



State of Ohio

Abandoned and Derelict Vessel (ADV) Legislative and Administrative Review - 2015

NOAA Marine Debris Region:
Great Lakes



Definition of a Vessel

The State of Ohio provides a definition for “vessel” under their Revised Code for Watercraft and Waterways, Chapter 1547 (Ohio Rev. Code § 1547.01(B)(1)):

Vessel: includes every description of craft, including non-displacement craft and seaplanes, designed to be used as a means of transportation on water.

Ohio also defines a watercraft under the same statute (Ohio Rev. Code § 1547.01(A)) in the following manner:

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

- 1) A vessel operated by machinery either permanently or temporarily affixed;
- 2) A sailboat other than a sailboard;
- 3) An inflatable, manually propelled boat that is required by federal law to have a hull identification number meeting the requirements of the United States coast guard;
- 4) A canoe or rowboat.

Definition of an Abandoned and/or Derelict Vessel

Ohio statutes do not provide an explicit definition for “abandoned” or “derelict” vessel, but they do define an “abandoned junk vessel” under Ohio Rev. Code § 1547.303(1) in the following manner:

“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 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 hours or longer without notification to the sheriff of the county, the chief of police of the municipal corporation, township, township police district, or joint police district, or other chief of a law enforcement agency, having territorial jurisdiction with respect to the location of the vessel or motor, of the reasons for leaving the vessel or motor in any such place or condition;
- b) It is three years old, or older;
- c) It is extensively damaged, such damage including but not limited to any of the following: missing deck, hull, transom, gunwales, motor, or outdrive;
- d) It is apparently inoperable;
- e) It has a fair market value of two hundred dollars or less.



Ohio statutes also have a definition for “abandoned property” under Coastal Management, Chapter 1506, that relates to vessels found on submerged lands (Ohio Rev. Code § 1506.30(A)):

Abandoned property: means a submerged aircraft; a submerged watercraft, including a ship, boat, canoe, skiff, raft, or barge; the rigging, gear, fittings, trappings, and equipment of a submerged aircraft or watercraft; the personal property of the officers, crew, and passengers of a submerged aircraft or watercraft; the cargo of a submerged aircraft or watercraft that has been deserted, relinquished, cast away, or left behind and for which attempts at reclamation have been abandoned by the owners and insurers; and submerged materials resulting from activities of prehistoric and historic native Americans.

Formal State Program for Abandoned Vessels

The State of Ohio does not have a formal program that manages the removal and disposal of abandoned or derelict vessels. A collection of state laws under Title 15, Conservation of Natural Resources, set forth the various procedures that local law enforcement officers and private individuals need to comply with when removing and disposing of abandoned or derelict vessels (Ohio Rev. Code § 1547). Ohio does not have a dedicated funding source for dealing with abandoned and derelict vessel removals or disposals.

In Ohio, it is unlawful to purposely leave an abandoned junk vessel on private property for more than seventy-two hours without permission; or leave a vessel in a sunken, beached, or drifting condition for any period of time; or dock a vessel on public property, or upon or within the right-of-way of any waterway, road, or highway, for forty-eight hours or longer without notification to the law enforcement authority with jurisdiction (Ohio Rev. Code § 1547.304). It is also illegal to moor, anchor, or tie a vessel or outboard motor at a private dock or mooring facility or structure without consent, if the owner has posted, in a conspicuous manner, a prohibition against doing so (Ohio Rev. Code § 1547.30(b)(2)(a)).

Penalties for violating the provisions under Ohio Rev. Code § 1547, are not addressed; however, the owner is responsible for paying the removal cost and any fees that are associated with the vessel if it has been removed from private property.

Designation of Abandoned and/or Derelict Vessels

Ohio laws outline different procedures for addressing abandoned/derelict vessels that are found on private and public property. Although the statutes discussed below do not explicitly state “abandoned” or “derelict” vessels, they do apply based on the wording provided under the various provisions.

In Ohio, if a vessel is left on private property, other than a private dock or mooring facility or structure, for at least 72 hours without the permission of the person having the right to the possession of the property, it can be ordered into storage by a law enforcement officer with jurisdiction; providing they receive a complaint from an affected person (Ohio Rev. Code § 1547.30(B)(1)). Both, marine repair and storage facilities can also file a similar complaint, and have an unauthorized vessel removed from their premises.

If a vessel meets the above definition for “abandoned junk vessel” under Ohio Rev. Code § 1547.303, a law enforcement official with jurisdiction can designate it as such and have the vessel removed and disposed of, providing it remains unclaimed for a period of 10 days after notification was provided to the owner in compliance with Ohio Rev. Code § 1547.301.



Responsibility for Removal of Abandoned or Derelict Vessels

In Ohio, if a vessel is found to be abandoned or derelict under Ohio Rev. Code § 1547.30 or Ohio Rev. Code § 1547.301, local law enforcement has the authority to order the removal and disposal of the vessel, if it is not claimed by the owner within the time period provided under these statutes.

Removal and Disposal Requirements/Guidelines

Under Ohio Rev. Code § 1547.30(B)(2), it is unlawful for a person, who does not have the consent of the owner or other authorized person, to moor, anchor, or tie a vessel or outboard motor at a private dock or mooring facility or structure, if the owner has posted, in a conspicuous manner, a prohibition against the mooring, anchoring, or tying of vessels or outboard motors on their property without consent. The owner of the private dock, mooring facility or structure may order any vessel found in violation towed into storage, providing they post a sign on the vessel that contains all of the following information:

- i. The information specified in division (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.

When ordering a vessel or motor into storage under Ohio Rev. Code § 1547, a sheriff or chief, whenever possible, shall arrange for the removal of the vessel or motor by a private tow truck operator or towing company.

A person whose vessel is towed into storage under Ohio Rev. Code § 1547.30(B)(2)(c), must pay for the costs of the towing or reimburse the owner of the property for the costs that the owner incurs in towing the vessel (Ohio Rev. Code § 1547.30(B)(2)(e)). The local law enforcement agency with jurisdiction must keep a detailed record of all vessels that have been ordered towed and stored under this section (Ohio Rev. Code § 1547.30(D)). Pursuant to Ohio Rev. Code § 1547.30(2)(e), the owner of a vessel that is ordered into storage may reclaim it by proving ownership and paying any expenses or charges incurred in its removal (up to \$200), and storage (up to \$500 per day).

If vessels that are ordered into storage under Ohio Rev. Code § 1547.30(B)(2) are not claimed within 72 hours after being stored, the towing company that removed the vessel must notify law enforcement in writing, and provide the following information in accordance with Ohio Rev. Code § 1547.30(F):

- 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.

When the law enforcement agency receives the notice for the towing company they are required to send notice to the owner and lienholder, if known, at the owner's and lienholder's



last known address by certified mail, return receipt requested. The notice must state that the vessel or outboard motor will be declared a nuisance and disposed of if not claimed within 30 days after the date of the mailing of the notice Ohio Rev. Code § 1547.30(F)(3). If the owner or lienholder makes no claim to the vessel within 30 days of the notice, law enforcement shall file with the clerk of the local county court, an affidavit showing compliance with the above requirements, and that the vessel can then be disposed. If a vessel that is ordered into storage remains unclaimed by the owner for thirty days, the procedures established by Ohio Rev. Code § 1547.301 and Ohio Rev. Code § 1547.302 shall apply.

A vessel can also be ordered into storage when it is left on public property in a sunken, beached, or drifting condition for any period of time, or in a docked condition on public property, or upon or within the right-of-way of any waterway or road, for 48 hours or longer without notification to the local law enforcement of the reasons for leaving the vessel at that location and/or in that condition (Ohio Rev. Code § 1547.301). After ordering a vessel into storage the law enforcement officer must send notice by certified mail to the last known address of the owner and any lienholders, if known, that the vessel will be declared a nuisance and disposed of if not claimed within ten days of the date of mailing of the notice.

If the owner(s) or lienholder(s) do not claim the vessel within ten days of the date on the notice the vessel can be disposed of at public auction or by a salvage company, as provided in Ohio Rev. Code § 1547.302. If a vessel is disposed of the sheriff or chief must file an affidavit showing compliance with the requirements of this section, at which point the clerk of courts will issue a salvage certificate of title, free and clear of all liens and encumbrances, to the sheriff or chief.

Unclaimed vessels ordered into storage under Ohio Rev. Code § 1547.30 or Ohio Rev. Code § 1547.301 shall be disposed of at the order of the law enforcement agency with jurisdiction in any of the following ways under Ohio Rev. Code § 1547.302(A):

- 1) To a marine salvage dealer;
- 2) To any other facility owned, operated, or under contract with the state or the county, municipal corporation, township, or other political subdivision;
- 3) To a charitable organization, religious organization, or similar organization not used and operated for profit;
- 4) By sale at public auction by law enforcement or an auctioneer, after giving notice of the auction by advertisement, published once a week for two consecutive weeks in a newspaper of general circulation in the county, or as provided under Ohio Rev. Code § 7.16.

Any proceeds from the disposition of an unclaimed vessel that are in excess of the expenses incurred during the removal and storage are credited to the general revenue fund or to the general fund of the county, municipal corporation, township, or other political subdivision, as appropriate (Ohio Rev. Code § 1547.302(B)).

If a vessel meets the definition for an “abandoned junk vessel” under Ohio Rev. Code § 1547.303, law enforcement can immediately dispose of the junk vessel to a marine salvage dealer or other facility owned, operated, or under contract to the state, the county, township, or municipal corporation for destruction (Ohio Rev. Code § 1547.303(B)).

In addition, under Ohio Rev. Code § 4585.31, the owner of any property on which a watercraft valued at less than \$10,000 has been left for six months without permission may sell the



watercraft at public auction and recover the owner's maintenance or repair charges, including parts and labor charges and dockage or storage charges. In order to do so, all of the following conditions must be met:

- A) The owner of the property must apply for record search to the division of watercraft to obtain the name and address of the vessels owner to identify any liens or mortgage;
- B) Upon receiving the search results the property owner must send notice to the vessel owner and lienholder or mortgagee, by certified mail (return receipt requested), that states where the watercraft is located and any charges, including parts/labor and dockage/storage charges, and that unless the lienholder or mortgagee redeems the watercraft within forty-five days the lien or mortgage is invalid.
- C) The watercraft remains unclaimed by the owner, lienholder, or mortgagee for forty-five days after the return receipts are recovered by the sender.
- D) The owner of the property requests an appraisal on the vessel by a certified watercraft dealer or an independent marine surveyor/appraiser and secures written confirmation that the fair market value of the watercraft is less than ten thousand dollars.
- E) The owner of the property advertises that the watercraft or motor will be sold at public auction. The advertisement must include a description of the watercraft, the name of the owner, and the date, time, and place of the sale, and be published in the auction section of a newspaper of general circulation in the county for once a week for two consecutive weeks.
- F) An auction sale is conducted on the property where the watercraft was left without permission, and the vessel is sold to the highest bidder. Prior to selling the vessel the owner of the property must provide a reasonable period of time for prospective purchasers to examine the watercraft.
- G) Immediately after the sale, the owner of the property executes an affidavit in triplicate that states that the requirements of this section have been met, the length of time that the vessel was left on the owner's property without permission, a list of the expenses incurred by the owner of the property in connection with the watercraft, the name and address of the purchaser of the watercraft, and the amount of the purchaser's bid.
- H) Upon payment of the bid price by the purchaser, the owner of the property presents the affidavit in triplicate, the written confirmation of value, and the return receipts to the purchaser of the watercraft.

Any proceeds that remain from the sale of the vessel, after deducting the expenses incurred by the property owner, must be turned over to the county treasurer for deposit into the county treasury (Ohio Rev. Code § 4585.33). The owner of the property is liable for damages caused by his failure to comply with any of these provisions (Ohio Rev. Code § 4585.34).

Differences between Commercial and Recreational Vessel Treatment

Ohio laws for abandoned vessels do not differ for commercial and recreational vessels.

Vessel Size Requirements or Limits

Ohio has no size requirements or limits regarding the removal and storage or disposal of abandoned vessels and abandoned junk vessels.

Funding Sources

Ohio does not have a dedicated funding source for addressing abandoned or derelict vessels. The proceeds from the sale of abandoned and derelict vessels taken pursuant to Ohio Rev.



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Code § 1547, can be used to reimburse the state for the costs that were incurred during the removal of the vessel. Any proceeds that remain after covering the removal costs get credited to the State’s general revenue fund, or to the general fund of the county, township, Municipal Corporation, or other political subdivision, as appropriate.

Lead State Agency

Law enforcement agencies within Ohio’s various “municipal corporations, towns or townships” are responsible for arranging the removal and storage or disposal of abandoned and abandoned junk vessels.

Insurance Requirements for Vessels

Boat insurance is not required by law in Ohio.

Specific Location Factors, Limitations and Additional Information

There are different procedural requirements for vessels located on private property versus public property (as described above).

Prioritization Scheme

The State of Ohio does not have a removal prioritization scheme for abandoned and derelict vessels.

Legislation and Administrative Codes

The laws and administrative codes referenced in this document can be accessed from:

Ohio Revised Code and Administrative Code (2015):

<http://codes.ohio.gov/>

These Legislative and Administrative Reviews are intended for informational purposes only. They are summaries and not meant to be legal references, and should not be used as such. See the official state statutes and administrative codes for current state laws and rules and regulations for any legal references.