

Ordinance No. 1283-15

AN EMERGENCY ORDINANCE

To repeal various sections of Chapter 487 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by various ordinances and to supplement the codified ordinances by enacting new Sections 487.05, 487.06, 487.07, 487.10 and 487.11 and by amending Section 487.09, as amended by Ordinance No. 91-96, passed March 18, 1996, relating to equipment.

Council Member Kelley

WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That the following sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Section 487.05, as amended by Ordinance No. 91-96, passed March 18, 1996,

Section 487.06, as amended by Ordinance No. 91-96, passed March 18, 1996,

Section 487.07, as amended by Ordinance No. 1684-76, passed June 29, 1976,

Section 487.10, as amended by Ordinance No. 91-96, passed March 18, 1996, and

Section 487.11, as amended by Ordinance No. 1684-76, passed June 29, 1976,

are repealed.

Section 2. That the Codified Ordinances of Cleveland, Ohio, 1976 are supplemented by enacting new Sections 487.05, 487.06, 487.07, 487.10 and 487.11, to read as follows:

Section 487.05 **Flashing Lights**

(a) No person shall install or use any intermittently flashing light of any type or color on any vessel in use or operation on the waters in this city, except in accordance with federal law.

(b) No person shall operate or permit to be operated any vessel on the waters in this city in violation of this section.
(RC 1547.03)

(c) Whoever violates this section is guilty of a minor misdemeanor.
(RC 1547.99(C))

Section 487.06 **Personal Flotation Devices**

(a) 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 (1), two (2), three (3) or five (5) personal flotation device in good and serviceable condition of appropriate size securely attached to the person under ten (10) years of age.
(RC 1547.24)

(b) No person shall operate or permit to be operated any vessel, other than a commercial vessel or other vessel exempted by rules adopted under RC 1547.52, on the waters in this city:

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

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

Ordinance No. 1283-15

(c) A type five (5) personal flotation device may be carried in lieu of a type one (1), two (2) or three (3) personal flotation device required under division (b) of this section.

(d) No person shall operate or permit to be operated any commercial vessel on the waters in this 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 (1), two (2) or three (3) 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 (1) 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 (4) ring life buoy in addition to the applicable requirements of divisions (d)(1) and (d)(2) of this section.

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

(f) 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.
(RC 1547.25)

(g) (1) Whoever violates division (a) of this section is guilty of a minor misdemeanor.
(RC 1547.99(C))

(2) Whoever violates divisions (b), (d) or (e) of this section is guilty of a misdemeanor of the fourth degree.
(RC 1547.99(F))

Section 487.07 **Flame Arrestors**

(a) 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:

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

(2) Be in proper working order;

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

(4) Be marked to indicate approval or compliance under division (a)(3) of this section.
(RC 1547.28)

(b) Whoever violates this section is guilty of a minor misdemeanor.
(RC 1547.99(C))

Section 487.10 **Anchor**

(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 an anchor and line would constitute a hazard.

(b) No person shall operate or permit to be operated any watercraft on the waters in this city in violation of this section.
(RC 1547.26)

Ordinance No. 1283-15

(c) Whoever violates this section is guilty of a minor misdemeanor.
(RC 1547.99(C))

Section 487.11 **Ventilation**

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

(1) 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;

(2) Any type of ventilating system approved for use by the United States Coast Guard;

(3) 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.
(RC 1547.29)

(b) Whoever violates this section is guilty of a minor misdemeanor.
(RC 1547.99(C))

Section 3. That the Codified Ordinances of Cleveland, Ohio, 1976 are supplemented by amending Section 487.09, as amended by Ordinance No. 91-96, passed March 18, 1996, to read as follows:

Section 487.09 **Fire Extinguishers**

(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 one (1) powercraft shall carry at least one (1) B-1 fire extinguisher. Class two (2) powercraft shall carry at least two (2) B-1 fire extinguishers or at least one (1) B-2 fire extinguisher. Class three (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 extinguishers. A B-1 fire extinguisher is one containing a minimum of one and one-fourth (1-1/4) gallons foam, four (4) pounds carbon dioxide, two (2) pounds dry chemicals, two and one-half (2-1/2) 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 (2-1/2) 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. No person shall operate or permit to be operated on the waters of Cleveland any powercraft that does not comply with this section.

(c) No person shall operate or permit to be operated on the waters in this municipality any powercraft that does not comply with this section.
(RC 1547.27)

Section 4. That existing Section 487.09, as amended by Ordinance No. 91-96, passed March 18, 1996 is repealed.

Section 5. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Ord. No. 1283-15

REPORT
after second Reading

Council Member Kelley

AN EMERGENCY ORDINANCE

To repeal various sections of Chapter 487 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by various ordinances and to supplement the codified ordinances by enacting new Sections 487.05, 487.06, 487.07, 487.10 and 487.11 and by amending Section 487.09, as amended by Ordinance No. 91-96, passed March 18, 1996, relating to equipment.

READ FIRST TIME on OCTOBER 19, 2015
and referred to **DIRECTORS of Public Safety, Finance, Law;**
COMMITTEES on Safety, Finance

REPORTS

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

Recorded Vol. _____ Page _____

Published in the City Record _____

PASSAGE RECOMMENDED BY
COMMITTEE ON
SAFETY

FILED WITH COMMITTEE

PASSAGE RECOMMENDED BY
COMMITTEE ON
FINANCE

FILED WITH COMMITTEE