

**As Introduced**

**126th General Assembly  
Regular Session  
2005-2006**

**S. B. No. 107**

**Senators Schuler, Padgett, Clancy, Schuring**

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**A B I L L**

To amend sections 111.21, 111.22, 117.44, 133.01, 1  
133.27, 149.42, 301.01, 306.32, 306.321, 319.51, 2  
321.31, 321.32, 321.34, 345.01, 503.162, 503.25, 3  
503.26, 503.29, 503.41, 503.52, 504.06, 504.07, 4  
504.11, 504.12, 504.14, 504.19, 504.20, 505.03, 5  
505.04, 505.07, 505.108, 505.11, 505.17, 505.24, 6  
505.262, 505.31, 505.32, 505.33, 505.35, 505.37, 7  
505.373, 505.47, 505.511, 505.73, 505.86, 507.01, 8  
507.02, 507.021, 507.03, 507.04, 507.05, 507.051, 9  
507.06, 507.07, 507.08, 507.09, 507.11, 509.02, 10  
511.21, 511.22, 511.33, 513.04, 515.02, 515.04, 11  
515.081, 515.12, 517.05, 517.06, 517.07, 519.16, 12  
519.161, 519.211, 521.02, 521.03, 703.201, 707.28, 13  
709.023, 709.024, 709.03, 709.033, 709.46, 711.05, 14  
711.10, 715.691, 715.70, 715.71, 715.75, 715.76, 15  
971.05, 971.06, 971.08, 971.09, 971.12, 971.35, 16  
971.36, 1341.16, 1533.13, 1710.02, 2927.21, 17  
3381.03, 3501.37, 3513.253, 3517.10, 3709.30, 18  
3734.025, 3734.026, 3734.57, 4301.80, 4303.26, 19  
4928.20, 4929.26, 4929.27, 5123.19, 5126.021, 20  
5541.02, 5543.05, 5552.10, 5571.04, 5571.16, 21  
5573.13, 5573.211, 5575.04, 5575.09, 5579.08, 22  
5705.01, 5709.73, 5735.27, and 5747.061 of the 23  
Revised Code to replace the name "township clerk" 24  
with the name "township fiscal officer." 25

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 111.21, 111.22, 117.44, 133.01, 26  
133.27, 149.42, 301.01, 306.32, 306.321, 319.51, 321.31, 321.32, 27  
321.34, 345.01, 503.162, 503.25, 503.26, 503.29, 503.41, 503.52, 28  
504.06, 504.07, 504.11, 504.12, 504.14, 504.19, 504.20, 505.03, 29  
505.04, 505.07, 505.108, 505.11, 505.17, 505.24, 505.262, 505.31, 30  
505.32, 505.33, 505.35, 505.37, 505.373, 505.47, 505.511, 505.73, 31  
505.86, 507.01, 507.02, 507.021, 507.03, 507.04, 507.05, 507.051, 32  
507.06, 507.07, 507.08, 507.09, 507.11, 509.02, 511.21, 511.22, 33  
511.33, 513.04, 515.02, 515.04, 515.081, 515.12, 517.05, 517.06, 34  
517.07, 519.16, 519.161, 519.211, 521.02, 521.03, 703.201, 707.28, 35  
709.023, 709.024, 709.03, 709.033, 709.46, 711.05, 711.10, 36  
715.691, 715.70, 715.71, 715.75, 715.76, 971.05, 971.06, 971.08, 37  
971.09, 971.12, 971.35, 971.36, 1341.16, 1533.13, 1710.02, 38  
2927.21, 3381.03, 3501.37, 3513.253, 3517.10, 3709.30, 3734.025, 39  
3734.026, 3734.57, 4301.80, 4303.26, 4928.20, 4929.26, 4929.27, 40  
5123.19, 5126.021, 5541.02, 5543.05, 5552.10, 5571.04, 5571.16, 41  
5573.13, 5573.211, 5575.04, 5575.09, 5579.08, 5705.01, 5709.73, 42  
5735.27, and 5747.061 of the Revised Code be amended to read as 43  
follows: 44

**Sec. 111.21.** The secretary of state shall: 45

(A) Make and keep a record of all elections and the votes 46  
cast ~~thereat~~ at elections in municipal corporations, townships, 47  
and counties upon all questions of electing charter commissions, 48  
of adopting charters or amendments ~~thereto~~ to charters, of 49  
adopting additional laws or alternative forms of government, of 50  
transferring powers to counties, and of withdrawing or revoking 51  
~~such~~ those powers; 52

(B) File and preserve all reports, certificates, and copies 53

of agreements ~~transferring~~ transferring powers, whether approved by 54  
popular vote or otherwise, and of charters, as permanent public 55  
records of the state; 56

(C) Establish regulations prescribing the forms, times, 57  
certifications, details, and other particulars or conditions 58  
governing the fiscal officers of townships and the clerks of 59  
municipal corporations, ~~townships~~, boards of elections, and boards 60  
of county commissioners in reporting and certifying the papers and 61  
information necessary for the records and files of the secretary 62  
of state. ~~Such~~ The regulations shall require the furnishing of one 63  
or more duplicates of the text of all charters and amendments, and 64  
of all transfer agreements, one of each of which it shall be the 65  
duty of the secretary of state to verify and deposit in the 66  
library of the supreme court. 67

**Sec. 111.22.** The fiscal officer of every township and the 68  
clerk of every municipal corporation, ~~township~~, board of 69  
elections, and board of county commissioners shall: 70

(A) Furnish and certify to the secretary of state all copies 71  
of resolutions, ordinances, other instruments, portions of public 72  
records, and other information as the secretary of state requires; 73  
and 74

(B) Furnish and certify duplicate copies of so much of each 75  
item as the secretary of state prescribes to the clerk of ~~courts~~ 76  
the court of common pleas and the law library of the county 77  
affected. 78

**Sec. 117.44.** To enhance local officials' background and 79  
working knowledge of government accounting, budgeting and 80  
financing, financial report preparation, and the rules adopted by 81  
the auditor of state, the auditor of state shall hold training 82  
programs for persons elected for the first time as township ~~clerks~~ 83

fiscal officers, city auditors, and village clerks, between the 84  
first day of December and the first day of April immediately 85  
following a general election for any of these offices. Similar 86  
training may also be provided to any township ~~clerk~~ fiscal 87  
officer, city auditor, or village clerk who is appointed to fill a 88  
vacancy or who is elected in a special election. 89

The auditor of state also shall develop and provide an annual 90  
training program of continuing education for village clerks. 91

The auditor of state shall determine the manner, content, and 92  
length of the training programs after consultation with 93  
appropriate statewide organizations of local governmental 94  
officials. The auditor of state shall charge the political 95  
subdivisions that the trainees represent a registration fee that 96  
will meet actual and necessary expenses of the training, including 97  
instructor fees, site acquisition costs, and the cost of course 98  
materials. The necessary personal expenses incurred by the 99  
officials as a result of attending the training program shall be 100  
borne by the political subdivisions they represent. 101

The auditor of state shall allow any other interested person 102  
to attend any of the training programs that the auditor of state 103  
holds pursuant to this section; provided, that before attending 104  
any such training program, the interested person shall pay to the 105  
auditor of state the full registration fee that the auditor of 106  
state has set for the training program. 107

The auditor of state may provide any other appropriate 108  
training or educational programs that may be developed and offered 109  
by the auditor of state or in collaboration with one or more other 110  
state agencies, political subdivisions, or other public or private 111  
entities. 112

There is hereby established in the state treasury the auditor 113  
of state training program fund, to be used by the auditor of state 114

for the actual and necessary expenses of any training programs 115  
held pursuant to this section, section 117.441, or section 321.46 116  
of the Revised Code. All registration fees collected under this 117  
section shall be paid into the fund. 118

**Sec. 133.01.** As used in this chapter, in sections 9.95, 9.96, 119  
and 2151.655 of the Revised Code, in other sections of the Revised 120  
Code that make reference to this chapter unless the context does 121  
not permit, and in related proceedings, unless otherwise expressly 122  
provided: 123

(A) "Acquisition" as applied to real or personal property 124  
includes, among other forms of acquisition, acquisition by 125  
exercise of a purchase option, and acquisition of interests in 126  
property, including, without limitation, easements and 127  
rights-of-way, and leasehold and other lease interests initially 128  
extending or extendable for a period of at least sixty months. 129

(B) "Anticipatory securities" means securities, including 130  
notes, issued in anticipation of the issuance of other securities. 131

(C) "Board of elections" means the county board of elections 132  
of the county in which the subdivision is located. If the 133  
subdivision is located in more than one county, "board of 134  
elections" means the county board of elections of the county that 135  
contains the largest portion of the population of the subdivision 136  
or that otherwise has jurisdiction in practice over and 137  
customarily handles election matters relating to the subdivision. 138

(D) "Bond retirement fund" means the bond retirement fund 139  
provided for in section 5705.09 of the Revised Code, and also 140  
means a sinking fund or any other special fund, regardless of the 141  
name applied to it, established by or pursuant to law or the 142  
proceedings for the payment of debt charges. Provision may be made 143  
in the applicable proceedings for the establishment in a bond 144

retirement fund of separate accounts relating to debt charges on 145  
particular securities, or on securities payable from the same or 146  
common sources, and for the application of moneys in those 147  
accounts only to specified debt charges on specified securities or 148  
categories of securities. Subject to law and any provisions in the 149  
applicable proceedings, moneys in a bond retirement fund or 150  
separate account in a bond retirement fund may be transferred to 151  
other funds and accounts. 152

(E) "Capitalized interest" means all or a portion of the 153  
interest payable on securities from their date to a date stated or 154  
provided for in the applicable legislation, which interest is to 155  
be paid from the proceeds of the securities. 156

(F) "Chapter 133. securities" means securities authorized by 157  
or issued pursuant to or in accordance with this chapter. 158

(G) "County auditor" means the county auditor of the county 159  
in which the subdivision is located. If the subdivision is located 160  
in more than one county, "county auditor" means the county auditor 161  
of the county that contains the highest amount of the tax 162  
valuation of the subdivision or that otherwise has jurisdiction in 163  
practice over and customarily handles property tax matters 164  
relating to the subdivision. In the case of a county that has 165  
adopted a charter, "county auditor" means the officer who 166  
generally has the duties and functions provided in the Revised 167  
Code for a county auditor. 168

(H) "Credit enhancement facilities" means letters of credit, 169  
lines of credit, stand-by, contingent, or firm securities purchase 170  
agreements, insurance, or surety arrangements, guarantees, and 171  
other arrangements that provide for direct or contingent payment 172  
of debt charges, for security or additional security in the event 173  
of nonpayment or default in respect of securities, or for making 174  
payment of debt charges to and at the option and on demand of 175

securities holders or at the option of the issuer or upon certain 176  
conditions occurring under put or similar arrangements, or for 177  
otherwise supporting the credit or liquidity of the securities, 178  
and includes credit, reimbursement, marketing, remarketing, 179  
indexing, carrying, interest rate hedge, and subrogation 180  
agreements, and other agreements and arrangements for payment and 181  
reimbursement of the person providing the credit enhancement 182  
facility and the security for that payment and reimbursement. 183

(I) "Current operating expenses" or "current expenses" means 184  
the lawful expenditures of a subdivision, except those for 185  
permanent improvements and for payments of debt charges of the 186  
subdivision. 187

(J) "Debt charges" means the principal, including any 188  
mandatory sinking fund deposits and mandatory redemption payments, 189  
interest, and any redemption premium, payable on securities as 190  
those payments come due and are payable. The use of "debt charges" 191  
for this purpose does not imply that any particular securities 192  
constitute debt within the meaning of the Ohio Constitution or 193  
other laws. 194

(K) "Financing costs" means all costs and expenses relating 195  
to the authorization, including any required election, issuance, 196  
sale, delivery, authentication, deposit, custody, clearing, 197  
registration, transfer, exchange, fractionalization, replacement, 198  
payment, and servicing of securities, including, without 199  
limitation, costs and expenses for or relating to publication and 200  
printing, postage, delivery, preliminary and final official 201  
statements, offering circulars, and informational statements, 202  
travel and transportation, underwriters, placement agents, 203  
investment bankers, paying agents, registrars, authenticating 204  
agents, remarketing agents, custodians, clearing agencies or 205  
corporations, securities depositories, financial advisory 206  
services, certifications, audits, federal or state regulatory 207

agencies, accounting and computation services, legal services and 208  
obtaining approving legal opinions and other legal opinions, 209  
credit ratings, redemption premiums, and credit enhancement 210  
facilities. Financing costs may be paid from any moneys available 211  
for the purpose, including, unless otherwise provided in the 212  
proceedings, from the proceeds of the securities to which they 213  
relate and, as to future financing costs, from the same sources 214  
from which debt charges on the securities are paid and as though 215  
debt charges. 216

(L) "Fiscal officer" means the following, or, in the case of 217  
absence or vacancy in the office, a deputy or assistant authorized 218  
by law or charter to act in the place of the named officer, or if 219  
there is no such authorization then the deputy or assistant 220  
authorized by legislation to act in the place of the named officer 221  
for purposes of this chapter, in the case of the following 222  
subdivisions: 223

(1) A county, the county auditor; 224

(2) A municipal corporation, the city auditor or village 225  
clerk or clerk-treasurer, or the officer who, by virtue of a 226  
charter, has the duties and functions provided in the Revised Code 227  
for the city auditor or village clerk or clerk-treasurer; 228

(3) A school district, the treasurer of the board of 229  
education; 230

(4) A regional water and sewer district, the secretary of the 231  
board of trustees; 232

(5) A joint township hospital district, the treasurer of the 233  
district; 234

(6) A joint ambulance district, the clerk of the board of 235  
trustees; 236

(7) A joint recreation district, the person designated 237



pursuant to section 755.15 of the Revised Code;	238
(8) A detention facility district or a district organized	239
under section 2151.65 of the Revised Code or a combined district	240
organized under sections 2152.41 and 2151.65 of the Revised Code,	241
the county auditor of the county designated by law to act as the	242
auditor of the district;	243
(9) A township, a fire district organized under division (C)	244
of section 505.37 of the Revised Code, or a township police	245
district, the <del>clerk</del> <u>fiscal officer</u> of the township;	246
(10) A joint fire district, the clerk of the board of	247
trustees of that district;	248
(11) A regional or county library district, the person	249
responsible for the financial affairs of that district;	250
(12) A joint solid waste management district, the fiscal	251
officer appointed by the board of directors of the district under	252
section 343.01 of the Revised Code;	253
(13) A joint emergency medical services district, the person	254
appointed as fiscal officer pursuant to division (D) of section	255
307.053 of the Revised Code;	256
(14) A fire and ambulance district, the person appointed as	257
fiscal officer under division (B) of section 505.375 of the	258
Revised Code;	259
(15) A subdivision described in division (MM)(17) of this	260
section, the officer who is designated by law as or performs the	261
functions of its chief fiscal officer.	262
(M) "Fiscal year" has the same meaning as in section 9.34 of	263
the Revised Code.	264
(N) "Fractionalized interests in public obligations" means	265
participations, certificates of participation, shares, or other	266
instruments or agreements, separate from the public obligations	267

themselves, evidencing ownership of interests in public 268  
obligations or of rights to receive payments of, or on account of, 269  
principal or interest or their equivalents payable by or on behalf 270  
of an obligor pursuant to public obligations. 271

(O) "Fully registered securities" means securities in 272  
certificated or uncertificated form, registered as to both 273  
principal and interest in the name of the owner. 274

(P) "Fund" means to provide for the payment of debt charges 275  
and expenses related to that payment at or prior to retirement by 276  
purchase, call for redemption, payment at maturity, or otherwise. 277

(Q) "General obligation" means securities to the payment of 278  
debt charges on which the full faith and credit and the general 279  
property taxing power, including taxes within the tax limitation 280  
if available to the subdivision, of the subdivision are pledged. 281

(R) "Interest" or "interest equivalent" means those payments 282  
or portions of payments, however denominated, that constitute or 283  
represent consideration for forbearing the collection of money, or 284  
for deferring the receipt of payment of money to a future time. 285

(S) "Internal Revenue Code" means the "Internal Revenue Code 286  
of 1986," 100 Stat. 2085, 26 U.S.C.A. 1 et seq., as amended, and 287  
includes any laws of the United States providing for application 288  
of that code. 289

(T) "Issuer" means any public issuer and any nonprofit 290  
corporation authorized to issue securities for or on behalf of any 291  
public issuer. 292

(U) "Legislation" means an ordinance or resolution passed by 293  
a majority affirmative vote of the then members of the taxing 294  
authority unless a different vote is required by charter 295  
provisions governing the passage of the particular legislation by 296  
the taxing authority. 297

(V) "Mandatory sinking fund redemption requirements" means 298  
amounts required by proceedings to be deposited in a bond 299  
retirement fund for the purpose of paying in any year or fiscal 300  
year by mandatory redemption prior to stated maturity the 301  
principal of securities that is due and payable, except for 302  
mandatory prior redemption requirements as provided in those 303  
proceedings, in a subsequent year or fiscal year. 304

(W) "Mandatory sinking fund requirements" means amounts 305  
required by proceedings to be deposited in a year or fiscal year 306  
in a bond retirement fund for the purpose of paying the principal 307  
of securities that is due and payable in a subsequent year or 308  
fiscal year. 309

(X) "Net indebtedness" has the same meaning as in division 310  
(A) of section 133.04 of the Revised Code. 311

(Y) "Obligor," in the case of securities or fractionalized 312  
interests in public obligations issued by another person the debt 313  
charges or their equivalents on which are payable from payments 314  
made by a public issuer, means that public issuer. 315

(Z) "One purpose" relating to permanent improvements means 316  
any one permanent improvement or group or category of permanent 317  
improvements for the same utility, enterprise, system, or project, 318  
development or redevelopment project, or for or devoted to the 319  
same general purpose, function, or use or for which 320  
self-supporting securities, based on the same or different sources 321  
of revenues, may be issued or for which special assessments may be 322  
levied by a single ordinance or resolution. "One purpose" 323  
includes, but is not limited to, in any case any off-street 324  
parking facilities relating to another permanent improvement, and: 325

(1) Any number of roads, highways, streets, bridges, 326  
sidewalks, and viaducts; 327

(2) Any number of off-street parking facilities; 328

(3) In the case of a county, any number of permanent	329
improvements for courthouse, jail, county offices, and other	330
county buildings, and related facilities;	331
(4) In the case of a school district, any number of	332
facilities and buildings for school district purposes, and related	333
facilities.	334
(AA) "Outstanding," referring to securities, means securities	335
that have been issued, delivered, and paid for, except any of the	336
following:	337
(1) Securities canceled upon surrender, exchange, or	338
transfer, or upon payment or redemption;	339
(2) Securities in replacement of which or in exchange for	340
which other securities have been issued;	341
(3) Securities for the payment, or redemption or purchase for	342
cancellation prior to maturity, of which sufficient moneys or	343
investments, in accordance with the applicable legislation or	344
other proceedings or any applicable law, by mandatory sinking fund	345
redemption requirements, mandatory sinking fund requirements, or	346
otherwise, have been deposited, and credited for the purpose in a	347
bond retirement fund or with a trustee or paying or escrow agent,	348
whether at or prior to their maturity or redemption, and, in the	349
case of securities to be redeemed prior to their stated maturity,	350
notice of redemption has been given or satisfactory arrangements	351
have been made for giving notice of that redemption, or waiver of	352
that notice by or on behalf of the affected security holders has	353
been filed with the subdivision or its agent for the purpose.	354
(BB) "Paying agent" means the one or more banks, trust	355
companies, or other financial institutions or qualified persons,	356
including an appropriate office or officer of the subdivision,	357
designated as a paying agent or place of payment of debt charges	358
on the particular securities.	359

(CC) "Permanent improvement" or "improvement" means any 360  
property, asset, or improvement certified by the fiscal officer, 361  
which certification is conclusive, as having an estimated life or 362  
period of usefulness of five years or more, and includes, but is 363  
not limited to, real estate, buildings, and personal property and 364  
interests in real estate, buildings, and personal property, 365  
equipment, furnishings, and site improvements, and reconstruction, 366  
rehabilitation, renovation, installation, improvement, 367  
enlargement, and extension of property, assets, or improvements so 368  
certified as having an estimated life or period of usefulness of 369  
five years or more. The acquisition of all the stock ownership of 370  
a corporation is the acquisition of a permanent improvement to the 371  
extent that the value of that stock is represented by permanent 372  
improvements. A permanent improvement for parking, highway, road, 373  
and street purposes includes resurfacing, but does not include 374  
ordinary repair. 375

(DD) "Person" has the same meaning as in section 1.59 of the 376  
Revised Code and also includes any federal, state, interstate, 377  
regional, or local governmental agency, any subdivision, and any 378  
combination of those persons. 379

(EE) "Proceedings" means the legislation, certifications, 380  
notices, orders, sale proceedings, trust agreement or indenture, 381  
mortgage, lease, lease-purchase agreement, assignment, credit 382  
enhancement facility agreements, and other agreements, 383  
instruments, and documents, as amended and supplemented, and any 384  
election proceedings, authorizing, or providing for the terms and 385  
conditions applicable to, or providing for the security or sale or 386  
award of, public obligations, and includes the provisions set 387  
forth or incorporated in those public obligations and proceedings. 388

(FF) "Public issuer" means any of the following that is 389  
authorized by law to issue securities or enter into public 390  
obligations: 391

(1) The state, including an agency, commission, officer,	392
institution, board, authority, or other instrumentality of the	393
state;	394
(2) A taxing authority, subdivision, district, or other local	395
public or governmental entity, and any combination or consortium,	396
or public division, district, commission, authority, department,	397
board, officer, or institution, thereof;	398
(3) Any other body corporate and politic, or other public	399
entity.	400
(GG) "Public obligations" means both of the following:	401
(1) Securities;	402
(2) Obligations of a public issuer to make payments under	403
installment sale, lease, lease purchase, or similar agreements,	404
which obligations bear interest or interest equivalent.	405
(HH) "Refund" means to fund and retire outstanding	406
securities, including advance refunding with or without payment or	407
redemption prior to maturity.	408
(II) "Register" means the books kept and maintained by the	409
registrar for registration, exchange, and transfer of registered	410
securities.	411
(JJ) "Registrar" means the person responsible for keeping the	412
register for the particular registered securities, designated by	413
or pursuant to the proceedings.	414
(KK) "Securities" means bonds, notes, certificates of	415
indebtedness, commercial paper, and other instruments in writing,	416
including, unless the context does not admit, anticipatory	417
securities, issued by an issuer to evidence its obligation to	418
repay money borrowed, or to pay interest, by, or to pay at any	419
future time other money obligations of, the issuer of the	420
securities, but not including public obligations described in	421

division (GG)(2) of this section.

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(LL) "Self-supporting securities" means securities or portions of securities issued for the purpose of paying costs of permanent improvements to the extent that receipts of the subdivision, other than the proceeds of taxes levied by that subdivision, derived from or with respect to the improvements or the operation of the improvements being financed, or the enterprise, system, project, or category of improvements of which the improvements being financed are part, are estimated by the fiscal officer to be sufficient to pay the current expenses of that operation or of those improvements or enterprise, system, project, or categories of improvements and the debt charges payable from those receipts on securities issued for the purpose. Until such time as the improvements or increases in rates and charges have been in operation or effect for a period of at least six months, the receipts therefrom, for purposes of this definition, shall be those estimated by the fiscal officer, except that those receipts may include, without limitation, payments made and to be made to the subdivision under leases or agreements in effect at the time the estimate is made. In the case of an operation, improvements, or enterprise, system, project, or category of improvements without at least a six-month history of receipts, the estimate of receipts by the fiscal officer, other than those to be derived under leases and agreements then in effect, shall be confirmed by the taxing authority.

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(MM) "Subdivision" means any of the following:

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(1) A county, including a county that has adopted a charter under Article X, Ohio Constitution;

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(2) A municipal corporation, including a municipal corporation that has adopted a charter under Article XVIII, Ohio Constitution;

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(3) A school district;	453
(4) A regional water and sewer district organized under Chapter 6119. of the Revised Code;	454 455
(5) A joint township hospital district organized under section 513.07 of the Revised Code;	456 457
(6) A joint ambulance district organized under section 505.71 of the Revised Code;	458 459
(7) A joint recreation district organized under division (C) of section 755.14 of the Revised Code;	460 461
(8) A detention facility district organized under section 2152.41, a district organized under section 2151.65, or a combined district organized under sections 2152.41 and 2151.65 of the Revised Code;	462 463 464 465
(9) A township police district organized under section 505.48 of the Revised Code;	466 467
(10) A township;	468
(11) A joint fire district organized under section 505.371 of the Revised Code;	469 470
(12) A county library district created under section 3375.19 or a regional library district created under section 3375.28 of the Revised Code;	471 472 473
(13) A joint solid waste management district organized under section 343.01 or 343.012 of the Revised Code;	474 475
(14) A joint emergency medical services district organized under section 307.052 of the Revised Code;	476 477
(15) A fire and ambulance district organized under section 505.375 of the Revised Code;	478 479
(16) A fire district organized under division (C) of section 505.37 of the Revised Code;	480 481



(17) Any other political subdivision or taxing district or	482
other local public body or agency authorized by this chapter or	483
other laws to issue Chapter 133. securities.	484
(NN) "Taxing authority" means in the case of the following	485
subdivisions:	486
(1) A county, a county library district, or a regional	487
library district, the board or boards of county commissioners, or	488
other legislative authority of a county that has adopted a charter	489
under Article X, Ohio Constitution, but with respect to such a	490
library district acting solely as agent for the board of trustees	491
of that district;	492
(2) A municipal corporation, the legislative authority;	493
(3) A school district, the board of education;	494
(4) A regional water and sewer district, a joint ambulance	495
district, a joint recreation district, a fire and ambulance	496
district, or a joint fire district, the board of trustees of the	497
district;	498
(5) A joint township hospital district, the joint township	499
hospital board;	500
(6) A detention facility district or a district organized	501
under section 2151.65 of the Revised Code, a combined district	502
organized under sections 2152.41 and 2151.65 of the Revised Code,	503
or a joint emergency medical services district, the joint board of	504
county commissioners;	505
(7) A township, a fire district organized under division (C)	506
of section 505.37 of the Revised Code, or a township police	507
district, the board of township trustees;	508
(8) A joint solid waste management district organized under	509
section 343.01 or 343.012 of the Revised Code, the board of	510
directors of the district;	511

(9) A subdivision described in division (MM)(17) of this section, the legislative or governing body or official.

(OO) "Tax limitation" means the "ten-mill limitation" as defined in section 5705.02 of the Revised Code without diminution by reason of section 5705.313 of the Revised Code or otherwise, or, in the case of a municipal corporation or county with a different charter limitation on property taxes levied to pay debt charges on unvoted securities, that charter limitation. Those limitations shall be respectively referred to as the "ten-mill limitation" and the "charter tax limitation."

(PP) "Tax valuation" means the aggregate of the valuations of property subject to ad valorem property taxation by the subdivision on the real property, personal property, and public utility property tax lists and duplicates most recently certified for collection, and shall be calculated without deductions of the valuations of otherwise taxable property exempt in whole or in part from taxation by reason of exemptions of certain amounts of taxable value under division (C) of section 5709.01 or section 323.152 of the Revised Code, or similar laws now or in the future in effect.

(QQ) "Year" means the calendar year.

(RR) "Interest rate hedge" means any arrangement by which either:

(1) The different interest costs or receipts at fixed interest rates and at floating interest rates, or at different maturities, are exchanged on stated amounts of bonds or investments, or on notional amounts;

(2) A party will pay interest costs in excess of an agreed limitation.

(SS) "Administrative agent," "agent," "commercial paper,"

"floating rate interest structure," "indexing agent," "interest rate period," "put arrangement," and "remarketing agent" have the same meanings as in section 9.98 of the Revised Code. 542  
543  
544

(TT) "Sales tax supported" means obligations to the payment of debt charges on which an additional sales tax or additional sales taxes have been pledged by the taxing authority of a county pursuant to section 133.081 of the Revised Code. 545  
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548

**Sec. 133.27.** (A) Chapter 133. securities shall be signed on behalf of the subdivision as follows: 549  
550

(1) In the case of a municipal corporation, by the mayor or other chief executive officer and by the fiscal officer, or by ~~such~~ any other officers ~~as~~ who are designated to sign by the charter or legislation of its taxing authority; 551  
552  
553  
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(2) In the case of a county, by at least two members of its taxing authority and by the county auditor, or, in the case of a charter county, by ~~such~~ those officers of the county ~~as~~ who are designated to sign by the charter or legislation of its taxing authority; 555  
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(3) In the case of a school district, by the president or vice-president of the board of education and by its fiscal officer; 560  
561  
562

(4) In the case of a township, by at least two township trustees and by the township ~~clerk~~ fiscal officer; 563  
564

(5) In the case of a subdivision not referred to in divisions (B)(1) to (4) of this section, by the officer of the subdivision or taxing authority designated to sign by other law or, if there is no ~~such~~ other law designating an officer, by the legislation authorizing the securities. 565  
566  
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569

(B) If an officer designated to sign securities or interest coupons pursuant to division (A) or (E) of this section is for any 570  
571

reason unable or unavailable to so sign, another officer of the 572  
subdivision or taxing authority, designated by legislation passed 573  
by the taxing authority, may sign instead of that officer. 574

(C) All signatures required by this section may be facsimile 575  
signatures as provided for by sections 9.10, 9.11, and 9.96 of the 576  
Revised Code, unless the securities are issued in other than fully 577  
registered form, in which case at least one ~~such~~ signature shall 578  
be a manual signature. 579

(D) If an officer who has signed, manually or by facsimile 580  
signature, any securities of a subdivision ceases to be such 581  
officer before the securities so signed have been actually 582  
delivered, the securities may nevertheless be issued and delivered 583  
as though the person who has so signed the securities had not 584  
ceased to be such officer. Any securities may be signed as 585  
provided in this section, on behalf of the subdivision, by an 586  
officer who is the proper officer of the subdivision or taxing 587  
authority on the actual date of signing of the securities, 588  
notwithstanding the fact that at the date of the securities or on 589  
the date of delivery of the securities that person was or is not 590  
~~such~~ the proper officer of the subdivision. 591

(E) Securities, other than fully registered securities, may, 592  
in the discretion of the taxing authority, have interest coupons 593  
attached or otherwise appertaining. The interest coupons shall be 594  
signed on behalf of the subdivision by the manual or facsimile 595  
signature of its fiscal officer. 596

**Sec. 149.42.** There is hereby created in each township a 597  
township records commission, composed of the ~~chairman~~ chairperson 598  
of the board of township trustees and the ~~clerk~~ fiscal officer of 599  
the township. The commission shall meet at least once every twelve 600  
months, and upon call of the chairperson. 601

The function of the commission shall be to review 602  
applications for one-time records disposal and schedules of 603  
records retention and disposition submitted by township offices. 604  
Records may be disposed of by the commission pursuant to the 605  
procedure outlined in this section. The commission may at any time 606  
review any schedule it has previously approved, and for good cause 607  
shown may revise that schedule. 608

When township records have been approved for disposal, a list 609  
of ~~such~~ the records shall be sent to the auditor of state. If the 610  
auditor of state disapproves of the action by the commission, in 611  
whole or in part, the auditor of state shall so inform the 612  
commission within a period of sixty days, and these records shall 613  
not be destroyed. Before public records are disposed of, the Ohio 614  
historical society shall be informed and given the opportunity for 615  
a period of sixty days to select for its custody ~~such~~ those public 616  
records ~~as~~ it considers to be of continuing historical value. 617

**Sec. 301.01.** When a petition, memorial, or remonstrance is 618  
presented to the general assembly for or against the erection of a 619  
new county, or for the location or relocation of a county seat, 620  
the petitioners must be eighteen years of age and resident 621  
taxpayers or voters within the several townships in which they 622  
reside. The petition shall set forth the name of the township and 623  
county in which the petitioners reside, and that their residence 624  
is within or out of the bounds of the proposed new county, as the 625  
case may be. The foregoing requirements shall be proven by the 626  
certificate of a township ~~clerk~~ fiscal officer or by the oath of a 627  
respectable freeholder or voter, certified by a person authorized 628  
to administer oaths. ~~Such~~ The certificate or oath shall specify on 629  
the petition, memorial, or remonstrance the number of signers 630  
there were to ~~such~~ the paper at the time of the certifying or 631  
oath. 632

Sec. 306.32. Any county, or any two or more counties, 633  
municipal corporations, or townships, or any combination thereof 634  
of these, may create a regional transit authority by the adoption 635  
of a resolution or ordinance by the board of county commissioners 636  
of each county, the legislative authority of each municipal 637  
corporation, and the board of township trustees of each township 638  
which is to create or to join in the creation of the regional 639  
transit authority. ~~Such~~ The resolution or ordinance shall state: 640

(A) The necessity for the creation of a regional transit 641  
authority; 642

(B) The counties, municipal corporations, or townships which 643  
are to create or to join in the creation of the regional transit 644  
authority; 645

(C) The official name by which the regional transit authority 646  
shall be known; 647

(D) The place in which the principal office of the regional 648  
transit authority will be located or the manner in which it may be 649  
selected; 650

(E) The number, term, and compensation, or method for 651  
establishing compensation, of the members of the board of trustees 652  
of the regional transit authority. Compensation shall not exceed 653  
fifty dollars for each board and committee meeting attended by a 654  
member, except that if compensation is provided annually it shall 655  
not exceed six thousand dollars for the president of the board or 656  
four thousand eight hundred dollars for each other board member. 657

(F) The manner in which vacancies on the board of trustees of 658  
the regional transit authority shall be filled; 659

(G) The manner and to what extent the expenses of the 660  
regional transit authority shall be apportioned among the 661  
counties, municipal corporations, and townships creating it; 662

(H) The purposes, including the kinds of transit facilities, 663  
for which the regional transit authority is organized. 664

The regional transit authority provided for in ~~such~~ the 665  
resolution or ordinance shall be deemed to be created upon the 666  
adoption of ~~such~~ the resolution or ordinance by the board of 667  
county commissioners of each county, the legislative authority of 668  
each municipal corporation, and the board of township trustees of 669  
each township enumerated in the resolution or ordinance. 670

The resolution or ordinance creating a regional transit 671  
authority may be amended to include additional counties, municipal 672  
corporations, or townships or for any other purpose, by the 673  
adoption of ~~such~~ the amendment by the board of county 674  
commissioners of each county, the legislative authority of each 675  
municipal corporation, and the board of township trustees of each 676  
township which has created or joined or proposes to join the 677  
regional transit authority. 678

After each county, municipal corporation, and township which 679  
has created or joined or proposes to join the regional transit 680  
authority has adopted its resolution or ordinance approving 681  
inclusion of additional counties, municipal corporations, or 682  
townships in ~~such~~ the regional transit authority, a copy of each 683  
~~such~~ resolution or ordinance shall be filed with the clerk of the 684  
board of the county commissioners of each county, the clerk of the 685  
legislative authority of each municipal corporation, and the 686  
fiscal officer of the board of trustees of each township proposed 687  
to be included in the regional transit authority. ~~Such~~ The 688  
inclusion is effective when all such filing has been completed, 689  
unless the regional transit authority to which territory is to be 690  
added has authority to levy an ad valorem tax on property, or a 691  
sales tax, within its territorial boundaries, in which event ~~such~~ 692  
the inclusion shall become effective on the sixtieth day after the 693  
last such filing is accomplished, unless, prior to the expiration 694

of ~~such~~ the sixty-day period, qualified electors residing in the 695  
area proposed to be added to the regional transit authority, equal 696  
in number to at least ten per cent of the qualified electors from 697  
~~such~~ the area who voted for governor at the last gubernatorial 698  
election, file a petition of referendum against ~~such~~ the 699  
inclusion. Any petition of referendum filed under this section 700  
shall be filed at the office of the secretary of the board of 701  
trustees of the regional transit authority. The person presenting 702  
the petition shall be given a receipt containing ~~thereon~~ on it the 703  
time of the day, the date, and the purpose of the petition. The 704  
secretary of the board of trustees of the regional transit 705  
authority shall cause the appropriate board or boards of elections 706  
to check the sufficiency of signatures on any petition of 707  
referendum filed under this section and, if found to be 708  
sufficient, shall present the petition to the board of trustees at 709  
a meeting of said board which occurs not later than thirty days 710  
following the filing of said petition. Upon presentation to the 711  
board of trustees of a petition of referendum against the proposed 712  
inclusion, the board of trustees shall promptly certify the 713  
proposal to the board or boards of elections for the purpose of 714  
having the proposal placed on the ballot at the next general or 715  
primary election which occurs not less than seventy-five days 716  
after the date of the meeting of said board, or at a special 717  
election, the date of which shall be specified in the 718  
certification, which date shall be not less than seventy-five days 719  
after the date of such meeting of the board. Signatures on a 720  
petition of referendum may be withdrawn up to and including the 721  
meeting of the board of trustees certifying the proposal to the 722  
appropriate board or boards of elections. If territory of more 723  
than one county, municipal corporation, or township is to be added 724  
to the regional transit authority, the electors of ~~such~~ the 725  
territories of the counties, municipal corporations, or townships 726  
which are to be added shall vote as a district, and the majority 727



affirmative vote shall be determined by the vote cast in ~~such the~~ 728  
district as a whole. Upon certification of a proposal to the 729  
appropriate board or boards of elections pursuant to this section, 730  
~~such the~~ board or boards of election shall make the necessary 731  
arrangements for the submission of ~~such questions~~ the question to 732  
the electors of the territory to be added to the regional transit 733  
authority qualified to vote ~~thereon~~ on the question, and the 734  
election shall be held, canvassed, and certified in the manner 735  
provided for the submission of tax levies under section 5705.191 736  
of the Revised Code, except that the question appearing on the 737  
ballot shall read: 738

"Shall the territory within the ..... 739  
(Name or names of political subdivisions to be joined) be added to 740  
..... (Name) regional transit 741  
authority?" and shall a(n) ..... (here insert type of tax or 742  
taxes) at a rate of taxation not to exceed ..... (here insert 743  
maximum tax rate or rates) be levied for all transit purposes?" 744

If the question is approved by at least a majority of the 745  
electors voting on ~~such the~~ question, ~~such the~~ joinder is 746  
immediately effective, and the regional transit authority may 747  
extend the levy of ~~such the~~ tax against all the taxable property 748  
within the territory which has been added. If ~~such the~~ question is 749  
approved at a general election or at a special election occurring 750  
prior ~~thereto~~ to the general election but after the fifteenth day 751  
of July, the regional transit authority may amend its budget and 752  
resolution adopted pursuant to section 5705.34 of the Revised 753  
Code, and ~~such the~~ levy shall be placed on the current tax list 754  
and duplicate and collected as other taxes are collected from all 755  
taxable property within the territorial boundaries of the regional 756  
transit authority, including the territory within each political 757  
subdivision added as a result of ~~such the~~ election. 758

The territorial boundaries of a regional transit authority 759

shall be coextensive with the territorial boundaries of the 760  
counties, municipal corporations, and townships included within 761  
the regional transit authority, provided that the same area may be 762  
included in more than one regional transit authority so long as 763  
the regional transit authorities are not organized for purposes as 764  
provided for in the resolutions or ordinances creating the same, 765  
and any amendments ~~thereto~~ to them, relating to the same kinds of 766  
transit facilities; and provided further, that if a regional 767  
transit authority includes only a portion of an entire county, a 768  
regional transit authority for the same purposes may be created in 769  
the remaining portion of the same county by resolution of the 770  
board of county commissioners acting alone or in conjunction with 771  
municipal corporations and townships as provided in this section. 772

No regional transit authority shall be organized after 773  
January 1, 1975, to include any area already included in a 774  
regional transit authority, except that any regional transit 775  
authority organized after ~~the effective date of this section~~ June 776  
29, 1974, and having territorial boundaries entirely within a 777  
single county shall, upon adoption by the board of county 778  
commissioners of ~~such~~ the county of a resolution creating a 779  
regional transit authority including within its territorial 780  
jurisdiction the existing regional transit authority and for 781  
purposes including the purposes for which ~~such~~ the existing 782  
regional transit authority was created, be dissolved and its 783  
territory included in such new regional transit authority. Any 784  
resolution creating such a new regional transit authority shall 785  
make adequate provision for satisfaction of the obligations of the 786  
dissolved regional transit authority. 787

**Sec. 306.321.** The resolution or ordinance creating a regional 788  
transit authority may be amended to include additional counties, 789  
municipal corporations, or townships by the adoption of ~~such~~ an 790

amendment by the board of county commissioners of each county, the 791  
legislative authority of each municipal corporation, and the board 792  
of township trustees of each township which has created or 793  
~~therefore~~, prior to the adoption of the amendment, joined or 794  
proposes to join the regional transit authority. 795

After each county, municipal corporation, and township which 796  
has created or ~~therefore~~, prior to the adoption of the 797  
amendment, joined or proposes to join the regional transit 798  
authority has adopted its resolution or ordinance approving 799  
inclusion of additional counties, municipal corporations, or 800  
townships in ~~such~~ the regional transit authority, a copy of each 801  
~~such~~ resolution or ordinance shall be filed with the clerk of the 802  
board of the county commissioners of each county, the clerk of the 803  
legislative authority of each municipal corporation, and the 804  
fiscal officer of the board of trustees of each township proposed 805  
to be included in the regional transit authority. 806

Any ordinances or resolutions adopted pursuant to this 807  
section approving inclusion of additional counties, municipal 808  
corporations, or townships in ~~such~~ the regional transit authority 809  
shall provide that the board of trustees of ~~such~~ the regional 810  
transit authority must, not later than the tenth day following the 811  
day on which the filing of the ordinances or resolutions, as 812  
required by the immediately preceding paragraph, is completed, 813  
adopt its resolution providing for submission to the electors of 814  
the regional transit authority as enlarged, of the question 815  
pursuant to section 306.49 of the Revised Code, of the renewal, 816  
the renewal and increase, or the increase of, or the imposition of 817  
an additional, ad valorem tax, or of the question pursuant to 818  
section 306.70 of the Revised Code, of the renewal, the renewal 819  
and increase, or the increase of, or the imposition of an 820  
additional, sales and use tax. The resolution submitting the 821  
question of the tax shall specify the date of the election, which 822

shall be not less than seventy-five days after certification of 823  
~~such~~ the resolution to the board of elections and which shall be 824  
consistent with the requirements of section 3501.01 of the Revised 825  
Code. The inclusion of the territory of the additional counties, 826  
municipal corporations, or townships in the regional transit 827  
authority shall be effective as of the date on which the 828  
resolution of the board of trustees of the regional transit 829  
authority is adopted submitting the question to the electors, 830  
provided that until the question is approved, existing contracts 831  
providing payment for transit services within the added territory 832  
shall remain in effect and transit services shall not be affected 833  
by the inclusion of the additional territory. The resolution shall 834  
be certified to the board of elections and the election shall be 835  
held, canvassed, and certified as provided in section 306.49 of 836  
the Revised Code in the case of an ad valorem tax or in section 837  
306.70 of the Revised Code in the case of a sales and use tax. 838

If the question of the tax which is submitted is not approved 839  
by a majority of the electors of the enlarged regional transit 840  
authority voting ~~thereon~~ on the question, as of the day following 841  
the day on which the results of ~~such~~ the election become 842  
conclusive, the additional counties, municipal corporations, or 843  
townships, which had been included in the regional transit 844  
authority as of the date of the adoption of the resolution 845  
submitting to the electors the question, shall be removed from the 846  
territory of ~~such~~ the regional transit authority and shall no 847  
longer be a part of that authority without any further action by 848  
either the political subdivisions which were included in the 849  
authority prior to the adoption of the resolution submitting the 850  
question to the electors or of the political subdivisions added to 851  
the authority as a result of the adoption of ~~such~~ the resolution. 852  
The regional transit authority reduced to its territory as it 853  
existed prior to the inclusion of the additional counties, 854  
municipal corporations, or townships, shall be entitled to levy 855

and collect any ad valorem or sales and use taxes which it was 856  
authorized to levy and collect prior to the enlargement of its 857  
territory and for which authorization has not expired, as if ~~such~~ 858  
the enlargement had not occurred. 859

If the question of the tax which is submitted provides for a 860  
sales and use tax to be imposed and the question is approved, and 861  
the regional transit authority had previously been authorized 862  
pursuant to section 306.49 of the Revised Code to levy an ad 863  
valorem tax, ~~then~~ the regional transit authority shall appropriate 864  
from the first moneys received from ~~such~~ the sales and use tax in 865  
each year, the full amount required in order to pay the principal 866  
of and interest on any notes of the regional transit authority 867  
issued pursuant to section 306.49 of the Revised Code, in 868  
anticipation of the collection of ~~such~~ the ad valorem tax; and 869  
shall not thereafter levy and collect the ad valorem tax 870  
previously approved unless ~~such~~ the levy and collection is 871  
necessary to pay the principal of and interest on notes issued in 872  
anticipation of ~~such~~ the tax in order to avoid impairing the 873  
obligation of the contract between the regional transit authority 874  
and the note holders. 875

If the question of the additional or renewal tax levy is 876  
approved, ~~then such~~ the tax may be levied and collected as is 877  
otherwise provided for an ad valorem tax or a sales and use tax 878  
imposed by a regional transit authority, provided that if a 879  
question relating to an ad valorem tax is approved at the general 880  
election or at a special election occurring prior ~~thereto~~ to a 881  
general election, but after the fifteenth day of July, the 882  
regional transit authority may amend its budget for its next 883  
fiscal year and its resolution adopted pursuant to section 5705.34 884  
of the Revised Code or adopt such resolution, and ~~such~~ the levy 885  
shall be placed on the current tax list and duplicate and 886  
collected as all other taxes are collected from all taxable 887

property within the enlarged territory of the regional transit 888  
authority including the territory within each political 889  
subdivision which has been added to the regional transit authority 890  
pursuant to this section, provided further that if a question 891  
relating to sales and use tax is approved after the fifteenth day 892  
of July in any calendar year, the regional transit authority may 893  
amend its budget for the current and next fiscal year and any 894  
resolution adopted pursuant to section 5705.34 of the Revised 895  
Code, to reflect the imposition of ~~such~~ the sales and use tax and 896  
shall amend its budget for the next fiscal year and any resolution 897  
adopted pursuant to section 5705.34 of the Revised Code to comply 898  
with the immediately preceding paragraph. If the budget of the 899  
regional transit authority is amended pursuant to this paragraph, 900  
the county auditor shall prepare and deliver an amended 901  
certificate of estimated resources to reflect the change in 902  
anticipated revenues of the regional transit authority. 903

The procedures of this section are in addition to and an 904  
alternative to those established in section 306.32 of the Revised 905  
Code for joining to a regional transit authority additional 906  
counties, municipal corporations, or townships. 907

**Sec. 319.51.** On the erection of a new township in the county, 908  
the county auditor shall open an account with it, and, at ~~his~~ the 909  
auditor's next semiannual settlement, credit it with all moneys 910  
for taxes collected in or distributable to the territory included 911  
in ~~such~~ the new township, making corresponding deductions from the 912  
townships from which it was taken. The moneys so credited shall be 913  
drawn by warrants in favor of the ~~township clerk~~ fiscal officer of 914  
the new township. 915

**Sec. 321.31.** Immediately after each settlement with the 916  
county auditor, on demand, and on presentation of the warrant of 917  
the auditor therefor, the county treasurer shall pay to the 918

township ~~clerk~~ fiscal officer, or the treasurer of a municipal 919  
corporation, school district, or any board authorized by law to 920  
receive the funds or proceeds of any special tax levy, or other 921  
properly designated officers delegated by the boards and 922  
subdivisions to receive such funds or proceeds, all moneys in the 923  
county treasury payable to such boards and subdivisions. 924  
Delinquent taxes, interest, and penalties are payable in the 925  
proportions prescribed in section 319.45 of the Revised Code. 926

**Sec. 321.32.** If a township ~~clerk~~ fiscal officer or other 927  
proper officer so requires, or the board of township trustees, the 928  
legislative authority of a municipal corporation, or the board of 929  
education of a school district, respectively, directs, the moneys 930  
described in section 321.31 of the Revised Code shall remain in 931  
the county treasury, to be drawn by the proper officer on the 932  
warrant of the county auditor, in sums of not less than one 933  
hundred dollars. 934

If a county treasurer retains, or if a local officer permits 935  
~~such~~ the moneys to remain in the treasury, in any manner other 936  
than as provided by this section, ~~he~~ the county treasurer or local 937  
officer shall forfeit and pay for ~~such~~ the offense not less than 938  
one hundred nor more than one thousand dollars, to be recovered in 939  
an action at the suit of the state, for the use of the county. 940

**Sec. 321.34.** (A)(1) When the local authorities by resolution 941  
so request, the county auditor shall pay township ~~clerks~~ fiscal 942  
officers, treasurers of municipal corporations, the treasurer of 943  
any board of education, and the treasurer of any other political 944  
subdivision or taxing district whose funds derived from taxes or 945  
other sources are payable by law to the county treasurer, any 946  
money that may be in the county treasury to the accounts of ~~such~~ 947  
the local authorities, respectively, and lawfully applicable to 948

the purpose of the current fiscal year in which ~~such~~ the request 949  
is made. The auditor and county treasurer shall retain any amounts 950  
needed to make ~~such~~ the payments of obligations of local political 951  
subdivisions or taxing districts as are required by law to be paid 952  
directly by the county authorities. 953

(2)(a) For purposes of this section, in addition to the 954  
moneys payable under division (A)(1) of this section, money in the 955  
county treasury to the account of a board of education that is to 956  
be included in the settlement required under division (C) of 957  
section 321.24 of the Revised Code shall be paid to the treasurer 958  
when the board of education, by resolution, so requests. 959

(b) ~~Such~~ The money becomes lawfully applicable to the 960  
purposes of the fiscal year in which the request is made upon the 961  
adoption of the resolution making the request if that resolution 962  
specifies the board's intent to use the money for the purposes of 963  
the fiscal year in which the request is made. 964

(B) The auditor, in making ~~such~~ the advance payment, shall 965  
draw separate warrants for the payments for that part of the funds 966  
allocated to the general fund of the subdivision and the part 967  
allocated to service the debt charges of the subdivision. That 968  
part of the advance payment allocated to the servicing of debt 969  
charges shall be payable to the officer, board of trustees, or 970  
commission of the subdivision charged with the payment and 971  
retirement of the bonds and notes of such subdivision, and shall 972  
be used for no other purpose. Any officer, board, or commission 973  
receiving ~~such~~ the advance payment shall return a certificate, in 974  
the form prescribed by the tax commissioner, to the auditor that 975  
the funds so advanced and received have been paid into the bond 976  
retirement fund. 977

(C) Upon the request, in like form, of any board of public 978  
library trustees or board of township park commissioners for which 979  
a share of the undivided classified property taxes collected in 980



the county has been allowed and fixed by the budget commission, 981  
the auditor may, prior to the first day of April, in any year, pay 982  
to the treasurer of ~~such~~ the board, from any undivided tax funds 983  
in the county treasury, an amount not exceeding twenty-five per 984  
cent of the board's share of ~~such~~ the undivided classified 985  
property taxes; but the auditor and county treasurer shall retain 986  
an amount sufficient to meet all other requests for payments which 987  
have been made under this section or can be reasonably anticipated 988  
prior to such first day of April. On or after the first day of 989  
April, all amounts paid out of undivided tax funds shall be 990  
reimbursed to the funds from which they have been paid and charged 991  
against the share of ~~such~~ the board of library trustees or board 992  
of township park commissioners in the undivided classified 993  
property tax fund. 994

**Sec. 345.01.** The taxing authority of any municipal 995  
corporation, township, or county, at any time not less than one 996  
hundred days prior to a general election in any year, by a vote of 997  
two-thirds of all members of the taxing authority, may, and upon 998  
presentation to the clerk or fiscal officer, as the case may be, 999  
of ~~such~~ the taxing authority of a petition signed by not less than 1000  
two per cent of the electors of the political subdivision, as 1001  
shown at the preceding general election held in the subdivision, 1002  
shall, declare by resolution that the amount of taxes which may be 1003  
raised within the ten-mill limitation will be insufficient to 1004  
provide an adequate amount for the necessary requirements of ~~such~~ 1005  
the subdivision, and that it is necessary to levy taxes in excess 1006  
of ~~such~~ the limitation for either or both of the following 1007  
purposes: 1008

(A) For purchasing a site, and for erecting, equipping, and 1009  
furnishing, or for establishing a memorial to commemorate the 1010  
services of all members and veterans of the armed forces of the 1011

United States; 1012

(B) For the operation and maintenance of a memorial, and for 1013  
the functions related ~~thereto~~ to it. 1014

~~Such~~ The resolution shall be confined to the purposes set 1015  
forth in this ~~sections~~ section, and shall specify the amount of 1016  
increase in rate which it is necessary to levy, the purpose of the 1017  
rate increase, and the number of years during which ~~such~~ the 1018  
increase shall be in effect. The increase may include a levy upon 1019  
the tax duplicate of the current year. The number of years shall 1020  
be any number not exceeding ten. The question of an increase in 1021  
tax rate under divisions (A) and (B) of this section may be 1022  
submitted to the electors on one ballot. 1023

The total tax for the purposes included in this section shall 1024  
not, in any year, exceed one mill of each dollar of valuation. 1025

~~Such~~ The resolution shall go into immediate effect upon its 1026  
passage, and no publication of the resolution, other than that 1027  
provided for in the notice of election, shall be necessary. 1028

**Sec. 503.162.** (A) After certification of a resolution as 1029  
provided in section 503.161 of the Revised Code, the board of 1030  
elections shall submit the question of whether the township's name 1031  
shall be changed to the electors of the unincorporated area of the 1032  
township in accordance with division (C) of that section, and the 1033  
ballot language shall be substantially as follows: 1034

"Shall the township of ..... (name) change its name to 1035  
..... (proposed name)? 1036

..... For name change 1037

..... Against name change" 1038

(B) At least forty-five days before the election on this 1039  
question, the board of township trustees shall provide notice of 1040

the election and an explanation of the proposed name change in a newspaper of general circulation in the township for three consecutive weeks and shall post the notice and explanation in five conspicuous places in the unincorporated area of the township.

(C) If a majority of the votes cast on the proposition of changing the township's name is in the affirmative, the name change is adopted and becomes effective ninety days after the board of elections certifies the election results to the ~~clerk~~ fiscal officer of the township. Upon receipt of the certification of the election results from the board of elections, the ~~clerk~~ fiscal officer of the township shall send a copy of that certification to the secretary of state.

(D) A change in the name of a township shall not alter the rights or liabilities of the township as previously named.

**Sec. 503.25.** ~~Forthwith,~~ Immediately after the election or appointment of township officers as provided by sections 503.22 to 503.24, ~~inclusive,~~ of the Revised Code, the township ~~clerk~~ fiscal officer shall make a list of all the officers elected or appointed, stating the offices to which each is chosen or appointed, and ~~he~~ the fiscal officer shall add ~~thereto~~ to the list a requisition that ~~such~~ the officers appear before ~~him~~ the fiscal officer, or some other officer authorized to administer oaths, give bond, and take the oath of office prescribed by sections 3.22 and 3.23 of the Revised Code and Section 7 of Article XV, Ohio Constitution.

~~Such clerk~~ The fiscal officer shall ~~forthwith~~ immediately make service of, or deliver to any constable of the township who shall make service of, a copy of ~~such~~ the list and requisition by delivering it to each person so elected or appointed. ~~Such~~ The list and requisition, with the time and manner of service ~~thereon~~

on it, shall be returned and filed in the office of the ~~clerk~~ 1072  
fiscal officer. 1073

**Sec. 503.26.** If a person elected or appointed to a township 1074  
office takes the oath of office required by section 503.25 of the 1075  
Revised Code before an officer other than the township ~~clerk~~ 1076  
fiscal officer, the officer before whom it is taken, ~~forthwith,~~ 1077  
shall immediately deposit with the ~~clerk~~ fiscal officer a 1078  
certificate of ~~such~~ the oath. ~~Such clerk~~ The fiscal officer shall 1079  
make a record of all official oaths. 1080

**Sec. 503.29.** Resolutions of the type described in division 1081  
(B) of section 503.65 of the Revised Code may be proposed by 1082  
initiative petition by the electors of a township and adopted by 1083  
election by these electors, under the same circumstances, in the 1084  
same manner, and subject to the same penalties as provided in 1085  
sections 731.28 to 731.40 and section 731.99 of the Revised Code 1086  
for ordinances and other measures of municipal corporations, 1087  
insofar as those sections are applicable to townships, except as 1088  
follows: 1089

(A) The board of township trustees shall perform the duties 1090  
imposed on the legislative authority of the municipal corporation 1091  
under those sections. 1092

(B) Initiative petitions shall be filed with the township 1093  
~~clerk~~ fiscal officer, who shall perform the duties imposed under 1094  
those sections upon the city auditor or village clerk. 1095

(C) Initiative petitions shall contain the signatures of 1096  
electors of the township equal in number to at least ten per cent 1097  
of the total vote cast in the township for the office of governor 1098  
at the most recent general election for that office. 1099

(D) Each signer of an initiative petition shall be an elector 1100  
of the township in which the election on the proposed resolution 1101

is to be held.

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**Sec. 503.41.** (A) A board of township trustees, by resolution, may regulate and require the registration of massage establishments and their employees within the unincorporated territory of the township. In accordance with sections 503.40 to 503.49 of the Revised Code, for that purpose, the board, by a majority vote of all members, may adopt, amend, administer, and enforce regulations within the unincorporated territory of the township.

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(B) A board may adopt regulations and amendments under this section only after public hearing at not fewer than two regular sessions of the board. The board shall cause to be published in at least one newspaper of general circulation in the township notice of the public hearings, including the time, date, and place, once a week for two weeks immediately preceding the hearings. The board shall make available proposed regulations or amendments to the public at the office of the board.

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(C) Regulations or amendments adopted by the board are effective thirty days after the date of adoption unless, within thirty days after the adoption of the regulations or amendments, the township ~~clerk~~ fiscal officer receives a petition, signed by a number of qualified electors residing in the unincorporated area of the township equal to not less than ten per cent of the total vote cast for all candidates for governor in the area at the most recent general election at which a governor was elected, requesting the board to submit the regulations or amendments to the electors of the area for approval or rejection at the next primary or general election occurring at least seventy-five days after the board receives the petition.

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No regulation or amendment for which the referendum vote has been requested is effective unless a majority of the vote cast on

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the issue is in favor of the regulation or amendment. Upon 1133  
certification by the board of elections that a majority of the 1134  
votes cast on the issue was in favor of the regulation or 1135  
amendment, the regulation or amendment takes immediate effect. 1136

(D) The board shall make available regulations it adopts or 1137  
amends to the public at the office of the board and shall cause to 1138  
be published a notice of the availability of the regulations in at 1139  
least one newspaper of general circulation in the township within 1140  
ten days after their adoption or amendment. 1141

(E) Nothing in sections 503.40 to 503.49 of the Revised Code 1142  
shall be construed to allow a board of township trustees to 1143  
regulate the practice of any limited branch of medicine specified 1144  
in section 4731.15 of the Revised Code or the practice of 1145  
providing therapeutic massage by a licensed physician, a licensed 1146  
chiropractor, a licensed podiatrist, a licensed nurse, or any 1147  
other licensed health professional. As used in this division, 1148  
"licensed" means licensed, certified, or registered to practice in 1149  
this state. 1150

**Sec. 503.52.** (A) A board of township trustees, by resolution, 1151  
may regulate and require the registration of adult cabarets within 1152  
the unincorporated territory of the township. In accordance with 1153  
sections 503.51 to 503.59 of the Revised Code, for that purpose, 1154  
the board, by a majority vote of all members, may adopt, amend, 1155  
administer, and enforce regulations within the unincorporated 1156  
territory of the township. 1157

(B) A board may adopt regulations and amendments under this 1158  
section only after public hearing at not fewer than two regular 1159  
sessions of the board. The board shall cause to be published in at 1160  
least one newspaper of general circulation in the township notice 1161  
of the public hearings, including the time, date, and place, once 1162  
a week for two weeks immediately preceding the hearings. The board 1163

shall make available proposed regulations or amendments to the public at the office of the board. 1164  
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(C) Regulations or amendments adopted by the board are 1166  
effective thirty days after the date of adoption unless, within 1167  
thirty days after the adoption of the regulations or amendments, 1168  
the township ~~clerk~~ fiscal officer receives a petition, signed by a 1169  
number of qualified electors residing in the unincorporated area 1170  
of the township equal to not less than ten per cent of the total 1171  
number of votes cast in that area for all candidates for the 1172  
office of governor at the most recent general election for that 1173  
office, requesting the board to submit the regulations or 1174  
amendments to the electors of the area for approval or rejection 1175  
at the next primary or general election occurring at least 1176  
seventy-five days after the board receives the petition. 1177

No regulation or amendment for which the referendum vote has 1178  
been requested is effective unless a majority of the votes cast on 1179  
the issue is in favor of the regulation or amendment. Upon 1180  
certification by the board of elections that a majority of the 1181  
votes cast on the issue was in favor of the regulation or 1182  
amendment, the regulation or amendment takes immediate effect. 1183

(D) The board shall make available regulations it adopts or 1184  
amends to the public at the office of the board and shall cause to 1185  
be published a notice of the availability of the regulations in at 1186  
least one newspaper of general circulation in the township within 1187  
ten days after their adoption or amendment. 1188

**Sec. 504.06.** (A) Peace officers serving the township pursuant 1189  
to section 504.16 of the Revised Code may issue citations to 1190  
persons who violate township resolutions adopted pursuant to this 1191  
chapter. Each ~~such~~ citation shall contain provisions that: 1192

(1) Advise the person upon whom it is served that the person 1193

must answer in relation to the violation charged in the citation 1194  
within fourteen days after the citation is served upon ~~him~~ the 1195  
person; 1196

(2) Indicate the allowable answers that may be made and that 1197  
the person will be afforded a court hearing if ~~he~~ the person 1198  
denies in ~~his~~ the person's answer ~~that he~~ having committed the 1199  
violation; 1200

(3) Specify that the answer must be made in person or by mail 1201  
to the township ~~clerk~~ fiscal officer; 1202

(4) Indicate the amount of the fine that arises from the 1203  
violation. 1204

(B) A peace officer who issues a citation for a violation of 1205  
a township resolution shall complete the citation by identifying 1206  
the violation charged and by indicating the date, time, and place 1207  
of the violation charged. The officer shall sign the citation, 1208  
affirm the facts that it contains, and without unnecessary delay 1209  
file the original citation with the court having jurisdiction over 1210  
the violation. A copy of a citation issued pursuant to this 1211  
section shall be served pursuant to the Rules of Civil Procedure 1212  
upon the person who violated the resolution. No peace officer is 1213  
entitled to receive witness fees in a cause prosecuted under a 1214  
township resolution adopted pursuant to this chapter. 1215

**Sec. 504.07.** (A)(1) A person who is served with a citation 1216  
pursuant to division (B) of section 504.06 of the Revised Code 1217  
shall answer the charge by personal appearance before, or by mail 1218  
addressed to, the township ~~clerk~~ fiscal officer, who shall 1219  
immediately notify the township law director. An answer shall be 1220  
made within fourteen days after the citation is served upon the 1221  
person and shall be in one of the following forms: 1222

(a) An admission that the person committed the violation, by 1223



payment of any fine arising from the violation. Payment of a fine 1224  
pursuant to division (A)(1)(a) of this section shall be payable to 1225  
the ~~clerk~~ fiscal officer of the township and deposited by the 1226  
~~clerk~~ fiscal officer into the township general fund. 1227

(b) A denial that the person committed the violation. 1228

(2) Whenever a person pays a fine pursuant to division 1229  
(A)(1)(a) of this section or whenever a person answers by denying 1230  
the violation or does not submit payment of the fine within the 1231  
time required by division (A)(1) of this section, the township 1232  
~~clerk~~ fiscal officer shall notify the court having jurisdiction 1233  
over the violation. 1234

(B) If a person answers by denying the violation or does not 1235  
submit payment of the fine within the time required by division 1236  
(A)(1) of this section, the court having jurisdiction over the 1237  
violation shall, upon receiving the notification required by 1238  
division (A)(2) of this section, schedule a hearing on the 1239  
violation and send notice of the date and time of the hearing to 1240  
the person charged with the violation and to the township law 1241  
director. If the person charged with the violation fails to appear 1242  
for the scheduled hearing, the court may hold ~~him~~ the person in 1243  
contempt, or issue a summons or a warrant for ~~his~~ the person's 1244  
arrest pursuant to Criminal Rule 4. If the court issues a summons 1245  
and the person charged with the violation fails to appear, the 1246  
court may enter a default judgment against the person and require 1247  
~~him~~ the person to pay the fine arising from the violation. 1248

(C) The court shall hold the scheduled hearing in accordance 1249  
with the Rules of Civil Procedure and the rules of the court, and 1250  
shall determine whether the township has established, by a 1251  
preponderance of the evidence, that the person committed the 1252  
violation. If the court determines that the person committed the 1253  
violation, it shall enter a judgment against the person requiring 1254

~~him~~ the person to pay the fine arising from the violation. 1255

If the court determines that the township has not 1256  
established, by a preponderance of the evidence, that the person 1257  
committed the violation, the court shall enter judgment against 1258  
the township whose resolution allegedly was violated, shall 1259  
dismiss the charge of the violation against the person, and shall 1260  
assess costs against the township. 1261

(D) Payment of any judgment or default judgment entered 1262  
against a person pursuant to this section shall be made to the 1263  
clerk of the court that entered the judgment, within ten days 1264  
after the date of entry. All money paid in satisfaction of a 1265  
judgment or default judgment shall be disbursed by the clerk as 1266  
required by law, and the clerk shall enter the fact of payment of 1267  
the money and its disbursement in the records of the court. If 1268  
payment of a judgment or default judgment is not made within this 1269  
time period, execution may be levied, and such other measures may 1270  
be taken for its collection as are authorized for the collection 1271  
of an unpaid money judgment in a civil action rendered in that 1272  
court. The municipal or county court shall assess costs against 1273  
the judgment debtor, to be paid upon satisfaction of the judgment. 1274

(E) Any person against whom a judgment or default judgment is 1275  
entered pursuant to this section and any township against which a 1276  
judgment is entered pursuant to this section may appeal the 1277  
judgment or default judgment to the court of appeals within whose 1278  
territorial jurisdiction the resolution allegedly was violated. An 1279  
appeal shall be made by filing a notice of appeal with the trial 1280  
court and with the court of appeals within thirty days after the 1281  
entry of judgment by the trial court and by the payment of ~~such~~ 1282  
reasonable costs as the court requires. Upon the filing of an 1283  
appeal, the court shall schedule a hearing date and notify the 1284  
parties of the date, time, and place of the hearing. The hearing 1285  
shall be held by the court in accordance with the rules of the 1286

court. Service of a notice of appeal under this division does not 1287  
stay enforcement and collection of the judgment or default 1288  
judgment from which appeal is taken by the person unless the 1289  
person who files the appeal posts bond with the trial court, in 1290  
the amount of the judgment, plus court costs, at or before service 1291  
of the notice of appeal. 1292

Notwithstanding any other provision of law, the judgment on 1293  
appeal of the court of appeals is final. 1294

**Sec. 504.11.** (A) The vote on the question of passage of a 1295  
resolution provided for in section 504.10 of the Revised Code or a 1296  
motion related to that resolution shall be taken by yeas and nays 1297  
and entered on the journal, and the resolution or motion shall not 1298  
be passed without concurrence of a majority of all members of the 1299  
board of township trustees, except that each emergency resolution 1300  
under that section shall require the affirmative vote of all of 1301  
the members of the board for its enactment. If an emergency 1302  
resolution fails to receive the required vote for passage as an 1303  
emergency measure but receives the necessary majority for passage 1304  
as a nonemergency resolution, it shall be considered passed as a 1305  
nonemergency resolution. Except as otherwise provided in division 1306  
(B) of this section, a resolution shall become effective thirty 1307  
days after it is filed with the township ~~clerk~~ fiscal officer. 1308  
Each emergency resolution shall determine that the resolution is 1309  
necessary for the immediate preservation of the public peace, 1310  
health, safety, or welfare and shall contain a statement of the 1311  
necessity for the emergency. Each resolution shall be 1312  
authenticated by the signature of the township ~~clerk~~ fiscal 1313  
officer, but the failure or refusal of the ~~clerk~~ fiscal officer to 1314  
sign a resolution shall not invalidate an otherwise properly 1315  
enacted resolution. 1316

(B) Each resolution appropriating money, submitting a 1317

question to the electorate, determining to proceed with an  
election, or providing for the approval of a revision,  
codification, recodification, or rearrangement of resolutions, or  
publication of resolutions in book form, and any emergency  
resolution, shall take effect, unless a later time is specified in  
the resolution, ten days after it is filed with the township ~~clerk~~  
fiscal officer.

(C) Each resolution shall be recorded in a book, or other  
record prescribed by the board, established and maintained for  
that purpose. The township ~~clerk~~ fiscal officer or a duly  
authorized deputy to the ~~clerk~~ fiscal officer shall, upon the  
request of any person and upon the payment of a fee established by  
the board, certify true copies of any resolution, and these  
certified copies shall be admissible as evidence in any court.

(D) The procedures provided in this section apply only to  
resolutions adopted pursuant to a township's limited home rule  
powers as authorized by this chapter.

**Sec. 504.12.** No resolution and no section or numbered or  
lettered division of a section shall be revised or amended unless  
the new resolution contains the entire resolution, section, or  
division as revised or amended, and the resolution, section, or  
division so amended shall be repealed. This requirement does not  
prevent the amendment of a resolution by the addition of a new  
section, or division, and in this case the full text of the former  
resolution need not be set forth, nor does this section prevent  
repeals by implication. Except in the case of a codification or  
recodification of resolutions, a separate vote shall be taken on  
each resolution proposed to be amended. Resolutions that have been  
introduced and have received their first reading or their first  
and second readings, but have not been voted on for passage, may  
be amended or revised by a majority vote of the members of the

board of township trustees, and the amended or revised resolution 1349  
need not receive additional readings. 1350

The board of township trustees of a limited home rule 1351  
township may revise, codify, and publish in book form the 1352  
resolutions of the township in the same manner as provided in 1353  
section 731.23 of the Revised Code for municipal corporations. 1354  
Resolutions adopted by the board shall be published in the same 1355  
manner as provided by sections 731.21, 731.22, 731.24, 731.25, and 1356  
731.26 of the Revised Code for municipal corporations, except that 1357  
they shall be published in newspapers circulating within the 1358  
township. The ~~clerk~~ fiscal officer of the township shall perform 1359  
the duties that the clerk of the legislative authority of a 1360  
municipal corporation is required to perform under those sections. 1361

The procedures provided in this section apply only to 1362  
resolutions adopted pursuant to a township's limited home rule 1363  
powers as authorized by this chapter. 1364

**Sec. 504.14.** In a township that adopts a limited home rule 1365  
government, resolutions may be proposed by initiative petition by 1366  
the electors in the unincorporated area of the township and 1367  
adopted by election by these electors, and resolutions adopted by 1368  
the board of township trustees may be submitted to these electors 1369  
for their approval or rejection by referendum, under the same 1370  
circumstances and in the same manner as provided by sections 1371  
731.28 to 731.40 of the Revised Code for municipal corporations, 1372  
except that both of the following apply: 1373

(A) Initiative and referendum petitions shall be filed with 1374  
the township ~~clerk~~ fiscal officer, who shall perform the duties 1375  
imposed under those sections upon the city auditor or village 1376  
clerk. 1377

(B) Initiative and referendum petitions shall contain the 1378  
signatures of not less than ten per cent of the total number of 1379

electors in the unincorporated area of the township who voted for 1380  
the office of governor at the most recent general election for 1381  
that office in that area of the township. 1382

**Sec. 504.19.** (A) The board of township trustees may prepare 1383  
and adopt a general plan of water supply or sewer services. After 1384  
the general plan has been approved by the board, the board 1385  
immediately shall notify the board of county commissioners if 1386  
territory served by a county water supply facility or a county 1387  
sewer district includes territory to be covered by the plan, the 1388  
legislative authority of a municipal corporation that operates a 1389  
water supply or sewer system in any of the territory to be covered 1390  
by the plan, and the board of trustees of any existing regional 1391  
water and sewer district that includes any territory to be covered 1392  
by the plan, of the township's intention to provide water supply 1393  
or sewer services and shall describe the area where the township 1394  
proposes to provide water supply or sewer services. The notified 1395  
board of county commissioners, legislative authority of a 1396  
municipal corporation, and board of trustees of the regional water 1397  
and sewer district then have thirty days from the date of 1398  
~~notiflection~~ notification to comment and object in writing to the 1399  
township's provision of water supply or sewer services. An 1400  
objection may be based on one or more of the following: 1401

(1) The county, municipal corporation, or special district 1402  
already provides the proposed water supply or sewer services to 1403  
the area to be served. 1404

(2) The county, municipal corporation, or special district 1405  
has in its service plan provisions to provide the proposed water 1406  
supply or sewer services in the future to the proposed area within 1407  
a reasonable period of time. 1408

Within fifteen days after receiving objections, the board of 1409  
township trustees may request in writing submitted to the 1410

objecting party that the issue of the township's provision of the  
proposed water supply or sewer services be mediated. The mediation  
shall be performed either by the Ohio commission on dispute  
resolution and conflict management or by having each party select  
a mediator and having those two mediators select a third mediator  
who, together with the other two mediators, shall conduct the  
mediation.

Within forty-five days after the request for mediation is  
submitted, any mediation shall be completed, and any agreements  
reached between the parties shall be filed in writing with the  
parties. Thereafter, the respective governing boards may adopt the  
agreements, making those agreements binding on the parties, or, if  
one or more of the agreed-upon points is rejected, that rejection  
shall be considered a final decision of a governing board for  
purposes of Chapter 2506. of the Revised Code, and the board of  
township trustees may file an appeal under that chapter regarding  
its provision of the proposed water supply or sewer services. In  
addition to any findings of the court provided in section 2506.04  
of the Revised Code, the court may determine that the county,  
municipal corporation, or special district has not met the  
criteria specified in divisions (A)(1) and (2) of this section  
and, therefore, the township may provide its proposed water supply  
or sewer services or, in the alternative, may determine that the  
township could provide the proposed water supply or sewer services  
more expediently than the county, municipal corporation, or  
special district with no substantial increase in cost to the users  
of the water supply or sewer services and, therefore, order that  
the township may provide its proposed water supply or sewer  
services.

(B) Once the board has approved a general plan of water  
supply or sewer services under division (A) of this section, the  
board shall hire an engineer to prepare detailed plans,

specifications, and estimates of the cost of the improvements, 1443  
together with a tentative assessment of the cost based on the 1444  
estimates. The tentative assessment shall be for the information 1445  
of property owners and shall not be certified to the county 1446  
auditor for collection. The detailed plans, specifications, 1447  
estimates of cost, and tentative assessment, as prepared by the 1448  
engineer and approved by the board, shall be preserved in the 1449  
office of the board and shall be open to inspection of all persons 1450  
interested in the improvements. 1451

(C) Once it has been determined under division (A) of this 1452  
section that a township may provide its proposed water supply or 1453  
sewer services, the board may condemn for the use of the township 1454  
any public or private land, easement, rights, rights-of-way, 1455  
franchises, or other property within or outside the township 1456  
required by it for the accomplishment of its purposes according to 1457  
the procedure set forth in sections 163.01 to 163.22 of the 1458  
Revised Code. The engineer hired by the board may enter upon any 1459  
public or private property for the purpose of making surveys and 1460  
examinations necessary for the design or examination of water 1461  
supply or sewer facilities. No person shall forbid or interfere 1462  
with the engineer or the engineer's authorized assistants entering 1463  
upon property for these purposes. If actual damage is done to 1464  
property by the making of a survey and examination, the board 1465  
shall pay the reasonable value of the damage to the owner of the 1466  
property damaged, and the cost shall be included in the assessment 1467  
upon the property benefited by the improvement. 1468

(D) As soon as all questions of compensation and damages have 1469  
been determined for any water supply facilities or sewer services 1470  
improvement project, the board shall cause to be made an estimated 1471  
assessment, upon the lots and lands to be assessed, of such part 1472  
of the compensation, damages, and costs of the improvement as is 1473  
to be specially assessed according to the method specified by 1474



resolution of the board. The schedule of the assessments shall be  
filed with the township ~~clerk~~ fiscal officer for the inspection of  
interested persons. Before adopting the estimated assessment, the  
board shall cause written notice to be sent to the owners of all  
lots and lands to be assessed that the assessment has been made  
and is on file with the township ~~clerk~~ fiscal officer, and the  
date when objections to the assessment will be heard. Objections  
shall be filed in writing with the board before the date of the  
hearing. If any objections are filed, the board shall hear them  
and act as an equalizing board, and may change the assessments if,  
in its opinion, any change is necessary to make the assessments  
just and equitable. The board shall adopt a resolution approving  
and confirming the assessments as reported to or modified by the  
board.

(E) The resolution levying the assessments shall apportion  
the cost among the benefited lots and lands in the manner provided  
by the board by resolution. The board shall certify the amounts to  
be levied upon each lot or parcel of land to the county auditor,  
who shall enter the amounts on the tax duplicate, to be collected  
as other taxes. The principal shall be payable in not more than  
forty semiannual installments, as determined by the board. Any  
assessment in the amount of twenty-five dollars or less, or of  
which the unpaid balance is twenty-five dollars or less, shall be  
paid in full and not in installments, at the time the first or  
next installment otherwise would become due and payable.  
Assessments are a lien upon the respective lots or parcels of land  
assessed from the date of adoption of the resolution under  
division (D) of this section. If bonds are issued to pay the  
compensation, damages, and the costs of an improvement, the  
principal amount of the assessment shall be payable in such number  
of semiannual installments and in such amounts as the board  
determines to be necessary to provide a fund for the payment of

the principal of and interest on the bonds and shall bear interest 1507  
from the date of the issuance of the bonds and at the same rate as 1508  
the bonds. 1509

(F) Any owner of property to be assessed for any water supply 1510  
facilities or sewer services improvement project, or other person 1511  
aggrieved by the action of the board in regard to any water supply 1512  
facilities or sewer services improvement project, may appeal to 1513  
the court of common pleas, in the manner prescribed by Chapter 1514  
2506. of the Revised Code. 1515

(G) When collected, the assessments shall be paid by the 1516  
county auditor by warrant of the county treasurer into a special 1517  
fund in the township treasury created for the purpose of 1518  
constructing, improving, maintaining, and operating water supply 1519  
facilities or sewer improvements. The board may expend moneys from 1520  
the fund only for the purposes for which the assessments were 1521  
levied. 1522

**Sec. 504.20.** (A) For the purpose of supplying water and 1523  
providing sewer services to users within the unincorporated area 1524  
of the township under a plan adopted pursuant to section 504.19 of 1525  
the Revised Code, the board of township trustees by resolution may 1526  
acquire, construct, maintain, improve, repair, operate, and pay 1527  
all or any part of the costs of water supply facilities or sewer 1528  
improvements. If the best interests of the township and the users 1529  
of the water supply facilities or sewer services so require, the 1530  
board may sell or otherwise dispose of a water supply facility or 1531  
sewer improvement. 1532

(B) To cover the costs of acquiring, constructing, 1533  
maintaining, improving, repairing, or operating a water supply 1534  
facility or sewer improvement, the board may issue general 1535  
obligation bonds of the township in accordance with Chapter 133. 1536  
of the Revised Code, for which the full faith and credit of the 1537

township shall be pledged.	1538
(C) For the purpose of paying costs of constructing or	1539
otherwise improving a water supply facility or sewer improvement	1540
and paying debt service charges on voted or unvoted securities of	1541
the township issued for those purposes, and for paying costs of	1542
operating, repairing, and maintaining a water supply facility or	1543
sewer improvement, the board may charge, alter, and collect rents	1544
and other charges for the use of services of a water supply	1545
facility or sewer improvement, which rents and charges if not paid	1546
when due may be certified by the township <del>clerk</del> <u>fiscal officer</u> to	1547
the county auditor, who shall place the same on the tax duplicate	1548
to be collected as other taxes. Those rents and charges are a lien	1549
on the property served from and after the date of entry by the	1550
county auditor on the tax duplicate.	1551
(D) The costs of constructing or otherwise improving a water	1552
supply facility or sewer improvement may include any of the	1553
following:	1554
(1) The purchase price of real estate or any interest in real	1555
estate;	1556
(2) The cost of preliminary and other surveys;	1557
(3) The cost of preparing plans, specifications, profiles,	1558
and estimates;	1559
(4) The cost of printing, serving, and publishing notices and	1560
any required legislation;	1561
(5) The cost of all special proceedings;	1562
(6) The cost of labor and material, whether furnished by	1563
contract or otherwise;	1564
(7) Interest on bonds or notes issued in anticipation of the	1565
levy or collection of special assessments;	1566
(8) The total amount of damages resulting from the project	1567

that are assessed in favor of any owners of lands affected by the 1568  
project and any interest on those damages; 1569

(9) The cost incurred in connection with the preparation, 1570  
levy, and collection of the special assessments, including legal 1571  
expenses incurred by reason of the project; 1572

(10) All contract construction costs; 1573

(11) Incidental costs connected with the project. 1574

(E) The board may adopt, amend, rescind, publish, administer, 1575  
and enforce rules for the construction, maintenance, operation, 1576  
protection, and use of water supply facilities and sewer services, 1577  
that are considered necessary and advisable. The rules shall not 1578  
be inconsistent with the laws of the state or the rules of the 1579  
environmental protection agency. The board may enforce the rules 1580  
by mandamus, injunction, or other legal remedy. 1581

**Sec. 505.03.** Whenever ~~he~~ the judge deems it necessary, and on 1582  
application of at least twelve freeholders of the township, the 1583  
judge of the county or municipal court ~~or municipal judge~~ having 1584  
jurisdiction in the township who approves the bond may require 1585  
additional security or the execution of a new bond. If a trustee 1586  
fails, for ten days, to give additional security or execute a new 1587  
bond after service of ~~such~~ the notice in writing, the office shall 1588  
be declared vacant and filled as required by section 503.24 of the 1589  
Revised Code. ~~Such~~ The original bond or new bond shall be 1590  
deposited with the township ~~clerk~~ fiscal officer and recorded by 1591  
~~him~~ the fiscal officer. 1592

**Sec. 505.04.** The board of township trustees shall make an 1593  
inventory on the second Monday of January, each year, of all the 1594  
materials, machinery, tools, and other township supplies in its 1595  
possession. ~~Such~~ The inventory shall be a public record and shall 1596  
be made in duplicate, one copy of which shall be filed with the 1597

~~clerk~~ fiscal officer of the board and one copy with the county 1598  
engineer. 1599

**Sec. 505.07.** Notwithstanding any contrary provision in 1600  
another section of the Revised Code, section 519.12 of the Revised 1601  
Code, or any vote of the electors on a petition for zoning 1602  
referendum, a township may settle any court action by a consent 1603  
decree or court approved settlement agreement which may include an 1604  
agreement to rezone any property involved in the action as 1605  
provided in the decree or court approved settlement agreement 1606  
without following the procedures in section 519.12 of the Revised 1607  
Code and also may include township approval of a development plan 1608  
for any property involved in the action as provided in the decree 1609  
or court approved settlement agreement, provided that the court 1610  
makes specific findings of fact that notice has been properly made 1611  
pursuant to this section, the plaintiff in the action has 1612  
presented credible prima\_facie evidence in the form of an expert 1613  
report from a planner, property economist, or real estate 1614  
appraiser supporting the plaintiff's claim that the current zoning 1615  
is invalid or unconstitutional, and the consent decree or court 1616  
approved settlement agreement is fair and reasonable. 1617

If the subject of the consent decree or court approved 1618  
settlement agreement involves a zoning issue subject to referendum 1619  
under section 519.12 of the Revised Code, the board of township 1620  
trustees shall publish notice of their intent to meet and consider 1621  
and take action on the decree or court approved settlement 1622  
agreement and the date and time of the meeting in a newspaper of 1623  
general circulation in the township at least fifteen days before 1624  
the meeting. The board shall permit members of the public to 1625  
express their objections to the consent decree or court approved 1626  
settlement agreement at the meeting. Copies of the proposed 1627  
consent decree or court approved settlement agreement shall be 1628  
available to the public at the township ~~clerk's~~ fiscal officer's 1629

office during normal business hours. 1630

At least ten days prior to the submission of a proposed 1631  
consent decree to the court for its review and consideration, the 1632  
plaintiff in the action involving the consent decree shall publish 1633  
a notice which shall include the caption of the case, case number, 1634  
and court in which the consent decree will be filed, the intention 1635  
of the parties ~~therein~~ to file a consent decree in that case, and, 1636  
if applicable, a description of the real property involved and the 1637  
proposed change in zoning or permitted use, in a newspaper of 1638  
general circulation in the township ~~where that real property is~~ 1639  
~~located~~. 1640

An elector in the township involving ~~the~~ property in 1641  
litigation who circulated ~~the~~ a petition for zoning referendum 1642  
relating to the current zoning of the property has the right to 1643  
intervene in a case in which ~~the~~ a consent decree or court 1644  
approved settlement agreement is pending solely for the purpose of 1645  
challenging the sufficiency of the evidence submitted pursuant to 1646  
this section and the adequacy of the notice given pursuant to this 1647  
section. Any other members of the electorate may intervene only if 1648  
permitted by the court pursuant to division (B) of Civil Rule 24 1649  
and solely for the purpose of challenging the sufficiency of the 1650  
evidence submitted pursuant to this section and the adequacy of 1651  
the notice given pursuant to this section. 1652

**Sec. 505.108.** Except as otherwise provided in this section 1653  
and unless the property involved is required to be disposed of 1654  
pursuant to another section of the Revised Code, property that is 1655  
unclaimed for ninety days or more shall be sold by the chief of 1656  
police or other head of the organized police department of the 1657  
township, township police district, joint township police 1658  
district, or office of a township constable at public auction, 1659  
after notice of the sale has been provided by publication once a 1660

week for three successive weeks in a newspaper of general 1661  
circulation in the county, or counties, if appropriate, in the 1662  
case of a joint township police district. The proceeds of the sale 1663  
shall be paid to the ~~clerk~~ fiscal officer of the township and 1664  
credited to the township general fund, except that, in the case of 1665  
a joint township police district, the proceeds of a sale shall be 1666  
paid to the ~~clerk~~ fiscal officer of the most populous 1667  
participating township and credited to the appropriate township 1668  
general fund or funds according to agreement of the participating 1669  
townships. 1670

If authorized to do so by a resolution adopted by the board 1671  
of township trustees or, in the case of a joint township police 1672  
district, each participating board of township trustees, and if 1673  
the property involved is not required to be disposed of pursuant 1674  
to another section of the Revised Code, the head of the 1675  
department, district, or office may contribute property that is 1676  
unclaimed for ninety days or more to one or more public agencies, 1677  
to one or more nonprofit organizations no part of the net income 1678  
of which inures to the benefit of any private shareholder or 1679  
individual and no substantial part of the activities of which 1680  
consists of carrying on propaganda or otherwise attempting to 1681  
influence legislation, or to one or more organizations satisfying 1682  
section 501(c)(3) or (c)(19) of the Internal Revenue Code of 1986. 1683

**Sec. 505.11.** (A) Whenever the provisions of division (B) of 1684  
this section do not apply, and when, in its opinion, the township 1685  
would be benefited, the board of township trustees may lease 1686  
township real property to any person upon terms agreed upon by the 1687  
board and the lessee. Any consideration received from ~~such a~~ the 1688  
lease shall be payable, as prescribed in the lease, to the 1689  
township ~~clerk~~ fiscal officer, who shall give a receipt for the 1690  
amount received and deposit it in the township general fund. 1691

(B) When, in its opinion, the township would be benefited, 1692  
the board of township trustees may execute and deliver contracts 1693  
or leases to mine iron ore, stone, coal, petroleum, gas, salt, and 1694  
other minerals upon lands owned by the township, to any person 1695  
complying with the terms prescribed by the board as to 1696  
consideration, rights of way, and occupancy of ground for 1697  
necessary purposes. All other matters of contract shall be such as 1698  
the board considers most advantageous to the township. ~~Such~~ The 1699  
contracts or leases shall be forfeited to the township for 1700  
noncompliance with any of the terms set forth in the contracts or 1701  
leases, and shall not operate as a conveyance of the fee to any 1702  
part of the realty. No contract or lease for the drilling or 1703  
operation of a petroleum or gas well shall be valid for a longer 1704  
term than forty years from the date of the contract or lease, and 1705  
no contract or lease for the mining of iron ore, stone, coal, 1706  
salt, or other minerals shall be valid for a longer term than 1707  
fifteen years from that date. The consideration for the contracts 1708  
and leases shall be ~~such~~ rental or royalty as is prescribed by the 1709  
board, and shall be payable, as prescribed in the contract or 1710  
lease, at least once a year to the township ~~clerk~~ fiscal officer, 1711  
who shall give a receipt for ~~such~~ the amount and deposit it in the 1712  
township general fund. 1713

**Sec. 505.17.** (A) Except in a township or portion ~~thereof~~ of a 1714  
township that is within the limits of a municipal corporation, the 1715  
board of township trustees may make ~~such~~ regulations and orders as 1716  
are necessary to control passenger car, motorcycle, and internal 1717  
combustion engine noise, as permitted under section 4513.221 of 1718  
the Revised Code, and all vehicle parking in the township. This 1719  
authorization includes, among other powers, the power to regulate 1720  
parking on established roadways proximate to buildings on private 1721  
property as necessary to provide access to the property by public 1722  
safety vehicles and equipment, if the property is used for 1723



commercial purposes, the public is permitted to use ~~such~~ the 1724  
parking area, and accommodation for more than ten motor vehicles 1725  
is provided, and the power to authorize the issuance of orders 1726  
limiting or prohibiting parking on any township street or highway 1727  
during a snow emergency declared pursuant to a snow-emergency 1728  
authorization adopted under this division. All such regulations 1729  
and orders shall be subject to the limitations, restrictions, and 1730  
exceptions in sections 4511.01 to 4511.76 and 4513.02 to 4513.37 1731  
of the Revised Code. 1732

A board of township trustees may adopt a general 1733  
snow-emergency authorization, which becomes effective under 1734  
division (B)(1) of this section, allowing the president of the 1735  
board or some other person specified in the authorization to issue 1736  
an order declaring a snow emergency and limiting or prohibiting 1737  
parking on any township street or highway during the snow 1738  
emergency. Any such order becomes effective under division (B)(2) 1739  
of this section. Each general snow-emergency authorization adopted 1740  
under this division shall specify the weather conditions under 1741  
which a snow emergency may be declared in that township. 1742

(B)(1) All regulations and orders, including any 1743  
snow-emergency authorization established by the board under this 1744  
section, except for an order declaring a snow emergency as 1745  
provided in division (B)(2) of this section, shall be posted by 1746  
the township ~~clerk~~ fiscal officer in five conspicuous public 1747  
places in the township for thirty days before becoming effective, 1748  
and shall be published in a newspaper of general circulation in 1749  
the township for three consecutive weeks. In addition to these 1750  
requirements, no general snow-emergency authorization shall become 1751  
effective until permanent signs giving notice that parking is 1752  
limited or prohibited during a snow emergency are properly posted, 1753  
in accordance with any applicable standards adopted by the 1754  
department of transportation, along streets or highways specified 1755

in the authorization. 1756

(2) Pursuant to the adoption of a snow-emergency 1757  
authorization under this section, an order declaring a snow 1758  
emergency becomes effective two hours after the president of the 1759  
board or the other person specified in the general snow-emergency 1760  
authorization makes an announcement of a snow emergency to the 1761  
local news media. The president or other specified person shall 1762  
request the local news media to announce that a snow emergency has 1763  
been declared, the time the declaration will go into effect, and 1764  
whether the snow emergency will remain in effect for a specified 1765  
period of time or indefinitely until canceled by a subsequent 1766  
announcement to the local news media by the president or other 1767  
specified person. 1768

(C) Such regulations and orders may be enforced where traffic 1769  
control devices conforming to section 4511.09 of the Revised Code 1770  
are prominently displayed. Parking regulations authorized by this 1771  
section do not apply to any state highway unless the parking 1772  
regulations are approved by the director of transportation. 1773

(D) A board of township trustees or its designated agent may 1774  
order into storage any vehicle parked in violation of a township 1775  
parking regulation or order, if the violation is not one that is 1776  
required to be handled pursuant to Chapter 4521. of the Revised 1777  
Code. The owner or any lienholder of a vehicle ordered into 1778  
storage may claim the vehicle upon presentation of proof of 1779  
ownership, which may be evidenced by a certificate of title to the 1780  
vehicle, and payment of all expenses, charges, and fines incurred 1781  
as a result of the parking violation and removal and storage of 1782  
the vehicle. 1783

(E) Whoever violates any regulation or order adopted pursuant 1784  
to this section is guilty of a minor misdemeanor, unless the 1785  
township has enacted a regulation pursuant to division (A) of 1786  
section 4521.02 of the Revised Code, that specifies that the 1787

violation shall not be considered a criminal offense and shall be 1788  
handled pursuant to Chapter 4521. of the Revised Code. Fines 1789  
levied and collected under this section shall be paid into the 1790  
township general revenue fund. 1791

**Sec. 505.24.** Each township trustee is entitled to 1792  
compensation as follows: 1793

(A) Except as otherwise provided in division (B) of this 1794  
section, an amount for each day of service in the business of the 1795  
township, to be paid from the township treasury as follows: 1796

(1) In townships having a budget of fifty thousand dollars or 1797  
less, twenty dollars per day for not more than two hundred days; 1798

(2) In townships having a budget of more than fifty thousand 1799  
but not more than one hundred thousand dollars, twenty-four 1800  
dollars per day for not more than two hundred days; 1801

(3) In townships having a budget of more than one hundred 1802  
thousand but not more than two hundred fifty thousand dollars, 1803  
twenty-eight dollars and fifty cents per day for not more than two 1804  
hundred days; 1805

(4) In townships having a budget of more than two hundred 1806  
fifty thousand but not more than five hundred thousand dollars, 1807  
thirty-three dollars per day for not more than two hundred days; 1808

(5) In townships having a budget of more than five hundred 1809  
thousand but not more than seven hundred fifty thousand dollars, 1810  
thirty-five dollars per day for not more than two hundred days; 1811

(6) In townships having a budget of more than seven hundred 1812  
fifty thousand but not more than one million five hundred thousand 1813  
dollars, forty dollars per day for not more than two hundred days; 1814

(7) In townships having a budget of more than one million 1815  
five hundred thousand but not more than three million five hundred 1816

thousand dollars, forty-four dollars per day for not more than two hundred days;	1817 1818
(8) In townships having a budget of more than three million five hundred thousand dollars but not more than six million dollars, forty-eight dollars per day for not more than two hundred days;	1819 1820 1821 1822
(9) In townships having a budget of more than six million dollars, fifty-two dollars per day for not more than two hundred days.	1823 1824 1825
(B) Beginning in calendar year 1999, the amounts paid as specified in division (A) of this section shall be replaced by the following amounts:	1826 1827 1828
(1) In calendar year 1999, the amounts specified in division (A) of this section increased by three per cent;	1829 1830
(2) In calendar year 2000, the amounts determined under division (B)(1) of this section increased by three per cent;	1831 1832
(3) In calendar year 2001, the amounts determined under division (B)(2) of this section increased by three per cent;	1833 1834
(4) In calendar year 2002, except in townships having a budget of more than six million dollars, the amounts determined under division (B)(3) of this section increased by three per cent; in townships having a budget of more than six million but not more than ten million dollars, seventy dollars per day for not more than two hundred days; and in townships having a budget of more than ten million dollars, ninety dollars per day for not more than two hundred days;	1835 1836 1837 1838 1839 1840 1841 1842
(5) In calendar years 2003 through 2008, the amounts determined under division (B) of this section for the immediately preceding calendar year increased by the lesser of the following:	1843 1844 1845
(a) Three per cent;	1846

(b) The percentage increase, if any, in the consumer price index over the twelve-month period that ends on the thirtieth day of September of the immediately preceding calendar year, rounded to the nearest one-tenth of one per cent;

(6) In calendar year 2009 and thereafter, the amount determined under division (B) of this section for calendar year 2008.

As used in division (B) of this section, "consumer price index" has the same meaning as in section 325.18 of the Revised Code.

(C) Whenever members of a board of township trustees are compensated per diem and not by annual salary, the board shall establish, by resolution, a method by which each member of the board shall periodically notify the township ~~clerk~~ fiscal officer of the number of days spent in the service of the township and the kinds of services rendered on those days. The per diem compensation shall be paid from the township general fund or from other township funds in such proportions as the kinds of services performed may require. The notice shall be filed with the township ~~clerk~~ fiscal officer and preserved for inspection by any persons interested.

By unanimous vote, a board of township trustees may adopt a method of compensation consisting of an annual salary to be paid in equal monthly payments. If the office of trustee is held by more than one person during any calendar year, each person holding the office shall receive payments for only those months, and any fractions of those months, during which the person holds the office. The amount of the annual salary approved by the board shall be no more than the maximum amount that could be received annually by a trustee if the trustee were paid on a per diem basis as specified in this division, and shall be paid from the township

general fund or from other township funds in such proportions as  
the board may specify by resolution. A board of township trustees  
that has adopted a salary method of compensation may return to a  
method of compensation on a per diem basis as specified in this  
division by a majority vote. Any change in the method of  
compensation shall be effective on the first day of January of the  
year following the year during which the board has voted to change  
the method of compensation.

**Sec. 505.262.** (A) Notwithstanding division (D) of section  
505.37 of the Revised Code or any other statute of this state, the  
board of township trustees of any township, by unanimous vote, may  
adopt a resolution allowing the township to contract for the  
purchase of equipment, buildings, and sites, or for the  
construction of buildings, for any lawful township purpose. The  
board may issue, by resolution adopted by unanimous vote,  
securities of the township to finance purchases and construction  
made pursuant to this division. The securities shall be signed by  
the board and attested by the signature of the township ~~clerk~~  
fiscal officer, and the maximum maturity of those securities is  
subject to the limitations in section 133.20 of the Revised Code.  
The securities shall bear interest not to exceed the rate  
determined as provided in section 9.95 of the Revised Code and  
shall not be subject to Chapter 133. of the Revised Code. The  
resolution authorizing the issuance of the securities shall  
provide for levying and collecting annually by taxation, amounts  
sufficient to pay the interest on and principal of the securities.  
The securities may contain a clause permitting prepayment at the  
option of the board. Securities shall be offered for sale on the  
open market or given to the vendor or contractor if no sale is  
made.

(B) No purchase or construction pursuant to division (A) of 1908

this section shall be undertaken unless the county auditor  
certifies that, if the purchase or construction is undertaken, the  
debt service charge for the purchase or construction in the first  
year, together with the debt service charge for that same year for  
any other purchase or construction already undertaken pursuant to  
division (A) of this section, does not exceed one-tenth of the  
township's total revenue from all sources. If the county auditor  
so certifies, in every year of the debt after the first year, the  
county budget commission shall include a debt charge in the  
township's annual tax budget submitted pursuant to sections  
5705.01 to 5705.47 of the Revised Code sufficient to meet the  
annual debt incurred pursuant to division (A) of this section, if  
~~such~~ the debt charge is omitted from the budget.

**Sec. 505.31.** (A) Except as otherwise provided in division (B)  
of this section, the township ~~clerk~~ fiscal officer shall collect  
the service charges for waste disposal service and administer them  
under rules established by the board of township trustees. All of  
those service charges shall be kept in a separate fund designated  
as the waste collection fund and shall be appropriated and  
administered by the board. The fund shall be used for payment of  
the costs of the management, maintenance, and operation of the  
garbage and refuse collection and disposal system in the township  
or several waste disposal districts. The board also may use the  
fund for payment of the costs incurred by the township in relation  
to the collection and disposal of tree leaves.

Service charges for waste disposal service collected from one  
district cannot be used for any other district. If a district is  
abandoned or discontinued, any balance remaining in the fund for  
that district shall be paid into the general fund of the township.

(B) When a board of township trustees contracts with an

independent contractor for the collection, transfer, and disposal 1940  
of solid wastes under section 505.27 of the Revised Code, the 1941  
contract may provide for the independent contractor to collect and 1942  
keep the service charges for the waste disposal services the 1943  
contractor provides. 1944

**Sec. 505.32.** For the services arising in each fiscal year 1945  
under sections 505.27 to 505.33, ~~inclusive,~~ of the Revised Code, 1946  
the township ~~clerk~~ fiscal officer shall be allowed ~~such the~~ 1947  
compensation ~~as is~~ fixed by the board of township trustees. ~~Such~~ 1948  
The compensation shall be paid semiannually, and shall be charged 1949  
back, and prorated against each waste disposal district as part of 1950  
its operating costs. Any increase required by the board in the 1951  
bond of the ~~clerk~~ fiscal officer, and the costs of any necessary 1952  
supplies, shall be prorated and charged back to each district. 1953

**Sec. 505.33.** Annually, before the first day of October, the 1954  
township ~~clerk~~ fiscal officer shall certify to the county auditor 1955  
the names of the property owners and a description of their lands 1956  
~~which that~~ are delinquent as to waste disposal service charges, 1957  
~~whereupon such.~~ The auditor then shall place the charges on the 1958  
tax duplicate for the ensuing December installment of taxes, for 1959  
collection. 1960

**Sec. 505.35.** All funds arising from the sale of bonds for the 1961  
construction or repair of viaducts, or for the purchase or 1962  
condemnation of land for ~~such that~~ purpose, shall be paid into the 1963  
township treasury, and shall be paid out and expended upon the 1964  
vouchers of the board of township trustees, or of the officers in 1965  
the township having charge of the repair of public roads or 1966  
streets. 1967

Contracts for ~~such the~~ improvements shall be made in the same 1968  
manner as other contracts. Vouchers to pay ~~such for the~~ contracts, 1969



or for any portion of the cost of the improvements, shall be drawn 1970  
by ~~such~~ the board or officers upon the township ~~clerk~~ fiscal 1971  
officer, who shall keep an accurate account of moneys so expended, 1972  
~~and the~~. The funds created by the sale of bonds for viaduct 1973  
purposes shall be known as the "viaduct fund." 1974

**Sec. 505.37.** (A) The board of township trustees may establish 1975  
all necessary rules to guard against the occurrence of fires and 1976  
to protect the property and lives of the citizens against damage 1977  
and accidents, and may, with the approval of the specifications by 1978  
the prosecuting attorney or, if the township has adopted limited 1979  
home rule government under Chapter 504. of the Revised Code, with 1980  
the approval of the specifications by the township's law director, 1981  
purchase, lease, lease with an option to purchase, or otherwise 1982  
provide any fire apparatus, mechanical resuscitators, or other 1983  
equipment, appliances, materials, fire hydrants, and water supply 1984  
for fire-fighting purposes that seems advisable to the board. The 1985  
board shall provide for the care and maintenance of fire 1986  
equipment, and, for these purposes, may purchase, lease, lease 1987  
with an option to purchase, or construct and maintain necessary 1988  
buildings, and it may establish and maintain lines of fire-alarm 1989  
communications within the limits of the township. The board may 1990  
employ one or more persons to maintain and operate fire-fighting 1991  
equipment, or it may enter into an agreement with a volunteer fire 1992  
company for the use and operation of fire-fighting equipment. The 1993  
board may compensate the members of a volunteer fire company on 1994  
any basis and in any amount that it considers equitable. 1995

(B) The boards of township trustees of any two or more 1997  
townships, or the legislative authorities of any two or more 1998  
political subdivisions, or any combination ~~thereof~~ of these, may, 1999  
through joint action, unite in the joint purchase, lease, lease 2000  
with an option to purchase, maintenance, use, and operation of 2001

fire-fighting equipment, or for any other purpose designated in 2002  
sections 505.37 to 505.42 of the Revised Code, and may prorate the 2003  
expense of the joint action on any terms that are mutually agreed 2004  
upon. 2005

(C) The board of township trustees of any township may, by 2006  
resolution, whenever it is expedient and necessary to guard 2007  
against the occurrence of fires or to protect the property and 2008  
lives of the citizens against damages resulting from their 2009  
occurrence, create a fire district of any portions of the township 2010  
that it considers necessary. The board may purchase, lease, lease 2011  
with an option to purchase, or otherwise provide any fire 2012  
apparatus, appliances, materials, fire hydrants, and water supply 2013  
for fire-fighting purposes, or may contract for the fire 2014  
protection for the fire district as provided in section 9.60 of 2015  
the Revised Code. The fire district so created shall be given a 2016  
separate name by which it shall be known. 2017

Additional unincorporated territory of the township may be 2018  
added to a fire district upon the board's adoption of a resolution 2019  
authorizing the addition. A municipal corporation that is within 2020  
or adjoining the township may be added to a fire district upon the 2021  
board's adoption of a resolution authorizing the addition and the 2022  
municipal legislative authority's adoption of a resolution or 2023  
ordinance requesting the addition of the municipal corporation to 2024  
the fire district. 2025

If the township fire district imposes a tax, additional 2026  
unincorporated territory of the township or a municipal 2027  
corporation that is within or adjoining the township shall become 2028  
part of the fire district only after all of the following have 2029  
occurred: 2030

(1) Adoption by the board of township trustees of a 2031  
resolution approving the expansion of the territorial limits of 2032  
the district and, if the resolution proposes to add a municipal 2033

corporation, adoption by the municipal legislative authority of a 2034  
resolution or ordinance requesting the addition of the municipal 2035  
corporation to the district; 2036

(2) Adoption by the board of township trustees of a 2037  
resolution recommending the extension of the tax to the additional 2038  
territory; 2039

(3) Approval of the tax by the electors of the territory 2040  
proposed for addition to the district. 2041

Each resolution of the board adopted under division (C)(2) of 2042  
this section shall state the name of the fire district, a 2043  
description of the territory to be added, and the rate and 2044  
termination date of the tax, which shall be the rate and 2045  
termination date of the tax currently in effect in the fire 2046  
district. 2047

The board of trustees shall certify each resolution adopted 2048  
under division (C)(2) of this section to the board of elections in 2049  
accordance with section 5705.19 of the Revised Code. The election 2050  
required under division (C)(3) of this section shall be held, 2051  
canvassed, and certified in the manner provided for the submission 2052  
of tax levies under section 5705.25 of the Revised Code, except 2053  
that the question appearing on the ballot shall read: 2054

"Shall the territory within ..... 2055  
(description of the proposed territory to be added) be added to 2056  
..... (name) fire district, and a property tax 2057  
at a rate of taxation not exceeding ..... (here insert tax rate) 2058  
be in effect for ..... (here insert the number of years the 2059  
tax is to be in effect or "a continuing period of time," as 2060  
applicable)?" 2061

If the question is approved by at least a majority of the 2062  
electors voting on it, the joinder shall be effective as of the 2063  
first day of July of the year following approval, and on that 2064

date, the township fire district tax shall be extended to the  
taxable property within the territory that has been added. If the  
territory that has been added is a municipal corporation and if it  
had adopted a tax levy for fire purposes, the levy is terminated  
on the effective date of the joinder.

Any municipal corporation may withdraw from a township fire  
district created under division (C) of this section by the  
adoption by the municipal legislative authority of a resolution or  
ordinance ordering withdrawal. On the first day of July of the  
year following the adoption of the resolution or ordinance of  
withdrawal, the municipal corporation withdrawing ceases to be a  
part of the district, and the power of the fire district to levy a  
tax upon taxable property in the withdrawing municipal corporation  
terminates, except that the fire district shall continue to levy  
and collect taxes for the payment of indebtedness within the  
territory of the fire district as it was composed at the time the  
indebtedness was incurred.

Upon the withdrawal of any municipal corporation from a  
township fire district created under division (C) of this section,  
the county auditor shall ascertain, apportion, and order a  
division of the funds on hand, moneys and taxes in the process of  
collection except for taxes levied for the payment of  
indebtedness, credits, and real and personal property, either in  
money or in kind, on the basis of the valuation of the respective  
tax duplicates of the withdrawing municipal corporation and the  
remaining territory of the fire district.

A board of township trustees may remove unincorporated  
territory of the township from the fire district upon the adoption  
of a resolution authorizing the removal. On the first day of July  
of the year following the adoption of the resolution, the  
unincorporated township territory described in the resolution  
ceases to be a part of the district, and the power of the fire

district to levy a tax upon taxable property in that territory 2097  
terminates, except that the fire district shall continue to levy 2098  
and collect taxes for the payment of indebtedness within the 2099  
territory of the fire district as it was composed at the time the 2100  
indebtedness was incurred. 2101

(D) The board of township trustees of any township, the board 2102  
of fire district trustees of a fire district created under section 2103  
505.371 of the Revised Code, or the legislative authority of any 2104  
municipal corporation may purchase, lease, or lease with an option 2105  
to purchase the necessary fire-fighting equipment, buildings, and 2106  
sites for the township, fire district, or municipal corporation 2107  
and issue securities for that purpose with maximum maturities as 2108  
provided in section 133.20 of the Revised Code. The board of 2109  
township trustees, board of fire district trustees, or legislative 2110  
authority may also construct any buildings necessary to house 2111  
fire-fighting equipment and issue securities for that purpose with 2112  
maximum maturities as provided in section 133.20 of the Revised 2113  
Code. 2114

The board of township trustees, board of fire district 2115  
trustees, or legislative authority may issue the securities of the 2116  
township, fire district, or municipal corporation, signed by the 2117  
board or designated officer of the municipal corporation and 2118  
attested by the signature of the township fiscal officer, fire 2119  
district clerk, or municipal clerk, covering any deferred payments 2120  
and payable at the times provided, which securities shall bear 2121  
interest not to exceed the rate determined as provided in section 2122  
9.95 of the Revised Code, and shall not be subject to Chapter 133. 2123  
of the Revised Code. The legislation authorizing the issuance of 2124  
the securities shall provide for levying and collecting annually 2125  
by taxation, amounts sufficient to pay the interest on and 2126  
principal of the securities. The securities shall be offered for 2127  
sale on the open market or given to the vendor or contractor if no 2128

sale is made. 2129

Section 505.40 of the Revised Code does not apply to any 2130  
securities issued, or any lease with an option to purchase entered 2131  
into, in accordance with this division. 2132

(E) A board of township trustees of any township or a board 2133  
of fire district trustees of a fire district created under section 2134  
505.371 of the Revised Code may purchase a policy or policies of 2135  
liability insurance for the officers, employees, and appointees of 2136  
the fire department, fire district, or joint fire district 2137  
governed by the board that includes personal injury liability 2138  
coverage as to the civil liability of those officers, employees, 2139  
and appointees for false arrest, detention, or imprisonment, 2140  
malicious prosecution, libel, slander, defamation or other 2141  
violation of the right of privacy, wrongful entry or eviction, or 2142  
other invasion of the right of private occupancy, arising out of 2143  
the performance of their duties. 2144

When a board of township trustees cannot, by deed of gift or 2145  
by purchase and upon terms it considers reasonable, procure land 2146  
for a township fire station that is needed in order to respond in 2147  
reasonable time to a fire or medical emergency, the board may 2148  
appropriate land for that purpose under sections 163.01 to 163.22 2149  
of the Revised Code. If it is necessary to acquire additional 2150  
adjacent land for enlarging or improving the fire station, the 2151  
board may purchase, appropriate, or accept a deed of gift for the 2152  
land for these purposes. 2153

(F) As used in this division, "emergency medical service 2154  
organization" has the same meaning as in section 4766.01 of the 2155  
Revised Code. 2156

A board of township trustees, by adoption of an appropriate 2157  
resolution, may choose to have the Ohio medical transportation 2158  
board license any emergency medical service organization it 2159

operates. If the board adopts such a resolution, Chapter 4766. of 2160  
the Revised Code, except for sections 4766.06 and 4766.99 of the 2161  
Revised Code, applies to the organization. All rules adopted under 2162  
the applicable sections of that chapter also apply to the 2163  
organization. A board of township trustees, by adoption of an 2164  
appropriate resolution, may remove its emergency medical service 2165  
organization from the jurisdiction of the Ohio medical 2166  
transportation board. 2167

**Sec. 505.373.** The ~~township~~ board of township trustees may, by 2168  
resolution, adopt by incorporation by reference a standard code 2169  
pertaining to fire, fire hazards, and fire prevention prepared and 2170  
promulgated by the state or any department, board, or other agency 2171  
of the state, or any such code prepared and promulgated by a 2172  
public or private organization that publishes a model or standard 2173  
code. 2174

After the adoption of ~~such a~~ the code by the board, a notice 2175  
clearly identifying the code, stating the purpose of the code, and 2176  
stating that a complete copy of the code is on file with the 2177  
township ~~clerk~~ fiscal officer for inspection by the public and 2178  
also on file in the law library of the county in which the 2179  
township is located and that the ~~clerk~~ fiscal officer has copies 2180  
available for distribution to the public at cost, shall be posted 2181  
by the ~~township clerk~~ fiscal officer in five conspicuous places in 2182  
the township for thirty days before becoming effective. The notice 2183  
required by this section shall also be published in a newspaper of 2184  
general circulation in the township once a week for three 2185  
consecutive weeks. If the adopting township amends or deletes any 2186  
provision of the code, the notice shall contain a brief summary of 2187  
the deletion or amendment. 2188

If the agency that originally promulgated or published the 2189  
code thereafter amends the code, any township that has adopted the 2190

code pursuant to this section may adopt the amendment or change by 2191  
incorporation by reference in the same manner as provided for 2192  
adoption of the original code. 2193

**Sec. 505.47.** The board of township trustees may pay the cost 2194  
of the construction, rebuilding, or repair of footbridges 2195  
authorized by section 505.46 of the Revised Code out of any funds, 2196  
unappropriated for any other purpose, in the township treasury. 2197  
~~Should~~ If there be no funds in the township treasury available for 2198  
~~such~~ these purposes, ~~then such~~ the board may levy a tax for the 2199  
purpose of procuring the necessary funds for the construction, 2200  
rebuilding, or repair of ~~such~~ the footbridges, ~~which.~~ The tax 2201  
shall be levied upon all of the taxable property in the township, 2202  
and shall be certified, levied, and collected in the manner 2203  
prescribed for other township taxes. The money so raised shall be 2204  
paid over to the township ~~clerk~~ fiscal officer, and ~~by him paid~~ 2205  
the fiscal officer shall pay it out on the order of the board, 2206  
certified by ~~such clerk~~ the fiscal officer. ~~Such~~ 2207

The tax shall not be levied until it has been approved by a 2208  
majority of the qualified voters of the township, voting at any 2209  
election at which the question shall be submitted. The 2210

~~Said~~ election shall be called at a regular meeting of the 2211  
board and shall be held within thirty days from the date of the 2212  
resolution of the board calling ~~the same~~ for it. Twenty days' 2213  
notice of ~~said~~ the election shall be given by the posting of 2214  
notices, by the ~~clerk,~~ fiscal officer in ten public places of the 2215  
township. Provisions for holding the election shall be made by the 2216  
board of elections, upon receiving notice from the ~~clerk~~ fiscal 2217  
officer of the date and purpose of ~~said~~ the election. 2218

**Sec. 505.511.** (A) A board of township trustees that operates 2219  
a township police department or the board of township trustees of 2220



a township police district may, after police constables, the 2221  
township police, a law enforcement agency with which the township 2222  
contracts for police services, and the county sheriff or the 2223  
sheriff's deputy have answered a combined total of three false 2224  
alarms from the same commercial or residential security alarm 2225  
system within the township in the same calendar year, cause the 2226  
township ~~clerk~~ fiscal officer to mail the manager of the 2227  
commercial establishment or the occupant, lessee, agent, or tenant 2228  
of the residence a bill for each subsequent false alarm from the 2229  
same alarm system during that year, to defray the costs incurred. 2230  
The bill's amount shall be as follows: 2231

(1) For the fourth false alarm of that year .....\$50.00; 2232

(2) For the fifth false alarm of that year .....\$100.00; 2233

(3) For all false alarms in that year occurring after the 2234  
fifth false alarm .....\$150.00. 2235

If payment of the bill is not received within thirty days, 2236  
the township ~~clerk~~ fiscal officer shall send a notice by certified 2237  
mail to the manager and to the owner, if different, of the real 2238  
estate of which the commercial establishment is a part, or to the 2239  
occupant, lessee, agent, or tenant and to the owner, if different, 2240  
of the real estate of which the residence is a part, indicating 2241  
that failure to pay the bill within thirty days, or to show just 2242  
cause why the bill should not be paid, will result in the 2243  
assessment of a lien upon the real estate in the amount of the 2244  
bill. If payment is not received within those thirty days or if 2245  
just cause is not shown, the amount of the bill shall be entered 2246  
upon the tax duplicate, shall be a lien upon the real estate from 2247  
the date of the entry, and shall be collected as other taxes and 2248  
returned to the township treasury to be earmarked for use for 2249  
police services. 2250

The board of township trustees shall not cause the township 2251

~~clerk~~ fiscal officer to send a bill pursuant to this division if a 2252  
bill has already been sent pursuant to division (B) of this 2253  
section for the same false alarm. 2254

(B) The county sheriff may, after the county sheriff or the 2255  
sheriff's deputy, police constables, the township police, and a 2256  
law enforcement agency with which the township contracts for 2257  
police services have answered a combined total of three false 2258  
alarms from the same commercial or residential security alarm 2259  
system within the unincorporated area of the county in the same 2260  
calendar year, mail the manager of the commercial establishment or 2261  
the occupant, lessee, agent, or tenant of the residence a bill for 2262  
each subsequent false alarm from the same alarm system during that 2263  
year, to defray the costs incurred. The bill's amount shall be as 2264  
follows: 2265

(1) For the fourth false alarm of that year .....\$50.00; 2266

(2) For the fifth false alarm of that year .....\$100.00; 2267

(3) For all false alarms in that year occurring after the 2268  
fifth false alarm .....\$150.00. 2269

If payment of the bill is not received within thirty days, 2270  
the sheriff shall send a notice by certified mail to the manager 2271  
and to the owner, if different, of the real estate of which the 2272  
commercial establishment is a part, or to the occupant, lessee, 2273  
agent, or tenant and to the owner, if different, of the real 2274  
estate of which the residence is a part, indicating that failure 2275  
to pay the bill within thirty days, or to show just cause why the 2276  
bill should not be paid, will result in the assessment of a lien 2277  
upon the real estate in the amount of the bill. If payment is not 2278  
received within those thirty days or if just cause is not shown, 2279  
the amount of the bill shall be entered upon the tax duplicate, 2280  
shall be a lien upon the real estate from the date of the entry, 2281  
and shall be collected as other taxes and returned to the county 2282

treasury. 2283

The sheriff shall not send a bill pursuant to this division 2284  
if a bill has already been sent pursuant to division (A) of this 2285  
section for the same false alarm. 2286

(C) As used in this section, "commercial establishment" has 2287  
the same meaning as in section 505.391 of the Revised Code. 2288

**Sec. 505.73.** The board of township trustees may, by 2289  
resolution, adopt by incorporation by reference, administer, and 2290  
enforce within the unincorporated area of the township an existing 2291  
structures code pertaining to the repair and continued maintenance 2292  
of structures and the premises of ~~such~~ structures. For ~~such~~ this 2293  
purpose, the board shall adopt any model or standard code prepared 2294  
and promulgated by the state, any department, board, or other 2295  
agency of the state, or any public or private organization that 2296  
publishes a recognized model or standard code on the subject. The 2297  
board shall ensure that the code adopted is fully compatible with 2298  
the local residential building code and with the rules of the 2299  
board of building standards adopted pursuant to section 3781.10 of 2300  
the Revised Code. 2301

The board shall assign the duties of administering and 2302  
enforcing the code to a township officer or employee who is 2303  
trained and qualified for ~~such~~ those duties and shall establish by 2304  
resolution the minimum qualifications necessary for performance of 2305  
~~such~~ those duties. 2306

After the board adopts a code, the township ~~clerk~~ fiscal 2307  
officer shall post a notice ~~which~~ that shall clearly identify the 2308  
code, state the purpose of the code, state that a complete copy of 2309  
the code is on file for inspection by the public with the ~~township~~ 2310  
~~clerk~~ fiscal officer and in the law library of the county in which 2311  
the township is located, and state that the ~~clerk~~ fiscal officer 2312

has copies available for distribution to the public at cost. The 2313  
~~township clerk~~ fiscal officer shall post the notice in five 2314  
conspicuous places in the township for thirty days before the code 2315  
becomes effective. The ~~clerk~~ fiscal officer shall also publish the 2316  
notice in a newspaper of general circulation in the township for 2317  
three consecutive weeks. If the adopting township amends or 2318  
deletes any provision of the code, the notice shall contain a 2319  
brief summary of the deletion or amendment. 2320

If the agency that originally promulgated or published the 2321  
code thereafter amends the code, any township that has adopted the 2322  
code pursuant to this section may adopt the amendment or change by 2323  
incorporation by reference in the same manner as provided for 2324  
adoption of the original code. 2325

**Sec. 505.86.** (A) As used in this section, "total cost" means 2326  
any costs incurred due to the use of employees, materials, or 2327  
equipment of the township, any costs arising out of contracts for 2328  
labor, materials, or equipment, and costs of service of notice or 2329  
publication required under this section. 2330

(B) A board of township trustees may provide for the removal, 2331  
repair, or securance of buildings or other structures in the 2332  
township that have been declared insecure, unsafe, or structurally 2333  
defective by any fire department under contract with the township 2334  
or by the county building department or other authority 2335  
responsible under Chapter 3781. of the Revised Code for the 2336  
enforcement of building regulations or the performance of building 2337  
inspections in the township, or buildings or other structures that 2338  
have been declared unfit for human habitation by the board of 2339  
health of the general health district of which the township is a 2340  
part. 2341

At least thirty days prior to the removal, repair, or 2342  
securance of any insecure, unsafe, or structurally defective 2343

building, the board of township trustees shall give notice by 2344  
certified mail of its intention with respect to ~~such~~ the removal, 2345  
repair, or securance to the holders of legal or equitable liens of 2346  
record upon the real property on which ~~such~~ the building is 2347  
located and to owners of record of ~~such~~ the property. If the 2348  
owner's address is unknown and cannot reasonably be obtained, it 2349  
is sufficient to publish the notice once in a newspaper of general 2350  
circulation in the township. The owners of record of ~~such~~ the 2351  
property or the holders of liens of record upon ~~such~~ the property 2352  
may enter into an agreement with the board to perform the removal, 2353  
repair, or securance of the insecure, unsafe, or structurally 2354  
defective building. If an emergency exists, as determined by the 2355  
board, notice may be given other than by certified mail and less 2356  
than thirty days prior to ~~such~~ the removal, repair, or securance. 2357

(C) A board may collect the total cost of removing, 2358  
repairing, or securing buildings or other structures that have 2359  
been declared insecure, unsafe, structurally defective, or unfit 2360  
for human habitation, or of making emergency corrections of 2361  
hazardous conditions, by either of the following methods: 2362

(1) The board may have the ~~clerk~~ fiscal officer of the 2363  
township certify the total costs, together with a proper 2364  
description of the lands to the county auditor who shall place the 2365  
costs upon the tax duplicate. The costs are a lien upon ~~such~~ the 2366  
lands from and after the date of entry. The costs shall be 2367  
collected as other taxes and returned to the township general 2368  
fund. 2369

(2) The board may commence a civil action to recover the 2370  
total costs from the owner. 2371

(D) Any board may, whenever a policy or policies of insurance 2372  
are in force providing coverage against the peril of fire on a 2373  
building or structure and the loss agreed to between the named 2374

insured or insureds and the company or companies is more than five  
thousand dollars and equals or exceeds sixty per cent of the  
aggregate limits of liability on all fire policies covering the  
building or structure on the property, accept security payments  
and follow the procedures of divisions (C) and (D) of section  
3929.86 of the Revised Code.

**Sec. 507.01.** A township ~~clerk~~ fiscal officer shall be elected  
at the general election in ~~1951~~ 2007, and quadrennially thereafter  
in each township, and ~~he~~ the fiscal officer shall hold ~~his~~ office  
for a term of four years commencing on the first day of April next  
after ~~his~~ election.

**Sec. 507.02.** When a township ~~clerk~~ fiscal officer is unable  
to carry out the duties of ~~his~~ office because of illness, because  
~~he has entered~~ of entering the military service of the United  
States, or because ~~he~~ the fiscal officer is otherwise  
incapacitated or disqualified, the board of township trustees  
shall appoint a deputy ~~clerk~~ fiscal officer, who shall have full  
power to discharge the duties of ~~such~~ the office. ~~Such~~ The deputy  
~~clerk~~ fiscal officer shall serve during the period of time the  
~~clerk~~ fiscal officer is absent or incapacitated, or until a  
successor ~~clerk~~ fiscal officer is elected and qualified. Before  
entering on the discharge of ~~his~~ official duties, the deputy ~~clerk~~  
fiscal officer shall give bond, for the faithful discharge of ~~his~~  
official duties, as required under section 507.03 of the Revised  
Code. The board shall, by resolution, adjust and determine the  
compensation of the ~~clerk~~ fiscal officer and deputy ~~clerk~~ fiscal  
officer. The total compensation of both the ~~clerk~~ fiscal officer  
and any deputy ~~clerk~~ fiscal officer shall not exceed the sums  
fixed by section 507.09 of the Revised Code in any one year.

**Sec. 507.021.** (A) The township ~~clerk~~ fiscal officer may hire

and appoint one or more persons as the ~~clerk~~ fiscal officer finds 2405  
necessary to provide assistance to the township ~~clerk~~ fiscal 2406  
officer or deputy ~~clerk~~ fiscal officer. The township ~~clerk~~ fiscal 2407  
officer may set the compensation of those persons subject to the 2408  
prior approval of the board of township trustees. Those persons 2409  
shall serve at the pleasure of the township ~~clerk~~ fiscal officer 2410  
or, in the absence of the ~~clerk~~ township fiscal officer, the 2411  
deputy ~~clerk~~ fiscal officer. The township ~~clerk~~ fiscal officer may 2412  
delegate to an assistant any of the duties the ~~clerk~~ fiscal 2413  
officer is otherwise required to perform. The appointment of 2414  
assistants under this section does not relieve the township ~~clerk~~ 2415  
fiscal officer of responsibility to discharge the duties of the 2416  
office but shall serve to provide assistance to the ~~clerk~~ fiscal 2417  
officer in performing those duties. 2418

(B) The compensation of an assistant appointed under this 2419  
section shall be included in the estimate of contemplated 2420  
expenditures for the township ~~clerk's~~ fiscal officer's office that 2421  
is submitted to the board of township trustees for approval as 2422  
provided in section 5705.28 of the Revised Code. 2423

(C) Before serving, an assistant to the township ~~clerk~~ fiscal 2424  
officer shall give bond for the faithful discharge of the duties 2425  
of the office as may be delegated by the ~~clerk~~ fiscal officer. The 2426  
bond shall be payable to the board of township trustees and shall 2427  
be for the same sum as required under section 507.03 of the 2428  
Revised Code for the township ~~clerk~~ fiscal officer, with sureties 2429  
approved by the board, and conditioned for the faithful 2430  
performance of duties delegated by the ~~clerk~~ fiscal officer. The 2431  
bond shall be recorded by the township ~~clerk~~ fiscal officer, filed 2432  
with the county treasurer, and carefully preserved. 2433

**Sec. 507.03.** The township ~~clerk~~ fiscal officer, before 2434  
entering upon the discharge of official duties, shall give a bond, 2435

payable to the board of township trustees, with sureties approved 2436  
by the board, in the sum determined by the board but not less than 2437  
the sum provided in this section, and conditioned for the faithful 2438  
performance of the duties of the office of township ~~clerk~~ fiscal 2439  
officer. This bond shall be recorded by the ~~clerk~~ township fiscal 2440  
officer, filed with the county treasurer, and carefully preserved. 2441

The minimum sum of the township ~~clerk's~~ fiscal officer's bond 2442  
shall be as follows: 2443

(A) In a township with a budget of fifty thousand dollars or 2444  
less, ten thousand dollars; 2445

(B) In a township with a budget of more than fifty thousand 2446  
dollars but not more than one hundred thousand dollars, 2447  
thirty-five thousand dollars; 2448

(C) In a township with a budget of more than one hundred 2449  
thousand dollars but not more than two hundred fifty thousand 2450  
dollars, sixty thousand dollars; 2451

(D) In a township with a budget of more than two hundred 2452  
fifty thousand dollars but not more than five hundred thousand 2453  
dollars, eighty-five thousand dollars; 2454

(E) In a township with a budget of more than five hundred 2455  
thousand dollars but not more than seven hundred fifty thousand 2456  
dollars, one hundred ten thousand dollars; 2457

(F) In a township with a budget of more than seven hundred 2458  
fifty thousand dollars but not more than one million five hundred 2459  
thousand dollars, one hundred thirty-five thousand dollars; 2460

(G) In a township with a budget of more than one million five 2461  
hundred thousand dollars but not more than three million five 2462  
hundred thousand dollars, one hundred sixty thousand dollars; 2463

(H) In a township with a budget of more than three million 2464  
five hundred thousand dollars but not more than six million 2465



dollars, one hundred ninety-five thousand dollars; 2466

(I) In a township with a budget of more than six million 2467  
dollars but not more than ten million dollars, two hundred twenty 2468  
thousand dollars; 2469

(J) In a township with a budget of more than ten million 2470  
dollars, two hundred fifty thousand dollars. 2471

**Sec. 507.04.** (A) The township ~~clerk~~ fiscal officer shall keep 2472  
an accurate record of the proceedings of the board of township 2473  
trustees at all of its meetings, and of all its accounts and 2474  
transactions, including the acceptance of the bonds of township 2475  
officers. The ~~clerk~~ township fiscal officer shall personally 2476  
attend at least one meeting of the board during each quarter of 2477  
every year, unless prevented by the occurrence of an emergency 2478  
from attending. 2479

(B) In any township where the ~~clerk~~ township fiscal officer 2480  
does not keep the township's records in a public facility, the 2481  
board of township trustees, once each quarter of each year, may 2482  
request the ~~clerk~~ fiscal officer to provide the board with copies 2483  
of township records for its review. If the board makes such a 2484  
request, it shall tell the ~~clerk~~ township fiscal officer which 2485  
records it wants copies of by indicating the dates or types of the 2486  
records it is requesting. A request made under this section does 2487  
not diminish any trustee's right to inspect township records under 2488  
division (B) of section 149.43 of the Revised Code. 2489

**Sec. 507.05.** The township ~~clerk~~ fiscal officer shall, in 2490  
addition to the books for the record of the proceedings of the 2491  
board of township trustees, be provided by the township with a 2492  
book for the record of township roads, a book for the record of 2493  
marks and brands, and a book for the record of official oaths and 2494  
bonds of township officers. 2495

**Sec. 507.051.** The ~~clerk~~ fiscal officer of a township shall 2496  
notify the board of elections of all vacancies caused by death, 2497  
resignation, or otherwise in the elective offices of the township. 2498  
~~Such~~ The notification shall be made in writing and filed, not 2499  
later than ten days after ~~the~~ a vacancy occurs, with the board of 2500  
elections of the county in which the township is located. 2501

The ~~clerk~~ fiscal officer of a township shall notify the board 2502  
of elections of all changes in boundaries of that township. ~~Such~~ 2503  
The notification shall be made in writing ~~and~~, contain a plat 2504  
clearly showing all boundary changes, and ~~shall be~~ filed, not 2505  
later than ten days after the change of boundaries becomes 2506  
effective, with the board of ~~election~~ elections of the county in 2507  
which the township is located. 2508

**Sec. 507.06.** The township ~~clerk~~ fiscal officer may administer 2509  
oaths, and take and certify affidavits ~~which,~~ that pertain to the 2510  
business of ~~his~~ the township or of the board of education of ~~his~~ 2511  
the fiscal officer's local school district, or are connected with 2512  
the official business of either the township or the local school 2513  
district, including the official oaths of township and school 2514  
officers, and oaths required in the execution, verification, and 2515  
renewal of ~~chattel mortgages~~ security interests. 2516

**Sec. 507.07.** Immediately after the township officers have 2517  
made their annual settlement of accounts, the township ~~clerk~~ 2518  
fiscal officer shall make and enter in the record of the 2519  
proceedings of the board of township trustees, a detailed 2520  
statement of the receipts and expenditures of the township for the 2521  
preceding year, the amount of money received and expended for such 2522  
purposes in each ~~such~~ district in the township, and the receipts 2523  
and expenditures of the board of education of the local school 2524  
district. ~~Such clerk~~ The fiscal officer shall state from what 2525

source the moneys were received, to whom they were paid, for what 2526  
they were expended, and, in detail, all liabilities. On the 2527  
morning of the first Tuesday after the first Monday in November, 2528  
each year, the ~~clerk~~ fiscal officer shall post a copy of ~~such the~~ 2529  
statement at each place of holding township elections. 2530

**Sec. 507.08.** Official bonds of constables, as soon as 2531  
approved by the board of township trustees, and before being 2532  
filed, shall be recorded by the township ~~clerk~~ fiscal officer in 2533  
the book kept for that purpose. 2534

A copy of such a recorded bond, certified by the ~~clerk~~ fiscal 2535  
officer, shall be admitted in any court in this state, as 2536  
evidence, the same as the original bond. 2537

For recording such a bond, the ~~clerk~~ fiscal officer shall 2538  
receive the sum of fifty cents from the party giving the bond, and 2539  
for each copy ~~he~~ of such a bond, the fiscal officer shall receive 2540  
the same fee from the party demanding ~~such the~~ copy. 2541

**Sec. 507.09.** (A) Except as otherwise provided in division (D) 2542  
of this section, the township ~~clerk~~ fiscal officer shall be 2543  
entitled to compensation as follows: 2544

(1) In townships having a budget of fifty thousand dollars or 2545  
less, three thousand five hundred dollars; 2546

(2) In townships having a budget of more than fifty thousand 2547  
but not more than one hundred thousand dollars, five thousand five 2548  
hundred dollars; 2549

(3) In townships having a budget of more than one hundred 2550  
thousand but not more than two hundred fifty thousand dollars, 2551  
seven thousand seven hundred dollars; 2552

(4) In townships having a budget of more than two hundred 2553  
fifty thousand but not more than five hundred thousand dollars, 2554

nine thousand nine hundred dollars; 2555

(5) In townships having a budget of more than five hundred 2556  
thousand but not more than seven hundred fifty thousand dollars, 2557  
eleven thousand dollars; 2558

(6) In townships having a budget of more than seven hundred 2559  
fifty thousand but not more than one million five hundred thousand 2560  
dollars, thirteen thousand two hundred dollars; 2561

(7) In townships having a budget of more than one million 2562  
five hundred thousand but not more than three million five hundred 2563  
thousand dollars, fifteen thousand four hundred dollars; 2564

(8) In townships having a budget of more than three million 2565  
five hundred thousand dollars but not more than six million 2566  
dollars, sixteen thousand five hundred dollars; 2567

(9) In townships having a budget of more than six million 2568  
dollars, seventeen thousand six hundred dollars. 2569

(B) Any township ~~clerk~~ fiscal officer may elect to receive 2570  
less than the compensation the ~~clerk~~ fiscal officer is entitled to 2571  
under division (A) of this section. Any ~~clerk~~ township fiscal 2572  
officer electing to do this shall so notify the board of township 2573  
trustees in writing, and the board shall include this notice in 2574  
the minutes of its next board meeting. 2575

(C) The compensation of the township ~~clerk~~ fiscal officer 2576  
shall be paid in equal monthly payments. If the office of ~~clerk~~ 2577  
township fiscal officer is held by more than one person during any 2578  
calendar year, each person holding the office shall receive 2579  
payments for only those months, and any fractions of those months, 2580  
during which the person holds the office. 2581

(D) Beginning in calendar year 1999, the township ~~clerk~~ 2582  
fiscal officer shall be entitled to compensation as follows: 2583

(1) In calendar year 1999, the compensation specified in 2584

division (A) of this section increased by three per cent;	2585
(2) In calendar year 2000, the compensation determined under division (D)(1) of this section increased by three per cent;	2586
(3) In calendar year 2001, the compensation determined under division (D)(2) of this section increased by three per cent;	2588
(4) In calendar year 2002, except in townships having a budget of more than six million dollars, the compensation determined under division (D)(3) of this section increased by three per cent; in townships having a budget of more than six million but not more than ten million dollars, nineteen thousand eight hundred ten dollars; and in townships having a budget of more than ten million dollars, twenty thousand nine hundred dollars;	2590
(5) In calendar year 2003, the compensation determined under division (D)(4) of this section increased by three per cent or the percentage increase in the consumer price index as described in division (D)(7)(b) of this section, whichever percentage is lower;	2591
(6) In calendar year 2004, except in townships having a budget of more than six million dollars, the compensation determined under division (D)(5) of this section for the calendar year 2003 increased by three per cent or the percentage increase in the consumer price index as described in division (D)(7)(b) of this section, whichever percentage is lower; in townships having a budget of more than six million but not more than ten million dollars, twenty-two thousand eighty-seven dollars; and in townships having a budget of more than ten million dollars, twenty-five thousand five hundred fifty-three dollars;	2592
(7) In calendar years 2005 through 2008, the compensation determined under division (D) of this section for the immediately preceding calendar year increased by the lesser of the following:	2593
	2594
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(a) Three per cent; 2615

(b) The percentage increase, if any, in the consumer price 2616  
index over the twelve-month period that ends on the thirtieth day 2617  
of September of the immediately preceding calendar year, rounded 2618  
to the nearest one-tenth of one per cent; 2619

(8) In calendar year 2009 and thereafter, the amount 2620  
determined under division (D) of this section for calendar year 2621  
2008. 2622

As used in this division, "consumer price index" has the same 2623  
meaning as in section 325.18 of the Revised Code. 2624

**Sec. 507.11.** (A) The board of township trustees may 2625  
authorize, by resolution, township officers and employees to incur 2626  
obligations of two thousand five hundred dollars or less on behalf 2627  
of the township, or it may authorize, by resolution, the township 2628  
administrator to so authorize township officers and employees. The 2629  
obligations incurred on behalf of the township by a township 2630  
officer or employee acting pursuant to any such resolution shall 2631  
be subsequently approved by the adoption of a formal resolution of 2632  
the board of township trustees. 2633

(B) No money belonging to the township shall be paid out, 2634  
except upon an order signed by at least two of the township 2635  
trustees, and countersigned by the township ~~clerk~~ fiscal officer. 2636

**Sec. 509.02.** Each constable, before entering upon the 2637  
discharge of ~~his~~ official duties, shall give bond to the state in 2638  
a sum of not less than five hundred nor more than two thousand 2639  
dollars, conditioned for the faithful and diligent discharge of 2640  
~~his~~ official duties, and with sureties resident of the township. 2641  
The amount of ~~such~~ the bond and its sureties shall be approved by 2642  
the board of township trustees. ~~Such~~ The bond shall be deposited 2643  
with the township ~~clerk~~ fiscal officer. 2644



for any other purpose. ~~Should~~ If there ~~be~~ are no available funds 2675  
in the treasury or an insufficient amount to pay for the desired 2676  
park management and improvements in any year, the board may levy a 2677  
tax in order to pay for ~~such~~ the park management and improvements. 2678  
The tax shall be levied upon all of the taxable property in the 2679  
township and shall be certified, levied, and collected in the 2680  
manner prescribed for the certification, levy, and collection of 2681  
other township taxes. The money so raised shall be paid over to 2682  
the township ~~clerk~~ fiscal officer, and the fiscal officer shall ~~be~~ 2683  
~~paid~~ pay the money out ~~by him~~ on the order of the board. If a sum 2684  
greater than two thousand dollars is to be expended by the board 2685  
for park management and improvement purposes in any one year, and 2686  
~~such~~ the sum is not available from any unappropriated money in the 2687  
township treasury, the question of levying ~~such~~ the additional tax 2688  
shall, before making a levy ~~which~~ that will amount to more than 2689  
two thousand dollars, be submitted to and approved by a majority 2690  
of the electors of the township voting on the question. If ~~such~~ 2691  
the election is necessary, it shall be called at a regular meeting 2692  
of the board, and ~~such~~ the resolution shall be certified to the 2693  
board of elections not later than four p.m. of the seventy-fifth 2694  
day before the day of the election. 2695

2696  
Twenty days' notice of ~~such~~ the election shall be given by 2697  
the posting of notices ~~thereof~~ of the election by the township 2698  
~~clerk~~ fiscal officer in ten public places in the township, and 2699  
provisions for holding the election shall be made by the board of 2700  
elections upon receiving notice of the date and purpose of ~~such~~ 2701  
the election from the ~~clerk~~ fiscal officer. This section and 2702  
section 511.32 of the Revised Code do not repeal, affect, or 2703  
modify any law relating to park commissioners, or prevent the 2704  
appointment of park commissioners in the future. 2705

**Sec. 513.04.** ~~Where~~ If a tax has been levied for hospital 2706



purposes, the county auditor shall certify, at the semiannual 2707  
collection of taxes, the amount collected from ~~such the~~ levy to 2708  
the township ~~clerk~~ fiscal officer, who shall forthwith draw ~~his a~~ 2709  
warrant for ~~such the~~ amount on the township treasury, payable to 2710  
the treasurer of the hospital association or to the municipal 2711  
corporation. 2712

**Sec. 515.02.** When the owners of more than one half of the 2713  
feet front~~7~~ of the lots and lands abutting on the streets and 2714  
public ways of any unincorporated district in a township~~7~~ sign a 2715  
petition for artificial lighting of the streets and public ways in 2716  
~~such the~~ district~~7~~ and file it with the township ~~clerk~~ fiscal 2717  
officer, ~~such clerk the fiscal officer~~ shall ~~thereupon~~ give notice 2718  
to the board of township trustees a notice of the filing of ~~such~~ 2719  
the petition~~7~~, ~~together with and~~ a copy ~~thereof~~ of it. 2720

**Sec. 515.04.** The township ~~clerk~~ fiscal officer shall fix a 2721  
day, not more than thirty days from the date of notice to the 2722  
board of township trustees, for the hearing of the petition 2723  
provided for by section 515.02 of the Revised Code. ~~Such clerk~~ The 2724  
township fiscal officer shall prepare and deliver to any of the 2725  
petitioners~~7~~ a notice in writing directed to the lot and land 2726  
owners and to the corporations, either public or private, affected 2727  
by the improvement. ~~Such~~ The notice shall set forth the substance, 2728  
pendency, and prayer of the petition~~7~~ and the time and place of 2729  
the hearing ~~thereon~~ on it. 2730

A copy of ~~such the~~ notice shall be served upon each lot or 2731  
land owner or left at ~~his~~ the lot or land owner's usual place of 2732  
residence, and upon an officer or agent of each ~~such~~ corporation 2733  
having its place of business in ~~such the~~ district, at least 2734  
fifteen days before the date set for hearing. On or before the day 2735  
of the hearing, the person serving ~~such the~~ notice shall make 2736  
return ~~thereon~~ on it, under oath, of the time and manner of 2737

service, and shall file ~~such~~ the return with the ~~clerk~~ township  
fiscal officer. 2738  
2739

The ~~clerk~~ township fiscal officer shall give ~~such~~ the notice 2740  
to each nonresident lot or land owner, by publication once, in a 2741  
newspaper published in and of general circulation in the county in 2742  
which the district is situated, at least two weeks before the day 2743  
set for hearing. ~~Such~~ The notice shall be verified by affidavit of 2744  
the printer or other person knowing the fact, and shall be filed 2745  
with the ~~clerk~~ township fiscal officer on or before the day of 2746  
hearing. No further notice of the petition or the proceedings 2747  
~~thereunder~~ under it shall thereafter be required. 2748

**Sec. 515.081.** The board of township trustees, at the 2749  
expiration of an existing contract for lighting, may award a new 2750  
contract pursuant to section 515.07 of the Revised Code, unless 2751  
the owners of lots and lands, containing in excess of fifty per 2752  
cent of the front feet abutting on the streets and public ways of 2753  
~~said~~ the unincorporated district in the township sign a petition 2754  
for the discontinuance of the artificial lighting and file the 2755  
petition with the township ~~clerk~~ fiscal officer not less than 2756  
thirty days prior to the expiration of the existing contract. 2757

**Sec. 515.12.** (A) All officers shall receive for services 2758  
performed under sections 515.01 to 515.11 of the Revised Code, the 2759  
same fees allowed for other similar services. 2760

The township ~~clerk~~ fiscal officer shall receive for ~~such~~ the 2761  
fiscal officer's services the sum of fifty cents from each lot or 2762  
land owner for whom a notice is prepared and the sum of fifty 2763  
cents for each annual assessment certified to the county auditor. 2764  
~~All~~ 2765

All payments ~~hereunder~~ for the services of township officials 2766  
shall be included in the cost of the lighting district and 2767

assessed against the property. ~~Such~~ The compensation shall be in 2768  
addition to all other compensation provided by law. 2769

(B) The board of township trustees may, by resolution, employ 2770  
additional personnel in place of the township ~~clerk~~ fiscal officer 2771  
to prepare and certify notices for each lot or land owner and 2772  
shall pay a reasonable sum not to exceed fifty cents for each lot 2773  
or land owner for whom a notice is prepared and a reasonable sum 2774  
not to exceed fifty cents for each annual assessment certified to 2775  
the county auditor. The actual cost of ~~such~~ the additional 2776  
personnel shall be assessed proportionately against each lot or 2777  
land owner and shall be included in the cost of the lighting 2778  
district. 2779

**Sec. 517.05.** On the making of an order or the filing of an 2780  
application as provided by section 517.04 of the Revised Code, the 2781  
~~clerk~~ township fiscal officer shall certify ~~such~~ the order or 2782  
application to the board of elections not later than four p.m. of 2783  
the seventy-fifth day before the day of the election, and, at 2784  
least twenty days before an election, the ~~township clerk~~ fiscal 2785  
officer shall post written notices in at least three public places 2786  
in the township, that a vote will be taken on the question of the 2787  
establishment of a cemetery. If a majority of the votes cast at 2788  
~~such~~ the election on the proposition is in favor ~~thereof~~ of 2789  
establishing a cemetery, the board of township trustees shall 2790  
procure the lands for that purpose and levy taxes as provided by 2791  
section 517.03 of the Revised Code. 2792

**Sec. 517.06.** The board of township trustees shall have the 2793  
cemetery laid out in lots, avenues, and paths, and shall number 2794  
the lots, and shall have a suitable plat ~~thereof~~ of the lots made, 2795  
which plat shall be carefully kept by the township ~~clerk~~ fiscal 2796  
officer. ~~Such~~ The board shall make and enforce all needful rules 2797  
and regulations for the division of ~~such~~ the cemetery into lots, 2798

for the allotment ~~thereof~~ of lots to families or individuals, and 2799  
for the care, supervision, and improvement ~~thereof, and such~~ of 2800  
the lots. The board shall require the grass and weeds in the 2801  
cemetery to be cut and destroyed at least twice each year. 2802  
Suitable 2803

~~Suitable~~ provision shall be made in ~~such~~ the cemetery for 2804  
persons whose burial is at the expense of the township. 2805

**Sec. 517.07.** Upon application, the board of township trustees 2806  
shall sell at a reasonable price ~~such~~ the number of lots as public 2807  
wants demand for burial purposes. Purchasers of lots, upon 2808  
complying with the terms of sale, may receive deeds ~~therefor~~ for 2809  
the lots which the board shall execute, and which shall be 2810  
recorded by the township ~~clerk~~ fiscal officer in a book for that 2811  
purpose, ~~and the.~~ The expense of recording shall be paid by the 2812  
person receiving the deed. Upon the application of a head of a 2813  
family living in the township, the board shall, without charge, 2814  
make and deliver to ~~such~~ the applicant a deed for a suitable lot 2815  
for the burial of ~~his~~ the applicant's family, if, in the opinion 2816  
of the board and by reason of the circumstances of the family, 2817  
~~such~~ the payment would be oppressive. 2818

The terms of sale and any deed for lots executed after ~~the~~ 2819  
~~effective date of this amendment~~ July 24, 1986, may include the 2820  
following requirements: 2821

(A) The grantee shall provide to the board of township 2822  
trustees, in writing, a list of the names and addresses of the 2823  
persons to whom the grantee's property would pass by intestate 2824  
succession. 2825

(B) The grantee shall notify the board in writing of any 2826  
subsequent changes in the name or address of any persons to whom 2827  
property would descend. 2828

(C) Any person who receives a township cemetery lot by gift, 2829  
inheritance, or any other means other than the original conveyance 2830  
shall, within one year after receiving ~~such~~ the interest, give 2831  
written notice of ~~his~~ the person's name and address to the board 2832  
having control of the cemetery, and shall notify the board of any 2833  
subsequent changes in ~~his~~ the person's name or address. 2834

The terms of sale and any deed for any lots executed in 2835  
compliance with the notification requirements set forth in 2836  
divisions (A), (B), and (C) of this section shall state that the 2837  
board of township trustees shall have right of reentry to the 2838  
cemetery lot if the notification requirements are not met. At 2839  
least ninety days before establishing reentry, the board shall 2840  
send a notice by certified mail to the last known owner at ~~his~~ the 2841  
owner's last known address to inform ~~him~~ the owner that ~~his~~ the 2842  
owner's interest in the lot will cease unless the notification 2843  
requirements are met. If the owner's address is unknown and cannot 2844  
reasonably be obtained, it is sufficient to publish the notice 2845  
once in a newspaper of general circulation in the county. In order 2846  
to establish reentry, the board shall pass a resolution stating 2847  
that the conditions of the sale or of the deed have not been 2848  
fulfilled, and that the board reclaims its interest in the lot. 2849

The board may limit the terms of sale or the deed for a 2850  
cemetery lot by specifying that the owner, a member of the owner's 2851  
family, or an owner's descendant must use the lot, or at least one 2852  
burial place within the lot, within a specified time period. The 2853  
board may specify this time period to be at least twenty but not 2854  
more than fifty years, with right of renewal provided at no cost. 2855  
At least ninety days prior to the termination date for use of the 2856  
cemetery lot, the board shall send a notice to the owner to inform 2857  
~~him~~ the owner that ~~his~~ the owner's interest in the lot will cease 2858  
on the termination date unless ~~he~~ the owner contracts for renewal 2859  
by that date. The board shall send the notice by certified mail to 2860

the owner if the owner is a resident of the township or is a 2861  
nonresident whose address is known. If the owner's address is 2862  
unknown and cannot reasonably be obtained, it is sufficient to 2863  
publish the notice once in a newspaper of general circulation in 2864  
the county. 2865

The terms of sale and any deed for lots conveyed with a 2866  
termination date shall state that the board shall have right of 2867  
reentry to the lot at the end of the specified time period if the 2868  
lot is not used within this time period or renewed for an extended 2869  
period. In order to establish reentry, the board shall pass a 2870  
resolution stating that the conditions of the sale or of the deed 2871  
have not been fulfilled, and that the board reclaims its interest 2872  
in the lot. The board shall compensate owners of unused lots who 2873  
do not renew the terms of sale or the deed by paying the owner 2874  
eighty per cent of the purchase price. The board may repurchase 2875  
any cemetery lot from its owner at any time at a price that is 2876  
mutually agreed upon by the board and the owner. 2877

**Sec. 519.16.** For the purpose of enforcing the zoning 2878  
regulations, the board of township trustees may provide for a 2879  
system of zoning certificates, ~~and for this purpose~~ may establish 2880  
and fill the position of township zoning inspector, together with 2881  
~~such~~ assistants as the board deems necessary, may fix the 2882  
compensation for ~~such~~ those positions, and may make disbursements 2883  
for them. The township ~~clerk~~ fiscal officer may be appointed 2884  
secretary of the township zoning commission, secretary of the 2885  
township board of zoning appeals, and zoning inspector, and ~~he~~ the 2886  
fiscal officer may receive compensation for ~~such~~ the fiscal 2887  
officer's services in addition to other compensation allowed by 2888  
law. 2889

**Sec. 519.161.** The township zoning inspector, before entering 2890  
upon the duties of ~~his~~ office, shall give bond, signed by a 2891

bonding or surety company authorized to do business in this state, 2892  
or, at ~~his~~ the inspector's option, signed by two or more 2893  
freeholders having real estate in the value of double the amount 2894  
of the bond, over and above all ~~incumbrances~~ encumbrances to the 2895  
state, in the sum of not less than one thousand or more than five 2896  
thousand dollars as fixed by the board of township trustees. ~~Such~~ 2897  
The surety company or real estate bond shall be approved by the 2898  
board of township trustees, and the bond shall be conditioned upon 2899  
the faithful performance of ~~such~~ the zoning inspector's official 2900  
duties. ~~Such~~ The bond shall be deposited with the township ~~clerk~~ 2901  
fiscal officer. 2902

**Sec. 519.211.** (A) Except as otherwise provided in division 2903  
(B) or (C) of this section, sections 519.02 to 519.25 of the 2904  
Revised Code confer no power on any board of township trustees or 2905  
board of zoning appeals in respect to the location, erection, 2906  
construction, reconstruction, change, alteration, maintenance, 2907  
removal, use, or enlargement of any buildings or structures of any 2908  
public utility or railroad, whether publicly or privately owned, 2909  
or the use of land by any public utility or railroad, for the 2910  
operation of its business. 2911

(B)(1) As used in this division, "telecommunications tower" 2912  
means any free-standing structure, or any structure to be attached 2913  
to a building or other structure, that meets all of the following 2914  
criteria: 2915

(a) The free-standing or attached structure is proposed to be 2916  
constructed on or after October 31, 1996. 2917

(b) The free-standing or attached structure is proposed to be 2918  
owned or principally used by a public utility engaged in the 2919  
provision of telecommunications services. 2920

(c) The free-standing or attached structure is proposed to be 2921  
located in an unincorporated area of a township, in an area zoned 2922

for residential use. 2923

(d)(i) The free-standing structure is proposed to top at a 2924  
height that is greater than either the maximum allowable height of 2925  
residential structures within the zoned area as set forth in the 2926  
applicable zoning regulations, or the maximum allowable height of 2927  
such a free-standing structure as set forth in any applicable 2928  
zoning regulations in effect immediately prior to October 31, 2929  
1996, or as those regulations subsequently are amended. 2930

(ii) The attached structure is proposed to top at a height 2931  
that is greater than either the height of the building or other 2932  
structure to which it is to be attached, or the maximum allowable 2933  
height of such an attached structure as set forth in any 2934  
applicable zoning regulations in effect immediately prior to 2935  
October 31, 1996, or as those regulations subsequently are 2936  
amended. 2937

(e) The free-standing or attached structure is proposed to 2938  
have attached to it radio frequency transmission or reception 2939  
equipment. 2940

(2) Sections 519.02 to 519.25 of the Revised Code confer 2941  
power on a board of township trustees or board of zoning appeals 2942  
with respect to the location, erection, construction, 2943  
reconstruction, change, alteration, removal, or enlargement of a 2944  
telecommunications tower, but not with respect to the maintenance 2945  
or use of such a tower or any change or alteration that would not 2946  
substantially increase the tower's height. However, the power so 2947  
conferred shall apply to a particular telecommunications tower 2948  
only upon the provision of a notice, in accordance with division 2949  
(B)(4)(a) of this section, to the person proposing to construct 2950  
the tower. 2951

(3) Any person who plans to construct a telecommunications 2952  
tower in an area subject to township zoning regulations shall 2953



provide both of the following by certified mail: 2954

(a) Written notice to each owner of property, as shown on the 2955  
county auditor's current tax list, whose land is contiguous to or 2956  
directly across a street or roadway from the property on which the 2957  
tower is proposed to be constructed, stating all of the following 2958  
in clear and concise language: 2959

(i) The person's intent to construct the tower; 2960

(ii) A description of the property sufficient to identify the 2961  
proposed location; 2962

(iii) That, no later than fifteen days after the date of 2963  
mailing of the notice, any such property owner may give written 2964  
notice to the board of township trustees requesting that sections 2965  
519.02 to 519.25 of the Revised Code apply to the proposed 2966  
location of the tower as provided under division (B)(4)(a) of this 2967  
section. 2968

If the notice to a property owner is returned unclaimed or 2969  
refused, the person shall mail the notice by regular mail. The 2970  
failure of delivery of the notice does not invalidate the notice. 2971

(b) Written notice to the board of township trustees of the 2972  
information specified in divisions (B)(3)(a)(i) and (ii) of this 2973  
section. The notice to the board also shall include verification 2974  
that the person has complied with division (B)(3)(a) of this 2975  
section. 2976

(4)(a) If the board of township trustees receives notice from 2977  
a property owner under division (B)(3)(a)(iii) of this section 2978  
within the time specified in that division or if a board member 2979  
makes an objection to the proposed location of the 2980  
telecommunications tower within fifteen days after the date of 2981  
mailing of the notice sent under division (B)(3)(b) of this 2982  
section, the board shall request that the ~~clerk~~ fiscal officer of 2983

the township send the person proposing to construct the tower 2984  
written notice that the tower is subject to the power conferred by 2985  
and in accordance with division (B)(2) of this section. The notice 2986  
shall be sent no later than five days after the earlier of the 2987  
date the board first receives such a notice from a property owner 2988  
or the date upon which a board member makes an objection. Upon the 2989  
date of mailing of the notice to the person, sections 519.02 to 2990  
519.25 of the Revised Code shall apply to the tower. 2991

(b) If the board of township trustees receives no notice 2992  
under division (B)(3)(a)(iii) of this section within the time 2993  
prescribed by that division or no board member has an objection as 2994  
provided under division (B)(4)(a) of this section within the time 2995  
prescribed by that division, division (A) of this section shall 2996  
apply to the tower without exception. 2997

(C) Sections 519.02 to 519.25 of the Revised Code confer 2998  
power on a board of township trustees or board of zoning appeals 2999  
with respect to the location, erection, construction, 3000  
reconstruction, change, alteration, maintenance, removal, use, or 3001  
enlargement of any buildings or structures of a public utility 3002  
engaged in the business of transporting persons or property, or 3003  
both, or providing or furnishing such transportation service, over 3004  
any public street, road, or highway in this state, and with 3005  
respect to the use of land by any such public utility for the 3006  
operation of its business, to the extent that any exercise of such 3007  
power is reasonable and not inconsistent with Chapters 4901., 3008  
4903., 4905., 4909., 4921., and 4923. of the Revised Code. 3009  
However, this division confers no power on a board of township 3010  
trustees or board of zoning appeals with respect to a building or 3011  
structure of, or the use of land by, a person engaged in the 3012  
transportation of farm supplies to the farm or farm products from 3013  
farm to market or to food fabricating plants. 3014

(D) Sections 519.02 to 519.25 of the Revised Code confer no 3015

power on any township zoning commission, board of township trustees, or board of zoning appeals to prohibit the sale or use of alcoholic beverages in areas where the establishment and operation of any retail business, hotel, lunchroom, or restaurant is permitted.

(E)(1) Any person who plans to construct a telecommunications tower within one hundred feet of a residential dwelling shall provide a written notice to the owner of the residential dwelling and to the person occupying the residence, if that person is not the owner of the residence stating in clear and concise language the person's intent to construct the tower and a description of the property sufficient to identify the proposed location. The notice shall be sent by certified mail. If the notice is returned unclaimed or refused, the person shall mail the notice by regular mail. The failure of delivery does not invalidate the notice.

(2) As used in division (E) of this section:

(a) "Residential dwelling" means a building used or intended to be used as a personal residence by the owner, part-time owner, or lessee of the building, or any person authorized by such a person to use the building as a personal residence.

(b) "Telecommunications tower" has the same meaning as in division (B)(1) of this section, except that the proposed location of the free-standing or attached structure may be an area other than an unincorporated area of a township, in an area zoned for residential use.

**Sec. 521.02.** Upon a petition filed with the township ~~clerk~~ fiscal officer by one or more property owners whose property is served by a private sewage collection tile, or upon the board's own initiative by the adoption of a resolution, the board of township trustees may repair or maintain a private sewage

collection tile within a township road right-of-way in the 3046  
township as provided in ~~sections 521.02 to 521.07 of the Revised~~ 3047  
~~Code~~ this chapter. On receiving a petition, the township ~~clerk~~ 3048  
fiscal officer shall give ~~notice~~ to the board of township trustees 3049  
a notice of the filing of the petition, ~~together with~~ and a copy 3050  
of the petition. 3051

**Sec. 521.03.** On receiving a petition filed under section 3052  
521.02 of the Revised Code, or at the request of the board of 3053  
township trustees, the township ~~clerk~~ fiscal officer shall fix a 3054  
time, not more than thirty days after the date of giving notice of 3055  
the filing to the board or the date of receiving the request from 3056  
the board, and place for a hearing on the issue of repair or 3057  
maintenance of the tiles. The ~~clerk~~ township fiscal officer shall 3058  
prepare a notice in writing directed to the lot and land owners 3059  
and to the corporations, either public or private, affected by the 3060  
improvement. The notice shall set forth the substance of the 3061  
petition or board request, and the time and place of the hearing 3062  
on it. 3063

If the hearing is to be held in response to a petition, the 3064  
~~clerk~~ township fiscal officer shall deliver a copy of the notice 3065  
to any of the petitioners, who shall see that the notice is served 3066  
on each lot or land owner or left at ~~his~~ the lot or land owner's 3067  
usual place of residence, and served on an officer or agent of 3068  
each corporation affected by the improvement, at least fifteen 3069  
days before the date set for the hearing. If the hearing is to be 3070  
held at the request of the board, the board shall see that the 3071  
notice is so served. On or before the day of the hearing, the 3072  
person serving the notice shall certify, under oath, the time and 3073  
manner of service, and shall file this certification with the 3074  
~~clerk~~ township fiscal officer. 3075

The ~~clerk~~ township fiscal officer shall give notice of the 3076

hearing to each nonresident lot or land owner, by publication 3077  
once, in a newspaper published in and of general circulation in 3078  
the county in which the township is situated, at least two weeks 3079  
before the day set for the hearing. This notice shall be verified 3080  
by affidavit of the printer or other person knowing the fact, and 3081  
shall be filed with the ~~clerk~~ township fiscal officer on or before 3082  
the day of the hearing. No further notice of the petition or the 3083  
proceedings under it shall thereafter be required. 3084

**Sec. 703.201.** (A) As used in this section, "condition for 3085  
surrendering corporate powers" means any of the following: 3086

(1) The village has been declared to be in a fiscal emergency 3087  
under Chapter 118. of the Revised Code and has been in fiscal 3088  
emergency for at least three consecutive years with little or no 3089  
improvement on the conditions that caused the fiscal emergency 3090  
declaration. 3091

(2) The village has failed to properly follow applicable 3092  
election laws for at least two consecutive election cycles for any 3093  
one elected office in the village. 3094

(3) The village has been declared during an audit conducted 3095  
under section 117.11 of the Revised Code to be unauditible under 3096  
section 117.41 of the Revised Code in at least two consecutive 3097  
audits. 3098

(4) The village does not provide at least two services 3099  
typically provided by municipal government, such as police or fire 3100  
protection, garbage collection, water or sewer service, emergency 3101  
medical services, road maintenance, or similar services. 3102  
"Services" does not include any administrative service or 3103  
legislative action. 3104

(5) The village has failed for any fiscal year to adopt the 3105  
tax budget required by section 5705.28 of the Revised Code. 3106

(6) A village elected official has been convicted of theft in office, either under section 2921.41 of the Revised Code or an equivalent criminal statute at the federal level, at least two times in a period of ten years. The convicted official with respect to those convictions may be the same person or different persons.

(B) If the auditor of state finds, in an audit report issued under division (A) or (B) of section 117.11 of the Revised Code of a village that has a population of one hundred fifty persons or less and consists of less than two square miles, that the village meets at least two conditions for surrendering corporate powers, the auditor of state shall send a certified copy of the report together with a letter to the attorney general requesting the attorney general to institute legal action to dissolve the village in accordance with division (C) of this section. The report and letter shall be sent to the attorney general within ten business days after the auditor of state's transmittal of the report to the village. The audit report transmitted to the village shall be accompanied by a notice to the village of the auditor's intent to refer the report to the attorney general for legal action in accordance with this section.

(C) Within twenty days of receipt of the auditor of state's report and letter, the attorney general may file a legal action in the court of common pleas on behalf of the state to request the dissolution of the village that is the subject of the audit report. If a legal action is filed, the court shall hold a hearing within ninety days after the date the attorney general files the legal action with the court. Notice of the hearing shall be filed with the attorney general, the clerk of the village that is the subject of the action, and each ~~clerk~~ fiscal officer of a township located wholly or partly within the village.

At the hearing on dissolution, the court shall determine if

the village has a population of one hundred fifty persons or less, 3139  
consists of less than two square miles, and meets at least two 3140  
conditions for surrendering corporate powers. If the court so 3141  
finds, it shall order the dissolution of the village and provide 3142  
for the surrender of corporate powers in accordance with section 3143  
703.21 of the Revised Code. The attorney general shall file a 3144  
certified copy of the court's order of dissolution with the 3145  
secretary of state and the county recorder of the county in which 3146  
the village is situated, who shall record it in their respective 3147  
offices. Upon the recording in the county recorder's office, the 3148  
corporate powers of the village shall cease. 3149

(D) For purposes of this section, the population of a village 3150  
shall be the population determined either at the last preceding 3151  
federal decennial census or according to population estimates 3152  
certified by the department of development between decennial 3153  
censuses. 3154

(E) The procedure in this section is in addition to the 3155  
procedure of section 703.20 of the Revised Code for the surrender 3156  
of the corporate powers of a village. 3157

**Sec. 707.28.** When a village or a city is incorporated from a 3158  
portion of a township, or portions of more than one township, a 3159  
proper division of the real and personal property of ~~such the~~ 3160  
townships, and of the funds for township purposes which are in the 3161  
treasury, or in the process of collection, of the townships from 3162  
which the territory is taken, shall, upon application of the 3163  
village or city treasurer to the probate court of the county in 3164  
which the territory is situated, be determined and ordered 3165  
transferred to ~~such the~~ village or city, in the case of real or 3166  
personal property, or, in the case of funds, paid to the village 3167  
or city treasurer. 3168

In determining the portion of ~~such the~~ real and personal 3169

property and funds to which the village or city is entitled, the 3170  
indebtedness of each township shall be taken into consideration. 3171  
Ten days' notice of a hearing shall be given by the treasurer of 3172  
the applicant to the township ~~clerk~~ fiscal officer of each 3173  
township whose property and funds are sought to be divided. The 3174  
findings and orders of the probate court under this section shall 3175  
be final. 3176

**Sec. 709.023.** (A) A petition filed under section 709.021 of 3177  
the Revised Code that requests to follow this section is for the 3178  
special procedure of annexing land into a municipal corporation 3179  
when, subject to division (H) of this section, the land also is 3180  
not to be excluded from the township under section 503.07 of the 3181  
Revised Code. The owners who sign this petition by their signature 3182  
expressly waive their right to appeal in law or equity from the 3183  
board of county commissioners' entry of any resolution under this 3184  
section, waive any rights they may have to sue on any issue 3185  
relating to a municipal corporation requiring a buffer as provided 3186  
in this section, and waive any rights to seek a variance that 3187  
would relieve or exempt them from that buffer requirement. 3188

The petition circulated to collect signatures for the special 3189  
procedure in this section shall contain in boldface capital 3190  
letters immediately above the heading of the place for signatures 3191  
on each part of the petition the following: "WHOEVER SIGNS THIS 3192  
PETITION EXPRESSLY WAIVES THEIR RIGHT TO APPEAL IN LAW OR EQUITY 3193  
FROM THE BOARD OF COUNTY COMMISSIONERS' ENTRY OF ANY RESOLUTION 3194  
PERTAINING TO THIS SPECIAL ANNEXATION PROCEDURE, ALTHOUGH A WRIT 3195  
OF MANDAMUS MAY BE SOUGHT TO COMPEL THE BOARD TO PERFORM ITS 3196  
DUTIES REQUIRED BY LAW FOR THIS SPECIAL ANNEXATION PROCEDURE." 3197

(B) Upon the filing of the petition in the office of the 3198  
clerk of the board of county commissioners, the clerk shall cause 3199  
the petition to be entered upon the board's journal at its next 3200



regular session. This entry shall be the first official act of the  
board on the petition. Within five days after the filing of the  
petition, the agent for the petitioners shall notify in the manner  
and form specified in this division the clerk of the legislative  
authority of the municipal corporation to which annexation is  
proposed, the ~~clerk~~ fiscal officer of each township any portion of  
which is included within the territory proposed for annexation,  
the clerk of the board of county commissioners of each county in  
which the territory proposed for annexation is located other than  
the county in which the petition is filed, and the owners of  
property adjacent to the territory proposed for annexation or  
adjacent to a road that is adjacent to that territory and located  
directly across that road from that territory. The notice shall  
refer to the time and date when the petition was filed and the  
county in which it was filed and shall have attached or shall be  
accompanied by a copy of the petition and any attachments or  
documents accompanying the petition as filed.

Notice to a property owner is sufficient if sent by regular  
United States mail to the tax mailing address listed on the county  
auditor's records. Notice to the appropriate government officer  
shall be given by certified mail, return receipt requested, or by  
causing the notice to be personally served on the officer, with  
proof of service by affidavit of the person who delivered the  
notice. Proof of service of the notice on each appropriate  
government officer shall be filed with the board of county  
commissioners with which the petition was filed.

(C) Within twenty days after the date that the petition is  
filed, the legislative authority of the municipal corporation to  
which annexation is proposed shall adopt an ordinance or  
resolution stating what services the municipal corporation will  
provide, and an approximate date by which it will provide them, to  
the territory proposed for annexation, upon annexation. The

municipal corporation is entitled in its sole discretion to 3233  
provide to the territory proposed for annexation, upon annexation, 3234  
services in addition to the services described in that ordinance 3235  
or resolution. 3236

If the territory proposed for annexation is subject to zoning 3237  
regulations adopted under either Chapter 303. or 519. of the 3238  
Revised Code at the time the petition is filed, the legislative 3239  
authority of the municipal corporation also shall adopt an 3240  
ordinance or resolution stating that, if the territory is annexed 3241  
and becomes subject to zoning by the municipal corporation and 3242  
that municipal zoning permits uses in the annexed territory that 3243  
the municipal corporation determines are clearly incompatible with 3244  
the uses permitted under current county or township zoning 3245  
regulations in the adjacent land remaining within the township 3246  
from which the territory was annexed, the legislative authority of 3247  
the municipal corporation will require, in the zoning ordinance 3248  
permitting the incompatible uses, the owner of the annexed 3249  
territory to provide a buffer separating the use of the annexed 3250  
territory and the adjacent land remaining within the township. For 3251  
the purposes of this section, "buffer" includes open space, 3252  
landscaping, fences, walls, and other structured elements; streets 3253  
and street rights-of-way; and bicycle and pedestrian paths and 3254  
sidewalks. 3255

The clerk of the legislative authority of the municipal 3256  
corporation to which annexation is proposed shall file the 3257  
ordinances or resolutions adopted under this division with the 3258  
board of county commissioners within twenty days following the 3259  
date that the petition is filed. The board shall make these 3260  
ordinances or resolutions available for public inspection. 3261

(D) Within twenty-five days after the date that the petition 3262  
is filed, the legislative authority of the municipal corporation 3263  
to which annexation is proposed and each township any portion of 3264

which is included within the territory proposed for annexation may  
adopt and file with the board of county commissioners an ordinance  
or resolution consenting or objecting to the proposed annexation.  
An objection to the proposed annexation shall be based solely upon  
the petition's failure to meet the conditions specified in  
division (E) of this section.

If the municipal corporation and each of those townships  
timely files an ordinance or resolution consenting to the proposed  
annexation, the board at its next regular session shall enter upon  
its journal a resolution granting the proposed annexation. If,  
instead, the municipal corporation or any of those townships files  
an ordinance or resolution that objects to the proposed  
annexation, the board of county commissioners shall proceed as  
provided in division (E) of this section. Failure of the municipal  
corporation or any of those townships to timely file an ordinance  
or resolution consenting or objecting to the proposed annexation  
shall be deemed to constitute consent by that municipal  
corporation or township to the proposed annexation.

(E) Unless the petition is granted under division (D) of this  
section, not less than thirty or more than forty-five days after  
the date that the petition is filed, the board of county  
commissioners shall review it to determine if each of the  
following conditions has been met:

(1) The petition meets all the requirements set forth in, and  
was filed in the manner provided in, section 709.021 of the  
Revised Code.

(2) The persons who signed the petition are owners of the  
real estate located in the territory proposed for annexation and  
constitute all of the owners of real estate in that territory.

(3) The territory proposed for annexation does not exceed  
five hundred acres.

(4) The territory proposed for annexation shares a contiguous boundary with the municipal corporation to which annexation is proposed for a continuous length of at least five per cent of the perimeter of the territory proposed for annexation.

(5) The annexation will not create an unincorporated area of the township that is completely surrounded by the territory proposed for annexation.

(6) The municipal corporation to which annexation is proposed has agreed to provide to the territory proposed for annexation the services specified in the relevant ordinance or resolution adopted under division (C) of this section.

(7) If a street or highway will be divided or segmented by the boundary line between the township and the municipal corporation as to create a road maintenance problem, the municipal corporation to which annexation is proposed has agreed as a condition of the annexation to assume the maintenance of that street or highway or to otherwise correct the problem. As used in this section, "street" or "highway" has the same meaning as in section 4511.01 of the Revised Code.

(F) Not less than thirty or more than forty-five days after the date that the petition is filed, if the petition is not granted under division (D) of this section, the board of county commissioners, if it finds that each of the conditions specified in division (E) of this section has been met, shall enter upon its journal a resolution granting the annexation. If the board of county commissioners finds that one or more of the conditions specified in division (E) of this section have not been met, it shall enter upon its journal a resolution that states which of those conditions the board finds have not been met and that denies the petition.

(G) If a petition is granted under division (D) or (F) of

this section, the clerk of the board of county commissioners shall  
proceed as provided in division (C)(1) of section 709.033 of the  
Revised Code, except that no recording or hearing exhibits would  
be involved. There is no appeal in law or equity from the board's  
entry of any resolution under this section, but any party may seek  
a writ of mandamus to compel the board of county commissioners to  
perform its duties under this section.

(H) Notwithstanding anything to the contrary in section  
503.07 of the Revised Code, unless otherwise provided in an  
annexation agreement entered into pursuant to section 709.192 of  
the Revised Code or in a cooperative economic development  
agreement entered into pursuant to section 701.07 of the Revised  
Code, territory annexed into a municipal corporation pursuant to  
this section shall not at any time be excluded from the township  
under section 503.07 of the Revised Code and, thus, remains  
subject to the township's real property taxes.

(I) Any owner of land that remains within a township and that  
is adjacent to territory annexed pursuant to this section who is  
directly affected by the failure of the annexing municipal  
corporation to enforce compliance with any zoning ordinance it  
adopts under division (C) of this section requiring the owner of  
the annexed territory to provide a buffer zone, may commence in  
the court of common pleas a civil action against that owner to  
enforce compliance with that buffer requirement whenever the  
required buffer is not in place before any development of the  
annexed territory begins.

**Sec. 709.024.** (A) A petition filed under section 709.021 of  
the Revised Code that requests to follow this section is for the  
special procedure of annexing land into a municipal corporation  
for the purpose of undertaking a significant economic development  
project. As used in this section, "significant economic

development project" means one or more economic development 3358  
projects that can be classified as industrial, distribution, high 3359  
technology, research and development, or commercial, which 3360  
projects may include ancillary residential and retail uses and 3361  
which projects shall satisfy all of the following: 3362

(1) Total private real and personal property investment in a 3363  
project shall be in excess of ten million dollars through land and 3364  
infrastructure, new construction, reconstruction, installation of 3365  
fixtures and equipment, or the addition of inventory, excluding 3366  
investment solely related to the ancillary residential and retail 3367  
elements, if any, of the project. As used in this division, 3368  
"private real and personal property investment" does not include 3369  
payments in lieu of taxes, however characterized, under Chapter 3370  
725. or 1728. or sections 5709.40 to 5709.43, 5709.73 to 5709.75, 3371  
or 5709.78 to 5709.81 of the Revised Code. 3372

(2) There shall be created by the project an additional 3373  
annual payroll in excess of one million dollars, excluding payroll 3374  
arising solely out of the retail elements, if any, of the project. 3375

(3) The project has been certified by the state director of 3376  
development as meeting the requirements of divisions (A)(1) and 3377  
(2) of this section. 3378

(B) Upon the filing of the petition under section 709.021 of 3379  
the Revised Code in the office of the clerk of the board of county 3380  
commissioners, the clerk shall cause the petition to be entered 3381  
upon the journal of the board at its next regular session. This 3382  
entry shall be the first official act of the board on the 3383  
petition. Within five days after the filing of the petition, the 3384  
agent for the petitioners shall notify in the manner and form 3385  
specified in this division the clerk of the legislative authority 3386  
of the municipal corporation to which annexation is proposed, the 3387  
~~clerk~~ fiscal officer of each township any portion of which is 3388

included within the territory proposed for annexation, the clerk 3389  
of the board of county commissioners of each county in which the 3390  
territory proposed for annexation is located other than the county 3391  
in which the petition is filed, and the owners of property 3392  
adjacent to the territory proposed for annexation or adjacent to a 3393  
road that is adjacent to that territory and located directly 3394  
across that road from that territory. The notice shall refer to 3395  
the time and date when the petition was filed and the county in 3396  
which it was filed and shall have attached or shall be accompanied 3397  
by a copy of the petition and any attachments or documents 3398  
accompanying the petition as filed. 3399

Notice to a property owner is sufficient if sent by regular 3400  
United States mail to the tax mailing address listed on the county 3401  
auditor's records. Notice to the appropriate government officer 3402  
shall be given by certified mail, return receipt requested, or by 3403  
causing the notice to be personally served on the officer, with 3404  
proof of service by affidavit of the person who delivered the 3405  
notice. Proof of service of the notice on each appropriate 3406  
government officer shall be filed with the board of county 3407  
commissioners with which the petition was filed. 3408

(C)(1) Within thirty days after the petition is filed, the 3409  
legislative authority of the municipal corporation to which 3410  
annexation is proposed and each township any portion of which is 3411  
included within the territory proposed for annexation may adopt 3412  
and file with the board of county commissioners an ordinance or 3413  
resolution consenting or objecting to the proposed annexation. An 3414  
objection to the proposed annexation shall be based solely upon 3415  
the petition's failure to meet the conditions specified in 3416  
division (F) of this section. Failure of the municipal corporation 3417  
or any of those townships to timely file an ordinance or 3418  
resolution consenting or objecting to the proposed annexation 3419  
shall be deemed to constitute consent by that municipal 3420

corporation or township to the proposed annexation. 3421

(2) Within twenty days after receiving the notice required by 3422  
division (B) of this section, the legislative authority of the 3423  
municipal corporation shall adopt, by ordinance or resolution, a 3424  
statement indicating what services the municipal corporation will 3425  
provide or cause to be provided, and an approximate date by which 3426  
it will provide or cause them to be provided, to the territory 3427  
proposed for annexation, upon annexation. If a hearing is to be 3428  
conducted under division (E) of this section, the legislative 3429  
authority shall file the statement with the clerk of the board of 3430  
county commissioners at least twenty days before the date of the 3431  
hearing. 3432

(D) If all parties to the annexation proceedings consent to 3433  
the proposed annexation, a hearing shall not be held, and the 3434  
board, at its next regular session, shall enter upon its journal a 3435  
resolution granting the annexation. There is no appeal in law or 3436  
in equity from the board's entry of a resolution under this 3437  
division. The clerk of the board shall proceed as provided in 3438  
division (C)(1) of section 709.033 of the Revised Code. 3439

(E) Unless the petition is granted under division (D) of this 3440  
section, a hearing shall be held on the petition. The board of 3441  
county commissioners shall hear the petition at its next regular 3442  
session and shall notify the agent for the petitioners of the 3443  
hearing's date, time, and place. The agent for the petitioners 3444  
shall give, within five days after receipt of the notice of the 3445  
hearing from the board, to the parties and property owners 3446  
entitled to notice under division (B) of this section, notice of 3447  
the date, time, and place of the hearing. Notice to a property 3448  
owner is sufficient if sent by regular United States mail to the 3449  
tax mailing address listed on the county auditor's records. At the 3450  
hearing, the parties and any owner of real estate within the 3451  
territory proposed to be annexed are entitled to appear for the 3452



purposes described in division (C) of section 709.032 of the  
Revised Code.

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(F) Within thirty days after a hearing under division (E) of  
this section, the board of county commissioners shall enter upon  
its journal a resolution granting or denying the proposed  
annexation. The resolution shall include specific findings of fact  
as to whether or not each of the conditions listed in this  
division has been met. If the board grants the annexation, the  
clerk of the board shall proceed as provided in division (C)(1) of  
section 709.033 of the Revised Code.

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The board shall enter a resolution granting the annexation if  
it finds, based upon a preponderance of the substantial, reliable,  
and probative evidence on the whole record, that each of the  
following conditions has been met:

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(1) The petition meets all the requirements set forth in, and  
was filed in the manner provided in, section 709.021 of the  
Revised Code.

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(2) The persons who signed the petition are owners of real  
estate located in the territory proposed to be annexed in the  
petition and constitute all of the owners of real estate in that  
territory.

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(3) No street or highway will be divided or segmented by the  
boundary line between a township and the municipal corporation as  
to create a road maintenance problem, or if the street or highway  
will be so divided or segmented, the municipal corporation has  
agreed, as a condition of the annexation, that it will assume the  
maintenance of that street or highway. For the purposes of this  
division, "street" or "highway" has the same meaning as in section  
4511.01 of the Revised Code.

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(4) The municipal corporation to which the territory is  
proposed to be annexed has adopted an ordinance or resolution as

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required by division (C)(2) of this section. 3484

(5) The state director of development has certified that the 3485  
project meets the requirements of divisions (A)(1) and (2) of this 3486  
section and thereby qualifies as a significant economic 3487  
development project. The director's certification is binding on 3488  
the board of county commissioners. 3489

(G) An owner who signed the petition may appeal a decision of 3490  
the board of county commissioners denying the proposed annexation 3491  
under section 709.07 of the Revised Code. No other person has 3492  
standing to appeal the board's decision in law or in equity. If 3493  
the board grants the annexation, there shall be no appeal in law 3494  
or in equity. 3495

(H) Notwithstanding anything to the contrary in section 3496  
503.07 of the Revised Code, unless otherwise provided in an 3497  
annexation agreement entered into pursuant to section 709.192 of 3498  
the Revised Code or in a cooperative economic development 3499  
agreement entered into pursuant to section 701.07 of the Revised 3500  
Code, territory annexed into a municipal corporation pursuant to 3501  
this section shall not at any time be excluded from the township 3502  
under section 503.07 of the Revised Code and, thus, remains 3503  
subject to the township's real property taxes. 3504

(I) A municipal corporation to which annexation is proposed 3505  
is entitled in its sole discretion to provide to the territory 3506  
proposed for annexation, upon annexation, services in addition to 3507  
the services described in the ordinance or resolution adopted by 3508  
the legislative authority of the municipal corporation under 3509  
division (C)(2) of this section. 3510

**Sec. 709.03.** The petition required by section 709.02 of the 3511  
Revised Code shall be filed in the office of the board of county 3512  
commissioners, and the clerk shall cause the petition to be 3513

entered upon the record of proceedings of the board, which entry 3514  
shall be the first official act of the board on the annexation 3515  
petition, and shall cause the petition to be filed in the office 3516  
of the county auditor, where it shall be subject to the inspection 3517  
of any interested person. The agent for the petitioners shall 3518  
cause written notice of the filing of the petition with the board 3519  
of county commissioners and the date of ~~such~~ the filing to be 3520  
delivered to the clerk of the legislative authority of the 3521  
municipal corporation to which annexation is proposed and to the 3522  
~~clerk~~ fiscal officer of each township any portion of which is 3523  
included within the territory sought to be annexed. Any person who 3524  
signed the ~~petition for~~ annexation petition may remove ~~his~~ the  
person's signature by filing with the clerk of the board of county 3526  
commissioners a written notice of withdrawal of ~~his~~ the person's  
signature within twenty days after ~~such a~~ the notice of filing is 3528  
delivered to the ~~clerk~~ fiscal officer of the township in which ~~he~~  
the person resides. Thereafter, signatures may be withdrawn or 3530  
removed only in the manner authorized by section 709.032 of the 3531  
Revised Code. 3532

**Sec. 709.033.** (A) After the hearing on a petition for 3533  
annexation, the board of county commissioners shall enter upon its 3534  
journal a resolution granting the annexation if it finds, based 3535  
upon a preponderance of the substantial, reliable, and probative 3536  
evidence on the whole record, that each of the following 3537  
conditions has been met: 3538

(1) The petition meets all the requirements set forth in, and 3539  
was filed in the manner provided in, section 709.02 of the Revised 3540  
Code. 3541

(2) The persons who signed the petition are owners of real 3542  
estate located in the territory proposed to be annexed in the 3543  
petition, and, as of the time the petition was filed with the 3544

board of county commissioners, the number of valid signatures on 3545  
the petition constituted a majority of the owners of real estate 3546  
in that territory. 3547

(3) The municipal corporation to which the territory is 3548  
proposed to be annexed has complied with division (D) of section 3549  
709.03 of the Revised Code. 3550

(4) The territory proposed to be annexed is not unreasonably 3551  
large. 3552

(5) On balance, the general good of the territory proposed to 3553  
be annexed will be served, and the benefits to the territory 3554  
proposed to be annexed and the surrounding area will outweigh the 3555  
detriments to the territory proposed to be annexed and the 3556  
surrounding area, if the annexation petition is granted. As used 3557  
in division (A)(5) of this section, "surrounding area" means the 3558  
territory within the unincorporated area of any township located 3559  
one-half mile or less from any of the territory proposed to be 3560  
annexed. 3561

(6) No street or highway will be divided or segmented by the 3562  
boundary line between a township and the municipal corporation as 3563  
to create a road maintenance problem, or, if a street or highway 3564  
will be so divided or segmented, the municipal corporation has 3565  
agreed, as a condition of the annexation, that it will assume the 3566  
maintenance of that street or highway. For the purposes of this 3567  
division, "street" or "highway" has the same meaning as in section 3568  
4511.01 of the Revised Code. 3569

(B) The board of county commissioners shall enter upon its 3570  
journal a resolution granting or denying the petition for 3571  
annexation within thirty days after the hearing provided for in 3572  
section 709.032 of the Revised Code. The resolution shall include 3573  
specific findings of fact as to whether each of the conditions 3574  
listed in divisions (A)(1) to (6) of this section has been met. 3575

Upon journalization of the resolution, the clerk of the board 3576  
shall send a certified copy of it to the agent for the 3577  
petitioners, the clerk of the legislative authority of the 3578  
municipal corporation to which annexation is proposed, the ~~clerk~~ 3579  
fiscal officer of each township in which the territory proposed 3580  
for annexation is located, and the clerk of the board of county 3581  
commissioners of each county in which the territory proposed for 3582  
annexation is located other than the county in which the petition 3583  
is filed. The clerk of the board shall take no further action 3584  
until the expiration of thirty days after the date of 3585  
journalization. 3586

(C) After the expiration of that thirty-day period, if no 3587  
appeal has been timely filed under section 709.07 of the Revised 3588  
Code, the clerk of the board of county commissioners shall take 3589  
one of the following actions: 3590

(1) If the board granted the petition for annexation, the 3591  
clerk shall deliver a certified copy of the entire record of the 3592  
annexation proceedings, including all resolutions of the board, 3593  
signed by a majority of the members of the board, the petition, 3594  
map, and all other papers on file, the recording of the 3595  
proceedings, if a copy is available, and exhibits presented at the 3596  
hearing relating to the annexation proceedings, to the auditor or 3597  
clerk of the municipal corporation to which annexation is 3598  
proposed. 3599

(2) If the board denied the petition for annexation, the 3600  
clerk shall send a certified copy of its resolution denying the 3601  
annexation to the agent for the petitioners and to the clerk of 3602  
the municipal corporation to which the annexation was proposed. 3603

(D) If an appeal is filed in a timely manner under section 3604  
709.07 of the Revised Code from the determination of the board of 3605  
county commissioners granting or denying the petition for 3606

annexation, the clerk of the board shall take further action only 3607  
in accordance with that section. 3608

**Sec. 709.46.** (A) If the question of merging one or more 3609  
municipal corporations and the unincorporated area of a township, 3610  
as provided in section 709.45 of the Revised Code, is disapproved 3611  
by a majority of those voting on it in the township or a municipal 3612  
corporation proposed to be merged or in the municipal corporation 3613  
with which merger is proposed, no further petitions shall be filed 3614  
under that section proposing the same merger for at least three 3615  
years after the date of that disapproval. 3616

If the question of merging is approved by a majority of those 3617  
voting on it in each political subdivision proposed to be merged 3618  
and in the municipal corporation with which merger is proposed, 3619  
the five candidates from each of those political subdivisions 3620  
shall be elected to the commission to formulate the conditions of 3621  
merging the political subdivisions. The first meeting of the 3622  
commission shall be held in the chamber of the legislative 3623  
authority of the municipal corporation that has the smallest 3624  
population or, in the case of a merger of the unincorporated area 3625  
of a township and one or more municipal corporations, in the 3626  
office of the board of township trustees, at nine a.m. on the 3627  
tenth day after the certification of the election by the last of 3628  
the respective boards of elections to make that certification, 3629  
unless that day is a Saturday, Sunday, or holiday, in which case 3630  
the first meeting shall be held on the next day thereafter which 3631  
is not a Saturday, Sunday, or holiday. 3632

The clerk of the municipal legislative authority or the 3633  
fiscal officer of the board of township trustees in whose chamber 3634  
or office the first meeting of the commission is held shall serve 3635  
as temporary chairperson until permanent officers are elected. The 3636  
commission shall elect its own permanent officers and shall 3637

proceed to meet as often as necessary to formulate conditions for 3638  
merger that are satisfactory to a majority of the members of the 3639  
commission from each political subdivision. 3640

(B) In case of a vacancy on the commission, the vacancy shall 3641  
be filled by an appointee of the legislative authority of the 3642  
municipal corporation, or the board of township trustees of the 3643  
township, that the prior commissioner represented. The person 3644  
appointed to fill the vacancy shall be an elector of that 3645  
political subdivision and, if the person is representing a 3646  
township, shall reside in the unincorporated area of that 3647  
township. 3648

(C) The costs of the commission shall be divided among the 3649  
participating political subdivisions in proportion to the 3650  
population that each participating political subdivision bears to 3651  
the total population of the territory proposed to be merged. For 3652  
these purposes, a township's population shall be based solely upon 3653  
the population of the unincorporated area of the township proposed 3654  
to be merged. It shall be a proper public purpose for a municipal 3655  
corporation or township to expend general fund moneys for these 3656  
payments. 3657

(D) All meetings of the commission shall be subject to the 3658  
requirements of section 121.22 of the Revised Code. 3659

**Sec. 711.05.** (A) Upon the submission of a plat for approval, 3660  
in accordance with section 711.041 of the Revised Code, the board 3661  
of county commissioners shall certify on it the date of the 3662  
submission. Within five days of submission of the plat, the board 3663  
shall schedule a meeting to consider the plat and send a written 3664  
notice by regular mail to the ~~clerk~~ fiscal officer of the board of 3665  
township trustees of the township in which the plat is located. 3666  
The notice shall inform the trustees of the submission of the plat 3667  
and of the date, time, and location of any meeting at which the 3668

board of county commissioners will consider or act upon the 3669  
proposed plat. The meeting shall take place within thirty days of 3670  
submission of the plat, and no meeting shall be held until at 3671  
least seven days have passed from the date the notice was sent by 3672  
the board of county commissioners. The approval of the board 3673  
required by section 711.041 of the Revised Code or the refusal to 3674  
approve shall take place within thirty days from the date of 3675  
submission or such further time as the applying party may agree to 3676  
in writing; otherwise the plat is deemed approved and may be 3677  
recorded as if bearing such approval. 3678

(B) The board may adopt general rules governing plats and 3679  
subdivisions of land falling within its jurisdiction, to secure 3680  
and provide for the coordination of the streets within the 3681  
subdivision with existing streets and roads or with existing 3682  
county highways, for the proper amount of open spaces for traffic, 3683  
circulation, and utilities, and for the avoidance of future 3684  
congestion of population detrimental to the public health, safety, 3685  
or welfare but shall not impose a greater minimum lot area than 3686  
forty-eight hundred square feet. Before the board may amend or 3687  
adopt rules, it shall notify all the townships in the county of 3688  
the proposed amendments or rules by regular mail at least thirty 3689  
days before the public meeting at which the proposed amendments or 3690  
rules are to be considered. 3691

The rules may require the county department of health to 3692  
review and comment on a plat before the board of county 3693  
commissioners acts upon it and may also require proof of 3694  
compliance with any applicable zoning resolutions as a basis for 3695  
approval of a plat. Where under the provisions of section 711.101 3696  
of the Revised Code the board of county commissioners has set up 3697  
standards and specifications for the construction of streets, 3698  
utilities, and other improvements for common use, such general 3699  
rules may require the submission of appropriate plans and 3700



specifications for approval. The board shall not require the 3701  
person submitting the plat to alter the plat or any part of it as 3702  
a condition for approval, as long as the plat is in accordance 3703  
with general rules governing plats and subdivisions of land, 3704  
adopted by the board as provided in this section, in effect at the 3705  
time the plat was submitted and the plat is in accordance with any 3706  
standards and specifications set up under section 711.101 of the 3707  
Revised Code, in effect at the time the plat was submitted. 3708

(C) The ground of refusal to approve any plat, submitted in 3709  
accordance with section 711.041 of the Revised Code, shall be 3710  
stated upon the record of the board, and, within sixty days 3711  
thereafter, the person submitting any plat that the board refuses 3712  
to approve may file a petition in the court of common pleas of the 3713  
county in which the land described in the plat is situated to 3714  
review the action of the board. A board of township trustees is 3715  
not entitled to appeal a decision of the board of county 3716  
commissioners under this section. 3717

**Sec. 711.10.** (A) Whenever a county planning commission or a 3718  
regional planning commission adopts a plan for the major streets 3719  
or highways of the county or region, no plat of a subdivision of 3720  
land within the county or region, other than land within a 3721  
municipal corporation or land within three miles of a city or one 3722  
and one-half miles of a village as provided in section 711.09 of 3723  
the Revised Code, shall be recorded until it is approved by the 3724  
county or regional planning commission under division (C) of this 3725  
section and the approval is endorsed in writing on the plat. 3726

(B) A county or regional planning commission may require the 3727  
submission of a preliminary plan for each plat sought to be 3728  
recorded. If the commission requires this submission, it shall 3729  
provide for a review process for the preliminary plan. Under this 3730  
review process, the planning commission shall give its approval, 3731

its approval with conditions, or its disapproval of each 3732  
preliminary plan. The commission's decision shall be in writing, 3733  
shall be under the signature of the secretary of the commission, 3734  
and shall be issued within thirty-five business days after the 3735  
submission of the preliminary plan to the commission. The 3736  
disapproval of a preliminary plan shall state the reasons for the 3737  
disapproval. A decision of the commission under this division is 3738  
preliminary to and separate from the commission's decision to 3739  
approve, conditionally approve, or refuse to approve a plat under 3740  
division (C) of this section. 3741

(C) Within five calendar days after the submission of a plat 3742  
for approval under this division, the county or regional planning 3743  
commission shall schedule a meeting to consider the plat and send 3744  
a notice by regular mail or by electronic mail to the ~~clerk~~ fiscal 3745  
officer of the board of township trustees of the township in which 3746  
the plat is located. The notice shall inform the trustees of the 3747  
submission of the plat and of the date, time, and location of any 3748  
meeting at which the county or regional planning commission will 3749  
consider or act upon the plat. The meeting shall take place within 3750  
thirty calendar days after submission of the plat, and no meeting 3751  
shall be held until at least seven calendar days have passed from 3752  
the date the planning commission sent the notice. 3753

The approval of the county or regional planning commission, 3754  
the commission's conditional approval as described in this 3755  
division, or the refusal of the commission to approve shall be 3756  
endorsed on the plat within thirty calendar days after the 3757  
submission of the plat for approval under this division or within 3758  
such further time as the applying party may agree to in writing; 3759  
otherwise that plat is deemed approved, and the certificate of the 3760  
commission as to the date of the submission of the plat for 3761  
approval under this division and the failure to take action on it 3762  
within that time shall be sufficient in lieu of the written 3763

endorsement or evidence of approval required by this division. 3764

A county or regional planning commission may grant 3765  
conditional approval under this division to a plat by requiring a 3766  
person submitting the plat to alter the plat or any part of it, 3767  
within a specified period after the end of the thirty calendar 3768  
days, as a condition for final approval under this division. Once 3769  
all the conditions have been met within the specified period, the 3770  
commission shall cause its final approval under this division to 3771  
be endorsed on the plat. No plat shall be recorded until it is 3772  
endorsed with the commission's final or unconditional approval 3773  
under this division. 3774

The ground of refusal of approval of any plat submitted under 3775  
this division, including citation of or reference to the rule 3776  
violated by the plat, shall be stated upon the record of the 3777  
county or regional planning commission. Within sixty calendar days 3778  
after the refusal under this division, the person submitting any 3779  
plat that the commission refuses to approve under this division 3780  
may file a petition in the court of common pleas of the proper 3781  
county, and the proceedings on the petition shall be governed by 3782  
section 711.09 of the Revised Code as in the case of the refusal 3783  
of a planning authority to approve a plat. A board of township 3784  
trustees is not entitled to appeal a decision of the commission 3785  
under this division. 3786

A county or regional planning commission shall adopt general 3787  
rules, of uniform application, governing plats and subdivisions of 3788  
land falling within its jurisdiction, to secure and provide for 3789  
the proper arrangement of streets or other highways in relation to 3790  
existing or planned streets or highways or to the county or 3791  
regional plan, for adequate and convenient open spaces for 3792  
traffic, utilities, access of firefighting apparatus, recreation, 3793  
light, and air, and for the avoidance of congestion of population. 3794  
The rules may provide for their modification by the commission in 3795

specific cases where unusual topographical and other exceptional 3796  
conditions require the modification. The rules may require the 3797  
county department of health to review and comment on a plat before 3798  
the commission acts upon it and also may require proof of 3799  
compliance with any applicable zoning resolutions as a basis for 3800  
approval of a plat. 3801

Before adoption of its rules or amendment of its rules, the 3802  
commission shall hold a public hearing on the adoption or 3803  
amendment. Notice of the public hearing shall be sent to all 3804  
townships in the county or region by regular mail or electronic 3805  
mail at least thirty business days before the hearing. No county 3806  
or regional planning commission shall adopt any rules requiring 3807  
actual construction of streets or other improvements or facilities 3808  
or assurance of that construction as a condition precedent to the 3809  
approval of a plat of a subdivision unless the requirements have 3810  
first been adopted by the board of county commissioners after a 3811  
public hearing. A copy of the rules shall be certified by the 3812  
planning commission to the county recorders of the appropriate 3813  
counties. 3814

After a county or regional street or highway plan has been 3815  
adopted as provided in this section, the approval of plats and 3816  
subdivisions provided for in this section shall be in lieu of any 3817  
approvals provided for in other sections of the Revised Code, 3818  
insofar as the territory within the approving jurisdiction of the 3819  
county or regional planning commission, as provided in this 3820  
section, is concerned. Approval of a plat shall not be an 3821  
acceptance by the public of the dedication of any street, highway, 3822  
or other way or open space shown upon the plat. 3823

No county or regional planning commission shall require a 3824  
person submitting a plat to alter the plat or any part of it as 3825  
long as the plat is in accordance with the general rules governing 3826  
plats and subdivisions of land, adopted by the commission as 3827

provided in this section, in effect at the time the plat is 3828  
submitted. 3829

A county or regional planning commission and a city or 3830  
village planning commission, or platting commissioner or 3831  
legislative authority of a village, with subdivision regulation 3832  
jurisdiction over unincorporated territory within the county or 3833  
region may cooperate and agree by written agreement that the 3834  
approval of a plat by the city or village planning commission, or 3835  
platting commissioner or legislative authority of a village, as 3836  
provided in section 711.09 of the Revised Code, shall be 3837  
conditioned upon receiving advice from or approval by the county 3838  
or regional planning commission. 3839

(D) As used in this section, "business day" means a day of 3840  
the week excluding Saturday, Sunday, or a legal holiday as defined 3841  
in section 1.14 of the Revised Code. 3842

**Sec. 715.691.** (A) As used in this section: 3843

(1) "Contracting party" means a municipal corporation that 3844  
has entered into a joint economic development zone contract or any 3845  
party succeeding to ~~such a~~ the municipal corporation, or a 3846  
township that entered into a joint economic development zone 3847  
contract with a municipal corporation. 3848

(2) "Zone" means a joint economic development zone designated 3849  
under this section. 3850

(B) This section provides alternative procedures and 3851  
requirements for creating and operating a joint economic 3852  
development zone to those set forth in section 715.69 of the 3853  
Revised Code. This section applies only if one of the contracting 3854  
parties to the zone does not levy a municipal income tax under 3855  
Chapter 718. of the Revised Code. A municipal corporation that 3856  
does not levy a municipal income tax may enter into an agreement 3857

to create and operate a joint economic development zone under this 3858  
section or under section 715.69 of the Revised Code. 3859

Two or more municipal corporations or one or more townships 3860  
and one or more municipal corporations may enter into a contract 3861  
whereby they agree to share in the costs of improvements for an 3862  
area or areas located in one or more of the contracting parties 3863  
that they designate as a joint economic development zone for the 3864  
purpose of facilitating new or expanded growth for commercial or 3865  
economic development in the state. The contract and zone shall 3866  
meet the requirements of divisions (B) to (J) of this section. 3867

(C) The contract shall set forth each contracting party's 3868  
contribution to the joint economic development zone. The 3869  
contributions may be in any form that the contracting parties 3870  
agree to, and may include, but are not limited to, the provision 3871  
of services, money, or equipment. The contract may be amended, 3872  
renewed, or terminated with the consent of the contracting 3873  
parties. The contract shall continue in existence throughout the 3874  
term it specifies and shall be binding on the contracting parties 3875  
and on any entities succeeding to the contracting parties. 3876

(D) Before the legislative authority of any of the 3877  
contracting parties enacts an ordinance or resolution approving a 3878  
contract to designate a joint economic development zone, the 3879  
legislative authority of each of the contracting parties shall 3880  
hold a public hearing concerning the contract and zone. Each ~~such~~ 3881  
legislative authority shall provide at least thirty days' public 3882  
notice of the time and place of the public hearing in a newspaper 3883  
of general circulation in the municipal corporation or township. 3884  
During the thirty-day period prior to the public hearing, all of 3885  
the following documents shall be available for public inspection 3886  
in the office of the clerk of the legislative authority of ~~each a~~ 3887  
municipal corporation that is a contracting party and in the 3888  
office of the fiscal officer of ~~the~~ a township that is a 3889

contracting <del>parties</del> <u>party</u> :	3890
(1) A copy of the contract designating the zone;	3891
(2) A description of the area or areas to be included in the zone, including a map in sufficient detail to denote the specific boundaries of the area or areas;	3892 3893 3894
(3) An economic development plan for the zone that includes a schedule for the provision of any new, expanded, or additional services, facilities, or improvements.	3895 3896 3897
A public hearing held under division (D) of this section shall allow for public comment and recommendations on the contract and zone. The contracting parties may include in the contract any of those recommendations prior to approval of the contract.	3898 3899 3900 3901
(E) After the public hearings required under division (D) of this section have been held, each contracting party may enact an ordinance or resolution approving the contract to designate a joint economic development zone. After each contracting party has enacted <del>such</del> an ordinance or resolution, the clerk of the legislative authority of <del>each</del> <u>a municipal corporation that is a contracting party and the fiscal officer of a township that is a contracting party</u> shall file with the board of elections of each county within which a contracting party is located a copy of the ordinance or resolution approving the contract and shall direct the board of elections to submit the ordinance or resolution to the electors of the contracting party on the day of the next general, primary, or special election occurring at least seventy-five days after the ordinance or resolution is filed with the board of elections. If any of the contracting parties is a township, however, then only the township or townships shall submit the resolution to the electors.	3902 3903 3904 3905 3906 3907 3908 3909 3910 3911 3912 3913 3914 3915 3916 3917 3918
(F)(1) If a vote is required to approve a municipal corporation as a contracting party to a joint economic development	3919 3920

zone under this section, the ballot shall be in the following  
form:

"Shall the ordinance of the legislative authority of the  
(city or village) of (name of contracting party) approving the  
contract with (name of each other contracting party) for the  
designation of a joint economic development zone be approved?

	FOR THE ORDINANCE AND CONTRACT
	AGAINST THE ORDINANCE AND CONTRACT

"

(2) If a vote is required to approve a township as a  
contracting party to a joint economic development zone under this  
section, the ballot shall be in the following form:

"Shall the resolution of the board of township trustees of  
the township of (name of contracting party) approving the contract  
with (name of each other contracting party) for the designation of  
a joint economic development zone be approved?

	FOR THE RESOLUTION AND CONTRACT
	AGAINST THE RESOLUTION AND CONTRACT

"

If a majority of the electors of each contracting party  
voting on the issue vote for the ordinance or resolution and  
contract, the ordinance or resolution shall become effective  
immediately and the contract shall go into effect immediately or  
in accordance with its terms.

(G)(1) A board of directors shall govern each joint economic  
development zone created under section 715.691 of the Revised  
Code. The members of the board shall be appointed as provided in  
the contract. Each of the contracting parties shall appoint three



members to the board. Terms for each member shall be for two 3951  
years, each term ending on the same day of the month of the year 3952  
as did the term that it succeeds. A member may be reappointed to 3953  
the board. 3954

(2) Membership on the board is not the holding of a public 3955  
office or employment within the meaning of any section of the 3956  
Revised Code or any charter provision prohibiting the holding of 3957  
other public office or employment. Membership on the board is not 3958  
a direct or indirect interest in a contract or expenditure of 3959  
money by a municipal corporation, township, county, or other 3960  
political subdivision with which a member may be affiliated. 3961  
Notwithstanding any provision of law or a charter to the contrary, 3962  
no member of the board shall forfeit or be disqualified from 3963  
holding any public office or employment by reason of membership on 3964  
the board. 3965

(3) The board is a public body for the purposes of section 3966  
121.22 of the Revised Code. Chapter 2744. of the Revised Code 3967  
applies to the board and the zone. 3968

(H) The contract may grant to the board of directors 3969  
appointed under division (G) of this section the power to adopt a 3970  
resolution to levy an income tax within the zone. The income tax 3971  
shall be used for the purposes of the zone and for the purposes of 3972  
the contracting municipal corporations pursuant to the contract. 3973  
The income tax may be levied in the zone based on income earned by 3974  
persons working within the zone and on the net profits of 3975  
businesses located in the zone. The income tax is subject to 3976  
Chapter 718. of the Revised Code, except that a vote shall be 3977  
required by the electors residing in the zone to approve the rate 3978  
of income tax unless a majority of the electors residing within 3979  
the zone, as determined by the total number of votes cast in the 3980  
zone for the office of governor at the most recent general 3981  
election for that office, submit a petition to the board 3982

requesting that the election provided for in division (H)(1) of 3983  
this section not be held. If no electors reside within the zone, 3984  
then division (H)(3) of this section applies. The rate of the 3985  
income tax shall be no higher than the highest rate being levied 3986  
by a municipal corporation that is a party to the contract. 3987

(1) The board of directors may levy an income tax at a rate 3988  
that is not higher than the highest rate being levied by a 3989  
municipal corporation that is a party to the contract, provided 3990  
that the rate of the income tax is first submitted to and approved 3991  
by the electors of the zone at the succeeding regular or primary 3992  
election, or a special election called by the board, occurring 3993  
subsequent to seventy-five days after a certified copy of the 3994  
resolution levying the income tax and calling for the election is 3995  
filed with the board of elections. If the voters approve the levy 3996  
of the income tax, the income tax shall be in force for the full 3997  
period of the contract establishing the zone. No election shall be 3998  
held under this section if a majority of the electors residing 3999  
within the zone, determined as specified in division (H) of this 4000  
section, submit a petition to that effect to the board of 4001  
directors. Any increase in the rate of an income tax by the board 4002  
of directors shall be approved by a vote of the electors of the 4003  
zone and shall be in force for the remaining period of the 4004  
contract establishing the zone. 4005

(2) Whenever a zone is located in the territory of more than 4006  
one contracting party, a majority vote of the electors in each of 4007  
the several portions of the territory of the contracting parties 4008  
constituting the zone approving the levy of the tax is required 4009  
before it may be imposed under division (H) of this section. 4010

(3) If no electors reside in the zone, no election for the 4011  
approval or rejection of an income tax shall be held under this 4012  
section, provided that where no electors reside in the zone, the 4013  
rate of the income tax shall be no higher than the highest rate 4014

being levied by a municipal corporation that is a party to the contract. 4015  
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(4) The board of directors of a zone levying an income tax shall enter into an agreement with one of the municipal corporations that is a party to the contract to administer, collect, and enforce the income tax on behalf of the zone. 4017  
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(5) The board of directors of a zone shall publish or post public notice within the zone of any resolution adopted levying an income tax in the same manner required of municipal corporations under sections 731.21 and 731.25 of the Revised Code. 4021  
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(I)(1) If for any reason a contracting party reverts to or has its boundaries changed so that it is classified as a township that is the entity succeeding to that contracting party, the township is considered to be a municipal corporation for the purposes of the contract for the full period of the contract establishing the joint economic development zone, except that if that contracting party is administering, collecting, and enforcing the income tax on behalf of the district as provided in division (H)(4) of this section, the contract shall be amended to allow one of the other contracting parties to administer, collect, and enforce that tax. 4025  
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(2) Notwithstanding any other section of the Revised Code, if there is any change in the boundaries of a township so that a municipal corporation once located within the township is no longer so located, the township shall remain in existence even though its remaining unincorporated area contains less than twenty-two square miles, if the township has been or becomes a party to a contract creating a joint economic development zone under this section or the contract creating that joint economic development zone under this section is terminated or repudiated for any reason by any party or person. The township shall continue 4036  
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its existing status in all respects, including having the same 4046  
form of government and the same elected board of trustees as its 4047  
governing body. The township shall continue to receive all of its 4048  
tax levies and sources of income as a township in accordance with 4049  
any section of the Revised Code, whether ~~such~~ the levies and 4050  
sources of income generate millage within the ten-mill limitation 4051  
or in excess of the ten-mill limitation. The name of the township 4052  
may be changed to the name of the contracting party appearing in 4053  
the contract creating a joint economic development zone under this 4054  
section, so long as the name does not conflict with any other name 4055  
in the state that has been certified by the secretary of state. 4056  
The township shall have all of the powers set out in sections 4057  
715.79, 715.80, and 715.81 of the Revised Code. 4058

(J) If, after creating and operating a joint economic 4059  
development zone under this section, a contracting party that did 4060  
not levy a municipal income tax under Chapter 718. of the Revised 4061  
Code levies such a tax, the tax shall not apply to the zone for 4062  
the full period of the contract establishing the zone, if the 4063  
board of directors of the zone has levied an income tax as 4064  
provided in division (H) of this section. 4065

**Sec. 715.70.** (A) This section and section 715.71 of the 4066  
Revised Code apply only to: 4067

(1) Municipal corporations and townships within a county that 4068  
has adopted a charter under Sections 3 and 4 of Article X, Ohio 4069  
Constitution; 4070

(2) Municipal corporations and townships that have created a 4071  
joint economic development district comprised entirely of real 4072  
property owned by a municipal corporation at the time the district 4073  
was created under this section. The real property owned by the 4074  
municipal corporation shall include an airport owned by the 4075  
municipal corporation and located entirely beyond the municipal 4076

corporation's corporate boundary. 4077

(3) Municipal corporations or townships that are part of or 4078  
contiguous to a transportation improvement district created under 4079  
Chapter 5540. of the Revised Code and that have created a joint 4080  
economic development district under this section or section 715.71 4081  
of the Revised Code prior to November 15, 1995; 4082

(4) Municipal corporations that have previously entered into 4083  
a contract creating a joint economic development district pursuant 4084  
to division (A)(2) of this section, even if the territory to be 4085  
included in the district does not meet the requirements of that 4086  
division. 4087

(B)(1) One or more municipal corporations and one or more 4088  
townships may enter into a contract approved by the legislative 4089  
authority of each contracting party pursuant to which they create 4090  
as a joint economic development district an area or areas for the 4091  
purpose of facilitating economic development to create or preserve 4092  
jobs and employment opportunities and to improve the economic 4093  
welfare of the people in the state and in the area of the 4094  
contracting parties. A municipal corporation described in division 4095  
(A)(4) of this section may enter into a contract with other 4096  
municipal corporations and townships to create a new joint 4097  
economic development district. In a district that includes a 4098  
municipal corporation described in division (A)(4) of this 4099  
section, the territory of each of the contracting parties shall be 4100  
contiguous to the territory of at least one other contracting 4101  
party, or contiguous to the territory of a township or municipal 4102  
corporation that is contiguous to another contracting party, even 4103  
if the intervening township or municipal corporation is not a 4104  
contracting party. The area or areas of land to be included in the 4105  
district shall not include any parcel of land owned in fee by a 4106  
municipal corporation or a township or parcel of land that is 4107  
leased to a municipal corporation or a township, unless the 4108

municipal corporation or township is a party to the contract or  
unless the municipal corporation or township has given its consent  
to have its parcel of land included in the district by the  
adoption of a resolution. As used in this division, "parcel of  
land" means any parcel of land owned by a municipal corporation or  
a township for at least a six-month period within a five-year  
period prior to the creation of a district, but "parcel of land"  
does not include streets or public ways and sewer, water, and  
other utility lines whether owned in fee or otherwise.

The district created shall be located within the territory of  
one or more of the participating parties and may consist of all or  
a portion of such territory. The boundaries of the district shall  
be described in the contract or in an addendum to the contract.

(2) Prior to the public hearing to be held pursuant to  
division (D)(2) of this section, the participating parties shall  
give a copy of the proposed contract to each municipal corporation  
located within one-quarter mile of the proposed joint economic  
development district and not otherwise a party to the contract,  
and afford the municipal corporation the reasonable opportunity,  
for a period of thirty days following receipt of the proposed  
contract, to make comments and suggestions to the participating  
parties regarding elements contained in the proposed contract.

(3) The district shall not exceed two thousand acres in area.  
The territory of the district shall not completely surround  
territory that is not included within the boundaries of the  
district.

(4) Sections 503.07 to 503.12 of the Revised Code do not  
apply to territory included within a district created pursuant to  
this section as long as the contract creating the district is in  
effect, unless the legislative authority of each municipal  
corporation and the board of township trustees of each township

included in the district consent, by ordinance or resolution, to  
the application of those sections of the Revised Code.

(5) Upon the execution of the contract creating the district  
by the parties to the contract, a participating municipal  
corporation or township included within the district shall file a  
copy of the fully executed contract with the county recorder of  
each county within which a party to the contract is located, in  
the miscellaneous records of the county. No annexation proceeding  
pursuant to Chapter 709. of the Revised Code that proposes the  
annexation to, merger, or consolidation with a municipal  
corporation of any unincorporated territory within the district  
shall be commenced for a period of three years after the contract  
is filed with the county recorder of each county within which a  
party to the contract is located unless each board of township  
trustees whose territory is included, in whole or part, within the  
district and the territory proposed to be annexed, merged, or  
consolidated adopts a resolution consenting to the commencement of  
the proceeding and a copy of the resolution is filed with the  
legislative authority of each county within which a party to the  
contract is located or unless the contract is terminated during  
this period.

The contract entered into between the municipal corporations  
and townships pursuant to this section may provide for the  
prohibition of any annexation by the participating municipal  
corporations of any unincorporated territory within the district  
beyond the three-year mandatory prohibition of any annexation  
provided for in division (B)(5) of this section.

(C)(1) After the legislative authority of a municipal  
corporation and the board of township trustees have adopted an  
ordinance and resolution approving a contract to create a joint  
economic development district pursuant to this section, and after  
a contract has been signed, the municipal corporations and

townships shall jointly file a petition with the legislative authority of each county within which a party to the contract is located. 4172  
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(a) The petition shall contain all of the following: 4175

(i) A statement that the area or areas of the district is not greater than two thousand acres and is located within the territory of one or more of the contracting parties; 4176  
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(ii) A brief summary of the services to be provided by each party to the contract or a reference to the portion of the contract describing those services; 4179  
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(iii) A description of the area or areas to be designated as the district; 4182  
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(iv) The signature of a representative of each of the contracting parties. 4184  
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(b) The following documents shall be filed with the petition: 4186

(i) A signed copy of the contract, together with copies of district maps and plans related to or part of the contract; 4187  
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(ii) A certified copy of the ordinances and resolutions of the contracting parties approving the contract; 4189  
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(iii) A certificate from each of the contracting parties indicating that the public hearings required by division (D)(2) of this section have been held, the date of the hearings, and evidence of publication of the notice of the hearings; 4191  
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(iv) One or more signed statements of persons who are owners of property located in whole or in part within the area to be designated as the district, requesting that ~~such~~ the property be included within the district, provided that those statements shall represent a majority of the persons owning property located in whole or in part within the district and persons owning a majority of the acreage located within the district. A signature may be 4195  
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withdrawn by the signer up to but not after the time of the public hearing required by division (D)(2) of this section.

(2) The legislative authority of each county within which a party to the contract is located shall adopt a resolution approving the petition for the creation of the district if the petition and other documents have been filed in accordance with the requirements of division (C)(1) of this section. If the petition and other documents do not substantially meet the requirements of that division, the legislative authority of any county within which a party to the contract is located may adopt a resolution disapproving the petition for the creation of the district. The legislative authority of each county within which a party to the contract is located shall adopt a resolution approving or disapproving the petition within thirty days after the petition was filed. If the legislative authority of each such county does not adopt the resolution within the thirty-day period, the petition shall be deemed approved and the contract shall go into effect immediately after that approval or at such other time as the contract specifies.

(D)(1) The contract creating the district shall set forth or provide for the amount or nature of the contribution of each municipal corporation and township to the development and operation of the district and may provide for the sharing of the costs of the operation of and improvements for the district. The contributions may be in any form to which the contracting municipal corporations and townships agree and may include but are not limited to the provision of services, money, real or personal property, facilities, or equipment. The contract may provide for the contracting parties to share revenue from taxes levied on property by one or more of the contracting parties if those revenues may lawfully be applied to that purpose under the legislation by which those taxes are levied. The contract shall

provide for new, expanded, or additional services, facilities, or 4234  
improvements, including expanded or additional capacity for or 4235  
other enhancement of existing services, facilities, or 4236  
improvements, provided that those services, facilities, or 4237  
improvements, or expanded or additional capacity for or 4238  
enhancement of existing services, facilities, or improvements, 4239  
required herein have been provided within the two-year period 4240  
prior to the execution of the contract. 4241

(2) Before the legislative authority of a municipal 4242  
corporation or a board of township trustees passes any ordinance 4243  
or resolution approving a contract to create a joint economic 4244  
development district pursuant to this section, the legislative 4245  
authority of the municipal corporation and the board of township 4246  
trustees shall each hold a public hearing concerning the joint 4247  
economic development district contract and shall provide thirty 4248  
days' public notice of the time and place of the public hearing in 4249  
a newspaper of general circulation in the municipal corporation 4250  
and the township. The board of township trustees may provide 4251  
additional notice to township residents in accordance with section 4252  
9.03 of the Revised Code, and any ~~such~~ additional notice shall 4253  
include the public hearing announcement; a summary of the terms of 4254  
the contract; a statement that the entire text of the contract and 4255  
district maps and plans are on file for public examination in the 4256  
office of the township ~~clerk~~ fiscal officer; and information 4257  
pertaining to any tax changes ~~which~~ that will or may occur as a 4258  
result of the contract. 4259

During the thirty-day period prior to the public hearing, a 4260  
copy of the text of the contract together with copies of district 4261  
maps and plans related to or part of the contract shall be on 4262  
file, for public examination, in the offices of the clerk of the 4263  
legislative authority of the municipal corporation and of the 4264  
township ~~clerk~~ fiscal officer. The public hearing provided for in 4265

division (D)(2) of this section shall allow for public comment and 4266  
recommendations from the public on the proposed contract. The 4267  
contracting parties may include in the contract any of those 4268  
recommendations prior to the approval of the contract. 4269

(3) Any resolution of the board of township trustees that 4270  
approves a contract that creates a joint economic development 4271  
district pursuant to this section shall be subject to a referendum 4272  
of the electors of the township. When a referendum petition, 4273  
signed by ten per cent of the number of electors in the township 4274  
who voted for the office of governor at the most recent general 4275  
election for the office of governor, is presented to the board of 4276  
township trustees within thirty days after the board of township 4277  
trustees adopted the resolution, ordering that the resolution be 4278  
submitted to the electors of the township for their approval or 4279  
rejection, the board of township trustees shall, after ten days 4280  
and not later than four p.m. of the seventy-fifth day before the 4281  
election, certify the text of the resolution to the board of 4282  
elections. The board of elections shall submit the resolution to 4283  
the electors of the township for their approval or rejection at 4284  
the next general, primary, or special election occurring 4285  
subsequent to seventy-five days after the certifying of the 4286  
petition to the board of elections. 4287

(4) Upon the creation of a district under this section or 4288  
section 715.71 of the Revised Code, one of the contracting parties 4289  
shall file a copy of the following with the director of 4290  
development: 4291

(a) The petition and other documents described in division 4292  
(C)(1) of this section, if the district is created under this 4293  
section; 4294

(b) The documents described in division (D) of section 715.71 4295  
of the Revised Code, if the district is created under this 4296  
section; 4297

(E) The district created by the contract shall be governed by 4298  
a board of directors that shall be established by or pursuant to 4299  
the contract. The board is a public body for the purposes of 4300  
section 121.22 of the Revised Code. The provisions of Chapter 4301  
2744. of the Revised Code apply to the board and the district. The 4302  
members of the board shall be appointed as provided in the 4303  
contract from among the elected members of the legislative 4304  
authorities and the elected chief executive officers of the 4305  
contracting parties, provided that there shall be at least two 4306  
members appointed from each of the contracting parties. 4307

(F) The contract shall enumerate the specific powers, duties, 4308  
and functions of the board of directors of a district, and the 4309  
contract shall provide for the determination of procedures that 4310  
are to govern the board of directors. The contract may grant to 4311  
the board the power to adopt a resolution to levy an income tax 4312  
within the district. The income tax shall be used for the purposes 4313  
of the district and for the purposes of the contracting municipal 4314  
corporations and townships pursuant to the contract. The income 4315  
tax may be levied in the district based on income earned by 4316  
persons working or residing within the district and based on the 4317  
net profits of businesses located in the district. The income tax 4318  
shall follow the provisions of Chapter 718. of the Revised Code, 4319  
except that a vote shall be required by the electors residing in 4320  
the district to approve the rate of income tax. If no electors 4321  
reside within the district, then division (F)(4) of this section 4322  
applies. The rate of the income tax shall be no higher than the 4323  
highest rate being levied by a municipal corporation that is a 4324  
party to the contract. 4325

(1) Within one hundred eighty days after the first meeting of 4326  
the board of directors, the board may levy an income tax, provided 4327  
that the rate of the income tax is first submitted to and approved 4328  
by the electors of the district at the succeeding regular or 4329

primary election, or a special election called by the board, 4330  
occurring subsequent to seventy-five days after a certified copy 4331  
of the resolution levying the income tax and calling for the 4332  
election is filed with the board of elections. If the voters 4333  
approve the levy of the income tax, the income tax shall be in 4334  
force for the full period of the contract establishing the 4335  
district. Any increase in the rate of an income tax that was first 4336  
levied within one hundred eighty days after the first meeting of 4337  
the board of directors shall be approved by a vote of the electors 4338  
of the district, shall be in force for the remaining period of the 4339  
contract establishing the district, and shall not be subject to 4340  
division (F)(2) of this section. 4341

(2) Any resolution of the board of directors levying an 4342  
income tax that is adopted subsequent to one hundred eighty days 4343  
after the first meeting of the board of directors shall be subject 4344  
to a referendum as provided in division (F)(2) of this section. 4345  
Any resolution of the board of directors levying an income tax 4346  
that is adopted subsequent to one hundred eighty days after the 4347  
first meeting of the board of directors shall be subject to an 4348  
initiative proceeding to amend or repeal the resolution levying 4349  
the income tax as provided in division (F)(2) of this section. 4350  
When a referendum petition, signed by ten per cent of the number 4351  
of electors in the district who voted for the office of governor 4352  
at the most recent general election for the office of governor, is 4353  
filed with the county auditor of each county within which a party 4354  
to the contract is located within thirty days after the resolution 4355  
is adopted by the board or when an initiative petition, signed by 4356  
ten per cent of the number of electors in the district who voted 4357  
for the office of governor at the most recent general election for 4358  
the office of governor, is filed with the county auditor of each 4359  
such county ordering that a resolution to amend or repeal a prior 4360  
resolution levying an income tax be submitted to the electors 4361

within the district for their approval or rejection, the county auditor of each such county, after ten days and not later than four p.m. of the seventy-fifth day before the election, shall certify the text of the resolution to the board of elections of that county. The county auditor of each such county shall retain the petition. The board of elections shall submit the resolution to such electors, for their approval or rejection, at the next general, primary, or special election occurring subsequent to seventy-five days after the certifying of such petition to the board of elections.

(3) Whenever a district is located in the territory of more than one contracting party, a majority vote of the electors, if any, in each of the several portions of the territory of the contracting parties constituting the district approving the levy of the tax is required before it may be imposed pursuant to this division.

(4) If there are no electors residing in the district, no election for the approval or rejection of an income tax shall be held pursuant to this section, provided that where no electors reside in the district, the maximum rate of the income tax that may be levied shall not exceed one per cent.

(5) The board of directors of a district levying an income tax shall enter into an agreement with one of the municipal corporations that is a party to the contract to administer, collect, and enforce the income tax on behalf of the district. The resolution levying the income tax shall provide the same credits, if any, to residents of the district for income taxes paid to other such districts or municipal corporations where the residents work, as credits provided to residents of the municipal corporation administering the income tax.

(6)(a) The board shall publish or post public notice within

the district of any resolution adopted levying an income tax in 4393  
the same manner required of municipal corporations under sections 4394  
731.21 and 731.25 of the Revised Code. 4395

(b) Except as otherwise specified by this division, any 4396  
referendum or initiative proceeding within a district shall be 4397  
conducted in the same manner as is required for such proceedings 4398  
within a municipal corporation pursuant to sections 731.28 to 4399  
731.40 of the Revised Code. 4400

(G) Membership on the board of directors does not constitute 4401  
the holding of a public office or employment within the meaning of 4402  
any section of the Revised Code or any charter provision 4403  
prohibiting the holding of other public office or employment, and 4404  
shall not constitute an interest, either direct or indirect, in a 4405  
contract or expenditure of money by any municipal corporation, 4406  
township, county, or other political subdivision with which the 4407  
member may be connected. No member of a board of directors shall 4408  
be disqualified from holding any public office or employment, nor 4409  
shall such member forfeit or be disqualified from holding any such 4410  
office or employment, by reason of the member's membership on the 4411  
board of directors, notwithstanding any law or charter provision 4412  
to the contrary. 4413

(H) The powers and authorizations granted pursuant to this 4414  
section or section 715.71 of the Revised Code are in addition to 4415  
and not in derogation of all other powers granted to municipal 4416  
corporations and townships pursuant to law. When exercising a 4417  
power or performing a function or duty under a contract authorized 4418  
pursuant to this section or section 715.71 of the Revised Code, a 4419  
municipal corporation may exercise all of the powers of a 4420  
municipal corporation, and may perform all the functions and 4421  
duties of a municipal corporation, within the district, pursuant 4422  
to and to the extent consistent with the contract. When exercising 4423  
a power or performing a function or duty under a contract 4424

authorized pursuant to this section or section 715.71 of the  
Revised Code, a township may exercise all of the powers of a  
township, and may perform all the functions and duties of a  
township, within the district, pursuant to and to the extent  
consistent with the contract. The district board of directors has  
no powers except those specifically set forth in the contract as  
agreed to by the participating parties. No political subdivision  
shall authorize or grant any tax exemption pursuant to Chapter  
1728. or section 3735.67, 5709.62, 5709.63, or 5709.632 of the  
Revised Code on any property located within the district, except  
that a political subdivision that is a contracting party may grant  
a tax exemption under section 5709.62, 5709.63, or 5709.632 of the  
Revised Code on property located within the district, with the  
consent of the other contracting parties. The prohibition for any  
tax exemption pursuant to this division shall not apply to any  
exemption filed, pending, or approved, or for which an agreement  
has been entered into, before the effective date of the contract  
entered into by the parties.

(I) Municipal corporations and townships may enter into  
binding agreements pursuant to a contract authorized under this  
section or section 715.71 of the Revised Code with respect to the  
substance and administration of zoning and other land use  
regulations, building codes, public permanent improvements, and  
other regulatory and proprietary matters that are determined,  
pursuant to the contract, to be for a public purpose and to be  
desirable with respect to the operation of the district or to  
facilitate new or expanded economic development in the state or  
the district, provided that no contract shall exempt the territory  
within the district from the procedures and processes of land use  
regulation applicable pursuant to municipal corporation, township,  
and county regulations, including but not limited to procedures  
and processes concerning zoning.



(J) A contract entered into pursuant to this section or 4457  
section 715.71 of the Revised Code may be amended and it may be 4458  
renewed, canceled, or terminated as provided in or pursuant to the 4459  
contract. The contract may be amended to add property owned by one 4460  
of the contracting parties to the district, or may be amended to 4461  
delete property from the district whether or not one of the 4462  
contracting parties owns the deleted property. The contract shall 4463  
continue in existence throughout its term and shall be binding on 4464  
the contracting parties and on any entities succeeding to such 4465  
parties, whether by annexation, merger, or otherwise. The income 4466  
tax levied by the board pursuant to this section or section 715.71 4467  
of the Revised Code shall apply in the entire district throughout 4468  
the term of the contract, notwithstanding that all or a portion of 4469  
the district becomes subject to annexation, merger, or 4470  
incorporation. No township or municipal corporation is divested of 4471  
its rights or obligations under the contract because of 4472  
annexation, merger, or succession of interests. 4473

(K) After the creation of a joint economic development 4474  
district described in division (A)(2) of this section, a municipal 4475  
corporation that is a contracting party may cease to own property 4476  
included in the district, but such property shall continue to be 4477  
included in the district and subject to the terms of the contract. 4478

**Sec. 715.71.** (A) This section provides alternative procedures 4479  
and requirements to those set forth in section 715.70 of the 4480  
Revised Code for creating and operating a joint economic 4481  
development district. Divisions (B), (C), (D)(1) to (3), and (F) 4482  
of section 715.70 of the Revised Code do not apply to a joint 4483  
economic development district established under this section. 4484  
However, divisions (A), (D)(4), (E), (G), (H), (I), (J), and (K) 4485  
of section 715.70 of the Revised Code do apply to a district 4486  
established under this section. 4487

(B) One or more municipal corporations and one or more 4488  
townships may enter into a contract approved by the legislative 4489  
authority of each contracting party pursuant to which they create 4490  
as a joint economic development district one or more areas for the 4491  
purpose of facilitating economic development to create or preserve 4492  
jobs and employment opportunities and to improve the economic 4493  
welfare of the people in this state and in the area of the 4494  
contracting parties. The district created shall be located within 4495  
the territory of one or more of the contracting parties and may 4496  
consist of all or a portion of ~~such~~ that territory. The boundaries 4497  
of the district shall be described in the contract or in an 4498  
addendum to the contract. The area or areas of land to be included 4499  
in the district shall not include any parcel of land owned in fee 4500  
by or leased to a municipal corporation or township, unless the 4501  
municipal corporation or township is a party to the contract or 4502  
has given its consent to have its parcel of land included in the 4503  
district by the adoption of a resolution. As used in this 4504  
division, "parcel of land" has the same meaning as in division (B) 4505  
of section 715.70 of the Revised Code. 4506

(C) Before the legislative authority of a municipal 4507  
corporation or a board of township trustees adopts an ordinance or 4508  
resolution approving a contract to create a joint economic 4509  
development district under this section, it shall hold a public 4510  
hearing concerning the joint economic development district 4511  
contract and shall provide thirty days' public notice of the time 4512  
and place of the public hearing in a newspaper of general 4513  
circulation in the municipal corporation and the township. Each 4514  
municipal corporation and township that is a party to the contract 4515  
shall hold a public hearing. During the thirty-day period prior to 4516  
a public hearing, a copy of the text of the contract together with 4517  
copies of district maps and plans related to or part of the 4518  
contract shall be on file, for public examination, in the offices 4519

of the clerk of the legislative authority of the municipal 4520  
corporation and of the township ~~clerk~~ fiscal officer. The public 4521  
hearings provided for in this division shall allow for public 4522  
comment and recommendations on the proposed contract. The 4523  
participating parties may include in the contract any of those 4524  
recommendations prior to approval of the contract. 4525

(D) After the legislative authority of a municipal 4526  
corporation and the board of township trustees have adopted an 4527  
ordinance and resolution approving a contract to create a joint 4528  
economic development district, the municipal corporation and the 4529  
township jointly shall file with the legislative authority of each 4530  
county within which a party to the contract is located all of the 4531  
following: 4532

(1) A signed copy of the contract, together with copies of 4533  
district maps and plans related to or part of the contract; 4534

(2) Certified copies of the ordinances and resolutions of the 4535  
contracting parties relating to the district and the contract; 4536

(3) A certificate of each of the contracting parties that the 4537  
public hearings provided for in division (C) of this section have 4538  
been held, the date of ~~such~~ the hearings, and evidence of 4539  
publication of the notice of ~~such~~ the hearings. 4540

(E) Within thirty days after the filing under division (D) of 4541  
this section, the legislative authority of each county within 4542  
which a party to the contract is located shall adopt a resolution 4543  
acknowledging the receipt of the required documents, approving the 4544  
creation of the joint economic development district, and directing 4545  
that the resolution of the board of township trustees approving 4546  
the contract be submitted to the electors of the township for 4547  
approval at the next succeeding general, primary, or special 4548  
election. The legislative authority of the county shall file with 4549  
the board of elections at least seventy-five days before the day 4550

of the election a copy of the resolution of the board of township trustees approving the contract. The resolution of the legislative authority of the county also shall specify the date the election is to be held and shall direct the board of elections to conduct the election in the township. If the resolution of the legislative authority of the county is not adopted within the thirty-day period after the filing under division (D) of this section, the joint economic development district shall be deemed approved by the county legislative authority, and the board of township trustees shall file its resolution with the board of elections for submission to the electors of the township for approval at the next succeeding general, primary, or special election. ~~Such~~ The filing shall occur at least seventy-five days before the specified date the election is to be held and shall direct the board of elections to conduct the election in the township.

The ballot shall be in the following form:

"Shall the resolution of the board of township trustees approving the contract with ..... (here insert name of each municipal corporation and other township that is a party to the contract) for the creation of a joint economic development district be approved?"

	FOR THE RESOLUTION AND CONTRACT
	AGAINST THE RESOLUTION AND CONTRACT

"

If a majority of the electors of the township voting on the issue vote for the resolution and contract, the resolution shall become effective immediately and the contract shall go into effect immediately or in accordance with its terms.

(F) The contract creating the district shall set forth or provide for the amount or nature of the contribution of each

municipal corporation and township to the development and 4582  
operation of the district and may provide for the sharing of the 4583  
costs of the operation of and improvements for the district. The 4584  
contributions may be in any form to which the contracting 4585  
municipal corporations and townships agree and may include but are 4586  
not limited to the provision of services, money, real or personal 4587  
property, facilities, or equipment. The contract may provide for 4588  
the contracting parties to share revenue from taxes levied on 4589  
property by one or more of the contracting parties if those 4590  
revenues may lawfully be applied to that purpose under the 4591  
legislation by which those taxes are levied. The contract shall 4592  
provide for new, expanded, or additional services, facilities, or 4593  
improvements, including expanded or additional capacity for or 4594  
other enhancement of existing services, facilities, or 4595  
improvements, provided that the existing services, facilities, or 4596  
improvements, or the expanded or additional capacity for or 4597  
enhancement of the existing services, facilities, or improvements, 4598  
have been provided within the two-year period prior to the 4599  
execution of the contract. 4600

(G) The contract shall enumerate the specific powers, duties, 4601  
and functions of the board of directors of the district and shall 4602  
provide for the determination of procedures that are to govern the 4603  
board of directors. The contract may grant to the board the power 4604  
to adopt a resolution to levy an income tax within the district. 4605  
The income tax shall be used for the purposes of the district and 4606  
for the purposes of the contracting municipal corporations and 4607  
townships pursuant to the contract. The income tax may be levied 4608  
in the district based on income earned by persons working or 4609  
residing within the district and based on the net profits of 4610  
businesses located in the district. The income tax of the district 4611  
shall follow the provisions of Chapter 718. of the Revised Code, 4612  
except that no vote shall be required by the electors residing in 4613

the district. The rate of the income tax shall be no higher than  
the highest rate being levied by a municipal corporation that is a  
party to the contract.

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The board of directors of a district levying an income tax  
shall enter into an agreement with one of the municipal  
corporations that is a party to the contract to administer,  
collect, and enforce the income tax on behalf of the district. The  
resolution levying the income tax shall provide the same credits,  
if any, to residents of the district for income taxes paid to  
other ~~such~~ districts or municipal corporations where the residents  
work, as credits provided to residents of the municipal  
corporation administering the income tax.

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(H) No annexation proceeding pursuant to Chapter 709. of the  
Revised Code that proposes the annexation to or merger or  
consolidation with a municipal corporation, except a municipal  
corporation that is a party to the contract, of any unincorporated  
territory within the district shall be commenced for a period of  
three years after the contract is filed with the legislative  
authority of each county within which a party to the contract is  
located in accordance with division (D) of this section unless  
each board of township trustees whose territory is included, in  
whole or part, within the district and the territory proposed to  
be annexed, merged, or consolidated adopts a resolution consenting  
to the commencement of the proceeding and a copy of the resolution  
is filed with the legislative authority of each such county or  
unless the contract is terminated during this three-year period.  
The contract entered into between the municipal corporations and  
townships pursuant to this section may provide for the prohibition  
of any annexation by the participating municipal corporations of  
any unincorporated territory within the district.

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**Sec. 715.75.** Before the legislative authority of any of the

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contracting parties adopts an ordinance or resolution approving a 4645  
contract to create a joint economic development district, the 4646  
legislative authority of each of the contracting parties shall 4647  
hold a public hearing concerning the contract and district. Each 4648  
~~such~~ legislative authority shall provide at least thirty days' 4649  
public notice of the time and place of the public hearing in a 4650  
newspaper of general circulation in the municipal corporation or 4651  
township, as applicable. During the thirty-day period prior to the 4652  
public hearing and until the filing is made under section 715.76 4653  
of the Revised Code, all of the following documents shall be 4654  
available for public inspection in the office of the clerk of the 4655  
legislative authority of ~~each~~ a municipal corporation that is a 4656  
contracting party and in the office of the fiscal officer of the a 4657  
township that is a contracting ~~parties~~ party: 4658

(A) A copy of the contract creating the district; 4659

(B) A description of the area or areas to be included in the 4660  
district, including a map in sufficient detail to denote the 4661  
specific boundaries of the area or areas and to indicate any 4662  
zoning restrictions applicable to the area or areas; 4663

(C) An economic development plan for the district that 4664  
consists of both of the following schedules: 4665

(1) A schedule for the provision of the new, expanded, or 4666  
additional services, facilities, or improvements described in 4667  
division (A) of section 715.74 of the Revised Code; 4668

(2) A schedule for the collection of an income tax levied 4669  
under division (C) of section 715.74 of the Revised Code. 4670

A public hearing held under this section shall allow for 4671  
public comment and recommendations on the contract and district. 4672  
The contracting parties may include in the contract any of those 4673  
recommendations prior to approval of the contract. 4674

Before any of the contracting parties approves a contract 4675

under section 715.76 of the Revised Code, the contracting parties 4676  
shall deliver a copy of the contract to the board of county 4677  
commissioners of each county in which a contracting party is 4678  
located. Any such county may enter into an agreement with the 4679  
contracting parties regarding the provision of services by the 4680  
county within the proposed district and may enter into an 4681  
agreement with the contracting parties to extend services to the 4682  
area or areas to be included in the district. 4683

**Sec. 715.76.** After the public hearings required under section 4684  
715.75 of the Revised Code have been held, each contracting party 4685  
may adopt an ordinance or resolution approving the contract to 4686  
create a joint economic development district. After each 4687  
contracting party has adopted ~~such~~ an ordinance or resolution, the 4688  
contracting parties jointly shall file with the legislative 4689  
authority of each county within which a contracting party is 4690  
located all of the following documents: 4691

(A) A signed copy of the contract; 4692

(B) A description of the area or areas to be included in the 4693  
district, including a map in sufficient detail to denote the 4694  
specific boundaries of the area or areas and to indicate any 4695  
zoning restrictions applicable to the area or areas; 4696

(C) The economic development plan described in division (C) 4697  
of section 715.75 of the Revised Code; 4698

(D) Certified copies of the ordinances and resolutions of the 4699  
contracting parties relating to the contract and district; 4700

(E) A certificate of each contracting party that the public 4701  
hearings required by section 715.75 of the Revised Code have been 4702  
held, the date of the hearings, and evidence of publication of the 4703  
notice of the hearings; 4704

(F) A petition signed by a majority of the owners of property 4705



located within the area or areas to be included in the district; 4706

(G) A petition signed by a majority of the owners of 4707  
businesses, if any, located within the area or areas to be 4708  
included in the district. 4709

The petitions described in divisions (F) and (G) of this 4710  
section shall specify that all of the documents described in 4711  
divisions (A) ~~through~~ to (C) of section 715.75 of the Revised Code 4712  
are available for public inspection in the office of the clerk of 4713  
the legislative authority of each municipal corporation that is a 4714  
contracting party or the office of the ~~township clerk~~ fiscal 4715  
officer of each township that is a contracting party. 4716

Not later than ten days after all of the documents described 4717  
in divisions (A) to (G) of this section have been filed, each 4718  
contracting party shall give notice to those owners of property 4719  
within the area or areas to be included in the district who did 4720  
not sign the petition described in division (F) of this section 4721  
and whose property is located within the boundaries of that 4722  
contracting party and to those owners of businesses, if any, 4723  
within the area or areas to be included in the district who did 4724  
not sign the petition described in division (G) of this section 4725  
and whose property is located within the boundaries of that 4726  
contracting party. Notice shall be given by certified mail and 4727  
shall specify that the owners of property and businesses are 4728  
located within the area or areas to be included in the district 4729  
and that all of the documents described in divisions (A) to (C) of 4730  
section 715.75 of the Revised Code are available for public 4731  
inspection in the office of the clerk of the legislative authority 4732  
of each municipal corporation that is a contracting party or the 4733  
office of the ~~township clerk~~ fiscal officer of each township that 4734  
is a contracting party. The contracting parties shall equally bear 4735  
the cost of providing notice under this section. 4736

If the contracting parties do not file all of the documents 4737  
described in divisions (A) ~~through~~ to (G) of this section, the 4738  
legislative authority of a county within which a contracting party 4739  
is located may adopt a resolution disapproving the creation of the 4740  
joint economic development district. In addition, the legislative 4741  
authority of ~~such a~~ the county may adopt a resolution disapproving 4742  
the creation of the district if it determines, in written findings 4743  
of fact, that each contracting party did not enter into the 4744  
contract freely and without duress or coercion. 4745

**Sec. 971.05.** The cost due the township ~~clerk~~ fiscal officer 4746  
and the board of township trustees for making the assignment set 4747  
forth in section 971.04 of the Revised Code, shall be taxed 4748  
equally against each of the persons, and, if not paid to the ~~clerk~~ 4749  
fiscal officer within thirty days from the date of ~~such~~ the 4750  
assignment, shall be certified by ~~him~~ the fiscal officer to the 4751  
county auditor, with a correct description of the lands and the 4752  
amount charged against each portion. 4753

**Sec. 971.06.** The county auditor shall place the amount 4754  
authorized in section 971.05 of the Revised Code, upon the 4755  
duplicate to be collected as other taxes, and the county treasurer 4756  
shall pay it, when collected, to the township ~~clerk~~ fiscal officer 4757  
as other funds are paid. 4758

**Sec. 971.08.** When the work is completed to the satisfaction 4759  
of the board of township trustees, it shall certify the costs to 4760  
the township ~~clerk, and, if~~ fiscal officer. If the costs are not 4761  
paid within thirty days, ~~such clerk~~ the township fiscal officer 4762  
shall certify them to the county auditor with a statement of the 4763  
cost of the construction and incidental costs incurred by the 4764  
trustees, ~~with~~ and a correct description of each piece of land 4765  
upon which the costs are assessed. 4766

**Sec. 971.09.** The county auditor shall place the amounts 4767  
certified, as provided in section 971.08 of the Revised Code, upon 4768  
the tax duplicate, which amounts shall become a lien and be 4769  
collected as other taxes, ~~and the.~~ The board of township trustees 4770  
shall certify the amount due each person for building ~~such the~~ 4771  
fence and the amount due each trustee and ~~clerk~~ the township 4772  
fiscal officer for services rendered. In anticipation of the 4773  
collection ~~thereof~~ of the amounts, the auditor shall draw orders 4774  
for the payment of ~~such the~~ amounts out of the county treasury. 4775

**Sec. 971.12.** The report of the assignment of partition fences 4776  
under this chapter shall be made and certified to the county 4777  
recorder by the township ~~clerk~~ fiscal officer, and the cost of the 4778  
record ~~thereof~~ of the report shall be taxed against the parties 4779  
with the other costs. 4780

**Sec. 971.35.** When the work authorized in section 971.34 of 4781  
the Revised Code is completed, the board of township trustees 4782  
shall certify to the county auditor the amount of the cost of the 4783  
work with the expense thereto attached, and a correct description 4784  
of the land upon which the work was performed, ~~and the.~~ The 4785  
auditor shall place the amount upon the tax duplicate to be 4786  
collected as other taxes. The county treasurer shall pay the 4787  
amount, when collected, to the township ~~clerk~~ fiscal officer as 4788  
other funds are paid. 4789

**Sec. 971.36.** The board of township trustees may anticipate 4790  
the collection, and refund the cost of the work authorized in 4791  
section 971.34 of the Revised Code, to the township ~~clerk~~ fiscal 4792  
officer for the amount, payable out of any township funds that may 4793  
be in ~~his~~ the fiscal officer's hands. 4794

**Sec. 1341.16.** A surety of a constable, township ~~clerk~~ fiscal officer, or other township officer, may notify the board of township trustees, by giving at least five days' notice in writing, that ~~he~~ the surety is unwilling to continue as surety for ~~such~~ the officer, and, at a time named in ~~such~~ the notice, will make application to the board to be released from further liability upon ~~his~~ the bond. ~~He~~ The surety also shall give at least three days' notice in writing to ~~such~~ the officer, of the time and place at which the application will be made.

**Sec. 1533.13.** Hunting and fishing licenses, wetlands habitat stamps, deer and wild turkey permits, fur taker permits, and any other licenses, permits, or stamps that are required under this chapter or Chapter 1531. of the Revised Code and any reissued license, permit, or stamp may be issued by the clerk of the court of common pleas, village ~~and~~ clerks, township ~~clerks~~ fiscal officers, and other authorized agents designated by the chief of the division of wildlife. When required by the chief, a clerk, fiscal officer, or other agent shall give bond in the manner provided by the chief. All bonds, reports, except records prescribed by the auditor of state, and moneys received by those persons shall be handled under rules adopted by the director of natural resources.

The premium of any bond prescribed by the chief under this section may be paid by the chief. Any person who is designated and authorized by the chief to issue licenses, stamps, and permits as provided in this section, except the clerk of the court of common pleas ~~and the~~, a village clerk and a township ~~clerk~~ fiscal officer, shall pay to the chief a premium in an amount that represents the person's portion of the premium paid by the chief under this section, which amount shall be established by the chief and approved by the wildlife council created under section 1531.03

of the Revised Code. The chief shall pay all moneys that the chief 4826  
receives as premiums under this section into the state treasury to 4827  
the credit of the wildlife fund created under section 1531.17 of 4828  
the Revised Code. 4829

Every authorized agent, for the purpose of issuing hunting 4830  
and fishing licenses, wetlands habitat stamps, deer and wild 4831  
turkey permits, and fur taker permits, may administer oaths to and 4832  
take affidavits from applicants for the licenses, stamps, or 4833  
permits when required. An authorized agent may appoint deputies to 4834  
perform any acts that the agent is authorized to perform, 4835  
consistent with division rules. 4836

Every applicant for a hunting or fishing license, wetlands 4837  
habitat stamp, deer or wild turkey permit, or fur taker permit, 4838  
unless otherwise provided by division rule, shall provide the 4839  
applicant's name, date of birth, weight, height, and place of 4840  
residence, and any other information that the chief may require. 4841  
The clerk, fiscal officer, or other agent authorized to issue 4842  
licenses, stamps, and permits shall charge each applicant a fee of 4843  
one dollar for taking the information provided by the applicant 4844  
and issuing the license, stamp, or permit. The application, 4845  
license, stamp, permit, and other blanks required by this section 4846  
shall be prepared and furnished by the chief, in ~~such~~ the form ~~as~~ 4847  
the chief provides, to the clerk, fiscal officer, or other agent 4848  
authorized to issue them. The licenses and permits shall be issued 4849  
to applicants by the clerk, fiscal officer, or other agent. The 4850  
record of licenses and permits kept by the ~~clerk~~ clerks, fiscal 4851  
officers, and other ~~authorized~~ agents shall be uniform throughout 4852  
the state and in ~~such~~ the form or manner as the auditor of state 4853  
prescribes and shall be open at all reasonable hours to the 4854  
inspection of any person. Unless otherwise provided by division 4855  
rule, each hunting license, deer or wild turkey permit, and fur 4856  
taker permit issued shall remain in force until midnight of the 4857

thirty-first day of August next ensuing. Application for any such 4858  
license or permit may be made and a license or permit issued prior 4859  
to the date upon which it becomes effective. 4860

The chief may require an applicant who wishes to purchase a 4861  
license, stamp, or permit by mail or telephone or via the internet 4862  
to pay a nominal fee for postage and handling and credit card 4863  
transactions. 4864

The court before whom a violator of any laws or division 4865  
rules for the protection of wild animals is tried, as a part of 4866  
the punishment, shall revoke the license, stamp, or permit of any 4867  
person convicted. The license, stamp, or permit fee paid by that 4868  
person shall not be returned to the person. The person shall not 4869  
procure or use any other license, stamp, or permit or engage in 4870  
hunting wild animals or trapping fur-bearing animals during the 4871  
period of revocation as ordered by the court. 4872

No person under sixteen years of age shall engage in hunting 4873  
unless accompanied by the person's parent or another adult person. 4874

**Sec. 1710.02.** (A) A special improvement district may be 4875  
created within the boundaries of any one municipal corporation, 4876  
any one township, or any combination of contiguous municipal 4877  
corporations and townships by a petition of the property owners 4878  
within the proposed district, for the purpose of developing and 4879  
implementing plans for public improvements and public services 4880  
that benefit the district. All territory in a district shall be 4881  
contiguous. 4882

The district shall be governed by the board of trustees of a 4883  
nonprofit corporation. This board shall be known as the board of 4884  
directors of the special improvement district. No special 4885  
improvement district shall include any church property, or 4886  
property of the federal or state government or a county, township, 4887  
or municipal corporation, unless the church or the county, 4888

township, or municipal corporation specifically requests in 4889  
writing that the property be included within the district. More 4890  
than one district may be created within a participating political 4891  
subdivision, but no real property may be included within more than 4892  
one district unless the owner of the property files a written 4893  
consent with the clerk of the legislative authority, the township 4894  
fiscal officer, or the village clerk, as appropriate. The area of 4895  
each district shall be contiguous. 4896

(B) Except as provided in division (C) of this section, a 4897  
district created under this chapter is not a political 4898  
subdivision. A district created under this chapter shall be 4899  
considered a public agency under section 102.01 and a public 4900  
authority under section 4115.03 of the Revised Code. Each member 4901  
of the board of directors of a district, each member's designee or 4902  
proxy, and each officer and employee of a district shall be 4903  
considered a public official or employee under section 102.01 of 4904  
the Revised Code and a public official and public servant under 4905  
section 2921.42 of the Revised Code. Districts created under this 4906  
chapter are not subject to section 121.24 of the Revised Code. 4907  
Districts created under this chapter are subject to sections 4908  
121.22 and 121.23 of the Revised Code. 4909

(C) Each district created under this chapter shall be 4910  
considered a political subdivision for purposes of section 4905.34 4911  
of the Revised Code. 4912

Membership on the board of directors of the district shall 4913  
not be considered as holding a public office. Directors and their 4914  
designees shall be entitled to the immunities provided by Chapter 4915  
1702. and to the same immunity as an employee under division 4916  
(A)(6) of section 2744.03 of the Revised Code, except that 4917  
directors and their designees shall not be entitled to the 4918  
indemnification provided in section 2744.07 of the Revised Code 4919  
unless the director or designee is an employee or official of a 4920

participating political subdivision of the district and is acting 4921  
within the scope of the director's or designee's employment or 4922  
official responsibilities. 4923

District officers and district members and directors and 4924  
their designees or proxies shall not be required to file a 4925  
statement with the Ohio ethics commission under section 102.02 of 4926  
the Revised Code. All records of the district shall be treated as 4927  
public records under section 149.43 of the Revised Code, except 4928  
that records of organizations contracting with a district shall 4929  
not be considered to be public records under section 149.43 or 4930  
section 149.431 of the Revised Code solely by reason of any 4931  
contract with a district. 4932

(D) Except as otherwise provided in this section, the 4933  
nonprofit corporation that governs a district shall be organized 4934  
in the manner described in Chapter 1702. of the Revised Code. The 4935  
corporation's articles of incorporation are required to be 4936  
approved, as provided in division (E) of this section, by 4937  
resolution of the legislative authority of each participating 4938  
political subdivision of the district. A copy of that resolution 4939  
shall be filed along with the articles of incorporation in the 4940  
secretary of state's office. 4941

In addition to meeting the requirements for articles of 4942  
incorporation set forth in Chapter 1702. of the Revised Code, the 4943  
articles of incorporation for the nonprofit corporation governing 4944  
a district formed under this chapter shall provide all the 4945  
following: 4946

(1) The name for the district, which shall include the name 4947  
of each participating political subdivision of the district; 4948

(2) A description of the territory within the district, which 4949  
may be all or part of each participating political subdivision. 4950  
The description shall be specific enough to enable real property 4951



owners to determine if their property is located within the 4952  
district. 4953

(3) A description of the procedure by which the articles of 4954  
incorporation may be amended. The procedure shall include 4955  
receiving approval of the amendment, by resolution, from the 4956  
legislative authority of each participating political subdivision 4957  
and filing the approved amendment and resolution with the 4958  
secretary of state. 4959

(4) The reasons for creating the district, plus an 4960  
explanation of how the district will be conducive to the public 4961  
health, safety, peace, convenience, and welfare of the district. 4962

(E) The articles of incorporation for a nonprofit corporation 4963  
governing a district created under this chapter and amendments to 4964  
them shall be submitted to the municipal executive, if any, and 4965  
the legislative authority of each municipal corporation or 4966  
township in which the proposed district is to be located, 4967  
accompanied by a petition signed either by the owners of at least 4968  
sixty per cent of the front footage of all real property located 4969  
in the proposed district that abuts upon any street, alley, public 4970  
road, place, boulevard, parkway, park entrance, easement, or other 4971  
existing public improvement within the proposed district, 4972  
excluding church property or property owned by the state, county, 4973  
township, municipal, or federal government, unless a church, 4974  
county, township, or municipal corporation has specifically 4975  
requested in writing that the property be included in the 4976  
district, or by the owners of at least seventy-five per cent of 4977  
the area of all real property located within the proposed 4978  
district, excluding church property or property owned by the 4979  
state, county, township, municipal, or federal government, unless 4980  
a church, county, township, or municipal corporation has 4981  
specifically requested in writing that the property be included in 4982  
the district. For purposes of determining compliance with these 4983

requirements, the area of the district, or the front footage and  
ownership of property, shall be as shown in the most current  
records available at the county recorder's office and the county  
engineer's office sixty days prior to the date on which the  
petition is filed.

Each municipal corporation or township with which the  
petition is filed has sixty days to approve or disapprove, by  
resolution, the petition, including the articles of incorporation.  
This chapter does not prohibit or restrict the rights of municipal  
corporations under Article XVIII of the Ohio Constitution or the  
right of the municipal legislative authority to impose reasonable  
conditions in a resolution of approval.

(F) Persons proposing creation and operation of the district  
may propose an initial plan for public services or public  
improvements that benefit all or any part of the district. Any  
initial plan shall be submitted as part of the petition proposing  
creation of the district.

An initial plan may include provisions for the following:

(1) Creation and operation of the district and of the  
nonprofit corporation to govern the district under this chapter;

(2) Hiring employees and professional services;

(3) Contracting for insurance;

(4) Purchasing or leasing office space and office equipment;

(5) Other actions necessary initially to form, operate, or  
organize the district and the nonprofit corporation to govern the  
district;

(6) A plan for public improvements or public services that  
benefit all or part of the district, which plan shall comply with  
the requirements of division (A) of section 1710.06 of the Revised  
Code and may include, but is not limited to, any of the permissive

provisions described in the fourth sentence of that division or 5014  
listed in divisions (A)(1) to (5) of that section. 5015

After the initial plan is approved by all municipal 5016  
corporations and townships to which it is submitted for approval 5017  
and the district is created, each participating subdivision shall 5018  
levy a special assessment within its boundaries to pay for the 5019  
costs of the initial plan. The levy shall be for no more than ten 5020  
years from the date of the approval of the initial plan. For 5021  
purposes of levying an assessment for this initial plan, the 5022  
services or improvements included in the initial plan shall be 5023  
deemed a special benefit to property owners within the district. 5024

(G) Each nonprofit corporation governing a district under 5025  
this chapter may do the following: 5026

(1) Exercise all powers of nonprofit corporations granted 5027  
under Chapter 1702. of the Revised Code that do not conflict with 5028  
this chapter; 5029

(2) Develop, adopt, revise, implement, and repeal plans for 5030  
public improvements and public services for all or any part of the 5031  
district; 5032

(3) Contract with any person, political subdivision as 5033  
defined in section 2744.01 of the Revised Code, or state agency as 5034  
defined in section 1.60 of the Revised Code to develop and 5035  
implement plans for public improvements or public services within 5036  
the district; 5037

(4) Contract and pay for insurance for the district and for 5038  
directors, officers, agents, contractors, employees, or members of 5039  
the district for any consequences of the implementation of any 5040  
plan adopted by the district or any actions of the district. 5041

**Sec. 2927.21.** (A) The owner or keeper of any member of a 5042  
species of the animal kingdom that escapes from ~~his~~ the owner's or 5043

keeper's custody or control and that is not indigenous to this 5044  
state or presents a risk of serious physical harm to persons or 5045  
property, or both, shall, within one hour after ~~he~~ the owner or 5046  
keeper discovers or reasonably should have discovered the escape, 5047  
report it to: 5048

(1) A law enforcement officer of the municipal corporation or 5049  
township and the sheriff of the county where the escape occurred; 5050  
and 5051

(2) The clerk of the municipal legislative authority or the 5052  
~~township clerk~~ fiscal officer of the township where the escape 5053  
occurred. 5054

(B) If the office of the clerk of a municipal legislative 5055  
authority or township ~~clerk~~ fiscal officer is closed to the public 5056  
at the time a report is required by division (A) of this section, 5057  
~~then~~ it is sufficient compliance with division (A)(2) of this 5058  
section if the owner or keeper makes the report within one hour 5059  
after the office is next open to the public. 5060

(C) Whoever violates this section is guilty of a misdemeanor 5061  
of the first degree. 5062

**Sec. 3381.03.** Any county, or any two or more counties, 5063  
municipal corporations, or townships, or any combination ~~thereof~~ 5064  
of these may create a regional arts and cultural district by the 5065  
adoption of a resolution or ordinance by the board of county 5066  
commissioners of each county, the legislative authority of each 5067  
municipal corporation, and the board of township trustees of each 5068  
township that desires to create or to join in the creation of the 5069  
district. ~~Such~~ The resolution or ordinance shall state all of the 5070  
following: 5071

(A) The purposes for the creation of the district; 5072

(B) The counties, municipal corporations, or townships that 5073

are to be included in the district; 5074

(C) The official name by which the district shall be known; 5075

(D) The location of the principal office of the district or 5076  
the manner in which the location shall be selected; 5077

(E) Subject to section 3381.05 of the Revised Code, the 5078  
number, term, and compensation, which shall not exceed the sum of 5079  
fifty dollars for each board and committee meeting attended by a 5080  
member, of the members of the board of trustees of the district; 5081

(F) Subject to section 3381.05 of the Revised Code, the 5082  
manner in which members of the board of trustees of the district 5083  
shall be appointed; the method of filling vacancies; and the 5084  
period, if any, for which a trustee continues in office after 5085  
expiration of ~~his~~ the trustee's term pending the appointment of 5086  
~~his~~ the trustee's successor; 5087

(G) The manner of apportioning expenses of the district among 5088  
the participating counties, municipal corporations, and townships. 5089  
~~Such~~ 5090

The resolution or ordinance may also provide that the 5091  
authority of the districts to make grants under section 3381.20 of 5092  
the Revised Code may be totally or partially delegated to one or 5093  
more area arts councils, as defined in section 757.03 of the 5094  
Revised Code, located within the district. 5095

The district provided for in ~~such~~ the resolution or ordinance 5096  
shall be created upon the adoption of ~~such~~ the resolution or 5097  
ordinance by the board of county commissioners of each county, the 5098  
legislative authority of each municipal corporation, and the board 5099  
of township trustees of each township enumerated in the resolution 5100  
or ordinance. The resolution or ordinance may be amended to 5101  
include additional counties, municipal corporations, or townships 5102  
or for any other purpose by the adoption of ~~such~~ an amendment by 5103

the board of county commissioners of each county, the legislative 5104  
authority of each municipal corporation, and the board of township 5105  
trustees of each township that has created or joined or proposes 5106  
to join the district. 5107

After each ~~such~~ county, municipal corporation, and township 5108  
has adopted a resolution or ordinance approving inclusion of 5109  
additional counties, municipal corporations, or townships in the 5110  
district, a copy of ~~such~~ the resolution or ordinance shall be 5111  
filed with the clerk of the board of the county commissioners of 5112  
each county, the clerk of the legislative authority of each 5113  
municipal corporation, and the fiscal officer of the board of 5114  
trustees of each township proposed to be included in the district. 5115  
~~Such~~ The inclusion is effective when all such filing is completed 5116  
unless the district to which territory is to be added has 5117  
authority to levy an ad valorem tax on property within its 5118  
territory, in which event ~~such~~ the inclusion shall become 5119  
effective upon voter approval of the joinder and the tax. The 5120  
board of trustees shall promptly certify the proposal to the board 5121  
or boards of elections for the purpose of having the proposal 5122  
placed on the ballot at the next general or primary election ~~which~~ 5123  
that occurs not less than sixty days after the date of the meeting 5124  
of the board of trustees, or at a special election held on a date 5125  
specified in the certification that is not less than sixty days 5126  
after the date of ~~such~~ the meeting of the board. If territory of 5127  
more than one county, municipal corporation, or township is to be 5128  
added to the regional arts and cultural district, the electors of 5129  
~~such~~ the territories of the counties, municipal corporations, or 5130  
townships which are to be added shall vote as a district, and the 5131  
outcome of the election shall be determined by the vote cast in 5132  
the entire district. Upon certification of a proposal to the board 5133  
or boards of elections pursuant to this section, ~~such~~ the board or 5134  
boards of elections shall make the necessary arrangements for the 5135  
submission of ~~such~~ the questions to the electors of the territory 5136

to be added to the district, and the election shall be held, 5137  
canvassed, and certified in the manner provided for the submission 5138  
of tax levies under section 5705.19 of the Revised Code, except 5139  
that the question appearing on the ballot shall read: 5140

"Shall the territory within the ..... (name or 5141  
names of political subdivisions to be joined) be added to 5142  
..... (name) regional arts and cultural 5143  
district? And shall a(n) ..... (here insert type of 5144  
tax or taxes) at a rate of taxation not to exceed ..... (here 5145  
insert maximum tax rate or rates) be levied for purposes of such 5146  
district?" 5147

If the question is approved by a majority of the electors 5148  
voting on ~~such~~ the question, the joinder is effective immediately, 5149  
and the district may extend the levy of ~~such~~ the tax against all 5150  
the taxable property within the territory that has been added. If 5151  
~~such~~ the question is approved at a general election or at a 5152  
special election occurring prior to a general election but after 5153  
the fifteenth day of July in any calendar year, the district may 5154  
amend its budget and resolution adopted pursuant to section 5155  
5705.34 of the Revised Code, and ~~such~~ the levy shall be placed on 5156  
the current tax list and duplicate and collected as other taxes 5157  
are collected from all taxable property within the territory of 5158  
the district, including the territory added as a result of ~~such~~ 5159  
the election. 5160

The territory of a district shall be coextensive with the 5161  
territory of the counties, municipal corporations, and townships 5162  
included within the district, provided that the same territory may 5163  
not be included in more than one regional arts and cultural 5164  
district, and provided, that if a district includes only a portion 5165  
of an entire county, a district may be created in the remaining 5166  
portion of the same county by resolution of the board of county 5167  
commissioners acting alone or in conjunction with municipal 5168

corporations and townships as provided in this section.

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**Sec. 3501.37.** After each election, the judges of ~~election~~  
elections of each precinct, except when the board of elections  
assumes the duty, shall see that the movable booths and other  
equipment are returned for safekeeping to the ~~township clerk~~  
fiscal officer of the township or to the clerk or auditor of the  
municipal corporation in which the precinct is situated. ~~Such~~ The  
fiscal officer, clerk, or auditor shall have booths and equipment  
on hand and in place at the polling places in each precinct before  
the time for opening the polls on election days, and for this  
service the board may allow the necessary expenses incurred. In  
cities, this duty shall devolve on the board.

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**Sec. 3513.253.** Nominations of candidates for election as  
officers of a township shall be made only by nominating petitions,  
unless a majority of the electors of such township have petitioned  
for a primary election. The nominating petitions of nonpartisan  
candidates for township trustee and township ~~clerk~~ fiscal officer  
shall be signed by not less than twenty-five qualified electors of  
the township. Such petition shall be filed with the board of  
elections not later than four p.m. of the seventy-fifth day before  
the day of the general election, provided that no such nominating  
petition shall be accepted for filing if it appears to contain  
signatures aggregating in number more than three times the minimum  
number of signatures required by this section. A board of  
elections shall not accept for filing a nominating petition of a  
person if that person, for the same election, has already filed a  
declaration of candidacy, a declaration of intent to be a write-in  
candidate, or a nominating petition, or has become a candidate  
through party nomination at a primary election or by the filling  
of a vacancy under section 3513.30 or 3513.31 of the Revised Code  
for any other township office, or for a municipal office, for

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member of a city, local, or exempted village board of education, 5200  
or for member of a governing board of an educational service 5201  
center. When a petition of a candidate has been accepted for 5202  
filing by a board of elections, the petition shall not be deemed 5203  
invalid if, upon verification of signatures contained in the 5204  
petition, the board of elections finds the number of signatures 5205  
accepted exceeds three times the minimum number of signatures 5206  
required. A board of elections may discontinue verifying 5207  
signatures when the number of verified signatures on a petition 5208  
equals the minimum required number of qualified signatures. 5209

**Sec. 3517.10.** (A) Except as otherwise provided in this 5210  
division, every campaign committee, political action committee, 5211  
legislative campaign fund, and political party that made or 5212  
received a contribution or made an expenditure in connection with 5213  
the nomination or election of any candidate or in connection with 5214  
any ballot issue or question at any election held or to be held in 5215  
this state shall file, on a form prescribed under this section or 5216  
by electronic means of transmission as provided in this section 5217  
and section 3517.106 of the Revised Code, a full, true, and 5218  
itemized statement, made under penalty of election falsification, 5219  
setting forth in detail the contributions and expenditures, not 5220  
later than four p.m. of the following dates: 5221

(1) The twelfth day before the election to reflect 5222  
contributions received and expenditures made from the close of 5223  
business on the last day reflected in the last previously filed 5224  
statement, if any, to the close of business on the twentieth day 5225  
before the election; 5226

(2) The thirty-eighth day after the election to reflect the 5227  
contributions received and expenditures made from the close of 5228  
business on the last day reflected in the last previously filed 5229  
statement, if any, to the close of business on the seventh day 5230

before the filing of the statement; 5231

(3) The last business day of January of every year to reflect 5232  
the contributions received and expenditures made from the close of 5233  
business on the last day reflected in the last previously filed 5234  
statement, if any, to the close of business on the last day of 5235  
December of the previous year; 5236

(4) The last business day of July of every year to reflect 5237  
the contributions received and expenditures made from the close of 5238  
business on the last day reflected in the last previously filed 5239  
statement, if any, to the close of business on the last day of 5240  
June of that year. 5241

A campaign committee shall only be required to file the 5242  
statements prescribed under divisions (A)(1) and (2) of this 5243  
section in connection with the nomination or election of the 5244  
committee's candidate. 5245

The statement required under division (A)(1) of this section 5246  
shall not be required of any campaign committee, political action 5247  
committee, legislative campaign fund, or political party that has 5248  
received contributions of less than one thousand dollars and has 5249  
made expenditures of less than one thousand dollars at the close 5250  
of business on the twentieth day before the election. Those 5251  
contributions and expenditures shall be reported in the statement 5252  
required under division (A)(2) of this section. 5253

If an election to select candidates to appear on the general 5254  
election ballot is held within sixty days before a general 5255  
election, the campaign committee of a successful candidate in the 5256  
earlier election may file the statement required by division 5257  
(A)(1) of this section for the general election instead of the 5258  
statement required by division (A)(2) of this section for the 5259  
earlier election if the pregeneral election statement reflects the 5260  
status of contributions and expenditures for the period twenty 5261

days before the earlier election to twenty days before the general election. 5262  
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If a person becomes a candidate less than twenty days before an election, the candidate's campaign committee is not required to file the statement required by division (A)(1) of this section. 5264  
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No statement under division (A)(3) or (4) of this section shall be required for any year in which a campaign committee, political action committee, legislative campaign fund, or political party is required to file a postgeneral election statement under division (A)(2) of this section. However, such a statement may be filed, at the option of the campaign committee, political action committee, legislative campaign fund, or political party. 5267  
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No statement under division (A)(3) or (4) of this section shall be required if the campaign committee, political action committee, legislative campaign fund, or political party has no contributions that it has received and no expenditures that it has made since the last date reflected in its last previously filed statement. However, the campaign committee, political action committee, legislative campaign fund, or political party shall file a statement to that effect, on a form prescribed under this section and made under penalty of election falsification, on the date required in division (A)(3) or (4) of this section, as applicable. 5275  
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The campaign committee of a statewide candidate shall file a monthly statement of contributions received during each of the months of July, August, and September in the year of the general election in which the candidate seeks office. The campaign committee of a statewide candidate shall file the monthly statement not later than three business days after the last day of the month covered by the statement. During the period beginning on 5286  
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the nineteenth day before the general election in which a  
statewide candidate seeks election to office and extending through  
the day of that general election, each time the campaign committee  
of the joint candidates for the offices of governor and lieutenant  
governor or of a candidate for the office of secretary of state,  
auditor of state, treasurer of state, or attorney general receives  
a contribution from a contributor that causes the aggregate amount  
of contributions received from that contributor during that period  
to equal or exceed ten thousand dollars and each time the campaign  
committee of a candidate for the office of chief justice or  
justice of the supreme court receives a contribution from a  
contributor that causes the aggregate amount of contributions  
received from that contributor during that period to exceed ten  
thousand dollars, the campaign committee shall file a  
two-business-day statement reflecting that contribution. During  
the period beginning on the nineteenth day before a primary  
election in which a candidate for statewide office seeks  
nomination to office and extending through the day of that primary  
election, each time either the campaign committee of a statewide  
candidate in that primary election that files a notice under  
division (C)(1) of section 3517.103 of the Revised Code or the  
campaign committee of a statewide candidate in that primary  
election to which, in accordance with division (D) of section  
3517.103 of the Revised Code, the contribution limitations  
prescribed in section 3517.102 of the Revised Code no longer apply  
receives a contribution from a contributor that causes the  
aggregate amount of contributions received from that contributor  
during that period to exceed ten thousand dollars, the campaign  
committee shall file a two-business-day statement reflecting that  
contribution. Contributions reported on a two-business-day  
statement required to be filed by a campaign committee of a  
statewide candidate in a primary election shall also be included  
in the postprimary election statement required to be filed by that

campaign committee under division (A)(2) of this section. A 5326  
two-business-day statement required by this paragraph shall be 5327  
filed not later than two business days after receipt of the 5328  
contribution. The statements required by this paragraph shall be 5329  
filed in addition to any other statements required by this 5330  
section. 5331

Subject to the secretary of state having implemented, tested, 5332  
and verified the successful operation of any system the secretary 5333  
of state prescribes pursuant to divisions (C)(6)(b) and (D)(6) of 5334  
this section and division (H)(1) of section 3517.106 of the 5335  
Revised Code for the filing of campaign finance statements by 5336  
electronic means of transmission, a campaign committee of a 5337  
statewide candidate shall file a two-business-day statement under 5338  
the preceding paragraph by electronic means of transmission if the 5339  
campaign committee is required to file a pre-election, 5340  
postelection, or monthly statement of contributions and 5341  
expenditures by electronic means of transmission under this 5342  
section or section 3517.106 of the Revised Code. 5343

If a campaign committee or political action committee has no 5344  
balance on hand and no outstanding obligations and desires to 5345  
terminate itself, it shall file a statement to that effect, on a 5346  
form prescribed under this section and made under penalty of 5347  
election falsification, with the official with whom it files a 5348  
statement under division (A) of this section after filing a final 5349  
statement of contributions and a final statement of expenditures, 5350  
if contributions have been received or expenditures made since the 5351  
period reflected in its last previously filed statement. 5352

(B) Except as otherwise provided in division (C)(7) of this 5353  
section, each statement required by division (A) of this section 5354  
shall contain the following information: 5355

(1) The full name and address of each campaign committee, 5356

political action committee, legislative campaign fund, or 5357  
political party, including any treasurer of the committee, fund, 5358  
or party, filing a contribution and expenditure statement; 5359

(2)(a) In the case of a campaign committee, the candidate's 5360  
full name and address; 5361

(b) In the case of a political action committee, the 5362  
registration number assigned to the committee under division 5363  
(D)(1) of this section. 5364

(3) The date of the election and whether it was or will be a 5365  
general, primary, or special election; 5366

(4) A statement of contributions received, which shall 5367  
include the following information: 5368

(a) The month, day, and year of the contribution; 5369

(b)(i) The full name and address of each person, political 5370  
party, campaign committee, legislative campaign fund, or political 5371  
action committee from whom contributions are received and the 5372  
registration number assigned to the political action committee 5373  
under division (D)(1) of this section. The requirement of filing 5374  
the full address does not apply to any statement filed by a state 5375  
or local committee of a political party, to a finance committee of 5376  
such committee, or to a committee recognized by a state or local 5377  
committee as its fund-raising auxiliary. Notwithstanding division 5378  
(F) of this section, the requirement of filing the full address 5379  
shall be considered as being met if the address filed is the same 5380  
address the contributor provided under division (E)(1) of this 5381  
section. 5382

(ii) If a political action committee, legislative campaign 5383  
fund, or political party that is required to file campaign finance 5384  
statements by electronic means of transmission under section 5385  
3517.106 of the Revised Code or a campaign committee of a 5386

statewide candidate or candidate for the office of member of the  
general assembly receives a contribution from an individual that  
exceeds one hundred dollars, the name of the individual's current  
employer, if any, or, if the individual is self-employed, the  
individual's occupation and the name of the individual's business,  
if any;

(iii) If a campaign committee of a statewide candidate or  
candidate for the office of member of the general assembly  
receives a contribution transmitted pursuant to section 3599.031  
of the Revised Code from amounts deducted from the wages and  
salaries of two or more employees that exceeds in the aggregate  
one hundred dollars during any one filing period under division  
(A)(1), (2), (3), or (4) of this section, the full name of the  
employees' employer and the full name of the labor organization of  
which the employees are members, if any.

(c) A description of the contribution received, if other than  
money;

(d) The value in dollars and cents of the contribution;

(e) A separately itemized account of all contributions and  
expenditures regardless of the amount, except a receipt of a  
contribution from a person in the sum of twenty-five dollars or  
less at one social or fund-raising activity and a receipt of a  
contribution transmitted pursuant to section 3599.031 of the  
Revised Code from amounts deducted from the wages and salaries of  
employees if the contribution from the amount deducted from the  
wages and salary of any one employee is twenty-five dollars or  
less aggregated in a calendar year. An account of the total  
contributions from each social or fund-raising activity shall  
include a description of and the value of each in-kind  
contribution received at that activity from any person who made  
one or more such contributions whose aggregate value exceeded two

hundred fifty dollars and shall be listed separately, together  
with the expenses incurred and paid in connection with that  
activity. A campaign committee, political action committee,  
legislative campaign fund, or political party shall keep records  
of contributions from each person in the amount of twenty-five  
dollars or less at one social or fund-raising activity and  
contributions from amounts deducted under section 3599.031 of the  
Revised Code from the wages and salary of each employee in the  
amount of twenty-five dollars or less aggregated in a calendar  
year. No continuing association that is recognized by a state or  
local committee of a political party as an auxiliary of the party  
and that makes a contribution from funds derived solely from  
regular dues paid by members of the auxiliary shall be required to  
list the name or address of any members who paid those dues.

Contributions that are other income shall be itemized  
separately from all other contributions. The information required  
under division (B)(4) of this section shall be provided for all  
other income itemized. As used in this paragraph, "other income"  
means a loan, investment income, or interest income.

(f) In the case of a campaign committee of a state elected  
officer, if a person doing business with the state elected officer  
in the officer's official capacity makes a contribution to the  
campaign committee of that officer, the information required under  
division (B)(4) of this section in regard to that contribution,  
which shall be filed together with and considered a part of the  
committee's statement of contributions as required under division  
(A) of this section but shall be filed on a separate form provided  
by the secretary of state. As used in this division:

(i) "State elected officer" has the same meaning as in  
section 3517.092 of the Revised Code.

(ii) "Person doing business" means a person or an officer of



an entity who enters into one or more contracts with a state 5449  
elected officer or anyone authorized to enter into contracts on 5450  
behalf of that officer to receive payments for goods or services, 5451  
if the payments total, in the aggregate, more than five thousand 5452  
dollars during a calendar year. 5453

(5) A statement of expenditures which shall include the 5454  
following information: 5455

(a) The month, day, and year of the expenditure; 5456

(b) The full name and address of each person, political 5457  
party, campaign committee, legislative campaign fund, or political 5458  
action committee to whom the expenditure was made and the 5459  
registration number assigned to the political action committee 5460  
under division (D)(1) of this section; 5461

(c) The object or purpose for which the expenditure was made; 5462

(d) The amount of each expenditure. 5463

(C)(1) The statement of contributions and expenditures shall 5464  
be signed by the person completing the form. If a statement of 5465  
contributions and expenditures is filed by electronic means of 5466  
transmission pursuant to this section or section 3517.106 of the 5467  
Revised Code, the electronic signature of the person who executes 5468  
the statement and transmits the statement by electronic means of 5469  
transmission, as provided in division (H) of section 3517.106 of 5470  
the Revised Code, shall be attached to or associated with the 5471  
statement and shall be binding on all persons and for all purposes 5472  
under the campaign finance reporting law as if the signature had 5473  
been handwritten in ink on a printed form. 5474

(2) The person filing the statement, under penalty of 5475  
election falsification, shall include with it a list of each 5476  
anonymous contribution, the circumstances under which it was 5477  
received, and the reason it cannot be attributed to a specific 5478

donor. 5479

(3) Each statement of a campaign committee of a candidate who 5480  
holds public office shall contain a designation of each 5481  
contributor who is an employee in any unit or department under the 5482  
candidate's direct supervision and control. In a space provided in 5483  
the statement, the person filing the statement shall affirm that 5484  
each such contribution was voluntarily made. 5485

(4) A campaign committee that did not receive contributions 5486  
or make expenditures in connection with the nomination or election 5487  
of its candidate shall file a statement to that effect, on a form 5488  
prescribed under this section and made under penalty of election 5489  
falsification, on the date required in division (A)(2) of this 5490  
section. 5491

(5) The campaign committee of any person who attempts to 5492  
become a candidate and who, for any reason, does not become 5493  
certified in accordance with Title XXXV of the Revised Code for 5494  
placement on the official ballot of a primary, general, or special 5495  
election to be held in this state, and who, at any time prior to 5496  
or after an election, receives contributions or makes 5497  
expenditures, or has given consent for another to receive 5498  
contributions or make expenditures, for the purpose of bringing 5499  
about the person's nomination or election to public office, shall 5500  
file the statement or statements prescribed by this section and a 5501  
termination statement, if applicable. Division (C)(5) of this 5502  
section does not apply to any person with respect to an election 5503  
to the offices of member of a county or state central committee, 5504  
presidential elector, or delegate to a national convention or 5505  
conference of a political party. 5506

(6)(a) The statements required to be filed under this section 5507  
shall specify the balance in the hands of the campaign committee, 5508  
political action committee, legislative campaign fund, or 5509

political party and the disposition intended to be made of that 5510  
balance. 5511

(b) The secretary of state shall prescribe the form for all 5512  
statements required to be filed under this section and shall 5513  
furnish the forms to the boards of elections in the several 5514  
counties. The boards of elections shall supply printed copies of 5515  
those forms without charge. The secretary of state shall prescribe 5516  
the appropriate methodology, protocol, and data file structure for 5517  
statements required or permitted to be filed by electronic means 5518  
of transmission under division (A) of this section, divisions (E), 5519  
(F), and (G) of section 3517.106, division (D) of section 5520  
3517.1011, division (B) of section 3517.1012, and division (C) of 5521  
section 3517.1013 of the Revised Code. Subject to division (A) of 5522  
this section, divisions (E), (F), and (G) of section 3517.106, 5523  
division (D) of section 3517.1011, division (B) of section 5524  
3517.1012, and division (C) of section 3517.1013 of the Revised 5525  
Code, the statements required to be stored on computer by the 5526  
secretary of state under division (B) of section 3517.106 of the 5527  
Revised Code shall be filed in whatever format the secretary of 5528  
state considers necessary to enable the secretary of state to 5529  
store the information contained in the statements on computer. Any 5530  
such format shall be of a type and nature that is readily 5531  
available to whoever is required to file the statements in that 5532  
format. 5533

(c) The secretary of state shall assess the need for training 5534  
regarding the filing of campaign finance statements by electronic 5535  
means of transmission and regarding associated technologies for 5536  
candidates, campaign committees, political action committees, 5537  
legislative campaign funds, or political parties, for individuals, 5538  
partnerships, or other entities, or for persons making 5539  
disbursements to pay the direct costs of producing or airing 5540  
electioneering communications, required or permitted to file 5541

statements by electronic means of transmission under this section 5542  
or section 3517.105, 3517.106, 3517.1011, 3517.1012, or 3517.1013 5543  
of the Revised Code. If, in the opinion of the secretary of state, 5544  
training in these areas is necessary, the secretary of state shall 5545  
arrange for the provision of voluntary training programs for 5546  
candidates, campaign committees, political action committees, 5547  
legislative campaign funds, or political parties, for individuals, 5548  
partnerships, and other entities, or for persons making 5549  
disbursements to pay the direct costs of producing or airing 5550  
electioneering communications, as appropriate. 5551

(7) Each monthly statement and each two-business-day 5552  
statement required by division (A) of this section shall contain 5553  
the information required by divisions (B)(1) to (4), (C)(2), and, 5554  
if appropriate, (C)(3) of this section. Each statement shall be 5555  
signed as required by division (C)(1) of this section. 5556

(D)(1) Prior to receiving a contribution or making an 5557  
expenditure, every campaign committee, political action committee, 5558  
legislative campaign fund, or political party shall appoint a 5559  
treasurer and shall file, on a form prescribed by the secretary of 5560  
state, a designation of that appointment, including the full name 5561  
and address of the treasurer and of the campaign committee, 5562  
political action committee, legislative campaign fund, or 5563  
political party. That designation shall be filed with the official 5564  
with whom the campaign committee, political action committee, 5565  
legislative campaign fund, or political party is required to file 5566  
statements under section 3517.11 of the Revised Code. The name of 5567  
a campaign committee shall include at least the last name of the 5568  
campaign committee's candidate. The secretary of state shall 5569  
assign a registration number to each political action committee 5570  
that files a designation of the appointment of a treasurer under 5571  
this division if the political action committee is required by 5572  
division (A)(1) of section 3517.11 of the Revised Code to file the 5573

statements prescribed by this section with the secretary of state. 5574

(2) The treasurer appointed under division (D)(1) of this 5575  
section shall keep a strict account of all contributions, from 5576  
whom received and the purpose for which they were disbursed. 5577

(3)(a) Except as otherwise provided in section 3517.108 of 5578  
the Revised Code, a campaign committee shall deposit all monetary 5579  
contributions received by the committee into an account separate 5580  
from a personal or business account of the candidate or campaign 5581  
committee. 5582

(b) A political action committee shall deposit all monetary 5583  
contributions received by the committee into an account separate 5584  
from all other funds. 5585

(c) A state or county political party may establish a state 5586  
candidate fund that is separate from an account that contains the 5587  
public moneys received from the Ohio political party fund under 5588  
section 3517.17 of the Revised Code and from all other funds. A 5589  
state or county political party may deposit into its state 5590  
candidate fund any amounts of monetary contributions that are made 5591  
to or accepted by the political party subject to the applicable 5592  
limitations, if any, prescribed in section 3517.102 of the Revised 5593  
Code. A state or county political party shall deposit all other 5594  
monetary contributions received by the party into one or more 5595  
accounts that are separate from its state candidate fund and from 5596  
its account that contains the public moneys received from the Ohio 5597  
political party fund under section 3517.17 of the Revised Code. 5598

(d) Each state political party shall have only one 5599  
legislative campaign fund for each house of the general assembly. 5600  
Each such fund shall be separate from any other funds or accounts 5601  
of that state party. A legislative campaign fund is authorized to 5602  
receive contributions and make expenditures for the primary 5603  
purpose of furthering the election of candidates who are members 5604

of that political party to the house of the general assembly with  
which that legislative campaign fund is associated. Each  
legislative campaign fund shall be administered and controlled in  
a manner designated by the caucus. As used in this division,  
"caucus" has the same meaning as in section 3517.01 of the Revised  
Code and includes, as an ex officio member, the chairperson of the  
state political party with which the caucus is associated or that  
chairperson's designee.

(4) Every expenditure in excess of twenty-five dollars shall  
be vouched for by a receipted bill, stating the purpose of the  
expenditure, that shall be filed with the statement of  
expenditures. A canceled check with a notation of the purpose of  
the expenditure is a receipted bill for purposes of division  
(D)(4) of this section.

(5) The secretary of state or the board of elections, as the  
case may be, shall issue a receipt for each statement filed under  
this section and shall preserve a copy of the receipt for a period  
of at least six years. All statements filed under this section  
shall be open to public inspection in the office where they are  
filed and shall be carefully preserved for a period of at least  
six years after the year in which they are filed.

(6) The secretary of state, by rule adopted pursuant to  
section 3517.23 of the Revised Code, shall prescribe both of the  
following:

(a) The manner of immediately acknowledging, with date and  
time received, and preserving the receipt of statements that are  
transmitted by electronic means of transmission to the secretary  
of state pursuant to this section or section 3517.106, 3517.1011,  
3517.1012, or 3517.1013 of the Revised Code;

(b) The manner of preserving the contribution and  
expenditure, contribution and disbursement, deposit and

disbursement, or gift and disbursement information in the 5636  
statements described in division (D)(6)(a) of this section. The 5637  
secretary of state shall preserve the contribution and 5638  
expenditure, contribution and disbursement, deposit and 5639  
disbursement, or gift and disbursement information in those 5640  
statements for at least ten years after the year in which they are 5641  
filed by electronic means of transmission. 5642

(7) The secretary of state, pursuant to division (I) of 5643  
section 3517.106 of the Revised Code, shall make available online 5644  
to the public through the internet the contribution and 5645  
expenditure, contribution and disbursement, deposit and 5646  
disbursement, or gift and disbursement information in all 5647  
statements, all addenda, amendments, or other corrections to 5648  
statements, and all amended statements filed with the secretary of 5649  
state by electronic or other means of transmission under this 5650  
section, division (B)(2)(b) or (C)(2)(b) of section 3517.105, or 5651  
section 3517.106, 3517.1011, 3517.1012, 3517.1013, or 3517.11 of 5652  
the Revised Code. The secretary of state may remove the 5653  
information from the internet after a reasonable period of time. 5654

(E)(1) Any person, political party, campaign committee, 5655  
legislative campaign fund, or political action committee that 5656  
makes a contribution in connection with the nomination or election 5657  
of any candidate or in connection with any ballot issue or 5658  
question at any election held or to be held in this state shall 5659  
provide its full name and address to the recipient of the 5660  
contribution at the time the contribution is made. The political 5661  
action committee also shall provide the registration number 5662  
assigned to the committee under division (D)(1) of this section to 5663  
the recipient of the contribution at the time the contribution is 5664  
made. 5665

(2) Any individual who makes a contribution that exceeds one 5666  
hundred dollars to a political action committee, legislative 5667

campaign fund, or political party or to a campaign committee of a 5668  
statewide candidate or candidate for the office of member of the 5669  
general assembly shall provide the name of the individual's 5670  
current employer, if any, or, if the individual is self-employed, 5671  
the individual's occupation and the name of the individual's 5672  
business, if any, to the recipient of the contribution at the time 5673  
the contribution is made. Sections 3599.39 and 3599.40 of the 5674  
Revised Code do not apply to division (E)(2) of this section. 5675

(3) If a campaign committee shows that it has exercised its 5676  
best efforts to obtain, maintain, and submit the information 5677  
required under divisions (B)(4)(b)(ii) and (iii) of this section, 5678  
that committee is considered to have met the requirements of those 5679  
divisions. A campaign committee shall not be considered to have 5680  
exercised its best efforts unless, in connection with written 5681  
solicitations, it regularly includes a written request for the 5682  
information required under division (B)(4)(b)(ii) of this section 5683  
from the contributor or the information required under division 5684  
(B)(4)(b)(iii) of this section from whoever transmits the 5685  
contribution. 5686

(4) Any check that a political action committee uses to make 5687  
a contribution or an expenditure shall contain the full name and 5688  
address of the committee and the registration number assigned to 5689  
the committee under division (D)(1) of this section. 5690

(F) As used in this section: 5691

(1)(a) Except as otherwise provided in division (F)(1) of 5692  
this section, "address" means all of the following if they exist: 5693  
apartment number, street, road, or highway name and number, rural 5694  
delivery route number, city or village, state, and zip code as 5695  
used in a person's post-office address, but not post-office box. 5696

(b) Except as otherwise provided in division (F)(1) of this 5697  
section, if an address is required in this section, a post-office 5698



box and office, room, or suite number may be included in addition 5699  
to, but not in lieu of, an apartment, street, road, or highway 5700  
name and number. 5701

(c) If an address is required in this section, a campaign 5702  
committee, political action committee, legislative campaign fund, 5703  
or political party may use the business or residence address of 5704  
its treasurer or deputy treasurer. The post-office box number of 5705  
the campaign committee, political action committee, legislative 5706  
campaign fund, or political party may be used in addition to that 5707  
address. 5708

(d) For the sole purpose of a campaign committee's reporting 5709  
of contributions on a statement of contributions received under 5710  
division (B)(4) of this section, "address" has one of the 5711  
following meanings at the option of the campaign committee: 5712

(i) The same meaning as in division (F)(1)(a) of this 5713  
section; 5714

(ii) All of the following, if they exist: the contributor's 5715  
post-office box number and city or village, state, and zip code as 5716  
used in the contributor's post-office address. 5717

(e) As used with regard to the reporting under this section 5718  
of any expenditure, "address" means all of the following if they 5719  
exist: apartment number, street, road, or highway name and number, 5720  
rural delivery route number, city or village, state, and zip code 5721  
as used in a person's post-office address, or post-office box. If 5722  
an address concerning any expenditure is required in this section, 5723  
a campaign committee, political action committee, legislative 5724  
campaign fund, or political party may use the business or 5725  
residence address of its treasurer or deputy treasurer or its 5726  
post-office box number. 5727

(2) "Statewide candidate" means the joint candidates for the 5728  
offices of governor and lieutenant governor or a candidate for the 5729

office of secretary of state, auditor of state, treasurer of 5730  
state, attorney general, member of the state board of education, 5731  
chief justice of the supreme court, or justice of the supreme 5732  
court. 5733

(G) An independent expenditure shall be reported whenever and 5734  
in the same manner that an expenditure is required to be reported 5735  
under this section and shall be reported pursuant to division 5736  
(B)(2)(a) or (C)(2)(a) of section 3517.105 of the Revised Code. 5737

(H)(1) Except as otherwise provided in division (H)(2) of 5738  
this section, if, during the combined pre-election and 5739  
postelection reporting periods for an election, a campaign 5740  
committee has received contributions of five hundred dollars or 5741  
less and has made expenditures in the total amount of five hundred 5742  
dollars or less, it may file a statement to that effect, under 5743  
penalty of election falsification, in lieu of the statement 5744  
required by division (A)(2) of this section. The statement shall 5745  
indicate the total amount of contributions received and the total 5746  
amount of expenditures made during those combined reporting 5747  
periods. 5748

(2) In the case of a successful candidate at a primary 5749  
election, if either the total contributions received by or the 5750  
total expenditures made by the candidate's campaign committee 5751  
during the preprimary, postprimary, pregeneral, and postgeneral 5752  
election periods combined equal more than five hundred dollars, 5753  
the campaign committee may file the statement under division 5754  
(H)(1) of this section only for the primary election. The first 5755  
statement that the campaign committee files in regard to the 5756  
general election shall reflect all contributions received and all 5757  
expenditures made during the preprimary and postprimary election 5758  
periods. 5759

(3) Divisions (H)(1) and (2) of this section do not apply if 5760

a campaign committee receives contributions or makes expenditures 5761  
prior to the first day of January of the year of the election at 5762  
which the candidate seeks nomination or election to office or if 5763  
the campaign committee does not file a termination statement with 5764  
its postprimary election statement in the case of an unsuccessful 5765  
primary election candidate or with its postgeneral election 5766  
statement in the case of other candidates. 5767

(I) In the case of a contribution made by a partner of a 5768  
partnership or an owner or a member of another unincorporated 5769  
business from any funds of the partnership or other unincorporated 5770  
business, all of the following apply: 5771

(1) The recipient of the contribution shall report the 5772  
contribution by listing both the partnership or other 5773  
unincorporated business and the name of the partner, owner, or 5774  
member making the contribution. 5775

(2) For purposes of section 3517.102 of the Revised Code, the 5776  
contribution shall be considered to have been made by the partner, 5777  
owner, or member reported under division (I)(1) of this section. 5778

(3) No contribution from a partner of a partnership or an 5779  
owner or a member of another unincorporated business shall be 5780  
accepted from any funds of the partnership or other unincorporated 5781  
business unless the recipient reports the contribution under 5782  
division (I)(1) of this section. 5783

(4) No partnership or other unincorporated business shall 5784  
make a contribution or contributions solely in the name of the 5785  
partnership or other unincorporated business. 5786

(5) As used in division (I) of this section, "partnership or 5787  
other unincorporated business" includes, but is not limited to, a 5788  
cooperative, a sole proprietorship, a general partnership, a 5789  
limited partnership, a limited partnership association, a limited 5790  
liability partnership, and a limited liability company. 5791

(J) A candidate shall have only one campaign committee at any 5792  
given time for all of the offices for which the person is a 5793  
candidate or holds office. 5794

(K)(1) In addition to filing a designation of appointment of 5795  
a treasurer under division (D)(1) of this section, the campaign 5796  
committee of any candidate for an elected municipal office that 5797  
pays an annual amount of compensation of five thousand dollars or 5798  
less, the campaign committee of any candidate for member of a 5799  
board of education except member of the state board of education, 5800  
or the campaign committee of any candidate for township trustee or 5801  
township ~~clerk~~ fiscal officer may sign, under penalty of election 5802  
falsification, a certificate attesting that the committee will not 5803  
accept contributions during an election period that exceed in the 5804  
aggregate two thousand dollars from all contributors and one 5805  
hundred dollars from any one individual, and that the campaign 5806  
committee will not make expenditures during an election period 5807  
that exceed in the aggregate two thousand dollars. 5808

The certificate shall be on a form prescribed by the 5809  
secretary of state and shall be filed not later than ten days 5810  
after the candidate files a declaration of candidacy and petition, 5811  
a nominating petition, or a declaration of intent to be a write-in 5812  
candidate. 5813

(2) Except as otherwise provided in division (K)(3) of this 5814  
section, a campaign committee that files a certificate under 5815  
division (K)(1) of this section is not required to file the 5816  
statements required by division (A) of this section. 5817

(3) If, after filing a certificate under division (K)(1) of 5818  
this section, a campaign committee exceeds any of the limitations 5819  
described in that division during an election period, the 5820  
certificate is void and thereafter the campaign committee shall 5821  
file the statements required by division (A) of this section. If 5822

the campaign committee has not previously filed a statement, then 5823  
on the first statement the campaign committee is required to file 5824  
under division (A) of this section after the committee's 5825  
certificate is void, the committee shall report all contributions 5826  
received and expenditures made from the time the candidate filed 5827  
the candidate's declaration of candidacy and petition, nominating 5828  
petition, or declaration of intent to be a write-in candidate. 5829

(4) As used in division (K) of this section, "election 5830  
period" means the period of time beginning on the day a person 5831  
files a declaration of candidacy and petition, nominating 5832  
petition, or declaration of intent to be a write-in candidate 5833  
through the day of the election at which the person seeks 5834  
nomination to office if the person is not elected to office, or, 5835  
if the candidate was nominated in a primary election, the day of 5836  
the election at which the candidate seeks office. 5837

**Sec. 3709.30.** In case of epidemic or threatened epidemic or 5838  
during the unusual prevalence of a dangerous communicable disease, 5839  
if the moneys in the district health fund of a general health 5840  
district are not sufficient, in the judgment of the board of 5841  
health of ~~such~~ the district, to defray the expenses necessary to 5842  
prevent the spread of such disease, ~~such~~ the board shall estimate 5843  
the amount required for ~~such~~ this purpose and apportion it among 5844  
the townships and municipal corporations in which the condition 5845  
exists, on the basis provided for in section 3709.28 of the 5846  
Revised Code. ~~Such~~ The estimate and apportionment shall be 5847  
certified to the county auditor of the proper county, who shall 5848  
draw an order on the clerk, fiscal officer, auditor, or other 5849  
similar officer of each township or municipal corporation affected 5850  
~~thereby~~ by it, for ~~such~~ that amount. ~~Such~~ The clerk, fiscal 5851  
officer, auditor, or other similar officer shall forthwith draw 5852  
~~his~~ a warrant on the township ~~clerk~~ fiscal officer or the 5853

treasurer of ~~such~~ the municipal corporation for the amount of ~~such~~ 5854  
the certification, which shall be honored by the ~~clerk~~ fiscal 5855  
officer or treasurer from any general treasury balances subject to 5856  
~~his~~ the fiscal officer's or treasurer's control, regardless of 5857  
funds. 5858

The clerk, fiscal officer, auditor, or other similar officer 5859  
then shall ~~thereupon~~ set up an account to be designated "as an 5860  
emergency health account," showing a deficit ~~therein~~ in the 5861  
account, and certify the action taken to the board of township 5862  
trustees, legislative authority, or other body having the power to 5863  
borrow money. ~~Thereupon such~~ That body then may exercise the 5864  
powers provided for in section 3707.28 of the Revised Code. Moneys 5865  
raised under this section shall be placed in the treasury of the 5866  
borrowing subdivision and credited to the emergency health 5867  
account, which shall ~~thereupon~~ then be closed, so that the moneys 5868  
taken from general cash balances shall be restored thereto and the 5869  
regular funds of the subdivision shall be restored thereby. 5870

If there is not sufficient money in the general cash balances 5871  
of ~~such~~ the subdivisions to satisfy the warrant so drawn by the 5872  
clerk, fiscal officer, auditor, or other similar officer, the 5873  
~~clerk~~ township fiscal officer or the treasurer ~~thereof~~ of the 5874  
municipal corporation shall honor ~~such~~ the warrant to the extent 5875  
of the cash in ~~such~~ the treasury, and the balance shall be 5876  
certified by the clerk, fiscal officer, auditor, or other similar 5877  
officer and the ~~clerk~~ fiscal officer or treasurer, jointly, to the 5878  
borrowing authority, which shall immediately exercise the powers 5879  
provided for in this section, to raise the amount of the warrant. 5880  
The proceeds of such action shall be paid into the general cash 5881  
balance in the treasury of the subdivision, and the balance due on 5882  
the warrant shall then be paid. 5883

The warrants provided for in this section shall be drawn in 5884  
favor of the county treasurer, as treasurer of the district health 5885

fund, and the proceeds shall go into ~~such~~ the fund. A separate  
account shall be kept of expenditures under this section. If a  
greater amount is expended in any township or municipal  
corporation than the amount drawn therefrom by action under this  
section, the excess shall be charged against ~~such~~ the subdivision  
at the next annual apportionment in addition to the amount  
apportionable to ~~such~~ the subdivision under section 3709.28 of the  
Revised Code. If the amount drawn under this section is not wholly  
expended in any subdivision, the unexpended remainder shall be  
credited to the next annual apportionment to ~~such~~ the subdivision.

Performance of the official duties imposed by this section on  
officers, boards, and legislative bodies may be enforced by  
mandamus on the relation of the board of health, which is hereby  
given special capacity to sue in ~~such~~ a mandamus action. In any  
~~such case~~ mandamus action, the return day of the alternative writ  
shall not be more than three days after the filing of the  
petition.

**Sec. 3734.025.** The owner or operator of an off-site  
infectious waste treatment facility shall pay the fees levied by  
an ordinance or resolution adopted under section 3734.024 of the  
Revised Code monthly to the treasurer or other such officer of the  
municipal corporation as, by virtue of the charter, has the duties  
of the treasurer or to the ~~clerk~~ fiscal officer of the township.  
The owner or operator shall remit the fees to the treasurer or  
other officer or to the ~~clerk~~ fiscal officer in accordance with  
rules adopted under section 3734.026 of the Revised Code. The  
remittance shall be accompanied by a return indicating the total  
amount of infectious wastes received at the facility for treatment  
during the month to which the return applies. If a monthly return  
and remittance of the fees are not submitted to the treasurer or  
other officer or to the ~~clerk~~ fiscal officer within sixty days

after the last day of the month to which the return and remittance 5917  
apply or within sixty days after the date otherwise established in 5918  
rules adopted under section 3734.026 of the Revised Code, the 5919  
owner or operator shall pay a penalty of an additional fifty per 5920  
cent of the amount of the remittance for each month that it is 5921  
late. 5922

Money received by the treasurer or ~~such~~ other officer of the 5923  
municipal corporation under this section shall be paid into the 5924  
general fund of the municipal corporation. Money received by the 5925  
~~clerk~~ fiscal officer of a township under this section shall be 5926  
paid into the general fund of the township. The treasurer or other 5927  
officer of the municipal corporation or the ~~clerk~~ fiscal officer 5928  
of the township, as appropriate, shall maintain separate records 5929  
of money received from the fees remitted under this section. 5930

No owner or operator of an off-site infectious waste 5931  
treatment facility shall violate or fail to comply with this 5932  
section or a rule adopted under section 3734.026 of the Revised 5933  
Code. 5934

**Sec. 3734.026.** The director of environmental protection shall 5935  
adopt rules in accordance with Chapter 119. of the Revised Code 5936  
establishing procedures for remitting fees levied under section 5937  
3734.024 of the Revised Code to the treasurers or other 5938  
appropriate fiscal officers of municipal corporations and to the 5939  
~~clerks~~ fiscal officers of townships. The rules also shall 5940  
establish the dates for remitting the fees to those officers and 5941  
may establish any other requirements that the director considers 5942  
necessary or appropriate to implement or administer sections 5943  
3734.024 and 3734.025 of the Revised Code. 5944

**Sec. 3734.57.** (A) For the purposes of paying the state's 5945  
long-term operation costs or matching share for actions taken 5946



under the "Comprehensive Environmental Response, Compensation, and 5947  
Liability Act of 1980," 94 Stat. 2767, 42 U.S.C.A. 9601, as 5948  
amended; paying the costs of measures for proper clean-up of sites 5949  
where polychlorinated biphenyls and substances, equipment, and 5950  
devices containing or contaminated with polychlorinated biphenyls 5951  
have been stored or disposed of; paying the costs of conducting 5952  
surveys or investigations of solid waste facilities or other 5953  
locations where it is believed that significant quantities of 5954  
hazardous waste were disposed of and for conducting enforcement 5955  
actions arising from the findings of such surveys or 5956  
investigations; paying the costs of acquiring and cleaning up, or 5957  
providing financial assistance for cleaning up, any hazardous 5958  
waste facility or solid waste facility containing significant 5959  
quantities of hazardous waste, that constitutes an imminent and 5960  
substantial threat to public health or safety or the environment; 5961  
and, from July 1, 2003, through June 30, 2006, for the purposes of 5962  
paying the costs of administering and enforcing the laws 5963  
pertaining to solid wastes, infectious wastes, and construction 5964  
and demolition debris, including, without limitation, ground water 5965  
evaluations related to solid wastes, infectious wastes, and 5966  
construction and demolition debris, under this chapter and Chapter 5967  
3714. of the Revised Code and any rules adopted under them, and 5968  
paying a share of the administrative costs of the environmental 5969  
protection agency pursuant to section 3745.014 of the Revised 5970  
Code, the following fees are hereby levied on the disposal of 5971  
solid wastes in this state: 5972

(1) One dollar per ton on and after July 1, 1993; 5973

(2) An additional one dollar per ton on and after July 1, 5974  
2003, through June 30, 2006. 5975

The owner or operator of a solid waste disposal facility 5976  
shall collect the fees levied under this division as a trustee for 5977  
the state and shall prepare and file with the director of 5978

environmental protection monthly returns indicating the total 5979  
tonnage of solid wastes received for disposal at the gate of the 5980  
facility and the total amount of the fees collected under this 5981  
division. Not later than thirty days after the last day of the 5982  
month to which such a return applies, the owner or operator shall 5983  
mail to the director the return for that month together with the 5984  
fees collected during that month as indicated on the return. The 5985  
owner or operator may request an extension of not more than thirty 5986  
days for filing the return and remitting the fees, provided that 5987  
the owner or operator has submitted such a request in writing to 5988  
the director together with a detailed description of why the 5989  
extension is requested, the director has received the request not 5990  
later than the day on which the return is required to be filed, 5991  
and the director has approved the request. If the fees are not 5992  
remitted within thirty days after the last day of the month during 5993  
which they were collected or are not remitted by the last day of 5994  
an extension approved by the director, the owner or operator shall 5995  
pay an additional fifty per cent of the amount of the fees for 5996  
each month that they are late. 5997

One-half of the moneys remitted to the director under 5998  
division (A)(1) of this section shall be credited to the hazardous 5999  
waste facility management fund created in section 3734.18 of the 6000  
Revised Code, and one-half shall be credited to the hazardous 6001  
waste clean-up fund created in section 3734.28 of the Revised 6002  
Code. The moneys remitted to the director under division (A)(2) of 6003  
this section shall be credited to the solid waste fund, which is 6004  
hereby created in the state treasury. The environmental protection 6005  
agency shall use moneys in the solid waste fund only to pay the 6006  
costs of administering and enforcing the laws pertaining to solid 6007  
wastes, infectious wastes, and construction and demolition debris, 6008  
including, without limitation, ground water evaluations related to 6009  
solid wastes, infectious wastes, and construction and demolition 6010

debris, under this chapter and Chapter 3714. of the Revised Code 6011  
and rules adopted under them and to pay a share of the 6012  
administrative costs of the environmental protection agency 6013  
pursuant to section 3745.014 of the Revised Code. 6014

The fees levied under this division and divisions (B) and (C) 6015  
of this section are in addition to all other applicable fees and 6016  
taxes and shall be added to any other fee or amount specified in a 6017  
contract that is charged by the owner or operator of a solid waste 6018  
disposal facility or to any other fee or amount that is specified 6019  
in a contract entered into on or after March 4, 1992, and that is 6020  
charged by a transporter of solid wastes. 6021

(B) For the purpose of preparing, revising, and implementing 6022  
the solid waste management plan of the county or joint solid waste 6023  
management district, including, without limitation, the 6024  
development and implementation of solid waste recycling or 6025  
reduction programs; providing financial assistance to boards of 6026  
health within the district, if solid waste facilities are located 6027  
within the district, for the enforcement of this chapter and rules 6028  
adopted and orders and terms and conditions of permits, licenses, 6029  
and variances issued under it, other than the hazardous waste 6030  
provisions of this chapter and rules adopted and orders and terms 6031  
and conditions of permits issued under those provisions; providing 6032  
financial assistance to the county to defray the added costs of 6033  
maintaining roads and other public facilities and of providing 6034  
emergency and other public services resulting from the location 6035  
and operation of a solid waste facility within the county under 6036  
the district's approved solid waste management plan; paying the 6037  
costs incurred by boards of health for collecting and analyzing 6038  
water samples from public or private wells on lands adjacent to 6039  
solid waste facilities that are contained in the approved or 6040  
amended plan of the district; paying the costs of developing and 6041  
implementing a program for the inspection of solid wastes 6042

generated outside the boundaries of this state that are disposed 6043  
of at solid waste facilities included in the district's approved 6044  
solid waste management plan or amended plan; providing financial 6045  
assistance to boards of health within the district for enforcing 6046  
laws prohibiting open dumping; providing financial assistance to 6047  
local law enforcement agencies within the district for enforcing 6048  
laws and ordinances prohibiting littering; providing financial 6049  
assistance to boards of health of health districts within the 6050  
district that are on the approved list under section 3734.08 of 6051  
the Revised Code for the training and certification required for 6052  
their employees responsible for solid waste enforcement by rules 6053  
adopted under division (L) of section 3734.02 of the Revised Code; 6054  
providing financial assistance to individual municipal 6055  
corporations and townships within the district to defray their 6056  
added costs of maintaining roads and other public facilities and 6057  
of providing emergency and other public services resulting from 6058  
the location and operation within their boundaries of a 6059  
composting, energy or resource recovery, incineration, or 6060  
recycling facility that either is owned by the district or is 6061  
furnishing solid waste management facility or recycling services 6062  
to the district pursuant to a contract or agreement with the board 6063  
of county commissioners or directors of the district; and payment 6064  
of any expenses that are agreed to, awarded, or ordered to be paid 6065  
under section 3734.35 of the Revised Code and of any 6066  
administrative costs incurred pursuant to that section, the solid 6067  
waste management policy committee of a county or joint solid waste 6068  
management district may levy fees upon the following activities: 6069

(1) The disposal at a solid waste disposal facility located 6070  
in the district of solid wastes generated within the district; 6071

(2) The disposal at a solid waste disposal facility within 6072  
the district of solid wastes generated outside the boundaries of 6073  
the district, but inside this state; 6074

(3) The disposal at a solid waste disposal facility within 6075  
the district of solid wastes generated outside the boundaries of 6076  
this state. 6077

If any such fees are levied prior to January 1, 1994, fees 6078  
levied under division (B)(1) of this section always shall be equal 6079  
to one-half of the fees levied under division (B)(2) of this 6080  
section, and fees levied under division (B)(3) of this section, 6081  
which shall be in addition to fees levied under division (B)(2) of 6082  
this section, always shall be equal to fees levied under division 6083  
(B)(1) of this section, except as otherwise provided in this 6084  
division. The solid waste management plan of the county or joint 6085  
district approved under section 3734.521 or 3734.55 of the Revised 6086  
Code and any amendments to it, or the resolution adopted under 6087  
this division, as appropriate, shall establish the rates of the 6088  
fees levied under divisions (B)(1), (2), and (3) of this section, 6089  
if any, and shall specify whether the fees are levied on the basis 6090  
of tons or cubic yards as the unit of measurement. Although the 6091  
fees under divisions (A)(1) and (2) of this section are levied on 6092  
the basis of tons as the unit of measurement, the solid waste 6093  
management plan of the district and any amendments to it or the 6094  
solid waste management policy committee in its resolution levying 6095  
fees under this division may direct that the fees levied under 6096  
those divisions be levied on the basis of cubic yards as the unit 6097  
of measurement based upon a conversion factor of three cubic yards 6098  
per ton generally or one cubic yard per ton for baled wastes if 6099  
the fees under divisions (B)(1) to (3) of this section are being 6100  
levied on the basis of cubic yards as the unit of measurement 6101  
under the plan, amended plan, or resolution. 6102

On and after January 1, 1994, the fee levied under division 6103  
(B)(1) of this section shall be not less than one dollar per ton 6104  
nor more than two dollars per ton, the fee levied under division 6105  
(B)(2) of this section shall be not less than two dollars per ton 6106

nor more than four dollars per ton, and the fee levied under 6107  
division (B)(3) of this section shall be not more than the fee 6108  
levied under division (B)(1) of this section, except as otherwise 6109  
provided in this division and notwithstanding any schedule of 6110  
those fees established in the solid waste management plan of a 6111  
county or joint district approved under section 3734.55 of the 6112  
Revised Code or a resolution adopted and ratified under this 6113  
division that is in effect on that date. If the fee that a 6114  
district is levying under division (B)(1) of this section on that 6115  
date under its approved plan or such a resolution is less than one 6116  
dollar per ton, the fee shall be one dollar per ton on and after 6117  
January 1, 1994, and if the fee that a district is so levying 6118  
under that division exceeds two dollars per ton, the fee shall be 6119  
two dollars per ton on and after that date. If the fee that a 6120  
district is so levying under division (B)(2) of this section is 6121  
less than two dollars per ton, the fee shall be two dollars per 6122  
ton on and after that date, and if the fee that the district is so 6123  
levying under that division exceeds four dollars per ton, the fee 6124  
shall be four dollars per ton on and after that date. On that 6125  
date, the fee levied by a district under division (B)(3) of this 6126  
section shall be equal to the fee levied under division (B)(1) of 6127  
this section. Except as otherwise provided in this division, the 6128  
fees established by the operation of this amendment shall remain 6129  
in effect until the district's resolution levying fees under this 6130  
division is amended or repealed in accordance with this division 6131  
to amend or abolish the schedule of fees, the schedule of fees is 6132  
amended or abolished in an amended plan of the district approved 6133  
under section 3734.521 or division (A) or (D) of section 3734.56 6134  
of the Revised Code, or the schedule of fees is amended or 6135  
abolished through an amendment to the district's plan under 6136  
division (E) of section 3734.56 of the Revised Code; the 6137  
notification of the amendment or abolishment of the fees has been 6138  
given in accordance with this division; and collection of the 6139

amended fees so established commences, or collection of the fees 6140  
ceases, in accordance with this division. 6141

The solid waste management policy committee of a district 6142  
levying fees under divisions (B)(1) to (3) of this section on 6143  
October 29, 1993, under its solid waste management plan approved 6144  
under section 3734.55 of the Revised Code or a resolution adopted 6145  
and ratified under this division that are within the ranges of 6146  
rates prescribed by this amendment, by adoption of a resolution 6147  
not later than December 1, 1993, and without the necessity for 6148  
ratification of the resolution under this division, may amend 6149  
those fees within the prescribed ranges, provided that the 6150  
estimated revenues from the amended fees will not substantially 6151  
exceed the estimated revenues set forth in the district's budget 6152  
for calendar year 1994. Not later than seven days after the 6153  
adoption of such a resolution, the committee shall notify by 6154  
certified mail the owner or operator of each solid waste disposal 6155  
facility that is required to collect the fees of the adoption of 6156  
the resolution and of the amount of the amended fees. Collection 6157  
of the amended fees shall take effect on the first day of the 6158  
first month following the month in which the notification is sent 6159  
to the owner or operator. The fees established in such a 6160  
resolution shall remain in effect until the district's resolution 6161  
levying fees that was adopted and ratified under this division is 6162  
amended or repealed, and the amendment or repeal of the resolution 6163  
is ratified, in accordance with this division, to amend or abolish 6164  
the fees, the schedule of fees is amended or abolished in an 6165  
amended plan of the district approved under section 3734.521 or 6166  
division (A) or (D) of section 3734.56 of the Revised Code, or the 6167  
schedule of fees is amended or abolished through an amendment to 6168  
the district's plan under division (E) of section 3734.56 of the 6169  
Revised Code; the notification of the amendment or abolishment of 6170  
the fees has been given in accordance with this division; and 6171

collection of the amended fees so established commences, or 6172  
collection of the fees ceases, in accordance with this division. 6173

Prior to the approval of the solid waste management plan of 6174  
the district under section 3734.55 of the Revised Code, the solid 6175  
waste management policy committee of a district may levy fees 6176  
under this division by adopting a resolution establishing the 6177  
proposed amount of the fees. Upon adopting the resolution, the 6178  
committee shall deliver a copy of the resolution to the board of 6179  
county commissioners of each county forming the district and to 6180  
the legislative authority of each municipal corporation and 6181  
township under the jurisdiction of the district and shall prepare 6182  
and publish the resolution and a notice of the time and location 6183  
where a public hearing on the fees will be held. Upon adopting the 6184  
resolution, the committee shall deliver written notice of the 6185  
adoption of the resolution; of the amount of the proposed fees; 6186  
and of the date, time, and location of the public hearing to the 6187  
director and to the fifty industrial, commercial, or institutional 6188  
generators of solid wastes within the district that generate the 6189  
largest quantities of solid wastes, as determined by the 6190  
committee, and to their local trade associations. The committee 6191  
shall make good faith efforts to identify those generators within 6192  
the district and their local trade associations, but the 6193  
nonprovision of notice under this division to a particular 6194  
generator or local trade association does not invalidate the 6195  
proceedings under this division. The publication shall occur at 6196  
least thirty days before the hearing. After the hearing, the 6197  
committee may make such revisions to the proposed fees as it 6198  
considers appropriate and thereafter, by resolution, shall adopt 6199  
the revised fee schedule. Upon adopting the revised fee schedule, 6200  
the committee shall deliver a copy of the resolution doing so to 6201  
the board of county commissioners of each county forming the 6202  
district and to the legislative authority of each municipal 6203



corporation and township under the jurisdiction of the district. 6204  
Within sixty days after the delivery of a copy of the resolution 6205  
adopting the proposed revised fees by the policy committee, each 6206  
such board and legislative authority, by ordinance or resolution, 6207  
shall approve or disapprove the revised fees and deliver a copy of 6208  
the ordinance or resolution to the committee. If any such board or 6209  
legislative authority fails to adopt and deliver to the policy 6210  
committee an ordinance or resolution approving or disapproving the 6211  
revised fees within sixty days after the policy committee 6212  
delivered its resolution adopting the proposed revised fees, it 6213  
shall be conclusively presumed that the board or legislative 6214  
authority has approved the proposed revised fees. 6215

In the case of a county district or a joint district formed 6216  
by two or three counties, the committee shall declare the proposed 6217  
revised fees to be ratified as the fee schedule of the district 6218  
upon determining that the board of county commissioners of each 6219  
county forming the district has approved the proposed revised fees 6220  
and that the legislative authorities of a combination of municipal 6221  
corporations and townships with a combined population within the 6222  
district comprising at least sixty per cent of the total 6223  
population of the district have approved the proposed revised 6224  
fees, provided that in the case of a county district, that 6225  
combination shall include the municipal corporation having the 6226  
largest population within the boundaries of the district, and 6227  
provided further that in the case of a joint district formed by 6228  
two or three counties, that combination shall include for each 6229  
county forming the joint district the municipal corporation having 6230  
the largest population within the boundaries of both the county in 6231  
which the municipal corporation is located and the joint district. 6232  
In the case of a joint district formed by four or more counties, 6233  
the committee shall declare the proposed revised fees to be 6234  
ratified as the fee schedule of the joint district upon 6235

determining that the boards of county commissioners of a majority  
of the counties forming the district have approved the proposed  
revised fees; that, in each of a majority of the counties forming  
the joint district, the proposed revised fees have been approved  
by the municipal corporation having the largest population within  
the county and the joint district; and that the legislative  
authorities of a combination of municipal corporations and  
townships with a combined population within the joint district  
comprising at least sixty per cent of the total population of the  
joint district have approved the proposed revised fees.

For the purposes of this division, only the population of the  
unincorporated area of a township shall be considered. For the  
purpose of determining the largest municipal corporation within  
each county under this division, a municipal corporation that is  
located in more than one solid waste management district, but that  
is under the jurisdiction of one county or joint solid waste  
management district in accordance with division (A) of section  
3734.52 of the Revised Code shall be considered to be within the  
boundaries of the county in which a majority of the population of  
the municipal corporation resides.

The committee may amend the schedule of fees levied pursuant  
to a resolution or amended resolution adopted and ratified under  
this division by adopting a resolution establishing the proposed  
amount of the amended fees. The committee may abolish the fees  
levied pursuant to such a resolution or amended resolution by  
adopting a resolution proposing to repeal them. Upon adopting such  
a resolution, the committee shall proceed to obtain ratification  
of the resolution in accordance with this division.

Not later than fourteen days after declaring the fees or  
amended fees to be ratified under this division, the committee  
shall notify by certified mail the owner or operator of each solid  
waste disposal facility that is required to collect the fees of

the ratification and the amount of the fees. Collection of any 6268  
fees or amended fees ratified on or after March 24, 1992, shall 6269  
commence on the first day of the second month following the month 6270  
in which notification is sent to the owner or operator. 6271

Not later than fourteen days after declaring the repeal of 6272  
the district's schedule of fees to be ratified under this 6273  
division, the committee shall notify by certified mail the owner 6274  
or operator of each facility that is collecting the fees of the 6275  
repeal. Collection of the fees shall cease on the first day of the 6276  
second month following the month in which notification is sent to 6277  
the owner or operator. 6278

Not later than fourteen days after the director issues an 6279  
order approving a district's solid waste management plan under 6280  
section 3734.55 of the Revised Code or amended plan under division 6281  
(A) or (D) of section 3734.56 of the Revised Code that establishes 6282  
or amends a schedule of fees levied by the district, or the 6283  
ratification of an amendment to the district's approved plan or 6284  
amended plan under division (E) of section 3734.56 of the Revised 6285  
Code that establishes or amends a schedule of fees, as 6286  
appropriate, the committee shall notify by certified mail the 6287  
owner or operator of each solid waste disposal facility that is 6288  
required to collect the fees of the approval of the plan or 6289  
amended plan, or the amendment to the plan, as appropriate, and 6290  
the amount of the fees or amended fees. In the case of an initial 6291  
or amended plan approved under section 3734.521 of the Revised 6292  
Code in connection with a change in district composition, other 6293  
than one involving the withdrawal of a county from a joint 6294  
district, that establishes or amends a schedule of fees levied 6295  
under divisions (B)(1) to (3) of this section by a district 6296  
resulting from the change, the committee, within fourteen days 6297  
after the change takes effect pursuant to division (G) of that 6298  
section, shall notify by certified mail the owner or operator of 6299

each solid waste disposal facility that is required to collect the fees that the change has taken effect and of the amount of the fees or amended fees. Collection of any fees set forth in a plan or amended plan approved by the director on or after April 16, 1993, or an amendment of a plan or amended plan under division (E) of section 3734.56 of the Revised Code that is ratified on or after April 16, 1993, shall commence on the first day of the second month following the month in which notification is sent to the owner or operator.

Not later than fourteen days after the director issues an order approving a district's plan under section 3734.55 of the Revised Code or amended plan under division (A) or (D) of section 3734.56 of the Revised Code that abolishes the schedule of fees levied under divisions (B)(1) to (3) of this section, or an amendment to the district's approved plan or amended plan abolishing the schedule of fees is ratified pursuant to division (E) of section 3734.56 of the Revised Code, as appropriate, the committee shall notify by certified mail the owner or operator of each facility that is collecting the fees of the approval of the plan or amended plan, or the amendment of the plan or amended plan, as appropriate, and the abolishment of the fees. In the case of an initial or amended plan approved under section 3734.521 of the Revised Code in connection with a change in district composition, other than one involving the withdrawal of a county from a joint district, that abolishes the schedule of fees levied under divisions (B)(1) to (3) of this section by a district resulting from the change, the committee, within fourteen days after the change takes effect pursuant to division (G) of that section, shall notify by certified mail the owner or operator of each solid waste disposal facility that is required to collect the fees that the change has taken effect and of the abolishment of the fees. Collection of the fees shall cease on the first day of

the second month following the month in which notification is sent 6332  
to the owner or operator. 6333

Except as otherwise provided in this division, if the 6334  
schedule of fees that a district is levying under divisions (B)(1) 6335  
to (3) of this section pursuant to a resolution or amended 6336  
resolution adopted and ratified under this division, the solid 6337  
waste management plan of the district approved under section 6338  
3734.55 of the Revised Code, an amended plan approved under 6339  
division (A) or (D) of section 3734.56 of the Revised Code, or an 6340  
amendment to the district's approved plan or amended plan under 6341  
division (E) of section 3734.56 of the Revised Code, is amended by 6342  
the adoption and ratification of an amendment to the resolution or 6343  
amended resolution or an amendment of the district's approved plan 6344  
or amended plan, the fees in effect immediately prior to the 6345  
approval of the plan or the amendment of the resolution, amended 6346  
resolution, plan, or amended plan, as appropriate, shall continue 6347  
to be collected until collection of the amended fees commences 6348  
pursuant to this division. 6349

If, in the case of a change in district composition involving 6350  
the withdrawal of a county from a joint district, the director 6351  
completes the actions required under division (G)(1) or (3) of 6352  
section 3734.521 of the Revised Code, as appropriate, forty-five 6353  
days or more before the beginning of a calendar year, the policy 6354  
committee of each of the districts resulting from the change that 6355  
obtained the director's approval of an initial or amended plan in 6356  
connection with the change, within fourteen days after the 6357  
director's completion of the required actions, shall notify by 6358  
certified mail the owner or operator of each solid waste disposal 6359  
facility that is required to collect the district's fees that the 6360  
change is to take effect on the first day of January immediately 6361  
following the issuance of the notice and of the amount of the fees 6362  
or amended fees levied under divisions (B)(1) to (3) of this 6363

section pursuant to the district's initial or amended plan as so 6364  
approved or, if appropriate, the abolishment of the district's 6365  
fees by that initial or amended plan. Collection of any fees set 6366  
forth in such a plan or amended plan shall commence on the first 6367  
day of January immediately following the issuance of the notice. 6368  
If such an initial or amended plan abolishes a schedule of fees, 6369  
collection of the fees shall cease on that first day of January. 6370

If, in the case of a change in district composition involving 6371  
the withdrawal of a county from a joint district, the director 6372  
completes the actions required under division (G)(1) or (3) of 6373  
section 3734.521 of the Revised Code, as appropriate, less than 6374  
forty-five days before the beginning of a calendar year, the 6375  
director, on behalf of each of the districts resulting from the 6376  
change that obtained the director's approval of an initial or 6377  
amended plan in connection with the change proceedings, shall 6378  
notify by certified mail the owner or operator of each solid waste 6379  
disposal facility that is required to collect the district's fees 6380  
that the change is to take effect on the first day of January 6381  
immediately following the mailing of the notice and of the amount 6382  
of the fees or amended fees levied under divisions (B)(1) to (3) 6383  
of this section pursuant to the district's initial or amended plan 6384  
as so approved or, if appropriate, the abolishment of the 6385  
district's fees by that initial or amended plan. Collection of any 6386  
fees set forth in such a plan or amended plan shall commence on 6387  
the first day of the second month following the month in which 6388  
notification is sent to the owner or operator. If such an initial 6389  
or amended plan abolishes a schedule of fees, collection of the 6390  
fees shall cease on the first day of the second month following 6391  
the month in which notification is sent to the owner or operator. 6392

In the case of a change in district composition, the schedule 6393  
of fees that the former districts that existed prior to the change 6394  
were levying under divisions (B)(1) to (3) of this section 6395

pursuant to a resolution or amended resolution adopted and 6396  
ratified under this division, the solid waste management plan of a 6397  
former district approved under section 3734.521 or 3734.55 of the 6398  
Revised Code, an amended plan approved under section 3734.521 or 6399  
division (A) or (D) of section 3734.56 of the Revised Code, or an 6400  
amendment to a former district's approved plan or amended plan 6401  
under division (E) of section 3734.56 of the Revised Code, and 6402  
that were in effect on the date that the director completed the 6403  
actions required under division (G)(1) or (3) of section 3734.521 6404  
of the Revised Code shall continue to be collected until the 6405  
collection of the fees or amended fees of the districts resulting 6406  
from the change is required to commence, or if an initial or 6407  
amended plan of a resulting district abolishes a schedule of fees, 6408  
collection of the fees is required to cease, under this division. 6409  
Moneys so received from the collection of the fees of the former 6410  
districts shall be divided among the resulting districts in 6411  
accordance with division (B) of section 343.012 of the Revised 6412  
Code and the agreements entered into under division (B) of section 6413  
343.01 of the Revised Code to establish the former and resulting 6414  
districts and any amendments to those agreements. 6415

For the purposes of the provisions of division (B) of this 6416  
section establishing the times when newly established or amended 6417  
fees levied by a district are required to commence and the 6418  
collection of fees that have been amended or abolished is required 6419  
to cease, "fees" or "schedule of fees" includes, in addition to 6420  
fees levied under divisions (B)(1) to (3) of this section, those 6421  
levied under section 3734.573 or 3734.574 of the Revised Code. 6422

(C) For the purposes of defraying the added costs to a 6423  
municipal corporation or township of maintaining roads and other 6424  
public facilities and of providing emergency and other public 6425  
services, and compensating a municipal corporation or township for 6426  
reductions in real property tax revenues due to reductions in real 6427

property valuations resulting from the location and operation of a 6428  
solid waste disposal facility within the municipal corporation or 6429  
township, a municipal corporation or township in which such a 6430  
solid waste disposal facility is located may levy a fee of not 6431  
more than twenty-five cents per ton on the disposal of solid 6432  
wastes at a solid waste disposal facility located within the 6433  
boundaries of the municipal corporation or township regardless of 6434  
where the wastes were generated. 6435

The legislative authority of a municipal corporation or 6436  
township may levy fees under this division by enacting an 6437  
ordinance or adopting a resolution establishing the amount of the 6438  
fees. Upon so doing the legislative authority shall mail a 6439  
certified copy of the ordinance or resolution to the board of 6440  
county commissioners or directors of the county or joint solid 6441  
waste management district in which the municipal corporation or 6442  
township is located or, if a regional solid waste management 6443  
authority has been formed under section 343.011 of the Revised 6444  
Code, to the board of trustees of that regional authority, the 6445  
owner or operator of each solid waste disposal facility in the 6446  
municipal corporation or township that is required to collect the 6447  
fee by the ordinance or resolution, and the director of 6448  
environmental protection. Although the fees levied under this 6449  
division are levied on the basis of tons as the unit of 6450  
measurement, the legislative authority, in its ordinance or 6451  
resolution levying the fees under this division, may direct that 6452  
the fees be levied on the basis of cubic yards as the unit of 6453  
measurement based upon a conversion factor of three cubic yards 6454  
per ton generally or one cubic yard per ton for baled wastes. 6455

Not later than five days after enacting an ordinance or 6456  
adopting a resolution under this division, the legislative 6457  
authority shall so notify by certified mail the owner or operator 6458  
of each solid waste disposal facility that is required to collect 6459



the fee. Collection of any fee levied on or after March 24, 1992, 6460  
shall commence on the first day of the second month following the 6461  
month in which notification is sent to the owner or operator. 6462

(D)(1) The fees levied under divisions (A), (B), and (C) of 6463  
this section do not apply to the disposal of solid wastes that: 6464

(a) Are disposed of at a facility owned by the generator of 6465  
the wastes when the solid waste facility exclusively disposes of 6466  
solid wastes generated at one or more premises owned by the 6467  
generator regardless of whether the facility is located on a 6468  
premises where the wastes are generated; 6469

(b) Are disposed of at facilities that exclusively dispose of 6470  
wastes that are generated from the combustion of coal, or from the 6471  
combustion of primarily coal in combination with scrap tires, that 6472  
is not combined in any way with garbage at one or more premises 6473  
owned by the generator. 6474

(2) Except as provided in section 3734.571 of the Revised 6475  
Code, any fees levied under division (B)(1) of this section apply 6476  
to solid wastes originating outside the boundaries of a county or 6477  
joint district that are covered by an agreement for the joint use 6478  
of solid waste facilities entered into under section 343.02 of the 6479  
Revised Code by the board of county commissioners or board of 6480  
directors of the county or joint district where the wastes are 6481  
generated and disposed of. 6482

(3) When solid wastes, other than solid wastes that consist 6483  
of scrap tires, are burned in a disposal facility that is an 6484  
incinerator or energy recovery facility, the fees levied under 6485  
divisions (A), (B), and (C) of this section shall be levied upon 6486  
the disposal of the fly ash and bottom ash remaining after burning 6487  
of the solid wastes and shall be collected by the owner or 6488  
operator of the sanitary landfill where the ash is disposed of. 6489

(4) When solid wastes are delivered to a solid waste transfer 6490

facility, the fees levied under divisions (A), (B), and (C) of 6491  
this section shall be levied upon the disposal of solid wastes 6492  
transported off the premises of the transfer facility for disposal 6493  
and shall be collected by the owner or operator of the solid waste 6494  
disposal facility where the wastes are disposed of. 6495

(5) The fees levied under divisions (A), (B), and (C) of this 6496  
section do not apply to sewage sludge that is generated by a waste 6497  
water treatment facility holding a national pollutant discharge 6498  
elimination system permit and that is disposed of through 6499  
incineration, land application, or composting or at another 6500  
resource recovery or disposal facility that is not a landfill. 6501

(6) The fees levied under divisions (A), (B), and (C) of this 6502  
section do not apply to solid wastes delivered to a solid waste 6503  
composting facility for processing. When any unprocessed solid 6504  
waste or compost product is transported off the premises of a 6505  
composting facility and disposed of at a landfill, the fees levied 6506  
under divisions (A), (B), and (C) of this section shall be 6507  
collected by the owner or operator of the landfill where the 6508  
unprocessed waste or compost product is disposed of. 6509

(7) When solid wastes that consist of scrap tires are 6510  
processed at a scrap tire recovery facility, the fees levied under 6511  
divisions (A), (B), and (C) of this section shall be levied upon 6512  
the disposal of the fly ash and bottom ash or other solid wastes 6513  
remaining after the processing of the scrap tires and shall be 6514  
collected by the owner or operator of the solid waste disposal 6515  
facility where the ash or other solid wastes are disposed of. 6516

(E) The fees levied under divisions (B) and (C) of this 6517  
section shall be collected by the owner or operator of the solid 6518  
waste disposal facility where the wastes are disposed of as a 6519  
trustee for the county or joint district and municipal corporation 6520  
or township where the wastes are disposed of. Moneys from the fees 6521

levied under division (B) of this section shall be forwarded to  
the board of county commissioners or board of directors of the  
district in accordance with rules adopted under division (H) of  
this section. Moneys from the fees levied under division (C) of  
this section shall be forwarded to the treasurer or such other  
officer of the municipal corporation as, by virtue of the charter,  
has the duties of the treasurer or to the ~~clerk~~ fiscal officer of  
the township, as appropriate, in accordance with those rules.

(F) Moneys received by the treasurer or ~~such~~ other officer of  
the municipal corporation under division (E) of this section shall  
be paid into the general fund of the municipal corporation. Moneys  
received by the ~~clerk~~ fiscal officer of the township under that  
division shall be paid into the general fund of the township. The  
treasurer or ~~such~~ other officer of the municipal corporation or  
the ~~clerk~~ township fiscal officer, as appropriate, shall maintain  
separate records of the moneys received from the fees levied under  
division (C) of this section.

(G) Moneys received by the board of county commissioners or  
board of directors under division (E) of this section or section  
3734.571, 3734.572, 3734.573, or 3734.574 of the Revised Code  
shall be paid to the county treasurer, or other official acting in  
a similar capacity under a county charter, in a county district or  
to the county treasurer or other official designated by the board  
of directors in a joint district and kept in a separate and  
distinct fund to the credit of the district. If a regional solid  
waste management authority has been formed under section 343.011  
of the Revised Code, moneys received by the board of trustees of  
that regional authority under division (E) of this section shall  
be kept by the board in a separate and distinct fund to the credit  
of the district. Moneys in the special fund of the county or joint  
district arising from the fees levied under division (B) of this  
section and the fee levied under division (A) of section 3734.573

of the Revised Code shall be expended by the board of county commissioners or directors of the district in accordance with the district's solid waste management plan or amended plan approved under section 3734.521, 3734.55, or 3734.56 of the Revised Code exclusively for the following purposes:

(1) Preparation of the solid waste management plan of the district under section 3734.54 of the Revised Code, monitoring implementation of the plan, and conducting the periodic review and amendment of the plan required by section 3734.56 of the Revised Code by the solid waste management policy committee;

(2) Implementation of the approved solid waste management plan or amended plan of the district, including, without limitation, the development and implementation of solid waste recycling or reduction programs;

(3) Providing financial assistance to boards of health within the district, if solid waste facilities are located within the district, for enforcement of this chapter and rules, orders, and terms and conditions of permits, licenses, and variances adopted or issued under it, other than the hazardous waste provisions of this chapter and rules adopted and orders and terms and conditions of permits issued under those provisions;

(4) Providing financial assistance to each county within the district to defray the added costs of maintaining roads and other public facilities and of providing emergency and other public services resulting from the location and operation of a solid waste facility within the county under the district's approved solid waste management plan or amended plan;

(5) Pursuant to contracts entered into with boards of health within the district, if solid waste facilities contained in the district's approved plan or amended plan are located within the district, for paying the costs incurred by those boards of health

for collecting and analyzing samples from public or private water wells on lands adjacent to those facilities; 6585  
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(6) Developing and implementing a program for the inspection of solid wastes generated outside the boundaries of this state that are disposed of at solid waste facilities included in the district's approved solid waste management plan or amended plan; 6587  
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(7) Providing financial assistance to boards of health within the district for the enforcement of section 3734.03 of the Revised Code or to local law enforcement agencies having jurisdiction within the district for enforcing anti-littering laws and ordinances; 6591  
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(8) Providing financial assistance to boards of health of health districts within the district that are on the approved list under section 3734.08 of the Revised Code to defray the costs to the health districts for the participation of their employees responsible for enforcement of the solid waste provisions of this chapter and rules adopted and orders and terms and conditions of permits, licenses, and variances issued under those provisions in the training and certification program as required by rules adopted under division (L) of section 3734.02 of the Revised Code; 6596  
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(9) Providing financial assistance to individual municipal corporations and townships within the district to defray their added costs of maintaining roads and other public facilities and of providing emergency and other public services resulting from the location and operation within their boundaries of a composting, energy or resource recovery, incineration, or recycling facility that either is owned by the district or is furnishing solid waste management facility or recycling services to the district pursuant to a contract or agreement with the board of county commissioners or directors of the district; 6605  
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(10) Payment of any expenses that are agreed to, awarded, or 6615

ordered to be paid under section 3734.35 of the Revised Code and 6616  
of any administrative costs incurred pursuant to that section. In 6617  
the case of a joint solid waste management district, if the board 6618  
of county commissioners of one of the counties in the district is 6619  
negotiating on behalf of affected communities, as defined in that 6620  
section, in that county, the board shall obtain the approval of 6621  
the board of directors of the district in order to expend moneys 6622  
for administrative costs incurred. 6623

Prior to the approval of the district's solid waste 6624  
management plan under section 3734.55 of the Revised Code, moneys 6625  
in the special fund of the district arising from the fees shall be 6626  
expended for those purposes in the manner prescribed by the solid 6627  
waste management policy committee by resolution. 6628

Notwithstanding division (G)(6) of this section as it existed 6629  
prior to October 29, 1993, or any provision in a district's solid 6630  
waste management plan prepared in accordance with division 6631  
(B)(2)(e) of section 3734.53 of the Revised Code as it existed 6632  
prior to that date, any moneys arising from the fees levied under 6633  
division (B)(3) of this section prior to January 1, 1994, may be 6634  
expended for any of the purposes authorized in divisions (G)(1) to 6635  
(10) of this section. 6636

(H) The director shall adopt rules in accordance with Chapter 6637  
119. of the Revised Code prescribing procedures for collecting and 6638  
forwarding the fees levied under divisions (B) and (C) of this 6639  
section to the boards of county commissioners or directors of 6640  
county or joint solid waste management districts and to the 6641  
treasurers or other officers of municipal corporations ~~or to~~ and 6642  
the ~~clerks~~ fiscal officers of townships. The rules also shall 6643  
prescribe the dates for forwarding the fees to the boards and 6644  
officials and may prescribe any other requirements the director 6645  
considers necessary or appropriate to implement and administer 6646  
divisions (A), (B), and (C) of this section. Collection of the 6647

fees levied under division (A)(1) of this section shall commence 6648  
on July 1, 1993. Collection of the fees levied under division 6649  
(A)(2) of this section shall commence on January 1, 1994. 6650

**Sec. 4301.80.** (A) As used in this section, "community 6651  
entertainment district" means a bounded area that includes or will 6652  
include a combination of entertainment, retail, educational, 6653  
sporting, social, cultural, or arts establishments within close 6654  
proximity to some or all of the following types of establishments 6655  
within the district, or other types of establishments similar to 6656  
these: 6657

(1) Hotels; 6658

(2) Restaurants; 6659

(3) Retail sales establishments; 6660

(4) Enclosed shopping centers; 6661

(5) Museums; 6662

(6) Performing arts theaters; 6663

(7) Motion picture theaters; 6664

(8) Night clubs; 6665

(9) Convention facilities; 6666

(10) Sports facilities; 6667

(11) Entertainment facilities or complexes; 6668

(12) Any combination of the establishments described in 6669  
division (A)(1) to (11) of this section that provide similar 6670  
services to the community. 6671

(B) Any owner of property located in a municipal corporation 6672  
seeking to have that property, or that property and other 6673  
surrounding property, designated as a community entertainment 6674  
district shall file an application seeking this designation with 6675

the mayor of the municipal corporation in which that property is  
located. Any owner of property located in the unincorporated area  
of a township seeking to have that property, or that property and  
other surrounding property, designated as a community  
entertainment district shall file an application seeking this  
designation with the board of township trustees of the township in  
whose unincorporated area that property is located. An application  
to designate an area as a community entertainment district shall  
contain all of the following:

(1) The applicant's name and address;

(2) A map or survey of the proposed community entertainment  
district in sufficient detail to identify the boundaries of the  
district and the property owned by the applicant;

(3) A general statement of the nature and types of  
establishments described in division (A) of this section that are  
or will be located within the proposed community improvement  
district and any other establishments located in the proposed  
community entertainment district that are not described in  
division (A) of this section;

(4) If some or all of the establishments within the proposed  
community entertainment district have not yet been developed, the  
proposed time frame for completing the development of these  
establishments;

(5) Evidence that the uses of land within the proposed  
community entertainment district are in accord with the municipal  
corporation's or township's master zoning plan or map;

(6) A certificate from a surveyor or engineer licensed under  
Chapter 4733. of the Revised Code indicating that the area  
encompassed by the proposed community entertainment district  
contains no less than twenty contiguous acres;



(7) A handling and processing fee to accompany the 6706  
application, payable to the applicable municipal corporation or 6707  
township, in an amount determined by that municipal corporation or 6708  
township. 6709

(C) An application described in division (B) of this section 6710  
relating to an area located in a municipal corporation shall be 6711  
addressed and submitted to the mayor of the municipal corporation 6712  
in which the area described in the application is located. The 6713  
mayor, within thirty days after receiving the application, shall 6714  
submit the application with the mayor's recommendation to the 6715  
legislative authority of the municipal corporation. An application 6716  
described in division (B) of this section relating to an area 6717  
located in the unincorporated area of a township shall be 6718  
addressed and submitted to the board of township trustees of the 6719  
township in whose unincorporated area the area described in the 6720  
application is located. The application is a public record for 6721  
purposes of section 149.43 of the Revised Code upon its receipt by 6722  
the mayor or board of township trustees. 6723

Within thirty days after it receives the application and the 6724  
mayor's recommendations relating to the application, the 6725  
legislative authority of the municipal corporation, by notice 6726  
published once a week for two consecutive weeks in at least one 6727  
newspaper of general circulation in the municipal corporation, 6728  
shall notify the public that the application is on file in the 6729  
office of the clerk of the municipal corporation and is available 6730  
for inspection by the public during regular business hours. Within 6731  
thirty days after it receives the application, the board of 6732  
township trustees, by notice published once a week for two 6733  
consecutive weeks in at least one newspaper of general circulation 6734  
in the township, shall notify the public that the application is 6735  
on file in the office of the township ~~clerk~~ fiscal officer and is 6736  
available for inspection by the public during regular business 6737

hours. The notice shall also indicate the date and time of any 6738  
public hearing by the legislative authority or board of township 6739  
trustees on the application. 6740

Within seventy-five days after the date the application is 6741  
filed with the mayor of a municipal corporation, the legislative 6742  
authority of the municipal corporation by ordinance or resolution 6743  
shall approve or disapprove the application based on whether the 6744  
proposed community entertainment district does or will 6745  
substantially contribute to entertainment, retail, educational, 6746  
sporting, social, cultural, or arts opportunities for the 6747  
community. The community considered shall at a minimum include the 6748  
municipal corporation in which the community is located. Any 6749  
approval of an application shall be by an affirmative majority 6750  
vote of the legislative authority. 6751

Within seventy-five days after the date the application is 6752  
filed with a board of township trustees, the board by resolution 6753  
shall approve or disapprove the application based on whether the 6754  
proposed community entertainment district does or will 6755  
substantially contribute to entertainment, retail, educational, 6756  
sporting, social, cultural, or arts opportunities for the 6757  
community. The community considered shall at a minimum include the 6758  
township in which the community is located. Any approval of an 6759  
application shall be by an affirmative majority vote of the board 6760  
of township trustees. 6761

If the legislative authority or board of township trustees 6762  
disapproves the application, the applicant may make changes in the 6763  
application to secure its approval by the legislative authority or 6764  
board of township trustees. Any area approved by the legislative 6765  
authority or board of township trustees constitutes a community 6766  
entertainment district, and a local option election may be 6767  
conducted in the district, as a type of community facility, under 6768  
section 4301.356 of the Revised Code. 6769

(D) All or part of an area designated as a community 6770  
entertainment district may lose this designation as provided in 6771  
this division. The legislative authority of a municipal 6772  
corporation in which a community entertainment district is 6773  
located, or the board of township trustees of the township in 6774  
whose unincorporated area a community entertainment district is 6775  
located, after giving notice of its proposed action by publication 6776  
once a week for two consecutive weeks in at least one newspaper of 6777  
general circulation in the municipal corporation or township, may 6778  
determine by ordinance or resolution in the case of the 6779  
legislative authority of a municipal corporation, or by resolution 6780  
in the case of a board of township trustees of a township, that 6781  
all or part of the area fails to meet the standards described in 6782  
this section for designation of an area as a community 6783  
entertainment district. If the legislative authority or board so 6784  
determines, the area designated in the ordinance or resolution no 6785  
longer constitutes a community entertainment district. 6786

**Sec. 4303.26.** (A) Applications for regular permits authorized 6787  
by sections 4303.02 to 4303.23 of the Revised Code may be filed 6788  
with the division of liquor control. No permit shall be issued by 6789  
the division until fifteen days after the application for it is 6790  
filed. An applicant for the issuance of a new permit shall pay a 6791  
processing fee of one hundred dollars when filing application for 6792  
the permit, if the permit is then available, or shall pay the 6793  
processing fee when a permit becomes available, if it is not 6794  
available when the applicant initially files the application. When 6795  
an application for a new class C or D permit is filed, when class 6796  
C or D permits become available, or when an application for 6797  
transfer of ownership of a class C or D permit or transfer of a 6798  
location of a class C or D permit is filed, no permit shall be 6799  
issued, nor shall the location or the ownership of a permit be 6800  
transferred, by the division until the division notifies the 6801

legislative authority of the municipal corporation, if the 6802  
business or event is or is to be located within the corporate 6803  
limits of a municipal corporation, or the clerk of the board of 6804  
county commissioners and the fiscal officer of the board of 6805  
township trustees in the county in which the business or event is 6806  
or is to be conducted, if the business is or is to be located 6807  
outside the corporate limits of a municipal corporation, and an 6808  
opportunity is provided officials or employees of the municipal 6809  
corporation or county and township, who shall be designated by the 6810  
legislative authority of the municipal corporation or the board of 6811  
county commissioners or board of township trustees, for a complete 6812  
hearing upon the advisability of the issuance, transfer of 6813  
ownership, or transfer of location of the permit. In this hearing, 6814  
no objection to the issuance, transfer of ownership, or transfer 6815  
of location of the permit shall be based upon noncompliance of the 6816  
proposed permit premises with local zoning regulations which 6817  
prohibit the sale of beer or intoxicating liquor, in an area zoned 6818  
for commercial or industrial uses, for a permit premises that 6819  
would otherwise qualify for a proper permit issued by the 6820  
division. 6821

When the division sends notice to the legislative or 6822  
executive authority of the political subdivision, as required by 6823  
this section, the division shall also so notify, by certified 6824  
mail, return receipt requested, or by personal service, the chief 6825  
peace officer of the political subdivision. Upon the request of 6826  
the chief peace officer, the division shall send the chief peace 6827  
officer a copy of the application for the issuance or the transfer 6828  
of ownership or location of the permit and all other documents or 6829  
materials filed by the applicant or applicants in relation to the 6830  
application. The chief peace officer may appear and testify, 6831  
either in person or through a representative, at any hearing held 6832  
on the advisability of the issuance, transfer of ownership, or 6833  
transfer of location of the permit. The hearing shall be held in 6834

the central office of the division, except that upon written  
request of the legislative authority of the municipal corporation  
or the board of county commissioners or board of township  
trustees, the hearing shall be held in the county seat of the  
county where the applicant's business is or is to be conducted.

If the business or event specified in an application for the  
issuance, transfer of ownership, or transfer of location of any  
regular permit authorized by sections 4303.02 to 4303.23 of the  
Revised Code, except for an F-2 permit, is, or is to be operated,  
within five hundred feet from the boundaries of a parcel of real  
estate having situated on it a school, church, library, public  
playground, or township park, no permit shall be issued, nor shall  
the location or the ownership of a permit be transferred, by the  
division until written notice of the filing of the application  
with the division is served, by certified mail, return receipt  
requested, or by personal service, upon the authorities in control  
of the school, church, library, public playground, or township  
park and an opportunity is provided them for a complete hearing  
upon the advisability of the issuance, transfer of ownership, or  
transfer of location of the permit. In this hearing, no objection  
to the issuance, transfer of ownership, or transfer of location of  
the permit shall be based upon the noncompliance of the proposed  
permit premises with local zoning regulations which prohibit the  
sale of beer or intoxicating liquor, in an area zoned for  
commercial or industrial uses, for a permit premises that would  
otherwise qualify for a proper permit issued by the division. Upon  
the written request of any ~~such~~ of these authorities, the hearing  
shall be held in the county seat of the county where the  
applicant's business is or is to be conducted.

A request for any hearing authorized by this section shall be  
made no later than thirty days from the time of notification by  
the division. This thirty-day period begins on the date the

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division mails notice to the legislative authority or the date on which the division mails notice to or, by personal service, serves notice upon, the institution. The division shall conduct a hearing if the request for the hearing is postmarked by the deadline date. The division may allow, upon cause shown by the requesting legislative authority or board, an extension of thirty additional days for the legislative authority of the municipal corporation, board of township trustees of the township, or board of county commissioners of the county in which a permit premises is or is to be located to object to the issuance, transfer of ownership, or transfer of location of a permit. ~~Such~~ The request for the extension shall be made by the legislative authority or board to the division no later than thirty days after the time of notification by the division.

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(B)(1) When an application for transfer of ownership of a permit is filed with the division, the division shall give notice of the application to the department of taxation. Within twenty days after receiving this notification, the department of taxation shall notify the division of liquor control and the proposed transferee of the permit if the permit holder owes to this state any delinquent sales taxes or income taxes withheld from employee compensation or has failed to file any sales tax returns or employee income tax withholding returns, to the extent that ~~such~~ the delinquent taxes and delinquent returns are known to the department of taxation at that time. The division shall not transfer ownership of the permit until returns known to be delinquent are filed and until ~~any such~~ the tax or withholding delinquency is resolved. As used in this division, "resolved" means that the tax or withholding delinquency has been paid or an amount sufficient to satisfy the delinquency is in escrow for the benefit of the state. The department of taxation shall notify the division of the resolution. After the division has received ~~such~~

the notification from the department of taxation, the division may 6899  
proceed to transfer ownership of the permit. Nothing in this 6900  
division shall be construed to affect or limit the 6901  
responsibilities or liabilities of the transferor or the 6902  
transferee imposed by Chapter 5739. or 5747. of the Revised Code. 6903

(2) Notwithstanding section 5703.21 of the Revised Code, 6904  
nothing prohibits the department of taxation from disclosing to 6905  
the division or to the proposed transferee or the proposed 6906  
transferee's designated agent any information pursuant to division 6907  
(B)(1) of this section. 6908

(C) No F or F-2 permit shall be issued for an event until the 6909  
applicant has, by means of a form that the division shall provide 6910  
to the applicant, notified the chief peace officer of the 6911  
political subdivision in which the event will be conducted of the 6912  
date, time, place, and duration of the event. 6913

(D) The division of liquor control shall notify an applicant 6914  
for a permit authorized by sections 4303.02 to 4303.23 of the 6915  
Revised Code of an action pending or judgment entered against a 6916  
liquor permit premises, of which the division has knowledge, 6917  
pursuant to section 3767.03 or 3767.05 of the Revised Code if the 6918  
applicant is applying for a permit at the location of the premises 6919  
that is the subject of the action under section 3767.03 or 6920  
judgment under section 3767.05 of the Revised Code. 6921

**Sec. 4928.20.** (A) The legislative authority of a municipal 6922  
corporation may adopt an ordinance, or the board of township 6923  
trustees of a township or the board of county commissioners of a 6924  
county may adopt a resolution, under which, on or after the 6925  
starting date of competitive retail electric service, it may 6926  
aggregate in accordance with this section the retail electrical 6927  
loads located, respectively, within the municipal corporation, 6928  
township, or unincorporated area of the county and, for that 6929

purpose, may enter into service agreements to facilitate for those 6930  
loads the sale and purchase of electricity. The legislative 6931  
authority or board also may exercise such authority jointly with 6932  
any other such legislative authority or board. An ordinance or 6933  
resolution under this division shall specify whether the 6934  
aggregation will occur only with the prior consent of each person 6935  
owning, occupying, controlling, or using an electric load center 6936  
proposed to be aggregated or will occur automatically for all such 6937  
persons pursuant to the opt-out requirements of division (D) of 6938  
this section. Nothing in this division, however, authorizes the 6939  
aggregation of such retail electric loads of an electric load 6940  
center, as defined in section 4933.81 of the Revised Code, that is 6941  
located in the certified territory of a nonprofit electric 6942  
supplier under sections 4933.81 to 4933.90 of the Revised Code or 6943  
an electric load center served by transmission or distribution 6944  
facilities of a municipal electric utility. 6945

(B) If an ordinance or resolution adopted under division (A) 6946  
of this section specifies that aggregation will occur 6947  
automatically as described in that division, the ordinance or 6948  
resolution shall direct the board of elections to submit the 6949  
question of the authority to aggregate to the electors of the 6950  
respective municipal corporation, township, or unincorporated area 6951  
of a county at a special election on the day of the next primary 6952  
or general election in the municipal corporation, township, or 6953  
county. The legislative authority or board shall certify a copy of 6954  
the ordinance or resolution to the board of elections not less 6955  
than seventy-five days before the day of the special election. No 6956  
ordinance or resolution adopted under division (A) of this section 6957  
that provides for an election under this division shall take 6958  
effect unless approved by a majority of the electors voting upon 6959  
the ordinance or resolution at the election held pursuant to this 6960  
division. 6961



(C) Upon the applicable requisite authority under divisions 6962  
(A) and (B) of this section, the legislative authority or board 6963  
shall develop a plan of operation and governance for the 6964  
aggregation program so authorized. Before adopting a plan under 6965  
this division, the legislative authority or board shall hold at 6966  
least two public hearings on the plan. Before the first hearing, 6967  
the legislative authority or board shall publish notice of the 6968  
hearings once a week for two consecutive weeks in a newspaper of 6969  
general circulation in the jurisdiction. The notice shall 6970  
summarize the plan and state the date, time, and location of each 6971  
hearing. 6972

(D) No legislative authority or board, pursuant to an 6973  
ordinance or resolution under divisions (A) and (B) of this 6974  
section that provides for automatic aggregation as described in 6975  
division (A) of this section, shall aggregate the electrical load 6976  
of any electric load center located within its jurisdiction unless 6977  
it in advance clearly discloses to the person owning, occupying, 6978  
controlling, or using the load center that the person will be 6979  
enrolled automatically in the aggregation program and will remain 6980  
so enrolled unless the person affirmatively elects by a stated 6981  
procedure not to be so enrolled. The disclosure shall state 6982  
prominently the rates, charges, and other terms and conditions of 6983  
enrollment. The stated procedure shall allow any person enrolled 6984  
in the aggregation program the opportunity to opt out of the 6985  
program every two years, without paying a switching fee. Any such 6986  
person that opts out of the aggregation program pursuant to the 6987  
stated procedure shall default to the standard service offer 6988  
provided under division (A) of section 4928.14 or division (D) of 6989  
section 4928.35 of the Revised Code until the person chooses an 6990  
alternative supplier. 6991

(E)(1) With respect to a governmental aggregation for a 6992  
municipal corporation that is authorized pursuant to division (A) 6993

to (D) of this section, resolutions may be proposed by initiative 6994  
or referendum petitions in accordance with sections 731.28 to 6995  
731.41 of the Revised Code. 6996

(2) With respect to a governmental aggregation for a township 6997  
or the unincorporated area of a county, which aggregation is 6998  
authorized pursuant to division (A) to (D) of this section, 6999  
resolutions may be proposed by initiative or referendum petitions 7000  
in accordance with sections 731.28 to 731.40 of the Revised Code, 7001  
except that: 7002

(a) The petitions shall be filed, respectively, with the 7003  
township ~~clerk~~ fiscal officer or the board of county 7004  
commissioners, who shall perform those duties imposed under those 7005  
sections upon the city auditor or village clerk. 7006

(b) The petitions shall contain the signatures of not less 7007  
than ten per cent of the total number of electors in, 7008  
respectively, the township or the unincorporated area of the 7009  
county who voted for the office of governor at the preceding 7010  
general election for that office in that area. 7011

(F) A governmental aggregator under division (A) of this 7012  
section is not a public utility engaging in the wholesale purchase 7013  
and resale of electricity, and provision of the aggregated service 7014  
is not a wholesale utility transaction. A governmental aggregator 7015  
shall be subject to supervision and regulation by the public 7016  
utilities commission only to the extent of any competitive retail 7017  
electric service it provides and commission authority under this 7018  
chapter. 7019

(G) This section does not apply in the case of a municipal 7020  
corporation that supplies such aggregated service to electric load 7021  
centers to which its municipal electric utility also supplies a 7022  
noncompetitive retail electric service through transmission or 7023  
distribution facilities the utility singly or jointly owns or 7024

operates.

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**Sec. 4929.26.** (A)(1) The legislative authority of a municipal corporation may adopt an ordinance, or the board of township trustees of a township or the board of county commissioners of a county may adopt a resolution, under which, in accordance with this section and except as otherwise provided in division (A)(2) of this section, the legislative authority or board may aggregate automatically, subject to the opt-out requirements of division (D) of this section, competitive retail natural gas service for the retail natural gas loads that are located, respectively, within the municipal corporation, township, or unincorporated area of the county and for which there is a choice of supplier of that service as a result of revised schedules approved under division (C) of section 4929.29 of the Revised Code, a rule or order adopted or issued by the commission under Chapter 4905. of the Revised Code, or an exemption granted by the commission under sections 4929.04 to 4929.08 of the Revised Code. An ordinance or a resolution adopted under this section shall expressly state that it is adopted pursuant to the authority conferred by this section. The legislative authority or board also may exercise its authority under this section jointly with any other such legislative authority or board. For the purpose of the aggregation, the legislative authority or board may enter into service agreements to facilitate the sale and purchase of the service for the retail natural gas loads.

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(2)(a) No aggregation under an ordinance or resolution adopted under division (A)(1) of this section shall include the retail natural gas load of any person that meets any of the following criteria:

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(i) The person is both a distribution service customer and a mercantile customer on the date of commencement of service to the

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aggregated load, or the person becomes a distribution service 7056  
customer after that date and also is a mercantile customer. 7057

(ii) The person is supplied with commodity sales service 7058  
pursuant to a contract with a retail natural gas supplier that is 7059  
in effect on the effective date of the ordinance or resolution. 7060

(iii) The person is supplied with commodity sales service as 7061  
part of a retail natural gas load aggregation provided for 7062  
pursuant to a rule or order adopted or issued by the commission 7063  
under this chapter or Chapter 4905. of the Revised Code. 7064

(b) Nothing in division (A)(2)(a) of this section precludes a 7065  
governmental aggregation under this section from permitting the 7066  
retail natural gas load of a person described in division 7067  
(A)(2)(a) of this section from being included in the aggregation 7068  
upon the expiration of any contract or aggregation as described in 7069  
division (A)(2)(a)(ii) or (iii) of this section or upon the person 7070  
no longer being a customer as described in division (A)(2)(a)(i) 7071  
of this section or qualifying to be included in an aggregation 7072  
described under division (A)(2)(a)(iii) of this section. 7073

(B) An ordinance or resolution adopted under division (A) of 7074  
this section shall direct the board of elections to submit the 7075  
question of the authority to aggregate to the electors of the 7076  
respective municipal corporation, township, or unincorporated area 7077  
of a county at a special election on the day of the next primary 7078  
or general election in the municipal corporation, township, or 7079  
county. The legislative authority or board shall certify a copy of 7080  
the ordinance or resolution to the board of elections not less 7081  
than seventy-five days before the day of the special election. No 7082  
ordinance or resolution adopted under division (A) of this section 7083  
that provides for an election under this division shall take 7084  
effect unless approved by a majority of the electors voting upon 7085  
the ordinance or resolution at the election held pursuant to this 7086

division.

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(C) Upon the applicable requisite authority under divisions (A) and (B) of this section, the legislative authority or board shall develop a plan of operation and governance for the aggregation program so authorized. Before adopting a plan under this division, the legislative authority or board shall hold at least two public hearings on the plan. Before the first hearing, the legislative authority or board shall publish notice of the hearings once a week for two consecutive weeks in a newspaper of general circulation in the jurisdiction. The notice shall summarize the plan and state the date, time, and location of each hearing.

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(D) No legislative authority or board, pursuant to an ordinance or resolution under divisions (A) and (B) of this section, shall aggregate any retail natural gas load located within its jurisdiction unless it in advance clearly discloses to the person whose retail natural gas load is to be so aggregated that the person will be enrolled automatically in the aggregation and will remain so enrolled unless the person affirmatively elects by a stated procedure not to be so enrolled. The disclosure shall state prominently the rates, charges, and other terms and conditions of enrollment. The stated procedure shall allow any person enrolled in the aggregation the opportunity to opt out of the aggregation every two years, without paying a switching fee. Any such person that opts out of the aggregation pursuant to the stated procedure shall default to the natural gas company providing distribution service for the person's retail natural gas load, until the person chooses an alternative supplier.

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(E)(1) With respect to a governmental aggregation for a municipal corporation that is authorized pursuant to divisions (A) to (D) of this section, resolutions may be proposed by initiative or referendum petitions in accordance with sections 731.28 to

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731.41 of the Revised Code. 7119

(2) With respect to a governmental aggregation for a township 7120  
or the unincorporated area of a county, which aggregation is 7121  
authorized pursuant to divisions (A) to (D) of this section, 7122  
resolutions may be proposed by initiative or referendum petitions 7123  
in accordance with sections 731.28 to 731.40 of the Revised Code, 7124  
except that: 7125

(a) The petitions shall be filed, respectively, with the 7126  
township ~~clerk~~ fiscal officer or the board of county 7127  
commissioners, who shall perform those duties imposed under those 7128  
sections upon the city auditor or village clerk. 7129

(b) The petitions shall contain the signatures of not less 7130  
than ten per cent of the total number of electors in the township 7131  
or the unincorporated area of the county, respectively, who voted 7132  
for the office of governor at the preceding general election for 7133  
that office in that area. 7134

(F) A governmental aggregator under division (A) of this 7135  
section is not a public utility engaging in the wholesale purchase 7136  
and resale of natural gas, and provision of the aggregated service 7137  
is not a wholesale utility transaction. A governmental aggregator 7138  
shall be subject to supervision and regulation by the public 7139  
utilities commission only to the extent of any competitive retail 7140  
natural gas service it provides and commission authority under 7141  
this chapter. 7142

**Sec. 4929.27.** (A)(1) The legislative authority of a municipal 7143  
corporation may adopt an ordinance, or the board of township 7144  
trustees of a township or the board of county commissioners of a 7145  
county may adopt a resolution, under which, in accordance with 7146  
this section and except as otherwise provided in division (A)(2) 7147  
of this section, the legislative authority or board may aggregate, 7148

with the prior consent of each person whose retail natural gas 7149  
load is proposed to be aggregated, competitive retail natural gas 7150  
service for any such retail natural gas load that is located, 7151  
respectively, within the municipal corporation, township, or 7152  
unincorporated area of the county and for which there is a choice 7153  
of supplier of that service as a result of revised schedules 7154  
approved under division (C) of section 4929.29 of the Revised 7155  
Code, a rule or order adopted or issued by the commission under 7156  
Chapter 4905. of the Revised Code, or an exemption granted by the 7157  
commission under sections 4929.04 to 4929.08 of the Revised Code. 7158  
An ordinance or a resolution adopted under this section shall 7159  
expressly state that it is adopted pursuant to the authority 7160  
conferred by this section. The legislative authority or board also 7161  
may exercise such authority jointly with any other such 7162  
legislative authority or board. For the purpose of the 7163  
aggregation, the legislative authority or board may enter into 7164  
service agreements to facilitate the sale and purchase of the 7165  
service for the retail natural gas loads. 7166

(2)(a) No aggregation under an ordinance or resolution 7167  
adopted under division (A)(1) of this section shall include the 7168  
retail natural gas load of any person that meets either of the 7169  
following criteria: 7170

(i) The person is supplied with commodity sales service 7171  
pursuant to a contract with a retail natural gas supplier that is 7172  
in effect on the effective date of the ordinance or resolution. 7173

(ii) The person is supplied with commodity sales service as 7174  
part of a retail natural gas load aggregation provided for 7175  
pursuant to a rule or order adopted or issued by the commission 7176  
under this chapter or Chapter 4905. of the Revised Code. 7177

(b) Nothing in division (A)(2)(a) of this section precludes a 7178  
governmental aggregation under this section from permitting the 7179

retail natural gas load of a person described in division 7180  
(A)(2)(a) of this section from being included in the aggregation 7181  
upon the expiration of any contract or aggregation as described in 7182  
division (A)(2)(a)(i) or (ii) of this section or upon the person 7183  
no longer qualifying to be included in ~~such~~ an aggregation. 7184

(B) Upon the applicable requisite authority under division 7185  
(A) of this section, the legislative authority or board shall 7186  
develop a plan of operation and governance for the aggregation 7187  
program so authorized. Before adopting a plan under this division, 7188  
the legislative authority or board shall hold at least two public 7189  
hearings on the plan. Before the first hearing, the legislative 7190  
authority or board shall publish notice of the hearings once a 7191  
week for two consecutive weeks in a newspaper of general 7192  
circulation in the jurisdiction. The notice shall summarize the 7193  
plan and state the date, time, and location of each hearing. 7194

(C)(1) With respect to a governmental aggregation for a 7195  
municipal corporation that is authorized pursuant to division (A) 7196  
of this section, resolutions may be proposed by initiative or 7197  
referendum petitions in accordance with sections 731.28 to 731.41 7198  
of the Revised Code. 7199

(2) With respect to a governmental aggregation for a township 7200  
or the unincorporated area of a county, which aggregation is 7201  
authorized pursuant to division (A) of this section, resolutions 7202  
may be proposed by initiative or referendum petitions in 7203  
accordance with sections 731.28 to 731.40 of the Revised Code, 7204  
except that: 7205

(a) The petitions shall be filed, respectively, with the 7206  
township ~~clerk~~ fiscal officer or the board of county 7207  
commissioners, who shall perform those duties imposed under those 7208  
sections upon the city auditor or village clerk. 7209

(b) The petitions shall contain the signatures of not less 7210



than ten per cent of the total number of electors in the township 7211  
or the unincorporated area of the county, respectively, who voted 7212  
for the office of governor at the preceding general election for 7213  
that office in that area. 7214

(D) A governmental aggregator under division (A) of this 7215  
section is not a public utility engaging in the wholesale purchase 7216  
and resale of natural gas, and provision of the aggregated service 7217  
is not a wholesale utility transaction. A governmental aggregator 7218  
shall be subject to supervision and regulation by the public 7219  
utilities commission only to the extent of any competitive retail 7220  
natural gas service it provides and commission authority under 7221  
this chapter. 7222

**Sec. 5123.19.** (A) As used in this section and in sections 7223  
5123.191, 5123.194, 5123.196, 5123.198, and 5123.20 of the Revised 7224  
Code: 7225

(1)(a) "Residential facility" means a home or facility in 7226  
which a mentally retarded or developmentally disabled person 7227  
resides, except the home of a relative or legal guardian in which 7228  
a mentally retarded or developmentally disabled person resides, a 7229  
respite care home certified under section 5126.05 of the Revised 7230  
Code, a county home or district home operated pursuant to Chapter 7231  
5155. of the Revised Code, or a dwelling in which the only 7232  
mentally retarded or developmentally disabled residents are in an 7233  
independent living arrangement or are being provided supported 7234  
living. 7235

(b) "Intermediate care facility for the mentally retarded" 7236  
means a residential facility that is considered an intermediate 7237  
care facility for the mentally retarded for the purposes of 7238  
Chapter 5111. of the Revised Code. 7239

(2) "Political subdivision" means a municipal corporation, 7240

county, or township. 7241

(3) "Independent living arrangement" means an arrangement in 7242  
which a mentally retarded or developmentally disabled person 7243  
resides in an individualized setting chosen by the person or the 7244  
person's guardian, which is not dedicated principally to the 7245  
provision of residential services for mentally retarded or 7246  
developmentally disabled persons, and for which no financial 7247  
support is received for rendering such service from any 7248  
governmental agency by a provider of residential services. 7249

(4) "Supported living" has the same meaning as in section 7250  
5126.01 of the Revised Code. 7251

(5) "Licensee" means the person or government agency that has 7252  
applied for a license to operate a residential facility and to 7253  
which the license was issued under this section. 7254

(B) Every person or government agency desiring to operate a 7255  
residential facility shall apply for licensure of the facility to 7256  
the director of mental retardation and developmental disabilities 7257  
unless the residential facility is subject to section 3721.02, 7258  
3722.04, 5103.03, or 5119.20 of the Revised Code. Notwithstanding 7259  
Chapter 3721. of the Revised Code, a nursing home that is 7260  
certified as an intermediate care facility for the mentally 7261  
retarded under Title XIX of the "Social Security Act," 79 Stat. 7262  
286 (1965), 42 U.S.C.A. 1396, as amended, shall apply for 7263  
licensure of the portion of the home that is certified as an 7264  
intermediate care facility for the mentally retarded. 7265

(C) Subject to section 5123.196 of the Revised Code, the 7266  
director of mental retardation and developmental disabilities 7267  
shall license the operation of residential facilities. An initial 7268  
license shall be issued for a period that does not exceed one 7269  
year, unless the director denies the license under division (D) of 7270  
this section. A license shall be renewed for a period that does 7271

not exceed three years, unless the director refuses to renew the  
license under division (D) of this section. The director, when  
issuing or renewing a license, shall specify the period for which  
the license is being issued or renewed. A license remains valid  
for the length of the licensing period specified by the director,  
unless the license is terminated, revoked, or voluntarily  
surrendered.

(D) If it is determined that an applicant or licensee is not  
in compliance with a provision of this chapter that applies to  
residential facilities or the rules adopted under such a  
provision, the director may deny issuance of a license, refuse to  
renew a license, terminate a license, revoke a license, issue an  
order for the suspension of admissions to a facility, issue an  
order for the placement of a monitor at a facility, issue an order  
for the immediate removal of residents, or take any other action  
the director considers necessary consistent with the director's  
authority under this chapter regarding residential facilities. In  
the director's selection and administration of the sanction to be  
imposed, all of the following apply:

(1) The director may deny, refuse to renew, or revoke a  
license, if the director determines that the applicant or licensee  
has demonstrated a pattern of serious noncompliance or that a  
violation creates a substantial risk to the health and safety of  
residents of a residential facility.

(2) The director may terminate a license if more than twelve  
consecutive months have elapsed since the residential facility was  
last occupied by a resident or a notice required by division (J)  
of this section is not given.

(3) The director may issue an order for the suspension of  
admissions to a facility for any violation that may result in  
sanctions under division (D)(1) of this section and for any other

violation specified in rules adopted under division (G)(2) of this section. If the suspension of admissions is imposed for a violation that may result in sanctions under division (D)(1) of this section, the director may impose the suspension before providing an opportunity for an adjudication under Chapter 119. of the Revised Code. The director shall lift an order for the suspension of admissions when the director determines that the violation that formed the basis for the order has been corrected.

(4) The director may order the placement of a monitor at a residential facility for any violation specified in rules adopted under division (G)(2) of this section. The director shall lift the order when the director determines that the violation that formed the basis for the order has been corrected.

(5) If the director determines that two or more residential facilities owned or operated by the same person or government entity are not being operated in compliance with a provision of this chapter that applies to residential facilities or the rules adopted under such a provision, and the director's findings are based on the same or a substantially similar action, practice, circumstance, or incident that creates a substantial risk to the health and safety of the residents, the director shall conduct a survey as soon as practicable at each residential facility owned or operated by that person or government entity. The director may take any action authorized by this section with respect to any facility found to be operating in violation of a provision of this chapter that applies to residential facilities or the rules adopted under such a provision.

(6) When the director initiates license revocation proceedings, no opportunity for submitting a plan of correction shall be given. The director shall notify the licensee by letter of the initiation of ~~such~~ the proceedings. The letter shall list the deficiencies of the residential facility and inform the

licensee that no plan of correction will be accepted. The director 7335  
shall also notify each affected resident, the resident's guardian 7336  
if the resident is an adult for whom a guardian has been 7337  
appointed, the resident's parent or guardian if the resident is a 7338  
minor, and the county board of mental retardation and 7339  
developmental disabilities. 7340

(7) Pursuant to rules which shall be adopted in accordance 7341  
with Chapter 119. of the Revised Code, the director may order the 7342  
immediate removal of residents from a residential facility 7343  
whenever conditions at the facility present an immediate danger of 7344  
physical or psychological harm to the residents. 7345

(8) In determining whether a residential facility is being 7346  
operated in compliance with a provision of this chapter that 7347  
applies to residential facilities or the rules adopted under such 7348  
a provision, or whether conditions at a residential facility 7349  
present an immediate danger of physical or psychological harm to 7350  
the residents, the director may rely on information obtained by a 7351  
county board of mental retardation and developmental disabilities 7352  
or other governmental agencies. 7353

(9) In proceedings initiated to deny, refuse to renew, or 7354  
revoke licenses, the director may deny, refuse to renew, or revoke 7355  
a license regardless of whether some or all of the deficiencies 7356  
that prompted the proceedings have been corrected at the time of 7357  
the hearing. 7358

(E) The director shall establish a program under which public 7359  
notification may be made when the director has initiated license 7360  
revocation proceedings or has issued an order for the suspension 7361  
of admissions, placement of a monitor, or removal of residents. 7362  
The director shall adopt rules in accordance with Chapter 119. of 7363  
the Revised Code to implement this division. The rules shall 7364  
establish the procedures by which the public notification will be 7365  
made and specify the circumstances for which the notification must 7366

be made. The rules shall require that public notification be made 7367  
if the director has taken action against the facility in the 7368  
eighteen-month period immediately preceding the director's latest 7369  
action against the facility and the latest action is being taken 7370  
for the same or a substantially similar violation of a provision 7371  
of this chapter that applies to residential facilities or the 7372  
rules adopted under such a provision. The rules shall specify a 7373  
method for removing or amending the public notification if the 7374  
director's action is found to have been unjustified or the 7375  
violation at the residential facility has been corrected. 7376

(F)(1) Except as provided in division (F)(2) of this section, 7377  
appeals from proceedings initiated to impose a sanction under 7378  
division (D) of this section shall be conducted in accordance with 7379  
Chapter 119. of the Revised Code. 7380

(2) Appeals from proceedings initiated to order the 7381  
suspension of admissions to a facility shall be conducted in 7382  
accordance with Chapter 119. of the Revised Code, unless the order 7383  
was issued before providing an opportunity for an adjudication, in 7384  
which case all of the following apply: 7385

(a) The licensee may request a hearing not later than ten 7386  
days after receiving the notice specified in section 119.07 of the 7387  
Revised Code. 7388

(b) If a timely request for a hearing is made, the hearing 7389  
shall commence not later than thirty days after the department 7390  
receives the request. 7391

(c) After commencing, the hearing shall continue 7392  
uninterrupted, except for Saturdays, Sundays, and legal holidays, 7393  
unless other interruptions are agreed to by the licensee and the 7394  
director. 7395

(d) If the hearing is conducted by a hearing examiner, the 7396  
hearing examiner shall file a report and recommendations not later 7397

than ten days after the close of the hearing. 7398

(e) Not later than five days after the hearing examiner files 7399  
the report and recommendations, the licensee may file objections 7400  
to the report and recommendations. 7401

(f) Not later than fifteen days after the hearing examiner 7402  
files the report and recommendations, the director shall issue an 7403  
order approving, modifying, or disapproving the report and 7404  
recommendations. 7405

(g) Notwithstanding the pendency of the hearing, the director 7406  
shall lift the order for the suspension of admissions when the 7407  
director determines that the violation that formed the basis for 7408  
the order has been corrected. 7409

(G) In accordance with Chapter 119. of the Revised Code, the 7410  
director shall adopt and may amend and rescind rules for licensing 7411  
and regulating the operation of residential facilities, including 7412  
intermediate care facilities for the mentally retarded. The rules 7413  
for intermediate care facilities for the mentally retarded may 7414  
differ from those for other residential facilities. The rules 7415  
shall establish and specify the following: 7416

(1) Procedures and criteria for issuing and renewing 7417  
licenses, including procedures and criteria for determining the 7418  
length of the licensing period that the director must specify for 7419  
each license when it is issued or renewed; 7420

(2) Procedures and criteria for denying, refusing to renew, 7421  
terminating, and revoking licenses and for ordering the suspension 7422  
of admissions to a facility, placement of a monitor at a facility, 7423  
and the immediate removal of residents from a facility; 7424

(3) Fees for issuing and renewing licenses; 7425

(4) Procedures for surveying residential facilities; 7426

(5) Requirements for the training of residential facility 7427

personnel;	7428
(6) Classifications for the various types of residential facilities;	7429 7430
(7) Certification procedures for licensees and management contractors that the director determines are necessary to ensure that they have the skills and qualifications to properly operate or manage residential facilities;	7431 7432 7433 7434
(8) The maximum number of persons who may be served in a particular type of residential facility;	7435 7436
(9) Uniform procedures for admission of persons to and transfers and discharges of persons from residential facilities;	7437 7438
(10) Other standards for the operation of residential facilities and the services provided at residential facilities;	7439 7440
(11) Procedures for waiving any provision of any rule adopted under this section.	7441 7442
(H) Before issuing a license, the director of the department or the director's designee shall conduct a survey of the residential facility for which application is made. The director or the director's designee shall conduct a survey of each licensed residential facility at least once during the period the license is valid and may conduct additional inspections as needed. A survey includes but is not limited to an on-site examination and evaluation of the residential facility, its personnel, and the services provided there.	7443 7444 7445 7446 7447 7448 7449 7450 7451
In conducting surveys, the director or the director's designee shall be given access to the residential facility; all records, accounts, and any other documents related to the operation of the facility; the licensee; the residents of the facility; and all persons acting on behalf of, under the control of, or in connection with the licensee. The licensee and all	7452 7453 7454 7455 7456 7457



persons on behalf of, under the control of, or in connection with 7458  
the licensee shall cooperate with the director or the director's 7459  
designee in conducting the survey. 7460

Following each survey, unless the director initiates a 7461  
license revocation proceeding, the director or the director's 7462  
designee shall provide the licensee with a report listing any 7463  
deficiencies, specifying a timetable within which the licensee 7464  
shall submit a plan of correction describing how the deficiencies 7465  
will be corrected, and, when appropriate, specifying a timetable 7466  
within which the licensee must correct the deficiencies. After a 7467  
plan of correction is submitted, the director or the director's 7468  
designee shall approve or disapprove the plan. A copy of the 7469  
report and any approved plan of correction shall be provided to 7470  
any person who requests it. 7471

The director shall initiate disciplinary action against any 7472  
department employee who notifies or causes the notification to any 7473  
unauthorized person of an unannounced survey of a residential 7474  
facility by an authorized representative of the department. 7475

(I) In addition to any other information which may be 7476  
required of applicants for a license pursuant to this section, the 7477  
director shall require each applicant to provide a copy of an 7478  
approved plan for a proposed residential facility pursuant to 7479  
section 5123.042 of the Revised Code. This division does not apply 7480  
to renewal of a license. 7481

(J) A licensee shall notify the owner of the building in 7482  
which the licensee's residential facility is located of any 7483  
significant change in the identity of the licensee or management 7484  
contractor before the effective date of the change if the licensee 7485  
is not the owner of the building. 7486

Pursuant to rules which shall be adopted in accordance with 7487  
Chapter 119. of the Revised Code, the director may require 7488

notification to the department of any significant change in the 7489  
ownership of a residential facility or in the identity of the 7490  
licensee or management contractor. If the director determines that 7491  
a significant change of ownership is proposed, the director shall 7492  
consider the proposed change to be an application for development 7493  
by a new operator pursuant to section 5123.042 of the Revised Code 7494  
and shall advise the applicant within sixty days of ~~such~~ the 7495  
notification that the current license shall continue in effect or 7496  
a new license will be required pursuant to this section. If the 7497  
director requires a new license, the director shall permit the 7498  
facility to continue to operate under the current license until 7499  
the new license is issued, unless the current license is revoked, 7500  
refused to be renewed, or terminated in accordance with Chapter 7501  
119. of the Revised Code. 7502

(K) A county board of mental retardation and developmental 7503  
disabilities, the legal rights service, and any interested person 7504  
may file complaints alleging violations of statute or department 7505  
rule relating to residential facilities with the department. All 7506  
complaints shall be in writing and shall state the facts 7507  
constituting the basis of the allegation. The department shall not 7508  
reveal the source of any complaint unless the complainant agrees 7509  
in writing to waive the right to confidentiality or until so 7510  
ordered by a court of competent jurisdiction. 7511

The department shall adopt rules in accordance with Chapter 7512  
119. of the Revised Code establishing procedures for the receipt, 7513  
referral, investigation, and disposition of complaints filed with 7514  
the department under this division. 7515

(L) The department shall establish procedures for the 7516  
notification of interested parties of the transfer or interim care 7517  
of residents from residential facilities that are closing or are 7518  
losing their license. 7519

(M) Before issuing a license under this section to a residential facility that will accommodate at any time more than one mentally retarded or developmentally disabled individual, the director shall, by first class mail, notify the following:

(1) If the facility will be located in a municipal corporation, the clerk of the legislative authority of the municipal corporation;

(2) If the facility will be located in unincorporated territory, the clerk of the appropriate board of county commissioners and the ~~clerk~~ fiscal officer of the appropriate board of township trustees.

The director shall not issue the license for ten days after mailing the notice, excluding Saturdays, Sundays, and legal holidays, in order to give the notified local officials time in which to comment on the proposed issuance.

Any legislative authority of a municipal corporation, board of county commissioners, or board of township trustees that receives notice under this division of the proposed issuance of a license for a residential facility may comment on it in writing to the director within ten days after the director mailed the notice, excluding Saturdays, Sundays, and legal holidays. If the director receives written comments from any notified officials within the specified time, the director shall make written findings concerning the comments and the director's decision on the issuance of the license. If the director does not receive written comments from any notified local officials within the specified time, the director shall continue the process for issuance of the license.

(N) Any person may operate a licensed residential facility that provides room and board, personal care, habilitation services, and supervision in a family setting for at least six but

not more than eight persons with mental retardation or a 7551  
developmental disability as a permitted use in any residential 7552  
district or zone, including any single-family residential district 7553  
or zone, of any political subdivision. These residential 7554  
facilities may be required to comply with area, height, yard, and 7555  
architectural compatibility requirements that are uniformly 7556  
imposed upon all single-family residences within the district or 7557  
zone. 7558

(0) Any person may operate a licensed residential facility 7559  
that provides room and board, personal care, habilitation 7560  
services, and supervision in a family setting for at least nine 7561  
but not more than sixteen persons with mental retardation or a 7562  
developmental disability as a permitted use in any multiple-family 7563  
residential district or zone of any political subdivision, except 7564  
that a political subdivision that has enacted a zoning ordinance 7565  
or resolution establishing planned unit development districts may 7566  
exclude these residential facilities from ~~such~~ those districts, 7567  
and a political subdivision that has enacted a zoning ordinance or 7568  
resolution may regulate these residential facilities in 7569  
multiple-family residential districts or zones as a conditionally 7570  
permitted use or special exception, in either case, under 7571  
reasonable and specific standards and conditions set out in the 7572  
zoning ordinance or resolution to: 7573

(1) Require the architectural design and site layout of the 7574  
residential facility and the location, nature, and height of any 7575  
walls, screens, and fences to be compatible with adjoining land 7576  
uses and the residential character of the neighborhood; 7577

(2) Require compliance with yard, parking, and sign 7578  
regulation; 7579

(3) Limit excessive concentration of these residential 7580  
facilities. 7581

(P) This section does not prohibit a political subdivision 7582  
from applying to residential facilities nondiscriminatory 7583  
regulations requiring compliance with health, fire, and safety 7584  
regulations and building standards and regulations. 7585

(Q) Divisions (N) and (O) of this section are not applicable 7586  
to municipal corporations that had in effect on June 15, 1977, an 7587  
ordinance specifically permitting in residential zones licensed 7588  
residential facilities by means of permitted uses, conditional 7589  
uses, or special exception, so long as such ordinance remains in 7590  
effect without any substantive modification. 7591

(R)(1) The director may issue an interim license to operate a 7592  
residential facility to an applicant for a license under this 7593  
section if either of the following is the case: 7594

(a) The director determines that an emergency exists 7595  
requiring immediate placement of persons in a residential 7596  
facility, that insufficient licensed beds are available, and that 7597  
the residential facility is likely to receive a permanent license 7598  
under this section within thirty days after issuance of the 7599  
interim license. 7600

(b) The director determines that the issuance of an interim 7601  
license is necessary to meet a temporary need for a residential 7602  
facility. 7603

(2) To be eligible to receive an interim license, an 7604  
applicant must meet the same criteria that must be met to receive 7605  
a permanent license under this section, except for any differing 7606  
procedures and time frames that may apply to issuance of a 7607  
permanent license. 7608

(3) An interim license shall be valid for thirty days and may 7609  
be renewed by the director for a period not to exceed one hundred 7610  
fifty days. 7611

(4) The director shall adopt rules in accordance with Chapter 7612  
119. of the Revised Code as the director considers necessary to 7613  
administer the issuance of interim licenses. 7614

(S) Notwithstanding rules adopted pursuant to this section 7615  
establishing the maximum number of persons who may be served in a 7616  
particular type of residential facility, a residential facility 7617  
shall be permitted to serve the same number of persons being 7618  
served by the facility on the effective date of ~~such~~ the rules or 7619  
the number of persons for which the facility is authorized 7620  
pursuant to a current application for a certificate of need with a 7621  
letter of support from the department of mental retardation and 7622  
developmental disabilities and which is in the review process 7623  
prior to April 4, 1986. 7624

(T) The director or the director's designee may enter at any 7625  
time, for purposes of investigation, any home, facility, or other 7626  
structure that has been reported to the director or that the 7627  
director has reasonable cause to believe is being operated as a 7628  
residential facility without a license issued under this section. 7629

The director may petition the court of common pleas of the 7630  
county in which an unlicensed residential facility is located for 7631  
an order enjoining the person or governmental agency operating the 7632  
facility from continuing to operate without a license. The court 7633  
may grant the injunction on a showing that the person or 7634  
governmental agency named in the petition is operating a 7635  
residential facility without a license. The court may grant the 7636  
injunction, regardless of whether the residential facility meets 7637  
the requirements for receiving a license under this section. 7638

**Sec. 5126.021.** As used in this section, "immediate family" 7639  
means parents, brothers, sisters, spouses, sons, daughters, 7640  
mothers-in-law, fathers-in-law, brothers-in-law, sisters-in-law, 7641  
sons-in-law, and daughters-in-law. 7642

(A) The following individuals shall not serve as members of  
county boards of mental retardation and developmental  
disabilities:

(1) Elected public officials, except for township trustees,  
township ~~clerks~~ fiscal officers, and those excluded from the  
definition of public official or employee in division (B) of  
section 102.01 of the Revised Code;

(2) Members of the immediate family of another board member;

(3) Board employees and members of the immediate family of  
board employees;

(4) Former board employees within one calendar year of the  
termination of employment with the board on which the former  
employee would serve.

(B) A person may not serve as a member of a county board of  
mental retardation and developmental disabilities when either the  
person or a member of the person's immediate family is a board  
member of a contract agency of that county board unless there is  
no conflict of interest. In no circumstance shall a member of a  
county board vote on any matter before the board concerning a  
contract agency of which the member or a member of the member's  
immediate family is also a board member or an employee. All  
questions relating to the existence of a conflict of interest  
shall be submitted to the local prosecuting attorney and the Ohio  
ethics commission for resolution.

(C) No employee of an agency contracting with a county board  
of mental retardation and developmental disabilities or member of  
the immediate family of such an employee shall serve as a board  
member or an employee of the county board except that a county  
board may, pursuant to a resolution adopted by the board, employ a  
member of the immediate family of an employee of an agency  
contracting with the board.

(D) No person shall serve as a member or employee of a county board of mental retardation and developmental disabilities if a member of the person's immediate family serves as a county commissioner of the county served by the board unless the person was a member or employee prior to October 31, 1980.

(E) A county board of mental retardation and developmental disabilities shall not contract with an agency whose board includes a county commissioner of the county served by the county board.

(F) Notwithstanding any provision of the Revised Code to the contrary, including applicable provisions of sections 102.03, 102.04, 2921.42, and 2921.43 of the Revised Code, an employee of a county board of mental retardation and developmental disabilities also may be a member of the governing board of an agency or a political subdivision, including the board of education of a school district. The county board of mental retardation and developmental disabilities may contract with the governing board of an agency or political subdivision whose member is also an employee of the county board, provided that in no circumstances shall such employee of the county board vote on any matter before the governing board of the agency or political subdivision concerning a county board contract or participate in any discussion or debate regarding that contract.

**Sec. 5541.02.** The board of county commissioners shall determine, from the statistics and information furnished by the several boards of township trustees within ~~such~~ the county, the relative importance and value for traffic of the various public highways of the entire county. ~~Such~~ The board of county commissioners shall begin work as soon as the necessary information is furnished by the several boards of township trustees within the county, and, after a careful review and



consideration of the information furnished, shall select and 7705  
designate a connected system of county highways, of ~~such the~~ 7706  
mileage ~~as~~ it deems proper and expedient, connecting with the 7707  
intercounty and state highways of ~~such the~~ county all of the 7708  
villages and centers of rural population within the county. ~~Such~~ 7709  
The system of highways, when selected and designated by the board 7710  
of county commissioners, shall be known as the system of county 7711  
highways of the county, and all of the roads composing ~~such the~~ 7712  
system shall be known and designated as county roads. The board of 7713  
county commissioners may call to its assistance the county 7714  
engineer, and may require ~~him~~ the county engineer to report as to 7715  
the relative importance of the highways of any township, with 7716  
respect to which the board of township trustees fails to report 7717  
within a reasonable time. Upon the completion of its investigation 7718  
and the designation of a system of county highways, the board of 7719  
county commissioners shall require the engineer to make a map 7720  
~~thereof of it~~. A copy of this map, with the mileage of the 7721  
selected roads indicated ~~thereon on it~~, together with a brief 7722  
statement by the board of county commissioners of its reasons for 7723  
the selection made, shall be transmitted to the director of 7724  
transportation. 7725

If the director finds that the system has been designated in 7726  
substantial compliance with this section and section ~~5541.03~~ 7727  
5541.01 of the Revised Code, and that all portions of the system 7728  
of county highways connect with either a state or intercounty 7729  
highway, or another county road, ~~he~~ the director shall, within 7730  
sixty days, approve ~~such the~~ system and certify ~~his~~ the approval 7731  
to the board of county commissioners, which shall cause a copy of 7732  
~~such the~~ map, approved by it, to be made a part of its records and 7733  
shall cause a copy ~~thereof of it~~ to be filed in the office of the 7734  
county engineer and of the ~~clerk~~ fiscal officer of each township 7735  
within the county. The system of roads designated upon ~~such the~~ 7736  
map shall then become the system of county roads of the county. 7737

Each road constituting a part of ~~such the~~ system shall be given a 7738  
number by the board of county commissioners, which may also divide 7739  
the roads into convenient sections and assign appropriate 7740  
designations to each section. No state or intercounty highway or 7741  
part ~~thereof of it~~ shall be included in the system of county 7742  
highways. The board of county commissioners may make changes in or 7743  
additions to the county system as in the manner provided by this 7744  
section. All expenses incurred in carrying out this section shall 7745  
be paid from the general county road fund. 7746

**Sec. 5543.05.** The county auditor shall, before ~~he draws his~~ 7747  
drawing a warrant for any moneys expended by the county on any 7748  
highways, other than intercounty or state highways, or on any 7749  
bridges or culverts on ~~such the~~ highways, require of the county 7750  
engineer the assignment of ~~such the~~ expense to the ~~road~~ highway 7751  
and section ~~thereof of it~~, bridge, or culvert in connection with 7752  
which ~~such the~~ expense was incurred. The auditor shall keep such 7753  
records as are necessary to show clearly at the close of each year 7754  
the amount of money expended from the county treasury on each 7755  
section of ~~road~~ highway, other than intercounty or state highways, 7756  
and on each bridge and culvert on ~~such roads~~ the highways. 7757

The township ~~clerk~~ fiscal officer shall, before ~~he draws~~ 7758  
drawing any warrant for money expended upon any road within the 7759  
township, other than an intercounty or state highway, or on 7760  
bridges or culverts on ~~such the~~ roads, require of the county 7761  
engineer or board of township trustees the assignment of ~~such the~~ 7762  
expense to the road, and section of it, bridge, or culvert in 7763  
connection with which the expense was incurred. The ~~clerk~~ fiscal 7764  
officer may keep such additional records as are necessary to show 7765  
clearly at the close of each year the amount of money expended 7766  
from the township funds on each section of road, other than 7767  
intercounty or state highways, within the township, and on each 7768  
bridge and culvert on ~~such the~~ roads. The board of township 7769

trustees may require the ~~clerk~~ fiscal officer to keep ~~such~~ those 7770  
additional records. 7771

When general equipment or material for use in the entire 7772  
county or township is purchased, the expense ~~thereof~~ of the 7773  
equipment or material need not be assigned to any section of road 7774  
or to any bridge or culvert, but, ~~so far~~ insofar as practicable, 7775  
all items of expense shall be assigned to the specific section of 7776  
road or to the particular bridge or culvert in connection with 7777  
which they were incurred. 7778

The director of transportation may prescribe all necessary 7779  
and proper forms for maps and reports to be maintained by 7780  
engineers, boards, auditors, and ~~clerks~~ fiscal officers. All 7781  
auditors and ~~clerks~~ fiscal officers may be required by the 7782  
director to transmit to ~~him~~ the director, in ~~such~~ the form ~~as he~~ 7783  
the director prescribes, the cost records they are required by law 7784  
to keep pertaining to roads, bridges, and culverts within their 7785  
counties or townships. 7786

**Sec. 5552.10.** The board of county commissioners shall 7787  
designate the county engineer to administer county access 7788  
management regulations, except that if the engineer declines to 7789  
administer the regulations, the board may designate another 7790  
person, or a planning commission, to administer them. If a board 7791  
of township trustees adopts access management regulations, the 7792  
board may administer the regulations or may appoint the township 7793  
~~clerk~~ fiscal officer or any other person to administer them, with 7794  
the advice of the county engineer. 7795

If the access management regulations apply to a subdivision 7796  
and a permit request is filed pertaining to the subdivision, the 7797  
county engineer, board of township trustees, planning commission, 7798  
or other person administering the regulations shall approve or 7799  
disapprove the permit request within the time period for approval 7800

of a subdivision without a plat specified in section 711.131 of  
the Revised Code.

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**Sec. 5571.04.** When the board of township trustees determines  
to proceed as provided in division (C) of section 5571.02 of the  
Revised Code and appoints a highway superintendent, ~~he~~ the  
superintendent shall, before entering upon the discharge of ~~his~~  
~~duty~~ the official duties of superintendent, give bond to the  
state, for the use of the township, in the sum of two thousand  
dollars, conditioned upon the faithful performance of ~~his duty~~ the  
official duties of superintendent. ~~Such~~ The bond shall be approved  
by the board of township trustees, and filed with the township  
~~clerk~~ fiscal officer. The board of township trustees shall fix the  
compensation of the superintendent, which compensation shall be  
paid from the township road fund. The compensation and all proper  
and necessary expenses, when approved by the board of township  
trustees, shall be paid by the township ~~clerk~~ fiscal officer upon  
~~his~~ the fiscal officer's warrant.

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**Sec. 5571.16.** The board of township trustees, by resolution,  
may require any person to obtain a permit before installing a  
driveway culvert or making any excavation in a township highway or  
highway right-of-way within its jurisdiction, except an excavation  
to repair, rehabilitate, or replace a pole already installed for  
the purpose of providing electric or telecommunications service.  
The board, as a condition to the granting of the permit, may do  
any of the following:

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(A) Require the applicant to submit plans indicating the  
location, size, type, and duration of the culvert or excavation  
contemplated;

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(B) Specify methods of excavation, refilling, and resurfacing  
to be followed;

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(C) Require the use of warning devices it considers necessary 7831  
to protect travelers on the highway; 7832

(D) Require the applicant to indemnify the township against 7833  
liability or damage as the result of the installation of the 7834  
culvert or as a result of the excavation; 7835

(E) Require the applicant to post a deposit or bond, with 7836  
sureties to the satisfaction of the board, conditioned upon the 7837  
performance of all conditions in the permit. 7838

Applications for permits under this section shall be made to 7839  
the township ~~clerk~~ fiscal officer upon forms to be furnished by 7840  
the board. Applications, including, but not limited to, a single 7841  
application for an excavation project to install six or more poles 7842  
for the purpose of providing electric or telecommunications 7843  
service or to install a pole associated with underground electric 7844  
or telecommunications service, shall be accompanied by a fee of 7845  
fifty dollars per application, which fee shall be returned to the 7846  
applicant if the application is denied. Except as otherwise 7847  
provided in this section, no application or fee shall be required 7848  
for an excavation project to install five or fewer poles for the 7849  
purpose of providing electric or telecommunications service, but 7850  
the person making that excavation shall provide verifiable notice 7851  
of the excavation to the township clerk at least three business 7852  
days prior to the date of the excavation. 7853

No person shall install a driveway culvert or make an 7854  
excavation in any township highway or highway right-of-way in 7855  
violation of any resolution adopted pursuant to this section, 7856  
except that, in the case of an emergency requiring immediate 7857  
action to protect the public health, safety, and welfare, an 7858  
excavation may be made without first obtaining a permit, if an 7859  
application is made at the earliest possible opportunity. 7860

As used in this section, "person" has the same meaning as in 7861

section 1.59 of the Revised Code, and "right-of-way" has the same  
meaning as in division (UU)(2) of section 4511.01 of the Revised  
Code.

**Sec. 5573.13.** The proportion of the compensation, damages,  
and costs of any road improvement to be paid by the township shall  
be paid out of any road improvement fund available ~~therefor~~ for  
it. For the purpose of providing by taxation a fund for the  
payment of the township's proportion of the compensation, damages,  
and costs of constructing, reconstructing, resurfacing, or  
improving roads under sections 5571.01, 5571.06, 5571.07, 5571.15,  
5573.01 to 5573.15, ~~inclusive,~~ and 5575.02 to 5575.09, ~~inclusive,~~  
of the Revised Code, and for the purpose of maintaining,  
repairing, or dragging any public road or part ~~thereof~~ of any  
public road under their jurisdiction, in the manner provided in  
sections 5571.02 to 5571.05, ~~inclusive,~~ 5571.08, 5571.12, 5571.13,  
and 5575.01 of the Revised Code, the board of trustees may levy,  
annually, a tax not exceeding three mills upon each dollar of the  
taxable property of ~~said~~ the township. ~~Such~~ The levy shall be in  
addition to all other levies authorized for township purposes, and  
subject only to the limitation on the combined maximum rate for  
all taxes now in force. The taxes so authorized shall be placed by  
the county auditor upon the tax duplicate, against the taxable  
property of the township, and collected by the county treasurer as  
other taxes. When collected, ~~such~~ the taxes shall be paid to the  
~~township clerk~~ fiscal officer of the township from which they are  
collected, and the money so received shall be under the control of  
the board of township trustees for the purposes for which the  
taxes were levied.

**Sec. 5573.211.** The proportion of the compensation, damages,  
and costs of any road improvement to be paid by a township road  
district shall be paid out of any road improvement fund available

~~therefor~~ for it. For the purpose of providing by taxation a fund 7893  
for the payment of a township road district's proportion of the 7894  
compensation, damages, and costs of constructing, reconstructing, 7895  
resurfacing, improving, maintaining, repairing, and dragging 7896  
township road district roads, ~~or parts thereof~~ of those roads, the 7897  
board of trustees of a township in which a township road district 7898  
has been erected as provided in section 5573.21 of the Revised 7899  
Code, may levy, annually, a tax not exceeding three mills upon 7900  
each dollar of the taxable property of ~~said the~~ township road 7901  
district. ~~Such~~ The levy shall be in addition to all other levies 7902  
authorized for township or township road district purposes, and 7903  
subject only to the limitation on the combined maximum rate for 7904  
all taxes in force. The taxes so authorized shall be placed by the 7905  
county auditor upon the tax duplicate, against the taxable 7906  
property of ~~said the~~ township road district, and collected by the 7907  
county treasurer as other taxes. When collected, ~~such the~~ taxes 7908  
shall be paid to the ~~township clerk~~ fiscal officer of the township 7909  
in which ~~such the~~ township road district has been erected, and the 7910  
money so received shall be under the control of the board of 7911  
township trustees for the purposes for which the taxes were 7912  
levied. 7913

**Sec. 5575.04.** Before entering into a contract, the board of 7914  
township trustees shall require a bond indemnifying the township 7915  
against damages that may be suffered by failure to perform the 7916  
contract according to the contract's provisions ~~thereof~~, and in 7917  
accordance with the specifications for the improvement. 7918

The township ~~clerk~~ fiscal officer shall not draw ~~his~~ a 7919  
warrant in favor of any contractor for estimates, on account of a 7920  
contract let under sections 5575.02 and 5575.03 of the Revised 7921  
Code, until the affidavit of ~~such the~~ contractor, or an officer or 7922  
agent in the case of a corporation, that all indebtedness of ~~such~~ 7923  
the contractor on account of material incorporated into the work 7924

or delivered on the site of the improvement and labor performed 7925  
has been paid, is filed with ~~such clerk~~ the fiscal officer. In 7926  
lieu of ~~such~~ the affidavit, the contractor may file the written 7927  
consent of all persons who have furnished material, incorporated 7928  
into the work or delivered on the site of the improvement, or 7929  
performed labor ~~thereon~~ on the improvement, that any estimate then 7930  
due may be paid. ~~Such~~ The consent shall be accompanied by the 7931  
affidavit of the contractor, or an officer or agent in the case of 7932  
a corporation, that the consent bears the signatures of all 7933  
persons who have furnished material, incorporated in the work or 7934  
delivered on the site of the improvement, or performed labor 7935  
~~thereon~~ on the improvement, and have not been paid in full for 7936  
~~such~~ the labor or material. This section does not prevent the 7937  
payment out of any estimate that is due, upon the assignment by 7938  
the contractor to any person who has furnished material for the 7939  
work or performed labor ~~thereon~~ on the improvement, of the amount 7940  
due for ~~such~~ the material or labor. 7941

**Sec. 5575.09.** The board of township trustees shall provide 7942  
the township ~~clerk~~ fiscal officer with a suitable book in which ~~he~~ 7943  
the fiscal officer shall keep a complete record of proceedings for 7944  
the construction, reconstruction, resurfacing, or improvement of 7945  
public roads. For making ~~such~~ the record ~~he~~, the fiscal officer 7946  
shall receive ten cents for each one hundred words, and, for all 7947  
other services in connection ~~therewith~~ he with keeping the record, 7948  
the fiscal officer shall receive ~~such~~ the reasonable compensation 7949  
~~as is~~ allowed ~~him~~ by the board. 7950

**Sec. 5579.08.** All brush, briars, burrs, vines, and noxious 7951  
weeds growing along the public highway shall be cut or destroyed 7952  
between the first and twentieth days of June, the first and 7953  
twentieth days of August, and, if necessary, between the first and 7954  
twentieth days of September of each year or whenever necessary to 7955



prevent or eliminate a safety hazard. This work shall be done by 7956  
the board of township trustees in its respective township, or by 7957  
the township highway superintendent, who may employ the necessary 7958  
labor to carry out this section. All expenses incurred shall, when 7959  
approved by the board, be paid from the township road fund by the 7960  
township ~~clerk~~ fiscal officer, upon ~~his~~ the fiscal officer's 7961  
warrant. 7962

**Sec. 5705.01.** As used in this chapter: 7963

(A) "Subdivision" means any county; municipal corporation; 7964  
township; township police district; township fire district; joint 7965  
fire district; joint ambulance district; joint emergency medical 7966  
services district; fire and ambulance district; joint recreation 7967  
district; township waste disposal district; township road 7968  
district; community college district; technical college district; 7969  
detention facility district; a district organized under section 7970  
2151.65 of the Revised Code; a combined district organized under 7971  
sections 2152.41 and 2151.65 of the Revised Code; a joint-county 7972  
alcohol, drug addiction, and mental health service district; a 7973  
drainage improvement district created under section 6131.52 of the 7974  
Revised Code; a union cemetery district; a county school financing 7975  
district; or a city, local, exempted village, cooperative 7976  
education, or joint vocational school district. 7977

(B) "Municipal corporation" means all municipal corporations, 7978  
including those that have adopted a charter under Article XVIII, 7979  
Ohio Constitution. 7980

(C) "Taxing authority" or "bond issuing authority" means, in 7981  
the case of any county, the board of county commissioners; in the 7982  
case of a municipal corporation, the council or other legislative 7983  
authority of the municipal corporation; in the case of a city, 7984  
local, exempted village, cooperative education, or joint 7985  
vocational school district, the board of education; in the case of 7986

a community college district, the board of trustees of the 7987  
district; in the case of a technical college district, the board 7988  
of trustees of the district; in the case of a detention facility 7989  
district, a district organized under section 2151.65 of the 7990  
Revised Code, or a combined district organized under sections 7991  
2152.41 and 2151.65 of the Revised Code, the joint board of county 7992  
commissioners of the district; in the case of a township, the 7993  
board of township trustees; in the case of a joint fire district, 7994  
the board of fire district trustees; in the case of a joint 7995  
recreation district, the joint recreation district board of 7996  
trustees; in the case of a joint-county alcohol, drug addiction, 7997  
and mental health service district, the district's board of 7998  
alcohol, drug addiction, and mental health services; in the case 7999  
of a joint ambulance district or a fire and ambulance district, 8000  
the board of trustees of the district; in the case of a union 8001  
cemetery district, the legislative authority of the municipal 8002  
corporation and the board of township trustees, acting jointly as 8003  
described in section 759.341 of the Revised Code; in the case of a 8004  
drainage improvement district, the board of county commissioners 8005  
of the county in which the drainage district is located; in the 8006  
case of a joint emergency medical services district, the joint 8007  
board of county commissioners of all counties in which all or any 8008  
part of the district lies; and in the case of a township police 8009  
district, a township fire district, a township road district, or a 8010  
township waste disposal district, the board of township trustees 8011  
of the township in which the district is located. "Taxing 8012  
authority" also means the educational service center governing 8013  
board that serves as the taxing authority of a county school 8014  
financing district as provided in section 3311.50 of the Revised 8015  
Code. 8016

(D) "Fiscal officer" in the case of a county, means the 8017  
county auditor; in the case of a municipal corporation, the city 8018

auditor or village clerk, or ~~such an~~ officer ~~as~~ who, by virtue of 8019  
the charter, has the duties and functions of the city auditor or 8020  
village clerk, except that in the case of a municipal university 8021  
the board of directors of which have assumed, in the manner 8022  
provided by law, the custody and control of the funds of the 8023  
university, the chief accounting officer of the university shall 8024  
perform, with respect to the funds, the duties vested in the 8025  
fiscal officer of the subdivision by sections 5705.41 and 5705.44 8026  
of the Revised Code; in the case of a school district, the 8027  
treasurer of the board of education; in the case of a county 8028  
school financing district, the treasurer of the educational 8029  
service center governing board that serves as the taxing 8030  
authority; in the case of a township, the township ~~clerk~~ fiscal 8031  
officer; in the case of a joint fire district, the clerk of the 8032  
board of fire district trustees; in the case of a joint ambulance 8033  
district, the clerk of the board of trustees of the district; in 8034  
the case of a joint emergency medical services district, the 8035  
person appointed as fiscal officer pursuant to division (D) of 8036  
section 307.053 of the Revised Code; in the case of a fire and 8037  
ambulance district, the person appointed as fiscal officer 8038  
pursuant to division (B) of section 505.375 of the Revised Code; 8039  
in the case of a joint recreation district, the person designated 8040  
pursuant to section 755.15 of the Revised Code; in the case of a 8041  
union cemetery district, the clerk of the municipal corporation 8042  
designated in section 759.34 of the Revised Code; in the case of a 8043  
children's home district, educational service center, general 8044  
health district, joint-county alcohol, drug addiction, and mental 8045  
health service district, county library district, detention 8046  
facility district, district organized under section 2151.65 of the 8047  
Revised Code, a combined district organized under sections 2152.41 8048  
and 2151.65 of the Revised Code, or a metropolitan park district 8049  
for which no treasurer has been appointed pursuant to section 8050  
1545.07 of the Revised Code, the county auditor of the county 8051

designated by law to act as the auditor of the district; in the 8052  
case of a metropolitan park district which has appointed a 8053  
treasurer pursuant to section 1545.07 of the Revised Code, that 8054  
treasurer; in the case of a drainage improvement district, the 8055  
auditor of the county in which the drainage improvement district 8056  
is located; and in all other cases, the officer responsible for 8057  
keeping the appropriation accounts and drawing warrants for the 8058  
expenditure of the moneys of the district or taxing unit. 8059

(E) "Permanent improvement" or "improvement" means any 8060  
property, asset, or improvement with an estimated life or 8061  
usefulness of five years or more, including land and interests 8062  
therein, and reconstructions, enlargements, and extensions thereof 8063  
having an estimated life or usefulness of five years or more. 8064

(F) "Current operating expenses" and "current expenses" mean 8065  
the lawful expenditures of a subdivision, except those for 8066  
permanent improvements, and except payments for interest, sinking 8067  
fund, and retirement of bonds, notes, and certificates of 8068  
indebtedness of the subdivision. 8069

(G) "Debt charges" means interest, sinking fund, and 8070  
retirement charges on bonds, notes, or certificates of 8071  
indebtedness. 8072

(H) "Taxing unit" means any subdivision or other governmental 8073  
district having authority to levy taxes on the property in the 8074  
district or issue bonds that constitute a charge against the 8075  
property of the district, including conservancy districts, 8076  
metropolitan park districts, sanitary districts, road districts, 8077  
and other districts. 8078

(I) "District authority" means any board of directors, 8079  
trustees, commissioners, or other officers controlling a district 8080  
institution or activity that derives its income or funds from two 8081  
or more subdivisions, such as the educational service center, the 8082

trustees of district children's homes, the district board of 8083  
health, a joint-county alcohol, drug addiction, and mental health 8084  
service district's board of alcohol, drug addiction, and mental 8085  
health services, detention facility districts, a joint recreation 8086  
district board of trustees, districts organized under section 8087  
2151.65 of the Revised Code, combined districts organized under 8088  
sections 2152.41 and 2151.65 of the Revised Code, and other such 8089  
boards. 8090

(J) "Tax list" and "tax duplicate" mean the general tax lists 8091  
and duplicates prescribed by sections 319.28 and 319.29 of the 8092  
Revised Code. 8093

(K) "Property" as applied to a tax levy means taxable 8094  
property listed on general tax lists and duplicates. 8095

(L) "School library district" means a school district in 8096  
which a free public library has been established that is under the 8097  
control and management of a board of library trustees as provided 8098  
in section 3375.15 of the Revised Code. 8099

**Sec. 5709.73.** (A) As used in this section and section 5709.74 8100  
of the Revised Code: 8101

(1) "Business day" means a day of the week excluding 8102  
Saturday, Sunday, and a legal holiday as defined in section 1.14 8103  
of the Revised Code. 8104

(2) "Further improvements" or "improvements" means the 8105  
increase in the true value of real property that would first 8106  
appear on the tax list and duplicate of real and public utility 8107  
property after the effective date of a resolution adopted under 8108  
this section were it not for the exemption granted by that 8109  
resolution. For purposes of division (B) of this section, 8110  
"improvements" do not include any property used or to be used for 8111  
residential purposes. 8112

(3) "Housing renovation" means a project carried out for residential purposes.

(4) "Incentive district" has the same meaning as in section 5709.40 of the Revised Code, except that a blighted area is in the unincorporated area of a township.

(5) "Project" and "public infrastructure improvement" have the same meanings as in section 5709.40 of the Revised Code.

(B) A board of township trustees may, by unanimous vote, adopt a resolution that declares to be a public purpose any public infrastructure improvements made that are necessary for the development of certain parcels of land located in the unincorporated area of the township. Except as otherwise provided in division (D) of this section, the resolution may exempt from real property taxation not more than seventy-five per cent of further improvements to a parcel of land which directly benefits from ~~such~~ the public infrastructure improvements; the percentage exempted shall not, except as otherwise provided in division (D) of this section, exceed the estimated percentage of the incremental demand placed on the public infrastructure improvements that is directly attributable to the exempted improvement. For the purposes of this division, a public infrastructure improvement directly benefits a parcel of land only if a project on the parcel places direct, additional demand on the public infrastructure improvement, or, if the public infrastructure improvement has not yet been constructed, will place direct, additional demand on the public infrastructure improvement when completed. The resolution shall specify the percentage of the further improvements to be exempted.

(C) A board of township trustees may adopt, by unanimous vote, a resolution creating an incentive district and declaring improvements to parcels within the district to be a public purpose

and exempt from taxation as provided in this section. The district 8144  
shall be located within the unincorporated area of the township 8145  
and shall not include any territory that is included within a 8146  
district created under division (B) of section 5709.78 of the 8147  
Revised Code. The resolution shall delineate the boundary of the 8148  
district and specifically identify each parcel within the 8149  
district. A district may not include any parcel that is or has 8150  
been exempted from taxation under division (B) of this section or 8151  
that is or has been within another district created under this 8152  
division. A resolution may create more than one ~~such~~ district, and 8153  
more than one resolution may be adopted under this division. 8154

Not later than thirty days prior to adopting a resolution 8155  
under this division, if the township intends to apply for 8156  
exemptions from taxation under section 5709.911 of the Revised 8157  
Code on behalf of owners of real property located within the 8158  
proposed incentive district, the board shall conduct a public 8159  
hearing on the proposed resolution. Not later than thirty days 8160  
prior to the public hearing, the board shall give notice of the 8161  
public hearing and the proposed resolution by first class mail to 8162  
every real property owner whose property is located within the 8163  
boundaries of the proposed incentive district that is the subject 8164  
of the proposed resolution. 8165

A resolution under this division shall specify the life of 8166  
the district and the percentage of the improvements to be exempted 8167  
and shall designate the public infrastructure improvements made or 8168  
to be made that benefit or serve parcels in the district. 8169

A resolution adopted under this division may authorize the 8170  
use of service payments provided for in section 5709.74 of the 8171  
Revised Code for the purpose of housing renovations within the 8172  
district, provided that the resolution also designates public 8173  
infrastructure improvements that benefit or serve the district, 8174  
and that a project within the district places real property in use 8175

for commercial or industrial purposes. Service payments may be used to finance or support loans, deferred loans, and grants to persons for the purpose of housing renovations within the district. The resolution shall designate the parcels within the district that are eligible for housing renovations. The resolution shall state separately the amount or the percentages of the expected aggregate service payments that are designated for each public infrastructure improvement and for the purpose of housing renovations.

Except with the approval of the board of education of each city, local, or exempted village school district within the territory of which the district is or will be located, the life of a district shall not exceed ten years, and the percentage of improvements to be exempted shall not exceed seventy-five per cent. With such approval, the life of a district may be not more than thirty years, and the percentage of improvements to be exempted may be not more than one hundred per cent.

Approval of a board of education shall be obtained in the manner provided in division (D) of this section for exemptions under division (B) of this section, except that the notice to the board of education shall delineate the boundaries of the district, specifically identify each parcel within the district, identify each anticipated improvement in the district, provide an estimate of the true value in money of each such improvement, specify the life of the district and the percentage of improvements that would be exempted, and indicate the date on which the board of township trustees intends to adopt the resolution.

A board of township trustees shall not adopt a resolution under this division after June 30, 2007.

(D) Improvements with respect to a parcel may be exempted from taxation under division (B) of this section for up to ten



years or, with the approval of the board of education of the city, 8207  
local, or exempted village school district within which the parcel 8208  
is located, for up to thirty years. The percentage of the 8209  
improvements exempted from taxation may, with such approval, 8210  
exceed seventy-five per cent, but shall not exceed one hundred per 8211  
cent. Not later than forty-five business days prior to adopting a 8212  
resolution under this section declaring improvements to be a 8213  
public purpose, the board of trustees shall deliver to the board 8214  
of education a notice stating its intent to adopt a resolution 8215  
making that declaration. The notice shall identify the parcels for 8216  
which improvements are to be exempted from taxation, provide an 8217  
estimate of the true value in money of the improvements, specify 8218  
the period for which the improvements would be exempted from 8219  
taxation and the percentage of the improvements that would be 8220  
exempted, and indicate the date on which the board of trustees 8221  
intends to adopt the resolution. The board of education, by 8222  
resolution adopted by a majority of the board, may approve the 8223  
exemption for the period or for the exemption percentage specified 8224  
in the notice, may disapprove the exemption for the number of 8225  
years in excess of ten, may disapprove the exemption for the 8226  
percentage of the improvements to be exempted in excess of 8227  
seventy-five per cent, or both, or may approve the exemption on 8228  
the condition that the board of trustees and the board of 8229  
education negotiate an agreement providing for compensation to the 8230  
school district equal in value to a percentage of the amount of 8231  
taxes exempted in the eleventh and subsequent years of the 8232  
exemption period or, in the case of exemption percentages in 8233  
excess of seventy-five per cent, compensation equal in value to a 8234  
percentage of the taxes that would be payable on the portion of 8235  
the improvements in excess of seventy-five per cent were that 8236  
portion to be subject to taxation. The board of education shall 8237  
certify its resolution to the board of trustees not later than 8238  
fourteen days prior to the date the board of trustees intends to 8239

adopt the resolution as indicated in the notice. If the board of  
education approves the exemption on the condition that a  
compensation agreement be negotiated, the board of education in  
its resolution shall propose a compensation percentage. If the  
board of education and the board of trustees negotiate a mutually  
acceptable compensation agreement, the resolution may declare the  
improvements a public purpose for the number of years specified in  
the resolution or, in the case of exemption percentages in excess  
of seventy-five per cent, for the exemption percentage specified  
in the resolution. In either case, if the board of education and  
the board of trustees fail to negotiate a mutually acceptable  
compensation agreement, the resolution may declare the  
improvements a public purpose for not more than ten years, but  
shall not exempt more than seventy-five per cent of the  
improvements from taxation, or, in the case of a resolution  
adopted under division (B) of this section, not more than the  
estimated percentage of the incremental demand as otherwise  
prescribed by division (B) of this section if that percentage is  
less than seventy-five per cent. If the board of education fails  
to certify a resolution to the board of trustees within the time  
prescribed by this section, the board of trustees thereupon may  
adopt the resolution and may declare the improvements a public  
purpose for up to thirty years or, in the case of exemption  
percentages proposed in excess of seventy-five per cent, for the  
exemption percentage specified in the resolution. The board of  
township trustees may adopt the resolution at any time after the  
board of education certifies its resolution approving the  
exemption to the board of township trustees, or, if the board of  
education approves the exemption on the condition that a mutually  
acceptable compensation agreement be negotiated, at any time after  
the compensation agreement is agreed to by the board of education  
and the board of township trustees.

If a board of education has adopted a resolution waiving its right to approve exemptions from taxation and the resolution remains in effect, approval of such exemptions by the board of education is not required under this division. If a board of education has adopted a resolution allowing a board of township trustees to deliver the notice required under this division fewer than forty-five business days prior to adoption of the resolution by the board of township trustees, the board of township trustees shall deliver the notice to the board of education not later than the number of days prior to ~~such~~ the adoption as prescribed by the board of education in its resolution. If a board of education adopts a resolution waiving its right to approve exemptions or shortening the notification period, the board of education shall certify a copy of the resolution to the board of township trustees. If the board of education rescinds ~~such a~~ the resolution, it shall certify notice of the rescission to the board of township trustees.

If the board of trustees is not required by this division to notify the board of education of the board of trustees' intent to declare improvements to be a public purpose, the board of trustees shall comply with the notice requirements imposed under section 5709.83 of the Revised Code before taking formal action to adopt the resolution making that declaration, unless the board of education has adopted a resolution under that section waiving its right to receive ~~such a~~ the notice.

(E) An exemption from taxation granted under this section commences with the tax year in which an improvement first appears on the tax list and duplicate of real and public utility property and that begins after the effective date of the resolution. Except as otherwise provided in this division, the exemption ends on the date specified in the resolution as the date the improvement ceases to be a public purpose or the incentive district expires,

or ends on the date on which the public infrastructure 8304  
improvements and housing renovations are paid in full from the 8305  
township public improvement tax increment equivalent fund 8306  
established under section 5709.75 of the Revised Code, whichever 8307  
occurs first. The exemption of an improvement with respect to a 8308  
parcel may end on a later date, as specified in the resolution, if 8309  
the board of township trustees and the board of education of the 8310  
city, local, or exempted village school district within which the 8311  
parcel is located have entered into a compensation agreement under 8312  
section 5709.82 of the Revised Code with respect to the 8313  
improvement or district and the board of education has approved 8314  
the term of the exemption under division (D) of this section, but 8315  
in no case shall the improvement be exempted from taxation for 8316  
more than thirty years. The board of township trustees may, by 8317  
majority vote, adopt a resolution permitting the township to enter 8318  
into such agreements as the board finds necessary or appropriate 8319  
to provide for the construction or undertaking of public 8320  
infrastructure improvements and housing renovations. Any exemption 8321  
shall be claimed and allowed in the same or a similar manner as in 8322  
the case of other real property exemptions. If an exemption status 8323  
changes during a tax year, the procedure for the apportionment of 8324  
the taxes for that year is the same as in the case of other 8325  
changes in tax exemption status during the year. 8326

(F) The board of township trustees may issue the notes of the 8327  
township to finance all costs pertaining to the construction or 8328  
undertaking of public infrastructure improvements and housing 8329  
renovations made pursuant to this section. The notes shall be 8330  
signed by the board and attested by the signature of the township 8331  
~~clerk~~ fiscal officer, shall bear interest not to exceed the rate 8332  
provided in section 9.95 of the Revised Code, and are not subject 8333  
to Chapter 133. of the Revised Code. The resolution authorizing 8334  
the issuance of the notes shall pledge the funds of the township 8335

public improvement tax increment equivalent fund established 8336  
pursuant to section 5709.75 of the Revised Code to pay the 8337  
interest on and principal of the notes. The notes, which may 8338  
contain a clause permitting prepayment at the option of the board, 8339  
shall be offered for sale on the open market or given to the 8340  
vendor or contractor if no sale is made. 8341

(G) The township, not later than fifteen days after the 8342  
adoption of a resolution under this section, shall submit to the 8343  
director of development a copy of the resolution. On or before the 8344  
thirty-first day of March of each year, the township shall submit 8345  
a status report to the director of development. The report shall 8346  
indicate, in the manner prescribed by the director, the progress 8347  
of the project during each year that the exemption remains in 8348  
effect, including a summary of the receipts from service payments 8349  
in lieu of taxes; expenditures of money from funds created under 8350  
section 5709.75 of the Revised Code; a description of the public 8351  
infrastructure improvements and housing renovations financed with 8352  
~~such~~ the expenditures; and a quantitative summary of changes in 8353  
private investment resulting from each project. 8354

(H) Nothing in this section shall be construed to prohibit a 8355  
board of township trustees from declaring to be a public purpose 8356  
improvements with respect to more than one parcel. 8357

(I) A board of township trustees that adopted a resolution 8358  
under this section prior to July 21, 1994, may amend that 8359  
resolution to include any additional public infrastructure 8360  
improvement. A board of township trustees that seeks by ~~such an~~ 8361  
the amendment to utilize money from its township public 8362  
improvement tax increment equivalent fund for land acquisition in 8363  
aid of industry, commerce, distribution, or research, demolition 8364  
on private property, or stormwater and flood remediation projects 8365  
may do so provided that the board currently is a party to a 8366  
hold-harmless agreement with the board of education of the city, 8367

local, or exempted village school district within the territory of 8368  
which are located the parcels that are subject to an exemption. 8369  
For the purposes of this division, a "hold-harmless agreement" 8370  
means an agreement under which the board of township trustees 8371  
agrees to compensate the school district for one hundred per cent 8372  
of the tax revenue that the school district would have received 8373  
from further improvements to parcels designated in the resolution 8374  
were it not for the exemption granted by the resolution. 8375

**Sec. 5735.27.** (A) There is hereby created in the state 8376  
treasury the gasoline excise tax fund, which shall be distributed 8377  
in the following manner: 8378

(1) The amount credited pursuant to divisions (B)(2)(a) and 8379  
(C)(2)(a) of section 5735.23 of the Revised Code shall be 8380  
distributed among municipal corporations. The amount paid to each 8381  
municipal corporation shall be that proportion of the amount to be 8382  
so distributed that the number of motor vehicles registered within 8383  
~~such~~ the municipal corporation bears to the total number of motor 8384  
vehicles registered within all the municipal corporations of this 8385  
state during the preceding motor vehicle registration year. When a 8386  
new village is incorporated, the registrar of motor vehicles shall 8387  
determine from the applications on file in the bureau of motor 8388  
vehicles the number of motor vehicles located within the territory 8389  
comprising the village during the entire registration year in 8390  
which ~~such~~ the municipal corporation was incorporated. The 8391  
registrar shall forthwith certify the number of motor vehicles so 8392  
determined to the tax commissioner for use in distributing motor 8393  
vehicle fuel tax funds to ~~such~~ the village until ~~such~~ the village 8394  
is qualified to participate in the distribution of ~~such~~ the funds 8395  
pursuant to this division. The number of ~~such~~ motor vehicle 8396  
registrations shall be determined by the official records of the 8397  
bureau of motor vehicles. The amount received by each municipal 8398  
corporation shall be used to plan, construct, reconstruct, repave, 8399

widen, maintain, repair, clear, and clean public highways, roads, 8400  
and streets; to maintain and repair bridges and viaducts; to 8401  
purchase, erect, and maintain street and traffic signs and 8402  
markers; to pay the costs apportioned to the municipal corporation 8403  
under section 4907.47 of the Revised Code; to purchase, erect, and 8404  
maintain traffic lights and signals; to pay the principal, 8405  
interest, and charges on bonds and other obligations issued 8406  
pursuant to Chapter 133. of the Revised Code for the purpose of 8407  
acquiring or constructing roads, highways, bridges, or viaducts or 8408  
acquiring or making other highway improvements for which the 8409  
municipal corporation may issue bonds; and to supplement revenue 8410  
already available for ~~such~~ these purposes. 8411

(2) The amount credited pursuant to division (B) of section 8412  
5735.26 of the Revised Code shall be distributed among the 8413  
municipal corporations within the state, in the proportion which 8414  
the number of motor vehicles registered within each municipal 8415  
corporation bears to the total number of motor vehicles registered 8416  
within all the municipal corporations of the state during the 8417  
preceding calendar year, as shown by the official records of the 8418  
bureau of motor vehicles, and shall be expended by each municipal 8419  
corporation to plan, construct, reconstruct, repave, widen, 8420  
maintain, repair, clear, and clean public highways, roads and 8421  
streets; to maintain and repair bridges and viaducts; to purchase, 8422  
erect, and maintain street and traffic signs and markers; to 8423  
purchase, erect, and maintain traffic lights and signals; to pay 8424  
costs apportioned to the municipal corporation under section 8425  
4907.47 of the Revised Code; to pay the principal, interest, and 8426  
charges on bonds and other obligations issued pursuant to Chapter 8427  
133. of the Revised Code for the purpose of acquiring or 8428  
constructing roads, highways, bridges, or viaducts or acquiring or 8429  
making other highway improvements for which the municipal 8430  
corporation may issue bonds; and to supplement revenue already 8431  
available for ~~such~~ these purposes. 8432

(3) The amount credited pursuant to divisions (B)(2)(b) and 8433  
(C)(2)(c) of section 5735.23 of the Revised Code shall be paid in 8434  
equal proportions to the county treasurer of each county within 8435  
the state and shall be used only for the purposes of planning, 8436  
maintaining, and repairing the county system of public roads and 8437  
highways within ~~such~~ the county; the planning, construction, and 8438  
repair of walks or paths along county roads in congested areas; 8439  
the planning, construction, purchase, lease, and maintenance of 8440  
suitable buildings for the housing and repair of county road 8441  
machinery, housing of supplies, and housing of personnel 8442  
associated with the machinery and supplies; the payment of costs 8443  
apportioned to the county under section 4907.47 of the Revised 8444  
Code; the payment of principal, interest, and charges on bonds and 8445  
other obligations issued pursuant to Chapter 133. of the Revised 8446  
Code for the purpose of acquiring or constructing roads, highways, 8447  
bridges, or viaducts or acquiring or making other highway 8448  
improvements for which the board of county commissioners may issue 8449  
bonds under that chapter; and the purchase, installation, and 8450  
maintenance of traffic signal lights. 8451

(4) The amount credited pursuant to division (C) of section 8452  
5735.26 of the Revised Code shall be paid in equal proportions to 8453  
the county treasurer of each county for the purposes of planning, 8454  
maintaining, constructing, widening, and reconstructing the county 8455  
system of public roads and highways; paying principal, interest, 8456  
and charges on bonds and other obligations issued pursuant to 8457  
Chapter 133. of the Revised Code for the purpose of acquiring or 8458  
constructing roads, highways, bridges, or viaducts or acquiring or 8459  
making other highway improvements for which the board of county 8460  
commissioners may issue bonds under ~~such~~ that chapter; and paying 8461  
costs apportioned to the county under section 4907.47 of the 8462  
Revised Code. 8463

(5)(a) The amount credited pursuant to division (D) of 8464



section 5735.26 and division (C)(2)(b) of section 5735.23 of the Revised Code shall be divided in equal proportions among the townships within the state.

(b) As used in division (A)(5)(b) of this section, the "formula amount" for any township is the amount that would be allocated to that township if fifty per cent of the amount credited to townships pursuant to section 5735.291 of the Revised Code were allocated among townships in the state proportionate to the number of lane miles within the boundaries of the respective townships, as determined annually by the department of transportation, and the other fifty per cent of the amount credited pursuant to section 5735.291 of the Revised Code were allocated among townships in the state proportionate to the number of motor vehicles registered within the respective townships, as determined annually by the records of the bureau of motor vehicles.

Beginning on August 15, 2003, the tax levied by section 5735.29 of the Revised Code shall be partially allocated to provide funding for townships. Each township shall receive the greater of the following two calculations:

(i) The total statewide amount credited to townships under division (A) of section 5735.291 of the Revised Code divided by the number of townships in the state at the time of the calculation;

(ii) Seventy per cent of the formula amount for that township.

(c) The total difference between the amount of money credited to townships under division (A) of section 5735.291 of the Revised Code and the total amount of money required to make all the payments specified in division (A)(5)(b) of this section shall be deducted, in accordance with division (B) of section 5735.291 of

the Revised Code, from the revenues resulting from the tax levied 8496  
pursuant to section 5735.29 of the Revised Code prior to crediting 8497  
portions of such revenues to counties, municipal corporations, and 8498  
the highway operating fund. 8499

(d) All amounts credited pursuant to divisions (a) and (b) of 8500  
this section shall be paid to the county treasurer of each county 8501  
for the total amount payable to the townships within each of the 8502  
counties. The county treasurer shall pay to each township within 8503  
the county its proportional share of the funds, which shall be 8504  
expended by each township for the sole purpose of planning, 8505  
constructing, maintaining, widening, and reconstructing the public 8506  
roads and highways within ~~such~~ the township, and paying costs 8507  
apportioned to the township under section 4907.47 of the Revised 8508  
Code. 8509

No part of the funds shall be used for any purpose except to 8510  
pay in whole or part the contract price of any such work done by 8511  
contract, or to pay the cost of labor in planning, constructing, 8512  
widening, and reconstructing such roads and highways, and the cost 8513  
of materials forming a part of the improvement; provided, that 8514  
~~such~~ the funds may be used for the purchase of road machinery and 8515  
equipment and for the planning, construction, and maintenance of 8516  
suitable buildings for housing road machinery and equipment, and 8517  
that all such improvement of roads shall be under supervision and 8518  
direction of the county engineer as provided in section 5575.07 of 8519  
the Revised Code. No obligation against ~~such~~ the funds shall be 8520  
incurred unless plans and specifications for ~~such~~ the improvement, 8521  
approved by the county engineer, are on file in the office of the 8522  
township ~~clerk~~ fiscal officer, and all contracts for material and 8523  
for work done by contract shall be approved by the county engineer 8524  
before being signed by the board of township trustees. The board 8525  
of township trustees of any township may pass a resolution 8526  
permitting the board of county commissioners to expend ~~such~~ the 8527

township's share of the funds, or any portion ~~thereof~~ of it, for 8528  
the improvement of ~~such~~ the roads within the township as may be 8529  
designated in the resolution. 8530

All investment earnings of the fund shall be credited to the 8531  
fund. 8532

(B) Amounts credited to the highway operating fund pursuant 8533  
to divisions (B)(2)(c) and (C)(2)(d) of section 5735.23 and 8534  
division (A) of section 5735.26 of the Revised Code shall be 8535  
expended in the following manner: 8536

(1) The amount credited pursuant to divisions (B)(2)(c) and 8537  
(C)(2)(d) of section 5735.23 of the Revised Code shall be 8538  
apportioned to and expended by the department of transportation 8539  
for the purposes of planning, maintaining, repairing, and keeping 8540  
in passable condition for travel the roads and highways of the 8541  
state required by law to be maintained by the department; paying 8542  
the costs apportioned to the state under section 4907.47 of the 8543  
Revised Code; paying that portion of the construction cost of a 8544  
highway project which a county, township, or municipal corporation 8545  
normally would be required to pay, but which the director of 8546  
transportation, pursuant to division (B) of section 5531.08 of the 8547  
Revised Code, determines instead will be paid from moneys in the 8548  
highway operating fund; and paying the costs of the department of 8549  
public safety in administering and enforcing the state law 8550  
relating to the registration and operation of motor vehicles. 8551

(2) The amount credited pursuant to division (A) of section 8552  
5735.26 of the Revised Code shall be used for paying the state's 8553  
share of the cost of planning, constructing, widening, 8554  
maintaining, and reconstructing the state highways; paying that 8555  
portion of the construction cost of a highway project which a 8556  
county, township, or municipal corporation normally would be 8557  
required to pay, but which the director of transportation, 8558  
pursuant to division (B) of section 5531.08 of the Revised Code, 8559

determines instead will be paid from moneys in the highway 8560  
operating fund; and also for supplying the state's share of the 8561  
cost of eliminating railway grade crossings upon such highways and 8562  
costs apportioned to the state under section 4907.47 of the 8563  
Revised Code. The director of transportation may expend portions 8564  
of such amount upon extensions of state highways within municipal 8565  
corporations or upon portions of state highways within municipal 8566  
corporations, as is provided by law. 8567

**Sec. 5747.061.** (A) As used in this section: 8568

(1) "State agency" means the general assembly, all courts, 8569  
any department, division, institution, board, commission, 8570  
authority, bureau, or other instrumentality of the state. 8571

(2) "Political subdivision" means a county, municipal 8572  
corporation, township, school district, or other body corporate 8573  
and politic responsible for governmental activities in a 8574  
geographic area smaller than that of the state. 8575

(3) "Legislative authority" means the board of county 8576  
commissioners, the legislative authority of a municipal 8577  
corporation, the board of township trustees, the board of 8578  
education, or the board, council, commission, or other governing 8579  
body of any other political subdivision. 8580

(4) "Fiscal officer" means the county auditor, the treasurer 8581  
of the municipal corporation, the clerk-treasurer of a village, or 8582  
the officer ~~that~~ who, by virtue of the charter, has the duties of 8583  
the treasurer or clerk-treasurer, the township ~~clerk~~ fiscal 8584  
officer, the treasurer of the board of education, or, in the case 8585  
of any state agency or other subdivision, the officer or person 8586  
responsible for deducting and withholding from the compensation 8587  
paid to an employee who is a taxpayer the amount of tax required 8588  
to be withheld by section 5747.06 of the Revised Code. 8589

(B)(1) The director or other chief administrator of any state agency, in accordance with rules adopted by the department of administrative services, may direct its fiscal officer to deduct and withhold from the compensation paid to an employee who is a resident of a state with which the commissioner has entered into an agreement under division (A)(3) of section 5747.05 of the Revised Code, a tax computed in such a manner as to result, as far as practicable, in withholding from the compensation of the employee during each calendar year an amount substantially equivalent to the tax reasonably estimated to be due under the income tax laws of the state of residence of the employee with respect to the amount of such compensation included in gross income during the calendar year under those laws.

(2) The legislative authority of a political subdivision may adopt a rule, ordinance, or resolution requiring the fiscal officer of the political subdivision to deduct and withhold from the compensation paid to an employee who is a resident of a state with which the tax commissioner has entered into an agreement under division (A)(3) of section 5747.05 of the Revised Code, a tax computed in such a manner as to result, as far as practicable, in withholding from the compensation of the employee during each calendar year an amount substantially equivalent to the tax reasonably estimated to be due under the income tax laws of the state of residence of the employee with respect to the amount of such compensation included in gross income during the calendar year under those laws.

(3) Upon direction of the director or other chief administrator of a state agency, or adoption of a rule, ordinance, or resolution by a political subdivision under this division, the fiscal officer shall obtain from the official responsible for administering the income tax laws of the state of residence of the employee, information necessary to enable ~~him~~ the fiscal officer

to withhold the proper amount of tax from the compensation of the 8622  
employee for the calendar year. 8623

(C) A fiscal officer who deducts and withholds tax from the 8624  
compensation of a nonresident employee shall file a withholding 8625  
return or other report and pay the full amount of the tax deducted 8626  
and withheld as required by the income tax laws of the state of 8627  
residence of the employee. 8628

(D) A fiscal officer who deducts and withholds tax from the 8629  
compensation of a nonresident employee shall furnish to that 8630  
employee and to the official who is responsible for administering 8631  
the income tax laws of the state of residence of the employee, a 8632  
written statement showing the amount of compensation paid to the 8633  
employee and the amount deducted and withheld from the 8634  
compensation of the employee during the calendar year. The 8635  
statement shall be furnished on or before the last day of January 8636  
of the succeeding year, except that, with respect to an employee 8637  
whose employment is terminated, the statement for the calendar 8638  
year in which the last payment of compensation is made shall be 8639  
furnished within thirty days from the date the last payment of 8640  
compensation is made. 8641

**Section 2.** That existing sections 111.21, 111.22, 117.44, 8642  
133.01, 133.27, 149.42, 301.01, 306.32, 306.321, 319.51, 321.31, 8643  
321.32, 321.34, 345.01, 503.162, 503.25, 503.26, 503.29, 503.41, 8644  
503.52, 504.06, 504.07, 504.11, 504.12, 504.14, 504.19, 504.20, 8645  
505.03, 505.04, 505.07, 505.108, 505.11, 505.17, 505.24, 505.262, 8646  
505.31, 505.32, 505.33, 505.35, 505.37, 505.373, 505.47, 505.511, 8647  
505.73, 505.86, 507.01, 507.02, 507.021, 507.03, 507.04, 507.05, 8648  
507.051, 507.06, 507.07, 507.08, 507.09, 507.11, 509.02, 511.21, 8649  
511.22, 511.33, 513.04, 515.02, 515.04, 515.081, 515.12, 517.05, 8650  
517.06, 517.07, 519.16, 519.161, 519.211, 521.02, 521.03, 703.201, 8651  
707.28, 709.023, 709.024, 709.03, 709.033, 709.46, 711.05, 711.10, 8652

715.691, 715.70, 715.71, 715.75, 715.76, 971.05, 971.06, 971.08, 8653  
971.09, 971.12, 971.35, 971.36, 1341.16, 1533.13, 1710.02, 8654  
2927.21, 3381.03, 3501.37, 3513.253, 3517.10, 3709.30, 3734.025, 8655  
3734.026, 3734.57, 4301.80, 4303.26, 4928.20, 4929.26, 4929.27, 8656  
5123.19, 5126.021, 5541.02, 5543.05, 5552.10, 5571.04, 5571.16, 8657  
5573.13, 5573.211, 5575.04, 5575.09, 5579.08, 5705.01, 5709.73, 8658  
5735.27, and 5747.061 of the Revised Code are hereby repealed. 8659

**Section 3.** Section 715.70 of the Revised Code is presented in 8660  
this act as a composite of the section as amended by both Sub. 8661  
H.B. 434 and Am. Sub. S.B. 201 of the 122nd General Assembly. The 8662  
General Assembly, applying the principle stated in division (B) of 8663  
section 1.52 of the Revised Code that amendments are to be 8664  
harmonized if reasonably capable of simultaneous operation, finds 8665  
that the composite is the resulting version of the section in 8666  
effect prior to the effective date of the section as presented in 8667  
this act. 8668