtaining written permission, upon application not less than thirty (30) days prior to the time of the proposed race, regatta, or event from the director of recreation and parks. The director of recreation and parks shall have the authority to direct the procedures of these scheduled events and, if necessary, prevent the operation of other boats in certain areas during the designated time of such event. The director of recreation and parks shall timely inform the chief of police of the approved scheduled event.
- (B) Waterways of the city shall be open to all citizens on equal terms and none shall be given special privileges thereon, or be permitted to make use of the waterways of the city for any purpose not practically common to all, except, upon written application, when it is in the best interest of the city, the director of recreation and parks has the authority to issue permits for conduct on park property that may otherwise be in violation of this chapter, and to attach conditions to such permits.
- (C) 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. Such events will provide for vessel operation on an hourly basis from non-affected areas.
- (D) It shall be the duty of every person or organization claiming to have a permit for a special water event issued by the director of recreation and parks to produce and display such permit upon the request of any law enforcement officer or authorized city of Columbus official.

(Ord. 805-05 § 1 (part).)

**921.01-7 - Application for city-owned docks, stakes and moorings.**

- (A) Rentals of a city boat dock, public boat stake or mooring shall be issued on a permit prepared for that purpose and on file in the office of the director of recreation and parks. The permit shall not be transferred, assigned, loaned or subleased.
- (B) An applicant for a city dock, stake or mooring permit must prove ownership of a vessel by presenting the current state of Ohio registration certificate or similar registration or copy thereof from the state in which the vessel is registered. No vessel other than the one designated on the permit shall be tied to the designated dock, stake or mooring:
  - (1) The director may consider applicants owning vessels with current registrations from states other than Ohio provided the applicant presents a current state of Ohio registration certificate within ten (10) working days, failure to do so shall result in the forfeiture of the fee and revoking of the permit.
  - (2) The director may consider an applicant for any vacant city-owned docks, stakes or mooring without a current registration, provided proof of purchase is presented in writing. Within forty-five (45) calendar days the applicant must prove ownership of a vessel by presenting the state of Ohio registration certificate or copy thereof for the vessel to be placed at the dock, stake or mooring. No vessel other than the one designated on the permit shall be tied to the assigned dock, stake or mooring. Failure to comply with this section shall result in the forfeiture of the fee and revoking of the permit.
  - (3) The director may consider corporate applicants or applicants using leased vessels for docks, stakes or moorings with proper proof of vessel and corporate ownership or proper proof of the lease agreement, current registration and ownership of the leased vessel.
- (C) Permits for the rental of a city slip or private dock, city boat-stake or mooring permit shall be signed by the same person whose name appears on the registration certificate or by the power of attorney.
- (D) Applicants seeking a temporary boat dock or stake will also be required to present an Ohio registration certificate or similar type of registration from the state in which the boat is registered.
  - (1) Provided space is available from May 1 through October 31 of each year, temporary docking may be available on the waterways for a period of not less than one (1) day and not more than fourteen (14) consecutive days. Temporary dock permits shall be obtained from the department of recreation and parks. Boaters utilizing the temporary dock system may not store their boat trailers on park property and/or waterways.

- (2) Short-term courtesy docks and docking stakes may be provided at each of the waterways for boaters to utilize the recreational facilities for a period of time, not to exceed two (2) hours. Such docks and/or stakes shall be designated by the director of recreation and parks, and posted accordingly.
- (E) The applicant shall agree to abide by all the laws, rules and regulations relative to his and/or his family's conduct, his or their use and operation of watercraft and outboard motors, use of all waterways of the city, adjacent lands, boat docks, boat stakes and moorings. Further, the applicant agrees to assume the defense of and to indemnify and save harmless the city from any and all claims, suits, loss or damage or injury to person(s) or property of any kind or nature whatsoever arising in the use or operation of any vessel, outboard motor, boat dock, boat stake or moorings.
- (F) The director of recreation and parks shall not be required to approve any permits that are not in the best interest of the city of Columbus. Any misstatement of fact on any permit shall, at the discretion of the director of recreation and parks, constitute sufficient grounds for the rejection or cancellation of any license, or rental permit issued thereunder. The director of recreation and parks shall notify any person whose permit is rejected or cancelled in writing and the reason therefore shall be stated.
- (G) Any violation of the terms or conditions of any license, or rental permits shall be reported by a law enforcement officer to the director of recreation and parks and may result in the temporary or permanent suspension or cancellation of such license, or rental permit by the director of recreation and parks.
- (H) The recreation and parks commission shall establish rental fees for both permanent and temporary uses of city-owned boat slips; finger slip docks, boat stakes, and sailboat moorings on the waterways.
- (I) All moneys received from the annual slip, stake and mooring rental as provided for in this section shall be placed in the operation and extension fund for the department of recreation and parks.
- (J) With the exception of temporary docks, all city dock permits, must be renewed between the dates of January 1 and April 15 of each year. All dock permits provided for in this section shall begin on May 1 and expire on October 31 of the calendar year.
- (K) All public stake permits must be renewed between the dates of January 1 and March 15, inclusive, of the calendar year. All stake permits provided for in this section shall begin on April 1 and expire on October 31 of the calendar year.
- (L) Dock, stake or moorings will revert back to the city for reissue if the permit is cancelled or not renewed within the time specified elsewhere in this chapter.
- (M) Installation of lockers of any description is prohibited on all city-owned boat slips on all waterways of the city. No person shall in any manner alter any city-owned boat slips or to attach materials of any nature to any city-owned boat slip on any waterways of the city without the expressed written permission of the director of recreation and parks.
- (N) Location and installation of each stake shall be under the supervision of the director of recreation and parks. One (1) boat is permitted to one (1) stake, with the exception of pontoon or "float" boats, which shall require two (2) stakes. Stakes will be furnished and installed by the city of Columbus, in a number and location deemed advisable by the director.
- (O) Areas that are designated as "sailboat," "pontoon" or "float boat" areas will be used exclusively for these boats.
- (P) Upon the payment of the appropriate fee, the director of recreation and parks will issue a boat, stake or sailboat mooring permit for a designated area at a specific waterway.
- (Q) Any vessel found unattended in any waterways of the city between the dates of November 30 of each year to April 1 of the following year, will be considered abandoned by the owner and will be impounded subject to the provisions as set forth in this chapter regarding the abandonment of vessels.
- (R) Any vessel found in any waterways of the city in violation of this section will be impounded and will be subject to the provisions as set forth in this chapter regarding the abandonment of vessels.

(Ord. 805-05 § 1 (part).)

#### **921.01-8 - Permitting of private docks and stakes and moorings.**

- (A) Permitting for a private boat dock, or boat stake ~~or mooring~~ shall be issued administered by the Department of Public Utilities in accordance with the Columbus City Code Chapter 1117 and associated Rules and Regulations. ~~on a permit prepared for that purpose and on file in the office of the director of recreation and parks. The permit shall not be transferred, assigned, loaned or subleased;~~

- ~~(1) As used in this section, private docks refer to, and shall include, docks, platforms or any other such structure which have been privately constructed and maintained by the applicant and which extend over or on the waterways of the city and shall include all such facilities whether extending from private lands, or lands controlled by the city.~~
- ~~(2) Each contiguous property owner, applicant, may be issued not more than one (1) permit per legal address which shall include one (1) vessel. Additional vessels registered to the same property owner may be considered and the recreation and parks commission establish such fees. The department shall determine the placement of such dock, stake or mooring and reserves the right of denial to any applicant wherein such conditions as natural or navigational hazards/barriers exist or there is a determination made that the issuance of such permit shall negatively impact upon a sensitive shoreline habitat.~~
- ~~(B) The applicant shall agree to abide by all the laws, rules and regulations relative to the applicant's and/or the applicant's family's conduct, his/her or their use and operation of any vessel, use of all waterways of the city, adjacent lands, boat docks, boat stakes and moorings. Furthermore, the applicant shall agree to assume the defense of and to indemnify and save harmless the city from any and all claims, suits, loss or damage or injury to person(s) or property of any kind or nature whatsoever arising in the use or operation of any vessel, boat dock or boat stake.~~
- ~~(C) The recreation and parks commission shall establish rental fees and late charges for private docks, stakes and moorings. All dock; stake and mooring permits must be renewed between the dates of January 1 and March 15 of each year. All dock; stake and mooring permits provided for in this section shall begin April 1 and expire on November 30 of the calendar year;~~
- ~~(1) If the waterways of the city have reached the maximum safe boating carrying capacity a grace period may be given until May 1, of that year which shall include a late fee. After May 1, the director may permit the first eligible applicant, whose name appears on the official waterways waiting list, an opportunity to apply for dock, stake or mooring privileges;~~
- ~~(2) If the waterways of the city have not reached the maximum safe boating carrying capacity by the recreation and parks commission, a late fee schedule shall apply.~~
- ~~(D) Any violation of the terms or conditions of any license, or rental permits shall be reported by a city official to the director of recreation and parks and may result in the temporary or permanent suspension or cancellation of such license, or rental permit by the director of recreation and parks.~~
- ~~(E) Any permit granted to individuals hereunder shall be for the sole benefit of the permittee and the permittee's immediate family, residing in the same household. A permit will only be issued for private docks, stakes and moorings to the person or persons whose name appears on the property deed of a contiguous private residence. An applicant for a private dock, stake or mooring permit must prove ownership of a vessel by presenting the current state of Ohio registration certificate or copy thereof for the vessel(s) to be moored in the dock, stake or mooring before the permit will be issued. No vessel(s) other than those designated on the permit shall be tied to the designated dock, stake or mooring.~~
- ~~(1) The director may issue a special permit to any private dock, stake or mooring applicant not owning a vessel.~~
- ~~(2) The director may approve temporary docking privileges for contiguous private permit holders, not to exceed thirty (30) days in a boating season.~~
- ~~(3) The director may consider applicants using leased vessels for docks, stakes or moorings with proper proof of the lease agreement, current registration and ownership of the leased vessel.~~
- ~~(F) Permits for the rental of a private dock, stake or mooring shall be signed by the same person whose name appears on the registration certificate or by power of attorney. Certificates of title for vessels moored in private docks, stakes or moorings shall bear the same name as named on the private dock, stake or mooring permit and shall be shown upon request unless exempted by 921.01-8 (E)(2). No vessel other than those designated on the permit shall be tied to the designated dock, stake or mooring. No area of waterfront for private docks, stakes or moorings shall be used for any commercial purposes or for rental or loan to others. Any violation of this section shall be cause for revocation of the permit.~~
- ~~(G) All vessels must be removed from private docks and stakes between the dates of November 30 of each year to April 1 of the following year.~~
- ~~(H) Any vessel found unattended in any waterways of the city between the dates of November 30 of each year to April 1 of the following year will be considered abandoned by the owner and will be impounded subject to the provisions as set forth in this chapter regarding the abandonment of vessels.~~

- ~~(I) Any vessel in any waterways of the city in violation of this section will be impounded subject to the provisions as set forth in this chapter regarding the abandonment of vessels.~~
- ~~(J) No boathouses or other structures shall be constructed on permitted ground. Private docks may be left in the water during the winter season, November 30 of each year until the following April 1, provided they were permitted the previous season.~~
- ~~(K) No private boat dock, stake or mooring permits shall be allowed on the west side of Griggs Reservoir south of the Fishinger Road Bridge. This does not apply to existing legally maintained boat club leases with the recreation and parks department.~~
- ~~(L) Application for new private docks, stakes and moorings along the shores of the waterways will be given consideration only for those areas that are contiguous to undeveloped city property provided:~~
- ~~(1) All applicants for private dock permits must own real property adjacent to undeveloped city controlled property. The applicant's property, at a minimum, must be contiguous and parallel to undeveloped city controlled property for one hundred (100) feet. All new applicants as of January 1, 2005 must own real property contiguous and parallel to undeveloped city property within two hundred and fifty (250) feet of the ordinary high water mark. Current property owners whose real property line are greater than two hundred and fifty (250) feet away from the ordinary high water mark and have a current valid private dock permit will be permitted to renew annually until such time as the property owner fails to renew the annual permit.~~
- ~~(2) All applicants for private stake permits must own real property adjacent to undeveloped city controlled property. The applicant's property, at a minimum, must be contiguous and parallel to undeveloped city controlled property for ten (10) feet. All new applicants as of January 1, 2005 must own real property contiguous and parallel to undeveloped city property within two hundred and fifty (250) feet of the ordinary high water mark. Current property owners whose real property line are greater than two hundred and fifty (250) feet away from the ordinary high water mark and have a current valid private stake permit will be permitted to renew annually until such time as the property owner fails to renew the annual permit.~~
- ~~(3) The waterways of the city does not exceed established safe boating carrying capacity based on formulas developed by the Ohio Department of Natural Resources, and established and adopted by the recreation and parks commission. If said waterway is at maximum Safe Boating Carrying Capacity, the applicant will be placed on such official waterways waiting list and may receive the first available opening.~~
- ~~(M) Application for renewal of private boat docks and stakes that are already installed and in use on the waterways of the city as of the effective date of this section shall not be required to meet the requirements of subsection (L)(1) and (L)(2). If permittee fails to renew the permit by the annual renewal date then said application will be considered as new and must meet the provisions of subsection (L).~~
- ~~(N) The permitted area may include a five (5) foot wide path extending from the applicant's property to the water's edge, as laid out and approved by the director of recreation and parks in accordance with rules adopted by the director of recreation and parks.~~
- ~~(O) Permittees may erect a floating dock subject to the permission of and in accordance with the standards of the United States Army Corps of Engineers and city of Columbus. Plans for proposed docks must be submitted to and approved by the director.~~
- ~~(1) The recreation and parks commission may adopt administrative rules for floating boat dock construction, maintenance and other privileges pertaining to the use of undeveloped city parkland. Violation of administrative rules shall result in the temporary or permanent revocation of docking privileges and/or impoundment of vessel(s) and removal of associated structures on parkland.~~
- ~~(2) The director must approve any alteration or improvements to existing permitted structure(s) in writing.~~
- ~~(P) Private boat docks and stakes without the proper permit are prohibited and will be considered abandoned by the owner and will be removed subject to provisions as set forth in this chapter and the administrative rules.~~
- ~~(Q) Placement or storage of any private property on reservoir parkland is prohibited without written approval from the director.~~
- ~~(R) By March 31, 2001, all applicants for new or renewal of permits for private docks, stakes and moorings along the shore of the waterways of the city must have an approved land stewardship agreement on file with the division of water prior to the issuance of said permit. A land stewardship agreement shall define agreed upon water supply reservoir watershed best management practices and landscape enhancements that abutting property owners may perform on city property.~~

~~(S) All private docks, ramps, improved walkways, improvements, utilities or any other private structures or property shall be removed by the person or person(s) originally granted permission to make the improvements, at their expense, if at any time that person or person(s) fails to renew the annual permit or transfers the adjacent private property to a new owner. These improvements may only be left in place if a new owner advises the city of Columbus, recreation and parks department, in writing that they accept full responsibility for the maintenance and removal (if necessary) of these improvements. This acceptance must be on an approved Columbus recreation and parks department form for this purpose and must be submitted within ninety (90) days of the transfer of the adjacent real property. Any and all encroachment issues must be fully resolved to the satisfaction of the city of Columbus before permission or permits may be granted for any dock, stake, mooring or additional improvements.~~

~~(Ord. 805-05 § 1 (part).)~~

921.01-9 - Boat concessions.

- (A) No person shall operate or cause to be operated in any waterways of the city, any vessel or contrivance that does not bear a Hull Identification Number (HIN) recognized by the United States Coast Guard, for any commercial purpose or for hire to others, until written permission has been obtained from the director of recreation and parks.
- (B) A law enforcement officer shall impound any vessel, contrivance that does not bear a Hull Identification Number (HIN) recognized by the United States Coast Guard, or dock being used in violation of this section. Violations of this section shall be cause for revocation of any permission issued pursuant to this chapter.

(Ord. 805-05 § 1 (part); Ord. No. [0521-2019](#), § 1, 3-11-2019)

921.01-10 - Pedal boats.

- (A) Pedal boats that bear a Hull Identification Number (HIN) recognized by United States Coast Guard as watercraft are permitted and are specifically exempted from the length, beam and weight requirements except that at O'Shaughnessy, Hoover and Griggs Reservoirs they are restricted to the same areas where canoes and kayaks may operate.

(Ord. 805-05 § 1 (part).)

921.01-11 - Aircraft landings.

No person shall land any aircraft on any waterways of the city, unless:

- (1) The aircraft is experiencing mechanical problems and must make an emergency landing or;
- (2) Application has been made and approval granted by the director of recreation and parks for such aircraft landings.

(Ord. 805-05 § 1 (part).)

921.01-12 - Iceboats.

No person shall operate an iceboat on any waterways of the city except on Hoover Reservoir, and shall meet the following requirements:

- (1) Iceboats may not be propelled by any means other than sails;
- (2) Gross vessel weight may not exceed three hundred (300) pounds, to include mast, sails, and all other equipment;
- (3) Are required to carry fifty (50) feet of line readily accessible for use.

(Ord. 805-05 § 1 (part).)

921.01-14 - No liability assumed by city for safety of persons or property.

The city shall assume no liability whatsoever for the safety of boats, vessels, iceboats, boat slip, private boat docks, boat stakes or moorings, or the operators or users thereof or passengers therein or thereon located on waterways of the city and land. In each application for rental of a city slip, a private dock or stake permit, the applicant shall agree to assume the defense of, indemnify and save harmless the city from any and all claims, suits, loss or damage or injury to persons or property of any kind or nature whatsoever occurring to persons or property of the applicant, including, but not limited to his family, servants, agents, guests, invitees or any other person, arising in connection with the use or operation of any boat, iceboat, outboard motor, boat slip, private boat dock, boat stake or mooring, in, on or about waterways of the city or land.

(Ord. 805-05 § 1 (part).)

921.01-15 - Designated launch facilities.

Launching and/or loading of a vessel in any water of the city will only be permitted in areas and times designated by the director of recreation and parks and specifically marked for that purpose.

(Ord. 805-05 § 1 (part); Ord. No. 1961-2013, § 2, 9-16-2013)

921.01-16 - Harassment of fishers prohibited.

- (A) No person shall purposely prevent or attempt to prevent any person from fishing for a wild animal as authorized by Chapter 1533 of the Ohio Revised Code by any of the following means:
- (1) Placing oneself in a location in which the person knows or should know that the person's presence may affect the behavior of the wild animal being fished for or otherwise affect the feasibility of the taking of the wild animal by the fisherman;
  - (2) Creating a visual, aural, olfactory, or physical stimulus intended to affect the behavior of the wild animal being fished for;
  - (3) Affecting the condition or location of personal property intended for use in the fishing activity.
- (B) No person shall fail to obey the order of a peace officer or game protector to desist from conduct that violates subsection (A) of this section.
- (C) This section applies only to acts committed on lands or waterways of the city upon which fishing activity may lawfully occur. This section does not apply to acts of a peace officer, the owner of the lands or waters, or a tenant or other person acting under authority of the owner on the lands or water.
- (D) As used in this section, "peace officer" has the same meaning as in Section 2935.01 of the Revised Code, and 1531.13 of the Revised Code.

(ORC 1533.03)

- (E) Fishing contrivance(s) not attended to in special management areas, as designated by the director, are subject to removal if such contrivance(s) interferes with special management operations.

(Ord. 805-05 § 1 (part).)

921.01-17 - Law enforcement officers exempt.

Any vessel operated by any law enforcement officers shall be exempted from all length, weight, beam and speed requirements on the waterways of the city.

(Ord. 805-05 § 1 (part).)

921.01-18 - Officers orders in event of emergency.

Law enforcement officers are authorized to issue orders, either in person or by writing or by means of visible or audible signal for the purpose of controlling the use of the waterways of the city, adjacent lands and city-owned parks in conformance with the provisions of the Columbus City Codes and Revised Code. In the event of fire, high water, storm or other emergency or when reasonably necessary for the safety of or to protect the public or city property, said officer may issue orders as conditions may require, notwithstanding the provisions of the Columbus City Codes and/or the Revised Code.

(Ord. 805-05 § 1 (part).)

921.03 - Flashing lights prohibited.

- (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 waterways of the city, except in accordance with federal law.
- (B) No person shall operate or permit to be operated any vessel on the waterways of the city in violation of this section.

(Ord. 805-05 § 1 (part).)

9.21.04 - Siren prohibited except for emergency.

- (A) No person, except an authorized vessel representative of the federal government, the state, or any of its political subdivisions or this city shall use or operate a siren on the waterways of the city except for emergency purposes.
- (B) No person shall operate or permit to be operated any vessel on the waterways of the city in violation of this section.

(Ord. 805-05 § 1 (part).)

921.05 - Requirements for operation of certain powercraft by person born in 1982 or later.

No person born on or after January 1, 1982, shall operate on the waterways of the city, a powercraft powered by more than ten (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 non-proctored proficiency examination that test 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.

(Ord. 805-05 § 1 (part).)

921.051 - Duty to present certificate or proof of holding it.

A person born on or after January 1, 1982, who is operating on the waterways of the city a powercraft powered by more than ten (10) horsepower and who is stopped by a law enforcement officer in the enforcement of Chapter 921 of the city code or similar statute of the Revised Code or rules adopted under it shall present to the law enforcement officer, not later than seventy-two (72) hours after being stopped, a certificate obtained by the person pursuant to Section 921.05 of the city code or similar statute in the Revised Code 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 seventy-two (72) hours constitutes prima-facie evidence that of a violation of Section 921.05 of the city code or similar statute in the Revised Code.

(Ord. 805-05 § 1 (part).)

921.052 - Powercraft rentals to persons born in 1982 or later.

- (A) No rental business shall lease, hire or rent a powercraft powered by more than ten (10) horsepower for operation on the waterways of the city to a person born on or after January 1, 1982, unless the person meets one (1) 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 Section 921.05 of the city code or similar statute of the Revised Code.
- (2) The person receives educational materials from the rental business and successfully passes, with a score of ninety (90) percent 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.
- (B) 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 subsection (A) of this section.
  - (2) Be named as an operator on the agreement that leases, hires, or rents the powercraft.
- (C) The Division of Watercraft shall make available to all watercraft rental businesses in Ohio boater safety educational materials and an abbreviated examination that shall be used by the watercraft rental business for the purposes of subsection (A) (2) of this section.

(Ord. 805-05 § 1 (part).)

#### 921.06 - Restrictions on child operators; duty of supervisory adult.

- (A) Except as otherwise provided in this section, no person under twelve (12) years of age shall operate any vessel on the waterways of the city unless the person is under the direct visual and audible supervision, during the operation, of a person who is eighteen (18) years of age or older. This section does not apply to a powercraft, powered by more than ten (10) horsepower, which shall be governed by subsection (B) of this section.
- (B) No person under twelve (12) years of age shall operate on the waterways of the city a powercraft, powered by more than ten (10) horsepower unless the person is under the direct visual and audible supervision, during the operation, of a person eighteen (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 Section 921.05 of this code or 1547.05 of the Revised Code or, in the case of a rented powercraft, meets the requirements of Section 921.052 or similar section of the Revised Code.
- (C) No supervising person eighteen (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 waterways of the city to violate any section of this chapter or a rule adopted under it.

(Ord. 805-05 § 1 (part).)

#### 921.07 - Reckless or unsafe operation.

- (A) Any person who operates any vessel or manipulates any water skis, aquaplane, or similar device on the waterways of the city carelessly or heedlessly, or in disregard of the rights or safety of any person, vessel, or property, or without due caution, at a rate of speed or in a manner so as to endanger any person, vessel, or property is guilty of reckless operation of the vessel or other device.
- (B) 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:

- (1) A vessel becoming airborne or completely leaving the water while crossing the wake of another vessel at a distance of less than one hundred (100) feet, or at an unsafe distance, from the vessel creating the wake;
- (2) Operating at such a speed and proximity to another vessel or to a person attempting to ride on one (1) or more 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;
- (3) Operating less than two hundred (200) feet directly behind a person water skiing or attempting to water ski;
- (4) Weaving through congested traffic.

(Ord. 805-05 § 1 (part).)

921.071 - Authority of officer when especially hazardous condition exists.

- (A) If a law enforcement officer observes a vessel being used and determines that at least one (1) of the unsafe conditions identified in subsection (C) of this section is present and that an especially hazardous condition exist, 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 subsection (A) of this section is prima-facie evidence of a violation of Section 921.07 of the city code or similar statute in the Revised Code.
- (C) For the purpose 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 Section 1548.01 of the Revised Code;
  - (4) Vessels that are solely commercial and that are carrying more than six (6) passengers for hire.

(Ord. 805-05 § 1 (part).)

921.08 - Operation in certain areas prohibited; no wake or idle speed areas; marking by buoys or signs.

- (A) No person shall operate a vessel 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 three hundred (300) feet of any marina, boat-docking facility, boat gasoline dock, launch ramp, recreational boat harbor;
  - (b) Within any area buoyed or marked as a no wake area on waterways of the city.
- (2) Subsection (B)(1) of this section does not apply in any of the following places:
- (a) Any other area designated by the director of recreation and parks unless it is marked by a buoy or sign as a no wake or idle speed area.
  - (b) Within any waterways of the city as permitted by the director of recreation and parks who 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 three hundred (300) feet of an official diver's flag unless the person is tendering the diving operation.
- (E) All areas of restricted or controlled operation as described in subsection (A) of this section or as provided for in Section 921.14 of the city code or similar statute of the Revised Code 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.

Markings or 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 of the state of Ohio, shall be used on buoys or signs for marking closed or controlled areas of boating waters.

- (F) No person shall permit any vessel to be operated on the waterways of the city in violation of this section.

(Ord. 805-05 § 1 (part).)

#### 921.09 - Prohibitions on mooring, anchoring, tying up.

- (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 anchor or moor any vessel to any stake, sailboat mooring or dock in any reservoir, reservoir land or reservoir property or waterways of the city without a proper permit issued by the office of the director of recreation and parks.
- (C) No person shall operate or permit to be operated any vessel on the waterways of the city in violation of this section.

(Ord. 805-05 § 1 (part).)

#### 921.10 - Operator to stop and furnish information upon accident or collision.

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

If the injured person is unable to comprehend and record the information required to be given by this section, the 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 the operator's name, address, and the registration number, if any, of the vessel the person was operating, and then remain at the scene of the accident or collision or at the nearest location from which notification is possible until a law enforcement officer arrives, unless removed from the scene by an emergency vehicle operated by the state or a political subdivision or by an ambulance.

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

(Ord. 805-05 § 1 (part).)

#### 921.11 - Operation or physical control under the influence of alcohol or drug; testing.

- (A) No person shall operate or be in physical control of any vessel underway or shall manipulate any water skis, aquaplane, or similar device upon the waters of the city 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 eight-hundredths (0.08) of one (1) percent or more by weight of alcohol per unit volume in the person's whole blood;
  - (3) The person has a concentration of ninety-six-thousandths (0.096) of one (1) per cent or more by weight per unit volume of alcohol in the person's blood serum or plasma;
  - (4) The person has a concentration of eleven-hundredths (0.11) of one (1) gram or more by weight of alcohol per one hundred (100) milliliters of the person's urine;
  - (5) The person has a concentration of eight-hundredths (0.08) of one (1) gram or more by weight of alcohol per two hundred ten (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 five hundred (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 one hundred (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 one hundred fifty (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 fifty (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 one hundred fifty (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 fifty (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 two thousand (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 fifty (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 (10) 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 (10) 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 twenty-five (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 (10) 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 (10) 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 (2) nanograms of marihuana per milliliter of the person's whole blood or blood serum or plasma.
    - (h) Either of the following applies:
      - (i) 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 fifteen (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 (5) nanograms of marihuana metabolite per milliliter of the person's whole blood or blood serum or plasma.

- (ii) As measured by gas chromatography mass spectrometry, the person has a concentration of marihuana metabolite in the person's urine of at least thirty-five (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 fifty (50) nanograms of marihuana metabolite per milliliter of the person's whole blood or blood serum or plasma.
  - (i) The person has a concentration of methamphetamine in the person's urine of at least five hundred (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 one hundred (100) nanograms of methamphetamine per milliliter of the person's whole blood or blood serum or plasma.
  - (j) The person has a concentration of phencyclidine in the person's urine of at least twenty-five (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 (10) nanograms of phencyclidine per milliliter of the person's whole blood or blood serum or plasma.
- (B) No person under twenty-one (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 of the city if, at the time of the operation, control, or manipulation, any of the following applies:
- (1) The person has a concentration of at least two-hundredths (0.02) of one (1) per cent, but less than eight-hundredths (0.08) of one (1) percent by weight of alcohol in the person's whole blood;
  - (2) The person has a concentration of at least three-hundredths (0.03) of one (1) per cent but less than ninety-six-thousandths (0.096) of one (1) per cent by weight per unit volume of alcohol in the person's blood serum or plasma;
  - (3) The person has a concentration of at least twenty-eight one-thousandths (0.028) of one (1) gram, but less than eleven-hundredths (0.11) of one (1) gram by weight of alcohol per one hundred (100) milliliters of the person's urine;
  - (4) The person has a concentration of at least two-hundredths (0.02) of one (1) gram, but less than eight-hundredths (0.08) of one (1) gram by weight of alcohol per two hundred ten (210) liters of the person's breath.
- (C) In any proceeding arising out of one (1) incident, a person may be charged with a violation of Division (A)(1) and a violation of Division (B)(1), (2), (3), or (4) of this section, but the person shall not be convicted of more than one (1) violation of those divisions.
- (D) (1) In any criminal prosecution or juvenile court proceeding for a violation of Division (A) or (B) of this section, 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 (3) hours of the time of the alleged violation. The three (3)-hour time limit specified in this division regarding the admission of evidence does not extend or affect the two (2)-hour time limit specified in Division (C) of Section 1547.111 of the Revised Code as the maximum period of time during which a person may consent to a chemical test or tests as described in that section.

When a person submits to a blood test, only a physician, a registered nurse, 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.

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

- (2) In a criminal prosecution or juvenile court proceeding for a violation of Division (A) of this section, 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), (3), (4), or (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.

- (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.

The person tested may have a physician, a registered nurse, or a 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 or for an equivalent violation, 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 (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 this section or for an equivalent violation, 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 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 (7) 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 (7)-day time limit in the interest of justice.

- (G) Except as otherwise provided in this division, any physician, registered nurse, or qualified technician, chemist, or phlebotomist who withdraws blood from a person pursuant to this section, and a hospital, first-aid station, or clinic at which blood is withdrawn from a person pursuant to this section, is immune from criminal 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 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:
- (1) "National highway traffic safety administration" has the same meaning as in Section 4511.19 of the Revised Code.
  - (2) "Operate" means that a vessel is being used on the waters of the city 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.
  - (3) "Controlled substance" and "marihuana" have the same meanings as in Section 3719.01 of the Revised Code.
  - (4) "Cocaine" and "L.S.D." have the same meanings as in Section 2925.01 of the Revised Code.

(Ord. 805-05 § 1 (part): Ord. 2276-2006 § 1 (part).)

921.111 - Implied consent.

- (A) (1) Any person who operates or is in physical control of a vessel or manipulates any water skis, aquaplane, or similar device upon any waters of the city 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 Section 921.11 of the city code.
- (2) The test or tests under Division (A) of this section shall be administered at the direction 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 Section 921.11 of the city code . The law enforcement agency by which the officer is employed shall designate which test or tests shall be administered.
- (B) 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 Sections 313.12 to 313.16 of the Revised Code.
- (C) Any person under arrest for violating Section 921.11 of the city code 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 (1) 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 (2) hours of the time of the alleged violation, and if the person does not submit to the test or tests within that two (2)-hour time limit, the failure to submit automatically constitutes a refusal to submit to the test or tests.
- (D) If a law enforcement officer asks a person under arrest for violating Section 921.11 of the city code 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 if 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 Section 921.11 of the city code 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 Section 1547.54 of the Revised Code, for one (1) 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 (1)-year period, subject to review as provided in this section.

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. The chief shall retain the impounded registration certificate and tags, and shall impound all other registration certificates and tags issued to the person in accordance with Sections 1547.54 and 1547.57 of the Revised Code, for a period of one (1) year following the date of the alleged violation, subject to review as provided in this section.

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 twenty-four (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 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 of privileges shall begin at the termination of any hearing or appeal unless the hearing or appeal results in a decision favorable to the person.
- (F) 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 Section 1547.54 of the Revised Code, or who has had the registration certificate and tags of the person's watercraft impounded pursuant to Division (D) of this section, within twenty (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 (1) 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.

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 Section 921.11 of the city code, 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 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 Section 1901.34 of the Revised Code.



- (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 (1) 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, manipulation, 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 (1) 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, the chief shall reinstate the operation, physical control, manipulation, and registration privileges of the person without charge, and the chief 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, manipulation, and registration privileges were suspended or whose registration certificate and tags were impounded, the chief 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 physical 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, shall operate or be in physical control of a vessel or manipulate any water skis, aquaplane, or similar device, for a period of one (1) year following the date of the person's alleged violation of Section 921.11 of the city code.

(ORC § 1547.111) (Ord. 805-05 § 1 (part): Ord. 2276-2006 § 1 (part).)

#### 921.12 - Incapacitated operators prohibited.

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.

No person shall permit any vessel to be operated on the waterways of the city in violation of this section.

(Ord. 805-05 § 1 (part).)

#### 921.13 - Fail to comply with order of law enforcement officer; fleeing.

- (A) No person shall fail to comply with any lawful order or direction from 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 permit any vessel to be operated on the waterways of the city in violation of this section.

(Ord. 805-05 § 1 (part).)

#### 921.131 - Duty upon approach of law enforcement vessel.

- (A) Upon the approach of a law enforcement vessel with at least one (1) 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 waterways of the city.
- (B) No person shall permit any vessel to be operated on the waterways of the city in violation of this section.

921.14 - Water-skiing confined to ski zones.

- (A) Any person who rides or attempts to ride upon one (1) 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 (1) 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 whereon a ski zone has been established.
- (B) On all bodies of water designated as "open zone", that is, having a combined speed and ski zone, the activities described in subsection (A) of this section shall be confined to the open zone.
- (C) No person shall operate or permit to be operated any vessel on the waterways of the city in violation of this section.
- (D) Water-skiing in the Griggs and O'Shaughnessy Reservoir, and White Sulphur Quarry, shall be conducted under the following restrictions and no participant shall fail to comply:
  - (1) All towropes shall be of equal length, if the same vessel tows multiple skiers.
  - (2) No towline shall exceed seventy-five (75) feet in length, including the length of the yoke from the rear of the transom.
  - (3) Any vessel towing a water-skier shall at all times be operated on a counterclockwise course parallel to the thread of the waterway and at no time operated in a zigzag or circular course, nor closer than one hundred (100) feet to the shore.
    - (a) Exception: Skiers may make the return trip back through the slalom course; however, if up bound and down bound vessels meet head on in the slalom course the up bound/northbound vessel will give way.
  - (4) In the event of a fallen skier(s) the operator of the towing vessel shall immediately reduce the vessel speed and proceed without delay by the most direct route to the fallen skier.
  - (5) "Shallow water" and "dry water starts" will be permitted in the water sports practice and tournament zones and the White Sulphur Quarry. In the case of shallow water starts, the skier shall be at least fifty (50) feet from shore at the time of the start. The tow vessel, for both shallow and dry water starts, shall be at least seventy-five (75) feet from the shore.
  - (6) After starts, skiers must maintain at least a one hundred (100) foot interval between the skier and all shorelines.
  - (7) Swimming will only be permitted to effect a rescue.
  - (8) No person shall leave a ski afloat in the water unattended.
  - (9) While skiing is being conducted no vessel shall be anchored in the water sports practice and tournament zones more than fifty (50) feet from shore.
  - (10) The public may participate in the water sports practice and tournament zones.
  - (11) No person, operating a vessel or motor vehicle, shall tow or pull in waterways a person having possession or control of an airfoil device or similar device capable of lifting a person airborne. No person, having possession or control of an airfoil device or similar device capable of lifting them airborne, shall permit himself or herself to be towed in any waterway.
  - (12) Law enforcement officers, upon proper cause, may cause skiing to cease when conditions are such as to render water skiing hazardous. This will be accomplished by placing red flags at the buoys designating the water sports practice and tournament zones. If skiing is ordered stopped, the stoppage shall be of not less than one (1) hour's duration.
  - (13) Inner tubes or other inflatable contrivances used as water-ski devices will not be permitted on the waterways of this city, except that handicapped persons may use inner tubes, other inflatable contrivances, or knee boards as water-ski devices with prior permission from Recreation and Parks, permits section.
    - (A) No person shall tow, or be towed upon, any skiing device unless specifically authorized by this section.
  - (14) No operator of any vessel shall tow any person who fails to comply with this section.
  - (15) The city shall assume no responsibility whatsoever for the safety of person or vessel using or attempting to use the water sports practice and tournament zones as designated or the White Sulphur Quarry and at the

related facilities thereto with or without permission. All ski clubs and any other organization using or attempting to use the water sports practice and tournament zones shall agree that the city shall not be held liable and shall agree to save and hold harmless the city from any claim or claims and actions at law for property damaged or personal injuries resulting to any person or persons arising out of the use of the water sports practice and tournament zones.

(Ord. 805-05 § 1 (part).)

921.15 - Observer required when towing skier.

- (A) Any person who operates a vessel towing any person riding or attempting to ride upon one (1) or more water skis, surfboard, or similar device, or engaging or attempting to engage in barefoot skiing, on the waterways of the city shall have present in the vessel a person or persons other than the operator, ten (10) years of age or older, who shall at all times observe the progress of the person(s) 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 waterways of the city in violation of this section.

(Ord. 805-05 § 1 (part).)

921.16 - 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 waterways of the city during that period of the day between sunset and sunrise, except upon special permit issued by the director of recreation and parks.

(Ord. 805-05 § 1 (part).)

921.18 - Personal flotation device required for towed person.

- (A) No person shall ride or attempt to ride upon water skis, surfboard, or similar device being towed by a vessel without wearing an adequate and effective Coast Guard approved type one, two, or three personal flotation device, or type five personal flotation device specifically designed for water skiing, in good and serviceable condition and of appropriate size, except upon special permit issued by the director of recreation and parks.
- (B) No person shall engage or attempt to engage in barefoot skiing without wearing an adequate and effective Coast Guard approved type one, two, or three personal flotation device or type five 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 subsection (A) or (B) of this section.

(Ord. 805-05 § 1 (part).)

921.19 - Ski jumps prohibited.

No person shall install or maintain any structure or inclined platform known as a water ski jump on the waterways of the city. No person shall use any such platform or structure for the purpose of water ski jumping, except upon special permit issued by the director of recreation and parks.

(Ord. 805-05 § 1 (part).)

921.21 - Inflatable vessel regulations.

- (A) No person shall use or offer for use on the waterways of the city 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 (1) air cell or compartment is punctured or collapsed.

- (B) Floating fishing contrivances, referred to as "belly boats," and while the user is actively engaged in fishing, are restricted to use within waterways, or zones of waterways, in which the speed limit does not exceed ten (10) miles per hour, provided that use of such contrivance on a city reservoir is restricted to use within twenty-five (25) feet of shoreline and prohibited in city marinas.

(Ord. 805-05 § 1 (part).)

921.22 - Sitting, standing, walking on moving vessel restricted.

- (A) No occupant of any vessel underway on the waterways of the city shall sit, stand or walk upon any portion of the vessel not specifically designed for that movement, except when immediately necessary for the safe and reasonable navigation or operation of the vessel. No operator of a vessel under way on the waterways of the city 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 waterways of the city in violation of this section.

(Ord. 805-05 § 1 (part).)

921.23 - 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 (2) minutes.

(Ord. 805-05 § 1 (part).)

921.24 - Children under ten must wear appropriate size personal flotation device.

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

(Ord. 805-05 § 1 (part).)

921.25 - Operation without personal flotation devices prohibited.

- (A) No person shall operate or permit to be operated any watercraft on the waterways of the city:
- (1) Sixteen (16) feet or greater in length, without carrying on board one (1) type one, two, or three personal flotation device for each person on board and one (1) type four personal flotation device;
  - (2) Less than sixteen (16) feet in length, including canoes and kayaks of any length, without carrying on board one (1) type one, two, or three personal flotation device for each person on board.
- (B) A type five personal flotation device may be carried in lieu of a type one, two, or three personal flotation device required under subsection (A) of this section.
- (C) No person shall operate or permit to be operated any commercial vessel on the waterways of the city:
- (1) That is less than forty (40) feet in length and is not carrying persons for hire without carrying aboard at least one (1) type one, two, or three personal flotation device for each person aboard;
  - (2) That is carrying persons for hire or is forty (40) feet in length or longer and is not carrying persons for hire without carrying aboard at least one (1) type one personal flotation device for each person aboard;
  - (3) That is twenty-six (26) feet in length or longer without carrying aboard at least one (1) type four ring life buoy in addition to the applicable requirements of subsections (C)(1) and (2) of this section.

- (D) Each personal flotation device carried aboard a watercraft or 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 watercraft 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.

"Commercial vessel" 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.

(Ord. 805-05 § 1 (part).)

#### 921.251 - Distress signals and flag required.

- (A) No person shall operate a vessel upon the waterways of the city unless the vessel carries either a distress flag at least two (2) feet square and international orange in color or a Coast Guard approved daytime distress signal.
- (B) No person shall display any distress signal, unless a vessel or a person is in distress and in need of help.
- (C) Subsection (A) of this section does not apply to:
  - (1) Vessels competing in an organized marine parade, race, regatta, or similar event;
  - (2) Manually propelled vessels;
  - (3) Sailboats less than twenty-six (26) feet in length with completely open construction and without propulsion machinery.
- (D) The distress signals required by this section shall be in good and serviceable condition, readily accessible, and of the type and quantities required by regulation adopted under 46 U.S.C. 4302, as amended.
- (E) No person shall operate or permit to be operated any vessel on the waterways of the city in violation of this section.

(Ord. 805-05 § 1 (part).)

#### 921.26 - Anchor and line required; exception.

- (A) All watercraft, except sailboats less than sixteen (16) feet long having a cockpit depth of less than twelve (12) inches and except canoes, shall carry an anchor and line of sufficient weight and length to anchor the watercraft securely. The Chief of the Division of Watercraft, by rule, may exempt other types of watercraft from this section after determining that carrying such anchor and line would constitute a hazard.
- (B) No person shall operate or permit to be operated any vessel on the waterways of the city in violation of this section.

(Ord. 805-05 § 1 (part).)

#### 921.27 - Fire extinguishers required on powercraft.

- (A) Except those powercraft propelled by an electric motor and those less than twenty-six (26) feet in length designed for use with an outboard motor, of open construction, and not carrying passengers for hire, all 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 (1) B-1 fire extinguisher. Class 2 powercraft shall carry at least two (2) B-1 fire extinguishers or at least one (1) B-2 fire extinguisher. Class 3 powercraft shall carry at least three (3) B-1 fire extinguishers, or at least one (1) B-1 and one (1) B-2 fire extinguisher. A B-1 fire extinguisher is one containing a minimum of one and one-fourth (1-¼) gallons foam, four (4) pounds carbon dioxide, two (2) pounds dry chemical, two and one-half (2-½) 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 (2-½) gallons foam, fifteen (15) pounds carbon dioxide, ten (10) pounds dry chemical, ten (10) 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 waterways of the city any powercraft that does not comply with this section.

(Ord. 805-05 § 1 (part).)

921.28 - Backfire flame control device.

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 subsection (C) of this section.

(Ord. 805-05 § 1 (part).)

921.29 - Ventilation required on powercraft.

All powercraft using gasoline or other liquid fuel having a flashpoint of less than one hundred and ten (110) degrees F. shall be provided with ventilation as follows:

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

(Ord. 805-05 § 1 (part).)

921.30 - Law enforcement official may order storage of vessel or outboard motor left on private property; towing by private dock owner.

- (A) As used in this section and Sections 921.301, 921.302 and 921.304 of the city code or similar sections of the Revised Code.
  - (1) "Vessel or outboard motor" excludes an abandoned junk vessel or outboard motor, as defined in Section 921.303 of the city code, or similar statute of the revised code, or any watercraft or outboard motor under Section 4585.31 of the Revised Code.
  - (2) "Law Enforcement Agency" means any organization or unit comprised of law enforcement officers, as defined in of Section 2901.01 of the Revised Code.
- (B) (1) The chief of police, 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 seventy-two (72) hours without the permission of the person having the right to the possession of the property. The 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 chief shall designate the place of storage. When ordering a vessel or motor into storage under subsection (B)(1) of this section, the chief, whenever possible, shall arrange for the removal of the vessel or motor by a private tow truck operator or towing company.

- (2) (a) Except as provided in subsection (B)(2)(d) 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.
- (b) 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 subsection (B)(2)(d) 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.
- (c) 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 subsection (B)(2)(a) or (b) of this section, provided that the owner of the dock, facility, or structure post 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:
- (i) The enforcement specified in subsection (B)(2)(a) or (b) of this section, as applicable;
  - (ii) A notice that violators will be towed and that violators are responsible for paying the cost of the towing;
  - (iii) 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.
- (d) Subsection (B)(2)(a) and (b) 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:
- (i) The vessel or outboard motor is disabled due to a 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;
  - (ii) 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.
- (e) A person whose vessel or outboard motor is towed into storage under subsection (B)(2)(c) of this section either shall pay the cost of the towing of the vessel or outboard motor or shall reimburse the owner of the dock or mooring facility or structure for the cost that the owner incurs in towing the vessel or outboard motor.
- (3) Subject to subsection (C) of this section, the owner of a vessel or outboard motor that has been removed under subsection (B) of this section may recover the vessel or motor only in accordance with subsection (F) of this section.
- (C) If the owner or operator of a vessel or outboard motor that has been ordered into storage under subsection (B) of this section arrives after the vessel or motor has been prepared for removal but prior to its actual removal from the property, the owner or operator shall be given the opportunity to pay a fee of not more than one-half ( $\frac{1}{2}$ ) of the charge for the removal of vessels or motors under subsection (B) of this section that normally is assessed by the person who has prepared the vessel or motor for removal, in order to obtain release of the vessel or motor. Upon payment of that fee, the vessel or motor shall be released to the owner or operator, and upon its release, the owner or operator immediately shall move it so that it is not on the private property without the permission of the person having the right to possession of the property, or is not at the facility or place of storage without the permission of the owner, whichever is applicable.
- (D) The chief of police shall maintain a record of vessels or outboard motors that the chief orders into storage under subsection (B)(1) 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.

- (E) Any person who registers a complaint that is the basis of the chief's order for the removal and storage of a vessel or outboard motor under subsection (B)(1) 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.
- (F) (1) The owner of a vessel or outboard motor that is ordered into storage under subsection (B) of this section may reclaim it upon payment of any expenses or charges incurred in its removal, in an amount not to exceed two hundred dollars (\$200.00), and storage, in an amount not to exceed five dollars (\$5.00) per twenty-four (24) hour period, and upon presentation of proof of ownership, which may be evidenced by a certificate of title to the vessel or motor, certificate of United States Coast Guard documentation, or certificate of registration if the vessel or motor is not subject to titling under Section 1548.01 of the Revised Code.
- (2) If a vessel or motor that is ordered into storage under subsection (B) of this section remains unclaimed by the owner for thirty (30) days, the procedures established by Sections 921.301, and 921.302 of the city code shall apply.
- (3) If a vessel or outboard motor ordered into storage under subsection (B)(2) of this section remains unclaimed for seventy-two (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 chief of police the vessel or outboard motor had been moored, anchored, or tied in violation of subsection (B)(2) 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.

Upon receipt of the notice, the chief of police immediately shall cause a search to be made of the records of the Division of Watercraft to ascertain the owner and any lien-holder of the vessel or outboard motor, and, if known, shall send notice to the owner and lien-holder, if any, at the owner's and lien-holder'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 thirty (30) days after the date of the mailing of the notice.

If the owner or lien-holder makes no claim to the vessel or outboard motor within thirty (30) days of the date of the mailing of the notice, the chief of police 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 subsection (F)(3) of this section, and the vessel or outboard motor shall be disposed of in accordance with Section 921.302 of the city code or similar section of the Revised Code.

- (G) No person shall remove, or cause the removal of, any vessel or outboard motor from private property other than in accordance with subsection (B) of this section or Section 921.301 of the city code or similar section of the Revised Code.

(Ord. 805-05 § 1 (part).)

921.301 - Storage of vessel or motor left in sunken, beached, drifting or docked condition; notice; affidavit; salvage certificate.

The chief of police may order into storage any vessel or outboard motor that has been left in a sunken, beached or drifting condition for any period of time, or in a docked condition, on a public street or other property open to the public, or upon or within the right-of-way of any waterway, road, or highway, for forty-eight (48) hours or longer without notification to the chief of the reasons for leaving the vessel or motor in any such place or condition. The chief shall designate the place of storage of any vessel or motor ordered removed by him.

The chief shall immediately cause a search to be made of the records of the Division of Watercraft to ascertain the owner and any lien-holder of a vessel or outboard motor ordered into storage by the chief, and, if known, shall send notice to the owner and lien-holder, if any, at the person'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 (10) days of the date of mailing of the notice. The owner or lien-holder of the vessel or motor may reclaim it upon payment of any expenses or charges incurred in its removal and storage, and presentation of proof of ownership, which may be evidenced by a certificate of title to the vessel or motor, certificate of United States Coast Guard documentation, or certificate of registration if the vessel or motor is not subject to titling under Section 1548.01 of the Revised Code.



If the owner or lien-holder makes no claim to the vessel or outboard motor within ten (10) days of the date of mailing of the notice, and if the vessel or motor is to be disposed of at public auction as provided in Section 921.302 of the city code, the chief shall file with the clerk of courts of the county in which the place of storage is located an affidavit showing compliance with the requirements of this section. Upon presentation of the affidavit, the clerk of courts shall without charge issue a salvage certificate of title, free and clear of all liens and encumbrances, to the chief and shall send a copy of the affidavit to the Chief of the Division of Watercraft. If the vessel or outboard motor is to be disposed of to a marine salvage dealer or other facility as provided in Section 921.302 of the city code, the 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 section have been complied with. The chief shall retain the original of the affidavit for his records and shall furnish two (2) copies to the marine salvage dealer or other facility. Upon presentation of a copy of the affidavit by the marine salvage dealer or other facility, the clerk of courts shall issue to such owner a salvage certificate of title, free and clear of all liens and encumbrances.

Whenever the marine salvage dealer or other facility receives an affidavit for the disposal of a vessel or outboard motor as provided in this section, such owner shall not be required to obtain an Ohio certificate or title to the vessel or motor in his own name if the vessel or motor is dismantled or destroyed and both copies of the affidavit are delivered to the clerk of courts. Upon receipt of such an affidavit, the clerk of courts shall send one (1) copy of it to the Chief of the Division of Watercraft.

(Ord. 805-05 § 1 (part).)

#### 921.302 - Disposal of unclaimed vessel or motor.

- (A) Unclaimed vessels or outboard motors ordered into storage under subsection (B) of Section 921.30 or Section 921.301 of the city code shall be disposed of at the order of the chief of police in any of the following ways:
- (1) To a marine salvage dealer.
  - (2) To any other facility owned, operated, or under contract with the city of Columbus.
  - (3) To a charitable organization, religious organization, or similar organization not used and operated for profit;
  - (4) By sale at a public auction by the chief, or an auctioneer licensed under Chapter 4707 of the Revised Code, after giving notice of the auction by advertisement, published once a week for two (2) consecutive weeks in a newspaper of general circulation in the county.
- (B) 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 of the city of Columbus.
- (C) As used in this section, "charitable organization" has the same meaning as in Section 1716.01 of the Revised Code.

(Ord. 805-05 § 1 (part).)

#### 921.303 - Disposal of abandoned vessel or motor.

- (A) As used in this section and Section 921.304 of city code or similar statute in 1547.304 of the Revised Code.
- (1) "Abandoned junk vessel or outboard motor," means any vessel or outboard motor meeting all of the following requirements:
    - (a) It has been left on private property for at least seventy-two (72) 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 forty-eight (48) hours or longer without notification to the chief of police of the reasons for leaving the vessel or motor in any such place or condition;
    - (b) It is three (3) years old, or older;
    - (c) It is extensively damaged, such damage including but not limited to any of the following: missing deck, hull, transom, gunwales, motor, or out-drive;
    - (d) It is apparently inoperable;

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

(2) "Law enforcement agency" means any organization or unit comprised of law enforcement officers, as defined in Section 2901.01 of the Revised Code.

(B) The chief of police, upon notification of such action, shall order any abandoned junk vessel or outboard motor to be photographed by a law enforcement officer. The officer shall record the make of vessel or motor, the hull identification number or serial number when available, and shall also detail the damage or missing equipment to substantiate the value of two hundred dollars (\$200.00) or less. The 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 city for the destruction of such vessels or motors. The records and photographs relating to the abandoned junk vessel or outboard motor shall be retained by the law enforcement agency ordering the disposition of the vessel or motor for a period of at least two (2) years. The law enforcement agency shall execute in quadruplicate an affidavit, as prescribed by the Chief of the Division of Watercraft, describing the vessel or motor and the manner in which it was disposed of, and that all requirements of this section shall 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 file, shall furnish one (1) copy thereof to the Chief of the Division of Watercraft, one (1) copy to the marine salvage dealer or other facility handling the disposal of the vessel or motor, and one (1) copy to the law enforcement agency ordering the disposal, who shall file such copy with the records and photographs relating to the disposal. Any moneys arising from the disposal of an abandoned junk vessel or outboard motor shall be credited to the general revenue fund of the city of Columbus.

Notwithstanding Section 921.301 of the city code, any vessel or outboard motor meeting the requirements of subsections (A)(1)(c) to (e) of this section which has remained unclaimed by the owner or lien-holder for a period of ten (10) days or longer following notification as provided in Section 921.301 of the city code may be disposed of as provided in this section.

(Ord. 805-05 § 1 (part).)

921.304 - Abandonment of vessel or motor without notice to law enforcement official prohibited.

No person shall purposely leave an abandoned junk vessel or outboard motor on private property for more than seventy-two (72) hours without the written 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 forty-eight (48) hours or longer without notification to the chief of the reasons for leaving the vessel or motor in any such place or condition.

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

(Ord. 805-05 § 1 (part).)

921.31 - Muffler or muffler system; noise level violations.

(A) Every powercraft operated on the waterways of the city 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 waterways of the city in such a manner as to exceed a noise level of ninety (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 waterways of the city in such a manner as to exceed a noise level of seventy-five (75) decibels on the "A" scale measured as specified by SAE J1970. Measurement of a noise level of not more than seventy-five (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 J 2005.

(C) No person shall operate or give permission for the operation of a powercraft on the waterways of the city that is equipped with an altered muffler or muffler cutout, or operate or give permission for the operation of a powercraft on the waterways of the city 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 subsection (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 subsection (F)(1) of this section 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 subsection (F)(1) of this section applies shall be operated on the waterways of the city only in accordance with subsection (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 waterways of this city and that is being operated in accordance with subsection (F)(2) of this section. For the purposes of subsection (F)(2) of this section, a sanctioned racing event is a racing event that is conducted in accordance with Section 1547.20 of the Revised Code or that is approved by the United States Coast Guard. The operator of a powercraft that is operated on the waterways of this city for the purpose of a sanctioned racing event shall comply with that section 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 waterways of the city by or for a boat or engine manufacturer for the purpose of testing, development, or both and that complies with subsection (F)(3) of this section. 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 the rules adopted under subsection (I)(1) of this section.
- (G) A law enforcement officer who is trained in accordance with rules adopted under subsection (I)(2) of this section 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 mooring until the violation is corrected or ceases.
- (H) A law enforcement officer who conducts powercraft noise level test pursuant to this section shall be trained to do so in accordance with the rules adopted under subsection (I)(2) of this section.
- (I) In accordance with Chapter 119 of the Revised Code, the chief shall adopt rules establishing both of the following:
  - (1) Requirements and procedures for the issuance of letters under subsection (F)(3) of this section. The rules shall require, without limitation, that each such letter adequately identify the powercraft concerning which the letter is issued and specify the purpose for which the powercraft is being operated.
  - (2) Requirements and procedures for the training of law enforcement officers who conduct powercraft noise level test pursuant to this section. The rules shall require the training to include, without limitation, the selection of a site where noise level is measured and the calibration and use of noise measurement equipment.

(Ord. 805-05 § 1 (part).)

921.32 - Vessel dwelling unlawful.

No person shall use any vessel for the purpose of establishing or maintaining a dwelling of either permanent or temporary nature on any of the waterways of the city.

(Ord. 805-05 § 1 (part).)

921.321 - Vessel camping prohibited.

- (A) Vessel camping shall be prohibited on all waterways of the city without written permission from the director.
- (B) As used in this section, vessel camping means habitation and sleeping by any occupant in any vessel after hours of park closure.

(Ord. 805-05 § 1 (part).)

921.33 - Sink, toilet or sanitary system restrictions.

No person shall launch, moor, dock, use, or operate or permit to be operated on any waterways of the city any vessel that contains a sink, toilet, or sanitary system that is capable of discharging urine, fecal matter, contents of a chemical commode, kitchen wastes, laundry wastes, slop sink drainage, or other household wastes into the waterways of the city. Such sink, toilet, or sanitary system shall be removed or sealed or made to drain into a tank or reservoir that can be carried or pumped ashore for disposal in a sewage treatment works approved by the director of environmental protection.

(Ord. 805-05 § 1 (part).)

921.34 - Violation resulting in injury or damage is evidence of negligence in a civil action.

Violations of Sections 921.03 to 921.33 or similar sections of the Revised Code, which result in injury to persons or damage to property, shall constitute prima facie evidence of negligence in a civil action.

(Ord. 805-05 § 1 (part).)

921.38 - Rental of improperly equipped vessel prohibited.

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 Sections 921.25, 921.251, 921.26, 921.27, 921.28, 921.29 and 921.31 of the city code or similar sections of the Revised Code and rules adopted under this chapter regarding the equipment of vessels, and complies with the requirements of Sections 921.24, 921.40, 921.53, 921.57 of the city code or similar sections of the Revised Code and either 1547.54 or 1547.542 of the Revised Code and rules adopted under this chapter to implement and enforce those sections.

(Ord. 805-05 § 1 (part).)

921.39 - Capacity plate required.

- (A) 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 twenty (20) feet in length, and designed to carry two (2) 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 location that it is clearly legible from the position designed or intended to be occupied by the operator when underway.
- (B) No person shall operate or permit to be operated on the waterways of the city watercraft for which a capacity plate is required under this section unless the capacity plate is attached.
- (C) No person shall alter, remove, or deface any information contained on the capacity plate unless the manufacturer has altered the watercraft in such a way that would require a change in the information contained on the capacity plate.
- (D) As used in this section, "manufacture" means to construct or assemble a watercraft, or to alter a watercraft in such a manner as to affect or change its weight capacity or occupant capacity.

(Ord. 805-05 § 1 (part).)

921.40 - Exceeding capacity plate figures; absence of plate.

- (A) No person shall operate or permit to be operated on the waterways of the city a watercraft to which a capacity plate is attached, if the total load exceeds the weight capacity indicated on the capacity plate, if the number of persons aboard exceeds the occupant capacity indicated on the capacity plate, or if the horsepower of any attached outboard motor exceeds the maximum horsepower indicated on the capacity plate.
- (B) When no capacity plate exists, no person shall operate or permit to be operated on the waterways of the city a watercraft if a reasonably prudent person would believe that either of the following circumstances applies:
  - (1) The total load aboard the watercraft has associated with it a risk of physical harm to persons or property;
  - (2) The total horsepower of any inboard engine or attached outboard motor has associated with it a risk of physical harm to persons or property.

(Ord. 805-05 § 1 (part).)

921.49 - 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 or any other person shall, regardless of intent, throw, drop, discard, or deposit litter from any vessel in operation or control upon or in any waterways of the city, except into a litter receptacle in a manner that prevents its being carried away or deposited by the elements.
- (C) No operator of a vessel in operation upon any waterways of the city shall allow litter to be thrown, dropped, discarded, or deposited from the vessel, except into a litter receptacle in a manner that prevents its being carried away or deposited by the elements.

(Ord. 805-05 § 1 (part).)

921.57 - Tags indicating expiration date; attachment of identification number.

- (A) Except as otherwise provided in subsection (C) of this section, when the Chief of the Division of Watercraft issues a registration certificate under Section 1547.54 of the Revised Code, the chief also shall issue to the applicant two (2) tags not larger than three (3) 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 (1) 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 (1) tag to the watercraft's port side, six (6) inches toward the stern from the identification number, and the other tag to the starboard side, six (6) 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 Section 1547.54 of the Revised Code, for a period not to exceed forty-five (45) days, any watercraft required to be titled on the waters in this state if the person is in compliance with Section 1547.531 [1547.53.1] of the Revised Code.
- (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 Chapter 1547 of the Revised Code shall be painted, attached, or otherwise displayed on either side of the bow of the watercraft.
- (C) When the chief issues a registration certificate under Section 1547.54 of the Revised Code for a canoe, rowboat, or inflatable watercraft that has not been numbered under Section 1547.53 of the Revised Code, the chief also shall issue to the applicant a tag not larger than three (3) inches by six (6) 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 rules adopted by the chief under Section 1547.52 of the Revised Code.
- (D) No person shall operate or permit to be operated any watercraft on the waters in this city in violation of this section.

(Ord. 805-05 § 1 (part).)

921.59 - Duties after collision or accident; accident reports.

The operator of a vessel involved in a collision, accident, or other casualty, so far as the person 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.

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.

In the case of collision, accident, or other casualty involving a vessel, the operator thereof, if the collision, accident, or other casualty results in loss of life, personal injury requiring medical treatment beyond first aid, or damage to property in excess of five hundred dollars (\$500.00), shall file with the Chief of the Division of Watercraft a full description of the collision, accident, or other casualty, on a form prescribed by the chief. The report so filed shall be used for statistical purposes only and shall not be admissible for any civil, criminal, or administrative action at law.

If the operator of the involved vessel 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.

(Ord. 805-05 § 1 (part).)

921.63 - Enforcement.

Every law enforcement officer, within the area of his authority, may enforce the provisions of this chapter and Chapter 1547 of the Revised Code, 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, or Chapter 1547 of the Revised Code and rules adopted under it.

(Ord. 805-05 § 1 (part).)

921.66 - Alteration of identifying marks; false information on application.

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.

(Ord. 805-05 § 1 (part).)

921.69 - Firearms offenses; signaling devices. (Repealed)

Repealed by Ord. No. 1468-2011, § 2, adopted September 26, 2011.

921.92 - Tampering with navigation aid or vessel prohibited.

No person shall knowingly:

- (A) Damage, remove, or tamper with any signal, buoy, or other aid to navigation;
- (B) Sever the mooring lines of, set adrift, or tamper with any vessel that is moored or tied up on the waterways of the city.

921.99 - Penalties.

- (A) Whoever violates Section 921.01-06, 921.01-07, ~~921.01-08~~, 921.10, Division (I) of Section 921.111, Section 921.13, 921.34, 921.66 or Section 921.70 of this chapter is guilty of a misdemeanor of the first degree.
- (B) Whoever violates a provision of this chapter or a rule adopted thereunder, for which no penalty is otherwise provided, is guilty of a minor misdemeanor.
- (C) Whoever violates Section 921.07 or 921.12 of this chapter without causing injury to persons or damage to property is guilty of a misdemeanor of the fourth degree.
- (D) Whoever violates Section 921.07, 921.12, or 921.92 of the city code causing injury or damage to property is guilty of a misdemeanor of the third degree.
- (E) Whoever violates subsection (G) of Section 921.30 or Section 921.131, 921.25, 921.321, 921.33, 921.38, 921.39, 921.40, 921.69, or 921.92 of this chapter is guilty of a misdemeanor of the fourth degree.
- (F) Whoever violates Section 921.11 of the city code is guilty of a misdemeanor of the first degree and shall be punished as provided in subsection (F)(1), (2) or (3) of this section.

- (1) Except as otherwise provided in Division (F)(2) or (3) of this section, the court shall sentence the offender to a term of imprisonment of three (3) consecutive days and may sentence the offender pursuant to Section 2929.24 of the Revised Code to a longer jail term . In addition, the court shall impose upon the offender a fine of not less than one hundred fifty (\$150.00) or more than one thousand dollars (\$1,000.00).

The court may suspend the execution of the mandatory jail term of three (3) consecutive days that it is required to impose by Division (F)(1) of this section if the court, in lieu of the suspended jail term , places the offender under a community control sanction pursuant to Section 2929.25 of the Revised Code and requires the offender to attend, for three (3) consecutive days, a drivers' intervention program that is certified pursuant to Section 3793.10 of the Revised Code. The court also may suspend the execution of any part of the mandatory jail term of three (3) consecutive days that it is required to impose by Division (F)(1) of this section if the court places the offender under a community control sanction pursuant to Section 2929.25 of the Revised Code for part of the three (3) consecutive days; requires the offender to attend, for that part of the three (3) consecutive days, a drivers' intervention program that is certified pursuant to Section 3793.10 of the Revised Code; and sentences the offender to a jail term equal to the remainder of the three (3) 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 program. The court also may impose any other conditions of community control on the offender that it considers necessary.

- (2) If, within six (6) years of the offense, the offender has not been convicted of or pleaded guilty to one violation of Section 921.11 of the city code, or Section 1547.11 of the Revised Code, or a municipal ordinance relating to operating a watercraft or manipulating any water skis, aquaplane, or similar device while under the influence of alcohol, a drug of abuse, or a combination of them, of a municipal ordinance relating to operating a watercraft or manipulating any water skis, aquaplane, or similar device 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, of Division (A)(1) of Section 2903.06 of the Revised Code, or of Division (A)(2), (3), or (4) of Section 2903.06 of the Revised Code or Section 2903.06 or 2003.07 of the Revised Code as they existed prior to March 23, 2000, in a case in which the jury or judge found that the offender was under the influence of alcohol, a drug of abuse, or a combination of them, the court shall sentence the offender to a jail term of ten (10) consecutive days and may sentence the offender pursuant to Section 2929.24 of the Revised Code to a longer jail term . In addition, the court shall impose upon the offender a fine of not less than one hundred fifty (\$150.00) nor more than one thousand dollars (\$1,000.00).

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 Section 3793.10 of the Revised Code.

- (3) If, within six (6) years of the offense, the offender has been convicted of or pleaded guilty to more than one (1) violation identified in Division (F)(2) of this section, the court shall sentence the offender to a jail term of thirty (30) consecutive days and may sentence the offender to a longer jail term of not more than one (1) year. In

addition, the court shall impose upon the offender a fine of not less than one hundred fifty (\$150.00) or more than one thousand dollars (\$1,000.00).

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 Section 3793.10 of the Revised Code.

- (4) Upon a showing that serving a jail term would seriously affect the ability of an offender sentenced pursuant to Division (F)(1), (2) or (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 three (3), ten (10) or thirty (30) consecutive days that the court is required by Division (F)(1), (2) or (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 city code or 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 ten (10) or thirty (30) consecutive days required to be imposed by Division (F)(2) or (3) of this section or place an offender who is sentenced pursuant to Division (F)(2) or (3) of this section in any treatment program in lieu of being imprisoned or serving jail term until after the offender has served the mandatory jail term of ten (10) or thirty (30) consecutive days required to be imposed pursuant to subsection (F)(2) or (3) of this section. Notwithstanding any section of the city code or 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 (F)(1) of this section, shall suspend the mandatory jail term of three (3) consecutive days required to be imposed by Division (F)(1) of this section or place an offender who is sentenced pursuant to Division (F)(1) of this section in any treatment program in lieu of imprisonment until after the offender has served the mandatory jail term of three (3) consecutive days required to be imposed pursuant to Division (F)(1) of this section.
- (6) As used in Division (F) of this section, "jail term" and "mandatory jail term" have the same meaning as in Section 2929.01 of the Revised Code.
- (G) Whoever violates Section 921.304 of the city code is guilty of a misdemeanor of the fourth degree and also shall be assessed any costs incurred by the city in disposing of an abandoned junk vessel or outboard motor, less any money accruing to the city.
- (H) Whoever violates subsection (B) or (C) of Section 921.49 of the city code is guilty of a minor misdemeanor.
- (I) Whoever violates Section 921.31 of the city code is guilty of a misdemeanor of the third degree. On each subsequent offense, the person is guilty of a misdemeanor of the third degree.
- (J) Whoever violates Section 921.05 or 921.051 of the city code 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.
- (K) The sentencing court, in addition to the penalty provided under this section for a violation of this chapter or rule adopted under it that involves a powercraft powered by more than ten (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 course approved by the national association of state boating law administrators before the offender is allowed to operate a powercraft powered by more than ten (10) horsepower on the waterways of this city. Violation of a court order under this division is punishable as contempt under Chapter 2705 of the Revised Code.

(Ord. 805-05 § 1 (part); Ord. 2276-2006 § 1 (part).)



## Contents

Chapter 919 - PARK RULES AND REGULATIONS.....	2
919.09 - Destruction and alteration of property. ....	3
919.14 - Fishing.....	5
919.26 - Management areas. ....	7
919.27 - Nature Preserves.....	<b>Error! Bookmark not defined.</b>

## Chapter 919 - PARK RULES AND REGULATIONS

### 919.01 - Definitions.

As used in this chapter:

- (A) "Camping" shall mean utilization of any piece of equipment for sleeping in or upon, including, but not limited to, a sleeping bag, hammock, motor vehicle, trailer, tent, tarp or vessel for the purpose of occupying a portion of city-owned or controlled property or waterway for temporary or permanent outdoor living.
- (B) "Commission" shall mean the recreation and parks commission, as established by Section 128 of the Columbus City Charter.
- (C) "Department" shall mean the recreation and parks department of the city.
- (D) "Designated area" shall mean any location, place, site, region, facility, zone or space identified by the director.
- (E) "Director" shall mean the director of the recreation and parks department for the city, or any representative the director so designates.
- (F) "Park" or "parks" shall mean all city parks, parklands or waterways, as well as all other areas outgranted or under lease, license, written or concession agreement.
- (G) "Waterways" shall mean all city-controlled water including, but not limited to, reservoirs, reservoir lands, rivers, lakes, creeks, streams, ponds, fountains, and water-filled quarries.

(Ord. 1648-91; Ord. 1132-2008 Attach. (part).)

### 919.02 - Police to enforce chapter.

Every law enforcement officer within the scope of his employment and authority may enforce this chapter of the Columbus City Codes and rules and regulations adopted hereunder.

(Ord. 1648-91.)

### 919.03 – ~~Applicability~~ Purpose and Administration.

- (A) The director, acting through the commission, shall manage the natural, cultural, developed and undeveloped resources, as well as such wildlife resources in the parks, in the public interest, providing the public with safe and healthful recreational opportunities while also protecting, enhancing and where possible, expanding these resources.
- (B) Administration Rules. The commission may promulgate such rules and regulations pursuant to its authority under the City Charter.
- (C) Any violation of any section of this chapter shall constitute a separate violation for each calendar day in which it occurs.

(Ord. 1648-91.)

### 919.04 - Discriminatory practices prohibited.

Each lessee, licensee, concessionaire or holder of any written agreement of an area under lease, license, concession, agreement or permit providing a public or quasi-public use, including group camping activities, accommodation or any other permitted activity, shall not discriminate against any person or persons because of sex, race, color or origin in the conduct of its operations under the lease, license, concession, agreement or permit as entered into with the department and/or commission.

(Ord. 1648-91.)

#### 919.05 - Restrictions.

- (A) Parks shall be open daily between the hours of 7:00 a.m. to 11:00 p.m. with the following exceptions:
  - (1) Upon written approval by the director.
  - (2) Camping pursuant to Section 919.12.
  - (3) Offshore and shorebound fishing and associated trailering activities at reservoirs, creeks, and rivers.
- (B) The director or any law enforcement officer may close or restrict to public use and evacuate a park, facility or area when necessitated by reason of and in the interest of the public health, safety, welfare, maintenance or any other reasons deemed necessary for public interest.

(Ord. 2155-91; Ord. 1132-2008 Attach. (part); Ord. No. 1065-2011, § 1, 7-18-2011)

#### 919.06 - Permits.

- (A) The Director is authorized to promulgate policies and rules regarding requirements for issuance of permits for use of parks or facilities.
- (B) No person shall fail to comply with the fee requirements or other terms and conditions of any such permit issued under the provisions of this chapter.
- (C) All permits issued by the director must be exhibited in a clear and conspicuous location and produced upon the demand of any law enforcement officer.

(Ord. 1648-91; Ord. No. [3425-2018](#), § 1, 1-28-2019)

#### 919.07 - Commercial activities.

- (A) No person shall engage in or solicit business within any park without written permission from the director.
- (B) The department and nonprofit corporations or other groups specifically established to enhance the programs and facilities of the department may engage in sales only with written permission from the director.

(Ord. 1648-91; Ord. No. 1065-2011, § 2, 7-18-2011)

#### 919.08 - Advertising and signs.

- (A) No person shall expose, distribute, erect or place any sign, handbill, pamphlet, advertisement, circular, notice or statement and no person shall display any banner, emblem or design for the purpose of promoting commercial activity within any park without a permit issued by the director.
- (B) Vessels and motor vehicles with semipermanent or permanent painted or installed signs are exempt, as long as they are used for authorized recreational activities only and comply with all other rules and regulations pertaining to vessels and motor vehicles.

(Ord. 1648-91.)

#### **919.09 - Destruction and alteration of property.**

No person, without privilege to do so, shall recklessly do any of the following in any park:

- (A) Cause or attempt to cause physical harm to any park facilities, structures, vegetation, trees, natural formations, mineral deposits, historical features or archeological features.
- (B) Construct, create or attempt to create or erect any structures, trails, paths, roads, ball fields, or landscape features.
- (C) Cut, mow, trim, gather, collect or take possession of any vegetation, flowers, trees or parts thereof.
- (D) Alter or rearrange any natural habitat or terrain.

- (E) No person shall purposely cause the removal or replacement of any shorebound or waterway habitats.
- (F) No person shall enhance or create any waterway habitat without written permission from the director.
- (G) No person shall plant or cultivate any seed or vegetation in any area administered by the department without a permit issued by the director.
- (H) Section 919.09 of this Chapter shall not apply to city-owned property eligible for coverage under a Land Stewardship Agreement entered into between the Department of Public Utilities and a private property owner pursuant to Section 1117 of the Columbus City Codes.

(Ord. 1648-91.)

919.10 - Fires.

- (A) No person shall kindle, build, maintain or use a fire other than in places provided or designated for such purpose. The burning of toxic, hazardous materials, refuse or garbage is prohibited.
- (B) No person shall leave a fire, fire embers or burning briquettes without supervision from the time it is kindled until extinguished.
- (C) No person shall throw away or discard any burning object which has not been entirely extinguished and discarded in receptacles provided for such.
- (D) No person shall transport, store or possess any combustible liquid or other accelerants in any park except in a storage container designed for that purpose.
- (E) No person shall build or maintain ceremonial fires except by permit issued from the director.
- (F) Fires kindled by improperly disposing of a lighted match, cigarette, cigar or other burning or glowing substance are kindled fires within the meaning of this section.

(ORC 1503.18; Ord. 1648-91.)

919.11 - Swimming and wading.

- (A) Except as otherwise provided for within Chapter 921, wading, swimming, bathing or entering into any of the lakes, ponds, streams, reservoirs, quarries, fountains or any other water repository is strictly prohibited without the express permission of the director.
- (B) Swimming and wading shall only be permitted within those recreational facilities as designated by the director.

(Ord. 1648-91.)

919.12 - Camping.

- (A) No person shall camp in any area except designated areas set aside by the director for the purpose of camping and unless such person possesses a current and valid camping permit.
- (B) Any person camping in any designated camp area shall personally register the campsite and the camping permit shall be displayed in a conspicuous location and produced upon demand of any law enforcement officer.
- (C) No person shall place camping equipment at any campsite for the purpose of reserving the site for future occupancy.
- (D) No person shall sublease, transfer or assign their campsite to another person.
- (E) Owners of any animals, both pet and livestock, shall be held liable for any damage to park property in addition to any fines or penalty imposed as a result thereof in violation of this chapter.

(Ord. 1648-91.)

919.13 - Alcoholic beverages prohibited.

- (A) No person shall knowingly possess with the purpose to consume any liquor or beer, as defined in Ohio R.C. Chapter 4301, while being in or upon any park.
- (B) For the purposes of subsection (A) of this section, any person found in or upon any park and in possession of any liquor or beer is presumed to knowingly possess the liquor or beer with the purpose to consume such.
- (C) Subsection (A) of this section shall not apply to the following locations:
  - (1) Municipal golf courses when concessions which include the possession, sale and/or consumption of liquor or beer are contracted by the recreation and parks department.
  - (2) The Columbus Zoo premises when the possession, sale and/or consumption of liquor or beer is permitted by written authorization from the Columbus Zoological Park Association.
  - (3) The Cultural Arts Center when the possession, sale and/or consumption of liquor or beer is permitted by written authorization from the director of the recreation and parks department.
  - (4) The following parks: Franklin Park, Goodale Park, Harrison Park, Mayme Moore Park, Schiller Park, Frank Fetch Park or Berliner Park when the possession, sale and/or consumption of liquor or beer is permitted by written authorization from the director of the recreation and parks department.
  - (5) Certain enclosed, public rental shelter houses and/or facilities when the possession, sale and/or consumption of liquor or beer is permitted by written authorization from the director of the recreation and parks department.
  - (6) Parkland within the Downtown District when the possession, sale and/or consumption of alcoholic beverages is permitted by written authorization from the director of the recreation and parks department.
- (D) The possession, sale and/or consumption of liquor or beer, when permitted by subsection (C), shall be in compliance with all applicable laws pertaining thereto and with any recreation and parks department administrative rules. Failure to comply with any laws or administrative rules shall be sufficient grounds for immediate revocation of permit.

(Ord. No. [0265-2017](#), § 1, 5-22-17; Ord. No. [2739-2017](#), § 1, 11-20-2017; Ord. No. [0313-2019](#), 3-11-2019)

#### **919.14 - Fishing.**

No person shall:

- (A) Engage in fishing in violation of Ohio R.C. Chapter 1533.
- (B) Bowfish except on Hoover Reservoir north of the second bridge upstream from the dam.
- (C) Use nets, buckets, or methods other than pole fishing to harvest fish from ponds which are solely contained within park boundaries, except Antrim Lake.
- (D) Engage in fishing from publicly accessible, city owned docks or boat ramps, except those designated by the director.

(Ord. 2155-91; Ord. No. 1065-2011, § 3, 7-18-2011)

#### **919.15 - Archery.**

No person, without privilege to do so, shall use any crossbow, bow, arrow, slingshot or any other projectile propelling device.

(Ord. 1648-91.)

#### **919.16 - Littering, importing of rubbish and trash prohibited and pet owner(s) responsibility.**

- (A) No person shall leave, place or dispose of in any manner leaves, grass clippings, garbage, peelings of vegetables or fruit, waste, refuse, rubbish, ashes, can(s), bottle(s), wire, paper carton(s), box(es), motor vehicle or bicycle or wagon parts, furniture, glass, oil, sewage, anything of an unsightly or unsanitary nature under or upon the parks except in a receptacle designated for that purpose.

- (B) No person shall import into any area administered by the department from another place any substance described in subsection (A) of this section.
- (C) No pet owner shall fail to clean up after their pets by collecting and removing feces from park or reservoir property. Pets shall include dogs, cats, or other animals whose owners knowingly bring them into park or reservoir property.
- (D) Section 919.16(C) does not apply to the owner of or person in charge of an animal where that animal is assisting a blind or handicapped person and defecates on property, and such person either is unaware of that fact or is unable to comply with Section 919.16(C). Section 919.16(C) does not apply to law enforcement personnel in charge of an animal which is assisting such personnel in the performance of official duties.

(Ord. 1648-91; Ord. 738-97 § 1 (part).)

919.17 - Climbing, rappelling, throwing objects.

- (A) No person shall climb, stand or sit on any monument, decorative ornament, nature object or fountain or any other structure except those provided expressly for such purposes.
- (B) No person shall engage in rappelling or climbing activities in the parks.
- (C) No person shall throw, drop, toss, propel or cause the same of any object over or off any bridge, observation tower or other similar structure.

(Ord. 1648-91.)

919.18 - Golf.

No person shall hit a golf ball or practice golf except in areas designated by the director.

(Ord. 1648-91.)

919.19 - Engine powered miniature models and toys.

Engine powered miniature models and toy airplanes, chemically powered rockets, boats, cars, sirens or other noise-making devices are not permitted to be operated in any park except in areas specifically designated by the director.

(Ord. 1648-91.)

919.20 - Pollution of water.

No person shall place or permit to be placed in any waterway any noxious or deleterious material or any material which may affect the use or enjoyment of such waters for recreational or other park uses.

(Ord. 1648-91.)

919.21 - Scuba diving.

- (A) No person shall engage in underwater diving while using a snorkel or while diving with self-contained underwater breathing apparatus (S.C.U.B.A.) without being fully equipped with a face mask, foot fins, buoyancy compensation vest and snorkel.
- (B) No person shall scuba dive while alone, nor dive without first marking the diving area by displaying an official diving flag at the water's surface.
- (C) No person shall engage in underwater diving with S.C.U.B.A. equipment without having a submersible pressure gauge and nationally recognized S.C.U.B.A. certification unless they are under the direct supervision of a certified S.C.U.B.A. instructor.
- (D) No person shall scuba dive without a permit issued by the director.

(Ord. 1648-91.)

919.22 - Ice skating.

No person shall ice skate except in designated areas and only after proper notification has been displayed by the department.

(Ord. 1648-91.)

919.23 - Traffic.

- (A) No person, except in an emergency, shall repair a vehicle in any park.
- (B) No person shall wash, wax, polish or otherwise clean any vehicle, in any park, except in areas designated for such purposes.
- (C) No person shall operate or park a vehicle on the grass except in designated areas.
- (D) No person shall operate any vehicle with a gross weight greater than eight thousand (8,000) pounds in any park without the permission of the director.
- (E) No person shall operate a snowmobile upon or over any area administered by the department except in those areas so designated.
- (F) No person shall operate a motor vehicle upon the roadways within any park in excess of fifteen (15) miles per hour.
- (G) No person shall operate any vehicle upon the frozen surface of any waterway.

(Ord. 1648-91.)

919.24 - Fireworks.

No person shall possess, be in control of or engage in the discharge of fireworks, unless approved by the director and pursuant to Chapter 2533 of the Columbus City Code.

(Ord. 1648-91.)

919.25 - Gambling.

Gambling is prohibited unless approved by the director and pursuant to Ohio R.C. Chapter 2915.

(Ord. 1648-91.)

**919.26 - Management areas.**

(A) The director may establish within a park, preserves or management areas with individual administrative rules to protect and manage such areas.

(Ord. 1648-91.)

919.99 - Penalties.

- (A) Whoever violates Sections 919.06, 919.07, 919.08, 919.09(C), (G), 919.11, 919.15, 919.16(C), 919.17, 919.18, 919.19, 919.21, 919.22, 919.23 or 919.25 is guilty of a minor misdemeanor and shall be fined not to exceed one hundred dollars (\$100.00).
- (B) Whoever violates Sections 919.12, 919.13, 919.14 or 919.24 is guilty of a misdemeanor of the fourth degree and shall be fined not to exceed two hundred fifty dollars (\$250.00) or imprisoned for not more than thirty (30) days or both.
- (C) Whoever violates Section 919.10 is guilty of a misdemeanor of the third degree and shall be fined not to exceed five hundred dollars (\$500.00) or imprisoned for not more than sixty (60) days or both.
- (D) Whoever violates Section 919.09(A), (B), (D), (E), (F) is guilty of a misdemeanor of the second degree and shall be fined not to exceed seven hundred fifty dollars (\$750.00) or imprisoned for not more than ninety (90) days or both.
- (E) Whoever violates Sections 919.16(A), (B) or 919.20 is guilty of a misdemeanor of the first degree and shall be fined not to exceed one thousand dollars (\$1,000.00) or imprisoned for not more than six (6) months or both.

(Ord. 1648-91; Ord. 738-97 § 1 (part))