

**As Reported by the House Local and Municipal Government and
Urban Revitalization Committee**

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Sub. S. B. No. 107

Senators Schuler, Padgett, Clancy, Schuring, Mumper, Grendell, Coughlin,

Fedor, Miller, Niehaus, Roberts, Wilson, Zurz, Mallory

Representatives Chandler, Combs, Daniels, Uecker, Wolpert, Fende,

Domenick

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To amend sections 111.21, 111.22, 117.44, 133.01,	1
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321.31, 321.32, 321.34, 345.01, 503.162, 503.25,	3
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5126.021, 5541.02, 5543.05, 5552.10, 5571.04, 21
5571.16, 5573.13, 5573.211, 5575.04, 5575.09, 22
5579.08, 5705.01, 5709.73, 5735.27, and 5747.061 23
of the Revised Code to replace the name "township 24
clerk" with the name "township fiscal officer" and 25
to require a township zoning referendum to be 26
voted upon at a special election to be held on the 27
day of the next primary or general election that 28
occurs at least 75 days after the referendum 29
petition is filed, regardless of whether any 30
election will be held to nominate or elect 31
candidates on that day. 32

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

Section 1. That sections 111.21, 111.22, 117.44, 133.01, 33
133.27, 149.42, 301.01, 306.32, 306.321, 319.51, 321.31, 321.32, 34
321.34, 345.01, 503.162, 503.25, 503.26, 503.29, 503.41, 503.52, 35
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2927.21, 3381.03, 3501.37, 3513.253, 3517.10, 3709.30, 3734.025, 46
3734.026, 3734.57, 4301.80, 4303.26, 4928.20, 4929.26, 4929.27, 47
5123.19, 5126.021, 5541.02, 5543.05, 5552.10, 5571.04, 5571.16, 48
5573.13, 5573.211, 5575.04, 5575.09, 5579.08, 5705.01, 5709.73, 49

5735.27, and 5747.061 of the Revised Code be amended to read as 50
follows: 51

Sec. 111.21. The secretary of state shall: 52

(A) Make and keep a record of all elections and the votes 53
cast ~~thereat~~ at elections in municipal corporations, townships, 54
and counties upon all questions of electing charter commissions, 55
of adopting charters or amendments ~~thereto~~ to charters, of 56
adopting additional laws or alternative forms of government, of 57
transferring powers to counties, and of withdrawing or revoking 58
~~such~~ those powers; 59

(B) File and preserve all reports, certificates, and copies 60
of agreements ~~transferring~~ transferring powers, whether approved by 61
popular vote or otherwise, and of charters, as permanent public 62
records of the state; 63

(C) Establish regulations prescribing the forms, times, 64
certifications, details, and other particulars or conditions 65
governing the fiscal officers of townships and the clerks of 66
municipal corporations, ~~townships~~, boards of elections, and boards 67
of county commissioners in reporting and certifying the papers and 68
information necessary for the records and files of the secretary 69
of state. ~~Such~~ The regulations shall require the furnishing of one 70
or more duplicates of the text of all charters and amendments, and 71
of all transfer agreements, one of each of which it shall be the 72
duty of the secretary of state to verify and deposit in the 73
library of the supreme court. 74

Sec. 111.22. The fiscal officer of every township and the 75
clerk of every municipal corporation, ~~township~~, board of 76
elections, and board of county commissioners shall: 77

(A) Furnish and certify to the secretary of state all copies 78

of resolutions, ordinances, other instruments, portions of public records, and other information as the secretary of state requires; and

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

Sec. 117.44. To enhance local officials' background and working knowledge of government accounting, budgeting and financing, financial report preparation, and the rules adopted by the auditor of state, the auditor of state shall hold training programs for persons elected for the first time as township ~~clerks~~ fiscal officers, city auditors, and village clerks, between the first day of December and the first day of April immediately following a general election for any of these offices. Similar training may also be provided to any township ~~clerk~~ fiscal officer, city auditor, or village clerk who is appointed to fill a vacancy or who is elected in a special election.

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

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

The auditor of state shall allow any other interested person 109
to attend any of the training programs that the auditor of state 110
holds pursuant to this section; provided, that before attending 111
any such training program, the interested person shall pay to the 112
auditor of state the full registration fee that the auditor of 113
state has set for the training program. 114

The auditor of state may provide any other appropriate 115
training or educational programs that may be developed and offered 116
by the auditor of state or in collaboration with one or more other 117
state agencies, political subdivisions, or other public or private 118
entities. 119

There is hereby established in the state treasury the auditor 120
of state training program fund, to be used by the auditor of state 121
for the actual and necessary expenses of any training programs 122
held pursuant to this section, section 117.441, or section 321.46 123
of the Revised Code. All registration fees collected under this 124
section shall be paid into the fund. 125

Sec. 133.01. As used in this chapter, in sections 9.95, 9.96, 126
and 2151.655 of the Revised Code, in other sections of the Revised 127
Code that make reference to this chapter unless the context does 128
not permit, and in related proceedings, unless otherwise expressly 129
provided: 130

(A) "Acquisition" as applied to real or personal property 131
includes, among other forms of acquisition, acquisition by 132
exercise of a purchase option, and acquisition of interests in 133
property, including, without limitation, easements and 134
rights-of-way, and leasehold and other lease interests initially 135
extending or extendable for a period of at least sixty months. 136

(B) "Anticipatory securities" means securities, including 137
notes, issued in anticipation of the issuance of other securities. 138

(C) "Board of elections" means the county board of elections 139
of the county in which the subdivision is located. If the 140
subdivision is located in more than one county, "board of 141
elections" means the county board of elections of the county that 142
contains the largest portion of the population of the subdivision 143
or that otherwise has jurisdiction in practice over and 144
customarily handles election matters relating to the subdivision. 145

(D) "Bond retirement fund" means the bond retirement fund 146
provided for in section 5705.09 of the Revised Code, and also 147
means a sinking fund or any other special fund, regardless of the 148
name applied to it, established by or pursuant to law or the 149
proceedings for the payment of debt charges. Provision may be made 150
in the applicable proceedings for the establishment in a bond 151
retirement fund of separate accounts relating to debt charges on 152
particular securities, or on securities payable from the same or 153
common sources, and for the application of moneys in those 154
accounts only to specified debt charges on specified securities or 155
categories of securities. Subject to law and any provisions in the 156
applicable proceedings, moneys in a bond retirement fund or 157
separate account in a bond retirement fund may be transferred to 158
other funds and accounts. 159

(E) "Capitalized interest" means all or a portion of the 160
interest payable on securities from their date to a date stated or 161
provided for in the applicable legislation, which interest is to 162
be paid from the proceeds of the securities. 163

(F) "Chapter 133. securities" means securities authorized by 164
or issued pursuant to or in accordance with this chapter. 165

(G) "County auditor" means the county auditor of the county 166
in which the subdivision is located. If the subdivision is located 167
in more than one county, "county auditor" means the county auditor 168
of the county that contains the highest amount of the tax 169

valuation of the subdivision or that otherwise has jurisdiction in 170
practice over and customarily handles property tax matters 171
relating to the subdivision. In the case of a county that has 172
adopted a charter, "county auditor" means the officer who 173
generally has the duties and functions provided in the Revised 174
Code for a county auditor. 175

(H) "Credit enhancement facilities" means letters of credit, 176
lines of credit, stand-by, contingent, or firm securities purchase 177
agreements, insurance, or surety arrangements, guarantees, and 178
other arrangements that provide for direct or contingent payment 179
of debt charges, for security or additional security in the event 180
of nonpayment or default in respect of securities, or for making 181
payment of debt charges to and at the option and on demand of 182
securities holders or at the option of the issuer or upon certain 183
conditions occurring under put or similar arrangements, or for 184
otherwise supporting the credit or liquidity of the securities, 185
and includes credit, reimbursement, marketing, remarketing, 186
indexing, carrying, interest rate hedge, and subrogation 187
agreements, and other agreements and arrangements for payment and 188
reimbursement of the person providing the credit enhancement 189
facility and the security for that payment and reimbursement. 190

(I) "Current operating expenses" or "current expenses" means 191
the lawful expenditures of a subdivision, except those for 192
permanent improvements and for payments of debt charges of the 193
subdivision. 194

(J) "Debt charges" means the principal, including any 195
mandatory sinking fund deposits and mandatory redemption payments, 196
interest, and any redemption premium, payable on securities as 197
those payments come due and are payable. The use of "debt charges" 198
for this purpose does not imply that any particular securities 199
constitute debt within the meaning of the Ohio Constitution or 200
other laws. 201

(K) "Financing costs" means all costs and expenses relating 202
to the authorization, including any required election, issuance, 203
sale, delivery, authentication, deposit, custody, clearing, 204
registration, transfer, exchange, fractionalization, replacement, 205
payment, and servicing of securities, including, without 206
limitation, costs and expenses for or relating to publication and 207
printing, postage, delivery, preliminary and final official 208
statements, offering circulars, and informational statements, 209
travel and transportation, underwriters, placement agents, 210
investment bankers, paying agents, registrars, authenticating 211
agents, remarketing agents, custodians, clearing agencies or 212
corporations, securities depositories, financial advisory 213
services, certifications, audits, federal or state regulatory 214
agencies, accounting and computation services, legal services and 215
obtaining approving legal opinions and other legal opinions, 216
credit ratings, redemption premiums, and credit enhancement 217
facilities. Financing costs may be paid from any moneys available 218
for the purpose, including, unless otherwise provided in the 219
proceedings, from the proceeds of the securities to which they 220
relate and, as to future financing costs, from the same sources 221
from which debt charges on the securities are paid and as though 222
debt charges. 223

(L) "Fiscal officer" means the following, or, in the case of 224
absence or vacancy in the office, a deputy or assistant authorized 225
by law or charter to act in the place of the named officer, or if 226
there is no such authorization then the deputy or assistant 227
authorized by legislation to act in the place of the named officer 228
for purposes of this chapter, in the case of the following 229
subdivisions: 230

(1) A county, the county auditor; 231

(2) A municipal corporation, the city auditor or village 232
clerk or clerk-treasurer, or the officer who, by virtue of a 233

charter, has the duties and functions provided in the Revised Code	234
for the city auditor or village clerk or clerk-treasurer;	235
(3) A school district, the treasurer of the board of	236
education;	237
(4) A regional water and sewer district, the secretary of the	238
board of trustees;	239
(5) A joint township hospital district, the treasurer of the	240
district;	241
(6) A joint ambulance district, the clerk of the board of	242
trustees;	243
(7) A joint recreation district, the person designated	244
pursuant to section 755.15 of the Revised Code;	245
(8) A detention facility district or a district organized	246
under section 2151.65 of the Revised Code or a combined district	247
organized under sections 2152.41 and 2151.65 of the Revised Code,	248
the county auditor of the county designated by law to act as the	249
auditor of the district;	250
(9) A township, a fire district organized under division (C)	251
of section 505.37 of the Revised Code, or a township police	252
district, the clerk <u>fiscal officer</u> of the township;	253
(10) A joint fire district, the clerk of the board of	254
trustees of that district;	255
(11) A regional or county library district, the person	256
responsible for the financial affairs of that district;	257
(12) A joint solid waste management district, the fiscal	258
officer appointed by the board of directors of the district under	259
section 343.01 of the Revised Code;	260
(13) A joint emergency medical services district, the person	261
appointed as fiscal officer pursuant to division (D) of section	262

307.053 of the Revised Code;	263
(14) A fire and ambulance district, the person appointed as fiscal officer under division (B) of section 505.375 of the Revised Code;	264 265 266
(15) A subdivision described in division (MM)(17) of this section, the officer who is designated by law as or performs the functions of its chief fiscal officer.	267 268 269
(M) "Fiscal year" has the same meaning as in section 9.34 of the Revised Code.	270 271
(N) "Fractionalized interests in public obligations" means participations, certificates of participation, shares, or other instruments or agreements, separate from the public obligations themselves, evidencing ownership of interests in public obligations or of rights to receive payments of, or on account of, principal or interest or their equivalents payable by or on behalf of an obligor pursuant to public obligations.	272 273 274 275 276 277 278
(O) "Fully registered securities" means securities in certificated or uncertificated form, registered as to both principal and interest in the name of the owner.	279 280 281
(P) "Fund" means to provide for the payment of debt charges and expenses related to that payment at or prior to retirement by purchase, call for redemption, payment at maturity, or otherwise.	282 283 284
(Q) "General obligation" means securities to the payment of debt charges on which the full faith and credit and the general property taxing power, including taxes within the tax limitation if available to the subdivision, of the subdivision are pledged.	285 286 287 288
(R) "Interest" or "interest equivalent" means those payments or portions of payments, however denominated, that constitute or represent consideration for forbearing the collection of money, or for deferring the receipt of payment of money to a future time.	289 290 291 292

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

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

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

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

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

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

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

(Z) "One purpose" relating to permanent improvements means	323
any one permanent improvement or group or category of permanent	324
improvements for the same utility, enterprise, system, or project,	325
development or redevelopment project, or for or devoted to the	326
same general purpose, function, or use or for which	327
self-supporting securities, based on the same or different sources	328
of revenues, may be issued or for which special assessments may be	329
levied by a single ordinance or resolution. "One purpose"	330
includes, but is not limited to, in any case any off-street	331
parking facilities relating to another permanent improvement, and:	332
(1) Any number of roads, highways, streets, bridges,	333
sidewalks, and viaducts;	334
(2) Any number of off-street parking facilities;	335
(3) In the case of a county, any number of permanent	336
improvements for courthouse, jail, county offices, and other	337
county buildings, and related facilities;	338
(4) In the case of a school district, any number of	339
facilities and buildings for school district purposes, and related	340
facilities.	341
(AA) "Outstanding," referring to securities, means securities	342
that have been issued, delivered, and paid for, except any of the	343
following:	344
(1) Securities canceled upon surrender, exchange, or	345
transfer, or upon payment or redemption;	346
(2) Securities in replacement of which or in exchange for	347
which other securities have been issued;	348
(3) Securities for the payment, or redemption or purchase for	349
cancellation prior to maturity, of which sufficient moneys or	350
investments, in accordance with the applicable legislation or	351
other proceedings or any applicable law, by mandatory sinking fund	352

redemption requirements, mandatory sinking fund requirements, or
otherwise, have been deposited, and credited for the purpose in a
bond retirement fund or with a trustee or paying or escrow agent,
whether at or prior to their maturity or redemption, and, in the
case of securities to be redeemed prior to their stated maturity,
notice of redemption has been given or satisfactory arrangements
have been made for giving notice of that redemption, or waiver of
that notice by or on behalf of the affected security holders has
been filed with the subdivision or its agent for the purpose.

(BB) "Paying agent" means the one or more banks, trust
companies, or other financial institutions or qualified persons,
including an appropriate office or officer of the subdivision,
designated as a paying agent or place of payment of debt charges
on the particular securities.

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

(DD) "Person" has the same meaning as in section 1.59 of the
Revised Code and also includes any federal, state, interstate,

regional, or local governmental agency, any subdivision, and any
combination of those persons.

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

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

(1) The state, including an agency, commission, officer,
institution, board, authority, or other instrumentality of the
state;

(2) A taxing authority, subdivision, district, or other local
public or governmental entity, and any combination or consortium,
or public division, district, commission, authority, department,
board, officer, or institution, thereof;

(3) Any other body corporate and politic, or other public
entity.

(GG) "Public obligations" means both of the following:

(1) Securities;

(2) Obligations of a public issuer to make payments under
installment sale, lease, lease purchase, or similar agreements,
which obligations bear interest or interest equivalent.

(HH) "Refund" means to fund and retire outstanding
securities, including advance refunding with or without payment or

redemption prior to maturity. 415

(II) "Register" means the books kept and maintained by the 416
registrar for registration, exchange, and transfer of registered 417
securities. 418

(JJ) "Registrar" means the person responsible for keeping the 419
register for the particular registered securities, designated by 420
or pursuant to the proceedings. 421

(KK) "Securities" means bonds, notes, certificates of 422
indebtedness, commercial paper, and other instruments in writing, 423
including, unless the context does not admit, anticipatory 424
securities, issued by an issuer to evidence its obligation to 425
repay money borrowed, or to pay interest, by, or to pay at any 426
future time other money obligations of, the issuer of the 427
securities, but not including public obligations described in 428
division (GG)(2) of this section. 429

(LL) "Self-supporting securities" means securities or 430
portions of securities issued for the purpose of paying costs of 431
permanent improvements to the extent that receipts of the 432
subdivision, other than the proceeds of taxes levied by that 433
subdivision, derived from or with respect to the improvements or 434
the operation of the improvements being financed, or the 435
enterprise, system, project, or category of improvements of which 436
the improvements being financed are part, are estimated by the 437
fiscal officer to be sufficient to pay the current expenses of 438
that operation or of those improvements or enterprise, system, 439
project, or categories of improvements and the debt charges 440
payable from those receipts on securities issued for the purpose. 441
Until such time as the improvements or increases in rates and 442
charges have been in operation or effect for a period of at least 443
six months, the receipts therefrom, for purposes of this 444
definition, shall be those estimated by the fiscal officer, except 445

that those receipts may include, without limitation, payments made 446
and to be made to the subdivision under leases or agreements in 447
effect at the time the estimate is made. In the case of an 448
operation, improvements, or enterprise, system, project, or 449
category of improvements without at least a six-month history of 450
receipts, the estimate of receipts by the fiscal officer, other 451
than those to be derived under leases and agreements then in 452
effect, shall be confirmed by the taxing authority. 453

(MM) "Subdivision" means any of the following: 454

(1) A county, including a county that has adopted a charter 455
under Article X, Ohio Constitution; 456

(2) A municipal corporation, including a municipal 457
corporation that has adopted a charter under Article XVIII, Ohio 458
Constitution; 459

(3) A school district; 460

(4) A regional water and sewer district organized under 461
Chapter 6119. of the Revised Code; 462

(5) A joint township hospital district organized under 463
section 513.07 of the Revised Code; 464

(6) A joint ambulance district organized under section 505.71 465
of the Revised Code; 466

(7) A joint recreation district organized under division (C) 467
of section 755.14 of the Revised Code; 468

(8) A detention facility district organized under section 469
2152.41, a district organized under section 2151.65, or a combined 470
district organized under sections 2152.41 and 2151.65 of the 471
Revised Code; 472

(9) A township police district organized under section 505.48 473
of the Revised Code; 474

(10) A township;	475
(11) A joint fire district organized under section 505.371 of the Revised Code;	476 477
(12) A county library district created under section 3375.19 or a regional library district created under section 3375.28 of the Revised Code;	478 479 480
(13) A joint solid waste management district organized under section 343.01 or 343.012 of the Revised Code;	481 482
(14) A joint emergency medical services district organized under section 307.052 of the Revised Code;	483 484
(15) A fire and ambulance district organized under section 505.375 of the Revised Code;	485 486
(16) A fire district organized under division (C) of section 505.37 of the Revised Code;	487 488
(17) Any other political subdivision or taxing district or other local public body or agency authorized by this chapter or other laws to issue Chapter 133. securities.	489 490 491
(NN) "Taxing authority" means in the case of the following subdivisions:	492 493
(1) A county, a county library district, or a regional library district, the board or boards of county commissioners, or other legislative authority of a county that has adopted a charter under Article X, Ohio Constitution, but with respect to such a library district acting solely as agent for the board of trustees of that district;	494 495 496 497 498 499
(2) A municipal corporation, the legislative authority;	500
(3) A school district, the board of education;	501
(4) A regional water and sewer district, a joint ambulance district, a joint recreation district, a fire and ambulance	502 503

district, or a joint fire district, the board of trustees of the	504
district;	505
(5) A joint township hospital district, the joint township	506
hospital board;	507
(6) A detention facility district or a district organized	508
under section 2151.65 of the Revised Code, a combined district	509
organized under sections 2152.41 and 2151.65 of the Revised Code,	510
or a joint emergency medical services district, the joint board of	511
county commissioners;	512
(7) A township, a fire district organized under division (C)	513
of section 505.37 of the Revised Code, or a township police	514
district, the board of township trustees;	515
(8) A joint solid waste management district organized under	516
section 343.01 or 343.012 of the Revised Code, the board of	517
directors of the district;	518
(9) A subdivision described in division (MM)(17) of this	519
section, the legislative or governing body or official.	520
(OO) "Tax limitation" means the "ten-mill limitation" as	521
defined in section 5705.02 of the Revised Code without diminution	522
by reason of section 5705.313 of the Revised Code or otherwise,	523
or, in the case of a municipal corporation or county with a	524
different charter limitation on property taxes levied to pay debt	525
charges on unvoted securities, that charter limitation. Those	526
limitations shall be respectively referred to as the "ten-mill	527
limitation" and the "charter tax limitation."	528
(PP) "Tax valuation" means the aggregate of the valuations of	529
property subject to ad valorem property taxation by the	530
subdivision on the real property, personal property, and public	531
utility property tax lists and duplicates most recently certified	532
for collection, and shall be calculated without deductions of the	533

valuations of otherwise taxable property exempt in whole or in 534
part from taxation by reason of exemptions of certain amounts of 535
taxable value under division (C) of section 5709.01 or section 536
323.152 of the Revised Code, or similar laws now or in the future 537
in effect. 538

(QQ) "Year" means the calendar year. 539

(RR) "Administrative agent," "agent," "commercial paper," 540
"floating rate interest structure," "indexing agent," "interest 541
rate hedge," "interest rate period," "put arrangement," and 542
"remarketing agent" have the same meanings as in section 9.98 of 543
the Revised Code. 544

(SS) "Sales tax supported" means obligations to the payment 545
of debt charges on which an additional sales tax or additional 546
sales taxes have been pledged by the taxing authority of a county 547
pursuant to section 133.081 of the Revised Code. 548

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

(1) In the case of a municipal corporation, by the mayor or 551
other chief executive officer and by the fiscal officer, or by 552
~~such~~ any other officers ~~as~~ who are designated to sign by the 553
charter or legislation of its taxing authority; 554

(2) In the case of a county, by at least two members of its 555
taxing authority and by the county auditor, or in the case of a 556
charter county, by ~~such~~ those officers of the county ~~as~~ who are 557
designated to sign by the charter or legislation of its taxing 558
authority; 559

(3) In the case of a school district, by the president or 560
vice-president of the board of education and by its fiscal 561
officer; 562

(4) In the case of a township, by at least two township 563

trustees and by the township ~~clerk~~ fiscal officer;

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(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.

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(B) If an officer designated to sign securities or interest
coupons pursuant to division (A) or (E) of this section is for any
reason unable or unavailable to so sign, another officer of the
subdivision or taxing authority, designated by legislation passed
by the taxing authority, may sign instead of that officer.

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

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

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(E) Securities, other than fully registered securities, may,
in the discretion of the taxing authority, have interest coupons
attached or otherwise appertaining. The interest coupons shall be

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signed on behalf of the subdivision by the manual or facsimile
signature of its fiscal officer.

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

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

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

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Sec. 301.01. When a petition, memorial, or remonstrance is
presented to the general assembly for or against the erection of a
new county, or for the location or relocation of a county seat,
the petitioners must be eighteen years of age and resident
taxpayers or voters within the several townships in which they
reside. The petition shall set forth the name of the township and
county in which the petitioners reside, and that their residence

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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 1041
newspaper of general circulation in the township for three 1042
consecutive weeks and shall post the notice and explanation in 1043
five conspicuous places in the unincorporated area of the 1044
township. 1045

(C) If a majority of the votes cast on the proposition of 1046
changing the township's name is in the affirmative, the name 1047
change is adopted and becomes effective ninety days after the 1048
board of elections certifies the election results to the ~~clerk~~ 1049
fiscal officer of the township. Upon receipt of the certification 1050
of the election results from the board of elections, the ~~clerk~~ 1051
fiscal officer of the township shall send a copy of that 1052
certification to the secretary of state. 1053

(D) A change in the name of a township shall not alter the 1054
rights or liabilities of the township as previously named. 1055

Sec. 503.25. ~~Forthwith,~~ Immediately after the election or 1056
appointment of township officers as provided by sections 503.22 to 1057
503.24, ~~inclusive,~~ of the Revised Code, the township ~~clerk~~ fiscal 1058
officer shall make a list of all the officers elected or 1059
appointed, stating the offices to which each is chosen or 1060
appointed, and ~~he~~ the fiscal officer shall add ~~thereto~~ to the list 1061
a requisition that ~~such~~ the officers appear before ~~him~~ the fiscal 1062
officer, or some other officer authorized to administer oaths, 1063

give bond, and take the oath of office prescribed by sections 3.22 1064
and 3.23 of the Revised Code and Section 7 of Article XV, Ohio 1065
Constitution. 1066

~~Such clerk~~ The fiscal officer shall ~~forthwith~~ immediately 1067
make service of, or deliver to any constable of the township who 1068
shall make service of, a copy of ~~such the~~ list and requisition by 1069
delivering it to each person so elected or appointed. ~~Such The~~ 1070
list and requisition, with the time and manner of service ~~thereon~~ 1071
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

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~~clerk~~ fiscal officer, who shall perform the duties imposed under those sections upon the city auditor or village clerk.

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

(D) Each signer of an initiative petition shall be an elector of the township in which the election on the proposed resolution is to be held.

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.

(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.

(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 1125
recent general election at which a governor was elected, 1126
requesting the board to submit the regulations or amendments to 1127
the electors of the area for approval or rejection at the next 1128
primary or general election occurring at least seventy-five days 1129
after the board receives the petition. 1130

No regulation or amendment for which the referendum vote has 1131
been requested is effective unless a majority of the vote cast on 1132
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 1164
public at the office of the board. 1165

(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.

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

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(1) Advise the person upon whom it is served that the person must answer in relation to the violation charged in the citation within fourteen days after the citation is served upon ~~him~~ the person;

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

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

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

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

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Sec. 504.07. (A)(1) A person who is served with a citation

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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
entry of judgment by the trial court and by the payment of ~~such~~
reasonable costs as the court requires. Upon the filing of an
appeal, the court shall schedule a hearing date and notify the
parties of the date, time, and place of the hearing. The hearing
shall be held by the court in accordance with the rules of the
court. Service of a notice of appeal under this division does not
stay enforcement and collection of the judgment or default
judgment from which appeal is taken by the person unless the
person who files the appeal posts bond with the trial court, in
the amount of the judgment, plus court costs, at or before service
of the notice of appeal.

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

Sec. 504.11. (A) The vote on the question of passage of a
resolution provided for in section 504.10 of the Revised Code or a
motion related to that resolution shall be taken by yeas and nays
and entered on the journal, and the resolution or motion shall not
be passed without concurrence of a majority of all members of the
board of township trustees, except that each emergency resolution
under that section shall require the affirmative vote of all of
the members of the board for its enactment. If an emergency
resolution fails to receive the required vote for passage as an
emergency measure but receives the necessary majority for passage
as a nonemergency resolution, it shall be considered passed as a
nonemergency resolution. Except as otherwise provided in division
(B) of this section, a resolution shall become effective thirty
days after it is filed with the township ~~clerk~~ fiscal officer.
Each emergency resolution shall determine that the resolution is
necessary for the immediate preservation of the public peace,
health, safety, or welfare and shall contain a statement of the

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 1318
election, or providing for the approval of a revision, 1319
codification, recodification, or rearrangement of resolutions, or 1320
publication of resolutions in book form, and any emergency 1321
resolution, shall take effect, unless a later time is specified in 1322
the resolution, ten days after it is filed with the township ~~clerk~~ 1323
fiscal officer. 1324

(C) Each resolution shall be recorded in a book, or other 1325
record prescribed by the board, established and maintained for 1326
that purpose. The township ~~clerk~~ fiscal officer or a duly 1327
authorized deputy to the ~~clerk~~ fiscal officer shall, upon the 1328
request of any person and upon the payment of a fee established by 1329
the board, certify true copies of any resolution, and these 1330
certified copies shall be admissible as evidence in any court. 1331

(D) The procedures provided in this section apply only to 1332
resolutions adopted pursuant to a township's limited home rule 1333
powers as authorized by this chapter. 1334

Sec. 504.12. No resolution and no section or numbered or 1335
lettered division of a section shall be revised or amended unless 1336
the new resolution contains the entire resolution, section, or 1337
division as revised or amended, and the resolution, section, or 1338
division so amended shall be repealed. This requirement does not 1339
prevent the amendment of a resolution by the addition of a new 1340
section, or division, and in this case the full text of the former 1341
resolution need not be set forth, nor does this section prevent 1342

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repeals by implication. Except in the case of a codification or 1343
 recodification of resolutions, a separate vote shall be taken on 1344
 each resolution proposed to be amended. Resolutions that have been 1345
 introduced and have received their first reading or their first 1346
 and second readings, but have not been voted on for passage, may 1347
 be amended or revised by a majority vote of the members of the 1348
 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
notification to comment and object in writing to the township's 1399
provision of water supply or sewer services. An objection may be 1400
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 1411
proposed water supply or sewer services be mediated. The mediation 1412
shall be performed either by the Ohio commission on dispute 1413
resolution and conflict management or by having each party select 1414
a mediator and having those two mediators select a third mediator 1415
who, together with the other two mediators, shall conduct the 1416
mediation. 1417

Within forty-five days after the request for mediation is 1418
submitted, any mediation shall be completed, and any agreements 1419
reached between the parties shall be filed in writing with the 1420
parties. Thereafter, the respective governing boards may adopt the 1421
agreements, making those agreements binding on the parties, or, if 1422
one or more of the agreed-upon points is rejected, that rejection 1423
shall be considered a final decision of a governing board for 1424
purposes of Chapter 2506. of the Revised Code, and the board of 1425
township trustees may file an appeal under that chapter regarding 1426
its provision of the proposed water supply or sewer services. In 1427
addition to any findings of the court provided in section 2506.04 1428
of the Revised Code, the court may determine that the county, 1429
municipal corporation, or special district has not met the 1430
criteria specified in divisions (A)(1) and (2) of this section 1431
and, therefore, the township may provide its proposed water supply 1432
or sewer services or, in the alternative, may determine that the 1433
township could provide the proposed water supply or sewer services 1434
more expediently than the county, municipal corporation, or 1435
special district with no substantial increase in cost to the users 1436

of the water supply or sewer services and, therefore, order that 1437
the township may provide its proposed water supply or sewer 1438
services. 1439

(B) Once the board has approved a general plan of water 1440
supply or sewer services under division (A) of this section, the 1441
board shall hire an engineer to prepare detailed plans, 1442
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 appropriate for the use of the 1454
township any public or private land, easement, rights, 1455
rights-of-way, franchises, or other property within or outside the 1456
township required by it for the accomplishment of its purposes. 1457
Except as provided in division (D) of this section, the 1458
appropriation shall be according to the procedure set forth in 1459
sections 163.01 to 163.22 of the Revised Code. The engineer hired 1460
by the board may enter upon any public or private property for the 1461
purpose of making surveys and examinations necessary for the 1462
design or examination of water supply or sewer facilities. No 1463
person shall forbid or interfere with the engineer or the 1464
engineer's authorized assistants entering upon property for these 1465
purposes. If actual damage is done to property by the making of a 1466
survey and examination, the board shall pay the reasonable value 1467
of the damage to the owner of the property damaged, and the cost 1468

shall be included in the assessment upon the property benefited by
the improvement. 1469
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(D)(1) For purposes of this division, either of the following 1471
constitutes a public exigency: 1472

(a) A finding by the director of environmental protection 1473
that a public health nuisance caused by an occasion of unavoidable 1474
urgency and suddenness due to unsanitary conditions compels the 1475
immediate construction of sewers for the protection of the public 1476
health and welfare; 1477

(b) The issuance of an order by the board of health of a 1478
health district to mitigate or abate a public health nuisance that 1479
is caused by an occasion of unavoidable urgency and suddenness due 1480
to unsanitary conditions and compels the immediate construction of 1481
sewers for the protection of the public health and welfare. 1482

(2) If a board of township trustees of a township that has 1483
adopted a limited home rule government is unable to purchase 1484
property for the purpose of the construction of sewers to mitigate 1485
or abate the public health nuisance that is the subject of a 1486
finding of the director or an order of the board of health, the 1487
board of township trustees may adopt a resolution finding that it 1488
is necessary for the protection of the public health and welfare 1489
to appropriate property that the board considers needed for that 1490
purpose. The resolution shall contain a definite, accurate, and 1491
detailed description of the property and the name and place of 1492
residence, if known or with reasonable diligence ascertainable, of 1493
the owners of the property to be appropriated. 1494

The board of township trustees shall fix in its resolution 1495
what it considers to be the value of the property to be 1496
appropriated, which shall be the board's determination of the 1497
compensation for the property and shall be supported by an 1498
independent appraisal, together with any damages to the residue. 1499

The board shall deposit the compensation so determined, together
with an amount for the damages to the residue, with the probate
court or the court of common pleas of the county in which the
property, or a part of it, is situated. Except as otherwise
provided in this division, the power to appropriate property for
the purposes of this division shall be exercised in the manner
provided in sections 163.01 and 163.22 of the Revised Code for an
appropriation in time of public exigency. The board's resolution
and a written copy of the independent appraisal shall accompany
the petition filed under section 163.05 of the Revised Code.

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

(F) 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 1532
be levied upon each lot or parcel of land to the county auditor, 1533
who shall enter the amounts on the tax duplicate, to be collected 1534
as other taxes. The principal shall be payable in not more than 1535
forty semiannual installments, as determined by the board. Any 1536
assessment in the amount of twenty-five dollars or less, or of 1537
which the unpaid balance is twenty-five dollars or less, shall be 1538
paid in full and not in installments, at the time the first or 1539
next installment otherwise would become due and payable. 1540
Assessments are a lien upon the respective lots or parcels of land 1541
assessed from the date of adoption of the resolution under 1542
division (E) of this section. If bonds are issued to pay the 1543
compensation, damages, and the costs of an improvement, the 1544
principal amount of the assessment shall be payable in such number 1545
of semiannual installments and in such amounts as the board 1546
determines to be necessary to provide a fund for the payment of 1547
the principal of and interest on the bonds and shall bear interest 1548
from the date of the issuance of the bonds and at the same rate as 1549
the bonds. 1550

(G) Any owner of property to be assessed for any water supply 1551
facilities or sewer services improvement project, or other person 1552
aggrieved by the action of the board in regard to any water supply 1553
facilities or sewer services improvement project, may appeal to 1554
the court of common pleas, in the manner prescribed by Chapter 1555
2506. of the Revised Code. 1556

(H) When collected, the assessments shall be paid by the 1557
county auditor by warrant of the county treasurer into a special 1558
fund in the township treasury created for the purpose of 1559
constructing, improving, maintaining, and operating water supply 1560
facilities or sewer improvements. The board may expend moneys from 1561
the fund only for the purposes for which the assessments were 1562
levied. 1563

Sec. 504.20. (A) For the purpose of supplying water and 1564
providing sewer services to users within the unincorporated area 1565
of the township under a plan adopted pursuant to section 504.19 of 1566
the Revised Code, the board of township trustees by resolution may 1567
acquire, construct, maintain, improve, repair, operate, and pay 1568
all or any part of the costs of water supply facilities or sewer 1569
improvements. If the best interests of the township and the users 1570
of the water supply facilities or sewer services so require, the 1571
board may sell or otherwise dispose of a water supply facility or 1572
sewer improvement. 1573

(B) To cover the costs of acquiring, constructing, 1574
maintaining, improving, repairing, or operating a water supply 1575
facility or sewer improvement, the board may issue general 1576
obligation bonds of the township in accordance with Chapter 133. 1577
of the Revised Code, for which the full faith and credit of the 1578
township shall be pledged. 1579

(C) For the purpose of paying costs of constructing or 1580
otherwise improving a water supply facility or sewer improvement 1581
and paying debt service charges on voted or unvoted securities of 1582
the township issued for those purposes, and for paying costs of 1583
operating, repairing, and maintaining a water supply facility or 1584
sewer improvement, the board may charge, alter, and collect rents 1585
and other charges for the use of services of a water supply 1586
facility or sewer improvement, which rents and charges if not paid 1587
when due may be certified by the township ~~clerk~~ fiscal officer to 1588
the county auditor, who shall place the same on the tax duplicate 1589
to be collected as other taxes. Those rents and charges are a lien 1590
on the property served from and after the date of entry by the 1591
county auditor on the tax duplicate. 1592

(D) The costs of constructing or otherwise improving a water 1593
supply facility or sewer improvement may include any of the 1594

following:	1595
(1) The purchase price of real estate or any interest in real estate;	1596 1597
(2) The cost of preliminary and other surveys;	1598
(3) The cost of preparing plans, specifications, profiles, and estimates;	1599 1600
(4) The cost of printing, serving, and publishing notices and any required legislation;	1601 1602
(5) The cost of all special proceedings;	1603
(6) The cost of labor and material, whether furnished by contract or otherwise;	1604 1605
(7) Interest on bonds or notes issued in anticipation of the levy or collection of special assessments;	1606 1607
(8) The total amount of damages resulting from the project that are assessed in favor of any owners of lands affected by the project and any interest on those damages;	1608 1609 1610
(9) The cost incurred in connection with the preparation, levy, and collection of the special assessments, including legal expenses incurred by reason of the project;	1611 1612 1613
(10) All contract construction costs;	1614
(11) Incidental costs connected with the project.	1615
(E) The board may adopt, amend, rescind, publish, administer, and enforce rules for the construction, maintenance, operation, protection, and use of water supply facilities and sewer services, that are considered necessary and advisable. The rules shall not be inconsistent with the laws of the state or the rules of the environmental protection agency. The board may enforce the rules by mandamus, injunction, or other legal remedy.	1616 1617 1618 1619 1620 1621 1622

Sec. 505.03. Whenever ~~he~~ the judge deems it necessary, and on 1623
application of at least twelve freeholders of the township, the 1624
judge of the county or municipal court ~~or municipal judge~~ having 1625
jurisdiction in the township who approves the bond may require 1626
additional security or the execution of a new bond. If a trustee 1627
fails, for ten days, to give additional security or execute a new 1628
bond after service of ~~such~~ the notice in writing, the office shall 1629
be declared vacant and filled as required by section 503.24 of the 1630
Revised Code. ~~Such~~ The original bond or new bond shall be 1631
deposited with the township ~~clerk~~ fiscal officer and recorded by 1632
~~him~~ the fiscal officer. 1633

Sec. 505.04. The board of township trustees shall make an 1634
inventory on the second Monday of January, each year, of all the 1635
materials, machinery, tools, and other township supplies in its 1636
possession. ~~Such~~ The inventory shall be a public record and shall 1637
be made in duplicate, one copy of which shall be filed with the 1638
~~clerk~~ fiscal officer of the board and one copy with the county 1639
engineer. 1640

Sec. 505.07. Notwithstanding any contrary provision in 1641
another section of the Revised Code, section 519.12 of the Revised 1642
Code, or any vote of the electors on a petition for zoning 1643
referendum, a township may settle any court action by a consent 1644
decree or court-approved settlement agreement which may include an 1645
agreement to rezone any property involved in the action as 1646
provided in the decree or court-approved settlement agreement 1647
without following the procedures in section 519.12 of the Revised 1648
Code and also may include township approval of a development plan 1649
for any property involved in the action as provided in the decree 1650
or court-approved settlement agreement, provided that the court 1651
makes specific findings of fact that notice has been properly made 1652

pursuant to this section and the consent decree or court-approved 1653
settlement agreement is fair and reasonable. 1654

If the subject of the consent decree or court-approved 1655
settlement agreement involves a zoning issue subject to referendum 1656
under section 519.12 of the Revised Code, the board of township 1657
trustees shall publish notice of their intent to meet and consider 1658
and take action on the decree or court-approved settlement 1659
agreement and the date and time of the meeting in a newspaper of 1660
general circulation in the township at least fifteen days before 1661
the meeting. The board shall permit members of the public to 1662
express their objections to the consent decree or court-approved 1663
settlement agreement at the meeting. Copies of the proposed 1664
consent decree or court-approved settlement agreement shall be 1665
available to the public at the township ~~clerk's~~ fiscal officer's 1666
office during normal business hours. 1667

At least ten days prior to the submission of a proposed 1668
consent decree or settlement agreement to the court for its review 1669
and consideration, the plaintiff in the action involving the 1670
consent decree or settlement agreement shall publish a notice that 1671
shall include the caption of the case, the case number, and the 1672
court in which the consent decree or settlement agreement will be 1673
filed, the intention of the parties in the action to file a 1674
consent decree or settlement agreement, and, when applicable, a 1675
description of the real property involved and the proposed change 1676
in zoning or permitted use, in a newspaper of general circulation 1677
in the township. 1678

Sec. 505.108. Except as otherwise provided in this section 1679
and unless the property involved is required to be disposed of 1680
pursuant to another section of the Revised Code, property that is 1681
unclaimed for ninety days or more shall be sold by the chief of 1682
police or other head of the organized police department of the 1683

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township, township police district, joint township police 1684
district, or office of a township constable at public auction, 1685
after notice of the sale has been provided by publication once a 1686
week for three successive weeks in a newspaper of general 1687
circulation in the county, or counties, if appropriate, in the 1688
case of a joint township police district. The proceeds of the sale 1689
shall be paid to the ~~clerk~~ fiscal officer of the township and 1690
credited to the township general fund, except that, in the case of 1691
a joint township police district, the proceeds of a sale shall be 1692
paid to the ~~clerk~~ fiscal officer of the most populous 1693
participating township and credited to the appropriate township 1694
general fund or funds according to agreement of the participating 1695
townships. 1696

If authorized to do so by a resolution adopted by the board 1697
of township trustees or, in the case of a joint township police 1698
district, each participating board of township trustees, and if 1699
the property involved is not required to be disposed of pursuant 1700
to another section of the Revised Code, the head of the 1701
department, district, or office may contribute property that is 1702
unclaimed for ninety days or more to one or more public agencies, 1703
to one or more nonprofit organizations no part of the net income 1704
of which inures to the benefit of any private shareholder or 1705
individual and no substantial part of the activities of which 1706
consists of carrying on propaganda or otherwise attempting to 1707
influence legislation, or to one or more organizations satisfying 1708
section 501(c)(3) or (c)(19) of the Internal Revenue Code of 1986. 1709

Sec. 505.11. (A) Whenever the provisions of division (B) of 1710
this section do not apply, and when, in its opinion, the township 1711
would be benefited, the board of township trustees may lease 1712
township real property to any person upon terms agreed upon by the 1713
board and the lessee. Any consideration received from ~~such a~~ the 1714
lease shall be payable, as prescribed in the lease, to the 1715

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township ~~clerk~~ fiscal officer, who shall give a receipt for the 1716
amount received and deposit it in the township general fund. 1717

(B) When, in its opinion, the township would be benefited, 1718
the board of township trustees may execute and deliver contracts 1719
or leases to mine iron ore, stone, coal, petroleum, gas, salt, and 1720
other minerals upon lands owned by the township, to any person 1721
complying with the terms prescribed by the board as to 1722
consideration, rights of way, and occupancy of ground for 1723
necessary purposes. All other matters of contract shall be such as 1724
the board considers most advantageous to the township. ~~Such~~ The 1725
contracts or leases shall be forfeited to the township for 1726
noncompliance with any of the terms set forth in the contracts or 1727
leases, and shall not operate as a conveyance of the fee to any 1728
part of the realty. No contract or lease for the drilling or 1729
operation of a petroleum or gas well shall be valid for a longer 1730
term than forty years from the date of the contract or lease, and 1731
no contract or lease for the mining of iron ore, stone, coal, 1732
salt, or other minerals shall be valid for a longer term than 1733
fifteen years from that date. The consideration for the contracts 1734
and leases shall be ~~such~~ rental or royalty as is prescribed by the 1735
board, and shall be payable, as prescribed in the contract or 1736
lease, at least once a year to the township ~~clerk~~ fiscal officer, 1737
who shall give a receipt for ~~such~~ the amount and deposit it in the 1738
township general fund. 1739

Sec. 505.17. (A) Except in a township or portion ~~thereof~~ of a 1740
township that is within the limits of a municipal corporation, the 1741
board of township trustees may make ~~such~~ regulations and orders as 1742
are necessary to control passenger car, motorcycle, and internal 1743
combustion engine noise, as permitted under section 4513.221 of 1744
the Revised Code, and all vehicle parking in the township. This 1745
authorization includes, among other powers, the power to regulate 1746
parking on established roadways proximate to buildings on private 1747

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property as necessary to provide access to the property by public safety vehicles and equipment, if the property is used for commercial purposes, the public is permitted to use ~~such~~ the parking area, and accommodation for more than ten motor vehicles is provided, and the power to authorize the issuance of orders limiting or prohibiting parking on any township street or highway during a snow emergency declared pursuant to a snow-emergency authorization adopted under this division. All such regulations and orders shall be subject to the limitations, restrictions, and exceptions in sections 4511.01 to 4511.76 and 4513.02 to 4513.37 of the Revised Code.

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

(B)(1) All regulations and orders, including any snow-emergency authorization established by the board under this section, except for an order declaring a snow emergency as provided in division (B)(2) of this section, shall be posted by the township ~~clerk~~ fiscal officer in five conspicuous public places in the township for thirty days before becoming effective, and shall be published in a newspaper of general circulation in the township for three consecutive weeks. In addition to these requirements, no general snow-emergency authorization shall become effective until permanent signs giving notice that parking is limited or prohibited during a snow emergency are properly posted,

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in accordance with any applicable standards adopted by the 1780
department of transportation, along streets or highways specified 1781
in the authorization. 1782

(2) Pursuant to the adoption of a snow-emergency 1783
authorization under this section, an order declaring a snow 1784
emergency becomes effective two hours after the president of the 1785
board or the other person specified in the general snow-emergency 1786
authorization makes an announcement of a snow emergency to the 1787
local news media. The president or other specified person shall 1788
request the local news media to announce that a snow emergency has 1789
been declared, the time the declaration will go into effect, and 1790
whether the snow emergency will remain in effect for a specified 1791
period of time or indefinitely until canceled by a subsequent 1792
announcement to the local news media by the president or other 1793
specified person. 1794

(C) Such regulations and orders may be enforced where traffic 1795
control devices conforming to section 4511.09 of the Revised Code 1796
are prominently displayed. Parking regulations authorized by this 1797
section do not apply to any state highway unless the parking 1798
regulations are approved by the director of transportation. 1799

(D) A board of township trustees or its designated agent may 1800
order into storage any vehicle parked in violation of a township 1801
parking regulation or order, if the violation is not one that is 1802
required to be handled pursuant to Chapter 4521. of the Revised 1803
Code. The owner or any lienholder of a vehicle ordered into 1804
storage may claim the vehicle upon presentation of proof of 1805
ownership, which may be evidenced by a certificate of title to the 1806
vehicle, and payment of all expenses, charges, and fines incurred 1807
as a result of the parking violation and removal and storage of 1808
the vehicle. 1809

(E) Whoever violates any regulation or order adopted pursuant 1810
to this section is guilty of a minor misdemeanor, unless the 1811

township has enacted a regulation pursuant to division (A) of 1812
section 4521.02 of the Revised Code, that specifies that the 1813
violation shall not be considered a criminal offense and shall be 1814
handled pursuant to Chapter 4521. of the Revised Code. Fines 1815
levied and collected under this section shall be paid into the 1816
township general revenue fund. 1817

Sec. 505.24. Each township trustee is entitled to 1818
compensation as follows: 1819

(A) Except as otherwise provided in division (B) of this 1820
section, an amount for each day of service in the business of the 1821
township, to be paid from the township treasury as follows: 1822

(1) In townships having a budget of fifty thousand dollars or 1823
less, twenty dollars per day for not more than two hundred days; 1824

(2) In townships having a budget of more than fifty thousand 1825
but not more than one hundred thousand dollars, twenty-four 1826
dollars per day for not more than two hundred days; 1827

(3) In townships having a budget of more than one hundred 1828
thousand but not more than two hundred fifty thousand dollars, 1829
twenty-eight dollars and fifty cents per day for not more than two 1830
hundred days; 1831

(4) In townships having a budget of more than two hundred 1832
fifty thousand but not more than five hundred thousand dollars, 1833
thirty-three dollars per day for not more than two hundred days; 1834

(5) In townships having a budget of more than five hundred 1835
thousand but not more than seven hundred fifty thousand dollars, 1836
thirty-five dollars per day for not more than two hundred days; 1837

(6) In townships having a budget of more than seven hundred 1838
fifty thousand but not more than one million five hundred thousand 1839
dollars, forty dollars per day for not more than two hundred days; 1840

(7) In townships having a budget of more than one million 1841
five hundred thousand but not more than three million five hundred 1842
thousand dollars, forty-four dollars per day for not more than two 1843
hundred days; 1844

(8) In townships having a budget of more than three million 1845
five hundred thousand dollars but not more than six million 1846
dollars, forty-eight dollars per day for not more than two hundred 1847
days; 1848

(9) In townships having a budget of more than six million 1849
dollars, fifty-two dollars per day for not more than two hundred 1850
days. 1851

(B) Beginning in calendar year 1999, the amounts paid as 1852
specified in division (A) of this section shall be replaced by the 1853
following amounts: 1854

(1) In calendar year 1999, the amounts specified in division 1855
(A) of this section increased by three per cent; 1856

(2) In calendar year 2000, the amounts determined under 1857
division (B)(1) of this section increased by three per cent; 1858

(3) In calendar year 2001, the amounts determined under 1859
division (B)(2) of this section increased by three per cent; 1860

(4) In calendar year 2002, except in townships having a 1861
budget of more than six million dollars, the amounts determined 1862
under division (B)(3) of this section increased by three per cent; 1863
in townships having a budget of more than six million but not more 1864
than ten million dollars, seventy dollars per day for not more 1865
than two hundred days; and in townships having a budget of more 1866
than ten million dollars, ninety dollars per day for not more than 1867
two hundred days; 1868

(5) In calendar years 2003 through 2008, the amounts 1869
determined under division (B) of this section for the immediately 1870

preceding calendar year increased by the lesser of the following:	1871
(a) Three per cent;	1872
(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;	1873 1874 1875 1876
(6) In calendar year 2009 and thereafter, the amount determined under division (B) of this section for calendar year 2008.	1877 1878 1879
As used in division (B) of this section, "consumer price index" has the same meaning as in section 325.18 of the Revised Code.	1880 1881 1882
(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 <u>fiscal officer</u> 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 <u>fiscal officer</u> and preserved for inspection by any persons interested.	1883 1884 1885 1886 1887 1888 1889 1890 1891 1892 1893
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	1894 1895 1896 1897 1898 1899 1900 1901

annually by a trustee if the trustee were paid on a per diem basis 1902
as specified in this division, and shall be paid from the township 1903
general fund or from other township funds in such proportions as 1904
the board may specify by resolution. A board of township trustees 1905
that has adopted a salary method of compensation may return to a 1906
method of compensation on a per diem basis as specified in this 1907
division by a majority vote. Any change in the method of 1908
compensation shall be effective on the first day of January of the 1909
year following the year during which the board has voted to change 1910
the method of compensation. 1911

Sec. 505.262. (A) Notwithstanding division (D) of section 1912
505.37 of the Revised Code or any other statute of this state, the 1913
board of township trustees of any township, by unanimous vote, may 1914
adopt a resolution allowing the township to contract for the 1915
purchase of equipment, buildings, and sites, or for the 1916
construction of buildings, for any lawful township purpose. The 1917
board may issue, by resolution adopted by unanimous vote, 1918
securities of the township to finance purchases and construction 1919
made pursuant to this division. The securities shall be signed by 1920
the board and attested by the signature of the township ~~clerk~~ 1921
fiscal officer, and the maximum maturity of those securities is 1922
subject to the limitations in section 133.20 of the Revised Code. 1923
The securities shall bear interest not to exceed the rate 1924
determined as provided in section 9.95 of the Revised Code and 1925
shall not be subject to Chapter 133. of the Revised Code. The 1926
resolution authorizing the issuance of the securities shall 1927
provide for levying and collecting annually by taxation, amounts 1928
sufficient to pay the interest on and principal of the securities. 1929
The securities may contain a clause permitting prepayment at the 1930
option of the board. Securities shall be offered for sale on the 1931
open market or given to the vendor or contractor if no sale is 1932
made. 1933

(B) No purchase or construction pursuant to division (A) of 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 of solid wastes under section 505.27 of the Revised Code, the contract may provide for the independent contractor to collect and keep the service charges for the waste disposal services the contractor provides.

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

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

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

Contracts for ~~such~~ the improvements shall be made in the same

manner as other contracts. Vouchers to pay ~~such~~ for the contracts, 1995
or for any portion of the cost of the improvements, shall be drawn 1996
by ~~such~~ the board or officers upon the township ~~clerk~~ fiscal 1997
officer, who shall keep an accurate account of moneys so expended, 1998
~~and the.~~ The funds created by the sale of bonds for viaduct 1999
purposes shall be known as the "viaduct fund." 2000

Sec. 505.37. (A) The board of township trustees may establish 2001
all necessary rules to guard against the occurrence of fires and 2002
to protect the property and lives of the citizens against damage 2003
and accidents, and may, with the approval of the specifications by 2004
the prosecuting attorney or, if the township has adopted limited 2005
home rule government under Chapter 504. of the Revised Code, with 2006
the approval of the specifications by the township's law director, 2007
purchase, lease, lease with an option to purchase, or otherwise 2008
provide any fire apparatus, mechanical resuscitators, or other 2009
equipment, appliances, materials, fire hydrants, and water supply 2010
for fire-fighting purposes that seems advisable to the board. The 2011
board shall provide for the care and maintenance of fire 2012
equipment, and, for these purposes, may purchase, lease, lease 2013
with an option to purchase, or construct and maintain necessary 2014
buildings, and it may establish and maintain lines of fire-alarm 2015
communications within the limits of the township. The board may 2016
employ one or more persons to maintain and operate fire-fighting 2017
equipment, or it may enter into an agreement with a volunteer fire 2018
company for the use and operation of fire-fighting equipment. The 2019
board may compensate the members of a volunteer fire company on 2020
any basis and in any amount that it considers equitable. 2021

(B) The boards of township trustees of any two or more 2023
townships, or the legislative authorities of any two or more 2024
political subdivisions, or any combination ~~thereof~~ of these, may, 2025
through joint action, unite in the joint purchase, lease, lease 2026

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with an option to purchase, maintenance, use, and operation of 2027
fire-fighting equipment, or for any other purpose designated in 2028
sections 505.37 to 505.42 of the Revised Code, and may prorate the 2029
expense of the joint action on any terms that are mutually agreed 2030
upon. 2031

(C) The board of township trustees of any township may, by 2032
resolution, whenever it is expedient and necessary to guard 2033
against the occurrence of fires or to protect the property and 2034
lives of the citizens against damages resulting from their 2035
occurrence, create a fire district of any portions of the township 2036
that it considers necessary. The board may purchase, lease, lease 2037
with an option to purchase, or otherwise provide any fire 2038
apparatus, appliances, materials, fire hydrants, and water supply 2039
for fire-fighting purposes, or may contract for the fire 2040
protection for the fire district as provided in section 9.60 of 2041
the Revised Code. The fire district so created shall be given a 2042
separate name by which it shall be known. 2043

Additional unincorporated territory of the township may be 2044
added to a fire district upon the board's adoption of a resolution 2045
authorizing the addition. A municipal corporation that is within 2046
or adjoining the township may be added to a fire district upon the 2047
board's adoption of a resolution authorizing the addition and the 2048
municipal legislative authority's adoption of a resolution or 2049
ordinance requesting the addition of the municipal corporation to 2050
the fire district. 2051

If the township fire district imposes a tax, additional 2052
unincorporated territory of the township or a municipal 2053
corporation that is within or adjoining the township shall become 2054
part of the fire district only after all of the following have 2055
occurred: 2056

(1) Adoption by the board of township trustees of a 2057
resolution approving the expansion of the territorial limits of 2058

the district and, if the resolution proposes to add a municipal
corporation, adoption by the municipal legislative authority of a
resolution or ordinance requesting the addition of the municipal
corporation to the district;

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

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

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

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

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

If the question is approved by at least a majority of the
electors voting on it, the joinder shall be effective as of the

first day of July of the year following approval, and on that 2090
date, the township fire district tax shall be extended to the 2091
taxable property within the territory that has been added. If the 2092
territory that has been added is a municipal corporation and if it 2093
had adopted a tax levy for fire purposes, the levy is terminated 2094
on the effective date of the joinder. 2095

Any municipal corporation may withdraw from a township fire 2096
district created under division (C) of this section by the 2097
adoption by the municipal legislative authority of a resolution or 2098
ordinance ordering withdrawal. On the first day of July of the 2099
year following the adoption of the resolution or ordinance of 2100
withdrawal, the municipal corporation withdrawing ceases to be a 2101
part of the district, and the power of the fire district to levy a 2102
tax upon taxable property in the withdrawing municipal corporation 2103
terminates, except that the fire district shall continue to levy 2104
and collect taxes for the payment of indebtedness within the 2105
territory of the fire district as it was composed at the time the 2106
indebtedness was incurred. 2107

Upon the withdrawal of any municipal corporation from a 2108
township fire district created under division (C) of this section, 2109
the county auditor shall ascertain, apportion, and order a 2110
division of the funds on hand, moneys and taxes in the process of 2111
collection except for taxes levied for the payment of 2112
indebtedness, credits, and real and personal property, either in 2113
money or in kind, on the basis of the valuation of the respective 2114
tax duplicates of the withdrawing municipal corporation and the 2115
remaining territory of the fire district. 2116

A board of township trustees may remove unincorporated 2117
territory of the township from the fire district upon the adoption 2118
of a resolution authorizing the removal. On the first day of July 2119
of the year following the adoption of the resolution, the 2120
unincorporated township territory described in the resolution 2121

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
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.

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

The board of township trustees, board of fire district
trustees, or legislative authority may issue the securities of the
township, fire district, or municipal corporation, signed by the
board or designated officer of the municipal corporation and
attested by the signature of the township fiscal officer, fire
district clerk, or municipal clerk, covering any deferred payments
and payable at the times provided, which 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 legislation 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 shall be offered for

sale on the open market or given to the vendor or contractor if no 2154
sale is made. 2155

Section 505.40 of the Revised Code does not apply to any 2156
securities issued, or any lease with an option to purchase entered 2157
into, in accordance with this division. 2158

(E) A board of township trustees of any township or a board 2159
of fire district trustees of a fire district created under section 2160
505.371 of the Revised Code may purchase a policy or policies of 2161
liability insurance for the officers, employees, and appointees of 2162
the fire department, fire district, or joint fire district 2163
governed by the board that includes personal injury liability 2164
coverage as to the civil liability of those officers, employees, 2165
and appointees for false arrest, detention, or imprisonment, 2166
malicious prosecution, libel, slander, defamation or other 2167
violation of the right of privacy, wrongful entry or eviction, or 2168
other invasion of the right of private occupancy, arising out of 2169
the performance of their duties. 2170

When a board of township trustees cannot, by deed of gift or 2171
by purchase and upon terms it considers reasonable, procure land 2172
for a township fire station that is needed in order to respond in 2173
reasonable time to a fire or medical emergency, the board may 2174
appropriate land for that purpose under sections 163.01 to 163.22 2175
of the Revised Code. If it is necessary to acquire additional 2176
adjacent land for enlarging or improving the fire station, the 2177
board may purchase, appropriate, or accept a deed of gift for the 2178
land for these purposes. 2179

(F) As used in this division, "emergency medical service 2180
organization" has the same meaning as in section 4766.01 of the 2181
Revised Code. 2182

A board of township trustees, by adoption of an appropriate 2183
resolution, may choose to have the Ohio medical transportation 2184

board license any emergency medical service organization it 2185
operates. If the board adopts such a resolution, Chapter 4766. of 2186
the Revised Code, except for sections 4766.06 and 4766.99 of the 2187
Revised Code, applies to the organization. All rules adopted under 2188
the applicable sections of that chapter also apply to the 2189
organization. A board of township trustees, by adoption of an 2190
appropriate resolution, may remove its emergency medical service 2191
organization from the jurisdiction of the Ohio medical 2192
transportation board. 2193

Sec. 505.373. The ~~township~~ board of township trustees may, by 2194
resolution, adopt by incorporation by reference a standard code 2195
pertaining to fire, fire hazards, and fire prevention prepared and 2196
promulgated by the state or any department, board, or other agency 2197
of the state, or any such code prepared and promulgated by a 2198
public or private organization that publishes a model or standard 2199
code. 2200

After the adoption of ~~such a~~ the code by the board, a notice 2201
clearly identifying the code, stating the purpose of the code, and 2202
stating that a complete copy of the code is on file with the 2203
township ~~clerk~~ fiscal officer for inspection by the public and 2204
also on file in the law library of the county in which the 2205
township is located and that the ~~clerk~~ fiscal officer has copies 2206
available for distribution to the public at cost, shall be posted 2207
by the ~~township clerk~~ fiscal officer in five conspicuous places in 2208
the township for thirty days before becoming effective. The notice 2209
required by this section shall also be published in a newspaper of 2210
general circulation in the township once a week for three 2211
consecutive weeks. If the adopting township amends or deletes any 2212
provision of the code, the notice shall contain a brief summary of 2213
the deletion or amendment. 2214

If the agency that originally promulgated or published the 2215

code thereafter amends the code, any township that has adopted the 2216
code pursuant to this section may adopt the amendment or change by 2217
incorporation by reference in the same manner as provided for 2218
adoption of the original code. 2219

Sec. 505.47. The board of township trustees may pay the cost 2220
of the construction, rebuilding, or repair of footbridges 2221
authorized by section 505.46 of the Revised Code out of any funds, 2222
unappropriated for any other purpose, in the township treasury. 2223
~~Should~~ If there be no funds in the township treasury available for 2224
~~such these~~ purposes, ~~then such~~ the board may levy a tax for the 2225
purpose of procuring the necessary funds for the construction, 2226
rebuilding, or repair of ~~such the~~ footbridges, ~~which.~~ The tax 2227
shall be levied upon all of the taxable property in the township, 2228
and shall be certified, levied, and collected in the manner 2229
prescribed for other township taxes. The money so raised shall be 2230
paid over to the township ~~clerk~~ fiscal officer, and ~~by him~~ paid 2231
the fiscal officer shall pay it out on the order of the board, 2232
certified by ~~such clerk~~ the fiscal officer. ~~Such~~ 2233

The tax shall not be levied until it has been approved by a 2234
majority of the qualified voters of the township, voting at any 2235
election at which the question shall be submitted. The 2236

~~Said~~ election shall be called at a regular meeting of the 2237
board and shall be held within thirty days from the date of the 2238
resolution of the board calling ~~the same~~ for it. Twenty days' 2239
notice of ~~said the~~ election shall be given by the posting of 2240
notices, by the ~~clerk,~~ fiscal officer in ten public places of the 2241
township. Provisions for holding the election shall be made by the 2242
board of elections, upon receiving notice from the ~~clerk~~ fiscal 2243
officer of the date and purpose of ~~said the~~ election. 2244

Sec. 505.511. (A) A board of township trustees that operates 2245

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a township police department or the board of township trustees of 2246
a township police district may, after police constables, the 2247
township police, a law enforcement agency with which the township 2248
contracts for police services, and the county sheriff or the 2249
sheriff's deputy have answered a combined total of three false 2250
alarms from the same commercial or residential security alarm 2251
system within the township in the same calendar year, cause the 2252
township ~~clerk~~ fiscal officer to mail the manager of the 2253
commercial establishment or the occupant, lessee, agent, or tenant 2254
of the residence a bill for each subsequent false alarm from the 2255
same alarm system during that year, to defray the costs incurred. 2256
The bill's amount shall be as follows: 2257

(1) For the fourth false alarm of that year\$50.00; 2258

(2) For the fifth false alarm of that year\$100.00; 2259

(3) For all false alarms in that year occurring after the 2260
fifth false alarm\$150.00. 2261

If payment of the bill is not received within thirty days, 2262
the township ~~clerk~~ fiscal officer shall send a notice by certified 2263
mail to the manager and to the owner, if different, of the real 2264
estate of which the commercial establishment is a part, or to the 2265
occupant, lessee, agent, or tenant and to the owner, if different, 2266
of the real estate of which the residence is a part, indicating 2267
that failure to pay the bill within thirty days, or to show just 2268
cause why the bill should not be paid, will result in the 2269
assessment of a lien upon the real estate in the amount of the 2270
bill. If payment is not received within those thirty days or if 2271
just cause is not shown, the amount of the bill shall be entered 2272
upon the tax duplicate, shall be a lien upon the real estate from 2273
the date of the entry, and shall be collected as other taxes and 2274
returned to the township treasury to be earmarked for use for 2275
police services. 2276

The board of township trustees shall not cause the township
clerk* fiscal officer to send a bill pursuant to this division if a
bill has already been sent pursuant to division (B) of this
section for the same false alarm.

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

- (1) For the fourth false alarm of that year\$50.00;
- (2) For the fifth false alarm of that year\$100.00;
- (3) For all false alarms in that year occurring after the
fifth false alarm\$150.00.

If payment of the bill is not received within thirty days,
the sheriff shall send a notice by certified mail to the manager
and to the owner, if different, of the real estate of which the
commercial establishment is a part, or to the occupant, lessee,
agent, or tenant and to the owner, if different, of the real
estate of which the residence is a part, indicating that failure
to pay the bill within thirty days, or to show just cause why the
bill should not be paid, will result in the assessment of a lien
upon the real estate in the amount of the bill. If payment is not
received within those thirty days or if just cause is not shown,
the amount of the bill shall be entered upon the tax duplicate,
shall be a lien upon the real estate from the date of the entry,

and shall be collected as other taxes and returned to the county treasury. 2308
2309

The sheriff shall not send a bill pursuant to this division if a bill has already been sent pursuant to division (A) of this section for the same false alarm. 2310
2311
2312

(C) As used in this section, "commercial establishment" has the same meaning as in section 505.391 of the Revised Code. 2313
2314

Sec. 505.73. (A) The board of township trustees may, by resolution, adopt by incorporation by reference, administer, and enforce within the unincorporated area of the township an existing structures code pertaining to the repair and continued maintenance of structures and the premises of those structures. For that purpose, the board shall adopt any model or standard code prepared and promulgated by this state, any department, board, or agency of this state, or any public or private organization that publishes a recognized model or standard code on the subject. The board shall ensure that the code adopted governs subject matter not addressed by the state residential building code and that it is fully compatible with the state residential and nonresidential building codes the board of building standards adopts pursuant to section 3781.10 of the Revised Code. 2315
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(B) The board shall assign the duties of administering and enforcing the existing structures code to a township officer or employee who is trained and qualified for those duties and shall establish by resolution the minimum qualifications necessary to perform those duties. 2329
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(C)(1) After the board adopts an existing structures code, the township ~~clerk~~ fiscal officer shall post a notice that clearly identifies the code, states the code's purpose, and states that a complete copy of the code is on file for inspection by the public 2334
2335
2336
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with the ~~township clerk~~ fiscal officer and in the county law 2338
library and that the ~~clerk~~ fiscal officer has copies available for 2339
distribution to the public at cost. 2340

(2) The township ~~clerk~~ fiscal officer shall post the notice 2341
in five conspicuous places in the township for thirty days before 2342
the code becomes effective and shall publish the notice in a 2343
newspaper of general circulation in the township for three 2344
consecutive weeks. If the adopting township amends or deletes any 2345
provision of the code, the notice shall contain a brief summary of 2346
the deletion or amendment. 2347

(D) If the agency that originally promulgated or published 2348
the existing structures code amends the code, the board may adopt 2349
the amendment or change by incorporation by reference in the 2350
manner provided for the adoption of the original code. 2351

Sec. 505.86. (A) As used in this section, "total cost" means 2352
any costs incurred due to the use of employees, materials, or 2353
equipment of the township, any costs arising out of contracts for 2354
labor, materials, or equipment, and costs of service of notice or 2355
publication required under this section. 2356

(B) A board of township trustees may provide for the removal, 2357
repair, or securance of buildings or other structures in the 2358
township that have been declared insecure, unsafe, or structurally 2359
defective by any fire department under contract with the township 2360
or by the county building department or other authority 2361
responsible under Chapter 3781. of the Revised Code for the 2362
enforcement of building regulations or the performance of building 2363
inspections in the township, or buildings or other structures that 2364
have been declared unfit for human habitation by the board of 2365
health of the general health district of which the township is a 2366
part. 2367

At least thirty days prior to the removal, repair, or 2368

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

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

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

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

(D) Any board may, whenever a policy or policies of insurance
 are in force providing coverage against the peril of fire on a

building or structure and the loss agreed to between the named 2400
insured or insureds and the company or companies is more than five 2401
thousand dollars and equals or exceeds sixty per cent of the 2402
aggregate limits of liability on all fire policies covering the 2403
building or structure on the property, accept security payments 2404
and follow the procedures of divisions (C) and (D) of section 2405
3929.86 of the Revised Code. 2406

Sec. 507.01. A township ~~clerk~~ fiscal officer shall be elected 2407
at the general election in ~~1951~~ 2007, and quadrennially thereafter 2408
in each township, and ~~he~~ the fiscal officer shall hold ~~his~~ office 2409
for a term of four years commencing on the first day of April next 2410
after ~~his~~ election. 2411

Sec. 507.02. When a township ~~clerk~~ fiscal officer is unable 2412
to carry out the duties of ~~his~~ office because of illness, because 2413
~~he has entered~~ of entering the military service of the United 2414
States, or because ~~he~~ the fiscal officer is otherwise 2415
incapacitated or disqualified, the board of township trustees 2416
shall appoint a deputy ~~clerk~~ fiscal officer, who shall have full 2417
power to discharge the duties of ~~such~~ the office. ~~Such~~ The deputy 2418
~~clerk~~ fiscal officer shall serve during the period of time the 2419
~~clerk~~ fiscal officer is absent or incapacitated, or until a 2420
successor ~~clerk~~ fiscal officer is elected and qualified. Before 2421
entering on the discharge of ~~his~~ official duties, the deputy ~~clerk~~ 2422
fiscal officer shall give bond, for the faithful discharge of ~~his~~ 2423
official duties, as required under section 507.03 of the Revised 2424
Code. The board shall, by resolution, adjust and determine the 2425
compensation of the ~~clerk~~ fiscal officer and deputy ~~clerk~~ fiscal 2426
officer. The total compensation of both the ~~clerk~~ fiscal officer 2427
and any deputy ~~clerk~~ fiscal officer shall not exceed the sums 2428
fixed by section 507.09 of the Revised Code in any one year. 2429

Sec. 507.021. (A) The township ~~clerk~~ fiscal officer may hire 2430
and appoint one or more persons as the ~~clerk~~ fiscal officer finds 2431
necessary to provide assistance to the township ~~clerk~~ fiscal 2432
officer or deputy ~~clerk~~ fiscal officer. The township ~~clerk~~ fiscal 2433
officer may set the compensation of those persons subject to the 2434
prior approval of the board of township trustees. Those persons 2435
shall serve at the pleasure of the township ~~clerk~~ fiscal officer 2436
or, in the absence of the ~~clerk~~ township fiscal officer, the 2437
deputy ~~clerk~~ fiscal officer. The township ~~clerk~~ fiscal officer may 2438
delegate to an assistant any of the duties the ~~clerk~~ fiscal 2439
officer is otherwise required to perform. The appointment of 2440
assistants under this section does not relieve the township ~~clerk~~ 2441
fiscal officer of responsibility to discharge the duties of the 2442
office but shall serve to provide assistance to the ~~clerk~~ fiscal 2443
officer in performing those duties. 2444

(B) The compensation of an assistant appointed under this 2445
section shall be included in the estimate of contemplated 2446
expenditures for the township ~~clerk's~~ fiscal officer's office that 2447
is submitted to the board of township trustees for approval as 2448
provided in section 5705.28 of the Revised Code. 2449

(C) Before serving, an assistant to the township ~~clerk~~ fiscal 2450
officer shall give bond for the faithful discharge of the duties 2451
of the office as may be delegated by the ~~clerk~~ fiscal officer. The 2452
bond shall be payable to the board of township trustees and shall 2453
be for the same sum as required under section 507.03 of the 2454
Revised Code for the township ~~clerk~~ fiscal officer, with sureties 2455
approved by the board, and conditioned for the faithful 2456
performance of duties delegated by the ~~clerk~~ fiscal officer. The 2457
bond shall be recorded by the township ~~clerk~~ fiscal officer, filed 2458
with the county treasurer, and carefully preserved. 2459

Sec. 507.03. The township ~~clerk~~ fiscal officer, before 2460
entering upon the discharge of official duties, shall give a bond, 2461
payable to the board of township trustees, with sureties approved 2462
by the board, in the sum determined by the board but not less than 2463
the sum provided in this section, and conditioned for the faithful 2464
performance of the duties of the office of township ~~clerk~~ fiscal 2465
officer. This bond shall be recorded by the ~~clerk~~ township fiscal 2466
officer, filed with the county treasurer, and carefully preserved. 2467

The minimum sum of the township ~~clerk's~~ fiscal officer's bond 2468
shall be as follows: 2469

(A) In a township with a budget of fifty thousand dollars or 2470
less, ten thousand dollars; 2471

(B) In a township with a budget of more than fifty thousand 2472
dollars but not more than one hundred thousand dollars, 2473
thirty-five thousand dollars; 2474

(C) In a township with a budget of more than one hundred 2475
thousand dollars but not more than two hundred fifty thousand 2476
dollars, sixty thousand dollars; 2477

(D) In a township with a budget of more than two hundred 2478
fifty thousand dollars but not more than five hundred thousand 2479
dollars, eighty-five thousand dollars; 2480

(E) In a township with a budget of more than five hundred 2481
thousand dollars but not more than seven hundred fifty thousand 2482
dollars, one hundred ten thousand dollars; 2483

(F) In a township with a budget of more than seven hundred 2484
fifty thousand dollars but not more than one million five hundred 2485
thousand dollars, one hundred thirty-five thousand dollars; 2486

(G) In a township with a budget of more than one million five 2487
hundred thousand dollars but not more than three million five 2488
hundred thousand dollars, one hundred sixty thousand dollars; 2489

(H) In a township with a budget of more than three million 2490
five hundred thousand dollars but not more than six million 2491
dollars, one hundred ninety-five thousand dollars; 2492

(I) In a township with a budget of more than six million 2493
dollars but not more than ten million dollars, two hundred twenty 2494
thousand dollars; 2495

(J) In a township with a budget of more than ten million 2496
dollars, two hundred fifty thousand dollars. 2497

Sec. 507.04. (A) The township ~~clerk~~ fiscal officer shall keep 2498
an accurate record of the proceedings of the board of township 2499
trustees at all of its meetings, and of all its accounts and 2500
transactions, including the acceptance of the bonds of township 2501
officers. The ~~clerk~~ township fiscal officer shall personally 2502
attend at least one meeting of the board during each quarter of 2503
every year, unless prevented by the occurrence of an emergency 2504
from attending. 2505

(B) In any township where the ~~clerk~~ township fiscal officer 2506
does not keep the township's records in a public facility, the 2507
board of township trustees, once each quarter of each year, may 2508
request the ~~clerk~~ fiscal officer to provide the board with copies 2509
of township records for its review. If the board makes such a 2510
request, it shall tell the ~~clerk~~ township fiscal officer which 2511
records it wants copies of by indicating the dates or types of the 2512
records it is requesting. A request made under this section does 2513
not diminish any trustee's right to inspect township records under 2514
division (B) of section 149.43 of the Revised Code. 2515

Sec. 507.05. The township ~~clerk~~ fiscal officer shall, in 2516
addition to the books for the record of the proceedings of the 2517
board of township trustees, be provided by the township with a 2518
book for the record of township roads, a book for the record of 2519

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marks and brands, and a book for the record of official oaths and 2520
bonds of township officers. 2521

Sec. 507.051. The ~~clerk~~ fiscal officer of a township shall 2522
notify the board of elections of all vacancies caused by death, 2523
resignation, or otherwise in the elective offices of the township. 2524
~~Such~~ The notification shall be made in writing and filed, not 2525
later than ten days after ~~the~~ a vacancy occurs, with the board of 2526
elections of the county in which the township is located. 2527

The ~~clerk~~ fiscal officer of a township shall notify the board 2528
of elections of all changes in boundaries of that township. ~~Such~~ 2529
The notification shall be made in writing ~~and~~, contain a plat 2530
clearly showing all boundary changes, and ~~shall~~ be filed, not 2531
later than ten days after the change of boundaries becomes 2532
effective, with the board of ~~election~~ elections of the county in 2533
which the township is located. 2534

Sec. 507.06. The township ~~clerk~~ fiscal officer may administer 2535
oaths, and take and certify affidavits ~~which, that~~ that pertain to the 2536
business of ~~his~~ the township or of the board of education of ~~his~~ 2537
the fiscal officer's local school district, or are connected with 2538
the official business of either the township or the local school 2539
district, including the official oaths of township and school 2540
officers, and oaths required in the execution, verification, and 2541
renewal of ~~chattel mortgages~~ security interests. 2542

Sec. 507.07. Immediately after the township officers have 2543
made their annual settlement of accounts, the township ~~clerk~~ 2544
fiscal officer shall make and enter in the record of the 2545
proceedings of the board of township trustees, a detailed 2546
statement of the receipts and expenditures of the township for the 2547
preceding year, the amount of money received and expended for such 2548
purposes in each ~~such~~ district in the township, and the receipts 2549

and expenditures of the board of education of the local school 2550
district. ~~Such clerk~~ The fiscal officer shall state from what 2551
source the moneys were received, to whom they were paid, for what 2552
they were expended, and, in detail, all liabilities. On the 2553
morning of the first Tuesday after the first Monday in November, 2554
each year, the ~~clerk~~ fiscal officer shall post a copy of ~~such the~~ 2555
statement at each place of holding township elections. 2556

Sec. 507.08. Official bonds of constables, as soon as 2557
approved by the board of township trustees, and before being 2558
filed, shall be recorded by the township ~~clerk~~ fiscal officer in 2559
the book kept for that purpose. 2560

A copy of such a recorded bond, certified by the ~~clerk~~ fiscal 2561
officer, shall be admitted in any court in this state, as 2562
evidence, the same as the original bond. 2563

For recording such a bond, the ~~clerk~~ fiscal officer shall 2564
receive the sum of fifty cents from the party giving the bond, and 2565
for each copy ~~he~~ of such a bond, the fiscal officer shall receive 2566
the same fee from the party demanding ~~such the~~ copy. 2567

Sec. 507.09. (A) Except as otherwise provided in division (D) 2568
of this section, the township ~~clerk~~ fiscal officer shall be 2569
entitled to compensation as follows: 2570

(1) In townships having a budget of fifty thousand dollars or 2571
less, three thousand five hundred dollars; 2572

(2) In townships having a budget of more than fifty thousand 2573
but not more than one hundred thousand dollars, five thousand five 2574
hundred dollars; 2575

(3) In townships having a budget of more than one hundred 2576
thousand but not more than two hundred fifty thousand dollars, 2577
seven thousand seven hundred dollars; 2578

(4) In townships having a budget of more than two hundred	2579
fifty thousand but not more than five hundred thousand dollars,	2580
nine thousand nine hundred dollars;	2581
(5) In townships having a budget of more than five hundred	2582
thousand but not more than seven hundred fifty thousand dollars,	2583
eleven thousand dollars;	2584
(6) In townships having a budget of more than seven hundred	2585
fifty thousand but not more than one million five hundred thousand	2586
dollars, thirteen thousand two hundred dollars;	2587
(7) In townships having a budget of more than one million	2588
five hundred thousand but not more than three million five hundred	2589
thousand dollars, fifteen thousand four hundred dollars;	2590
(8) In townships having a budget of more than three million	2591
five hundred thousand dollars but not more than six million	2592
dollars, sixteen thousand five hundred dollars;	2593
(9) In townships having a budget of more than six million	2594
dollars, seventeen thousand six hundred dollars.	2595
(B) Any township clerk <u>fiscal officer</u> may elect to receive	2596
less than the compensation the clerk <u>fiscal officer</u> is entitled to	2597
under division (A) of this section. Any clerk <u>township fiscal</u>	2598
<u>officer</u> electing to do this shall so notify the board of township	2599
trustees in writing, and the board shall include this notice in	2600
the minutes of its next board meeting.	2601
(C) The compensation of the township clerk <u>fiscal officer</u>	2602
shall be paid in equal monthly payments. If the office of clerk	2603
<u>township fiscal officer</u> is held by more than one person during any	2604
calendar year, each person holding the office shall receive	2605
payments for only those months, and any fractions of those months,	2606
during which the person holds the office.	2607
(D) Beginning in calendar year 1999, the township clerk	2608

fiscal officer shall be entitled to compensation as follows: 2609

(1) In calendar year 1999, the compensation specified in 2610
division (A) of this section increased by three per cent; 2611

(2) In calendar year 2000, the compensation determined under 2612
division (D)(1) of this section increased by three per cent; 2613

(3) In calendar year 2001, the compensation determined under 2614
division (D)(2) of this section increased by three per cent; 2615

(4) In calendar year 2002, except in townships having a 2616
budget of more than six million dollars, the compensation 2617
determined under division (D)(3) of this section increased by 2618
three per cent; in townships having a budget of more than six 2619
million but not more than ten million dollars, nineteen thousand 2620
eight hundred ten dollars; and in townships having a budget of 2621
more than ten million dollars, twenty thousand nine hundred 2622
dollars; 2623

(5) In calendar year 2003, the compensation determined under 2624
division (D)(4) of this section increased by three per cent or the 2625
percentage increase in the consumer price index as described in 2626
division (D)(7)(b) of this section, whichever percentage is lower; 2627

(6) In calendar year 2004, except in townships having a 2628
budget of more than six million dollars, the compensation 2629
determined under division (D)(5) of this section for the calendar 2630
year 2003 increased by three per cent or the percentage increase 2631
in the consumer price index as described in division (D)(7)(b) of 2632
this section, whichever percentage is lower; in townships having a 2633
budget of more than six million but not more than ten million 2634
dollars, twenty-two thousand eighty-seven dollars; and in 2635
townships having a budget of more than ten million dollars, 2636
twenty-five thousand five hundred fifty-three dollars; 2637

(7) In calendar years 2005 through 2008, the compensation 2638
determined under division (D) of this section for the immediately 2639

preceding calendar year increased by the lesser of the following:	2640
(a) Three per cent;	2641
(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;	2642 2643 2644 2645
(8) In calendar year 2009 and thereafter, the amount determined under division (D) of this section for calendar year 2008.	2646 2647 2648
As used in this division, "consumer price index" has the same meaning as in section 325.18 of the Revised Code.	2649 2650
Sec. 507.11. (A) The board of township trustees may authorize, by resolution, township officers and employees to incur obligations of two thousand five hundred dollars or less on behalf of the township, or it may authorize, by resolution, the township administrator to so authorize township officers and employees. The obligations incurred on behalf of the township by a township officer or employee acting pursuant to any such resolution shall be subsequently approved by the adoption of a formal resolution of the board of township trustees.	2651 2652 2653 2654 2655 2656 2657 2658 2659
(B) No money belonging to the township shall be paid out, except upon an order signed by at least two of the township trustees, and countersigned by the township clerk <u>fiscal officer</u> .	2660 2661 2662
Sec. 509.02. Each constable, before entering upon the discharge of his <u>official</u> duties, shall give bond to the state in a sum of not less than five hundred nor more than two thousand dollars, conditioned for the faithful and diligent discharge of his <u>official</u> duties, and with sureties resident of the township. The amount of such <u>the</u> bond and its sureties shall be approved by	2663 2664 2665 2666 2667 2668

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board of township trustees may appropriate and use for ~~such~~ these 2699
 purposes any funds in the township treasury then unappropriated 2700
 for any other purpose. ~~Should~~ If there ~~be~~ are no available funds 2701
 in the treasury or an insufficient amount to pay for the desired 2702
 park management and improvements in any year, the board may levy a 2703
 tax in order to pay for ~~such~~ the park management and improvements. 2704
 The tax shall be levied upon all of the taxable property in the 2705
 township and shall be certified, levied, and collected in the 2706
 manner prescribed for the certification, levy, and collection of 2707
 other township taxes. The money so raised shall be paid over to 2708
 the township ~~clerk~~ fiscal officer, and the fiscal officer shall ~~be~~ 2709
~~paid~~ pay the money out ~~by him~~ on the order of the board. If a sum 2710
 greater than two thousand dollars is to be expended by the board 2711
 for park management and improvement purposes in any one year, and 2712
~~such~~ the sum is not available from any unappropriated money in the 2713
 township treasury, the question of levying ~~such~~ the additional tax 2714
 shall, before making a levy ~~which~~ that will amount to more than 2715
 two thousand dollars, be submitted to and approved by a majority 2716
 of the electors of the township voting on the question. If ~~such~~ 2717
the election is necessary, it shall be called at a regular meeting 2718
 of the board, and ~~such~~ the resolution shall be certified to the 2719
 board of elections not later than four p.m. of the seventy-fifth 2720
 day before the day of the election. 2721

2722
 Twenty days' notice of ~~such~~ the election shall be given by 2723
 the posting of notices ~~thereof~~ of the election by the township 2724
~~clerk~~ fiscal officer in ten public places in the township, and 2725
 provisions for holding the election shall be made by the board of 2726
 elections upon receiving notice of the date and purpose of ~~such~~ 2727
the election from the ~~clerk~~ fiscal officer. This section and 2728
 section 511.32 of the Revised Code do not repeal, affect, or 2729
 modify any law relating to park commissioners, or prevent the 2730
 appointment of park commissioners in the future. 2731

Sec. 513.04. ~~Where~~ If a tax has been levied for hospital 2732
purposes, the county auditor shall certify, at the semiannual 2733
collection of taxes, the amount collected from ~~such the~~ the levy to 2734
the township ~~clerk~~ fiscal officer, who shall forthwith draw ~~his a~~ 2735
warrant for ~~such the~~ amount on the township treasury, payable to 2736
the treasurer of the hospital association or to the municipal 2737
corporation. 2738

Sec. 515.02. When the owners of more than one-half of the 2739
feet front~~7~~ of the lots and lands abutting on the streets and 2740
public ways of any unincorporated district in a township~~7~~ sign a 2741
petition for artificial lighting of the streets and public ways in 2742
~~such the~~ district~~7~~ and file it with the township ~~clerk~~ fiscal 2743
officer, ~~such clerk the fiscal officer~~ shall ~~thereupon~~ give notice 2744
to the board of township trustees a notice of the filing of ~~such~~ 2745
the petition~~7~~, ~~together with and~~ a copy ~~thereof~~ of it. 2746

Sec. 515.04. The township ~~clerk~~ fiscal officer shall fix a 2747
day, not more than thirty days from the date of notice to the 2748
board of township trustees, for the hearing of the petition 2749
provided for by section 515.02 of the Revised Code. ~~Such clerk~~ The 2750
township fiscal officer shall prepare and deliver to any of the 2751
petitioners~~7~~ a notice in writing directed to the lot and land 2752
owners and to the corporations, either public or private, affected 2753
by the improvement. ~~Such~~ The notice shall set forth the substance, 2754
pendency, and prayer of the petition~~7~~ and the time and place of 2755
the hearing ~~thereon~~ on it. 2756

A copy of ~~such the~~ notice shall be served upon each lot or 2757
land owner or left at ~~his~~ the lot or land owner's usual place of 2758
residence, and upon an officer or agent of each ~~such~~ corporation 2759
having its place of business in ~~such the~~ district, at least 2760
fifteen days before the date set for the hearing. On or before the 2761

day of the hearing, the person serving ~~such~~ the notice shall make 2762
return ~~thereon~~ on it, under oath, of the time and manner of 2763
service, and shall file ~~such~~ the return with the ~~clerk~~ township 2764
fiscal officer. 2765

The ~~clerk~~ township fiscal officer shall give ~~such~~ the notice 2766
to each nonresident lot or land owner, by publication once, in a 2767
newspaper published in and of general circulation in the county in 2768
which the district is situated, at least two weeks before the day 2769
set for hearing. ~~Such~~ The notice shall be verified by affidavit of 2770
the printer or other person knowing the fact, and shall be filed 2771
with the ~~clerk~~ township fiscal officer on or before the day of 2772
hearing. No further notice of the petition or the proceedings 2773
~~thereunder~~ under it shall thereafter be required. 2774

Sec. 515.081. The board of township trustees, at the 2775
expiration of an existing contract for lighting, may award a new 2776
contract pursuant to section 515.07 of the Revised Code, unless 2777
the owners of lots and lands, containing in excess of fifty per 2778
cent of the front feet abutting on the streets and public ways of 2779
~~said~~ the unincorporated district in the township sign a petition 2780
for the discontinuance of the artificial lighting and file the 2781
petition with the township ~~clerk~~ fiscal officer not less than 2782
thirty days prior to the expiration of the existing contract. 2783

Sec. 515.12. (A) All officers shall receive for services 2784
performed under sections 515.01 to 515.11 of the Revised Code, the 2785
same fees allowed for other similar services. 2786

The township ~~clerk~~ fiscal officer shall receive for ~~such~~ the 2787
fiscal officer's services the sum of fifty cents from each lot or 2788
land owner for whom a notice is prepared and the sum of fifty 2789
cents for each annual assessment certified to the county auditor. 2790
~~All~~ 2791

All payments ~~hereunder~~ for the services of township officials 2792
shall be included in the cost of the lighting district and 2793
assessed against the property. ~~Such~~ The compensation shall be in 2794
addition to all other compensation provided by law. 2795

(B) The board of township trustees may, by resolution, employ 2796
additional personnel in place of the township ~~clerk~~ fiscal officer 2797
to prepare and certify notices for each lot or land owner and 2798
shall pay a reasonable sum not to exceed fifty cents for each lot 2799
or land owner for whom a notice is prepared and a reasonable sum 2800
not to exceed fifty cents for each annual assessment certified to 2801
the county auditor. The actual cost of ~~such~~ the additional 2802
personnel shall be assessed proportionately against each lot or 2803
land owner and shall be included in the cost of the lighting 2804
district. 2805

Sec. 517.05. On the making of an order or the filing of an 2806
application as provided by section 517.04 of the Revised Code, the 2807
~~clerk~~ township fiscal officer shall certify ~~such~~ the order or 2808
application to the board of elections not later than four p.m. of 2809
the seventy-fifth day before the day of the election, and, at 2810
least twenty days before an election, the ~~township clerk~~ fiscal 2811
officer shall post written notices in at least three public places 2812
in the township, that a vote will be taken on the question of the 2813
establishment of a cemetery. If a majority of the votes cast at 2814
~~such~~ the election on the proposition is in favor ~~thereof~~ of 2815
establishing a cemetery, the board of township trustees shall 2816
procure the lands for that purpose and levy taxes as provided by 2817
section 517.03 of the Revised Code. 2818

Sec. 517.06. The board of township trustees shall have the 2819
cemetery laid out in lots, avenues, and paths, ~~and~~ shall number 2820
the lots, and shall have a suitable plat ~~thereof~~ of the lots made, 2821

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which plat shall be carefully kept by the township ~~clerk~~ fiscal 2822
~~officer~~. ~~Such~~ The board shall make and enforce all needful rules 2823
and regulations for the division of ~~such~~ the cemetery into lots, 2824
for the allotment ~~thereof~~ of lots to families or individuals, and 2825
for the care, supervision, and improvement ~~thereof, and such~~ of 2826
the lots. The board shall require the grass and weeds in the 2827
cemetery to be cut and destroyed at least twice each year. 2828
Suitable 2829

Suitable provision shall be made in ~~such~~ the cemetery for 2830
persons whose burial is at the expense of the township. 2831

Sec. 517.07. Upon application, the board of township trustees 2832
shall sell at a reasonable price ~~such~~ the number of lots as public 2833
wants demand for burial purposes. Purchasers of lots, upon 2834
complying with the terms of sale, may receive deeds ~~therefor~~ for 2835
the lots which the board shall execute, and which shall be 2836
recorded by the township ~~clerk~~ fiscal officer in a book for that 2837
purpose, ~~and the~~. The expense of recording shall be paid by the 2838
person receiving the deed. Upon the application of a head of a 2839
family living in the township, the board shall, without charge, 2840
make and deliver to ~~such~~ the applicant a deed for a suitable lot 2841
for the burial of ~~his~~ the applicant's family, if, in the opinion 2842
of the board and by reason of the circumstances of the family, 2843
~~such~~ the payment would be oppressive. 2844

The terms of sale and any deed for lots executed after ~~the~~ 2845
~~effective date of this amendment~~ July 24, 1986, may include the 2846
following requirements: 2847

(A) The grantee shall provide to the board of township 2848
trustees, in writing, a list of the names and addresses of the 2849
persons to whom the grantee's property would pass by intestate 2850
succession. 2851

(B) The grantee shall notify the board in writing of any 2852

subsequent changes in the name or address of any persons to whom
property would descend.

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

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

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

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on the termination date unless ~~he~~ the owner contracts for renewal 2885
 by that date. The board shall send the notice by certified mail to 2886
 the owner if the owner is a resident of the township or is a 2887
 nonresident whose address is known. If the owner's address is 2888
 unknown and cannot reasonably be obtained, it is sufficient to 2889
 publish the notice once in a newspaper of general circulation in 2890
 the county. 2891

The terms of sale and any deed for lots conveyed with a 2892
 termination date shall state that the board shall have right of 2893
 reentry to the lot at the end of the specified time period if the 2894
 lot is not used within this time period or renewed for an extended 2895
 period. In order to establish reentry, the board shall pass a 2896
 resolution stating that the conditions of the sale or of the deed 2897
 have not been fulfilled, and that the board reclaims its interest 2898
 in the lot. The board shall compensate owners of unused lots who 2899
 do not renew the terms of sale or the deed by paying the owner 2900
 eighty per cent of the purchase price. The board may repurchase 2901
 any cemetery lot from its owner at any time at a price that is 2902
 mutually agreed upon by the board and the owner. 2903

Sec. 519.12. (A)(1) Amendments to the zoning resolution may 2904
 be initiated by motion of the township zoning commission, by the 2905
 passage of a resolution by the board of township trustees, or by 2906
 the filing of an application by one or more of the owners or 2907
 lessees of property within the area proposed to be changed or 2908
 affected by the proposed amendment with the township zoning 2909
 commission. The board of township trustees may require that the 2910
 owner or lessee of property filing an application to amend the 2911
 zoning resolution pay a fee to defray the cost of advertising, 2912
 mailing, filing with the county recorder, and other expenses. If 2913
 the board of township trustees ~~require~~ requires such a fee, it 2914
 shall be required generally, for each application. The board of 2915
 township trustees ~~shall~~, upon the passage of such a resolution, 2916

shall certify it to the township zoning commission. 2917

(2) Upon the adoption of ~~such a~~ motion by the township zoning 2918
commission, the certification of ~~such a~~ resolution by the board of 2919
township trustees to the commission, or the filing of ~~such an~~ 2920
application by property owners or lessees as described in division 2921
(A)(1) of this section with the commission, the ~~township zoning~~ 2922
commission shall set a date for a public hearing, which date shall 2923
not be less than twenty nor more than forty days from the date of 2924
the certification of such a resolution, the date of adoption of 2925
such a motion, or the date of the filing of such an application. 2926
Notice of ~~such the~~ hearing shall be given by the ~~township zoning~~ 2927
commission by one publication in one or more newspapers of general 2928
circulation in the township at least ten days before the date of 2929
~~such the~~ hearing. 2930

(B) If the proposed amendment intends to rezone or redistrict 2931
ten or fewer parcels of land, as listed on the county auditor's 2932
current tax list, written notice of the hearing shall be mailed by 2933
the township zoning commission, by first class mail, at least ten 2934
days before the date of the public hearing to all owners of 2935
property within and contiguous to and directly across the street 2936
from ~~such the~~ area proposed to be rezoned or redistricted to the 2937
addresses of ~~such those~~ owners appearing on the county auditor's 2938
current tax list. The failure of delivery of ~~such that~~ notice 2939
shall not invalidate any such amendment. 2940

(C) If the proposed amendment intends to rezone or redistrict 2941
ten or fewer parcels of land as listed on the county auditor's 2942
current tax list, the published and mailed notices shall set forth 2943
the time, date, and place of the public hearing, and ~~shall~~ include 2944
all of the following: 2945

(1) The name of the township zoning commission that will be 2946
conducting the ~~public~~ hearing; 2947

(2) A statement indicating that the motion, resolution, or application is an amendment to the zoning resolution;	2948 2949
(3) A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment and of the names of owners of these <u>those</u> properties, as they appear on the county auditor's current tax list;	2950 2951 2952 2953
(4) The present zoning classification of property named in the proposed amendment and the proposed zoning classification of such <u>that</u> property;	2954 2955 2956
(5) The time and place where the motion, resolution, or application proposing to amend the zoning resolution will be available for examination for a period of at least ten days prior to the public hearing;	2957 2958 2959 2960
(6) The name of the person responsible for giving notice of the public hearing by publication or , by mail, or by both publication and mail;	2961 2962 2963
(7) Any other information requested by the zoning commission;	2964
(8) A statement that, after the conclusion of such <u>the</u> hearing, the matter will be submitted to the board of township trustees for its action.	2965 2966 2967
(D) If the proposed amendment alters the text of the zoning resolution, or rezones or redistricts more than ten parcels of land, as listed on the county auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing, and shall include all of the following:	2968 2969 2970 2971 2972
(1) The name of the <u>township</u> zoning commission that will be conducting the public hearing on the proposed amendment;	2973 2974
(2) A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution;	2975 2976
(3) The time and place where the text and maps of the	2977

proposed amendment will be available for examination for a period 2978
of at least ten days prior to the ~~public~~ hearing; 2979

(4) The name of the person responsible for giving notice of 2980
the ~~public~~ hearing by publication; 2981

(5) A statement that, after the conclusion of ~~such the~~ 2982
hearing, the matter will be submitted to the board of township 2983
trustees for its action; 2984

(6) Any other information requested by the ~~zoning~~ commission. 2985

(E) Within five days after the adoption of ~~such the~~ motion 2986
described in division (A) of this section, the certification of 2987
~~such the~~ resolution described in division (A) of this section, or 2988
the filing of ~~such the~~ application described in division (A) of 2989
this section, the township zoning commission shall transmit a copy 2990
of it together with text and map pertaining to it to the county or 2991
regional planning commission, if there is such a commission. 2992

The county or regional planning commission shall recommend 2993
the approval or denial of the proposed amendment or the approval 2994
of some modification of it and shall submit ~~such its~~ 2995
recommendation to the township zoning commission. ~~Such The~~ 2996
recommendation shall be considered at the public hearing held by 2997
the township zoning commission on ~~such the~~ proposed amendment. 2998

The township zoning commission ~~shall~~, within thirty days 2999
after ~~such the~~ hearing, shall recommend the approval or denial of 3000
the proposed amendment, or the approval of some modification of 3001
it, and submit ~~such that~~ recommendation together with ~~such the~~ 3002
motion, application, or resolution involved, the text and map 3003
pertaining to ~~it the proposed amendment~~, and the recommendation of 3004
the county or regional planning commission on it to the board of 3005
township trustees. 3006

The board of township trustees ~~shall~~, upon receipt of ~~such~~ 3007

that recommendation, shall set a time for a public hearing on ~~such~~ 3008
the proposed amendment, which date shall not be more than thirty 3009
days from the date of the receipt of ~~such~~ that recommendation ~~from~~ 3010
~~the township zoning commission~~. Notice of ~~such~~ public the hearing 3011
shall be given by the board by one publication in one or more 3012
newspapers of general circulation in the township, at least ten 3013
days before the date of ~~such~~ the hearing. 3014

(F) If the proposed amendment intends to rezone or redistrict 3015
ten or fewer parcels of land as listed on the county auditor's 3016
current tax list, the published notice shall set forth the time, 3017
date, and place of the public hearing and ~~shall~~ include all of the 3018
following: 3019

(1) The name of the board of township trustees that will be 3020
conducting the ~~public~~ hearing; 3021

(2) A statement indicating that the motion, application, or 3022
resolution is an amendment to the zoning resolution; 3023

(3) A list of the addresses of all properties to be rezoned 3024
or redistricted by the proposed amendment and of the names of 3025
owners of ~~these~~ those properties, as they appear on the county 3026
auditor's current tax list; 3027

(4) The present zoning classification of property named in 3028
the proposed amendment and the proposed zoning classification of 3029
~~such~~ that property; 3030

(5) The time and place where the motion, application, or 3031
resolution proposing to amend the zoning resolution will be 3032
available for examination for a period of at least ten days prior 3033
to the ~~public~~ hearing; 3034

(6) The name of the person responsible for giving notice of 3035
the ~~public~~ hearing by publication ~~or~~, by mail, or by both 3036
publication and mail; 3037

(7) Any other information requested by the board. 3038

(G) If the proposed amendment alters the text of the zoning 3039
resolution, or rezones or redistricts more than ten parcels of 3040
land as listed on the county auditor's current tax list, the 3041
published notice shall set forth the time, date, and place of the 3042
public hearing, and ~~shall~~ include all of the following: 3043

(1) The name of the board of township trustees that will be 3044
conducting the ~~public~~ hearing on the proposed amendment; 3045

(2) A statement indicating that the motion, application, or 3046
resolution is an amendment to the zoning resolution; 3047

(3) The time and place where the text and maps of the 3048
proposed amendment will be available for examination for a period 3049
of at least ten days prior to the ~~public~~ hearing; 3050

(4) The name of the person responsible for giving notice of 3051
the ~~public~~ hearing by publication; 3052

(5) Any other information requested by the board. 3053

(H) Within twenty days after ~~such~~ its public hearing, the 3054
board of township trustees shall either adopt or deny the 3055
recommendations of the township zoning commission or adopt some 3056
modification of them. If the board denies or modifies the 3057
~~recommendation of the township zoning commission~~ commission's 3058
recommendations, the unanimous vote of the board shall be 3059
required. 3060

~~Such~~ The proposed amendment, if adopted by the board, shall 3061
become effective in thirty days after the date of ~~such~~ its 3062
adoption, unless, within thirty days after the adoption ~~of the~~ 3063
~~amendment~~, there is presented to the board of township trustees a 3064
petition, signed by a number of registered electors residing in 3065
the unincorporated area of the township or part of that 3066
unincorporated area included in the zoning plan equal to not less 3067

than eight per cent of the total vote cast for all candidates for 3068
governor in ~~such~~ that area at the most recent general election at 3069
which a governor was elected, requesting the board of township 3070
trustees to submit the amendment to the electors of ~~such~~ that area 3071
for approval or rejection at a special election to be held on the 3072
day of the next primary or general election that occurs at least 3073
seventy-five days after the petition is filed. Each part of this 3074
petition shall contain the number and the full and correct title, 3075
if any, of the zoning amendment resolution, motion, or 3076
application, furnishing the name by which the amendment is known 3077
and a brief summary of its contents. In addition to meeting the 3078
requirements of this section, each petition shall be governed by 3079
the rules specified in section 3501.38 of the Revised Code. 3080

The form of a petition calling for a zoning referendum and 3081
the statement of the circulator shall be substantially as follows: 3082

"PETITION FOR ZONING REFERENDUM 3083

(if the proposal is identified by a particular name or number, or 3084
both, these should be inserted here) 3085

A proposal to amend the zoning map of the unincorporated area 3086
of Township, County, Ohio, adopted 3087
.....(date)..... (followed by brief summary of the proposal). 3088

To the Board of Township Trustees of 3089
Township, County, Ohio: 3090

..... County, Ohio: 3091

We, the undersigned, being electors residing in the 3092
unincorporated area of Township, included 3093
within the Township Zoning Plan, equal to not less 3094
than eight per cent of the total vote cast for all candidates for 3095
governor in the area at the preceding general election at which a 3096
governor was elected, request the Board of Township Trustees to 3097
submit this amendment of the zoning resolution to the electors of 3098

..... Township residing within the 3099
unincorporated area of the township included in the 3100
..... Township Zoning Resolution, for approval or 3101
rejection at a special election to be held on the day of the ~~next~~ 3102
primary or general election to be held on(date)....., 3103
pursuant to section 519.12 of the Revised Code. 3104

Street Address Date of 3105
Signature or R.F.D. Township Precinct County Signing 3106

..... 3107

..... 3108

STATEMENT OF CIRCULATOR 3109

I,(name of circulator)....., declare under 3110
penalty of election falsification that I am an elector of the 3111
state of Ohio and reside at the address appearing below my 3112
signature; that I am the circulator of the foregoing part petition 3113
containing(number)..... signatures; that I have 3114
witnessed the affixing of every signature; that all signers were 3115
to the best of my knowledge and belief qualified to sign; and that 3116
every signature is to the best of my knowledge and belief the 3117
signature of the person whose signature it purports to be. 3118

..... 3119

(Signature of circulator) 3120

..... 3121

(Address) 3122

..... 3123

(City, village, or township, 3124

and zip code) 3125

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY 3126
OF THE FIFTH DEGREE." 3127

The petition shall be filed, with the board of township 3128
trustees and shall be accompanied by an appropriate map of the 3129

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area affected by the zoning proposal, ~~with the~~. Within two weeks 3130
~~after receiving a petition filed under this section, the~~ board of 3131
township trustees, ~~which shall then transmit~~ certify the petition 3132
~~within two weeks of its receipt to the board of elections, which~~ 3133
~~shall determine the sufficiency and validity of the petition. The~~ 3134
A petition filed under this section shall be certified to the 3135
board of elections not less than seventy-five days prior to the 3136
election at which the question is to be voted upon. 3137

The board of elections shall determine the sufficiency and 3138
validity of each petition certified to it by a board of township 3139
trustees under this section. If the board of elections determines 3140
that a petition is sufficient and valid, the question shall be 3141
voted upon at a special election to be held on the day of the next 3142
primary or general election that occurs at least seventy-five days 3143
after the date the petition is filed with the board of township 3144
trustees, regardless of whether any election will be held to 3145
nominate or elect candidates on that day. 3146

No amendment for which such a referendum vote has been 3147
requested shall be put into effect unless a majority of the vote 3148
cast on the issue is in favor of the amendment. Upon certification 3149
by the board of elections that the amendment has been approved by 3150
the voters, it shall take immediate effect. 3151

Within five working days after an amendment's effective date, 3152
the board of township trustees shall file the text and maps of the 3153
amendment in the office of the county recorder and with the 3154
~~regional or county or regional~~ regional planning commission, if one exists. 3155

~~The board shall file all amendments, including text and maps,~~ 3156
~~that are in effect on January 1, 1992, in the office of the county~~ 3157
~~recorder within thirty working days after that date. The board~~ 3158
~~shall also file duplicates of the same documents with the regional~~ 3159
~~or county planning commission, if one exists, within the same~~ 3160
~~period.~~ 3161

The failure to file any amendment, or any text and maps, or
duplicates of any of these documents, with the office of the
county recorder or the county or regional planning commission as
required by this section does not invalidate the amendment and is
not grounds for an appeal of any decision of the board of zoning
appeals.

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

Sec. 519.161. The township zoning inspector, before entering
upon the duties of ~~his~~ office, shall give bond, signed by a
bonding or surety company authorized to do business in this state,
or, at ~~his~~ the inspector's option, signed by two or more
freeholders having real estate in the value of double the amount
of the bond, over and above all ~~incumbrances~~ encumbrances to the
state, in the sum of not less than one thousand or more than five
thousand dollars as fixed by the board of township trustees. ~~Such~~
The surety company or real estate bond shall be approved by the
board of township trustees, and the bond shall be conditioned upon
the faithful performance of ~~such~~ the zoning inspector's official
duties. ~~Such~~ The bond shall be deposited with the township ~~clerk~~
fiscal officer.

Sec. 519.211. (A) Except as otherwise provided in division	3193
(B) or (C) of this section, sections 519.02 to 519.25 of the	3194
Revised Code confer no power on any board of township trustees or	3195
board of zoning appeals in respect to the location, erection,	3196
construction, reconstruction, change, alteration, maintenance,	3197
removal, use, or enlargement of any buildings or structures of any	3198
public utility or railroad, whether publicly or privately owned,	3199
or the use of land by any public utility or railroad, for the	3200
operation of its business.	3201
(B)(1) As used in this division, "telecommunications tower"	3202
means any free-standing structure, or any structure to be attached	3203
to a building or other structure, that meets all of the following	3204
criteria:	3205
(a) The free-standing or attached structure is proposed to be	3206
constructed on or after October 31, 1996.	3207
(b) The free-standing or attached structure is proposed to be	3208
owned or principally used by a public utility engaged in the	3209
provision of telecommunications services.	3210
(c) The free-standing or attached structure is proposed to be	3211
located in an unincorporated area of a township, in an area zoned	3212
for residential use.	3213
(d)(i) The free-standing structure is proposed to top at a	3214
height that is greater than either the maximum allowable height of	3215
residential structures within the zoned area as set forth in the	3216
applicable zoning regulations, or the maximum allowable height of	3217
such a free-standing structure as set forth in any applicable	3218
zoning regulations in effect immediately prior to October 31,	3219
1996, or as those regulations subsequently are amended.	3220
(ii) The attached structure is proposed to top at a height	3221
that is greater than either the height of the building or other	3222

structure to which it is to be attached, or the maximum allowable
height of such an attached structure as set forth in any
applicable zoning regulations in effect immediately prior to
October 31, 1996, or as those regulations subsequently are
amended.

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

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

(3) Any person who plans to construct a telecommunications
tower in an area subject to township zoning regulations shall
provide both of the following by certified mail:

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

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

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

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

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

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

(4)(a) If the board of township trustees receives notice from a property owner under division (B)(3)(a)(iii) of this section within the time specified in that division or if a board member makes an objection to the proposed location of the telecommunications tower within fifteen days after the date of mailing of the notice sent under division (B)(3)(b) of this section, the board shall request that the ~~clerk~~ fiscal officer of the township send the person proposing to construct the tower written notice that the tower is subject to the power conferred by and in accordance with division (B)(2) of this section. The notice shall be sent no later than five days after the earlier of the date the board first receives such a notice from a property owner or the date upon which a board member makes an objection. Upon the date of mailing of the notice to the person, sections 519.02 to 519.25 of the Revised Code shall apply to the tower.

(b) If the board of township trustees receives no notice under division (B)(3)(a)(iii) of this section within the time

prescribed by that division or no board member has an objection as 3284
provided under division (B)(4)(a) of this section within the time 3285
prescribed by that division, division (A) of this section shall 3286
apply to the tower without exception. 3287

(C) Sections 519.02 to 519.25 of the Revised Code confer 3288
power on a board of township trustees or board of zoning appeals 3289
with respect to the location, erection, construction, 3290
reconstruction, change, alteration, maintenance, removal, use, or 3291
enlargement of any buildings or structures of a public utility 3292
engaged in the business of transporting persons or property, or 3293
both, or providing or furnishing such transportation service, over 3294
any public street, road, or highway in this state, and with 3295
respect to the use of land by any such public utility for the 3296
operation of its business, to the extent that any exercise of such 3297
power is reasonable and not inconsistent with Chapters 4901., 3298
4903., 4905., 4909., 4921., and 4923. of the Revised Code. 3299
However, this division confers no power on a board of township 3300
trustees or board of zoning appeals with respect to a building or 3301
structure of, or the use of land by, a person engaged in the 3302
transportation of farm supplies to the farm or farm products from 3303
farm to market or to food fabricating plants. 3304

(D) Sections 519.02 to 519.25 of the Revised Code confer no 3305
power on any township zoning commission, board of township 3306
trustees, or board of zoning appeals to prohibit the sale or use 3307
of alcoholic beverages in areas where the establishment and 3308
operation of any retail business, hotel, lunchroom, or restaurant 3309
is permitted. 3310

(E)(1) Any person who plans to construct a telecommunications 3311
tower within one hundred feet of a residential dwelling shall 3312
provide a written notice to the owner of the residential dwelling 3313
and to the person occupying the residence, if that person is not 3314
the owner of the residence stating in clear and concise language 3315

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
township as provided in ~~sections 521.02 to 521.07 of the Revised~~
~~Code~~ this chapter. On receiving a petition, the township ~~clerk~~
fiscal officer shall give ~~notice~~ to the board of township trustees
a notice of the filing of the petition, ~~together with~~ and a copy
of the petition.

Sec. 521.03. On receiving a petition filed under section
521.02 of the Revised Code, or at the request of the board of
township trustees, the township ~~clerk~~ fiscal officer shall fix a
time, not more than thirty days after the date of giving notice of

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the filing to the board or the date of receiving the request from 3346
 the board, and place for a hearing on the issue of repair or 3347
 maintenance of the tiles. The ~~clerk~~ township fiscal officer shall 3348
 prepare a notice in writing directed to the lot and land owners 3349
 and to the corporations, either public or private, affected by the 3350
 improvement. The notice shall set forth the substance of the 3351
 petition or board request, and the time and place of the hearing 3352
 on it. 3353

If the hearing is to be held in response to a petition, the 3354
~~clerk~~ township fiscal officer shall deliver a copy of the notice 3355
 to any of the petitioners, who shall see that the notice is served 3356
 on each lot or land owner or left at ~~his~~ the lot or land owner's 3357
 usual place of residence, and served on an officer or agent of 3358
 each corporation affected by the improvement, at least fifteen 3359
 days before the date set for the hearing. If the hearing is to be 3360
 held at the request of the board, the board shall see that the 3361
 notice is so served. On or before the day of the hearing, the 3362
 person serving the notice shall certify, under oath, the time and 3363
 manner of service, and shall file this certification with the 3364
~~clerk~~ township fiscal officer. 3365

The ~~clerk~~ township fiscal officer shall give notice of the 3366
 hearing to each nonresident lot or land owner, by publication 3367
 once, in a newspaper published in and of general circulation in 3368
 the county in which the township is situated, at least two weeks 3369
 before the day set for the hearing. This notice shall be verified 3370
 by affidavit of the printer or other person knowing the fact, and 3371
 shall be filed with the ~~clerk~~ township fiscal officer on or before 3372
 the day of the hearing. No further notice of the petition or the 3373
 proceedings under it shall thereafter be required. 3374

Sec. 703.201. (A) As used in this section, "condition for 3375
 surrendering corporate powers" means any of the following: 3376

(1) The village has been declared to be in a fiscal emergency 3377
under Chapter 118. of the Revised Code and has been in fiscal 3378
emergency for at least three consecutive years with little or no 3379
improvement on the conditions that caused the fiscal emergency 3380
declaration. 3381

(2) The village has failed to properly follow applicable 3382
election laws for at least two consecutive election cycles for any 3383
one elected office in the village. 3384

(3) The village has been declared during an audit conducted 3385
under section 117.11 of the Revised Code to be unauditible under 3386
section 117.41 of the Revised Code in at least two consecutive 3387
audits. 3388

(4) The village does not provide at least two services 3389
typically provided by municipal government, such as police or fire 3390
protection, garbage collection, water or sewer service, emergency 3391
medical services, road maintenance, or similar services. 3392
"Services" does not include any administrative service or 3393
legislative action. 3394

(5) The village has failed for any fiscal year to adopt the 3395
tax budget required by section 5705.28 of the Revised Code. 3396

(6) A village elected official has been convicted of theft in 3397
office, either under section 2921.41 of the Revised Code or an 3398
equivalent criminal statute at the federal level, at least two 3399
times in a period of ten years. The convicted official with 3400
respect to those convictions may be the same person or different 3401
persons. 3402

(B) If the auditor of state finds, in an audit report issued 3403
under division (A) or (B) of section 117.11 of the Revised Code of 3404
a village that has a population of one hundred fifty persons or 3405
less and consists of less than two square miles, that the village 3406
meets at least two conditions for surrendering corporate powers, 3407

the auditor of state shall send a certified copy of the report 3408
together with a letter to the attorney general requesting the 3409
attorney general to institute legal action to dissolve the village 3410
in accordance with division (C) of this section. The report and 3411
letter shall be sent to the attorney general within ten business 3412
days after the auditor of state's transmittal of the report to the 3413
village. The audit report transmitted to the village shall be 3414
accompanied by a notice to the village of the auditor's intent to 3415
refer the report to the attorney general for legal action in 3416
accordance with this section. 3417

(C) Within twenty days of receipt of the auditor of state's 3418
report and letter, the attorney general may file a legal action in 3419
the court of common pleas on behalf of the state to request the 3420
dissolution of the village that is the subject of the audit 3421
report. If a legal action is filed, the court shall hold a hearing 3422
within ninety days after the date the attorney general files the 3423
legal action with the court. Notice of the hearing shall be filed 3424
with the attorney general, the clerk of the village that is the 3425
subject of the action, and each ~~clerk~~ fiscal officer of a township 3426
located wholly or partly within the village. 3427

At the hearing on dissolution, the court shall determine if 3428
the village has a population of one hundred fifty persons or less, 3429
consists of less than two square miles, and meets at least two 3430
conditions for surrendering corporate powers. If the court so 3431
finds, it shall order the dissolution of the village and provide 3432
for the surrender of corporate powers in accordance with section 3433
703.21 of the Revised Code. The attorney general shall file a 3434
certified copy of the court's order of dissolution with the 3435
secretary of state and the county recorder of the county in which 3436
the village is situated, who shall record it in their respective 3437
offices. Upon the recording in the county recorder's office, the 3438
corporate powers of the village shall cease. 3439

(D) For purposes of this section, the population of a village 3440
shall be the population determined either at the last preceding 3441
federal decennial census or according to population estimates 3442
certified by the department of development between decennial 3443
censuses. 3444

(E) The procedure in this section is in addition to the 3445
procedure of section 703.20 of the Revised Code for the surrender 3446
of the corporate powers of a village. 3447

Sec. 707.28. When a village or a city is incorporated from a 3448
portion of a township, or portions of more than one township, a 3449
proper division of the real and personal property of ~~such~~ the 3450
townships, and of the funds for township purposes which are in the 3451
treasury, or in the process of collection, of the townships from 3452
which the territory is taken, shall, upon application of the 3453
village or city treasurer to the probate court of the county in 3454
which the territory is situated, be determined and ordered 3455
transferred to ~~such~~ the village or city, in the case of real or 3456
personal property, or, in the case of funds, paid to the village 3457
or city treasurer. 3458

In determining the portion of ~~such~~ the real and personal 3459
property and funds to which the village or city is entitled, the 3460
indebtedness of each township shall be taken into consideration. 3461
Ten days' notice of a hearing shall be given by the treasurer of 3462
the applicant to the township ~~clerk~~ fiscal officer of each 3463
township whose property and funds are sought to be divided. The 3464
findings and orders of the probate court under this section shall 3465
be final. 3466

Sec. 709.023. (A) A petition filed under section 709.021 of 3467
the Revised Code that requests to follow this section is for the 3468
special procedure of annexing land into a municipal corporation 3469

when, subject to division (H) of this section, the land also is 3470
not to be excluded from the township under section 503.07 of the 3471
Revised Code. The owners who sign this petition by their signature 3472
expressly waive their right to appeal in law or equity from the 3473
board of county commissioners' entry of any resolution under this 3474
section, waive any rights they may have to sue on any issue 3475
relating to a municipal corporation requiring a buffer as provided 3476
in this section, and waive any rights to seek a variance that 3477
would relieve or exempt them from that buffer requirement. 3478

The petition circulated to collect signatures for the special 3479
procedure in this section shall contain in boldface capital 3480
letters immediately above the heading of the place for signatures 3481
on each part of the petition the following: "WHOEVER SIGNS THIS 3482
PETITION EXPRESSLY WAIVES THEIR RIGHT TO APPEAL IN LAW OR EQUITY 3483
FROM THE BOARD OF COUNTY COMMISSIONERS' ENTRY OF ANY RESOLUTION 3484
PERTAINING TO THIS SPECIAL ANNEXATION PROCEDURE, ALTHOUGH A WRIT 3485
OF MANDAMUS MAY BE SOUGHT TO COMPEL THE BOARD TO PERFORM ITS 3486
DUTIES REQUIRED BY LAW FOR THIS SPECIAL ANNEXATION PROCEDURE." 3487

(B) Upon the filing of the petition in the office of the 3488
clerk of the board of county commissioners, the clerk shall cause 3489
the petition to be entered upon the board's journal at its next 3490
regular session. This entry shall be the first official act of the 3491
board on the petition. Within five days after the filing of the 3492
petition, the agent for the petitioners shall notify in the manner 3493
and form specified in this division the clerk of the legislative 3494
authority of the municipal corporation to which annexation is 3495
proposed, the ~~clerk~~ fiscal officer of each township any portion of 3496
which is included within the territory proposed for annexation, 3497
the clerk of the board of county commissioners of each county in 3498
which the territory proposed for annexation is located other than 3499
the county in which the petition is filed, and the owners of 3500
property adjacent to the territory proposed for annexation or 3501

adjacent to a road that is adjacent to that territory and located 3502
directly across that road from that territory. The notice shall 3503
refer to the time and date when the petition was filed and the 3504
county in which it was filed and shall have attached or shall be 3505
accompanied by a copy of the petition and any attachments or 3506
documents accompanying the petition as filed. 3507

Notice to a property owner is sufficient if sent by regular 3508
United States mail to the tax mailing address listed on the county 3509
auditor's records. Notice to the appropriate government officer 3510
shall be given by certified mail, return receipt requested, or by 3511
causing the notice to be personally served on the officer, with 3512
proof of service by affidavit of the person who delivered the 3513
notice. Proof of service of the notice on each appropriate 3514
government officer shall be filed with the board of county 3515
commissioners with which the petition was filed. 3516

(C) Within twenty days after the date that the petition is 3517
filed, the legislative authority of the municipal corporation to 3518
which annexation is proposed shall adopt an ordinance or 3519
resolution stating what services the municipal corporation will 3520
provide, and an approximate date by which it will provide them, to 3521
the territory proposed for annexation, upon annexation. The 3522
municipal corporation is entitled in its sole discretion to 3523
provide to the territory proposed for annexation, upon annexation, 3524
services in addition to the services described in that ordinance 3525
or resolution. 3526

If the territory proposed for annexation is subject to zoning 3527
regulations adopted under either Chapter 303. or 519. of the 3528
Revised Code at the time the petition is filed, the legislative 3529
authority of the municipal corporation also shall adopt an 3530
ordinance or resolution stating that, if the territory is annexed 3531
and becomes subject to zoning by the municipal corporation and 3532
that municipal zoning permits uses in the annexed territory that 3533

the municipal corporation determines are clearly incompatible with 3534
the uses permitted under current county or township zoning 3535
regulations in the adjacent land remaining within the township 3536
from which the territory was annexed, the legislative authority of 3537
the municipal corporation will require, in the zoning ordinance 3538
permitting the incompatible uses, the owner of the annexed 3539
territory to provide a buffer separating the use of the annexed 3540
territory and the adjacent land remaining within the township. For 3541
the purposes of this section, "buffer" includes open space, 3542
landscaping, fences, walls, and other structured elements; streets 3543
and street rights-of-way; and bicycle and pedestrian paths and 3544
sidewalks. 3545

The clerk of the legislative authority of the municipal 3546
corporation to which annexation is proposed shall file the 3547
ordinances or resolutions adopted under this division with the 3548
board of county commissioners within twenty days following the 3549
date that the petition is filed. The board shall make these 3550
ordinances or resolutions available for public inspection. 3551

(D) Within twenty-five days after the date that the petition 3552
is filed, the legislative authority of the municipal corporation 3553
to which annexation is proposed and each township any portion of 3554
which is included within the territory proposed for annexation may 3555
adopt and file with the board of county commissioners an ordinance 3556
or resolution consenting or objecting to the proposed annexation. 3557
An objection to the proposed annexation shall be based solely upon 3558
the petition's failure to meet the conditions specified in 3559
division (E) of this section. 3560

If the municipal corporation and each of those townships 3561
timely files an ordinance or resolution consenting to the proposed 3562
annexation, the board at its next regular session shall enter upon 3563
its journal a resolution granting the proposed annexation. If, 3564
instead, the municipal corporation or any of those townships files 3565

an ordinance or resolution that objects to the proposed 3566
annexation, the board of county commissioners shall proceed as 3567
provided in division (E) of this section. Failure of the municipal 3568
corporation or any of those townships to timely file an ordinance 3569
or resolution consenting or objecting to the proposed annexation 3570
shall be deemed to constitute consent by that municipal 3571
corporation or township to the proposed annexation. 3572

(E) Unless the petition is granted under division (D) of this 3573
section, not less than thirty or more than forty-five days after 3574
the date that the petition is filed, the board of county 3575
commissioners shall review it to determine if each of the 3576
following conditions has been met: 3577

(1) The petition meets all the requirements set forth in, and 3578
was filed in the manner provided in, section 709.021 of the 3579
Revised Code. 3580

(2) The persons who signed the petition are owners of the 3581
real estate located in the territory proposed for annexation and 3582
constitute all of the owners of real estate in that territory. 3583

(3) The territory proposed for annexation does not exceed 3584
five hundred acres. 3585

(4) The territory proposed for annexation shares a contiguous 3586
boundary with the municipal corporation to which annexation is 3587
proposed for a continuous length of at least five per cent of the 3588
perimeter of the territory proposed for annexation. 3589

(5) The annexation will not create an unincorporated area of 3590
the township that is completely surrounded by the territory 3591
proposed for annexation. 3592

(6) The municipal corporation to which annexation is proposed 3593
has agreed to provide to the territory proposed for annexation the 3594
services specified in the relevant ordinance or resolution adopted 3595

under division (C) of this section.

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(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.

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(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.

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(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.

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(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

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the Revised Code or in a cooperative economic development 3627
agreement entered into pursuant to section 701.07 of the Revised 3628
Code, territory annexed into a municipal corporation pursuant to 3629
this section shall not at any time be excluded from the township 3630
under section 503.07 of the Revised Code and, thus, remains 3631
subject to the township's real property taxes. 3632

(I) Any owner of land that remains within a township and that 3633
is adjacent to territory annexed pursuant to this section who is 3634
directly affected by the failure of the annexing municipal 3635
corporation to enforce compliance with any zoning ordinance it 3636
adopts under division (C) of this section requiring the owner of 3637
the annexed territory to provide a buffer zone, may commence in 3638
the court of common pleas a civil action against that owner to 3639
enforce compliance with that buffer requirement whenever the 3640
required buffer is not in place before any development of the 3641
annexed territory begins. 3642

Sec. 709.024. (A) A petition filed under section 709.021 of 3643
the Revised Code that requests to follow this section is for the 3644
special procedure of annexing land into a municipal corporation 3645
for the purpose of undertaking a significant economic development 3646
project. As used in this section, "significant economic 3647
development project" means one or more economic development 3648
projects that can be classified as industrial, distribution, high 3649
technology, research and development, or commercial, which 3650
projects may include ancillary residential and retail uses and 3651
which projects shall satisfy all of the following: 3652

(1) Total private real and personal property investment in a 3653
project shall be in excess of ten million dollars through land and 3654
infrastructure, new construction, reconstruction, installation of 3655
fixtures and equipment, or the addition of inventory, excluding 3656
investment solely related to the ancillary residential and retail 3657

elements, if any, of the project. As used in this division, 3658
"private real and personal property investment" does not include 3659
payments in lieu of taxes, however characterized, under Chapter 3660
725. or 1728. or sections 5709.40 to 5709.43, 5709.73 to 5709.75, 3661
or 5709.78 to 5709.81 of the Revised Code. 3662

(2) There shall be created by the project an additional 3663
annual payroll in excess of one million dollars, excluding payroll 3664
arising solely out of the retail elements, if any, of the project. 3665

(3) The project has been certified by the state director of 3666
development as meeting the requirements of divisions (A)(1) and 3667
(2) of this section. 3668

(B) Upon the filing of the petition under section 709.021 of 3669
the Revised Code in the office of the clerk of the board of county 3670
commissioners, the clerk shall cause the petition to be entered 3671
upon the journal of the board at its next regular session. This 3672
entry shall be the first official act of the board on the 3673
petition. Within five days after the filing of the petition, the 3674
agent for the petitioners shall notify in the manner and form 3675
specified in this division the clerk of the legislative authority 3676
of the municipal corporation to which annexation is proposed, the 3677
~~clerk~~ fiscal officer of each township any portion of which is 3678
included within the territory proposed for annexation, the clerk 3679
of the board of county commissioners of each county in which the 3680
territory proposed for annexation is located other than the county 3681
in which the petition is filed, and the owners of property 3682
adjacent to the territory proposed for annexation or adjacent to a 3683
road that is adjacent to that territory and located directly 3684
across that road from that territory. The notice shall refer to 3685
the time and date when the petition was filed and the county in 3686
which it was filed and shall have attached or shall be accompanied 3687
by a copy of the petition and any attachments or documents 3688
accompanying the petition as filed. 3689

Notice to a property owner is sufficient if sent by regular 3690
United States mail to the tax mailing address listed on the county 3691
auditor's records. Notice to the appropriate government officer 3692
shall be given by certified mail, return receipt requested, or by 3693
causing the notice to be personally served on the officer, with 3694
proof of service by affidavit of the person who delivered the 3695
notice. Proof of service of the notice on each appropriate 3696
government officer shall be filed with the board of county 3697
commissioners with which the petition was filed. 3698

(C)(1) Within thirty days after the petition is filed, the 3699
legislative authority of the municipal corporation to which 3700
annexation is proposed and each township any portion of which is 3701
included within the territory proposed for annexation may adopt 3702
and file with the board of county commissioners an ordinance or 3703
resolution consenting or objecting to the proposed annexation. An 3704
objection to the proposed annexation shall be based solely upon 3705
the petition's failure to meet the conditions specified in 3706
division (F) of this section. Failure of the municipal corporation 3707
or any of those townships to timely file an ordinance or 3708
resolution consenting or objecting to the proposed annexation 3709
shall be deemed to constitute consent by that municipal 3710
corporation or township to the proposed annexation. 3711

(2) Within twenty days after receiving the notice required by 3712
division (B) of this section, the legislative authority of the 3713
municipal corporation shall adopt, by ordinance or resolution, a 3714
statement indicating what services the municipal corporation will 3715
provide or cause to be provided, and an approximate date by which 3716
it will provide or cause them to be provided, to the territory 3717
proposed for annexation, upon annexation. If a hearing is to be 3718
conducted under division (E) of this section, the legislative 3719
authority shall file the statement with the clerk of the board of 3720
county commissioners at least twenty days before the date of the 3721

hearing.

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(D) If all parties to the annexation proceedings consent to the proposed annexation, a hearing shall not be held, and the board, at its next regular session, shall enter upon its journal a resolution granting the annexation. There is no appeal in law or in equity from the board's entry of a resolution under this division. 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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(E) Unless the petition is granted under division (D) of this section, a hearing shall be held on the petition. The board of county commissioners shall hear the petition at its next regular session and shall notify the agent for the petitioners of the hearing's date, time, and place. The agent for the petitioners shall give, within five days after receipt of the notice of the hearing from the board, to the parties and property owners entitled to notice under division (B) of this section, notice of the date, time, and place of the hearing. 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. At the hearing, the parties and any owner of real estate within the territory proposed to be annexed are entitled to appear for the 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 3753
it finds, based upon a preponderance of the substantial, reliable, 3754
and probative evidence on the whole record, that each of the 3755
following conditions has been met: 3756

(1) The petition meets all the requirements set forth in, and 3757
was filed in the manner provided in, section 709.021 of the 3758
Revised Code. 3759

(2) The persons who signed the petition are owners of real 3760
estate located in the territory proposed to be annexed in the 3761
petition and constitute all of the owners of real estate in that 3762
territory. 3763

(3) No street or highway will be divided or segmented by the 3764
boundary line between a township and the municipal corporation as 3765
to create a road maintenance problem, or if the street or highway 3766
will be so divided or segmented, the municipal corporation has 3767
agreed, as a condition of the annexation, that it will assume the 3768
maintenance of that street or highway. For the purposes of this 3769
division, "street" or "highway" has the same meaning as in section 3770
4511.01 of the Revised Code. 3771

(4) The municipal corporation to which the territory is 3772
proposed to be annexed has adopted an ordinance or resolution as 3773
required by division (C)(2) of this section. 3774

(5) The state director of development has certified that the 3775
project meets the requirements of divisions (A)(1) and (2) of this 3776
section and thereby qualifies as a significant economic 3777
development project. The director's certification is binding on 3778
the board of county commissioners. 3779

(G) An owner who signed the petition may appeal a decision of 3780
the board of county commissioners denying the proposed annexation 3781
under section 709.07 of the Revised Code. No other person has 3782
standing to appeal the board's decision in law or in equity. If 3783

the board grants the annexation, there shall be no appeal in law 3784
or in equity. 3785

(H) Notwithstanding anything to the contrary in section 3786
503.07 of the Revised Code, unless otherwise provided in an 3787
annexation agreement entered into pursuant to section 709.192 of 3788
the Revised Code or in a cooperative economic development 3789
agreement entered into pursuant to section 701.07 of the Revised 3790
Code, territory annexed into a municipal corporation pursuant to 3791
this section shall not at any time be excluded from the township 3792
under section 503.07 of the Revised Code and, thus, remains 3793
subject to the township's real property taxes. 3794

(I) A municipal corporation to which annexation is proposed 3795
is entitled in its sole discretion to provide to the territory 3796
proposed for annexation, upon annexation, services in addition to 3797
the services described in the ordinance or resolution adopted by 3798
the legislative authority of the municipal corporation under 3799
division (C)(2) of this section. 3800

Sec. 709.03. The petition required by section 709.02 of the 3801
Revised Code shall be filed in the office of the board of county 3802
commissioners, and the clerk shall cause the petition to be 3803
entered upon the record of proceedings of the board, which entry 3804
shall be the first official act of the board on the annexation 3805
petition, and shall cause the petition to be filed in the office 3806
of the county auditor, where it shall be subject to the inspection 3807
of any interested person. The agent for the petitioners shall 3808
cause written notice of the filing of the petition with the board 3809
of county commissioners and the date of ~~such~~ the filing to be 3810
delivered to the clerk of the legislative authority of the 3811
municipal corporation to which annexation is proposed and to the 3812
~~clerk~~ fiscal officer of each township any portion of which is 3813
included within the territory sought to be annexed. Any person who 3814

**As Reported by the House Local and Municipal Government and Urban
Revitalization Committee**

signed the ~~petition for~~ annexation petition may remove ~~his~~ the 3815
person's signature by filing with the clerk of the board of county 3816
commissioners a written notice of withdrawal of ~~his~~ the person's 3817
signature within twenty days after ~~such a~~ the notice of filing is 3818
delivered to the ~~clerk~~ fiscal officer of the township in which ~~he~~ 3819
the person resides. Thereafter, signatures may be withdrawn or 3820
removed only in the manner authorized by section 709.032 of the 3821
Revised Code. 3822

Sec. 709.033. (A) After the hearing on a petition for 3823
annexation, the board of county commissioners shall enter upon its 3824
journal a resolution granting the annexation if it finds, based 3825
upon a preponderance of the substantial, reliable, and probative 3826
evidence on the whole record, that each of the following 3827
conditions has been met: 3828

(1) The petition meets all the requirements set forth in, and 3829
was filed in the manner provided in, section 709.02 of the Revised 3830
Code. 3831

(2) The persons who signed the petition are owners of real 3832
estate located in the territory proposed to be annexed in the 3833
petition, and, as of the time the petition was filed with the 3834
board of county commissioners, the number of valid signatures on 3835
the petition constituted a majority of the owners of real estate 3836
in that territory. 3837

(3) The municipal corporation to which the territory is 3838
proposed to be annexed has complied with division (D) of section 3839
709.03 of the Revised Code. 3840

(4) The territory proposed to be annexed is not unreasonably 3841
large. 3842

(5) On balance, the general good of the territory proposed to 3843
be annexed will be served, and the benefits to the territory 3844

proposed to be annexed and the surrounding area will outweigh the
detriments to the territory proposed to be annexed and the
surrounding area, if the annexation petition is granted. As used
in division (A)(5) of this section, "surrounding area" means the
territory within the unincorporated area of any township located
one-half mile or less from any of the territory proposed to be
annexed.

(6) 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 a 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.

(B) The board of county commissioners shall enter upon its
journal a resolution granting or denying the petition for
annexation within thirty days after the hearing provided for in
section 709.032 of the Revised Code. The resolution shall include
specific findings of fact as to whether each of the conditions
listed in divisions (A)(1) to (6) of this section has been met.
Upon journalization of the resolution, the clerk of the board
shall send a certified copy of it to the agent for the
petitioners, the clerk of the legislative authority of the
municipal corporation to which annexation is proposed, the ~~clerk~~
fiscal officer of each township in which the territory proposed
for annexation is located, and 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. The clerk of the board shall take no further action
until the expiration of thirty days after the date of
journalization.

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

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

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

(D) If an appeal is filed in a timely manner under section 709.07 of the Revised Code from the determination of the board of county commissioners granting or denying the petition for annexation, the clerk of the board shall take further action only in accordance with that section.

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

If the question of merging is approved by a majority of those 3907
voting on it in each political subdivision proposed to be merged 3908
and in the municipal corporation with which merger is proposed, 3909
the five candidates from each of those political subdivisions 3910
shall be elected to the commission to formulate the conditions of 3911
merging the political subdivisions. The first meeting of the 3912
commission shall be held in the chamber of the legislative 3913
authority of the municipal corporation that has the smallest 3914
population or, in the case of a merger of the unincorporated area 3915
of a township and one or more municipal corporations, in the 3916
office of the board of township trustees, at nine a.m. on the 3917
tenth day after the certification of the election by the last of 3918
the respective boards of elections to make that certification, 3919
unless that day is a Saturday, Sunday, or holiday, in which case 3920
the first meeting shall be held on the next day thereafter which 3921
is not a Saturday, Sunday, or holiday. 3922

The clerk of the municipal legislative authority or the 3923
fiscal officer of the board of township trustees in whose chamber 3924
or office the first meeting of the commission is held shall serve 3925
as temporary chairperson until permanent officers are elected. The 3926
commission shall elect its own permanent officers and shall 3927
proceed to meet as often as necessary to formulate conditions for 3928
merger that are satisfactory to a majority of the members of the 3929
commission from each political subdivision. 3930

(B) In case of a vacancy on the commission, the vacancy shall 3931
be filled by an appointee of the legislative authority of the 3932
municipal corporation, or the board of township trustees of the 3933
township, that the prior commissioner represented. The person 3934
appointed to fill the vacancy shall be an elector of that 3935
political subdivision and, if the person is representing a 3936
township, shall reside in the unincorporated area of that 3937
township. 3938

(C) The costs of the commission shall be divided among the 3939
participating political subdivisions in proportion to the 3940
population that each participating political subdivision bears to 3941
the total population of the territory proposed to be merged. For 3942
these purposes, a township's population shall be based solely upon 3943
the population of the unincorporated area of the township proposed 3944
to be merged. It shall be a proper public purpose for a municipal 3945
corporation or township to expend general fund moneys for these 3946
payments. 3947

(D) All meetings of the commission shall be subject to the 3948
requirements of section 121.22 of the Revised Code. 3949

Sec. 711.05. (A) Upon the submission of a plat for approval, 3950
in accordance with section 711.041 of the Revised Code, the board 3951
of county commissioners shall certify on it the date of the 3952
submission. Within five days of submission of the plat, the board 3953
shall schedule a meeting to consider the plat and send a written 3954
notice by regular mail to the ~~clerk~~ fiscal officer of the board of 3955
township trustees of the township in which the plat is located and 3956
the board of health of the health district in which the plat is 3957
located. The notice shall inform the trustees and the board of 3958
health of the submission of the plat and of the date, time, and 3959
location of any meeting at which the board of county commissioners 3960
will consider or act upon the proposed plat. The meeting shall 3961
take place within thirty days of submission of the plat, and no 3962
meeting shall be held until at least seven days have passed from 3963
the date the notice was sent by the board of county commissioners. 3964
The approval of the board required by section 711.041 of the 3965
Revised Code or the refusal to approve shall take place within 3966
thirty days from the date of submission or such further time as 3967
the applying party may agree to in writing; otherwise, the plat is 3968
deemed approved and may be recorded as if bearing such approval. 3969

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

The rules may require the board of health to review and comment on a plat before the board of county commissioners acts upon it and may also require proof of compliance with any applicable zoning resolutions, and with household sewage treatment rules adopted under section 3718.02 of the Revised Code, as a basis for approval of a plat. Where under section 711.101 of the Revised Code the board of county commissioners has set up standards and specifications for the construction of streets, utilities, and other improvements for common use, the general rules may require the submission of appropriate plans and specifications for approval. The board shall not require the person submitting the plat to alter the plat or any part of it as a condition for approval, as long as the plat is in accordance with general rules governing plats and subdivisions of land, adopted by the board as provided in this section, in effect at the time the plat was submitted and the plat is in accordance with any standards and specifications set up under section 711.101 of the Revised Code, in effect at the time the plat was submitted.

(C) The ground of refusal to approve any plat, submitted in

accordance with section 711.041 of the Revised Code, shall be
stated upon the record of the board, and, within sixty days
thereafter, the person submitting any plat that the board refuses
to approve may file a petition in the court of common pleas of the
county in which the land described in the plat is situated to
review the action of the board. A board of township trustees is
not entitled to appeal a decision of the board of county
commissioners under this section.

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

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(B) A county or regional planning commission may require the
submission of a preliminary plan for each plat sought to be
recorded. If the commission requires this submission, it shall
provide for a review process for the preliminary plan. Under this
review process, the planning commission shall give its approval,
its approval with conditions, or its disapproval of each
preliminary plan. The commission's decision shall be in writing,
shall be under the signature of the secretary of the commission,
and shall be issued within thirty-five business days after the
submission of the preliminary plan to the commission. The
disapproval of a preliminary plan shall state the reasons for the
disapproval. A decision of the commission under this division is
preliminary to and separate from the commission's decision to
approve, conditionally approve, or refuse to approve a plat under

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division (C) of this section.

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

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The approval of the county or regional planning commission, the commission's conditional approval as described in this division, or the refusal of the commission to approve shall be endorsed on the plat within thirty calendar days after the submission of the plat for approval under this division or within such further time as the applying party may agree to in writing; otherwise that plat is deemed approved, and the certificate of the commission as to the date of the submission of the plat for approval under this division and the failure to take action on it within that time shall be sufficient in lieu of the written endorsement or evidence of approval required by this division.

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A county or regional planning commission may grant conditional approval under this division to a plat by requiring a person submitting the plat to alter the plat or any part of it, within a specified period after the end of the thirty calendar days, as a condition for final approval under this division. Once all the conditions have been met within the specified period, the

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commission shall cause its final approval under this division to 4065
be endorsed on the plat. No plat shall be recorded until it is 4066
endorsed with the commission's final or unconditional approval 4067
under this division. 4068

The ground of refusal of approval of any plat submitted under 4069
this division, including citation of or reference to the rule 4070
violated by the plat, shall be stated upon the record of the 4071
county or regional planning commission. Within sixty calendar days 4072
after the refusal under this division, the person submitting any 4073
plat that the commission refuses to approve under this division 4074
may file a petition in the court of common pleas of the proper 4075
county, and the proceedings on the petition shall be governed by 4076
section 711.09 of the Revised Code as in the case of the refusal 4077
of a planning authority to approve a plat. A board of township 4078
trustees is not entitled to appeal a decision of the commission 4079
under this division. 4080

A county or regional planning commission shall adopt general 4081
rules, of uniform application, governing plats and subdivisions of 4082
land falling within its jurisdiction, to secure and provide for 4083
the proper arrangement of streets or other highways in relation to 4084
existing or planned streets or highways or to the county or 4085
regional plan, for adequate and convenient open spaces for 4086
traffic, utilities, access of firefighting apparatus, recreation, 4087
light, and air, and for the avoidance of congestion of population. 4088
The rules may provide for their modification by the commission in 4089
specific cases where unusual topographical and other exceptional 4090
conditions require the modification. The rules may require the 4091
board of health to review and comment on a plat before the 4092
commission acts upon it and also may require proof of compliance 4093
with any applicable zoning resolutions, and with household sewage 4094
treatment rules adopted under section 3718.02 of the Revised Code, 4095
as a basis for approval of a plat. 4096

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

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

No county or regional planning commission shall require a
person submitting a plat to alter the plat or any part of it as
long as the plat is in accordance with the general rules governing
plats and subdivisions of land, adopted by the commission as
provided in this section, in effect at the time the plat is
submitted.

A county or regional planning commission and a city or
village planning commission, or platting commissioner or
legislative authority of a village, with subdivision regulation
jurisdiction over unincorporated territory within the county or

region may cooperate and agree by written agreement that the 4129
approval of a plat by the city or village planning commission, or 4130
platting commissioner or legislative authority of a village, as 4131
provided in section 711.09 of the Revised Code, shall be 4132
conditioned upon receiving advice from or approval by the county 4133
or regional planning commission. 4134

(D) As used in this section, "business day" means a day of 4135
the week excluding Saturday, Sunday, or a legal holiday as defined 4136
in section 1.14 of the Revised Code. 4137

Sec. 715.691. (A) As used in this section: 4138

(1) "Contracting party" means a municipal corporation that 4139
has entered into a joint economic development zone contract or any 4140
party succeeding to ~~such a~~ the municipal corporation, or a 4141
township that entered into a joint economic development zone 4142
contract with a municipal corporation. 4143

(2) "Zone" means a joint economic development zone designated 4144
under this section. 4145

(B) This section provides alternative procedures and 4146
requirements for creating and operating a joint economic 4147
development zone to those set forth in section 715.69 of the 4148
Revised Code. This section applies only if one of the contracting 4149
parties to the zone does not levy a municipal income tax under 4150
Chapter 718. of the Revised Code. A municipal corporation that 4151
does not levy a municipal income tax may enter into an agreement 4152
to create and operate a joint economic development zone under this 4153
section or under section 715.69 of the Revised Code. 4154

Two or more municipal corporations or one or more townships 4155
and one or more municipal corporations may enter into a contract 4156
whereby they agree to share in the costs of improvements for an 4157
area or areas located in one or more of the contracting parties 4158

that they designate as a joint economic development zone for the 4159
purpose of facilitating new or expanded growth for commercial or 4160
economic development in the state. The contract and zone shall 4161
meet the requirements of divisions (B) to (J) of this section. 4162

(C) The contract shall set forth each contracting party's 4163
contribution to the joint economic development zone. The 4164
contributions may be in any form that the contracting parties 4165
agree to, and may include, but are not limited to, the provision 4166
of services, money, or equipment. The contract may be amended, 4167
renewed, or terminated with the consent of the contracting 4168
parties. The contract shall continue in existence throughout the 4169
term it specifies and shall be binding on the contracting parties 4170
and on any entities succeeding to the contracting parties. 4171

(D) Before the legislative authority of any of the 4172
contracting parties enacts an ordinance or resolution approving a 4173
contract to designate a joint economic development zone, the 4174
legislative authority of each of the contracting parties shall 4175
hold a public hearing concerning the contract and zone. Each ~~such~~ 4176
legislative authority shall provide at least thirty days' public 4177
notice of the time and place of the public hearing in a newspaper 4178
of general circulation in the municipal corporation or township. 4179
During the thirty-day period prior to the public hearing, all of 4180
the following documents shall be available for public inspection 4181
in the office of the clerk of the legislative authority of ~~each a~~ 4182
municipal corporation that is a contracting party and in the 4183
office of the fiscal officer of the a township that is a 4184
contracting ~~parties~~ party: 4185

(1) A copy of the contract designating the zone; 4186

(2) A description of the area or areas to be included in the 4187
zone, including a map in sufficient detail to denote the specific 4188
boundaries of the area or areas; 4189

(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.

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.

(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 ~~such~~ an ordinance or resolution, the clerk of the legislative authority of ~~each~~ a municipal corporation that is a contracting party and the fiscal officer of a township that is a contracting party 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.

(F)(1) If a vote is required to approve a municipal corporation as a contracting party to a joint economic development 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? 4221

4222

	FOR THE ORDINANCE AND CONTRACT
	AGAINST THE ORDINANCE AND CONTRACT

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"

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(2) If a vote is required to approve a township as a 4226
contracting party to a joint economic development zone under this 4227
section, the ballot shall be in the following form: 4228

"Shall the resolution of the board of township trustees of 4229
the township of (name of contracting party) approving the contract 4230
with (name of each other contracting party) for the designation of 4231
a joint economic development zone be approved? 4232

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	FOR THE RESOLUTION AND CONTRACT
	AGAINST THE RESOLUTION AND CONTRACT

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If a majority of the electors of each contracting party 4237
voting on the issue vote for the ordinance or resolution and 4238
contract, the ordinance or resolution shall become effective 4239
immediately and the contract shall go into effect immediately or 4240
in accordance with its terms. 4241

(G)(1) A board of directors shall govern each joint economic 4242
development zone created under section 715.691 of the Revised 4243
Code. The members of the board shall be appointed as provided in 4244
the contract. Each of the contracting parties shall appoint three 4245
members to the board. Terms for each member shall be for two 4246
years, each term ending on the same day of the month of the year 4247
as did the term that it succeeds. A member may be reappointed to 4248
the board. 4249

(2) Membership on the board is not the holding of a public 4250

As Reported by the House Local and Municipal Government and Urban Revitalization Committee

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

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

(H) The contract may grant to the board of directors
appointed under division (G) of this section the power to adopt a
resolution to levy an income tax within the zone. The income tax
shall be used for the purposes of the zone and for the purposes of
the contracting municipal corporations pursuant to the contract.
The income tax may be levied in the zone based on income earned by
persons working within the zone and on the net profits of
businesses located in the zone. The income tax is subject to
Chapter 718. of the Revised Code, except that a vote shall be
required by the electors residing in the zone to approve the rate
of income tax unless a majority of the electors residing within
the zone, as determined by the total number of votes cast in the
zone for the office of governor at the most recent general
election for that office, submit a petition to the board
requesting that the election provided for in division (H)(1) of
this section not be held. If no electors reside within the zone,
then division (H)(3) of this section applies. 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.

(1) The board of directors may levy an income tax at a rate 4283
that is not higher than the highest rate being levied by a 4284
municipal corporation that is a party to the contract, provided 4285
that the rate of the income tax is first submitted to and approved 4286
by the electors of the zone at the succeeding regular or primary 4287
election, or a special election called by the board, occurring 4288
subsequent to seventy-five days after a certified copy of the 4289
resolution levying the income tax and calling for the election is 4290
filed with the board of elections. If the voters approve the levy 4291
of the income tax, the income tax shall be in force for the full 4292
period of the contract establishing the zone. No election shall be 4293
held under this section if a majority of the electors residing 4294
within the zone, determined as specified in division (H) of this 4295
section, submit a petition to that effect to the board of 4296
directors. Any increase in the rate of an income tax by the board 4297
of directors shall be approved by a vote of the electors of the 4298
zone and shall be in force for the remaining period of the 4299
contract establishing the zone. 4300

(2) Whenever a zone is located in the territory of more than 4301
one contracting party, a majority vote of the electors in each of 4302
the several portions of the territory of the contracting parties 4303
constituting the zone approving the levy of the tax is required 4304
before it may be imposed under division (H) of this section. 4305

(3) If no electors reside in the zone, no election for the 4306
approval or rejection of an income tax shall be held under this 4307
section, provided that where no electors reside in the zone, the 4308
rate of the income tax shall be no higher than the highest rate 4309
being levied by a municipal corporation that is a party to the 4310
contract. 4311

(4) The board of directors of a zone levying an income tax 4312
shall enter into an agreement with one of the municipal 4313
corporations that is a party to the contract to administer, 4314

collect, and enforce the income tax on behalf of the zone.

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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.

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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.

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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 its existing status in all respects, including having the same form of government and the same elected board of trustees as its governing body. The township shall continue to receive all of its tax levies and sources of income as a township in accordance with any section of the Revised Code, whether ~~such~~ the levies and sources of income generate millage within the ten-mill limitation

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or in excess of the ten-mill limitation. The name of the township 4347
may be changed to the name of the contracting party appearing in 4348
the contract creating a joint economic development zone under this 4349
section, so long as the name does not conflict with any other name 4350
in the state that has been certified by the secretary of state. 4351
The township shall have all of the powers set out in sections 4352
715.79, 715.80, and 715.81 of the Revised Code. 4353

(J) If, after creating and operating a joint economic 4354
development zone under this section, a contracting party that did 4355
not levy a municipal income tax under Chapter 718. of the Revised 4356
Code levies such a tax, the tax shall not apply to the zone for 4357
the full period of the contract establishing the zone, if the 4358
board of directors of the zone has levied an income tax as 4359
provided in division (H) of this section. 4360

Sec. 715.70. (A) This section and section 715.71 of the 4361
Revised Code apply only to: 4362

(1) Municipal corporations and townships within a county that 4363
has adopted a charter under Sections 3 and 4 of Article X, Ohio 4364
Constitution; 4365

(2) Municipal corporations and townships that have created a 4366
joint economic development district comprised entirely of real 4367
property owned by a municipal corporation at the time the district 4368
was created under this section. The real property owned by the 4369
municipal corporation shall include an airport owned by the 4370
municipal corporation and located entirely beyond the municipal 4371
corporation's corporate boundary. 4372

(3) Municipal corporations or townships that are part of or 4373
contiguous to a transportation improvement district created under 4374
Chapter 5540. of the Revised Code and that have created a joint 4375
economic development district under this section or section 715.71 4376
of the Revised Code prior to November 15, 1995; 4377

(4) Municipal corporations that have previously entered into 4378
a contract creating a joint economic development district pursuant 4379
to division (A)(2) of this section, even if the territory to be 4380
included in the district does not meet the requirements of that 4381
division. 4382

(B)(1) One or more municipal corporations and one or more 4383
townships may enter into a contract approved by the legislative 4384
authority of each contracting party pursuant to which they create 4385
as a joint economic development district an area or areas for the 4386
purpose of facilitating economic development to create or preserve 4387
jobs and employment opportunities and to improve the economic 4388
welfare of the people in the state and in the area of the 4389
contracting parties. A municipal corporation described in division 4390
(A)(4) of this section may enter into a contract with other 4391
municipal corporations and townships to create a new joint 4392
economic development district. In a district that includes a 4393
municipal corporation described in division (A)(4) of this 4394
section, the territory of each of the contracting parties shall be 4395
contiguous to the territory of at least one other contracting 4396
party, or contiguous to the territory of a township or municipal 4397
corporation that is contiguous to another contracting party, even 4398
if the intervening township or municipal corporation is not a 4399
contracting party. The area or areas of land to be included in the 4400
district shall not include any parcel of land owned in fee by a 4401
municipal corporation or a township or parcel of land that is 4402
leased to a municipal corporation or a township, unless the 4403
municipal corporation or township is a party to the contract or 4404
unless the municipal corporation or township has given its consent 4405
to have its parcel of land included in the district by the 4406
adoption of a resolution. As used in this division, "parcel of 4407
land" means any parcel of land owned by a municipal corporation or 4408
a township for at least a six-month period within a five-year 4409

period prior to the creation of a district, but "parcel of land" 4410
does not include streets or public ways and sewer, water, and 4411
other utility lines whether owned in fee or otherwise. 4412

The district created shall be located within the territory of 4413
one or more of the participating parties and may consist of all or 4414
a portion of such territory. The boundaries of the district shall 4415
be described in the contract or in an addendum to the contract. 4416

(2) Prior to the public hearing to be held pursuant to 4417
division (D)(2) of this section, the participating parties shall 4418
give a copy of the proposed contract to each municipal corporation 4419
located within one-quarter mile of the proposed joint economic 4420
development district and not otherwise a party to the contract, 4421
and afford the municipal corporation the reasonable opportunity, 4422
for a period of thirty days following receipt of the proposed 4423
contract, to make comments and suggestions to the participating 4424
parties regarding elements contained in the proposed contract. 4425

(3) The district shall not exceed two thousand acres in area. 4426
The territory of the district shall not completely surround 4427
territory that is not included within the boundaries of the 4428
district. 4429

(4) Sections 503.07 to 503.12 of the Revised Code do not 4430
apply to territory included within a district created pursuant to 4431
this section as long as the contract creating the district is in 4432
effect, unless the legislative authority of each municipal 4433
corporation and the board of township trustees of each township 4434
included in the district consent, by ordinance or resolution, to 4435
the application of those sections of the Revised Code. 4436

(5) Upon the execution of the contract creating the district 4437
by the parties to the contract, a participating municipal 4438
corporation or township included within the district shall file a 4439
copy of the fully executed contract with the county recorder of 4440

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.

(a) The petition shall contain all of the following:

(i) A statement that the area or areas of the district is not

greater than two thousand acres and is located within the	4472
territory of one or more of the contracting parties;	4473
(ii) A brief summary of the services to be provided by each	4474
party to the contract or a reference to the portion of the	4475
contract describing those services;	4476
(iii) A description of the area or areas to be designated as	4477
the district;	4478
(iv) The signature of a representative of each of the	4479
contracting parties.	4480
(b) The following documents shall be filed with the petition:	4481
(i) A signed copy of the contract, together with copies of	4482
district maps and plans related to or part of the contract;	4483
(ii) A certified copy of the ordinances and resolutions of	4484
the contracting parties approving the contract;	4485
(iii) A certificate from each of the contracting parties	4486
indicating that the public hearings required by division (D)(2) of	4487
this section have been held, the date of the hearings, and	4488
evidence of publication of the notice of the hearings;	4489
(iv) One or more signed statements of persons who are owners	4490
of property located in whole or in part within the area to be	4491
designated as the district, requesting that such <u>the</u> property be	4492
included within the district, provided that those statements shall	4493
represent a majority of the persons owning property located in	4494
whole or in part within the district and persons owning a majority	4495
of the acreage located within the district. A signature may be	4496
withdrawn by the signer up to but not after the time of the public	4497
hearing required by division (D)(2) of this section.	4498
(2) The legislative authority of each county within which a	4499
party to the contract is located shall adopt a resolution	4500
approving the petition for the creation of the district if the	4501

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 improvements, including expanded or additional capacity for or other enhancement of existing services, facilities, or improvements, provided that those services, facilities, or improvements, or expanded or additional capacity for or

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enhancement of existing services, facilities, or improvements, 4534
required herein have been provided within the two-year period 4535
prior to the execution of the contract. 4536

(2) Before the legislative authority of a municipal 4537
corporation or a board of township trustees passes any ordinance 4538
or resolution approving a contract to create a joint economic 4539
development district pursuant to this section, the legislative 4540
authority of the municipal corporation and the board of township 4541
trustees shall each hold a public hearing concerning the joint 4542
economic development district contract and shall provide thirty 4543
days' public notice of the time and place of the public hearing in 4544
a newspaper of general circulation in the municipal corporation 4545
and the township. The board of township trustees may provide 4546
additional notice to township residents in accordance with section 4547
9.03 of the Revised Code, and any ~~such~~ additional notice shall 4548
include the public hearing announcement; a summary of the terms of 4549
the contract; a statement that the entire text of the contract and 4550
district maps and plans are on file for public examination in the 4551
office of the township ~~clerk~~ fiscal officer; and information 4552
pertaining to any tax changes ~~which~~ that will or may occur as a 4553
result of the contract. 4554

During the thirty-day period prior to the public hearing, a 4555
copy of the text of the contract together with copies of district 4556
maps and plans related to or part of the contract shall be on 4557
file, for public examination, in the offices of the clerk of the 4558
legislative authority of the municipal corporation and of the 4559
township ~~clerk~~ fiscal officer. The public hearing provided for in 4560
division (D)(2) of this section shall allow for public comment and 4561
recommendations from the public on the proposed contract. The 4562
contracting parties may include in the contract any of those 4563
recommendations prior to the approval of the contract. 4564

(3) Any resolution of the board of township trustees that 4565

approves a contract that creates a joint economic development 4566
district pursuant to this section shall be subject to a referendum 4567
of the electors of the township. When a referendum petition, 4568
signed by ten per cent of the number of electors in the township 4569
who voted for the office of governor at the most recent general 4570
election for the office of governor, is presented to the board of 4571
township trustees within thirty days after the board of township 4572
trustees adopted the resolution, ordering that the resolution be 4573
submitted to the electors of the township for their approval or 4574
rejection, the board of township trustees shall, after ten days 4575
and not later than four p.m. of the seventy-fifth day before the 4576
election, certify the text of the resolution to the board of 4577
elections. The board of elections shall submit the resolution to 4578
the electors of the township for their approval or rejection at 4579
the next general, primary, or special election occurring 4580
subsequent to seventy-five days after the certifying of the 4581
petition to the board of elections. 4582

(4) Upon the creation of a district under this section or 4583
section 715.71 of the Revised Code, one of the contracting parties 4584
shall file a copy of the following with the director of 4585
development: 4586

(a) The petition and other documents described in division 4587
(C)(1) of this section, if the district is created under this 4588
section; 4589

(b) The documents described in division (D) of section 715.71 4590
of the Revised Code, if the district is created under this 4591
section; 4592

(E) The district created by the contract shall be governed by 4593
a board of directors that shall be established by or pursuant to 4594
the contract. The board is a public body for the purposes of 4595
section 121.22 of the Revised Code. The provisions of Chapter 4596

2744. of the Revised Code apply to the board and the district. The 4597
members of the board shall be appointed as provided in the 4598
contract from among the elected members of the legislative 4599
authorities and the elected chief executive officers of the 4600
contracting parties, provided that there shall be at least two 4601
members appointed from each of the contracting parties. 4602

(F) The contract shall enumerate the specific powers, duties, 4603
and functions of the board of directors of a district, and the 4604
contract shall provide for the determination of procedures that 4605
are to govern the board of directors. The contract may grant to 4606
the board the power to adopt a resolution to levy an income tax 4607
within the district. The income tax shall be used for the purposes 4608
of the district and for the purposes of the contracting municipal 4609
corporations and townships pursuant to the contract. The income 4610
tax may be levied in the district based on income earned by 4611
persons working or residing within the district and based on the 4612
net profits of businesses located in the district. The income tax 4613
shall follow the provisions of Chapter 718. of the Revised Code, 4614
except that a vote shall be required by the electors residing in 4615
the district to approve the rate of income tax. If no electors 4616
reside within the district, then division (F)(4) of this section 4617
applies. The rate of the income tax shall be no higher than the 4618
highest rate being levied by a municipal corporation that is a 4619
party to the contract. 4620

(1) Within one hundred eighty days after the first meeting of 4621
the board of directors, the board may levy an income tax, provided 4622
that the rate of the income tax is first submitted to and approved 4623
by the electors of the district at the succeeding regular or 4624
primary election, or a special election called by the board, 4625
occurring subsequent to seventy-five days after a certified copy 4626
of the resolution levying the income tax and calling for the 4627
election is filed with the board of elections. If the voters 4628

approve the levy of the income tax, the income tax shall be in 4629
force for the full period of the contract establishing the 4630
district. Any increase in the rate of an income tax that was first 4631
levied within one hundred eighty days after the first meeting of 4632
the board of directors shall be approved by a vote of the electors 4633
of the district, shall be in force for the remaining period of the 4634
contract establishing the district, and shall not be subject to 4635
division (F)(2) of this section. 4636

(2) Any resolution of the board of directors levying an 4637
income tax that is adopted subsequent to one hundred eighty days 4638
after the first meeting of the board of directors shall be subject 4639
to a referendum as provided in division (F)(2) of this section. 4640
Any resolution of the board of directors levying an income tax 4641
that is adopted subsequent to one hundred eighty days after the 4642
first meeting of the board of directors shall be subject to an 4643
initiative proceeding to amend or repeal the resolution levying 4644
the income tax as provided in division (F)(2) of this section. 4645
When a referendum petition, signed by ten per cent of the number 4646
of electors in the district who voted for the office of governor 4647
at the most recent general election for the office of governor, is 4648
filed with the county auditor of each county within which a party 4649
to the contract is located within thirty days after the resolution 4650
is adopted by the board or when an initiative petition, signed by 4651
ten per cent of the number of electors in the district who voted 4652
for the office of governor at the most recent general election for 4653
the office of governor, is filed with the county auditor of each 4654
such county ordering that a resolution to amend or repeal a prior 4655
resolution levying an income tax be submitted to the electors 4656
within the district for their approval or rejection, the county 4657
auditor of each such county, after ten days and not later than 4658
four p.m. of the seventy-fifth day before the election, shall 4659
certify the text of the resolution to the board of elections of 4660

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
the same manner required of municipal corporations under sections
731.21 and 731.25 of the Revised Code.

(b) Except as otherwise specified by this division, any

referendum or initiative proceeding within a district shall be 4692
conducted in the same manner as is required for such proceedings 4693
within a municipal corporation pursuant to sections 731.28 to 4694
731.40 of the Revised Code. 4695

(G) Membership on the board of directors does not constitute 4696
the holding of a public office or employment within the meaning of 4697
any section of the Revised Code or any charter provision 4698
prohibiting the holding of other public office or employment, and 4699
shall not constitute an interest, either direct or indirect, in a 4700
contract or expenditure of money by any municipal corporation, 4701
township, county, or other political subdivision with which the 4702
member may be connected. No member of a board of directors shall 4703
be disqualified from holding any public office or employment, nor 4704
shall such member forfeit or be disqualified from holding any such 4705
office or employment, by reason of the member's membership on the 4706
board of directors, notwithstanding any law or charter provision 4707
to the contrary. 4708

(H) The powers and authorizations granted pursuant to this 4709
section or section 715.71 of the Revised Code are in addition to 4710
and not in derogation of all other powers granted to municipal 4711
corporations and townships pursuant to law. When exercising a 4712
power or performing a function or duty under a contract authorized 4713
pursuant to this section or section 715.71 of the Revised Code, a 4714
municipal corporation may exercise all of the powers of a 4715
municipal corporation, and may perform all the functions and 4716
duties of a municipal corporation, within the district, pursuant 4717
to and to the extent consistent with the contract. When exercising 4718
a power or performing a function or duty under a contract 4719
authorized pursuant to this section or section 715.71 of the 4720
Revised Code, a township may exercise all of the powers of a 4721
township, and may perform all the functions and duties of a 4722
township, within the district, pursuant to and to the extent 4723

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
section 715.71 of the Revised Code may be amended and it may be
renewed, canceled, or terminated as provided in or pursuant to the
contract. The contract may be amended to add property owned by one

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of the contracting parties to the district, or may be amended to
delete property from the district whether or not one of the
contracting parties owns the deleted property. The contract shall
continue in existence throughout its term and shall be binding on
the contracting parties and on any entities succeeding to such
parties, whether by annexation, merger, or otherwise. The income
tax levied by the board pursuant to this section or section 715.71
of the Revised Code shall apply in the entire district throughout
the term of the contract, notwithstanding that all or a portion of
the district becomes subject to annexation, merger, or
incorporation. No township or municipal corporation is divested of
its rights or obligations under the contract because of
annexation, merger, or succession of interests.

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

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

(B) One or more municipal corporations and one or more
townships may enter into a contract approved by the legislative
authority of each contracting party pursuant to which they create
as a joint economic development district one or more areas for the

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purpose of facilitating economic development to create or preserve
 jobs and employment opportunities and to improve the economic
 welfare of the people in this state and in the area of the
 contracting parties. The district created shall be located within
 the territory of one or more of the contracting parties and may
 consist of all or a portion of ~~such~~ that territory. The boundaries
 of the district shall be described in the contract or in an
 addendum to the contract. The area or areas of land to be included
 in the district shall not include any parcel of land owned in fee
 by or leased to a municipal corporation or township, unless the
 municipal corporation or township is a party to the contract or
 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" has the same meaning as in division (B)
 of section 715.70 of the Revised Code.

(C) Before the legislative authority of a municipal
 corporation or a board of township trustees adopts an ordinance or
 resolution approving a contract to create a joint economic
 development district under this section, it shall hold a public
 hearing concerning the joint economic development district
 contract and shall provide thirty days' public notice of the time
 and place of the public hearing in a newspaper of general
 circulation in the municipal corporation and the township. Each
 municipal corporation and township that is a party to the contract
 shall hold a public hearing. During the thirty-day period prior to
 a public hearing, a copy of the text of the contract together with
 copies of district maps and plans related to or part of the
 contract shall be on file, for public examination, in the offices
 of the clerk of the legislative authority of the municipal
 corporation and of the township ~~clerk~~ fiscal officer. The public
 hearings provided for in this division shall allow for public
 comment and recommendations on the proposed contract. The

participating parties may include in the contract any of those 4819
recommendations prior to approval of the contract. 4820

(D) After the legislative authority of a municipal 4821
corporation and the board of township trustees have adopted an 4822
ordinance and resolution approving a contract to create a joint 4823
economic development district, the municipal corporation and the 4824
township jointly shall file with the legislative authority of each 4825
county within which a party to the contract is located all of the 4826
following: 4827

(1) A signed copy of the contract, together with copies of 4828
district maps and plans related to or part of the contract; 4829

(2) Certified copies of the ordinances and resolutions of the 4830
contracting parties relating to the district and the contract; 4831

(3) A certificate of each of the contracting parties that the 4832
public hearings provided for in division (C) of this section have 4833
been held, the date of ~~such~~ the hearings, and evidence of 4834
publication of the notice of ~~such~~ the hearings. 4835

(E) Within thirty days after the filing under division (D) of 4836
this section, the legislative authority of each county within 4837
which a party to the contract is located shall adopt a resolution 4838
acknowledging the receipt of the required documents, approving the 4839
creation of the joint economic development district, and directing 4840
that the resolution of the board of township trustees approving 4841
the contract be submitted to the electors of the township for 4842
approval at the next succeeding general, primary, or special 4843
election. The legislative authority of the county shall file with 4844
the board of elections at least seventy-five days before the day 4845
of the election a copy of the resolution of the board of township 4846
trustees approving the contract. The resolution of the legislative 4847
authority of the county also shall specify the date the election 4848
is to be held and shall direct the board of elections to conduct 4849

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
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

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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 improvements, including expanded or additional capacity for or other enhancement of existing services, facilities, or improvements, provided that the existing services, facilities, or improvements, or the expanded or additional capacity for or enhancement of the existing services, facilities, or improvements, have been provided within the two-year period prior to the execution of the contract.

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

The board of directors of a district levying an income tax

shall enter into an agreement with one of the municipal 4913
corporations that is a party to the contract to administer, 4914
collect, and enforce the income tax on behalf of the district. The 4915
resolution levying the income tax shall provide the same credits, 4916
if any, to residents of the district for income taxes paid to 4917
other ~~such~~ districts or municipal corporations where the residents 4918
work, as credits provided to residents of the municipal 4919
corporation administering the income tax. 4920

(H) No annexation proceeding pursuant to Chapter 709. of the 4921
Revised Code that proposes the annexation to or merger or 4922
consolidation with a municipal corporation, except a municipal 4923
corporation that is a party to the contract, of any unincorporated 4924
territory within the district shall be commenced for a period of 4925
three years after the contract is filed with the legislative 4926
authority of each county within which a party to the contract is 4927
located in accordance with division (D) of this section unless 4928
each board of township trustees whose territory is included, in 4929
whole or part, within the district and the territory proposed to 4930
be annexed, merged, or consolidated adopts a resolution consenting 4931
to the commencement of the proceeding and a copy of the resolution 4932
is filed with the legislative authority of each such county or 4933
unless the contract is terminated during this three-year period. 4934
The contract entered into between the municipal corporations and 4935
townships pursuant to this section may provide for the prohibition 4936
of any annexation by the participating municipal corporations of 4937
any unincorporated territory within the district. 4938

Sec. 715.75. Before the legislative authority of any of the 4939
contracting parties adopts an ordinance or resolution approving a 4940
contract to create a joint economic development district, the 4941
legislative authority of each of the contracting parties shall 4942
hold a public hearing concerning the contract and district. Each 4943

~~such~~ legislative authority shall provide at least thirty days' 4944
public notice of the time and place of the public hearing in a 4945
newspaper of general circulation in the municipal corporation or 4946
township, as applicable. During the thirty-day period prior to the 4947
public hearing and until the filing is made under section 715.76 4948
of the Revised Code, all of the following documents shall be 4949
available for public inspection in the office of the clerk of the 4950
legislative authority of ~~each~~ a municipal corporation that is a 4951
contracting party and in the office of the fiscal officer of the a 4952
township that is a contracting parties party: 4953

(A) A copy of the contract creating the district; 4954

(B) A description of the area or areas to be included in the 4955
district, including a map in sufficient detail to denote the 4956
specific boundaries of the area or areas and to indicate any 4957
zoning restrictions applicable to the area or areas; 4958

(C) An economic development plan for the district that 4959
consists of both of the following schedules: 4960

(1) A schedule for the provision of the new, expanded, or 4961
additional services, facilities, or improvements described in 4962
division (A) of section 715.74 of the Revised Code; 4963

(2) A schedule for the collection of an income tax levied 4964
under division (C) of section 715.74 of the Revised Code. 4965

A public hearing held under this section shall allow for 4966
public comment and recommendations on the contract and district. 4967
The contracting parties may include in the contract any of those 4968
recommendations prior to approval of the contract. 4969

Before any of the contracting parties approves a contract 4970
under section 715.76 of the Revised Code, the contracting parties 4971
shall deliver a copy of the contract to the board of county 4972
commissioners of each county in which a contracting party is 4973
located. Any such county may enter into an agreement with the 4974

contracting parties regarding the provision of services by the 4975
county within the proposed district and may enter into an 4976
agreement with the contracting parties to extend services to the 4977
area or areas to be included in the district. 4978

Sec. 715.76. After the public hearings required under section 4979
715.75 of the Revised Code have been held, each contracting party 4980
may adopt an ordinance or resolution approving the contract to 4981
create a joint economic development district. After each 4982
contracting party has adopted ~~such~~ an ordinance or resolution, the 4983
contracting parties jointly shall file with the legislative 4984
authority of each county within which a contracting party is 4985
located all of the following documents: 4986

(A) A signed copy of the contract; 4987

(B) A description of the area or areas to be included in the 4988
district, including a map in sufficient detail to denote the 4989
specific boundaries of the area or areas and to indicate any 4990
zoning restrictions applicable to the area or areas; 4991

(C) The economic development plan described in division (C) 4992
of section 715.75 of the Revised Code; 4993

(D) Certified copies of the ordinances and resolutions of the 4994
contracting parties relating to the contract and district; 4995

(E) A certificate of each contracting party that the public 4996
hearings required by section 715.75 of the Revised Code have been 4997
held, the date of the hearings, and evidence of publication of the 4998
notice of the hearings; 4999

(F) A petition signed by a majority of the owners of property 5000
located within the area or areas to be included in the district; 5001

(G) A petition signed by a majority of the owners of 5002
businesses, if any, located within the area or areas to be 5003
included in the district. 5004

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

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

If the contracting parties do not file all of the documents described in divisions (A) ~~through~~ to (G) of this section, the legislative authority of a county within which a contracting party is located may adopt a resolution disapproving the creation of the joint economic development district. In addition, the legislative

authority of ~~such a~~ the county may adopt a resolution disapproving 5037
the creation of the district if it determines, in written findings 5038
of fact, that each contracting party did not enter into the 5039
contract freely and without duress or coercion. 5040

Sec. 971.05. The cost due the township ~~clerk~~ fiscal officer 5041
and the board of township trustees for making the assignment set 5042
forth in section 971.04 of the Revised Code, shall be taxed 5043
equally against each of the persons, and, if not paid to the ~~clerk~~ 5044
fiscal officer within thirty days from the date of ~~such the~~ 5045
assignment, shall be certified by ~~him~~ the fiscal officer to the 5046
county auditor, with a correct description of the lands and the 5047
amount charged against each portion. 5048

Sec. 971.06. The county auditor shall place the amount 5049
authorized in section 971.05 of the Revised Code, upon the 5050
duplicate to be collected as other taxes, and the county treasurer 5051
shall pay it, when collected, to the township ~~clerk~~ fiscal officer 5052
as other funds are paid. 5053

Sec. 971.08. When the work is completed to the satisfaction 5054
of the board of township trustees, it shall certify the costs to 5055
the township ~~clerk, and, if~~ fiscal officer. If the costs are not 5056
paid within thirty days, ~~such clerk~~ the township fiscal officer 5057
shall certify them to the county auditor with a statement of the 5058
cost of the construction and incidental costs incurred by the 5059
trustees, ~~with and~~ a correct description of each piece of land 5060
upon which the costs are assessed. 5061

Sec. 971.09. The county auditor shall place the amounts 5062
certified, as provided in section 971.08 of the Revised Code, upon 5063
the tax duplicate, which amounts shall become a lien and be 5064
collected as other taxes, ~~and the~~. The board of township trustees 5065

shall certify the amount due each person for building ~~such the~~ 5066
fence and the amount due each trustee and ~~clerk the township~~ 5067
fiscal officer for services rendered. In anticipation of the 5068
collection ~~thereof~~ of the amounts, the auditor shall draw orders 5069
for the payment of ~~such the~~ amounts out of the county treasury. 5070

Sec. 971.12. The report of the assignment of partition fences 5071
under this chapter shall be made and certified to the county 5072
recorder by the township ~~clerk~~ fiscal officer, and the cost of the 5073
record ~~thereof~~ of the report shall be taxed against the parties 5074
with the other costs. 5075

Sec. 971.35. When the work authorized in section 971.34 of 5076
the Revised Code is completed, the board of township trustees 5077
shall certify to the county auditor the amount of the cost of the 5078
work with the expense thereto attached, and a correct description 5079
of the land upon which the work was performed, ~~and the.~~ The 5080
auditor shall place the amount upon the tax duplicate to be 5081
collected as other taxes. The county treasurer shall pay the 5082
amount, when collected, to the township ~~clerk~~ fiscal officer as 5083
other funds are paid. 5084

Sec. 971.36. The board of township trustees may anticipate 5085
the collection, and refund the cost of the work authorized in 5086
section 971.34 of the Revised Code, to the township ~~clerk~~ fiscal 5087
officer for the amount, payable out of any township funds that may 5088
be in ~~his~~ the fiscal officer's hands. 5089

Sec. 1341.16. A surety of a constable, township ~~clerk~~ fiscal 5090
officer, or other township officer, may notify the board of 5091
township trustees, by giving at least five days' notice in 5092
writing, that ~~he~~ the surety is unwilling to continue as surety for 5093
~~such the~~ officer, ~~and,~~ at a time named in ~~such the~~ notice, will 5094

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make application to the board to be released from further 5095
liability upon ~~his~~ the bond. He ~~The~~ surety also shall give at 5096
least three days' notice in writing to ~~such~~ the officer~~7~~, of the 5097
time and place at which the application will be made. 5098

Sec. 1533.13. Hunting and fishing licenses, wetlands habitat 5099
stamps, deer and wild turkey permits, fur taker permits, and any 5100
other licenses, permits, or stamps that are required under this 5101
chapter or Chapter 1531. of the Revised Code and any reissued 5102
license, permit, or stamp may be issued by the clerk of the court 5103
of common pleas, village ~~and~~ clerks, township ~~clerks~~ fiscal 5104
officers, and other authorized agents designated by the chief of 5105
the division of wildlife. When required by the chief, a clerk, 5106
fiscal officer, or other agent shall give bond in the manner 5107
provided by the chief. All bonds, reports, except records 5108
prescribed by the auditor of state, and moneys received by those 5109
persons shall be handled under rules adopted by the director of 5110
natural resources. 5111

The premium of any bond prescribed by the chief under this 5112
section may be paid by the chief. Any person who is designated and 5113
authorized by the chief to issue licenses, stamps, and permits as 5114
provided in this section, except the clerk of the court of common 5115
pleas ~~and the,~~ a village clerk, and a township clerks fiscal 5116
officer, shall pay to the chief a premium in an amount that 5117
represents the person's portion of the premium paid by the chief 5118
under this section, which amount shall be established by the chief 5119
and approved by the wildlife council created under section 1531.03 5120
of the Revised Code. The chief shall pay all moneys that the chief 5121
receives as premiums under this section into the state treasury to 5122
the credit of the wildlife fund created under section 1531.17 of 5123
the Revised Code. 5124

Every authorized agent, for the purpose of issuing hunting 5125

and fishing licenses, wetlands habitat stamps, deer and wild
turkey permits, and fur taker permits, may administer oaths to and
take affidavits from applicants for the licenses, stamps, or
permits when required. An authorized agent may appoint deputies to
perform any acts that the agent is authorized to perform,
consistent with division rules.

Every applicant for a hunting or fishing license, wetlands
habitat stamp, deer or wild turkey permit, or fur taker permit,
unless otherwise provided by division rule, shall provide the
applicant's name, date of birth, weight, height, and place of
residence, and any other information that the chief may require.
The clerk, fiscal officer, or other agent authorized to issue
licenses, stamps, and permits shall charge each applicant a fee of
one dollar for taking the information provided by the applicant
and issuing the license, stamp, or permit. The application,
license, stamp, permit, and other blanks required by this section
shall be prepared and furnished by the chief, in ~~such~~ the form ~~as~~
the chief provides, to the clerk, fiscal officer, or other agent
authorized to issue them. The licenses and permits shall be issued
to applicants by the clerk, fiscal officer, or other agent. The
record of licenses and permits kept by the ~~clerk~~ clerks, fiscal
officers, and other ~~authorized~~ agents shall be uniform throughout
the state and in ~~such~~ the form or manner as the auditor of state
prescribes and shall be open at all reasonable hours to the
inspection of any person. Unless otherwise provided by division
rule, each hunting license, deer or wild turkey permit, and fur
taker permit issued shall remain in force until midnight of the
thirty-first day of August next ensuing. Application for any such
license or permit may be made and a license or permit issued prior
to the date upon which it becomes effective.

The chief may require an applicant who wishes to purchase a
license, stamp, or permit by mail or telephone or via the internet

to pay a nominal fee for postage and handling and credit card
transactions. 5158
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The court before whom a violator of any laws or division
rules for the protection of wild animals is tried, as a part of
the punishment, shall revoke the license, stamp, or permit of any
person convicted. The license, stamp, or permit fee paid by that
person shall not be returned to the person. The person shall not
procure or use any other license, stamp, or permit or engage in
hunting wild animals or trapping fur-bearing animals during the
period of revocation as ordered by the court. 5160
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No person under sixteen years of age shall engage in hunting
unless accompanied by the person's parent or another adult person. 5168
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Sec. 1710.02. (A) A special improvement district may be
created within the boundaries of any one municipal corporation,
any one township, or any combination of contiguous municipal
corporations and townships by a petition of the property owners
within the proposed district, for the purpose of developing and
implementing plans for public improvements and public services
that benefit the district. All territory in a district shall be
contiguous. 5170
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The district shall be governed by the board of trustees of a
nonprofit corporation. This board shall be known as the board of
directors of the special improvement district. No special
improvement district shall include any church property, or
property of the federal or state government or a county, township,
or municipal corporation, unless the church or the county,
township, or municipal corporation specifically requests in
writing that the property be included within the district. More
than one district may be created within a participating political
subdivision, but no real property may be included within more than
one district unless the owner of the property files a written 5178
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consent with the clerk of the legislative authority, the township 5189
fiscal officer, or the village clerk, as appropriate. The area of 5190
each district shall be contiguous. 5191

(B) Except as provided in division (C) of this section, a 5192
district created under this chapter is not a political 5193
subdivision. A district created under this chapter shall be 5194
considered a public agency under section 102.01 and a public 5195
authority under section 4115.03 of the Revised Code. Each member 5196
of the board of directors of a district, each member's designee or 5197
proxy, and each officer and employee of a district shall be 5198
considered a public official or employee under section 102.01 of 5199
the Revised Code and a public official and public servant under 5200
section 2921.42 of the Revised Code. Districts created under this 5201
chapter are not subject to section 121.24 of the Revised Code. 5202
Districts created under this chapter are subject to sections 5203
121.22 and 121.23 of the Revised Code. 5204

(C) Each district created under this chapter shall be 5205
considered a political subdivision for purposes of section 4905.34 5206
of the Revised Code. 5207

Membership on the board of directors of the district shall 5208
not be considered as holding a public office. Directors and their 5209
designees shall be entitled to the immunities provided by Chapter 5210
1702. and to the same immunity as an employee under division 5211
(A)(6) of section 2744.03 of the Revised Code, except that 5212
directors and their designees shall not be entitled to the 5213
indemnification provided in section 2744.07 of the Revised Code 5214
unless the director or designee is an employee or official of a 5215
participating political subdivision of the district and is acting 5216
within the scope of the director's or designee's employment or 5217
official responsibilities. 5218

District officers and district members and directors and 5219

their designees or proxies shall not be required to file a 5220
statement with the Ohio ethics commission under section 102.02 of 5221
the Revised Code. All records of the district shall be treated as 5222
public records under section 149.43 of the Revised Code, except 5223
that records of organizations contracting with a district shall 5224
not be considered to be public records under section 149.43 or 5225
section 149.431 of the Revised Code solely by reason of any 5226
contract with a district. 5227

(D) Except as otherwise provided in this section, the 5228
nonprofit corporation that governs a district shall be organized 5229
in the manner described in Chapter 1702. of the Revised Code. The 5230
corporation's articles of incorporation are required to be 5231
approved, as provided in division (E) of this section, by 5232
resolution of the legislative authority of each participating 5233
political subdivision of the district. A copy of that resolution 5234
shall be filed along with the articles of incorporation in the 5235
secretary of state's office. 5236

In addition to meeting the requirements for articles of 5237
incorporation set forth in Chapter 1702. of the Revised Code, the 5238
articles of incorporation for the nonprofit corporation governing 5239
a district formed under this chapter shall provide all the 5240
following: 5241

(1) The name for the district, which shall include the name 5242
of each participating political subdivision of the district; 5243

(2) A description of the territory within the district, which 5244
may be all or part of each participating political subdivision. 5245
The description shall be specific enough to enable real property 5246
owners to determine if their property is located within the 5247
district. 5248

(3) A description of the procedure by which the articles of 5249
incorporation may be amended. The procedure shall include 5250

receiving approval of the amendment, by resolution, from the 5251
legislative authority of each participating political subdivision 5252
and filing the approved amendment and resolution with the 5253
secretary of state. 5254

(4) The reasons for creating the district, plus an 5255
explanation of how the district will be conducive to the public 5256
health, safety, peace, convenience, and welfare of the district. 5257

(E) The articles of incorporation for a nonprofit corporation 5258
governing a district created under this chapter and amendments to 5259
them shall be submitted to the municipal executive, if any, and 5260
the legislative authority of each municipal corporation or 5261
township in which the proposed district is to be located, 5262
accompanied by a petition signed either by the owners of at least 5263
sixty per cent of the front footage of all real property located 5264
in the proposed district that abuts upon any street, alley, public 5265
road, place, boulevard, parkway, park entrance, easement, or other 5266
existing public improvement within the proposed district, 5267
excluding church property or property owned by the state, county, 5268
township, municipal, or federal government, unless a church, 5269
county, township, or municipal corporation has specifically 5270
requested in writing that the property be included in the 5271
district, or by the owners of at least seventy-five per cent of 5272
the area of all real property located within the proposed 5273
district, excluding church property or property owned by the 5274
state, county, township, municipal, or federal government, unless 5275
a church, county, township, or municipal corporation has 5276
specifically requested in writing that the property be included in 5277
the district. For purposes of determining compliance with these 5278
requirements, the area of the district, or the front footage and 5279
ownership of property, shall be as shown in the most current 5280
records available at the county recorder's office and the county 5281
engineer's office sixty days prior to the date on which the 5282

petition is filed.	5283
Each municipal corporation or township with which the	5284
petition is filed has sixty days to approve or disapprove, by	5285
resolution, the petition, including the articles of incorporation.	5286
This chapter does not prohibit or restrict the rights of municipal	5287
corporations under Article XVIII of the Ohio Constitution or the	5288
right of the municipal legislative authority to impose reasonable	5289
conditions in a resolution of approval.	5290
(F) Persons proposing creation and operation of the district	5291
may propose an initial plan for public services or public	5292
improvements that benefit all or any part of the district. Any	5293
initial plan shall be submitted as part of the petition proposing	5294
creation of the district.	5295
An initial plan may include provisions for the following:	5296
(1) Creation and operation of the district and of the	5297
nonprofit corporation to govern the district under this chapter;	5298
(2) Hiring employees and professional services;	5299
(3) Contracting for insurance;	5300
(4) Purchasing or leasing office space and office equipment;	5301
(5) Other actions necessary initially to form, operate, or	5302
organize the district and the nonprofit corporation to govern the	5303
district;	5304
(6) A plan for public improvements or public services that	5305
benefit all or part of the district, which plan shall comply with	5306
the requirements of division (A) of section 1710.06 of the Revised	5307
Code and may include, but is not limited to, any of the permissive	5308
provisions described in the fourth sentence of that division or	5309
listed in divisions (A)(1) to (5) of that section.	5310
After the initial plan is approved by all municipal	5311
corporations and townships to which it is submitted for approval	5312

and the district is created, each participating subdivision shall 5313
levy a special assessment within its boundaries to pay for the 5314
costs of the initial plan. The levy shall be for no more than ten 5315
years from the date of the approval of the initial plan. For 5316
purposes of levying an assessment for this initial plan, the 5317
services or improvements included in the initial plan shall be 5318
deemed a special benefit to property owners within the district. 5319

(G) Each nonprofit corporation governing a district under 5320
this chapter may do the following: 5321

(1) Exercise all powers of nonprofit corporations granted 5322
under Chapter 1702. of the Revised Code that do not conflict with 5323
this chapter; 5324

(2) Develop, adopt, revise, implement, and repeal plans for 5325
public improvements and public services for all or any part of the 5326
district; 5327

(3) Contract with any person, political subdivision as 5328
defined in section 2744.01 of the Revised Code, or state agency as 5329
defined in section 1.60 of the Revised Code to develop and 5330
implement plans for public improvements or public services within 5331
the district; 5332

(4) Contract and pay for insurance for the district and for 5333
directors, officers, agents, contractors, employees, or members of 5334
the district for any consequences of the implementation of any 5335
plan adopted by the district or any actions of the district. 5336

Sec. 2927.21. (A) The owner or keeper of any member of a 5337
species of the animal kingdom that escapes from ~~his~~ the owner's or 5338
keeper's custody or control and that is not indigenous to this 5339
state or presents a risk of serious physical harm to persons or 5340
property, or both, shall, within one hour after ~~he~~ the owner or 5341
keeper discovers or reasonably should have discovered the escape, 5342

report it to: 5343

(1) A law enforcement officer of the municipal corporation or 5344
township and the sheriff of the county where the escape occurred; 5345
and 5346

(2) The clerk of the municipal legislative authority or the 5347
~~township clerk~~ fiscal officer of the township where the escape 5348
occurred. 5349

(B) If the office of the clerk of a municipal legislative 5350
authority or township ~~clerk~~ fiscal officer is closed to the public 5351
at the time a report is required by division (A) of this section, 5352
~~then~~ it is sufficient compliance with division (A)(2) of this 5353
section if the owner or keeper makes the report within one hour 5354
after the office is next open to the public. 5355

(C) Whoever violates this section is guilty of a misdemeanor 5356
of the first degree. 5357

Sec. 3381.03. Any county, or any two or more counties, 5358
municipal corporations, or townships, or any combination ~~thereof~~ 5359
of these may create a regional arts and cultural district by the 5360
adoption of a resolution or ordinance by the board of county 5361
commissioners of each county, the legislative authority of each 5362
municipal corporation, and the board of township trustees of each 5363
township that desires to create or to join in the creation of the 5364
district. ~~Such~~ The resolution or ordinance shall state all of the 5365
following: 5366

(A) The purposes for the creation of the district; 5367

(B) The counties, municipal corporations, or townships that 5368
are to be included in the district; 5369

(C) The official name by which the district shall be known; 5370

(D) The location of the principal office of the district or 5371
the manner in which the location shall be selected; 5372

(E) Subject to section 3381.05 of the Revised Code, the 5373
number, term, and compensation, which shall not exceed the sum of 5374
fifty dollars for each board and committee meeting attended by a 5375
member, of the members of the board of trustees of the district; 5376

(F) Subject to section 3381.05 of the Revised Code, the 5377
manner in which members of the board of trustees of the district 5378
shall be appointed; the method of filling vacancies; and the 5379
period, if any, for which a trustee continues in office after 5380
expiration of ~~his~~ the trustee's term pending the appointment of 5381
~~his~~ the trustee's successor; 5382

(G) The manner of apportioning expenses of the district among 5383
the participating counties, municipal corporations, and townships. 5384
~~Such~~ 5385

The resolution or ordinance may also provide that the 5386
authority of the districts to make grants under section 3381.20 of 5387
the Revised Code may be totally or partially delegated to one or 5388
more area arts councils, as defined in section 757.03 of the 5389
Revised Code, located within the district. 5390

The district provided for in ~~such~~ the resolution or ordinance 5391
shall be created upon the adoption of ~~such~~ the resolution or 5392
ordinance by the board of county commissioners of each county, the 5393
legislative authority of each municipal corporation, and the board 5394
of township trustees of each township enumerated in the resolution 5395
or ordinance. The resolution or ordinance may be amended to 5396
include additional counties, municipal corporations, or townships 5397
or for any other purpose by the adoption of ~~such~~ an amendment by 5398
the board of county commissioners of each county, the legislative 5399
authority of each municipal corporation, and the board of township 5400
trustees of each township that has created or joined or proposes 5401
to join the district. 5402

After each ~~such~~ county, municipal corporation, and township 5403

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has adopted a resolution or ordinance approving inclusion of 5404
 additional counties, municipal corporations, or townships in the 5405
 district, a copy of ~~such~~ the resolution or ordinance shall be 5406
 filed with the clerk of the board of the county commissioners of 5407
 each county, the clerk of the legislative authority of each 5408
 municipal corporation, and the fiscal officer of the board of 5409
 trustees of each township proposed to be included in the district. 5410
~~Such~~ The inclusion is effective when all such filing is completed 5411
 unless the district to which territory is to be added has 5412
 authority to levy an ad valorem tax on property within its 5413
 territory, in which event ~~such~~ the inclusion shall become 5414
 effective upon voter approval of the joinder and the tax. The 5415
 board of trustees shall promptly certify the proposal to the board 5416
 or boards of elections for the purpose of having the proposal 5417
 placed on the ballot at the next general or primary election ~~which~~ 5418
that occurs not less than sixty days after the date of the meeting 5419
 of the board of trustees, or at a special election held on a date 5420
 specified in the certification that is not less than sixty days 5421
 after the date of ~~such~~ the meeting of the board. If territory of 5422
 more than one county, municipal corporation, or township is to be 5423
 added to the regional arts and cultural district, the electors of 5424
~~such~~ the territories of the counties, municipal corporations, or 5425
 townships which are to be added shall vote as a district, and the 5426
 outcome of the election shall be determined by the vote cast in 5427
 the entire district. Upon certification of a proposal to the board 5428
 or boards of elections pursuant to this section, ~~such~~ the board or 5429
 boards of elections shall make the necessary arrangements for the 5430
 submission of ~~such~~ the questions to the electors of the territory 5431
 to be added to the district, and the election shall be held, 5432
 canvassed, and certified in the manner provided for the submission 5433
 of tax levies under section 5705.19 of the Revised Code, except 5434
 that the question appearing on the ballot shall read: 5435

"Shall the territory within the (name or 5436

names of political subdivisions to be joined) be added to 5437
..... (name) regional arts and cultural 5438
district? And shall a(n) (here insert type of 5439
tax or taxes) at a rate of taxation not to exceed (here 5440
insert maximum tax rate or rates) be levied for purposes of such 5441
district?" 5442

If the question is approved by a majority of the electors 5443
voting on ~~such~~ the question, the joinder is effective immediately, 5444
and the district may extend the levy of ~~such~~ the tax against all 5445
the taxable property within the territory that has been added. If 5446
~~such~~ the question is approved at a general election or at a 5447
special election occurring prior to a general election but after 5448
the fifteenth day of July in any calendar year, the district may 5449
amend its budget and resolution adopted pursuant to section 5450
5705.34 of the Revised Code, and ~~such~~ the levy shall be placed on 5451
the current tax list and duplicate and collected as other taxes 5452
are collected from all taxable property within the territory of 5453
the district, including the territory added as a result of ~~such~~ 5454
the election. 5455

The territory of a district shall be coextensive with the 5456
territory of the counties, municipal corporations, and townships 5457
included within the district, provided that the same territory may 5458
not be included in more than one regional arts and cultural 5459
district, and provided, that if a district includes only a portion 5460
of an entire county, a district may be created in the remaining 5461
portion of the same county by resolution of the board of county 5462
commissioners acting alone or in conjunction with municipal 5463
corporations and townships as provided in this section. 5464

Sec. 3501.37. After each election, the judges of ~~election~~ 5465
elections of each precinct, except when the board of elections 5466
assumes the duty, shall see that the movable booths and other 5467

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equipment are returned for safekeeping to the ~~township clerk~~ 5468
fiscal officer of the township or to the clerk or auditor of the 5469
municipal corporation in which the precinct is situated. ~~Such~~ The 5470
fiscal officer, clerk, or auditor shall have booths and equipment 5471
on hand and in place at the polling places in each precinct before 5472
the time for opening the polls on election days, and for this 5473
service the board may allow the necessary expenses incurred. In 5474
cities, this duty shall devolve on the board. 5475

Sec. 3513.253. Nominations of candidates for election as 5476
officers of a township shall be made only by nominating petitions, 5477
unless a majority of the electors of such township have petitioned 5478
for a primary election. The nominating petitions of nonpartisan 5479
candidates for township trustee and township ~~clerk~~ fiscal officer 5480
shall be signed by not less than twenty-five qualified electors of 5481
the township. Such petition shall be filed with the board of 5482
elections not later than four p.m. of the seventy-fifth day before 5483
the day of the general election, provided that no such nominating 5484
petition shall be accepted for filing if it appears to contain 5485
signatures aggregating in number more than three times the minimum 5486
number of signatures required by this section. A board of 5487
elections shall not accept for filing a nominating petition of a 5488
person if that person, for the same election, has already filed a 5489
declaration of candidacy, a declaration of intent to be a write-in 5490
candidate, or a nominating petition, or has become a candidate 5491
through party nomination at a primary election or by the filling 5492
of a vacancy under section 3513.30 or 3513.31 of the Revised Code 5493
for any other township office, or for a municipal office, for 5494
member of a city, local, or exempted village board of education, 5495
or for member of a governing board of an educational service 5496
center. When a petition of a candidate has been accepted for 5497
filing by a board of elections, the petition shall not be deemed 5498
invalid if, upon verification of signatures contained in the 5499

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petition, the board of elections finds the number of signatures 5500
 accepted exceeds three times the minimum number of signatures 5501
 required. A board of elections may discontinue verifying 5502
 signatures when the number of verified signatures on a petition 5503
 equals the minimum required number of qualified signatures. 5504

Sec. 3517.10. (A) Except as otherwise provided in this 5505
 division, every campaign committee, political action committee, 5506
 legislative campaign fund, and political party that made or 5507
 received a contribution or made an expenditure in connection with 5508
 the nomination or election of any candidate or in connection with 5509
 any ballot issue or question at any election held or to be held in 5510
 this state shall file, on a form prescribed under this section or 5511
 by electronic means of transmission as provided in this section 5512
 and section 3517.106 of the Revised Code, a full, true, and 5513
 itemized statement, made under penalty of election falsification, 5514
 setting forth in detail the contributions and expenditures, not 5515
 later than four p.m. of the following dates: 5516

(1) The twelfth day before the election to reflect 5517
 contributions received and expenditures made from the close of 5518
 business on the last day reflected in the last previously filed 5519
 statement, if any, to the close of business on the twentieth day 5520
 before the election; 5521

(2) The thirty-eighth day after the election to reflect the 5522
 contributions received and expenditures made from the close of 5523
 business on the last day reflected in the last previously filed 5524
 statement, if any, to the close of business on the seventh day 5525
 before the filing of the statement; 5526

(3) The last business day of January of every year to reflect 5527
 the contributions received and expenditures made from the close of 5528
 business on the last day reflected in the last previously filed 5529
 statement, if any, to the close of business on the last day of 5530

December of the previous year; 5531

(4) The last business day of July of every year to reflect 5532
the contributions received and expenditures made from the close of 5533
business on the last day reflected in the last previously filed 5534
statement, if any, to the close of business on the last day of 5535
June of that year. 5536

A campaign committee shall only be required to file the 5537
statements prescribed under divisions (A)(1) and (2) of this 5538
section in connection with the nomination or election of the 5539
committee's candidate. 5540

The statement required under division (A)(1) of this section 5541
shall not be required of any campaign committee, political action 5542
committee, legislative campaign fund, or political party that has 5543
received contributions of less than one thousand dollars and has 5544
made expenditures of less than one thousand dollars at the close 5545
of business on the twentieth day before the election. Those 5546
contributions and expenditures shall be reported in the statement 5547
required under division (A)(2) of this section. 5548

If an election to select candidates to appear on the general 5549
election ballot is held within sixty days before a general 5550
election, the campaign committee of a successful candidate in the 5551
earlier election may file the statement required by division 5552
(A)(1) of this section for the general election instead of the 5553
statement required by division (A)(2) of this section for the 5554
earlier election if the pregeneral election statement reflects the 5555
status of contributions and expenditures for the period twenty 5556
days before the earlier election to twenty days before the general 5557
election. 5558

If a person becomes a candidate less than twenty days before 5559
an election, the candidate's campaign committee is not required to 5560
file the statement required by division (A)(1) of this section. 5561

No statement under division (A)(3) or (4) of this section 5562
shall be required for any year in which a campaign committee, 5563
political action committee, legislative campaign fund, or 5564
political party is required to file a postgeneral election 5565
statement under division (A)(2) of this section. However, such a 5566
statement may be filed, at the option of the campaign committee, 5567
political action committee, legislative campaign fund, or 5568
political party. 5569

No statement under division (A)(3) or (4) of this section 5570
shall be required if the campaign committee, political action 5571
committee, legislative campaign fund, or political party has no 5572
contributions that it has received and no expenditures that it has 5573
made since the last date reflected in its last previously filed 5574
statement. However, the campaign committee, political action 5575
committee, legislative campaign fund, or political party shall 5576
file a statement to that effect, on a form prescribed under this 5577
section and made under penalty of election falsification, on the 5578
date required in division (A)(3) or (4) of this section, as 5579
applicable. 5580

The campaign committee of a statewide candidate shall file a 5581
monthly statement of contributions received during each of the 5582
months of July, August, and September in the year of the general 5583
election in which the candidate seeks office. The campaign 5584
committee of a statewide candidate shall file the monthly 5585
statement not later than three business days after the last day of 5586
the month covered by the statement. During the period beginning on 5587
the nineteenth day before the general election in which a 5588
statewide candidate seeks election to office and extending through 5589
the day of that general election, each time the campaign committee 5590
of the joint candidates for the offices of governor and lieutenant 5591
governor or of a candidate for the office of secretary of state, 5592
auditor of state, treasurer of state, or attorney general receives 5593

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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
two-business-day statement required by this paragraph shall be
filed not later than two business days after receipt of the
contribution. The statements required by this paragraph shall be
filed in addition to any other statements required by this
section.

Subject to the secretary of state having implemented, tested, 5627
and verified the successful operation of any system the secretary 5628
of state prescribes pursuant to divisions (C)(6)(b) and (D)(6) of 5629
this section and division (H)(1) of section 3517.106 of the 5630
Revised Code for the filing of campaign finance statements by 5631
electronic means of transmission, a campaign committee of a 5632
statewide candidate shall file a two-business-day statement under 5633
the preceding paragraph by electronic means of transmission if the 5634
campaign committee is required to file a pre-election, 5635
postelection, or monthly statement of contributions and 5636
expenditures by electronic means of transmission under this 5637
section or section 3517.106 of the Revised Code. 5638

If a campaign committee or political action committee has no 5639
balance on hand and no outstanding obligations and desires to 5640
terminate itself, it shall file a statement to that effect, on a 5641
form prescribed under this section and made under penalty of 5642
election falsification, with the official with whom it files a 5643
statement under division (A) of this section after filing a final 5644
statement of contributions and a final statement of expenditures, 5645
if contributions have been received or expenditures made since the 5646
period reflected in its last previously filed statement. 5647

(B) Except as otherwise provided in division (C)(7) of this 5648
section, each statement required by division (A) of this section 5649
shall contain the following information: 5650

(1) The full name and address of each campaign committee, 5651
political action committee, legislative campaign fund, or 5652
political party, including any treasurer of the committee, fund, 5653
or party, filing a contribution and expenditure statement; 5654

(2)(a) In the case of a campaign committee, the candidate's 5655
full name and address; 5656

(b) In the case of a political action committee, the 5657

registration number assigned to the committee under division	5658
(D)(1) of this section.	5659
(3) The date of the election and whether it was or will be a	5660
general, primary, or special election;	5661
(4) A statement of contributions received, which shall	5662
include the following information:	5663
(a) The month, day, and year of the contribution;	5664
(b)(i) The full name and address of each person, political	5665
party, campaign committee, legislative campaign fund, or political	5666
action committee from whom contributions are received and the	5667
registration number assigned to the political action committee	5668
under division (D)(1) of this section. The requirement of filing	5669
the full address does not apply to any statement filed by a state	5670
or local committee of a political party, to a finance committee of	5671
such committee, or to a committee recognized by a state or local	5672
committee as its fund-raising auxiliary. Notwithstanding division	5673
(F) of this section, the requirement of filing the full address	5674
shall be considered as being met if the address filed is the same	5675
address the contributor provided under division (E)(1) of this	5676
section.	5677
(ii) If a political action committee, legislative campaign	5678
fund, or political party that is required to file campaign finance	5679
statements by electronic means of transmission under section	5680
3517.106 of the Revised Code or a campaign committee of a	5681
statewide candidate or candidate for the office of member of the	5682
general assembly receives a contribution from an individual that	5683
exceeds one hundred dollars, the name of the individual's current	5684
employer, if any, or, if the individual is self-employed, the	5685
individual's occupation and the name of the individual's business,	5686
if any;	5687
(iii) If a campaign committee of a statewide candidate or	5688

candidate for the office of member of the general assembly 5689
receives a contribution transmitted pursuant to section 3599.031 5690
of the Revised Code from amounts deducted from the wages and 5691
salaries of two or more employees that exceeds in the aggregate 5692
one hundred dollars during any one filing period under division 5693
(A)(1), (2), (3), or (4) of this section, the full name of the 5694
employees' employer and the full name of the labor organization of 5695
which the employees are members, if any. 5696

(c) A description of the contribution received, if other than 5697
money; 5698

(d) The value in dollars and cents of the contribution; 5699

(e) A separately itemized account of all contributions and 5700
expenditures regardless of the amount, except a receipt of a 5701
contribution from a person in the sum of twenty-five dollars or 5702
less at one social or fund-raising activity and a receipt of a 5703
contribution transmitted pursuant to section 3599.031 of the 5704
Revised Code from amounts deducted from the wages and salaries of 5705
employees if the contribution from the amount deducted from the 5706
wages and salary of any one employee is twenty-five dollars or 5707
less aggregated in a calendar year. An account of the total 5708
contributions from each social or fund-raising activity shall 5709
include a description of and the value of each in-kind 5710
contribution received at that activity from any person who made 5711
one or more such contributions whose aggregate value exceeded two 5712
hundred fifty dollars and shall be listed separately, together 5713
with the expenses incurred and paid in connection with that 5714
activity. A campaign committee, political action committee, 5715
legislative campaign fund, or political party shall keep records 5716
of contributions from each person in the amount of twenty-five 5717
dollars or less at one social or fund-raising activity and 5718
contributions from amounts deducted under section 3599.031 of the 5719
Revised Code from the wages and salary of each employee in the 5720

amount of twenty-five dollars or less aggregated in a calendar 5721
year. No continuing association that is recognized by a state or 5722
local committee of a political party as an auxiliary of the party 5723
and that makes a contribution from funds derived solely from 5724
regular dues paid by members of the auxiliary shall be required to 5725
list the name or address of any members who paid those dues. 5726

Contributions that are other income shall be itemized 5727
separately from all other contributions. The information required 5728
under division (B)(4) of this section shall be provided for all 5729
other income itemized. As used in this paragraph, "other income" 5730
means a loan, investment income, or interest income. 5731

(f) In the case of a campaign committee of a state elected 5732
officer, if a person doing business with the state elected officer 5733
in the officer's official capacity makes a contribution to the 5734
campaign committee of that officer, the information required under 5735
division (B)(4) of this section in regard to that contribution, 5736
which shall be filed together with and considered a part of the 5737
committee's statement of contributions as required under division 5738
(A) of this section but shall be filed on a separate form provided 5739
by the secretary of state. As used in this division: 5740

(i) "State elected officer" has the same meaning as in 5741
section 3517.092 of the Revised Code. 5742

(ii) "Person doing business" means a person or an officer of 5743
an entity who enters into one or more contracts with a state 5744
elected officer or anyone authorized to enter into contracts on 5745
behalf of that officer to receive payments for goods or services, 5746
if the payments total, in the aggregate, more than five thousand 5747
dollars during a calendar year. 5748

(5) A statement of expenditures which shall include the 5749
following information: 5750

(a) The month, day, and year of the expenditure; 5751

(b) The full name and address of each person, political 5752
party, campaign committee, legislative campaign fund, or political 5753
action committee to whom the expenditure was made and the 5754
registration number assigned to the political action committee 5755
under division (D)(1) of this section; 5756

(c) The object or purpose for which the expenditure was made; 5757

(d) The amount of each expenditure. 5758

(C)(1) The statement of contributions and expenditures shall 5759
be signed by the person completing the form. If a statement of 5760
contributions and expenditures is filed by electronic means of 5761
transmission pursuant to this section or section 3517.106 of the 5762
Revised Code, the electronic signature of the person who executes 5763
the statement and transmits the statement by electronic means of 5764
transmission, as provided in division (H) of section 3517.106 of 5765
the Revised Code, shall be attached to or associated with the 5766
statement and shall be binding on all persons and for all purposes 5767
under the campaign finance reporting law as if the signature had 5768
been handwritten in ink on a printed form. 5769

(2) The person filing the statement, under penalty of 5770
election falsification, shall include with it a list of each 5771
anonymous contribution, the circumstances under which it was 5772
received, and the reason it cannot be attributed to a specific 5773
donor. 5774

(3) Each statement of a campaign committee of a candidate who 5775
holds public office shall contain a designation of each 5776
contributor who is an employee in any unit or department under the 5777
candidate's direct supervision and control. In a space provided in 5778
the statement, the person filing the statement shall affirm that 5779
each such contribution was voluntarily made. 5780

(4) A campaign committee that did not receive contributions 5781
or make expenditures in connection with the nomination or election 5782

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of its candidate 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)(2) of this
section.

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

(6)(a) The statements required to be filed under this section
shall specify the balance in the hands of the campaign committee,
political action committee, legislative campaign fund, or
political party and the disposition intended to be made of that
balance.

(b) The secretary of state shall prescribe the form for all
statements required to be filed under this section and shall
furnish the forms to the boards of elections in the several
counties. The boards of elections shall supply printed copies of
those forms without charge. The secretary of state shall prescribe
the appropriate methodology, protocol, and data file structure for
statements required or permitted to be filed by electronic means
of transmission under division (A) of this section, divisions (E),

(F), and (G) of section 3517.106, division (D) of section 3517.1011, division (B) of section 3517.1012, and division (C) of section 3517.1013 of the Revised Code. Subject to division (A) of this section, divisions (E), (F), and (G) of section 3517.106, division (D) of section 3517.1011, division (B) of section 3517.1012, and division (C) of section 3517.1013 of the Revised Code, the statements required to be stored on computer by the secretary of state under division (B) of section 3517.106 of the Revised Code shall be filed in whatever format the secretary of state considers necessary to enable the secretary of state to store the information contained in the statements on computer. Any such format shall be of a type and nature that is readily available to whoever is required to file the statements in that format.

(c) The secretary of state shall assess the need for training regarding the filing of campaign finance statements by electronic means of transmission and regarding associated technologies for candidates, campaign committees, political action committees, legislative campaign funds, or political parties, for individuals, partnerships, or other entities, or for persons making disbursements to pay the direct costs of producing or airing electioneering communications, required or permitted to file statements by electronic means of transmission under this section or section 3517.105, 3517.106, 3517.1011, 3517.1012, or 3517.1013 of the Revised Code. If, in the opinion of the secretary of state, training in these areas is necessary, the secretary of state shall arrange for the provision of voluntary training programs for candidates, campaign committees, political action committees, legislative campaign funds, or political parties, for individuals, partnerships, and other entities, or for persons making disbursements to pay the direct costs of producing or airing electioneering communications, as appropriate.

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

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

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

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

(b) A political action committee shall deposit all monetary 5878
contributions received by the committee into an account separate 5879
from all other funds. 5880

(c) A state or county political party may establish a state 5881
candidate fund that is separate from an account that contains the 5882
public moneys received from the Ohio political party fund under 5883
section 3517.17 of the Revised Code and from all other funds. A 5884
state or county political party may deposit into its state 5885
candidate fund any amounts of monetary contributions that are made 5886
to or accepted by the political party subject to the applicable 5887
limitations, if any, prescribed in section 3517.102 of the Revised 5888
Code. A state or county political party shall deposit all other 5889
monetary contributions received by the party into one or more 5890
accounts that are separate from its state candidate fund and from 5891
its account that contains the public moneys received from the Ohio 5892
political party fund under section 3517.17 of the Revised Code. 5893

(d) Each state political party shall have only one 5894
legislative campaign fund for each house of the general assembly. 5895
Each such fund shall be separate from any other funds or accounts 5896
of that state party. A legislative campaign fund is authorized to 5897
receive contributions and make expenditures for the primary 5898
purpose of furthering the election of candidates who are members 5899
of that political party to the house of the general assembly with 5900
which that legislative campaign fund is associated. Each 5901
legislative campaign fund shall be administered and controlled in 5902
a manner designated by the caucus. As used in this division, 5903
"caucus" has the same meaning as in section 3517.01 of the Revised 5904
Code and includes, as an ex officio member, the chairperson of the 5905
state political party with which the caucus is associated or that 5906
chairperson's designee. 5907

(4) Every expenditure in excess of twenty-five dollars shall 5908
be vouched for by a receipted bill, stating the purpose of the 5909

expenditure, that shall be filed with the statement of 5910
expenditures. A canceled check with a notation of the purpose of 5911
the expenditure is a receipted bill for purposes of division 5912
(D)(4) of this section. 5913

(5) The secretary of state or the board of elections, as the 5914
case may be, shall issue a receipt for each statement filed under 5915
this section and shall preserve a copy of the receipt for a period 5916
of at least six years. All statements filed under this section 5917
shall be open to public inspection in the office where they are 5918
filed and shall be carefully preserved for a period of at least 5919
six years after the year in which they are filed. 5920

(6) The secretary of state, by rule adopted pursuant to 5921
section 3517.23 of the Revised Code, shall prescribe both of the 5922
following: 5923

(a) The manner of immediately acknowledging, with date and 5924
time received, and preserving the receipt of statements that are 5925
transmitted by electronic means of transmission to the secretary 5926
of state pursuant to this section or section 3517.106, 3517.1011, 5927
3517.1012, or 3517.1013 of the Revised Code; 5928

(b) The manner of preserving the contribution and 5929
expenditure, contribution and disbursement, deposit and 5930
disbursement, or gift and disbursement information in the 5931
statements described in division (D)(6)(a) of this section. The 5932
secretary of state shall preserve the contribution and 5933
expenditure, contribution and disbursement, deposit and 5934
disbursement, or gift and disbursement information in those 5935
statements for at least ten years after the year in which they are 5936
filed by electronic means of transmission. 5937

(7) The secretary of state, pursuant to division (I) of 5938
section 3517.106 of the Revised Code, shall make available online 5939
to the public through the internet the contribution and 5940

expenditure, contribution and disbursement, deposit and 5941
disbursement, or gift and disbursement information in all 5942
statements, all addenda, amendments, or other corrections to 5943
statements, and all amended statements filed with the secretary of 5944
state by electronic or other means of transmission under this 5945
section, division (B)(2)(b) or (C)(2)(b) of section 3517.105, or 5946
section 3517.106, 3517.1011, 3517.1012, 3517.1013, or 3517.11 of 5947
the Revised Code. The secretary of state may remove the 5948
information from the internet after a reasonable period of time. 5949

(E)(1) Any person, political party, campaign committee, 5950
legislative campaign fund, or political action committee that 5951
makes a contribution in connection with the nomination or election 5952
of any candidate or in connection with any ballot issue or 5953
question at any election held or to be held in this state shall 5954
provide its full name and address to the recipient of the 5955
contribution at the time the contribution is made. The political 5956
action committee also shall provide the registration number 5957
assigned to the committee under division (D)(1) of this section to 5958
the recipient of the contribution at the time the contribution is 5959
made. 5960

(2) Any individual who makes a contribution that exceeds one 5961
hundred dollars to a political action committee, legislative 5962
campaign fund, or political party or to a campaign committee of a 5963
statewide candidate or candidate for the office of member of the 5964
general assembly shall provide the name of the individual's 5965
current employer, if any, or, if the individual is self-employed, 5966
the individual's occupation and the name of the individual's 5967
business, if any, to the recipient of the contribution at the time 5968
the contribution is made. Sections 3599.39 and 3599.40 of the 5969
Revised Code do not apply to division (E)(2) of this section. 5970

(3) If a campaign committee shows that it has exercised its 5971
best efforts to obtain, maintain, and submit the information 5972

required under divisions (B)(4)(b)(ii) and (iii) of this section, 5973
that committee is considered to have met the requirements of those 5974
divisions. A campaign committee shall not be considered to have 5975
exercised its best efforts unless, in connection with written 5976
solicitations, it regularly includes a written request for the 5977
information required under division (B)(4)(b)(ii) of this section 5978
from the contributor or the information required under division 5979
(B)(4)(b)(iii) of this section from whoever transmits the 5980
contribution. 5981

(4) Any check that a political action committee uses to make 5982
a contribution or an expenditure shall contain the full name and 5983
address of the committee and the registration number assigned to 5984
the committee under division (D)(1) of this section. 5985

(F) As used in this section: 5986

(1)(a) Except as otherwise provided in division (F)(1) of 5987
this section, "address" means all of the following if they exist: 5988
apartment number, street, road, or highway name and number, rural 5989
delivery route number, city or village, state, and zip code as 5990
used in a person's post-office address, but not post-office box. 5991

(b) Except as otherwise provided in division (F)(1) of this 5992
section, if an address is required in this section, a post-office 5993
box and office, room, or suite number may be included in addition 5994
to, but not in lieu of, an apartment, street, road, or highway 5995
name and number. 5996

(c) If an address is required in this section, a campaign 5997
committee, political action committee, legislative campaign fund, 5998
or political party may use the business or residence address of 5999
its treasurer or deputy treasurer. The post-office box number of 6000
the campaign committee, political action committee, legislative 6001
campaign fund, or political party may be used in addition to that 6002
address. 6003

(d) For the sole purpose of a campaign committee's reporting 6004
of contributions on a statement of contributions received under 6005
division (B)(4) of this section, "address" has one of the 6006
following meanings at the option of the campaign committee: 6007

(i) The same meaning as in division (F)(1)(a) of this 6008
section; 6009

(ii) All of the following, if they exist: the contributor's 6010
post-office box number and city or village, state, and zip code as 6011
used in the contributor's post-office address. 6012

(e) As used with regard to the reporting under this section 6013
of any expenditure, "address" means all of the following if they 6014
exist: apartment number, street, road, or highway name and number, 6015
rural delivery route number, city or village, state, and zip code 6016
as used in a person's post-office address, or post-office box. If 6017
an address concerning any expenditure is required in this section, 6018
a campaign committee, political action committee, legislative 6019
campaign fund, or political party may use the business or 6020
residence address of its treasurer or deputy treasurer or its 6021
post-office box number. 6022

(2) "Statewide candidate" means the joint candidates for the 6023
offices of governor and lieutenant governor or a candidate for the 6024
office of secretary of state, auditor of state, treasurer of 6025
state, attorney general, member of the state board of education, 6026
chief justice of the supreme court, or justice of the supreme 6027
court. 6028

(G) An independent expenditure shall be reported whenever and 6029
in the same manner that an expenditure is required to be reported 6030
under this section and shall be reported pursuant to division 6031
(B)(2)(a) or (C)(2)(a) of section 3517.105 of the Revised Code. 6032

(H)(1) Except as otherwise provided in division (H)(2) of 6033
this section, if, during the combined pre-election and 6034

postelection reporting periods for an election, a campaign
committee has received contributions of five hundred dollars or
less and has made expenditures in the total amount of five hundred
dollars or less, it may file a statement to that effect, under
penalty of election falsification, in lieu of the statement
required by division (A)(2) of this section. The statement shall
indicate the total amount of contributions received and the total
amount of expenditures made during those combined reporting
periods.

(2) In the case of a successful candidate at a primary
election, if either the total contributions received by or the
total expenditures made by the candidate's campaign committee
during the preprimary, postprimary, pregeneral, and postgeneral
election periods combined equal more than five hundred dollars,
the campaign committee may file the statement under division
(H)(1) of this section only for the primary election. The first
statement that the campaign committee files in regard to the
general election shall reflect all contributions received and all
expenditures made during the preprimary and postprimary election
periods.

(3) Divisions (H)(1) and (2) of this section do not apply if
a campaign committee receives contributions or makes expenditures
prior to the first day of January of the year of the election at
which the candidate seeks nomination or election to office or if
the campaign committee does not file a termination statement with
its postprimary election statement in the case of an unsuccessful
primary election candidate or with its postgeneral election
statement in the case of other candidates.

(I) In the case of a contribution made by a partner of a
partnership or an owner or a member of another unincorporated
business from any funds of the partnership or other unincorporated
business, all of the following apply:

(1) The recipient of the contribution shall report the 6067
contribution by listing both the partnership or other 6068
unincorporated business and the name of the partner, owner, or 6069
member making the contribution. 6070

(2) For purposes of section 3517.102 of the Revised Code, the 6071
contribution shall be considered to have been made by the partner, 6072
owner, or member reported under division (I)(1) of this section. 6073

(3) No contribution from a partner of a partnership or an 6074
owner or a member of another unincorporated business shall be 6075
accepted from any funds of the partnership or other unincorporated 6076
business unless the recipient reports the contribution under 6077
division (I)(1) of this section. 6078

(4) No partnership or other unincorporated business shall 6079
make a contribution or contributions solely in the name of the 6080
partnership or other unincorporated business. 6081

(5) As used in division (I) of this section, "partnership or 6082
other unincorporated business" includes, but is not limited to, a 6083
cooperative, a sole proprietorship, a general partnership, a 6084
limited partnership, a limited partnership association, a limited 6085
liability partnership, and a limited liability company. 6086

(J) A candidate shall have only one campaign committee at any 6087
given time for all of the offices for which the person is a 6088
candidate or holds office. 6089

(K)(1) In addition to filing a designation of appointment of 6090
a treasurer under division (D)(1) of this section, the campaign 6091
committee of any candidate for an elected municipal office that 6092
pays an annual amount of compensation of five thousand dollars or 6093
less, the campaign committee of any candidate for member of a 6094
board of education except member of the state board of education, 6095
or the campaign committee of any candidate for township trustee or 6096
township ~~elect~~ fiscal officer may sign, under penalty of election 6097

falsification, a certificate attesting that the committee will not 6098
accept contributions during an election period that exceed in the 6099
aggregate two thousand dollars from all contributors and one 6100
hundred dollars from any one individual, and that the campaign 6101
committee will not make expenditures during an election period 6102
that exceed in the aggregate two thousand dollars. 6103

The certificate shall be on a form prescribed by the 6104
secretary of state and shall be filed not later than ten days 6105
after the candidate files a declaration of candidacy and petition, 6106
a nominating petition, or a declaration of intent to be a write-in 6107
candidate. 6108

(2) Except as otherwise provided in division (K)(3) of this 6109
section, a campaign committee that files a certificate under 6110
division (K)(1) of this section is not required to file the 6111
statements required by division (A) of this section. 6112

(3) If, after filing a certificate under division (K)(1) of 6113
this section, a campaign committee exceeds any of the limitations 6114
described in that division during an election period, the 6115
certificate is void and thereafter the campaign committee shall 6116
file the statements required by division (A) of this section. If 6117
the campaign committee has not previously filed a statement, then 6118
on the first statement the campaign committee is required to file 6119
under division (A) of this section after the committee's 6120
certificate is void, the committee shall report all contributions 6121
received and expenditures made from the time the candidate filed 6122
the candidate's declaration of candidacy and petition, nominating 6123
petition, or declaration of intent to be a write-in candidate. 6124

(4) As used in division (K) of this section, "election 6125
period" means the period of time beginning on the day a person 6126
files a declaration of candidacy and petition, nominating 6127
petition, or declaration of intent to be a write-in candidate 6128
through the day of the election at which the person seeks 6129

nomination to office if the person is not elected to office, or, 6130
if the candidate was nominated in a primary election, the day of 6131
the election at which the candidate seeks office. 6132

Sec. 3709.30. In case of epidemic or threatened epidemic or 6133
during the unusual prevalence of a dangerous communicable disease, 6134
if the moneys in the district health fund of a general health 6135
district are not sufficient, in the judgment of the board of 6136
health of ~~such~~ the district, to defray the expenses necessary to 6137
prevent the spread of such disease, ~~such~~ the board shall estimate 6138
the amount required for ~~such~~ this purpose and apportion it among 6139
the townships and municipal corporations in which the condition 6140
exists, on the basis provided for in section 3709.28 of the 6141
Revised Code. ~~Such~~ The estimate and apportionment shall be 6142
certified to the county auditor of the proper county, who shall 6143
draw an order on the clerk, fiscal officer, auditor, or other 6144
similar officer of each township or municipal corporation affected 6145
~~thereby~~ by it, for ~~such~~ that amount. ~~Such~~ The clerk, fiscal 6146
officer, auditor, or other similar officer shall forthwith draw 6147
~~his~~ a warrant on the township ~~clerk~~ fiscal officer or the 6148
treasurer of ~~such~~ the municipal corporation for the amount of ~~such~~ 6149
the certification, which shall be honored by the ~~clerk~~ fiscal 6150
officer or treasurer from any general treasury balances subject to 6151
~~his~~ the fiscal officer's or treasurer's control, regardless of 6152
funds. 6153

The clerk, fiscal officer, auditor, or other similar officer 6154
~~then~~ shall ~~thereupon~~ set up an account to be designated "as an 6155
emergency health account," showing a deficit ~~therein~~ in the 6156
account, and certify the action taken to the board of township 6157
trustees, legislative authority, or other body having the power to 6158
borrow money. ~~Thereupon~~ ~~such~~ That body then may exercise the 6159
powers provided for in section 3707.28 of the Revised Code. Moneys 6160

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raised under this section shall be placed in the treasury of the 6161
 borrowing subdivision and credited to the emergency health 6162
 account, which shall ~~thereupon~~ then be closed, so that the moneys 6163
 taken from general cash balances shall be restored thereto and the 6164
 regular funds of the subdivision shall be restored thereby. 6165

If there is not sufficient money in the general cash balances 6166
 of ~~such~~ the subdivisions to satisfy the warrant so drawn by the 6167
 clerk, fiscal officer, auditor, or other similar officer, the 6168
~~clerk~~ township fiscal officer or the treasurer ~~thereof~~ of the 6169
municipal corporation shall honor ~~such~~ the warrant to the extent 6170
 of the cash in ~~such~~ the treasury, and the balance shall be 6171
 certified by the clerk, fiscal officer, auditor, or other similar 6172
 officer and the ~~clerk~~ fiscal officer or treasurer, jointly, to the 6173
 borrowing authority, which shall immediately exercise the powers 6174
 provided for in this section, to raise the amount of the warrant. 6175
 The proceeds of such action shall be paid into the general cash 6176
 balance in the treasury of the subdivision, and the balance due on 6177
 the warrant shall then be paid. 6178

The warrants provided for in this section shall be drawn in 6179
 favor of the county treasurer, as treasurer of the district health 6180
 fund, and the proceeds shall go into ~~such~~ the fund. A separate 6181
 account shall be kept of expenditures under this section. If a 6182
 greater amount is expended in any township or municipal 6183
 corporation than the amount drawn therefrom by action under this 6184
 section, the excess shall be charged against ~~such~~ the subdivision 6185
 at the next annual apportionment in addition to the amount 6186
 apportionable to ~~such~~ the subdivision under section 3709.28 of the 6187
 Revised Code. If the amount drawn under this section is not wholly 6188
 expended in any subdivision, the unexpended remainder shall be 6189
 credited to the next annual apportionment to ~~such~~ the subdivision. 6190

Performance of the official duties imposed by this section on 6191
 officers, boards, and legislative bodies may be enforced by 6192

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
apply or within sixty days after the date otherwise established in
rules adopted under section 3734.026 of the Revised Code, the
owner or operator shall pay a penalty of an additional fifty per
cent of the amount of the remittance for each month that it is
late.

Money received by the treasurer or ~~such~~ other officer of the
municipal corporation under this section shall be paid into the
general fund of the municipal corporation. Money received by the
~~clerk~~ fiscal officer of a township under this section shall be
paid into the general fund of the township. The treasurer or other
officer of the municipal corporation or the ~~clerk~~ fiscal officer

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of the township, as appropriate, shall maintain separate records 6224
of money received from the fees remitted under this section. 6225

No owner or operator of an off-site infectious waste 6226
treatment facility shall violate or fail to comply with this 6227
section or a rule adopted under section 3734.026 of the Revised 6228
Code. 6229

Sec. 3734.026. The director of environmental protection shall 6230
adopt rules in accordance with Chapter 119. of the Revised Code 6231
establishing procedures for remitting fees levied under section 6232
3734.024 of the Revised Code to the treasurers or other 6233
appropriate fiscal officers of municipal corporations and to the 6234
~~clerks~~ fiscal officers of townships. The rules also shall 6235
establish the dates for remitting the fees to those officers and 6236
may establish any other requirements that the director considers 6237
necessary or appropriate to implement or administer sections 6238
3734.024 and 3734.025 of the Revised Code. 6239

Sec. 3734.57. (A) For the purposes of paying the state's 6240
long-term operation costs or matching share for actions taken 6241
under the "Comprehensive Environmental Response, Compensation, and 6242
Liability Act of 1980," 94 Stat. 2767, 42 U.S.C.A. 9601, as 6243
amended; paying the costs of measures for proper clean-up of sites 6244
where polychlorinated biphenyls and substances, equipment, and 6245
devices containing or contaminated with polychlorinated biphenyls 6246
have been stored or disposed of; paying the costs of conducting 6247
surveys or investigations of solid waste facilities or other 6248
locations where it is believed that significant quantities of 6249
hazardous waste were disposed of and for conducting enforcement 6250
actions arising from the findings of such surveys or 6251
investigations; paying the costs of acquiring and cleaning up, or 6252
providing financial assistance for cleaning up, any hazardous 6253
waste facility or solid waste facility containing significant 6254

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quantities of hazardous waste, that constitutes an imminent and 6255
substantial threat to public health or safety or the environment; 6256
and, from July 1, 2003, through June 30, 2006, for the purposes of 6257
paying the costs of administering and enforcing the laws 6258
pertaining to solid wastes, infectious wastes, and construction 6259
and demolition debris, including, without limitation, ground water 6260
evaluations related to solid wastes, infectious wastes, and 6261
construction and demolition debris, under this chapter and Chapter 6262
3714. of the Revised Code and any rules adopted under them, and 6263
paying a share of the administrative costs of the environmental 6264
protection agency pursuant to section 3745.014 of the Revised 6265
Code, the following fees are hereby levied on the disposal of 6266
solid wastes in this state: 6267

(1) One dollar per ton on and after July 1, 1993; 6268

(2) An additional one dollar per ton on and after July 1, 6269
2003, through June 30, 2006. 6270

The owner or operator of a solid waste disposal facility 6271
shall collect the fees levied under this division as a trustee for 6272
the state and shall prepare and file with the director of 6273
environmental protection monthly returns indicating the total 6274
tonnage of solid wastes received for disposal at the gate of the 6275
facility and the total amount of the fees collected under this 6276
division. Not later than thirty days after the last day of the 6277
month to which such a return applies, the owner or operator shall 6278
mail to the director the return for that month together with the 6279
fees collected during that month as indicated on the return. The 6280
owner or operator may request an extension of not more than thirty 6281
days for filing the return and remitting the fees, provided that 6282
the owner or operator has submitted such a request in writing to 6283
the director together with a detailed description of why the 6284
extension is requested, the director has received the request not 6285
later than the day on which the return is required to be filed, 6286

and the director has approved the request. If the fees are not
remitted within thirty days after the last day of the month during
which they were collected or are not remitted by the last day of
an extension approved by the director, the owner or operator shall
pay an additional fifty per cent of the amount of the fees for
each month that they are late.

One-half of the moneys remitted to the director under
division (A)(1) of this section shall be credited to the hazardous
waste facility management fund created in section 3734.18 of the
Revised Code, and one-half shall be credited to the hazardous
waste clean-up fund created in section 3734.28 of the Revised
Code. The moneys remitted to the director under division (A)(2) of
this section shall be credited to the solid waste fund, which is
hereby created in the state treasury. The environmental protection
agency shall use moneys in the solid waste fund only to pay the
costs of administering and enforcing the laws pertaining to solid
wastes, infectious wastes, and construction and demolition debris,
including, without limitation, ground water evaluations related to
solid wastes, infectious wastes, and construction and demolition
debris, under this chapter and Chapter 3714. of the Revised Code
and rules adopted under them and to pay a share of the
administrative costs of the environmental protection agency
pursuant to section 3745.014 of the Revised Code.

The fees levied under this division and divisions (B) and (C)
of this section are in addition to all other applicable fees and
taxes and shall be added to any other fee or amount specified in a
contract that is charged by the owner or operator of a solid waste
disposal facility or to any other fee or amount that is specified
in a contract entered into on or after March 4, 1992, and that is
charged by a transporter of solid wastes.

(B) For the purpose of preparing, revising, and implementing
the solid waste management plan of the county or joint solid waste

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management district, including, without limitation, the 6319
development and implementation of solid waste recycling or 6320
reduction programs; providing financial assistance to boards of 6321
health within the district, if solid waste facilities are located 6322
within the district, for the enforcement of this chapter and rules 6323
adopted and orders and terms and conditions of permits, licenses, 6324
and variances issued under it, other than the hazardous waste 6325
provisions of this chapter and rules adopted and orders and terms 6326
and conditions of permits issued under those provisions; providing 6327
financial assistance to the county to defray the added costs of 6328
maintaining roads and other public facilities and of providing 6329
emergency and other public services resulting from the location 6330
and operation of a solid waste facility within the county under 6331
the district's approved solid waste management plan; paying the 6332
costs incurred by boards of health for collecting and analyzing 6333
water samples from public or private wells on lands adjacent to 6334
solid waste facilities that are contained in the approved or 6335
amended plan of the district; paying the costs of developing and 6336
implementing a program for the inspection of solid wastes 6337
generated outside the boundaries of this state that are disposed 6338
of at solid waste facilities included in the district's approved 6339
solid waste management plan or amended plan; providing financial 6340
assistance to boards of health within the district for enforcing 6341
laws prohibiting open dumping; providing financial assistance to 6342
local law enforcement agencies within the district for enforcing 6343
laws and ordinances prohibiting littering; providing financial 6344
assistance to boards of health of health districts within the 6345
district that are on the approved list under section 3734.08 of 6346
the Revised Code for the training and certification required for 6347
their employees responsible for solid waste enforcement by rules 6348
adopted under division (L) of section 3734.02 of the Revised Code; 6349
providing financial assistance to individual municipal 6350
corporations and townships within the district to defray their 6351

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added costs of maintaining roads and other public facilities and 6352
of providing emergency and other public services resulting from 6353
the location and operation within their boundaries of a 6354
composting, energy or resource recovery, incineration, or 6355
recycling facility that either is owned by the district or is 6356
furnishing solid waste management facility or recycling services 6357
to the district pursuant to a contract or agreement with the board 6358
of county commissioners or directors of the district; and payment 6359
of any expenses that are agreed to, awarded, or ordered to be paid 6360
under section 3734.35 of the Revised Code and of any 6361
administrative costs incurred pursuant to that section, the solid 6362
waste management policy committee of a county or joint solid waste 6363
management district may levy fees upon the following activities: 6364

(1) The disposal at a solid waste disposal facility located 6365
in the district of solid wastes generated within the district; 6366

(2) The disposal at a solid waste disposal facility within 6367
the district of solid wastes generated outside the boundaries of 6368
the district, but inside this state; 6369

(3) The disposal at a solid waste disposal facility within 6370
the district of solid wastes generated outside the boundaries of 6371
this state. 6372

If any such fees are levied prior to January 1, 1994, fees 6373
levied under division (B)(1) of this section always shall be equal 6374
to one-half of the fees levied under division (B)(2) of this 6375
section, and fees levied under division (B)(3) of this section, 6376
which shall be in addition to fees levied under division (B)(2) of 6377
this section, always shall be equal to fees levied under division 6378
(B)(1) of this section, except as otherwise provided in this 6379
division. The solid waste management plan of the county or joint 6380
district approved under section 3734.521 or 3734.55 of the Revised 6381
Code and any amendments to it, or the resolution adopted under 6382

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this division, as appropriate, shall establish the rates of the fees levied under divisions (B)(1), (2), and (3) of this section, if any, and shall specify whether the fees are levied on the basis of tons or cubic yards as the unit of measurement. Although the fees under divisions (A)(1) and (2) of this section are levied on the basis of tons as the unit of measurement, the solid waste management plan of the district and any amendments to it or the solid waste management policy committee in its resolution levying fees under this division may direct that the fees levied under those divisions be levied on the basis of cubic yards as the unit of measurement based upon a conversion factor of three cubic yards per ton generally or one cubic yard per ton for baled wastes if the fees under divisions (B)(1) to (3) of this section are being levied on the basis of cubic yards as the unit of measurement under the plan, amended plan, or resolution.

On and after January 1, 1994, the fee levied under division (B)(1) of this section shall be not less than one dollar per ton nor more than two dollars per ton, the fee levied under division (B)(2) of this section shall be not less than two dollars per ton nor more than four dollars per ton, and the fee levied under division (B)(3) of this section shall be not more than the fee levied under division (B)(1) of this section, except as otherwise provided in this division and notwithstanding any schedule of those fees established in the solid waste management plan of a county or joint district approved under section 3734.55 of the Revised Code or a resolution adopted and ratified under this division that is in effect on that date. If the fee that a district is levying under division (B)(1) of this section on that date under its approved plan or such a resolution is less than one dollar per ton, the fee shall be one dollar per ton on and after January 1, 1994, and if the fee that a district is so levying under that division exceeds two dollars per ton, the fee shall be

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two dollars per ton on and after that date. If the fee that a district is so levying under division (B)(2) of this section is less than two dollars per ton, the fee shall be two dollars per ton on and after that date, and if the fee that the district is so levying under that division exceeds four dollars per ton, the fee shall be four dollars per ton on and after that date. On that date, the fee levied by a district under division (B)(3) of this section shall be equal to the fee levied under division (B)(1) of this section. Except as otherwise provided in this division, the fees established by the operation of this amendment shall remain in effect until the district's resolution levying fees under this division is amended or repealed in accordance with this division to amend or abolish the schedule of fees, the schedule of fees is amended or abolished in an amended plan of the district approved under section 3734.521 or division (A) or (D) of section 3734.56 of the Revised Code, or the schedule of fees is amended or abolished through an amendment to the district's plan under division (E) of section 3734.56 of the Revised Code; the notification of the amendment or abolishment of the fees has been given in accordance with this division; and collection of the amended fees so established commences, or collection of the fees ceases, in accordance with this division.

The solid waste management policy committee of a district levying fees under divisions (B)(1) to (3) of this section on October 29, 1993, under its solid waste management plan approved under section 3734.55 of the Revised Code or a resolution adopted and ratified under this division that are within the ranges of rates prescribed by this amendment, by adoption of a resolution not later than December 1, 1993, and without the necessity for ratification of the resolution under this division, may amend those fees within the prescribed ranges, provided that the estimated revenues from the amended fees will not substantially

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exceed the estimated revenues set forth in the district's budget
for calendar year 1994. Not later than seven days after the
adoption of such a resolution, 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 adoption of
the resolution and of the amount of the amended fees. Collection
of the amended fees shall take effect on the first day of the
first month following the month in which the notification is sent
to the owner or operator. The fees established in such a
resolution shall remain in effect until the district's resolution
levying fees that was adopted and ratified under this division is
amended or repealed, and the amendment or repeal of the resolution
is ratified, in accordance with this division, to amend or abolish
the fees, the schedule of fees is amended or abolished in an
amended plan of the district approved under section 3734.521 or
division (A) or (D) of section 3734.56 of the Revised Code, or the
schedule of fees is amended or abolished through an amendment to
the district's plan under division (E) of section 3734.56 of the
Revised Code; the notification of the amendment or abolishment of
the fees has been given in accordance with this division; and
collection of the amended fees so established commences, or
collection of the fees ceases, in accordance with this division.

Prior to the approval of the solid waste management plan of
the district under section 3734.55 of the Revised Code, the solid
waste management policy committee of a district may levy fees
under this division by adopting a resolution establishing the
proposed amount of the fees. Upon adopting the resolution, the
committee shall deliver a copy of the resolution to the board of
county commissioners of each county forming the district and to
the legislative authority of each municipal corporation and
township under the jurisdiction of the district and shall prepare
and publish the resolution and a notice of the time and location

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where a public hearing on the fees will be held. Upon adopting the resolution, the committee shall deliver written notice of the adoption of the resolution; of the amount of the proposed fees; and of the date, time, and location of the public hearing to the director and to the fifty industrial, commercial, or institutional generators of solid wastes within the district that generate the largest quantities of solid wastes, as determined by the committee, and to their local trade associations. The committee shall make good faith efforts to identify those generators within the district and their local trade associations, but the nonprovision of notice under this division to a particular generator or local trade association does not invalidate the proceedings under this division. The publication shall occur at least thirty days before the hearing. After the hearing, the committee may make such revisions to the proposed fees as it considers appropriate and thereafter, by resolution, shall adopt the revised fee schedule. Upon adopting the revised fee schedule, the committee shall deliver a copy of the resolution doing so to the board of county commissioners of each county forming the district and to the legislative authority of each municipal corporation and township under the jurisdiction of the district. Within sixty days after the delivery of a copy of the resolution adopting the proposed revised fees by the policy committee, each such board and legislative authority, by ordinance or resolution, shall approve or disapprove the revised fees and deliver a copy of the ordinance or resolution to the committee. If any such board or legislative authority fails to adopt and deliver to the policy committee an ordinance or resolution approving or disapproving the revised fees within sixty days after the policy committee delivered its resolution adopting the proposed revised fees, it shall be conclusively presumed that the board or legislative authority has approved the proposed revised fees.

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In the case of a county district or a joint district formed 6511
by two or three counties, the committee shall declare the proposed 6512
revised fees to be ratified as the fee schedule of the district 6513
upon determining that the board of county commissioners of each 6514
county forming the district has approved the proposed revised fees 6515
and that the legislative authorities of a combination of municipal 6516
corporations and townships with a combined population within the 6517
district comprising at least sixty per cent of the total 6518
population of the district have approved the proposed revised 6519
fees, provided that in the case of a county district, that 6520
combination shall include the municipal corporation having the 6521
largest population within the boundaries of the district, and 6522
provided further that in the case of a joint district formed by 6523
two or three counties, that combination shall include for each 6524
county forming the joint district the municipal corporation having 6525
the largest population within the boundaries of both the county in 6526
which the municipal corporation is located and the joint district. 6527
In the case of a joint district formed by four or more counties, 6528
the committee shall declare the proposed revised fees to be 6529
ratified as the fee schedule of the joint district upon 6530
determining that the boards of county commissioners of a majority 6531
of the counties forming the district have approved the proposed 6532
revised fees; that, in each of a majority of the counties forming 6533
the joint district, the proposed revised fees have been approved 6534
by the municipal corporation having the largest population within 6535
the county and the joint district; and that the legislative 6536
authorities of a combination of municipal corporations and 6537
townships with a combined population within the joint district 6538
comprising at least sixty per cent of the total population of the 6539
joint district have approved the proposed revised fees. 6540

For the purposes of this division, only the population of the 6541
unincorporated area of a township shall be considered. For the 6542

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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
fees or amended fees ratified on or after March 24, 1992, 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 declaring the repeal of
the district's schedule of fees to be ratified under this
division, the committee shall notify by certified mail the owner
or operator of each facility that is collecting the fees of the
repeal. Collection of the fees shall cease on the first day of the
second month following the month in which notification is sent to
the owner or operator.

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Not later than fourteen days after the director issues an order approving a district's solid waste management 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 establishes or amends a schedule of fees levied by the district, or the ratification of an amendment to the district's approved plan or amended plan under division (E) of section 3734.56 of the Revised Code that establishes or amends a schedule of fees, as appropriate, 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 approval of the plan or amended plan, or the amendment to the plan, as appropriate, and the amount of the fees or amended 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 establishes or amends a 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 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 6606
3734.56 of the Revised Code that abolishes the schedule of fees 6607
levied under divisions (B)(1) to (3) of this section, or an 6608
amendment to the district's approved plan or amended plan 6609
abolishing the schedule of fees is ratified pursuant to division 6610
(E) of section 3734.56 of the Revised Code, as appropriate, the 6611
committee shall notify by certified mail the owner or operator of 6612
each facility that is collecting the fees of the approval of the 6613
plan or amended plan, or the amendment of the plan or amended 6614
plan, as appropriate, and the abolishment of the fees. In the case 6615
of an initial or amended plan approved under section 3734.521 of 6616
the Revised Code in connection with a change in district 6617
composition, other than one involving the withdrawal of a county 6618
from a joint district, that abolishes the schedule of fees levied 6619
under divisions (B)(1) to (3) of this section by a district 6620
resulting from the change, the committee, within fourteen days 6621
after the change takes effect pursuant to division (G) of that 6622
section, shall notify by certified mail the owner or operator of 6623
each solid waste disposal facility that is required to collect the 6624
fees that the change has taken effect and of the abolishment of 6625
the fees. Collection of the fees shall cease on the first day of 6626
the second month following the month in which notification is sent 6627
to the owner or operator. 6628

Except as otherwise provided in this division, if the 6629
schedule of fees that a district is levying under divisions (B)(1) 6630
to (3) of this section pursuant to a resolution or amended 6631
resolution adopted and ratified under this division, the solid 6632
waste management plan of the district approved under section 6633
3734.55 of the Revised Code, an amended plan approved under 6634
division (A) or (D) of section 3734.56 of the Revised Code, or an 6635
amendment to the district's approved plan or amended plan under 6636
division (E) of section 3734.56 of the Revised Code, is amended by 6637

the adoption and ratification of an amendment to the resolution or
amended resolution or an amendment of the district's approved plan
or amended plan, the fees in effect immediately prior to the
approval of the plan or the amendment of the resolution, amended
resolution, plan, or amended plan, as appropriate, shall continue
to be collected until collection of the amended fees commences
pursuant to this division.

If, in the case of a change in district composition involving
the withdrawal of a county from a joint district, the director
completes the actions required under division (G)(1) or (3) of
section 3734.521 of the Revised Code, as appropriate, forty-five
days or more before the beginning of a calendar year, the policy
committee of each of the districts resulting from the change that
obtained the director's approval of an initial or amended plan in
connection with the change, within fourteen days after the
director's completion of the required actions, shall notify by
certified mail the owner or operator of each solid waste disposal
facility that is required to collect the district's fees that the
change is to take effect on the first day of January immediately
following the issuance of the notice and of the amount of the fees
or amended fees levied under divisions (B)(1) to (3) of this
section pursuant to the district's initial or amended plan as so
approved or, if appropriate, the abolishment of the district's
fees by that initial or amended plan. Collection of any fees set
forth in such a plan or amended plan shall commence on the first
day of January immediately following the issuance of the notice.
If such an initial or amended plan abolishes a schedule of fees,
collection of the fees shall cease on that first day of January.

If, in the case of a change in district composition involving
the withdrawal of a county from a joint district, the director
completes the actions required under division (G)(1) or (3) of
section 3734.521 of the Revised Code, as appropriate, less than

forty-five days before the beginning of a calendar year, the
director, on behalf of each of the districts resulting from the
change that obtained the director's approval of an initial or
amended plan in connection with the change proceedings, shall
notify by certified mail the owner or operator of each solid waste
disposal facility that is required to collect the district's fees
that the change is to take effect on the first day of January
immediately following the mailing of the notice and of the amount
of the fees or amended fees levied under divisions (B)(1) to (3)
of this section pursuant to the district's initial or amended plan
as so approved or, if appropriate, the abolishment of the
district's fees by that initial or amended plan. Collection of any
fees set forth in such a plan or amended plan shall commence on
the first day of the second month following the month in which
notification is sent to the owner or operator. If such an initial
or amended plan abolishes a schedule of fees, collection of the
fees shall cease on the first day of the second month following
the month in which notification is sent to the owner or operator.

In the case of a change in district composition, the schedule
of fees that the former districts that existed prior to the change
were levying under divisions (B)(1) to (3) of this section
pursuant to a resolution or amended resolution adopted and
ratified under this division, the solid waste management plan of a
former district approved under section 3734.521 or 3734.55 of the
Revised Code, an amended plan approved under section 3734.521 or
division (A) or (D) of section 3734.56 of the Revised Code, or an
amendment to a former district's approved plan or amended plan
under division (E) of section 3734.56 of the Revised Code, and
that were in effect on the date that the director completed the
actions required under division (G)(1) or (3) of section 3734.521
of the Revised Code shall continue to be collected until the
collection of the fees or amended fees of the districts resulting

from the change is required to commence, or if an initial or
amended plan of a resulting district abolishes a schedule of fees,
collection of the fees is required to cease, under this division.
Moneys so received from the collection of the fees of the former
districts shall be divided among the resulting districts in
accordance with division (B) of section 343.012 of the Revised
Code and the agreements entered into under division (B) of section
343.01 of the Revised Code to establish the former and resulting
districts and any amendments to those agreements.

For the purposes of the provisions of division (B) of this
section establishing the times when newly established or amended
fees levied by a district are required to commence and the
collection of fees that have been amended or abolished is required
to cease, "fees" or "schedule of fees" includes, in addition to
fees levied under divisions (B)(1) to (3) of this section, those
levied under section 3734.573 or 3734.574 of the Revised Code.

(C) For the purposes of defraying the added costs to a
municipal corporation or township of maintaining roads and other
public facilities and of providing emergency and other public
services, and compensating a municipal corporation or township for
reductions in real property tax revenues due to reductions in real
property valuations resulting from the location and operation of a
solid waste disposal facility within the municipal corporation or
township, a municipal corporation or township in which such a
solid waste disposal facility is located may levy a fee of not
more than twenty-five cents per ton on the disposal of solid
wastes at a solid waste disposal facility located within the
boundaries of the municipal corporation or township regardless of
where the wastes were generated.

The legislative authority of a municipal corporation or
township may levy fees under this division by enacting an
ordinance or adopting a resolution establishing the amount of the

fees. Upon so doing the legislative authority shall mail a
certified copy of the ordinance or resolution to the board of
county commissioners or directors of the county or joint solid
waste management district in which the municipal corporation or
township is located or, if a regional solid waste management
authority has been formed under section 343.011 of the Revised
Code, to the board of trustees of that regional authority, the
owner or operator of each solid waste disposal facility in the
municipal corporation or township that is required to collect the
fee by the ordinance or resolution, and the director of
environmental protection. Although the fees levied under this
division are levied on the basis of tons as the unit of
measurement, the legislative authority, in its ordinance or
resolution levying the fees under this division, may direct that
the fees be levied on the basis of cubic yards as the unit of
measurement based upon a conversion factor of three cubic yards
per ton generally or one cubic yard per ton for baled wastes.

Not later than five days after enacting an ordinance or
adopting a resolution under this division, the legislative
authority shall so notify by certified mail the owner or operator
of each solid waste disposal facility that is required to collect
the fee. Collection of any fee levied on or after March 24, 1992,
shall commence on the first day of the second month following the
month in which notification is sent to the owner or operator.

(D)(1) The fees levied under divisions (A), (B), and (C) of
this section do not apply to the disposal of solid wastes that:

(a) Are disposed of at a facility owned by the generator of
the wastes when the solid waste facility exclusively disposes of
solid wastes generated at one or more premises owned by the
generator regardless of whether the facility is located on a
premises where the wastes are generated;

(b) Are disposed of at facilities that exclusively dispose of wastes that are generated from the combustion of coal, or from the combustion of primarily coal in combination with scrap tires, that is not combined in any way with garbage at one or more premises owned by the generator.

(2) Except as provided in section 3734.571 of the Revised Code, any fees levied under division (B)(1) of this section apply to solid wastes originating outside the boundaries of a county or joint district that are covered by an agreement for the joint use of solid waste facilities entered into under section 343.02 of the Revised Code by the board of county commissioners or board of directors of the county or joint district where the wastes are generated and disposed of.

(3) When solid wastes, other than solid wastes that consist of scrap tires, are burned in a disposal facility that is an incinerator or energy recovery facility, the fees levied under divisions (A), (B), and (C) of this section shall be levied upon the disposal of the fly ash and bottom ash remaining after burning of the solid wastes and shall be collected by the owner or operator of the sanitary landfill where the ash is disposed of.

(4) When solid wastes are delivered to a solid waste transfer facility, the fees levied under divisions (A), (B), and (C) of this section shall be levied upon the disposal of solid wastes transported off the premises of the transfer facility for disposal and shall be collected by the owner or operator of the solid waste disposal facility where the wastes are disposed of.

(5) The fees levied under divisions (A), (B), and (C) of this section do not apply to sewage sludge that is generated by a waste water treatment facility holding a national pollutant discharge elimination system permit and that is disposed of through incineration, land application, or composting or at another

resource recovery or disposal facility that is not a landfill.

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(6) The fees levied under divisions (A), (B), and (C) of this section do not apply to solid wastes delivered to a solid waste composting facility for processing. When any unprocessed solid waste or compost product is transported off the premises of a composting facility and disposed of at a landfill, the fees levied under divisions (A), (B), and (C) of this section shall be collected by the owner or operator of the landfill where the unprocessed waste or compost product is disposed of.

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(7) When solid wastes that consist of scrap tires are processed at a scrap tire recovery facility, the fees levied under divisions (A), (B), and (C) of this section shall be levied upon the disposal of the fly ash and bottom ash or other solid wastes remaining after the processing of the scrap tires and shall be collected by the owner or operator of the solid waste disposal facility where the ash or other solid wastes are disposed of.

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(E) The fees levied under divisions (B) and (C) of this section shall be collected by the owner or operator of the solid waste disposal facility where the wastes are disposed of as a trustee for the county or joint district and municipal corporation or township where the wastes are disposed of. Moneys from the fees 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.

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(F) Moneys received by the treasurer or ~~such~~ other officer of the municipal corporation under division (E) of this section shall

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be paid into the general fund of the municipal corporation. Moneys 6827
received by the ~~clerk~~ fiscal officer of the township under that 6828
division shall be paid into the general fund of the township. The 6829
treasurer or ~~such~~ other officer of the municipal corporation or 6830
the ~~clerk~~ township fiscal officer, as appropriate, shall maintain 6831
separate records of the moneys received from the fees levied under 6832
division (C) of this section. 6833

(G) Moneys received by the board of county commissioners or 6834
board of directors under division (E) of this section or section 6835
3734.571, 3734.572, 3734.573, or 3734.574 of the Revised Code 6836
shall be paid to the county treasurer, or other official acting in 6837
a similar capacity under a county charter, in a county district or 6838
to the county treasurer or other official designated by the board 6839
of directors in a joint district and kept in a separate and 6840
distinct fund to the credit of the district. If a regional solid 6841
waste management authority has been formed under section 343.011 6842
of the Revised Code, moneys received by the board of trustees of 6843
that regional authority under division (E) of this section shall 6844
be kept by the board in a separate and distinct fund to the credit 6845
of the district. Moneys in the special fund of the county or joint 6846
district arising from the fees levied under division (B) of this 6847
section and the fee levied under division (A) of section 3734.573 6848
of the Revised Code shall be expended by the board of county 6849
commissioners or directors of the district in accordance with the 6850
district's solid waste management plan or amended plan approved 6851
under section 3734.521, 3734.55, or 3734.56 of the Revised Code 6852
exclusively for the following purposes: 6853

(1) Preparation of the solid waste management plan of the 6854
district under section 3734.54 of the Revised Code, monitoring 6855
implementation of the plan, and conducting the periodic review and 6856
amendment of the plan required by section 3734.56 of the Revised 6857
Code by the solid waste management policy committee; 6858

(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;

(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;

(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;	6890
(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;	6891 6892 6893 6894 6895 6896 6897 6898 6899
(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;	6900 6901 6902 6903 6904 6905 6906 6907 6908 6909
(10) Payment of any expenses that are agreed to, awarded, or ordered to be paid under section 3734.35 of the Revised Code and of any administrative costs incurred pursuant to that section. In the case of a joint solid waste management district, if the board of county commissioners of one of the counties in the district is negotiating on behalf of affected communities, as defined in that section, in that county, the board shall obtain the approval of the board of directors of the district in order to expend moneys for administrative costs incurred.	6910 6911 6912 6913 6914 6915 6916 6917 6918
Prior to the approval of the district's solid waste management plan under section 3734.55 of the Revised Code, moneys	6919 6920

in the special fund of the district arising from the fees shall be 6921
expended for those purposes in the manner prescribed by the solid 6922
waste management policy committee by resolution. 6923

Notwithstanding division (G)(6) of this section as it existed 6924
prior to October 29, 1993, or any provision in a district's solid 6925
waste management plan prepared in accordance with division 6926
(B)(2)(e) of section 3734.53 of the Revised Code as it existed 6927
prior to that date, any moneys arising from the fees levied under 6928
division (B)(3) of this section prior to January 1, 1994, may be 6929
expended for any of the purposes authorized in divisions (G)(1) to 6930
(10) of this section. 6931

(H) The director shall adopt rules in accordance with Chapter 6932
119. of the Revised Code prescribing procedures for collecting and 6933
forwarding the fees levied under divisions (B) and (C) of this 6934
section to the boards of county commissioners or directors of 6935
county or joint solid waste management districts and to the 6936
treasurers or other officers of municipal corporations ~~or to~~ and 6937
the ~~clerks~~ fiscal officers of townships. The rules also shall 6938
prescribe the dates for forwarding the fees to the boards and 6939
officials and may prescribe any other requirements the director 6940
considers necessary or appropriate to implement and administer 6941
divisions (A), (B), and (C) of this section. Collection of the 6942
fees levied under division (A)(1) of this section shall commence 6943
on July 1, 1993. Collection of the fees levied under division 6944
(A)(2) of this section shall commence on January 1, 1994. 6945

Sec. 4301.80. (A) As used in this section, "community 6946
entertainment district" means a bounded area that includes or will 6947
include a combination of entertainment, retail, educational, 6948
sporting, social, cultural, or arts establishments within close 6949
proximity to some or all of the following types of establishments 6950
within the district, or other types of establishments similar to 6951

these:	6952
(1) Hotels;	6953
(2) Restaurants;	6954
(3) Retail sales establishments;	6955
(4) Enclosed shopping centers;	6956
(5) Museums;	6957
(6) Performing arts theaters;	6958
(7) Motion picture theaters;	6959
(8) Night clubs;	6960
(9) Convention facilities;	6961
(10) Sports facilities;	6962
(11) Entertainment facilities or complexes;	6963
(12) Any combination of the establishments described in	6964
division (A)(1) to (11) of this section that provide similar	6965
services to the community.	6966
(B) Any owner of property located in a municipal corporation	6967
seeking to have that property, or that property and other	6968
surrounding property, designated as a community entertainment	6969
district shall file an application seeking this designation with	6970
the mayor of the municipal corporation in which that property is	6971
located. Any owner of property located in the unincorporated area	6972
of a township seeking to have that property, or that property and	6973
other surrounding property, designated as a community	6974
entertainment district shall file an application seeking this	6975
designation with the board of township trustees of the township in	6976
whose unincorporated area that property is located. An application	6977
to designate an area as a community entertainment district shall	6978
contain all of the following:	6979
(1) The applicant's name and address;	6980

(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 application, payable to the applicable municipal corporation or township, in an amount determined by that municipal corporation or township.

(C) An application described in division (B) of this section relating to an area located in a municipal corporation shall be addressed and submitted to the mayor of the municipal corporation in which the area described in the application is located. The mayor, within thirty days after receiving the application, shall submit the application with the mayor's recommendation to the legislative authority of the municipal corporation. An application

described in division (B) of this section relating to an area 7012
located in the unincorporated area of a township shall be 7013
addressed and submitted to the board of township trustees of the 7014
township in whose unincorporated area the area described in the 7015
application is located. The application is a public record for 7016
purposes of section 149.43 of the Revised Code upon its receipt by 7017
the mayor or board of township trustees. 7018

Within thirty days after it receives the application and the 7019
mayor's recommendations relating to the application, the 7020
legislative authority of the municipal corporation, by notice 7021
published once a week for two consecutive weeks in at least one 7022
newspaper of general circulation in the municipal corporation, 7023
shall notify the public that the application is on file in the 7024
office of the clerk of the municipal corporation and is available 7025
for inspection by the public during regular business hours. Within 7026
thirty days after it receives the application, the board of 7027
township trustees, by notice published once a week for two 7028
consecutive weeks in at least one newspaper of general circulation 7029
in the township, shall notify the public that the application is 7030
on file in the office of the township ~~clerk~~ fiscal officer and is 7031
available for inspection by the public during regular business 7032
hours. The notice shall also indicate the date and time of any 7033
public hearing by the legislative authority or board of township 7034
trustees on the application. 7035

Within seventy-five days after the date the application is 7036
filed with the mayor of a municipal corporation, the legislative 7037
authority of the municipal corporation by ordinance or resolution 7038
shall approve or disapprove the application based on whether the 7039
proposed community entertainment district does or will 7040
substantially contribute to entertainment, retail, educational, 7041
sporting, social, cultural, or arts opportunities for the 7042
community. The community considered shall at a minimum include the 7043

municipal corporation in which the community is located. Any 7044
approval of an application shall be by an affirmative majority 7045
vote of the legislative authority. 7046

Within seventy-five days after the date the application is 7047
filed with a board of township trustees, the board by resolution 7048
shall approve or disapprove the application based on whether the 7049
proposed community entertainment district does or will 7050
substantially contribute to entertainment, retail, educational, 7051
sporting, social, cultural, or arts opportunities for the 7052
community. The community considered shall at a minimum include the 7053
township in which the community is located. Any approval of an 7054
application shall be by an affirmative majority vote of the board 7055
of township trustees. 7056

If the legislative authority or board of township trustees 7057
disapproves the application, the applicant may make changes in the 7058
application to secure its approval by the legislative authority or 7059
board of township trustees. Any area approved by the legislative 7060
authority or board of township trustees constitutes a community 7061
entertainment district, and a local option election may be 7062
conducted in the district, as a type of community facility, under 7063
section 4301.356 of the Revised Code. 7064

(D) All or part of an area designated as a community 7065
entertainment district may lose this designation as provided in 7066
this division. The legislative authority of a municipal 7067
corporation in which a community entertainment district is 7068
located, or the board of township trustees of the township in 7069
whose unincorporated area a community entertainment district is 7070
located, after giving notice of its proposed action by publication 7071
once a week for two consecutive weeks in at least one newspaper of 7072
general circulation in the municipal corporation or township, may 7073
determine by ordinance or resolution in the case of the 7074
legislative authority of a municipal corporation, or by resolution 7075

in the case of a board of township trustees of a township, that 7076
all or part of the area fails to meet the standards described in 7077
this section for designation of an area as a community 7078
entertainment district. If the legislative authority or board so 7079
determines, the area designated in the ordinance or resolution no 7080
longer constitutes a community entertainment district. 7081

Sec. 4303.26. (A) Applications for regular permits authorized 7082
by sections 4303.02 to 4303.23 of the Revised Code may be filed 7083
with the division of liquor control. No permit shall be issued by 7084
the division until fifteen days after the application for it is 7085
filed. An applicant for the issuance of a new permit shall pay a 7086
processing fee of one hundred dollars when filing application for 7087
the permit, if the permit is then available, or shall pay the 7088
processing fee when a permit becomes available, if it is not 7089
available when the applicant initially files the application. When 7090
an application for a new class C or D permit is filed, when class 7091
C or D permits become available, or when an application for 7092
transfer of ownership of a class C or D permit or transfer of a 7093
location of a class C or D permit is filed, no permit shall be 7094
issued, nor shall the location or the ownership of a permit be 7095
transferred, by the division until the division notifies the 7096
legislative authority of the municipal corporation, if the 7097
business or event is or is to be located within the corporate 7098
limits of a municipal corporation, or the clerk of the board of 7099
county commissioners and the fiscal officer of the board of 7100
township trustees in the county in which the business or event is 7101
or is to be conducted, if the business is or is to be located 7102
outside the corporate limits of a municipal corporation, and an 7103
opportunity is provided officials or employees of the municipal 7104
corporation or county and township, who shall be designated by the 7105
legislative authority of the municipal corporation or the board of 7106
county commissioners or board of township trustees, for a complete 7107

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hearing upon the advisability of the issuance, transfer of 7108
ownership, or transfer of location of the permit. In this hearing, 7109
no objection to the issuance, transfer of ownership, or transfer 7110
of location of the permit shall be based upon noncompliance of the 7111
proposed permit premises with local zoning regulations which 7112
prohibit the sale of beer or intoxicating liquor, in an area zoned 7113
for commercial or industrial uses, for a permit premises that 7114
would otherwise qualify for a proper permit issued by the 7115
division. 7116

When the division sends notice to the legislative or 7117
executive authority of the political subdivision, as required by 7118
this section, the division shall also so notify, by certified 7119
mail, return receipt requested, or by personal service, the chief 7120
peace officer of the political subdivision. Upon the request of 7121
the chief peace officer, the division shall send the chief peace 7122
officer a copy of the application for the issuance or the transfer 7123
of ownership or location of the permit and all other documents or 7124
materials filed by the applicant or applicants in relation to the 7125
application. The chief peace officer may appear and testify, 7126
either in person or through a representative, at any hearing held 7127
on the advisability of the issuance, transfer of ownership, or 7128
transfer of location of the permit. The hearing shall be held in 7129
the central office of the division, except that upon written 7130
request of the legislative authority of the municipal corporation 7131
or the board of county commissioners or board of township 7132
trustees, the hearing shall be held in the county seat of the 7133
county where the applicant's business is or is to be conducted. 7134

If the business or event specified in an application for the 7135
issuance, transfer of ownership, or transfer of location of any 7136
regular permit authorized by sections 4303.02 to 4303.23 of the 7137
Revised Code, except for an F-2 permit, is, or is to be operated, 7138
within five hundred feet from the boundaries of a parcel of real 7139

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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
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 71172
extension shall be made by the legislative authority or board to 71173
the division no later than thirty days after the time of 71174
notification by the division. 71175

(B)(1) When an application for transfer of ownership of a 71176
permit is filed with the division, the division shall give notice 71177
of the application to the department of taxation. Within twenty 71178
days after receiving this notification, the department of taxation 71179
shall notify the division of liquor control and the proposed 71180
transferee of the permit if the permit holder owes to this state 71181
any delinquent sales taxes or income taxes withheld from employee 71182
compensation or has failed to file any sales tax returns or 71183
employee income tax withholding returns, to the extent that ~~such~~ 71184
the delinquent taxes and delinquent returns are known to the 71185
department of taxation at that time. The division shall not 71186
transfer ownership of the permit until returns known to be 71187
delinquent are filed and until ~~any such~~ the tax or withholding 71188
delinquency is resolved. As used in this division, "resolved" 71189
means that the tax or withholding delinquency has been paid or an 71190
amount sufficient to satisfy the delinquency is in escrow for the 71191
benefit of the state. The department of taxation shall notify the 71192
division of the resolution. After the division has received ~~such~~ 71193
the notification from the department of taxation, the division may 71194
proceed to transfer ownership of the permit. Nothing in this 71195
division shall be construed to affect or limit the 71196
responsibilities or liabilities of the transferor or the 71197
transferee imposed by Chapter 5739. or 5747. of the Revised Code. 71198

(2) Notwithstanding section 5703.21 of the Revised Code, 71199
nothing prohibits the department of taxation from disclosing to 7200
the division or to the proposed transferee or the proposed 7201
transferee's designated agent any information pursuant to division 7202
(B)(1) of this section. 7203

(C) No F or F-2 permit shall be issued for an event until the applicant has, by means of a form that the division shall provide to the applicant, notified the chief peace officer of the political subdivision in which the event will be conducted of the date, time, place, and duration of the event.

(D) The division of liquor control shall notify an applicant for a permit authorized by sections 4303.02 to 4303.23 of the Revised Code of an action pending or judgment entered against a liquor permit premises, of which the division has knowledge, pursuant to section 3767.03 or 3767.05 of the Revised Code if the applicant is applying for a permit at the location of the premises that is the subject of the action under section 3767.03 or judgment under section 3767.05 of the Revised Code.

Sec. 4928.20. (A) 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, on or after the starting date of competitive retail electric service, it may aggregate in accordance with this section the retail electrical loads located, respectively, within the municipal corporation, township, or unincorporated area of the county and, for that purpose, may enter into service agreements to facilitate for those loads the sale and purchase of electricity. The legislative authority or board also may exercise such authority jointly with any other such legislative authority or board. An ordinance or resolution under this division shall specify whether the aggregation will occur only with the prior consent of each person owning, occupying, controlling, or using an electric load center proposed to be aggregated or will occur automatically for all such persons pursuant to the opt-out requirements of division (D) of this section. Nothing in this division, however, authorizes the

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aggregation of such retail electric loads of an electric load center, as defined in section 4933.81 of the Revised Code, that is located in the certified territory of a nonprofit electric supplier under sections 4933.81 to 4933.90 of the Revised Code or an electric load center served by transmission or distribution facilities of a municipal electric utility.

(B) If an ordinance or resolution adopted under division (A) of this section specifies that aggregation will occur automatically as described in that division, the ordinance or resolution shall direct the board of elections to submit the question of the authority to aggregate to the electors of the respective municipal corporation, township, or unincorporated area of a county at a special election on the day of the next primary or general election in the municipal corporation, township, or county. The legislative authority or board shall certify a copy of the ordinance or resolution to the board of elections not less than seventy-five days before the day of the special election. No ordinance or resolution adopted under division (A) of this section that provides for an election under this division shall take effect unless approved by a majority of the electors voting upon the ordinance or resolution at the election held pursuant to this division.

(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 that provides for automatic aggregation as described in division (A) of this section, shall aggregate the electrical load of any electric load center located within its jurisdiction unless it in advance clearly discloses to the person owning, occupying, controlling, or using the load center that the person will be enrolled automatically in the aggregation program 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 program the opportunity to opt out of the program every two years, without paying a switching fee. Any such person that opts out of the aggregation program pursuant to the stated procedure shall default to the standard service offer provided under division (A) of section 4928.14 or division (D) of section 4928.35 of the Revised Code 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 division (A) to (D) of this section, resolutions may be proposed by initiative or referendum petitions in accordance with sections 731.28 to 731.41 of the Revised Code.

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(2) With respect to a governmental aggregation for a township or the unincorporated area of a county, which aggregation is authorized pursuant to division (A) to (D) of this section, resolutions may be proposed by initiative or referendum petitions in accordance with sections 731.28 to 731.40 of the Revised Code, except that:

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(a) The petitions shall be filed, respectively, with the township clerk* fiscal officer or the board of county commissioners, who shall perform those duties imposed under those sections upon the city auditor or village clerk.

(b) The petitions shall contain the signatures of not less than ten per cent of the total number of electors in, respectively, the township or the unincorporated area of the county who voted for the office of governor at the preceding general election for that office in that area.

(F) A governmental aggregator under division (A) of this section is not a public utility engaging in the wholesale purchase and resale of electricity, and provision of the aggregated service is not a wholesale utility transaction. A governmental aggregator shall be subject to supervision and regulation by the public utilities commission only to the extent of any competitive retail electric service it provides and commission authority under this chapter.

(G) This section does not apply in the case of a municipal corporation that supplies such aggregated service to electric load centers to which its municipal electric utility also supplies a noncompetitive retail electric service through transmission or distribution facilities the utility singly or jointly owns or operates.

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 7329
the municipal corporation, township, or unincorporated area of the 7330
county and for which there is a choice of supplier of that service 7331
as a result of revised schedules approved under division (C) of 7332
section 4929.29 of the Revised Code, a rule or order adopted or 7333
issued by the commission under Chapter 4905. of the Revised Code, 7334
or an exemption granted by the commission under sections 4929.04 7335
to 4929.08 of the Revised Code. An ordinance or a resolution 7336
adopted under this section shall expressly state that it is 7337
adopted pursuant to the authority conferred by this section. The 7338
legislative authority or board also may exercise its authority 7339
under this section jointly with any other such legislative 7340
authority or board. For the purpose of the aggregation, the 7341
legislative authority or board may enter into service agreements 7342
to facilitate the sale and purchase of the service for the retail 7343
natural gas loads. 7344

(2)(a) No aggregation under an ordinance or resolution 7345
adopted under division (A)(1) of this section shall include the 7346
retail natural gas load of any person that meets any of the 7347
following criteria: 7348

(i) The person is both a distribution service customer and a 7349
mercantile customer on the date of commencement of service to the 7350
aggregated load, or the person becomes a distribution service 7351
customer after that date and also is a mercantile customer. 7352

(ii) The person is supplied with commodity sales service 7353
pursuant to a contract with a retail natural gas supplier that is 7354
in effect on the effective date of the ordinance or resolution. 7355

(iii) The person is supplied with commodity sales service as 7356
part of a retail natural gas load aggregation provided for 7357
pursuant to a rule or order adopted or issued by the commission 7358
under this chapter or Chapter 4905. of the Revised Code. 7359

(b) Nothing in division (A)(2)(a) of this section precludes a governmental aggregation under this section from permitting the retail natural gas load of a person described in division (A)(2)(a) of this section from being included in the aggregation upon the expiration of any contract or aggregation as described in division (A)(2)(a)(ii) or (iii) of this section or upon the person no longer being a customer as described in division (A)(2)(a)(i) of this section or qualifying to be included in an aggregation described under division (A)(2)(a)(iii) of this section.

(B) An ordinance or resolution adopted under division (A) of this section shall direct the board of elections to submit the question of the authority to aggregate to the electors of the respective municipal corporation, township, or unincorporated area of a county at a special election on the day of the next primary or general election in the municipal corporation, township, or county. The legislative authority or board shall certify a copy of the ordinance or resolution to the board of elections not less than seventy-five days before the day of the special election. No ordinance or resolution adopted under division (A) of this section that provides for an election under this division shall take effect unless approved by a majority of the electors voting upon the ordinance or resolution at the election held pursuant to this division.

(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. 7392
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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. 7394
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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 731.41 of the Revised Code. 7410
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(2) With respect to a governmental aggregation for a township or the unincorporated area of a county, which aggregation 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 731.40 of the Revised Code, except that: 7415
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(a) The petitions shall be filed, respectively, with the township clerk* fiscal officer or the board of county 7421
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commissioners, who shall perform those duties imposed under those 7423
sections upon the city auditor or village clerk. 7424

(b) The petitions shall contain the signatures of not less 7425
than ten per cent of the total number of electors in the township 7426
or the unincorporated area of the county, respectively, who voted 7427
for the office of governor at the preceding general election for 7428
that office in that area. 7429

(F) A governmental aggregator under division (A) of this 7430
section is not a public utility engaging in the wholesale purchase 7431
and resale of natural gas, and provision of the aggregated service 7432
is not a wholesale utility transaction. A governmental aggregator 7433
shall be subject to supervision and regulation by the public 7434
utilities commission only to the extent of any competitive retail 7435
natural gas service it provides and commission authority under 7436
this chapter. 7437

Sec. 4929.27. (A)(1) The legislative authority of a municipal 7438
corporation may adopt an ordinance, or the board of township 7439
trustees of a township or the board of county commissioners of a 7440
county may adopt a resolution, under which, in accordance with 7441
this section and except as otherwise provided in division (A)(2) 7442
of this section, the legislative authority or board may aggregate, 7443
with the prior consent of each person whose retail natural gas 7444
load is proposed to be aggregated, competitive retail natural gas 7445
service for any such retail natural gas load that is located, 7446
respectively, within the municipal corporation, township, or 7447
unincorporated area of the county and for which there is a choice 7448
of supplier of that service as a result of revised schedules 7449
approved under division (C) of section 4929.29 of the Revised 7450
Code, a rule or order adopted or issued by the commission under 7451
Chapter 4905. of the Revised Code, or an exemption granted by the 7452
commission under sections 4929.04 to 4929.08 of the Revised Code. 7453

An ordinance or a resolution adopted under this section shall 7454
expressly state that it is adopted pursuant to the authority 7455
conferred by this section. The legislative authority or board also 7456
may exercise such authority jointly with any other such 7457
legislative authority or board. For the purpose of the 7458
aggregation, the legislative authority or board may enter into 7459
service agreements to facilitate the sale and purchase of the 7460
service for the retail natural gas loads. 7461

(2)(a) No aggregation under an ordinance or resolution 7462
adopted under division (A)(1) of this section shall include the 7463
retail natural gas load of any person that meets either of the 7464
following criteria: 7465

(i) The person is supplied with commodity sales service 7466
pursuant to a contract with a retail natural gas supplier that is 7467
in effect on the effective date of the ordinance or resolution. 7468

(ii) The person is supplied with commodity sales service as 7469
part of a retail natural gas load aggregation provided for 7470
pursuant to a rule or order adopted or issued by the commission 7471
under this chapter or Chapter 4905. of the Revised Code. 7472

(b) Nothing in division (A)(2)(a) of this section precludes a 7473
governmental aggregation under this section from permitting the 7474
retail natural gas load of a person described in division 7475
(A)(2)(a) of this section from being included in the aggregation 7476
upon the expiration of any contract or aggregation as described in 7477
division (A)(2)(a)(i) or (ii) of this section or upon the person 7478
no longer qualifying to be included in ~~such~~ an aggregation. 7479

(B) Upon the applicable requisite authority under division 7480
(A) of this section, the legislative authority or board shall 7481
develop a plan of operation and governance for the aggregation 7482
program so authorized. Before adopting a plan under this division, 7483
the legislative authority or board shall hold at least two public 7484

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.

(C)(1) With respect to a governmental aggregation for a
municipal corporation that is authorized pursuant to division (A)
of this section, resolutions may be proposed by initiative or
referendum petitions in accordance with sections 731.28 to 731.41
of the Revised Code.

(2) With respect to a governmental aggregation for a township
or the unincorporated area of a county, which aggregation is
authorized pursuant to division (A) of this section, resolutions
may be proposed by initiative or referendum petitions in
accordance with sections 731.28 to 731.40 of the Revised Code,
except that:

(a) The petitions shall be filed, respectively, with the
township ~~clerk~~ fiscal officer or the board of county
commissioners, who shall perform those duties imposed under those
sections upon the city auditor or village clerk.

(b) The petitions shall contain the signatures of not less
than ten per cent of the total number of electors in the township
or the unincorporated area of the county, respectively, who voted
for the office of governor at the preceding general election for
that office in that area.

(D) A governmental aggregator under division (A) of this
section is not a public utility engaging in the wholesale purchase
and resale of natural gas, and provision of the aggregated service
is not a wholesale utility transaction. A governmental aggregator
shall be subject to supervision and regulation by the public
utilities commission only to the extent of any competitive retail

natural gas service it provides and commission authority under 7516
this chapter. 7517

Sec. 5123.19. (A) As used in this section and in sections 7518
5123.191, 5123.194, 5123.196, 5123.198, and 5123.20 of the Revised 7519
Code: 7520

(1)(a) "Residential facility" means a home or facility in 7521
which a mentally retarded or developmentally disabled person 7522
resides, except the home of a relative or legal guardian in which 7523
a mentally retarded or developmentally disabled person resides, a 7524
respite care home certified under section 5126.05 of the Revised 7525
Code, a county home or district home operated pursuant to Chapter 7526
5155. of the Revised Code, or a dwelling in which the only 7527
mentally retarded or developmentally disabled residents are in an 7528
independent living arrangement or are being provided supported 7529
living. 7530

(b) "Intermediate care facility for the mentally retarded" 7531
means a residential facility that is considered an intermediate 7532
care facility for the mentally retarded for the purposes of 7533
Chapter 5111. of the Revised Code. 7534

(2) "Political subdivision" means a municipal corporation, 7535
county, or township. 7536

(3) "Independent living arrangement" means an arrangement in 7537
which a mentally retarded or developmentally disabled person 7538
resides in an individualized setting chosen by the person or the 7539
person's guardian, which is not dedicated principally to the 7540
provision of residential services for mentally retarded or 7541
developmentally disabled persons, and for which no financial 7542
support is received for rendering such service from any 7543
governmental agency by a provider of residential services. 7544

(4) "Supported living" has the same meaning as in section 7545

5126.01 of the Revised Code.

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(5) "Licensee" means the person or government agency that has applied for a license to operate a residential facility and to which the license was issued under this section.

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(B) Every person or government agency desiring to operate a residential facility shall apply for licensure of the facility to the director of mental retardation and developmental disabilities unless the residential facility is subject to section 3721.02, 3722.04, 5103.03, or 5119.20 of the Revised Code. Notwithstanding Chapter 3721. of the Revised Code, a nursing home that is certified as an intermediate care facility for the mentally retarded under Title XIX of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C.A. 1396, as amended, shall apply for licensure of the portion of the home that is certified as an intermediate care facility for the mentally retarded.

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(C) Subject to section 5123.196 of the Revised Code, the director of mental retardation and developmental disabilities shall license the operation of residential facilities. An initial license shall be issued for a period that does not exceed one year, unless the director denies the license under division (D) of this section. A license shall be renewed for a period that does 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.

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(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

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**As Reported by the House Local and Municipal Government and Urban
Revitalization Committee**

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
shall also notify each affected resident, the resident's guardian
if the resident is an adult for whom a guardian has been
appointed, the resident's parent or guardian if the resident is a
minor, and the county board of mental retardation and
developmental disabilities.

(7) Pursuant to rules which shall be adopted in accordance
with Chapter 119. of the Revised Code, the director may order the
immediate removal of residents from a residential facility
whenever conditions at the facility present an immediate danger of

physical or psychological harm to the residents.

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(8) In determining whether a residential facility is being operated in compliance with a provision of this chapter that applies to residential facilities or the rules adopted under such a provision, or whether conditions at a residential facility present an immediate danger of physical or psychological harm to the residents, the director may rely on information obtained by a county board of mental retardation and developmental disabilities or other governmental agencies.

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(9) In proceedings initiated to deny, refuse to renew, or revoke licenses, the director may deny, refuse to renew, or revoke a license regardless of whether some or all of the deficiencies that prompted the proceedings have been corrected at the time of the hearing.

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(E) The director shall establish a program under which public notification may be made when the director has initiated license revocation proceedings or has issued an order for the suspension of admissions, placement of a monitor, or removal of residents. The director shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this division. The rules shall establish the procedures by which the public notification will be made and specify the circumstances for which the notification must be made. The rules shall require that public notification be made if the director has taken action against the facility in the eighteen-month period immediately preceding the director's latest action against the facility and the latest action is being taken for the same or a substantially similar violation of a provision of this chapter that applies to residential facilities or the rules adopted under such a provision. The rules shall specify a method for removing or amending the public notification if the director's action is found to have been unjustified or the violation at the residential facility has been corrected.

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(F)(1) Except as provided in division (F)(2) of this section, 7672
appeals from proceedings initiated to impose a sanction under 7673
division (D) of this section shall be conducted in accordance with 7674
Chapter 119. of the Revised Code. 7675

(2) Appeals from proceedings initiated to order the 7676
suspension of admissions to a facility shall be conducted in 7677
accordance with Chapter 119. of the Revised Code, unless the order 7678
was issued before providing an opportunity for an adjudication, in 7679
which case all of the following apply: 7680

(a) The licensee may request a hearing not later than ten 7681
days after receiving the notice specified in section 119.07 of the 7682
Revised Code. 7683

(b) If a timely request for a hearing is made, the hearing 7684
shall commence not later than thirty days after the department 7685
receives the request. 7686

(c) After commencing, the hearing shall continue 7687
uninterrupted, except for Saturdays, Sundays, and legal holidays, 7688
unless other interruptions are agreed to by the licensee and the 7689
director. 7690

(d) If the hearing is conducted by a hearing examiner, the 7691
hearing examiner shall file a report and recommendations not later 7692
than ten days after the close of the hearing. 7693

(e) Not later than five days after the hearing examiner files 7694
the report and recommendations, the licensee may file objections 7695
to the report and recommendations. 7696

(f) Not later than fifteen days after the hearing examiner 7697
files the report and recommendations, the director shall issue an 7698
order approving, modifying, or disapproving the report and 7699
recommendations. 7700

(g) Notwithstanding the pendency of the hearing, the director 7701

shall lift the order for the suspension of admissions when the 7702
director determines that the violation that formed the basis for 7703
the order has been corrected. 7704

(G) In accordance with Chapter 119. of the Revised Code, the 7705
director shall adopt and may amend and rescind rules for licensing 7706
and regulating the operation of residential facilities, including 7707
intermediate care facilities for the mentally retarded. The rules 7708
for intermediate care facilities for the mentally retarded may 7709
differ from those for other residential facilities. The rules 7710
shall establish and specify the following: 7711

(1) Procedures and criteria for issuing and renewing 7712
licenses, including procedures and criteria for determining the 7713
length of the licensing period that the director must specify for 7714
each license when it is issued or renewed; 7715

(2) Procedures and criteria for denying, refusing to renew, 7716
terminating, and revoking licenses and for ordering the suspension 7717
of admissions to a facility, placement of a monitor at a facility, 7718
and the immediate removal of residents from a facility; 7719

(3) Fees for issuing and renewing licenses; 7720

(4) Procedures for surveying residential facilities; 7721

(5) Requirements for the training of residential facility 7722
personnel; 7723

(6) Classifications for the various types of residential 7724
facilities; 7725

(7) Certification procedures for licensees and management 7726
contractors that the director determines are necessary to ensure 7727
that they have the skills and qualifications to properly operate 7728
or manage residential facilities; 7729

(8) The maximum number of persons who may be served in a 7730
particular type of residential facility; 7731

(9) Uniform procedures for admission of persons to and	7732
transfers and discharges of persons from residential facilities;	7733
(10) Other standards for the operation of residential	7734
facilities and the services provided at residential facilities;	7735
(11) Procedures for waiving any provision of any rule adopted	7736
under this section.	7737
(H) Before issuing a license, the director of the department	7738
or the director's designee shall conduct a survey of the	7739
residential facility for which application is made. The director	7740
or the director's designee shall conduct a survey of each licensed	7741
residential facility at least once during the period the license	7742
is valid and may conduct additional inspections as needed. A	7743
survey includes but is not limited to an on-site examination and	7744
evaluation of the residential facility, its personnel, and the	7745
services provided there.	7746
In conducting surveys, the director or the director's	7747
designee shall be given access to the residential facility; all	7748
records, accounts, and any other documents related to the	7749
operation of the facility; the licensee; the residents of the	7750
facility; and all persons acting on behalf of, under the control	7751
of, or in connection with the licensee. The licensee and all	7752
persons on behalf of, under the control of, or in connection with	7753
the licensee shall cooperate with the director or the director's	7754
designee in conducting the survey.	7755
Following each survey, unless the director initiates a	7756
license revocation proceeding, the director or the director's	7757
designee shall provide the licensee with a report listing any	7758
deficiencies, specifying a timetable within which the licensee	7759
shall submit a plan of correction describing how the deficiencies	7760
will be corrected, and, when appropriate, specifying a timetable	7761
within which the licensee must correct the deficiencies. After a	7762

plan of correction is submitted, the director or the director's 7763
designee shall approve or disapprove the plan. A copy of the 7764
report and any approved plan of correction shall be provided to 7765
any person who requests it. 7766

The director shall initiate disciplinary action against any 7767
department employee who notifies or causes the notification to any 7768
unauthorized person of an unannounced survey of a residential 7769
facility by an authorized representative of the department. 7770

(I) In addition to any other information which may be 7771
required of applicants for a license pursuant to this section, the 7772
director shall require each applicant to provide a copy of an 7773
approved plan for a proposed residential facility pursuant to 7774
section 5123.042 of the Revised Code. This division does not apply 7775
to renewal of a license. 7776

(J) A licensee shall notify the owner of the building in 7777
which the licensee's residential facility is located of any 7778
significant change in the identity of the licensee or management 7779
contractor before the effective date of the change if the licensee 7780
is not the owner of the building. 7781

Pursuant to rules which shall be adopted in accordance with 7782
Chapter 119. of the Revised Code, the director may require 7783
notification to the department of any significant change in the 7784
ownership of a residential facility or in the identity of the 7785
licensee or management contractor. If the director determines that 7786
a significant change of ownership is proposed, the director shall 7787
consider the proposed change to be an application for development 7788
by a new operator pursuant to section 5123.042 of the Revised Code 7789
and shall advise the applicant within sixty days of ~~such~~ the 7790
notification that the current license shall continue in effect or 7791
a new license will be required pursuant to this section. If the 7792
director requires a new license, the director shall permit the 7793

facility to continue to operate under the current license until 7794
the new license is issued, unless the current license is revoked, 7795
refused to be renewed, or terminated in accordance with Chapter 7796
119. of the Revised Code. 7797

(K) A county board of mental retardation and developmental 7798
disabilities, the legal rights service, and any interested person 7799
may file complaints alleging violations of statute or department 7800
rule relating to residential facilities with the department. All 7801
complaints shall be in writing and shall state the facts 7802
constituting the basis of the allegation. The department shall not 7803
reveal the source of any complaint unless the complainant agrees 7804
in writing to waive the right to confidentiality or until so 7805
ordered by a court of competent jurisdiction. 7806

The department shall adopt rules in accordance with Chapter 7807
119. of the Revised Code establishing procedures for the receipt, 7808
referral, investigation, and disposition of complaints filed with 7809
the department under this division. 7810

(L) The department shall establish procedures for the 7811
notification of interested parties of the transfer or interim care 7812
of residents from residential facilities that are closing or are 7813
losing their license. 7814

(M) Before issuing a license under this section to a 7815
residential facility that will accommodate at any time more than 7816
one mentally retarded or developmentally disabled individual, the 7817
director shall, by first class mail, notify the following: 7818

(1) If the facility will be located in a municipal 7819
corporation, the clerk of the legislative authority of the 7820
municipal corporation; 7821

(2) If the facility will be located in unincorporated 7822
territory, the clerk of the appropriate board of county 7823
commissioners and the ~~clerk~~ fiscal officer of the appropriate 7824

board of township trustees. 7825

The director shall not issue the license for ten days after 7826
mailing the notice, excluding Saturdays, Sundays, and legal 7827
holidays, in order to give the notified local officials time in 7828
which to comment on the proposed issuance. 7829

Any legislative authority of a municipal corporation, board 7830
of county commissioners, or board of township trustees that 7831
receives notice under this division of the proposed issuance of a 7832
license for a residential facility may comment on it in writing to 7833
the director within ten days after the director mailed the notice, 7834
excluding Saturdays, Sundays, and legal holidays. If the director 7835
receives written comments from any notified officials within the 7836
specified time, the director shall make written findings 7837
concerning the comments and the director's decision on the 7838
issuance of the license. If the director does not receive written 7839
comments from any notified local officials within the specified 7840
time, the director shall continue the process for issuance of the 7841
license. 7842

(N) Any person may operate a licensed residential facility 7843
that provides room and board, personal care, habilitation 7844
services, and supervision in a family setting for at least six but 7845
not more than eight persons with mental retardation or a 7846
developmental disability as a permitted use in any residential 7847
district or zone, including any single-family residential district 7848
or zone, of any political subdivision. These residential 7849
facilities may be required to comply with area, height, yard, and 7850
architectural compatibility requirements that are uniformly 7851
imposed upon all single-family residences within the district or 7852
zone. 7853

(O) Any person may operate a licensed residential facility 7854
that provides room and board, personal care, habilitation 7855
services, and supervision in a family setting for at least nine 7856

but not more than sixteen persons with mental retardation or a
developmental disability as a permitted use in any multiple-family
residential district or zone of any political subdivision, except
that a political subdivision that has enacted a zoning ordinance
or resolution establishing planned unit development districts may
exclude these residential facilities from ~~such~~ those districts,
and a political subdivision that has enacted a zoning ordinance or
resolution may regulate these residential facilities in
multiple-family residential districts or zones as a conditionally
permitted use or special exception, in either case, under
reasonable and specific standards and conditions set out in the
zoning ordinance or resolution to:

(1) Require the architectural design and site layout of the
residential facility and the location, nature, and height of any
walls, screens, and fences to be compatible with adjoining land
uses and the residential character of the neighborhood;

(2) Require compliance with yard, parking, and sign
regulation;

(3) Limit excessive concentration of these residential
facilities.

(P) This section does not prohibit a political subdivision
from applying to residential facilities nondiscriminatory
regulations requiring compliance with health, fire, and safety
regulations and building standards and regulations.

(Q) Divisions (N) and (O) of this section are not applicable
to municipal corporations that had in effect on June 15, 1977, an
ordinance specifically permitting in residential zones licensed
residential facilities by means of permitted uses, conditional
uses, or special exception, so long as such ordinance remains in
effect without any substantive modification.

(R)(1) The director may issue an interim license to operate a

residential facility to an applicant for a license under this 7888
section if either of the following is the case: 7889

(a) The director determines that an emergency exists 7890
requiring immediate placement of persons in a residential 7891
facility, that insufficient licensed beds are available, and that 7892
the residential facility is likely to receive a permanent license 7893
under this section within thirty days after issuance of the 7894
interim license. 7895

(b) The director determines that the issuance of an interim 7896
license is necessary to meet a temporary need for a residential 7897
facility. 7898

(2) To be eligible to receive an interim license, an 7899
applicant must meet the same criteria that must be met to receive 7900
a permanent license under this section, except for any differing 7901
procedures and time frames that may apply to issuance of a 7902
permanent license. 7903

(3) An interim license shall be valid for thirty days and may 7904
be renewed by the director for a period not to exceed one hundred 7905
fifty days. 7906

(4) The director shall adopt rules in accordance with Chapter 7907
119. of the Revised Code as the director considers necessary to 7908
administer the issuance of interim licenses. 7909

(S) Notwithstanding rules adopted pursuant to this section 7910
establishing the maximum number of persons who may be served in a 7911
particular type of residential facility, a residential facility 7912
shall be permitted to serve the same number of persons being 7913
served by the facility on the effective date of ~~such~~ the rules or 7914
the number of persons for which the facility is authorized 7915
pursuant to a current application for a certificate of need with a 7916
letter of support from the department of mental retardation and 7917
developmental disabilities and which is in the review process 7918

prior to April 4, 1986. 7919

(T) The director or the director's designee may enter at any 7920
time, for purposes of investigation, any home, facility, or other 7921
structure that has been reported to the director or that the 7922
director has reasonable cause to believe is being operated as a 7923
residential facility without a license issued under this section. 7924

The director may petition the court of common pleas of the 7925
county in which an unlicensed residential facility is located for 7926
an order enjoining the person or governmental agency operating the 7927
facility from continuing to operate without a license. The court 7928
may grant the injunction on a showing that the person or 7929
governmental agency named in the petition is operating a 7930
residential facility without a license. The court may grant the 7931
injunction, regardless of whether the residential facility meets 7932
the requirements for receiving a license under this section. 7933

Sec. 5126.021. As used in this section, "immediate family" 7934
means parents, brothers, sisters, spouses, sons, daughters, 7935
mothers-in-law, fathers-in-law, brothers-in-law, sisters-in-law, 7936
sons-in-law, and daughters-in-law. 7937

(A) The following individuals shall not serve as members of 7938
county boards of mental retardation and developmental 7939
disabilities: 7940

(1) Elected public officials, except for township trustees, 7941
township clerks fiscal officers, and those excluded from the 7942
definition of public official or employee in division (B) of 7943
section 102.01 of the Revised Code; 7944

(2) Members of the immediate family of another board member; 7945

(3) Board employees and members of the immediate family of 7946
board employees; 7947

(4) Former board employees within one calendar year of the 7948

termination of employment with the board on which the former 7949
employee would serve. 7950

(B) A person may not serve as a member of a county board of 7951
mental retardation and developmental disabilities when either the 7952
person or a member of the person's immediate family is a board 7953
member of a contract agency of that county board unless there is 7954
no conflict of interest. In no circumstance shall a member of a 7955
county board vote on any matter before the board concerning a 7956
contract agency of which the member or a member of the member's 7957
immediate family is also a board member or an employee. All 7958
questions relating to the existence of a conflict of interest 7959
shall be submitted to the local prosecuting attorney and the Ohio 7960
ethics commission for resolution. 7961

(C) No employee of an agency contracting with a county board 7962
of mental retardation and developmental disabilities or member of 7963
the immediate family of such an employee shall serve as a board 7964
member or an employee of the county board except that a county 7965
board may, pursuant to a resolution adopted by the board, employ a 7966
member of the immediate family of an employee of an agency 7967
contracting with the board. 7968

(D) No person shall serve as a member or employee of a county 7969
board of mental retardation and developmental disabilities if a 7970
member of the person's immediate family serves as a county 7971
commissioner of the county served by the board unless the person 7972
was a member or employee prior to October 31, 1980. 7973

(E) A county board of mental retardation and developmental 7974
disabilities shall not contract with an agency whose board 7975
includes a county commissioner of the county served by the county 7976
board. 7977

(F) Notwithstanding any provision of the Revised Code to the 7978
contrary, including applicable provisions of sections 102.03, 7979

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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
 designate a connected system of county highways, of ~~such~~ the
 mileage ~~as~~ it deems proper and expedient, connecting with the
 intercounty and state highways of ~~such~~ the county all of the
 villages and centers of rural population within the county. ~~Such~~
The system of highways, when selected and designated by the board
 of county commissioners, shall be known as the system of county
 highways of the county, and all of the roads composing ~~such~~ the
 system shall be known and designated as county roads. The board of
 county commissioners may call to its assistance the county
 engineer, and may require ~~him~~ the county engineer to report as to
 the relative importance of the highways of any township, with

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respect to which the board of township trustees fails to report 8012
 within a reasonable time. Upon the completion of its investigation 8013
 and the designation of a system of county highways, the board of 8014
 county commissioners shall require the engineer to make a map 8015
~~thereof of it~~. A copy of this map, with the mileage of the 8016
 selected roads indicated ~~thereon~~ on it, together with a brief 8017
 statement by the board of county commissioners of its reasons for 8018
 the selection made, shall be transmitted to the director of 8019
 transportation. 8020

If the director finds that the system has been designated in 8021
 substantial compliance with this section and section ~~5541.03~~ 8022
5541.01 of the Revised Code, and that all portions of the system 8023
 of county highways connect with either a state or intercounty 8024
 highway, or another county road, ~~he~~ the director shall, within 8025
 sixty days, approve ~~such~~ the system and certify ~~his~~ the approval 8026
 to the board of county commissioners, which shall cause a copy of 8027
~~such~~ the map, approved by it, to be made a part of its records and 8028
 shall cause a copy ~~thereof of it~~ to be filed in the office of the 8029
 county engineer and of the ~~clerk~~ fiscal officer of each township 8030
 within the county. The system of roads designated upon ~~such~~ the 8031
 map shall then become the system of county roads of the county. 8032
 Each road constituting a part of ~~such~~ the system shall be given a 8033
 number by the board of county commissioners, which may also divide 8034
 the roads into convenient sections and assign appropriate 8035
 designations to each section. No state or intercounty highway or 8036
 part ~~thereof of it~~ shall be included in the system of county 8037
 highways. The board of county commissioners may make changes in or 8038
 additions to the county system as in the manner provided by this 8039
 section. All expenses incurred in carrying out this section shall 8040
 be paid from the general county road fund. 8041

Sec. 5543.05. The county auditor shall, before ~~he draws his~~ 8042
drawing a warrant for any moneys expended by the county on any 8043

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highways, other than intercounty or state highways, or on any 8044
bridges or culverts on ~~such the~~ highways, require of the county 8045
engineer the assignment of ~~such the~~ expense to the ~~road~~ highway 8046
and section ~~thereof~~ of it, bridge, or culvert in connection with 8047
which ~~such the~~ expense was incurred. The auditor shall keep such 8048
records as are necessary to show clearly at the close of each year 8049
the amount of money expended from the county treasury on each 8050
section of ~~road~~ highway, other than intercounty or state highways, 8051
and on each bridge and culvert on ~~such roads~~ the highways. 8052

The township ~~clerk~~ fiscal officer shall, before ~~he draws~~ 8053
drawing any warrant for money expended upon any road within the 8054
township, other than an intercounty or state highway, or on 8055
bridges or culverts on ~~such the~~ roads, require of the county 8056
engineer or board of township trustees the assignment of ~~such the~~ 8057
expense to the road and section of it, bridge, or culvert in 8058
connection with which the expense was incurred. The ~~clerk~~ fiscal 8059
officer may keep such additional records as are necessary to show 8060
clearly at the close of each year the amount of money expended 8061
from the township funds on each section of road, other than 8062
intercounty or state highways, within the township, and on each 8063
bridge and culvert on ~~such the~~ roads. The board of township 8064
trustees may require the ~~clerk~~ fiscal officer to keep ~~such those~~ 8065
additional records. 8066

When general equipment or material for use in the entire 8067
county or township is purchased, the expense ~~thereof~~ of the 8068
equipment or material need not be assigned to any section of road 8069
or to any bridge or culvert, but, ~~so far~~ insofar as practicable, 8070
all items of expense shall be assigned to the specific section of 8071
road or to the particular bridge or culvert in connection with 8072
which they were incurred. 8073

The director of transportation may prescribe all necessary 8074
and proper forms for maps and reports to be maintained by 8075

engineers, boards, auditors, and ~~clerks~~ fiscal officers. All 8076
auditors and ~~clerks~~ fiscal officers may be required by the 8077
director to transmit to ~~him~~ the director, in ~~such~~ the form ~~as he~~ 8078
the director prescribes, the cost records they are required by law 8079
to keep pertaining to roads, bridges, and culverts within their 8080
counties or townships. 8081

Sec. 5552.10. The board of county commissioners shall 8082
designate the county engineer to administer county access 8083
management regulations, except that if the engineer declines to 8084
administer the regulations, the board may designate another 8085
person, or a planning commission, to administer them. If a board 8086
of township trustees adopts access management regulations, the 8087
board may administer the regulations or may appoint the township 8088
~~clerk~~ fiscal officer or any other person to administer them, with 8089
the advice of the county engineer. 8090

If the access management regulations apply to a subdivision 8091
and a permit request is filed pertaining to the subdivision, the 8092
county engineer, board of township trustees, planning commission, 8093
or other person administering the regulations shall approve or 8094
disapprove the permit request within the time period for approval 8095
of a subdivision without a plat specified in section 711.131 of 8096
the Revised Code. 8097

Sec. 5571.04. When the board of township trustees determines 8098
to proceed as provided in division (C) of section 5571.02 of the 8099
Revised Code and appoints a highway superintendent, ~~he~~ the 8100
superintendent shall, before entering upon the discharge of ~~his~~ 8101
~~duty~~ the official duties of superintendent, give bond to the 8102
state, for the use of the township, in the sum of two thousand 8103
dollars, conditioned upon the faithful performance of ~~his duty~~ the 8104
official duties of superintendent. ~~Such~~ The bond shall be approved 8105

by the board of township trustees, and filed with the township 8106
clerk fiscal officer. The board of township trustees shall fix the 8107
compensation of the superintendent, which compensation shall be 8108
paid from the township road fund. The compensation and all proper 8109
and necessary expenses, when approved by the board of township 8110
trustees, shall be paid by the township clerk fiscal officer upon 8111
~~his~~ the fiscal officer's warrant. 8112

Sec. 5571.16. The board of township trustees, by resolution, 8113
may require any person to obtain a permit before installing a 8114
driveway culvert or making any excavation in a township highway or 8115
highway right-of-way within its jurisdiction, except an excavation 8116
to repair, rehabilitate, or replace a pole already installed for 8117
the purpose of providing electric or telecommunications service. 8118
The board, as a condition to the granting of the permit, may do 8119
any of the following: 8120

(A) Require the applicant to submit plans indicating the 8121
location, size, type, and duration of the culvert or excavation 8122
contemplated; 8123

(B) Specify methods of excavation, refilling, and resurfacing 8124
to be followed; 8125

(C) Require the use of warning devices it considers necessary 8126
to protect travelers on the highway; 8127

(D) Require the applicant to indemnify the township against 8128
liability or damage as the result of the installation of the 8129
culvert or as a result of the excavation; 8130

(E) Require the applicant to post a deposit or bond, with 8131
sureties to the satisfaction of the board, conditioned upon the 8132
performance of all conditions in the permit. 8133

Applications for permits under this section shall be made to 8134
the township clerk fiscal officer upon forms to be furnished by 8135

the board. Applications, including, but not limited to, a single 8136
application for an excavation project to install six or more poles 8137
for the purpose of providing electric or telecommunications 8138
service or to install a pole associated with underground electric 8139
or telecommunications service, shall be accompanied by a fee of 8140
fifty dollars per application, which fee shall be returned to the 8141
applicant if the application is denied. Except as otherwise 8142
provided in this section, no application or fee shall be required 8143
for an excavation project to install five or fewer poles for the 8144
purpose of providing electric or telecommunications service, but 8145
the person making that excavation shall provide verifiable notice 8146
of the excavation to the township clerk at least three business 8147
days prior to the date of the excavation. 8148

No person shall install a driveway culvert or make an 8149
excavation in any township highway or highway right-of-way in 8150
violation of any resolution adopted pursuant to this section, 8151
except that, in the case of an emergency requiring immediate 8152
action to protect the public health, safety, and welfare, an 8153
excavation may be made without first obtaining a permit, if an 8154
application is made at the earliest possible opportunity. 8155

As used in this section, "person" has the same meaning as in 8156
section 1.59 of the Revised Code, and "right-of-way" has the same 8157
meaning as in division (UU)(2) of section 4511.01 of the Revised 8158
Code. 8159

Sec. 5573.13. The proportion of the compensation, damages, 8160
and costs of any road improvement to be paid by the township shall 8161
be paid out of any road improvement fund available ~~therefor~~ for 8162
it. For the purpose of providing by taxation a fund for the 8163
payment of the township's proportion of the compensation, damages, 8164
and costs of constructing, reconstructing, resurfacing, or 8165
improving roads under sections 5571.01, 5571.06, 5571.07, 5571.15, 8166

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5573.01 to 5573.15, ~~inclusive,~~ and 5575.02 to 5575.09, ~~inclusive,~~ 8167
of the Revised Code, and for the purpose of maintaining, 8168
repairing, or dragging any public road or part ~~thereof~~ of any 8169
public road under their jurisdiction, in the manner provided in 8170
sections 5571.02 to 5571.05, ~~inclusive,~~ 5571.08, 5571.12, 5571.13, 8171
and 5575.01 of the Revised Code, the board of trustees may levy, 8172
annually, a tax not exceeding three mills upon each dollar of the 8173
taxable property of ~~said~~ the township. ~~Such~~ The levy shall be in 8174
addition to all other levies authorized for township purposes, and 8175
subject only to the limitation on the combined maximum rate for 8176
all taxes now in force. The taxes so authorized shall be placed by 8177
the county auditor upon the tax duplicate, ~~against~~ the taxable 8178
property of the township, and collected by the county treasurer as 8179
other taxes. When collected, ~~such~~ the taxes shall be paid to the 8180
~~township clerk~~ fiscal officer of the township from which they are 8181
collected, and the money so received shall be under the control of 8182
the board of township trustees for the purposes for which the 8183
taxes were levied. 8184

Sec. 5573.211. The proportion of the compensation, damages, 8185
and costs of any road improvement to be paid by a township road 8186
district shall be paid out of any road improvement fund available 8187
~~therefor~~ for it. For the purpose of providing by taxation a fund 8188
for the payment of a township road district's proportion of the 8189
compensation, damages, and costs of constructing, reconstructing, 8190
resurfacing, improving, maintaining, repairing, and dragging 8191
township road district roads, ~~or parts thereof~~ of those roads, the 8192
board of trustees of a township in which a township road district 8193
has been erected as provided in section 5573.21 of the Revised 8194
Code, ~~may~~ levy, annually, a tax not exceeding three mills upon 8195
each dollar of the taxable property of ~~said~~ the township road 8196
district. ~~Such~~ The levy shall be in addition to all other levies 8197
authorized for township or township road district purposes, and 8198

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subject only to the limitation on the combined maximum rate for 8199
all taxes in force. The taxes so authorized shall be placed by the 8200
county auditor upon the tax duplicate, against the taxable 8201
property of ~~said the~~ the township road district, and collected by the 8202
county treasurer as other taxes. When collected, ~~such the~~ the taxes 8203
shall be paid to the ~~township clerk~~ fiscal officer of the township 8204
in which ~~such the~~ the township road district has been erected, and the 8205
money so received shall be under the control of the board of 8206
township trustees for the purposes for which the taxes were 8207
levied. 8208

Sec. 5575.04. Before entering into a contract, the board of 8209
township trustees shall require a bond indemnifying the township 8210
against damages that may be suffered by failure to perform the 8211
contract according to the contract's provisions ~~thereof~~, and in 8212
accordance with the specifications for the improvement. 8213

The township ~~clerk~~ fiscal officer shall not draw ~~his a~~ 8214
warrant in favor of any contractor for estimates, on account of a 8215
contract let under sections 5575.02 and 5575.03 of the Revised 8216
Code, until the affidavit of ~~such the~~ the contractor, or an officer or 8217
agent in the case of a corporation, that all indebtedness of ~~such~~ 8218
the contractor on account of material incorporated into the work 8219
or delivered on the site of the improvement and labor performed 8220
has been paid, is filed with ~~such clerk~~ the fiscal officer. In 8221
lieu of ~~such the~~ the affidavit, the contractor may file the written 8222
consent of all persons who have furnished material, incorporated 8223
into the work or delivered on the site of the improvement, or 8224
performed labor ~~thereon~~ on the improvement, that any estimate then 8225
due may be paid. ~~Such The~~ The consent shall be accompanied by the 8226
affidavit of the contractor, or an officer or agent in the case of 8227
a corporation, that the consent bears the signatures of all 8228
persons who have furnished material, incorporated in the work or 8229
delivered on the site of the improvement, or performed labor 8230

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~~thereon~~ on the improvement, and have not been paid in full for 8231
~~such~~ the labor or material. This section does not prevent the 8232
payment out of any estimate that is due, upon the assignment by 8233
the contractor to any person who has furnished material for the 8234
work or performed labor ~~thereon~~ on the improvement, of the amount 8235
due for ~~such~~ the material or labor. 8236

Sec. 5575.09. The board of township trustees shall provide 8237
the township ~~clerk~~ fiscal officer with a suitable book in which ~~he~~ 8238
the fiscal officer shall keep a complete record of proceedings for 8239
the construction, reconstruction, resurfacing, or improvement of 8240
public roads. For making ~~such~~ the record ~~he~~, the fiscal officer 8241
shall receive ten cents for each one hundred words, and, for all 8242
other services in connection ~~therewith~~ he with keeping the record, 8243
the fiscal officer shall receive ~~such~~ the reasonable compensation 8244
~~as is~~ allowed ~~him~~ by the board. 8245

Sec. 5579.08. All brush, briars, burrs, vines, and noxious 8246
weeds growing along the public highway shall be cut or destroyed 8247
between the first and twentieth days of June, the first and 8248
twentieth days of August, and, if necessary, between the first and 8249
twentieth days of September of each year or whenever necessary to 8250
prevent or eliminate a safety hazard. This work shall be done by 8251
the board of township trustees in its respective township, or by 8252
the township highway superintendent, who may employ the necessary 8253
labor to carry out this section. All expenses incurred shall, when 8254
approved by the board, be paid from the township road fund by the 8255
township ~~clerk~~ fiscal officer, upon ~~his~~ the fiscal officer's 8256
warrant. 8257

Sec. 5705.01. As used in this chapter: 8258

(A) "Subdivision" means any county; municipal corporation; 8259
township; township police district; township fire district; joint 8260

fire district; joint ambulance district; joint emergency medical 8261
services district; fire and ambulance district; joint recreation 8262
district; township waste disposal district; township road 8263
district; community college district; technical college district; 8264
detention facility district; a district organized under section 8265
2151.65 of the Revised Code; a combined district organized under 8266
sections 2152.41 and 2151.65 of the Revised Code; a joint-county 8267
alcohol, drug addiction, and mental health service district; a 8268
drainage improvement district created under section 6131.52 of the 8269
Revised Code; a union cemetery district; a county school financing 8270
district; or a city, local, exempted village, cooperative 8271
education, or joint vocational school district. 8272

(B) "Municipal corporation" means all municipal corporations, 8273
including those that have adopted a charter under Article XVIII, 8274
Ohio Constitution. 8275

(C) "Taxing authority" or "bond issuing authority" means, in 8276
the case of any county, the board of county commissioners; in the 8277
case of a municipal corporation, the council or other legislative 8278
authority of the municipal corporation; in the case of a city, 8279
local, exempted village, cooperative education, or joint 8280
vocational school district, the board of education; in the case of 8281
a community college district, the board of trustees of the 8282
district; in the case of a technical college district, the board 8283
of trustees of the district; in the case of a detention facility 8284
district, a district organized under section 2151.65 of the 8285
Revised Code, or a combined district organized under sections 8286
2152.41 and 2151.65 of the Revised Code, the joint board of county 8287
commissioners of the district; in the case of a township, the 8288
board of township trustees; in the case of a joint fire district, 8289
the board of fire district trustees; in the case of a joint 8290
recreation district, the joint recreation district board of 8291
trustees; in the case of a joint-county alcohol, drug addiction, 8292

and mental health service district, the district's board of 8293
alcohol, drug addiction, and mental health services; in the case 8294
of a joint ambulance district or a fire and ambulance district, 8295
the board of trustees of the district; in the case of a union 8296
cemetery district, the legislative authority of the municipal 8297
corporation and the board of township trustees, acting jointly as 8298
described in section 759.341 of the Revised Code; in the case of a 8299
drainage improvement district, the board of county commissioners 8300
of the county in which the drainage district is located; in the 8301
case of a joint emergency medical services district, the joint 8302
board of county commissioners of all counties in which all or any 8303
part of the district lies; and in the case of a township police 8304
district, a township fire district, a township road district, or a 8305
township waste disposal district, the board of township trustees 8306
of the township in which the district is located. "Taxing 8307
authority" also means the educational service center governing 8308
board that serves as the taxing authority of a county school 8309
financing district as provided in section 3311.50 of the Revised 8310
Code. 8311

(D) "Fiscal officer" in the case of a county, means the 8312
county auditor; in the case of a municipal corporation, the city 8313
auditor or village clerk, or ~~such an~~ officer ~~as~~ who, by virtue of 8314
the charter, has the duties and functions of the city auditor or 8315
village clerk, except that in the case of a municipal university 8316
the board of directors of which have assumed, in the manner 8317
provided by law, the custody and control of the funds of the 8318
university, the chief accounting officer of the university shall 8319
perform, with respect to the funds, the duties vested in the 8320
fiscal officer of the subdivision by sections 5705.41 and 5705.44 8321
of the Revised Code; in the case of a school district, the 8322
treasurer of the board of education; in the case of a county 8323
school financing district, the treasurer of the educational 8324

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service center governing board that serves as the taxing	8325
authority; in the case of a township, the township clerk <u>fiscal</u>	8326
<u>officer</u> ; in the case of a joint fire district, the clerk of the	8327
board of fire district trustees; in the case of a joint ambulance	8328
district, the clerk of the board of trustees of the district; in	8329
the case of a joint emergency medical services district, the	8330
person appointed as fiscal officer pursuant to division (D) of	8331
section 307.053 of the Revised Code; in the case of a fire and	8332
ambulance district, the person appointed as fiscal officer	8333
pursuant to division (B) of section 505.375 of the Revised Code;	8334
in the case of a joint recreation district, the person designated	8335
pursuant to section 755.15 of the Revised Code; in the case of a	8336
union cemetery district, the clerk of the municipal corporation	8337
designated in section 759.34 of the Revised Code; in the case of a	8338
children's home district, educational service center, general	8339
health district, joint-county alcohol, drug addiction, and mental	8340
health service district, county library district, detention	8341
facility district, district organized under section 2151.65 of the	8342
Revised Code, a combined district organized under sections 2152.41	8343
and 2151.65 of the Revised Code, or a metropolitan park district	8344
for which no treasurer has been appointed pursuant to section	8345
1545.07 of the Revised Code, the county auditor of the county	8346
designated by law to act as the auditor of the district; in the	8347
case of a metropolitan park district which has appointed a	8348
treasurer pursuant to section 1545.07 of the Revised Code, that	8349
treasurer; in the case of a drainage improvement district, the	8350
auditor of the county in which the drainage improvement district	8351
is located; and in all other cases, the officer responsible for	8352
keeping the appropriation accounts and drawing warrants for the	8353
expenditure of the moneys of the district or taxing unit.	8354
 (E) "Permanent improvement" or "improvement" means any	8355
property, asset, or improvement with an estimated life or	8356
usefulness of five years or more, including land and interests	8357

therein, and reconstructions, enlargements, and extensions thereof 8358
having an estimated life or usefulness of five years or more. 8359

(F) "Current operating expenses" and "current expenses" mean 8360
the lawful expenditures of a subdivision, except those for 8361
permanent improvements, and except payments for interest, sinking 8362
fund, and retirement of bonds, notes, and certificates of 8363
indebtedness of the subdivision. 8364

(G) "Debt charges" means interest, sinking fund, and 8365
retirement charges on bonds, notes, or certificates of 8366
indebtedness. 8367

(H) "Taxing unit" means any subdivision or other governmental 8368
district having authority to levy taxes on the property in the 8369
district or issue bonds that constitute a charge against the 8370
property of the district, including conservancy districts, 8371
metropolitan park districts, sanitary districts, road districts, 8372
and other districts. 8373

(I) "District authority" means any board of directors, 8374
trustees, commissioners, or other officers controlling a district 8375
institution or activity that derives its income or funds from two 8376
or more subdivisions, such as the educational service center, the 8377
trustees of district children's homes, the district board of 8378
health, a joint-county alcohol, drug addiction, and mental health 8379
service district's board of alcohol, drug addiction, and mental 8380
health services, detention facility districts, a joint recreation 8381
district board of trustees, districts organized under section 8382
2151.65 of the Revised Code, combined districts organized under 8383
sections 2152.41 and 2151.65 of the Revised Code, and other such 8384
boards. 8385

(J) "Tax list" and "tax duplicate" mean the general tax lists 8386
and duplicates prescribed by sections 319.28 and 319.29 of the 8387
Revised Code. 8388

(K) "Property" as applied to a tax levy means taxable property listed on general tax lists and duplicates. 8389
8390

(L) "School library district" means a school district in which a free public library has been established that is under the control and management of a board of library trustees as provided in section 3375.15 of the Revised Code. 8391
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Sec. 5709.73. (A) As used in this section and section 5709.74 of the Revised Code: 8395
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(1) "Business day" means a day of the week excluding Saturday, Sunday, and a legal holiday as defined in section 1.14 of the Revised Code. 8397
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8399

(2) "Further improvements" or "improvements" means the increase in the true value of real property that would first appear on the tax list and duplicate of real and public utility property after the effective date of a resolution adopted under this section were it not for the exemption granted by that resolution. For purposes of division (B) of this section, "improvements" do not include any property used or to be used for residential purposes. 8400
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(3) "Housing renovation" means a project carried out for residential purposes. 8408
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(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. 8410
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(5) "Project" and "public infrastructure improvement" have the same meanings as in section 5709.40 of the Revised Code. 8413
8414

(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 8415
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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
shall be located within the unincorporated area of the township
and shall not include any territory that is included within a
district created under division (B) of section 5709.78 of the
Revised Code. The resolution shall delineate the boundary of the
district and specifically identify each parcel within the
district. A district may not include any parcel that is or has
been exempted from taxation under division (B) of this section or
that is or has been within another district created under this
division. A resolution may create more than one ~~such~~ district, and
more than one resolution may be adopted under this division.

Not later than thirty days prior to adopting a resolution

under this division, if the township intends to apply for 8451
exemptions from taxation under section 5709.911 of the Revised 8452
Code on behalf of owners of real property located within the 8453
proposed incentive district, the board shall conduct a public 8454
hearing on the proposed resolution. Not later than thirty days 8455
prior to the public hearing, the board shall give notice of the 8456
public hearing and the proposed resolution by first class mail to 8457
every real property owner whose property is located within the 8458
boundaries of the proposed incentive district that is the subject 8459
of the proposed resolution. 8460

A resolution under this division shall specify the life of 8461
the district and the percentage of the improvements to be exempted 8462
and shall designate the public infrastructure improvements made or 8463
to be made that benefit or serve parcels in the district. 8464

A resolution adopted under this division may authorize the 8465
use of service payments provided for in section 5709.74 of the 8466
Revised Code for the purpose of housing renovations within the 8467
district, provided that the resolution also designates public 8468
infrastructure improvements that benefit or serve the district, 8469
and that a project within the district places real property in use 8470
for commercial or industrial purposes. Service payments may be 8471
used to finance or support loans, deferred loans, and grants to 8472
persons for the purpose of housing renovations within the 8473
district. The resolution shall designate the parcels within the 8474
district that are eligible for housing renovations. The resolution 8475
shall state separately the amount or the percentages of the 8476
expected aggregate service payments that are designated for each 8477
public infrastructure improvement and for the purpose of housing 8478
renovations. 8479

Except with the approval of the board of education of each 8480
city, local, or exempted village school district within the 8481
territory of which the district is or will be located, the life of 8482

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,
local, or exempted village school district within which the parcel
is located, for up to thirty years. The percentage of the
improvements exempted from taxation may, with such approval,
exceed seventy-five per cent, but shall not exceed one hundred per
cent. Not later than forty-five business days prior to adopting a
resolution under this section declaring improvements to be a
public purpose, the board of trustees shall deliver to the board
of education a notice stating its intent to adopt a resolution
making that declaration. The notice shall identify the parcels for
which improvements are to be exempted from taxation, provide an
estimate of the true value in money of the improvements, specify
the period for which the improvements would be exempted from

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taxation and the percentage of the improvements that would be
exempted, and indicate the date on which the board of trustees
intends to adopt the resolution. The board of education, by
resolution adopted by a majority of the board, may approve the
exemption for the period or for the exemption percentage specified
in the notice, may disapprove the exemption for the number of
years in excess of ten, may disapprove the exemption for the
percentage of the improvements to be exempted in excess of
seventy-five per cent, or both, or may approve the exemption on
the condition that the board of trustees and the board of
education negotiate an agreement providing for compensation to the
school district equal in value to a percentage of the amount of
taxes exempted in the eleventh and subsequent years of the
exemption period or, in the case of exemption percentages in
excess of seventy-five per cent, compensation equal in value to a
percentage of the taxes that would be payable on the portion of
the improvements in excess of seventy-five per cent were that
portion to be subject to taxation. The board of education shall
certify its resolution to the board of trustees not later than
fourteen days prior to the date the board of trustees intends to
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 8548
improvements from taxation, or, in the case of a resolution 8549
adopted under division (B) of this section, not more than the 8550
estimated percentage of the incremental demand as otherwise 8551
prescribed by division (B) of this section if that percentage is 8552
less than seventy-five per cent. If the board of education fails 8553
to certify a resolution to the board of trustees within the time 8554
prescribed by this section, the board of trustees thereupon may 8555
adopt the resolution and may declare the improvements a public 8556
purpose for up to thirty years or, in the case of exemption 8557
percentages proposed in excess of seventy-five per cent, for the 8558
exemption percentage specified in the resolution. The board of 8559
township trustees may adopt the resolution at any time after the 8560
board of education certifies its resolution approving the 8561
exemption to the board of township trustees, or, if the board of 8562
education approves the exemption on the condition that a mutually 8563
acceptable compensation agreement be negotiated, at any time after 8564
the compensation agreement is agreed to by the board of education 8565
and the board of township trustees. 8566

If a board of education has adopted a resolution waiving its 8567
right to approve exemptions from taxation and the resolution 8568
remains in effect, approval of such exemptions by the board of 8569
education is not required under this division. If a board of 8570
education has adopted a resolution allowing a board of township 8571
trustees to deliver the notice required under this division fewer 8572
than forty-five business days prior to adoption of the resolution 8573
by the board of township trustees, the board of township trustees 8574
shall deliver the notice to the board of education not later than 8575
the number of days prior to ~~such~~ the adoption as prescribed by the 8576
board of education in its resolution. If a board of education 8577
adopts a resolution waiving its right to approve exemptions or 8578
shortening the notification period, the board of education shall 8579

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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 improvements and housing renovations are paid in full from the township public improvement tax increment equivalent fund established under section 5709.75 of the Revised Code, whichever occurs first. The exemption of an improvement with respect to a parcel may end on a later date, as specified in the resolution, if the board of township trustees and the board of education of the city, local, or exempted village school district within which the parcel is located have entered into a compensation agreement under section 5709.82 of the Revised Code with respect to the improvement or district and the board of education has approved the term of the exemption under division (D) of this section, but in no case shall the improvement be exempted from taxation for

more than thirty years. The board of township trustees may, by
majority vote, adopt a resolution permitting the township to enter
into such agreements as the board finds necessary or appropriate
to provide for the construction or undertaking of public
infrastructure improvements and housing renovations. Any exemption
shall be claimed and allowed in the same or a similar manner as in
the case of other real property exemptions. If an exemption status
changes during a tax year, the procedure for the apportionment of
the taxes for that year is the same as in the case of other
changes in tax exemption status during the year.

(F) The board of township trustees may issue the notes of the
township to finance all costs pertaining to the construction or
undertaking of public infrastructure improvements and housing
renovations made pursuant to this section. The notes shall be
signed by the board and attested by the signature of the township
~~clerk~~ fiscal officer, shall bear interest not to exceed the rate
provided in section 9.95 of the Revised Code, and are not subject
to Chapter 133. of the Revised Code. The resolution authorizing
the issuance of the notes shall pledge the funds of the township
public improvement tax increment equivalent fund established
pursuant to section 5709.75 of the Revised Code to pay the
interest on and principal of the notes. The notes, which may
contain a clause permitting prepayment at the option of the board,
shall be offered for sale on the open market or given to the
vendor or contractor if no sale is made.

(G) The township, not later than fifteen days after the
adoption of a resolution under this section, shall submit to the
director of development a copy of the resolution. On or before the
thirty-first day of March of each year, the township shall submit
a status report to the director of development. The report shall
indicate, in the manner prescribed by the director, the progress
of the project during each year that the exemption remains in

effect, including a summary of the receipts from service payments 8644
in lieu of taxes; expenditures of money from funds created under 8645
section 5709.75 of the Revised Code; a description of the public 8646
infrastructure improvements and housing renovations financed with 8647
~~such~~ the expenditures; and a quantitative summary of changes in 8648
private investment resulting from each project. 8649

(H) Nothing in this section shall be construed to prohibit a 8650
board of township trustees from declaring to be a public purpose 8651
improvements with respect to more than one parcel. 8652

(I) A board of township trustees that adopted a resolution 8653
under this section prior to July 21, 1994, may amend that 8654
resolution to include any additional public infrastructure 8655
improvement. A board of township trustees that seeks by ~~such an~~ 8656
the amendment to utilize money from its township public 8657
improvement tax increment equivalent fund for land acquisition in 8658
aid of industry, commerce, distribution, or research, demolition 8659
on private property, or stormwater and flood remediation projects 8660
may do so provided that the board currently is a party to a 8661
hold-harmless agreement with the board of education of the city, 8662
local, or exempted village school district within the territory of 8663
which are located the parcels that are subject to an exemption. 8664
For the purposes of this division, a "hold-harmless agreement" 8665
means an agreement under which the board of township trustees 8666
agrees to compensate the school district for one hundred per cent 8667
of the tax revenue that the school district would have received 8668
from further improvements to parcels designated in the resolution 8669
were it not for the exemption granted by the resolution. 8670

Sec. 5735.27. (A) There is hereby created in the state 8671
treasury the gasoline excise tax fund, which shall be distributed 8672
in the following manner: 8673

(1) The amount credited pursuant to divisions (B)(2)(a) and 8674

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(C)(2)(a) of section 5735.23 of the Revised Code shall be distributed among municipal corporations. The amount paid to each municipal corporation shall be that proportion of the amount to be so distributed that the number of motor vehicles registered within ~~such~~ the municipal corporation bears to the total number of motor vehicles registered within all the municipal corporations of this state during the preceding motor vehicle registration year. When a new village is incorporated, the registrar of motor vehicles shall determine from the applications on file in the bureau of motor vehicles the number of motor vehicles located within the territory comprising the village during the entire registration year in which ~~such~~ the municipal corporation was incorporated. The registrar shall forthwith certify the number of motor vehicles so determined to the tax commissioner for use in distributing motor vehicle fuel tax funds to ~~such~~ the village until ~~such~~ the village is qualified to participate in the distribution of ~~such~~ the funds pursuant to this division. The number of ~~such~~ motor vehicle registrations shall be determined by the official records of the bureau of motor vehicles. The amount received by each municipal corporation shall be used to plan, construct, reconstruct, repave, widen, maintain, repair, clear, and clean public highways, roads, and streets; to maintain and repair bridges and viaducts; to purchase, erect, and maintain street and traffic signs and markers; to pay the costs apportioned to the municipal corporation under section 4907.47 of the Revised Code; to purchase, erect, and maintain traffic lights and signals; to pay the principal, interest, and charges on bonds and other obligations issued pursuant to Chapter 133. of the Revised Code for the purpose of acquiring or constructing roads, highways, bridges, or viaducts or acquiring or making other highway improvements for which the municipal corporation may issue bonds; and to supplement revenue already available for ~~such~~ these purposes.

(2) The amount credited pursuant to division (B) of section 8707
5735.26 of the Revised Code shall be distributed among the 8708
municipal corporations within the state, in the proportion which 8709
the number of motor vehicles registered within each municipal 8710
corporation bears to the total number of motor vehicles registered 8711
within all the municipal corporations of the state during the 8712
preceding calendar year, as shown by the official records of the 8713
bureau of motor vehicles, and shall be expended by each municipal 8714
corporation to plan, construct, reconstruct, repave, widen, 8715
maintain, repair, clear, and clean public highways, roads and 8716
streets; to maintain and repair bridges and viaducts; to purchase, 8717
erect, and maintain street and traffic signs and markers; to 8718
purchase, erect, and maintain traffic lights and signals; to pay 8719
costs apportioned to the municipal corporation under section 8720
4907.47 of the Revised Code; to pay the principal, interest, and 8721
charges on bonds and other obligations issued pursuant to Chapter 8722
133. of the Revised Code for the purpose of acquiring or 8723
constructing roads, highways, bridges, or viaducts or acquiring or 8724
making other highway improvements for which the municipal 8725
corporation may issue bonds; and to supplement revenue already 8726
available for ~~such~~ these purposes. 8727

(3) The amount credited pursuant to divisions (B)(2)(b) and 8728
(C)(2)(c) of section 5735.23 of the Revised Code shall be paid in 8729
equal proportions to the county treasurer of each county within 8730
the state and shall be used only for the purposes of planning, 8731
maintaining, and repairing the county system of public roads and 8732
highways within ~~such~~ the county; the planning, construction, and 8733
repair of walks or paths along county roads in congested areas; 8734
the planning, construction, purchase, lease, and maintenance of 8735
suitable buildings for the housing and repair of county road 8736
machinery, housing of supplies, and housing of personnel 8737
associated with the machinery and supplies; the payment of costs 8738

apportioned to the county under section 4907.47 of the Revised 8739
Code; the payment of principal, interest, and charges on bonds and 8740
other obligations issued pursuant to Chapter 133. of the Revised 8741
Code for the purpose of acquiring or constructing roads, highways, 8742
bridges, or viaducts or acquiring or making other highway 8743
improvements for which the board of county commissioners may issue 8744
bonds under that chapter; and the purchase, installation, and 8745
maintenance of traffic signal lights. 8746

(4) The amount credited pursuant to division (C) of section 8747
5735.26 of the Revised Code shall be paid in equal proportions to 8748
the county treasurer of each county for the purposes of planning, 8749
maintaining, constructing, widening, and reconstructing the county 8750
system of public roads and highways; paying principal, interest, 8751
and charges on bonds and other obligations issued pursuant to 8752
Chapter 133. of the Revised Code for the purpose of acquiring or 8753
constructing roads, highways, bridges, or viaducts or acquiring or 8754
making other highway improvements for which the board of county 8755
commissioners may issue bonds under ~~such~~ that chapter; and paying 8756
costs apportioned to the county under section 4907.47 of the 8757
Revised Code. 8758

(5)(a) The amount credited pursuant to division (D) of 8759
section 5735.26 and division (C)(2)(b) of section 5735.23 of the 8760
Revised Code shall be divided in equal proportions among the 8761
townships within the state. 8762

(b) As used in division (A)(5)(b) of this section, the 8763
"formula amount" for any township is the amount that would be 8764
allocated to that township if fifty per cent of the amount 8765
credited to townships pursuant to section 5735.291 of the Revised 8766
Code were allocated among townships in the state proportionate to 8767
the number of lane miles within the boundaries of the respective 8768
townships, as determined annually by the department of 8769
transportation, and the other fifty per cent of the amount 8770

credited pursuant to section 5735.291 of the Revised Code were 8771
allocated among townships in the state proportionate to the number 8772
of motor vehicles registered within the respective townships, as 8773
determined annually by the records of the bureau of motor 8774
vehicles. 8775

Beginning on August 15, 2003, the tax levied by section 8776
5735.29 of the Revised Code shall be partially allocated to 8777
provide funding for townships. Each township shall receive the 8778
greater of the following two calculations: 8779

(i) The total statewide amount credited to townships under 8780
division (A) of section 5735.291 of the Revised Code divided by 8781
the number of townships in the state at the time of the 8782
calculation; 8783

(ii) Seventy per cent of the formula amount for that 8784
township. 8785

(c) The total difference between the amount of money credited 8786
to townships under division (A) of section 5735.291 of the Revised 8787
Code and the total amount of money required to make all the 8788
payments specified in division (A)(5)(b) of this section shall be 8789
deducted, in accordance with division (B) of section 5735.291 of 8790
the Revised Code, from the revenues resulting from the tax levied 8791
pursuant to section 5735.29 of the Revised Code prior to crediting 8792
portions of such revenues to counties, municipal corporations, and 8793
the highway operating fund. 8794

(d) All amounts credited pursuant to divisions (a) and (b) of 8795
this section shall be paid to the county treasurer of each county 8796
for the total amount payable to the townships within each of the 8797
counties. The county treasurer shall pay to each township within 8798
the county its proportional share of the funds, which shall be 8799
expended by each township for the sole purpose of planning, 8800
constructing, maintaining, widening, and reconstructing the public 8801

roads and highways within ~~such~~ the township, and paying costs 8802
apportioned to the township under section 4907.47 of the Revised 8803
Code. 8804

No part of the funds shall be used for any purpose except to 8805
pay in whole or part the contract price of any such work done by 8806
contract, or to pay the cost of labor in planning, constructing, 8807
widening, and reconstructing such roads and highways, and the cost 8808
of materials forming a part of the improvement; provided, that 8809
~~such~~ the funds may be used for the purchase of road machinery and 8810
equipment and for the planning, construction, and maintenance of 8811
suitable buildings for housing road machinery and equipment, and 8812
that all such improvement of roads shall be under supervision and 8813
direction of the county engineer as provided in section 5575.07 of 8814
the Revised Code. No obligation against ~~such~~ the funds shall be 8815
incurred unless plans and specifications for ~~such~~ the improvement, 8816
approved by the county engineer, are on file in the office of the 8817
township ~~clerk~~ fiscal officer, and all contracts for material and 8818
for work done by contract shall be approved by the county engineer 8819
before being signed by the board of township trustees. The board 8820
of township trustees of any township may pass a resolution 8821
permitting the board of county commissioners to expend ~~such~~ the 8822
township's share of the funds, or any portion ~~thereof~~ of it, for 8823
the improvement of ~~such~~ the roads within the township as may be 8824
designated in the resolution. 8825

All investment earnings of the fund shall be credited to the 8826
fund. 8827

(B) Amounts credited to the highway operating fund pursuant 8828
to divisions (B)(2)(c) and (C)(2)(d) of section 5735.23 and 8829
division (A) of section 5735.26 of the Revised Code shall be 8830
expended in the following manner: 8831

(1) The amount credited pursuant to divisions (B)(2)(c) and 8832

(C)(2)(d) of section 5735.23 of the Revised Code shall be 8833
apportioned to and expended by the department of transportation 8834
for the purposes of planning, maintaining, repairing, and keeping 8835
in passable condition for travel the roads and highways of the 8836
state required by law to be maintained by the department; paying 8837
the costs apportioned to the state under section 4907.47 of the 8838
Revised Code; paying that portion of the construction cost of a 8839
highway project which a county, township, or municipal corporation 8840
normally would be required to pay, but which the director of 8841
transportation, pursuant to division (B) of section 5531.08 of the 8842
Revised Code, determines instead will be paid from moneys in the 8843
highway operating fund; and paying the costs of the department of 8844
public safety in administering and enforcing the state law 8845
relating to the registration and operation of motor vehicles. 8846

(2) The amount credited pursuant to division (A) of section 8847
5735.26 of the Revised Code shall be used for paying the state's 8848
share of the cost of planning, constructing, widening, 8849
maintaining, and reconstructing the state highways; paying that 8850
portion of the construction cost of a highway project which a 8851
county, township, or municipal corporation normally would be 8852
required to pay, but which the director of transportation, 8853
pursuant to division (B) of section 5531.08 of the Revised Code, 8854
determines instead will be paid from moneys in the highway 8855
operating fund; and also for supplying the state's share of the 8856
cost of eliminating railway grade crossings upon such highways and 8857
costs apportioned to the state under section 4907.47 of the 8858
Revised Code. The director of transportation may expend portions 8859
of such amount upon extensions of state highways within municipal 8860
corporations or upon portions of state highways within municipal 8861
corporations, as is provided by law. 8862

Sec. 5747.061. (A) As used in this section: 8863

(1) "State agency" means the general assembly, all courts, 8864
any department, division, institution, board, commission, 8865
authority, bureau, or other instrumentality of the state. 8866

(2) "Political subdivision" means a county, municipal 8867
corporation, township, school district, or other body corporate 8868
and politic responsible for governmental activities in a 8869
geographic area smaller than that of the state. 8870

(3) "Legislative authority" means the board of county 8871
commissioners, the legislative authority of a municipal 8872
corporation, the board of township trustees, the board of 8873
education, or the board, council, commission, or other governing 8874
body of any other political subdivision. 8875

(4) "Fiscal officer" means the county auditor, the treasurer 8876
of the municipal corporation, the clerk-treasurer of a village, or 8877
the officer ~~that~~ who, by virtue of the charter, has the duties of 8878
the treasurer or clerk-treasurer, the township ~~clerk~~ fiscal 8879
officer, the treasurer of the board of education, or, in the case 8880
of any state agency or other subdivision, the officer or person 8881
responsible for deducting and withholding from the compensation 8882
paid to an employee who is a taxpayer the amount of tax required 8883
to be withheld by section 5747.06 of the Revised Code. 8884

(B)(1) The director or other chief administrator of any state 8885
agency, in accordance with rules adopted by the department of 8886
administrative services, may direct its fiscal officer to deduct 8887
and withhold from the compensation paid to an employee who is a 8888
resident of a state with which the commissioner has entered into 8889
an agreement under division (A)(3) of section 5747.05 of the 8890
Revised Code, a tax computed in such a manner as to result, as far 8891
as practicable, in withholding from the compensation of the 8892
employee during each calendar year an amount substantially 8893
equivalent to the tax reasonably estimated to be due under the 8894

income tax laws of the state of residence of the employee with 8895
respect to the amount of such compensation included in gross 8896
income during the calendar year under those laws. 8897

(2) The legislative authority of a political subdivision may 8898
adopt a rule, ordinance, or resolution requiring the fiscal 8899
officer of the political subdivision to deduct and withhold from 8900
the compensation paid to an employee who is a resident of a state 8901
with which the tax commissioner has entered into an agreement 8902
under division (A)(3) of section 5747.05 of the Revised Code, a 8903
tax computed in such a manner as to result, as far as practicable, 8904
in withholding from the compensation of the employee during each 8905
calendar year an amount substantially equivalent to the tax 8906
reasonably estimated to be due under the income tax laws of the 8907
state of residence of the employee with respect to the amount of 8908
such compensation included in gross income during the calendar 8909
year under those laws. 8910

(3) Upon direction of the director or other chief 8911
administrator of a state agency, or adoption of a rule, ordinance, 8912
or resolution by a political subdivision under this division, the 8913
fiscal officer shall obtain from the official responsible for 8914
administering the income tax laws of the state of residence of the 8915
employee, information necessary to enable ~~him~~ the fiscal officer 8916
to withhold the proper amount of tax from the compensation of the 8917
employee for the calendar year. 8918

(C) A fiscal officer who deducts and withholds tax from the 8919
compensation of a nonresident employee shall file a withholding 8920
return or other report and pay the full amount of the tax deducted 8921
and withheld as required by the income tax laws of the state of 8922
residence of the employee. 8923

(D) A fiscal officer who deducts and withholds tax from the 8924
compensation of a nonresident employee shall furnish to that 8925

employee and to the official who is responsible for administering 8926
the income tax laws of the state of residence of the employee, a 8927
written statement showing the amount of compensation paid to the 8928
employee and the amount deducted and withheld from the 8929
compensation of the employee during the calendar year. The 8930
statement shall be furnished on or before the last day of January 8931
of the succeeding year, except that, with respect to an employee 8932
whose employment is terminated, the statement for the calendar 8933
year in which the last payment of compensation is made shall be 8934
furnished within thirty days from the date the last payment of 8935
compensation is made. 8936

Section 2. That existing sections 111.21, 111.22, 117.44, 8937
133.01, 133.27, 149.42, 301.01, 306.32, 306.321, 319.51, 321.31, 8938
321.32, 321.34, 345.01, 503.162, 503.25, 503.26, 503.29, 503.41, 8939
503.52, 504.06, 504.07, 504.11, 504.12, 504.14, 504.19, 504.20, 8940
505.03, 505.04, 505.07, 505.108, 505.11, 505.17, 505.24, 505.262, 8941
505.31, 505.32, 505.33, 505.35, 505.37, 505.373, 505.47, 505.511, 8942
505.73, 505.86, 507.01, 507.02, 507.021, 507.03, 507.04, 507.05, 8943
507.051, 507.06, 507.07, 507.08, 507.09, 507.11, 509.02, 511.21, 8944
511.22, 511.33, 513.04, 515.02, 515.04, 515.081, 515.12, 517.05, 8945
517.06, 517.07, 519.12, 519.16, 519.161, 519.211, 521.02, 521.03, 8946
703.201, 707.28, 709.023, 709.024, 709.03, 709.033, 709.46, 8947
711.05, 711.10, 715.691, 715.70, 715.71, 715.75, 715.76, 971.05, 8948
971.06, 971.08, 971.09, 971.12, 971.35, 971.36, 1341.16, 1533.13, 8949
1710.02, 2927.21, 3381.03, 3501.37, 3513.253, 3517.10, 3709.30, 8950
3734.025, 3734.026, 3734.57, 4301.80, 4303.26, 4928.20, 4929.26, 8951
4929.27, 5123.19, 5126.021, 5541.02, 5543.05, 5552.10, 5571.04, 8952
5571.16, 5573.13, 5573.211, 5575.04, 5575.09, 5579.08, 5705.01, 8953
5709.73, 5735.27, and 5747.061 of the Revised Code are hereby 8954
repealed. 8955

Section 3. Section 711.10 of the Revised Code is presented in 8956

As Reported by the House Local and Municipal Government and Urban Revitalization Committee

this act as a composite of the section as amended by both Sub. 8957
H.B. 231 and Sub. S.B. 115 of the 125th General Assembly. Section 8958
715.70 of the Revised Code is presented in this act as a composite 8959
of the section as amended by both Sub. H.B. 434 and Am. Sub. S.B. 8960
201 of the 122nd General Assembly. The General Assembly, applying 8961
the principle stated in division (B) of section 1.52 of the 8962
Revised Code that amendments are to be harmonized if reasonably 8963
capable of simultaneous operation, finds that the composites are 8964
the resulting versions of the sections in effect prior to the 8965
effective date of the sections as presented in this act. 8966