

OPINION NO. 2002-036**Syllabus:**

1. Pursuant to R.C. 1547.61, a state department, conservancy district, or political subdivision may not adopt and enforce a rule or ordinance concerning the operation of vessels on the waters in this state unless the provisions of the rule or ordinance are identical to the provisions of R.C. Chapter 1547 or rules or special rules adopted under R.C. Chapter 1547.
2. A political subdivision or conservancy district that is authorized by R.C. 1547.08(E) to place buoys or signs to restrict or control the operation of vessels on the waters in this state may not place buoys or signs that permit the operation of vessels in a manner that is inconsistent with the provisions of R.C. Chapter 1547 or any of the rules or special rules adopted under R.C. Chapter 1547.
3. A state department that is authorized by R.C. 1547.08(E) to place buoys or signs to restrict or control the operation of vessels on the waters in this state may place buoys or signs that permit the operation of vessels in a manner that is inconsistent with the provisions of R.C. Chapter 1547 or any of the rules or special rules adopted under R.C. Chapter 1547.

To: Samuel W. Speck, Director, Department of Natural Resources, Columbus, Ohio
By: Betty D. Montgomery, Attorney General, December 11, 2002

You have requested an opinion concerning the adoption of rules and ordinances governing the operation of vessels on the waters in this state and the placement of buoys and signs designating areas of restricted or controlled operation of vessels. For ease of discussion, we have rephrased and consolidated your questions as follows:¹

1. May a state department, conservancy district, or political subdivision adopt and enforce a rule or ordinance concerning the operation of vessels on the waters within its territorial limits that sets forth provisions that are not identical to the provisions of R.C. Chapter 1547, rules adopted under R.C. Chapter 1547, or a special rule adopted by the Natural Resources' Division of Watercraft?

¹In your letter you ask us to address three questions. Because your third question is an amalgamation of your first and second questions, resolution of your first and second questions provides an answer to your third question. It is thus unnecessary for us to separately set forth and answer your third question.

2. May a state department, conservancy district, or political subdivision place buoys or signs in such a manner as to set restrictions concerning the operation of vessels on the waters within its territorial limits that are not identical to the provisions of R.C. Chapter 1547, rules adopted under R.C. Chapter 1547, or a special rule adopted by the Natural Resources' Division of Watercraft?

In addressing your questions, we must first examine R.C. Chapter 1547 (watercraft and waterways). This chapter regulates, *inter alia*, the operation and equipment requirements of vessels operated on the waters in this state.² See, e.g., R.C. 1547.03 (flashing lights may not be used, except in accordance with federal law); R.C. 1547.04 (sirens may not be used, except for emergency purposes); R.C. 1547.07 (reckless or unsafe operation prohibited); R.C. 1547.08 (regulating vessel operation in areas of restricted or controlled operation); R.C. 1547.09 (restrictions on mooring, anchoring, and tying up); R.C. 1547.11 (no person may operate a vessel under influence of alcohol or drugs); R.C. 1547.251 (distress signals and flags required); R.C. 1547.26 (anchor and line required); R.C. 1547.27 (fire extinguishers required on powercraft).

R.C. 1547.51 provides that the Department of Natural Resources' Division of Watercraft (Division) "shall administer and enforce all laws relative to the identification, numbering, registration, titling, use, and operation of vessels operated on the waters in this state." In order to perform this function, the Chief of the Division is authorized to adopt, amend, and rescind the following rules:

- (1) Rules considered necessary by the chief to supplement the identification, operation, titling, use, registration, and numbering of watercraft or vessels as provided in [R.C. Chapters 1547 and 1548];
- (2) Rules governing the navigation of vessels on waters in this state, including, but not limited to, rules regarding steering and sailing, the conduct of vessels in sight of one another or in restricted visibility, lights and shapes of lights used on vessels, and sound and light signals....
- (3) Rules establishing fees and charges for all of the following:
 - (a) Boating skill development classes and other educational classes;
 - (b) Law enforcement services provided at special events when the services are in addition to normal enforcement duties;

²As used in R.C. Chapter 1547:

(1) "Vessel" includes every description of craft, including nondisplacement craft and seaplanes, designed to be used as a means of transportation on water.

....

(9) "Waters in this state" means all streams, rivers, lakes, ponds, marshes, watercourses, waterways, and other bodies of water, natural or humanmade, that are situated wholly or partially within this state or within its jurisdiction and are used for recreational boating.

R.C. 1547.01(B); see also 4 Ohio Admin. Code 1501:47-2-03(A), (M).

(c) Inspections of vessels or motors conducted under [R.C. Chapter 1547 or R.C. Chapter 1548].

R.C. 1547.52(A). *See generally* 4 Ohio Admin. Code Chapter 1501:47-1 (miscellaneous rules adopted and promulgated by the Division to regulate the operation of watercraft and vessels); 4 Ohio Admin. Code Chapter 1501:47-2 (navigation rules adopted and promulgated by the Division to regulate the operation of watercraft and vessels).

The Division also may "make special rules governing the operation of vessels on any waters within the territorial limits of any political subdivision." R.C. 1547.61;³ *see also* R.C. 1547.52. *See generally* 4 Ohio Admin. Code Chapter 1501:47-7 (rules adopted and promulgated by the Division to govern the operation of vessels in special areas). Thus, the Division is authorized under R.C. 1547.52(A) and R.C. 1547.61 to adopt and promulgate general and special rules to regulate the operation and equipment requirements of vessels operated on the waters in this state.

Pursuant to R.C. 1547.01(C), unless otherwise provided, R.C. Chapter 1547 and the rules adopted under R.C. Chapter 1547 apply to all vessels operating on the waters in this state. The state also "reserves to itself the *exclusive right* to regulate the minimum equipment requirements of watercraft and vessels operated on the waters in this state." *Id.* (emphasis added).

In addition, R.C. 1547.61 provides, in part:

[R.C. Chapter 1547] and other applicable laws of this state govern the operation, equipment, registration, numbering, and all other matters relating thereto whenever any vessel is operated on the waters in this state, whether the waters are under the jurisdiction and control of a state department, conservancy district, or political subdivision, or when any activity regulated by this chapter takes place thereon; but nothing in this chapter prevents the adoption of any rule or ordinance relating to operation and equipment of vessels the provisions of which are identical to the provisions of this chapter or rules adopted under it; provided, that such rules or ordinances shall be operative only so long as and to the extent that they continue to be identical to the provisions of this chapter or rules adopted under it.

R.C. 1547.61 thus provides that a state department, conservancy district, or political subdivision may not adopt and enforce a rule or ordinance concerning the operation of vessels on the waters in this state unless the provisions of the rule or ordinance are identical to the provisions of R.C. Chapter 1547 or rules or special rules adopted under R.C. Chapter 1547.

It is a fundamental principle of statutory interpretation that where the language of a statute is plain and unambiguous and conveys a clear and definite meaning, the "statute is to be applied, not interpreted." *Sears v. Weimer*, 143 Ohio St. 312, 55 N.E.2d 413 (1944) (syllabus, paragraph five). It is an equally fundamental principle that exceptions to the

³R.C. 1547.61 states, in part:

Any state department, conservancy district, or political subdivision may, at any time, but only after public notice published in a newspaper of local circulation, make formal application to the chief of the division of watercraft for special rules with reference to the operation of vessels on any waters within its territorial limits and shall set forth therein the reasons which make such special rules necessary or appropriate.

application or operation of the terms of a statute shall be recognized only when such exceptions are set forth clearly and unambiguously either in the statute itself or in another statute, and in those instances in which the General Assembly has not enacted an exception to the terms of a particular statute, there is a presumption that it has intended that there shall be no exceptions thereto. *Scheu v. State*, 83 Ohio St. 146, 157-58, 93 N.E. 969, 972 (1910).

A review of the language of R.C. 1547.61 discloses that it provides unequivocally that a state department, conservancy district, or political subdivision may not adopt and enforce a rule or ordinance concerning the operation of vessels on the waters in this state unless the provisions of the rule or ordinance are identical to the provisions of R.C. Chapter 1547 or rules or special rules adopted under R.C. Chapter 1547. Further, there are no instances in which the General Assembly has authorized a state department, conservancy district, or political subdivision to adopt and enforce a rule or ordinance concerning the operation of vessels on the waters in this state that is not identical to the provisions of R.C. Chapter 1547 or rules or special rules adopted under R.C. Chapter 1547.⁴

⁴We are aware that municipal corporations and home rule townships may enact local police regulations. Ohio Const. art. XVIII, § 3; R.C. 504.04(A)(2). A local police regulation may not, however, be in conflict with a "general law." Ohio Const. art. XVIII, § 3; R.C. 504.04(A)(2).

Although there is no bright-line test for determining whether a statute is a "general law," the Ohio Supreme Court recently has held:

To constitute a general law for purposes of home-rule analysis, a statute must (1) be part of a statewide and comprehensive legislative enactment, (2) apply to all parts of the state alike and operate uniformly throughout the state, (3) set forth police, sanitary, or similar regulations, rather than purport only to grant or limit legislative power of a municipal corporation to set forth police, sanitary, or similar regulations, and (4) prescribe a rule of conduct upon citizens generally.

City of Canton v. State, 95 Ohio St. 3d 149, 766 N.E.2d 963 (2002) (syllabus). See generally *City of Dublin v. State*, 118 Ohio Misc. 2d 18, 77, 769 N.E.2d 436, 483 (C.P. Franklin County 2002) ("[t]he term 'general law' is a term of art that does not include every law that the General Assembly enacts").

Because R.C. 1547.61 meets all of these conditions, we believe that it is a "general law," and, thus, municipal corporations and home rule townships may not adopt and enforce local police regulations that conflict with R.C. 1547.61. Reading R.C. 1547.61 together with the other statutes of R.C. Chapter 1547, it is clear that R.C. 1547.61 is part of a statewide and comprehensive legislative enactment to govern the registration, operation and equipment requirements of vessels operated on the waters in this state, and that R.C. 1547.61 applies to all parts of the state alike and operates uniformly throughout the state. See R.C. 1547.01(C) ("[u]nless otherwise provided, [R.C. Chapter 1547] applies to all vessels operating on the waters in this state" and "[t]he state reserves to itself the exclusive right to regulate the minimum equipment requirements of watercraft and vessels operated on the waters in this state"); R.C. 1547.61 ("[R.C. Chapter 1547] and other applicable laws of this state govern the operation, equipment, registration, numbering, and all other matters relating thereto whenever any vessel is operated on the waters in this state, whether the waters are under the jurisdiction and control of a state department, conservancy district, or politi-

Therefore, in answer to your first question, pursuant to R.C. 1547.61, a state department, conservancy district, or political subdivision may not adopt and enforce a rule or ordinance concerning the operation of vessels on the waters in this state unless the provisions of the rule or ordinance are identical to the provisions of R.C. Chapter 1547 or rules or special rules adopted under R.C. Chapter 1547. *See* R.C. 6101.19(A) (a board of directors of a conservancy district may not make and enforce rules and regulations that are "inconsistent with the laws of the state"); *State v. Ruebusch*, 174 Ohio St. 422, 189 N.E.2d 870 (1963) (syllabus, paragraph two) (rules and regulations adopted by the Wildlife Council pursuant to R.C. 1531.06 "cannot amount to valid orders of that council to the extent that they regulate the operation of watercraft or of matters relating thereto, unless such rules or regulations are identical to the statutory provisions in [R.C. Chapter 1547] or to regulations issued thereunder or unless they have been promulgated as special rules and regulations in accordance with the procedure set forth in [R.C. 1547.61]"); *see also Newbury Twp. Bd. of Trustees v. Lomak Petroleum, Inc.*, 62 Ohio St. 3d 387, 583 N.E.2d 302 (1992) (syllabus, paragraph one) ("[a] zoning ordinance, rule or resolution which violates an explicit statutory command of the General Assembly is clearly preempted and is therefore invalid and unenforceable"). *See generally Estill v. Lake Buckhorn Property Owners Ass'n, Inc.*, Case No. 01CA017, 2002 Ohio 2517, 2002 Ohio App. LEXIS 2703 (Holmes County May 14, 2002) (the owners of private lakes in Ohio are not entitled to control the operation of vessels on their lakes).

Let us now turn to your second question, which asks whether a state department, conservancy district, or political subdivision may place buoys or signs in such a manner as to set restrictions concerning the operation of vessels on the waters within its territorial limits that are not identical to the provisions of R.C. Chapter 1547 or rules or special rules adopted under R.C. Chapter 1547. Resolution of this question requires an examination of

cal subdivision, or when any activity regulated by this chapter takes place thereon"); *State ex rel. McElroy v. City of Akron*, 173 Ohio St. 189, 192, 181 N.E.2d 26, 28 (1962) ("there are certain inherent dangers in the operation of watercraft irrespective of whether such watercraft are operated on public or private waters, and the dangers incident to such operation have created a necessity for uniform safety regulations"), *appeal dismissed*, 371 U.S. 35 (1962).

In addition, R.C. 1547.61 constitutes a valid exercise of the police power. *See State ex rel. McElroy v. City of Akron*, 173 Ohio St. at 193, 181 N.E.2d at 29. *See generally Sebastian v. Village of Georgetown*, 146 Ohio App. 3d 227, 231, 765 N.E.2d 925, 928 (Brown County 2001) ("[l]egislative concern for public safety is not only a proper police power objective; it is a mandate"). By requiring uniform application throughout the state of the provisions of R.C. Chapter 1547, R.C. 1547.61 ensures the safety of Ohio residents while operating their vessels on the waters in this state. R.C. 1547.61 thus does not purport only to grant or limit the authority of municipal corporations and townships to adopt and enact local police regulations.

Finally, R.C. 1547.61 makes the provisions of R.C. Chapter 1547 applicable to any person who operates a vessel on the waters in this state. *See also* R.C. 1547.01(C). The statute thus prescribes a rule of conduct upon citizens generally. Accordingly, R.C. 1547.61 is a "general law" because it comprehensively addresses the safety of persons who operate vessels on the waters in this state, applies uniformly across the state, serves an overriding statewide interest, and applies to all similarly situated persons. *See State ex rel. McElroy v. City of Akron* (syllabus) ("[t]he enactment of [R.C. 1547.61] constitutes a valid exercise of the police power by the state, and by the enactment of such section the state has pre-empted the authority to license watercraft whether operated on public or private waters").

R.C. 1547.08, which authorizes state departments, conservancy districts, and political subdivisions to place buoys or signs on the waters of this state.

R.C. 1547.08 provides, in part:

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

....

(E) All areas of restricted or controlled operation as described in division (A) of this section or as provided for in [R.C. 1547.14 or R.C. 1547.61]⁵ 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.

....

Any state department, conservancy district, or political subdivision having jurisdiction and control of impounded boating waters may place such buoys or signs on its waters. Any political subdivision may apply to the chief for permission to place such buoys or signs on other waters within its territorial limits. (Footnote added.)

See generally 4 Ohio Admin. Code 1501:47-1-12.

Thus, in those situations set forth in R.C. 1547.08(E), state departments, conservancy districts, and political subdivisions are authorized to place buoys or signs designating areas of restricted or controlled operation. *See generally* 1960 Op. Att'y Gen. No. 1098, p. 28 (syllabus) (“[t]he authority to designate a ‘designated bathing area,’ ‘an area in which watercraft are prohibited,’ ‘a designated speed zone or water ski zone,’ a ‘designated ski zone,’ or a ‘marked racing car’ as contained in [R.C. 1547.08, R.C. 1547.09, R.C. 1547.14, and R.C. 1547.20] is held by the state department, conservancy district, or political subdivision of the state having jurisdiction and control over the particular water involved”).

The authority of state departments, conservancy districts, and political subdivisions in this regard is not unlimited, however. In fact, R.C. 1547.08(E) states that “[n]o person shall place or cause to be placed a regulatory buoy or sign on, into, or along the waters in this state unless the person has complied with all the provisions of this chapter.” (Emphasis added.)

For purposes of R.C. Chapter 1547, “[p]erson” means “any legal entity defined as a person in [R.C. 1.59] and any body politic, except the United States and this state, and includes any agent, trustee, executor, receiver, assignee, or other representative thereof.”

⁵R.C. 1547.14 provides for the establishment of designated ski zones. R.C. 1547.61 provides that “[c]onservancy districts and political subdivisions may adopt ordinances or rules limiting the horsepower of inboard or outboard motors, the maximum and minimum size and type of vessels, and the speed at which vessels may be operated.” In addition, R.C. 1547.61 authorizes the Division of Watercraft to “make special rules governing the operation of vessels on any waters within the territorial limits of any political subdivision.”

R.C. 1547.01(B)(5). R.C. 1.59(C), in turn, defines "[p]erson" as "an individual, corporation, business trust, estate, trust, partnership, and association." Accordingly, the term "person," as used in R.C. 1547.08(E), includes, *inter alia*, any "body politic, except the United States and this state." R.C. 1547.01(B)(5).

The General Assembly has not defined the term "body politic" for purposes of R.C. Chapter 1547. It is, however, a codified rule of statutory construction that, "[w]ords and phrases shall be read in context and construed according to the rules of grammar and common usage." R.C. 1.42. According to *Black's Law Dictionary* 167 (7th ed. 1999), "body politic" means "[a] group of people regarded in a political (rather than private) sense and organized under a single governmental authority." *Accord Webster's New World Dictionary* 158 (2d college ed. 1986). In other words, this "phrase connotes simply a group or body of citizens organized for the purpose of exercising governmental functions." *Uricich v. Kolesar*, 132 Ohio St. 115, 118, 5 N.E.2d 335, 337 (1936).

In light of this definition, it is clear that the phrase "body politic" includes political subdivisions. A political subdivision "is a limited geographical area wherein a public agency is authorized to exercise some governmental function." 1972 Op. Att'y Gen. No. 72-035 (syllabus); *accord Black's Law Dictionary* 1179 (7th ed. 1999). Because a political subdivision is a "body politic," a political subdivision is a "person," for purposes of R.C. 1547.08(E). R.C. 1547.01(B)(5). *See generally* 1993 Op. Att'y Gen. No. 93-047 at 2-231 ("when the General Assembly wishes the term 'person' to include governmental units at either the state or local level, it generally expresses that intention in language that is clear and unequivocal"); 1979 Op. Att'y Gen. No. 79-062 at 2-209 ("where the purpose, language, or context of a statute demonstrates that a broad interpretation of the word 'person' is intended, a public body will come within the purview of the statute"). *See generally also* 1990 Op. Att'y Gen. No. 90-045 (finding that the General Assembly did not intend, by using the word "person" in R.C. 955.01 (registration of dogs), to exclude from the registration and fee requirements of that section governmental entities that own dogs that are used for law enforcement purposes).

In addition, a conservancy district is a "person," for purposes of R.C. 1547.08(E). Conservancy districts are organized for the purposes set forth in R.C. 6101.04. Proceedings to establish a conservancy district are initiated by filing a petition with the clerk of the court of common pleas of one of the counties containing territory within the proposed district. R.C. 6101.05. The court of common pleas shall hold a hearing in order to determine whether to establish the district. R.C. 6101.08. "A district so organized shall be a *political subdivision* of the state and a body corporate with all the powers of a corporation." *Id.* (emphasis added). Because a conservancy district is a "political subdivision," and thus a "body politic," a conservancy district is a "person," for purposes of R.C. 1547.08(E). R.C. 1547.01(B)(5).

As explained above, R.C. 1547.08(E) provides that "[n]o person shall place or cause to be placed a regulatory buoy or sign on, into, or along the waters in this state unless the person has complied with all the provisions of this chapter." (Emphasis added.) Accordingly, pursuant to R.C. 1547.08(E), neither a political subdivision nor a conservancy district may place or cause to be placed a regulatory buoy or sign on, into, or along the waters in this state unless the political subdivision or conservancy district has complied with all the provisions of R.C. Chapter 1547.

One of the provisions of R.C. Chapter 1547 is that R.C. Chapter 1547 and the rules adopted under it apply to all vessels operated on the waters in this state:

[R.C. Chapter 1547] and other applicable laws of this state govern the operation, equipment, registration, numbering, and all other matters relating thereto whenever any vessel is operated on the waters in this state, whether the waters are under the jurisdiction and control of a state department, conservancy district, or political subdivision, or when any activity regulated by this chapter takes place thereon.

R.C. 1547.61; *accord* R.C. 1547.01(C). Reading R.C. 1547.61 and R.C. 1547.08(E) together, as required by R.C. 1547.08(E), it is readily apparent that a political subdivision or conservancy district that is authorized by R.C. 1547.08(E) to place buoys or signs to restrict or control the operation of vessels on the waters in this state may not place buoys or signs that permit the operation of vessels in a manner that is inconsistent with the provisions of R.C. Chapter 1547 or any of the rules or special rules adopted under R.C. Chapter 1547.

The restriction on the placement of buoys and signs on the waters in this state imposed by R.C. 1547.08(E) does not, however, apply to state departments since state departments are not included in the definition of "person," as used in R.C. 1547.08(E). *See generally* 1979 Op. Att'y Gen. No. 79-062 at 2-209 ("unless expressly provided, the term 'person,' when used in a statute, does not encompass public entities such as the state, counties, or municipal corporations, or officers thereof"). *See generally also* 1992 Op. Att'y Gen. No. 92-019 at 2-68 ("[b]ecause the term 'person,' as used in R.C. 3303.54, does not include the State of Ohio, R.C. 3303.54 does not require the Department of Rehabilitation and Correction to be licensed to engage in the business or service of transporting individuals who are seriously ill, injured, or otherwise incapacitated").

For purposes of R.C. 1547.08(E), the term person means, *inter alia*, "any legal entity defined as a person in [R.C. 1.59] and any body politic, except the United States and this state." R.C. 1547.01(B)(5). Pursuant to R.C. 1.59, "[a]s used in any statute, unless another definition is provided in such statute or a related statute:.... 'Person' includes an individual, corporation, business trust, estate, trust, partnership, and association." R.C. 1.59(C). State departments are not expressly included in the definition of "person" set forth in R.C. 1.59(C). *See generally* 1992 Op. Att'y Gen. No. 92-019 at 2-66 (the definition of "[p]erson" in R.C. 1.59(C) does not expressly exclude or include the State of Ohio or its agencies, departments, or instrumentalities).

Moreover, the language of R.C. 1547.01(B)(5) indicates that the General Assembly did not intend to include the State of Ohio within the term "person." R.C. 1547.01(B)(5) states that the term "person" includes "any body politic, *except* ... this state." (Emphasis added.) R.C. 1.59(G), in turn, defines "[t]his state" to mean "the state of Ohio." Thus, although the State of Ohio is generally considered a "body politic," *see, e.g., Wiesenthal v. Wickersham*, 64 Ohio App. 124, 28 N.E.2d 512 (Franklin County 1940), R.C. 1547.01(B)(5) specifically excepts the State of Ohio from the term "body politic" for purposes of the definition of "person" set forth in R.C. 1547.01(B)(5). Because the State of Ohio is not a "person," as defined by R.C. 1547.01(B)(5), the State of Ohio is not subject to the restriction on the placement of buoys and signs on the waters in this state imposed by R.C. 1547.08(E).

State departments are administrative divisions created by the laws of the state, R.C. 121.02, to exercise a function of state government on behalf of the State of Ohio. *See* 1989 Op. Att'y Gen. No. 89-085 at 2-405 ("[d]epartments, boards, offices, commissions, agencies and institutions serve as 'intermediaries' through which the functions of a 'controlling force,' to wit, the state, are carried out"). In other words, state departments perform the

duties and exercise the powers of the State of Ohio. It thus reasonably follows that the term "State of Ohio" includes, *inter alia*, state departments created by the laws of this state.

As explained previously, the State of Ohio is not subject to the restriction on the placement of buoys and signs on the waters in this state imposed by R.C. 1547.08(E). Because state departments are authorized to perform the duties and exercise the powers of the State of Ohio, state departments are also excepted from the restriction on the placement of buoys and signs on the waters in this state imposed by R.C. 1547.08(E). *See generally* 1987 Op. Att'y Gen. No. 87-038 (ownership of a watercraft by an Ohio chapter of the American National Red Cross constitutes ownership by an agency of the United States so that, pursuant to R.C. 1547.58(C), the watercraft is excepted from the numbering requirement of R.C. Chapter 1547 and is, as a result, not subject to payment of any registration fees). Accordingly, a state department that is authorized by R.C. 1547.08(E) to place buoys or signs to restrict or control the operation of vessels on the waters in this state may place buoys or signs that permit the operation of vessels in a manner that is inconsistent with the provisions of R.C. Chapter 1547 or any of the rules or special rules adopted under R.C. Chapter 1547.

Based on the foregoing, it is my opinion, and you are hereby advised as follows:

1. Pursuant to R.C. 1547.61, a state department, conservancy district, or political subdivision may not adopt and enforce a rule or ordinance concerning the operation of vessels on the waters in this state unless the provisions of the rule or ordinance are identical to the provisions of R.C. Chapter 1547 or rules or special rules adopted under R.C. Chapter 1547.
2. A political subdivision or conservancy district that is authorized by R.C. 1547.08(E) to place buoys or signs to restrict or control the operation of vessels on the waters in this state may not place buoys or signs that permit the operation of vessels in a manner that is inconsistent with the provisions of R.C. Chapter 1547 or any of the rules or special rules adopted under R.C. Chapter 1547.
3. A state department that is authorized by R.C. 1547.08(E) to place buoys or signs to restrict or control the operation of vessels on the waters in this state may place buoys or signs that permit the operation of vessels in a manner that is inconsistent with the provisions of R.C. Chapter 1547 or any of the rules or special rules adopted under R.C. Chapter 1547.