

**As Reported by the Senate State and Local Government and
Veterans Affairs Committee**

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

Sub. S. B. No. 107

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

—

A B I L L

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

with the name "township fiscal officer." 25

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

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

Sec. 111.21. The secretary of state shall: 45

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

(B) File and preserve all reports, certificates, and copies 53
of agreements ~~transferring~~ transferring powers, whether approved by 54
popular vote or otherwise, and of charters, as permanent public 55
records of the state; 56

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

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

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

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

Sec. 117.44. To enhance local officials' background and 79
working knowledge of government accounting, budgeting and 80
financing, financial report preparation, and the rules adopted by 81
the auditor of state, the auditor of state shall hold training 82

programs for persons elected for the first time as township ~~clerks~~ 83
fiscal officers, city auditors, and village clerks, between the 84
first day of December and the first day of April immediately 85
following a general election for any of these offices. Similar 86
training may also be provided to any township ~~clerk~~ fiscal 87
officer, city auditor, or village clerk who is appointed to fill a 88
vacancy or who is elected in a special election. 89

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

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

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

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

There is hereby established in the state treasury the auditor 113

of state training program fund, to be used by the auditor of state 114
for the actual and necessary expenses of any training programs 115
held pursuant to this section, section 117.441, or section 321.46 116
of the Revised Code. All registration fees collected under this 117
section shall be paid into the fund. 118

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

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

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

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

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

in the applicable proceedings for the establishment in a bond 144
retirement fund of separate accounts relating to debt charges on 145
particular securities, or on securities payable from the same or 146
common sources, and for the application of moneys in those 147
accounts only to specified debt charges on specified securities or 148
categories of securities. Subject to law and any provisions in the 149
applicable proceedings, moneys in a bond retirement fund or 150
separate account in a bond retirement fund may be transferred to 151
other funds and accounts. 152

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

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

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

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

payment of debt charges to and at the option and on demand of 175
securities holders or at the option of the issuer or upon certain 176
conditions occurring under put or similar arrangements, or for 177
otherwise supporting the credit or liquidity of the securities, 178
and includes credit, reimbursement, marketing, remarketing, 179
indexing, carrying, interest rate hedge, and subrogation 180
agreements, and other agreements and arrangements for payment and 181
reimbursement of the person providing the credit enhancement 182
facility and the security for that payment and reimbursement. 183

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

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

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

services, certifications, audits, federal or state regulatory 207
agencies, accounting and computation services, legal services and 208
obtaining approving legal opinions and other legal opinions, 209
credit ratings, redemption premiums, and credit enhancement 210
facilities. Financing costs may be paid from any moneys available 211
for the purpose, including, unless otherwise provided in the 212
proceedings, from the proceeds of the securities to which they 213
relate and, as to future financing costs, from the same sources 214
from which debt charges on the securities are paid and as though 215
debt charges. 216

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

(1) A county, the county auditor; 224

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

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

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

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

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

(7) A joint recreation district, the person designated	237
pursuant to section 755.15 of the Revised Code;	238
(8) A detention facility district or a district organized	239
under section 2151.65 of the Revised Code or a combined district	240
organized under sections 2152.41 and 2151.65 of the Revised Code,	241
the county auditor of the county designated by law to act as the	242
auditor of the district;	243
(9) A township, a fire district organized under division (C)	244
of section 505.37 of the Revised Code, or a township police	245
district, the clerk <u>fiscal officer</u> of the township;	246
(10) A joint fire district, the clerk of the board of	247
trustees of that district;	248
(11) A regional or county library district, the person	249
responsible for the financial affairs of that district;	250
(12) A joint solid waste management district, the fiscal	251
officer appointed by the board of directors of the district under	252
section 343.01 of the Revised Code;	253
(13) A joint emergency medical services district, the person	254
appointed as fiscal officer pursuant to division (D) of section	255
307.053 of the Revised Code;	256
(14) A fire and ambulance district, the person appointed as	257
fiscal officer under division (B) of section 505.375 of the	258
Revised Code;	259
(15) A subdivision described in division (MM)(17) of this	260
section, the officer who is designated by law as or performs the	261
functions of its chief fiscal officer.	262
(M) "Fiscal year" has the same meaning as in section 9.34 of	263
the Revised Code.	264
(N) "Fractionalized interests in public obligations" means	265
participations, certificates of participation, shares, or other	266

instruments or agreements, separate from the public obligations 267
themselves, evidencing ownership of interests in public 268
obligations or of rights to receive payments of, or on account of, 269
principal or interest or their equivalents payable by or on behalf 270
of an obligor pursuant to public obligations. 271

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

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

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

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

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

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

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

the taxing authority.	297
(V) "Mandatory sinking fund redemption requirements" means	298
amounts required by proceedings to be deposited in a bond	299
retirement fund for the purpose of paying in any year or fiscal	300
year by mandatory redemption prior to stated maturity the	301
principal of securities that is due and payable, except for	302
mandatory prior redemption requirements as provided in those	303
proceedings, in a subsequent year or fiscal year.	304
(W) "Mandatory sinking fund requirements" means amounts	305
required by proceedings to be deposited in a year or fiscal year	306
in a bond retirement fund for the purpose of paying the principal	307
of securities that is due and payable in a subsequent year or	308
fiscal year.	309
(X) "Net indebtedness" has the same meaning as in division	310
(A) of section 133.04 of the Revised Code.	311
(Y) "Obligor," in the case of securities or fractionalized	312
interests in public obligations issued by another person the debt	313
charges or their equivalents on which are payable from payments	314
made by a public issuer, means that public issuer.	315
(Z) "One purpose" relating to permanent improvements means	316
any one permanent improvement or group or category of permanent	317
improvements for the same utility, enterprise, system, or project,	318
development or redevelopment project, or for or devoted to the	319
same general purpose, function, or use or for which	320
self-supporting securities, based on the same or different sources	321
of revenues, may be issued or for which special assessments may be	322
levied by a single ordinance or resolution. "One purpose"	323
includes, but is not limited to, in any case any off-street	324
parking facilities relating to another permanent improvement, and:	325
(1) Any number of roads, highways, streets, bridges,	326
sidewalks, and viaducts;	327

(2) Any number of off-street parking facilities;	328
(3) In the case of a county, any number of permanent improvements for courthouse, jail, county offices, and other county buildings, and related facilities;	329 330 331
(4) In the case of a school district, any number of facilities and buildings for school district purposes, and related facilities.	332 333 334
(AA) "Outstanding," referring to securities, means securities that have been issued, delivered, and paid for, except any of the following:	335 336 337
(1) Securities canceled upon surrender, exchange, or transfer, or upon payment or redemption;	338 339
(2) Securities in replacement of which or in exchange for which other securities have been issued;	340 341
(3) Securities for the payment, or redemption or purchase for cancellation prior to maturity, of which sufficient moneys or investments, in accordance with the applicable legislation or other proceedings or any applicable law, by mandatory sinking fund 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.	342 343 344 345 346 347 348 349 350 351 352 353 354
(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,	355 356 357

designated as a paying agent or place of payment of debt charges 358
on the particular securities. 359

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

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

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

(FF) "Public issuer" means any of the following that is	389
authorized by law to issue securities or enter into public	390
obligations:	391
(1) The state, including an agency, commission, officer,	392
institution, board, authority, or other instrumentality of the	393
state;	394
(2) A taxing authority, subdivision, district, or other local	395
public or governmental entity, and any combination or consortium,	396
or public division, district, commission, authority, department,	397
board, officer, or institution, thereof;	398
(3) Any other body corporate and politic, or other public	399
entity.	400
(GG) "Public obligations" means both of the following:	401
(1) Securities;	402
(2) Obligations of a public issuer to make payments under	403
installment sale, lease, lease purchase, or similar agreements,	404
which obligations bear interest or interest equivalent.	405
(HH) "Refund" means to fund and retire outstanding	406
securities, including advance refunding with or without payment or	407
redemption prior to maturity.	408
(II) "Register" means the books kept and maintained by the	409
registrar for registration, exchange, and transfer of registered	410
securities.	411
(JJ) "Registrar" means the person responsible for keeping the	412
register for the particular registered securities, designated by	413
or pursuant to the proceedings.	414
(KK) "Securities" means bonds, notes, certificates of	415
indebtedness, commercial paper, and other instruments in writing,	416
including, unless the context does not admit, anticipatory	417
securities, issued by an issuer to evidence its obligation to	418

repay money borrowed, or to pay interest, by, or to pay at any
future time other money obligations of, the issuer of the
securities, but not including public obligations described in
division (GG)(2) of this section.

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

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

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

(2) A municipal corporation, including a municipal corporation that has adopted a charter under Article XVIII, Ohio Constitution;	450 451 452
(3) A school district;	453
(4) A regional water and sewer district organized under Chapter 6119. of the Revised Code;	454 455
(5) A joint township hospital district organized under section 513.07 of the Revised Code;	456 457
(6) A joint ambulance district organized under section 505.71 of the Revised Code;	458 459
(7) A joint recreation district organized under division (C) of section 755.14 of the Revised Code;	460 461
(8) A detention facility district organized under section 2152.41, a district organized under section 2151.65, or a combined district organized under sections 2152.41 and 2151.65 of the Revised Code;	462 463 464 465
(9) A township police district organized under section 505.48 of the Revised Code;	466 467
(10) A township;	468
(11) A joint fire district organized under section 505.371 of the Revised Code;	469 470
(12) A county library district created under section 3375.19 or a regional library district created under section 3375.28 of the Revised Code;	471 472 473
(13) A joint solid waste management district organized under section 343.01 or 343.012 of the Revised Code;	474 475
(14) A joint emergency medical services district organized under section 307.052 of the Revised Code;	476 477
(15) A fire and ambulance district organized under section	478

505.375 of the Revised Code;	479
(16) A fire district organized under division (C) of section 505.37 of the Revised Code;	480 481
(17) Any other political subdivision or taxing district or other local public body or agency authorized by this chapter or other laws to issue Chapter 133. securities.	482 483 484
(NN) "Taxing authority" means in the case of the following subdivisions:	485 486
(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;	487 488 489 490 491 492
(2) A municipal corporation, the legislative authority;	493
(3) A school district, the board of education;	494
(4) A regional water and sewer district, a joint ambulance district, a joint recreation district, a fire and ambulance district, or a joint fire district, the board of trustees of the district;	495 496 497 498
(5) A joint township hospital district, the joint township hospital board;	499 500
(6) A detention facility district or a district organized under section 2151.65 of the Revised Code, a combined district organized under sections 2152.41 and 2151.65 of the Revised Code, or a joint emergency medical services district, the joint board of county commissioners;	501 502 503 504 505
(7) A township, a fire district organized under division (C) of section 505.37 of the Revised Code, or a township police district, the board of township trustees;	506 507 508

(8) A joint solid waste management district organized under 509
section 343.01 or 343.012 of the Revised Code, the board of 510
directors of the district; 511

(9) A subdivision described in division (MM)(17) of this 512
section, the legislative or governing body or official. 513

(OO) "Tax limitation" means the "ten-mill limitation" as 514
defined in section 5705.02 of the Revised Code without diminution 515
by reason of section 5705.313 of the Revised Code or otherwise, 516
or, in the case of a municipal corporation or county with a 517
different charter limitation on property taxes levied to pay debt 518
charges on unvoted securities, that charter limitation. Those 519
limitations shall be respectively referred to as the "ten-mill 520
limitation" and the "charter tax limitation." 521

(PP) "Tax valuation" means the aggregate of the valuations of 522
property subject to ad valorem property taxation by the 523
subdivision on the real property, personal property, and public 524
utility property tax lists and duplicates most recently certified 525
for collection, and shall be calculated without deductions of the 526
valuations of otherwise taxable property exempt in whole or in 527
part from taxation by reason of exemptions of certain amounts of 528
taxable value under division (C) of section 5709.01 or section 529
323.152 of the Revised Code, or similar laws now or in the future 530
in effect. 531

(QQ) "Year" means the calendar year. 532

(RR) "Administrative agent," "agent," "commercial paper," 533
"floating rate interest structure," "indexing agent," "interest 534
rate hedge," "interest rate period," "put arrangement," and 535
"remarketing agent" have the same meanings as in section 9.98 of 536
the Revised Code. 537

(SS) "Sales tax supported" means obligations to the payment 538
of debt charges on which an additional sales tax or additional 539

sales taxes have been pledged by the taxing authority of a county 540
pursuant to section 133.081 of the Revised Code. 541

Sec. 133.27. (A) Chapter 133. securities shall be signed on 542
behalf of the subdivision as follows: 543

(1) In the case of a municipal corporation, by the mayor or 544
other chief executive officer and by the fiscal officer, or by 545
~~such~~ any other officers ~~as~~ who are designated to sign by the 546
charter or legislation of its taxing authority; 547

(2) In the case of a county, by at least two members of its 548
taxing authority and by the county auditor, or l in the case of a 549
charter county, l by ~~such~~ those officers of the county ~~as~~ who are 550
designated to sign by the charter or legislation of its taxing 551
authority; 552

(3) In the case of a school district, by the president or 553
vice-president of the board of education and by its fiscal 554
officer; 555

(4) In the case of a township, by at least two township 556
trustees and by the township ~~clerk~~ fiscal officer; 557

(5) In the case of a subdivision not referred to in divisions 558
(B)(1) to (4) of this section, by the officer of the subdivision 559
or taxing authority designated to sign by other law or, if there 560
is no ~~such~~ other law designating an officer, by the legislation 561
authorizing the securities. 562

(B) If an officer designated to sign securities or interest 563
coupons pursuant to division (A) or (E) of this section is for any 564
reason unable or unavailable to so sign, another officer of the 565
subdivision or taxing authority, designated by legislation passed 566
by the taxing authority, may sign instead of that officer. 567

(C) All signatures required by this section may be facsimile 568
signatures as provided for by sections 9.10, 9.11, and 9.96 of the 569

Revised Code, unless the securities are issued in other than fully 570
registered form, in which case at least one ~~such~~ signature shall 571
be a manual signature. 572

(D) If an officer who has signed, manually or by facsimile 573
signature, any securities of a subdivision ceases to be such 574
officer before the securities so signed have been actually 575
delivered, the securities may nevertheless be issued and delivered 576
as though the person who has so signed the securities had not 577
ceased to be such officer. Any securities may be signed as 578
provided in this section, on behalf of the subdivision, by an 579
officer who is the proper officer of the subdivision or taxing 580
authority on the actual date of signing of the securities, 581
notwithstanding the fact that at the date of the securities or on 582
the date of delivery of the securities that person was or is not 583
~~such~~ the proper officer of the subdivision. 584

(E) Securities, other than fully registered securities, may, 585
in the discretion of the taxing authority, have interest coupons 586
attached or otherwise appertaining. The interest coupons shall be 587
signed on behalf of the subdivision by the manual or facsimile 588
signature of its fiscal officer. 589

Sec. 149.42. There is hereby created in each township a 590
township records commission, composed of the ~~chairman~~ chairperson 591
of the board of township trustees and the ~~clerk~~ fiscal officer of 592
the township. The commission shall meet at least once every twelve 593
months, and upon call of the chairperson. 594

The function of the commission shall be to review 595
applications for one-time records disposal and schedules of 596
records retention and disposition submitted by township offices. 597
Records may be disposed of by the commission pursuant to the 598
procedure outlined in this section. The commission may at any time 599
review any schedule it has previously approved, and for good cause 600

shown may revise that schedule.

601

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.

602

603

604

605

606

607

608

609

610

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
is within or out of the bounds of the proposed new county, as the
case may be. The foregoing requirements shall be proven by the
certificate of a township ~~clerk~~ fiscal officer or by the oath of a
respectable freeholder or voter, certified by a person authorized
to administer oaths. ~~Such~~ The certificate or oath shall specify on
the petition, memorial, or remonstrance the number of signers
there were to ~~such~~ the paper at the time of the certifying or
oath.

611

612

613

614

615

616

617

618

619

620

621

622

623

624

625

Sec. 306.32. Any county, or any two or more counties,
municipal corporations, or townships, or any combination ~~thereof~~
of these, may create a regional transit authority by the adoption
of a resolution or ordinance by the board of county commissioners
of each county, the legislative authority of each municipal

626

627

628

629

630

corporation, and the board of township trustees of each township 631
which is to create or to join in the creation of the regional 632
transit authority. ~~Such~~ The resolution or ordinance shall state: 633

(A) The necessity for the creation of a regional transit 634
authority; 635

(B) The counties, municipal corporations, or townships which 636
are to create or to join in the creation of the regional transit 637
authority; 638

(C) The official name by which the regional transit authority 639
shall be known; 640

(D) The place in which the principal office of the regional 641
transit authority will be located or the manner in which it may be 642
selected; 643

(E) The number, term, and compensation, or method for 644
establishing compensation, of the members of the board of trustees 645
of the regional transit authority. Compensation shall not exceed 646
fifty dollars for each board and committee meeting attended by a 647
member, except that if compensation is provided annually it shall 648
not exceed six thousand dollars for the president of the board or 649
four thousand eight hundred dollars for each other board member. 650

(F) The manner in which vacancies on the board of trustees of 651
the regional transit authority shall be filled; 652

(G) The manner and to what extent the expenses of the 653
regional transit authority shall be apportioned among the 654
counties, municipal corporations, and townships creating it; 655

(H) The purposes, including the kinds of transit facilities, 656
for which the regional transit authority is organized. 657

The regional transit authority provided for in ~~such~~ the 658
resolution or ordinance shall be deemed to be created upon the 659
adoption of ~~such~~ the resolution or ordinance by the board of 660

county commissioners of each county, the legislative authority of 661
each municipal corporation, and the board of township trustees of 662
each township enumerated in the resolution or ordinance. 663

The resolution or ordinance creating a regional transit 664
authority may be amended to include additional counties, municipal 665
corporations, or townships or for any other purpose, by the 666
adoption of ~~such~~ the amendment by the board of county 667
commissioners of each county, the legislative authority of each 668
municipal corporation, and the board of township trustees of each 669
township which has created or joined or proposes to join the 670
regional transit authority. 671

After each county, municipal corporation, and township which 672
has created or joined or proposes to join the regional transit 673
authority has adopted its resolution or ordinance approving 674
inclusion of additional counties, municipal corporations, or 675
townships in ~~such~~ the regional transit authority, a copy of each 676
~~such~~ resolution or ordinance shall be filed with the clerk of the 677
board of the county commissioners of each county, the clerk of the 678
legislative authority of each municipal corporation, and the 679
fiscal officer of the board of trustees of each township proposed 680
to be included in the regional transit authority. ~~Such~~ The 681
inclusion is effective when all such filing has been completed, 682
unless the regional transit authority to which territory is to be 683
added has authority to levy an ad valorem tax on property, or a 684
sales tax, within its territorial boundaries, in which event ~~such~~ 685
the inclusion shall become effective on the sixtieth day after the 686
last such filing is accomplished, unless, prior to the expiration 687
of ~~such~~ the sixty-day period, qualified electors residing in the 688
area proposed to be added to the regional transit authority, equal 689
in number to at least ten per cent of the qualified electors from 690
~~such~~ the area who voted for governor at the last gubernatorial 691
election, file a petition of referendum against ~~such~~ the 692

**As Reported by the Senate State and Local Government and Veterans Affairs
Committee**

inclusion. Any petition of referendum filed under this section 693
shall be filed at the office of the secretary of the board of 694
trustees of the regional transit authority. The person presenting 695
the petition shall be given a receipt containing ~~thereon~~ on it the 696
time of the day, the date, and the purpose of the petition. The 697
secretary of the board of trustees of the regional transit 698
authority shall cause the appropriate board or boards of elections 699
to check the sufficiency of signatures on any petition of 700
referendum filed under this section and, if found to be 701
sufficient, shall present the petition to the board of trustees at 702
a meeting of said board which occurs not later than thirty days 703
following the filing of said petition. Upon presentation to the 704
board of trustees of a petition of referendum against the proposed 705
inclusion, the board of trustees shall promptly certify the 706
proposal to the board or boards of elections for the purpose of 707
having the proposal placed on the ballot at the next general or 708
primary election which occurs not less than seventy-five days 709
after the date of the meeting of said board, or at a special 710
election, the date of which shall be specified in the 711
certification, which date shall be not less than seventy-five days 712
after the date of such meeting of the board. Signatures on a 713
petition of referendum may be withdrawn up to and including the 714
meeting of the board of trustees certifying the proposal to the 715
appropriate board or boards of elections. If territory of more 716
than one county, municipal corporation, or township is to be added 717
to the regional transit authority, the electors of ~~such~~ the 718
territories of the counties, municipal corporations, or townships 719
which are to be added shall vote as a district, and the majority 720
affirmative vote shall be determined by the vote cast in ~~such~~ the 721
district as a whole. Upon certification of a proposal to the 722
appropriate board or boards of elections pursuant to this section, 723
~~such~~ the board or boards of election shall make the necessary 724
arrangements for the submission of ~~such questions~~ the question to 725

the electors of the territory to be added to the regional transit 726
authority qualified to vote ~~thereon~~ on the question, and the 727
election shall be held, canvassed, and certified in the manner 728
provided for the submission of tax levies under section 5705.191 729
of the Revised Code, except that the question appearing on the 730
ballot shall read: 731

"Shall the territory within the 732
(Name or names of political subdivisions to be joined) be added to 733
..... (Name) regional transit 734
authority?" and shall a(n) (here insert type of tax or 735
taxes) at a rate of taxation not to exceed (here insert 736
maximum tax rate or rates) be levied for all transit purposes?" 737

If the question is approved by at least a majority of the 738
electors voting on ~~such the~~ question, ~~such the~~ joinder is 739
immediately effective, and the regional transit authority may 740
extend the levy of ~~such the~~ tax against all the taxable property 741
within the territory which has been added. If ~~such the~~ question is 742
approved at a general election or at a special election occurring 743
prior ~~thereto~~ to the general election but after the fifteenth day 744
of July, the regional transit authority may amend its budget and 745
resolution adopted pursuant to section 5705.34 of the Revised 746
Code, and ~~such the~~ levy shall be placed on the current tax list 747
and duplicate and collected as other taxes are collected from all 748
taxable property within the territorial boundaries of the regional 749
transit authority, including the territory within each political 750
subdivision added as a result of ~~such the~~ election. 751

The territorial boundaries of a regional transit authority 752
shall be coextensive with the territorial boundaries of the 753
counties, municipal corporations, and townships included within 754
the regional transit authority, provided that the same area may be 755
included in more than one regional transit authority so long as 756
the regional transit authorities are not organized for purposes as 757

provided for in the resolutions or ordinances creating the same, 758
and any amendments ~~thereto~~ to them, relating to the same kinds of 759
transit facilities; and provided further, that if a regional 760
transit authority includes only a portion of an entire county, a 761
regional transit authority for the same purposes may be created in 762
the remaining portion of the same county by resolution of the 763
board of county commissioners acting alone or in conjunction with 764
municipal corporations and townships as provided in this section. 765

No regional transit authority shall be organized after 766
January 1, 1975, to include any area already included in a 767
regional transit authority, except that any regional transit 768
authority organized after ~~the effective date of this section~~ June 769
29, 1974, and having territorial boundaries entirely within a 770
single county shall, upon adoption by the board of county 771
commissioners of ~~such~~ the county of a resolution creating a 772
regional transit authority including within its territorial 773
jurisdiction the existing regional transit authority and for 774
purposes including the purposes for which ~~such~~ the existing 775
regional transit authority was created, be dissolved and its 776
territory included in such new regional transit authority. Any 777
resolution creating such a new regional transit authority shall 778
make adequate provision for satisfaction of the obligations of the 779
dissolved regional transit authority. 780

Sec. 306.321. The resolution or ordinance creating a regional 781
transit authority may be amended to include additional counties, 782
municipal corporations, or townships by the adoption of ~~such~~ an 783
amendment by the board of county commissioners of each county, the 784
legislative authority of each municipal corporation, and the board 785
of township trustees of each township which has created or 786
~~theretofore~~, prior to the adoption of the amendment, joined or 787
proposes to join the regional transit authority. 788

After each county, municipal corporation, and township which 789
has created or ~~theretofore~~, prior to the adoption of the 790
amendment, joined or proposes to join the regional transit 791
authority has adopted its resolution or ordinance approving 792
inclusion of additional counties, municipal corporations, or 793
townships in ~~such~~ the regional transit authority, a copy of each 794
~~such~~ resolution or ordinance shall be filed with the clerk of the 795
board of the county commissioners of each county, the clerk of the 796
legislative authority of each municipal corporation, and the 797
fiscal officer of the board of trustees of each township proposed 798
to be included in the regional transit authority. 799

Any ordinances or resolutions adopted pursuant to this 800
section approving inclusion of additional counties, municipal 801
corporations, or townships in ~~such~~ the regional transit authority 802
shall provide that the board of trustees of ~~such~~ the regional 803
transit authority must, not later than the tenth day following the 804
day on which the filing of the ordinances or resolutions, as 805
required by the immediately preceding paragraph, is completed, 806
adopt its resolution providing for submission to the electors of 807
the regional transit authority as enlarged, of the question 808
pursuant to section 306.49 of the Revised Code, of the renewal, 809
the renewal and increase, or the increase of, or the imposition of 810
an additional, ad valorem tax, or of the question pursuant to 811
section 306.70 of the Revised Code, of the renewal, the renewal 812
and increase, or the increase of, or the imposition of an 813
additional, sales and use tax. The resolution submitting the 814
question of the tax shall specify the date of the election, which 815
shall be not less than seventy-five days after certification of 816
~~such~~ the resolution to the board of elections and which shall be 817
consistent with the requirements of section 3501.01 of the Revised 818
Code. The inclusion of the territory of the additional counties, 819
municipal corporations, or townships in the regional transit 820

authority shall be effective as of the date on which the 821
resolution of the board of trustees of the regional transit 822
authority is adopted submitting the question to the electors, 823
provided that until the question is approved, existing contracts 824
providing payment for transit services within the added territory 825
shall remain in effect and transit services shall not be affected 826
by the inclusion of the additional territory. The resolution shall 827
be certified to the board of elections and the election shall be 828
held, canvassed, and certified as provided in section 306.49 of 829
the Revised Code in the case of an ad valorem tax or in section 830
306.70 of the Revised Code in the case of a sales and use tax. 831

If the question of the tax which is submitted is not approved 832
by a majority of the electors of the enlarged regional transit 833
authority voting ~~thereon~~ on the question, as of the day following 834
the day on which the results of ~~such~~ the election become 835
conclusive, the additional counties, municipal corporations, or 836
townships, which had been included in the regional transit 837
authority as of the date of the adoption of the resolution 838
submitting to the electors the question, shall be removed from the 839
territory of ~~such~~ the regional transit authority and shall no 840
longer be a part of that authority without any further action by 841
either the political subdivisions which were included in the 842
authority prior to the adoption of the resolution submitting the 843
question to the electors or of the political subdivisions added to 844
the authority as a result of the adoption of ~~such~~ the resolution. 845
The regional transit authority reduced to its territory as it 846
existed prior to the inclusion of the additional counties, 847
municipal corporations, or townships, shall be entitled to levy 848
and collect any ad valorem or sales and use taxes which it was 849
authorized to levy and collect prior to the enlargement of its 850
territory and for which authorization has not expired, as if ~~such~~ 851
the enlargement had not occurred. 852

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

If the question of the additional or renewal tax levy is approved, ~~then~~ ~~such~~ the tax may be levied and collected as is otherwise provided for an ad valorem tax or a sales and use tax imposed by a regional transit authority, provided that if a question relating to an ad valorem tax is approved at the general election or at a special election occurring prior ~~thereto~~ to a general election, but after the fifteenth day of July, the regional transit authority may amend its budget for its next fiscal year and its resolution adopted pursuant to section 5705.34 of the Revised Code or adopt such resolution, and ~~such~~ the levy shall be placed on the current tax list and duplicate and collected as all other taxes are collected from all taxable property within the enlarged territory of the regional transit authority including the territory within each political subdivision which has been added to the regional transit authority pursuant to this section, provided further that if a question

relating to sales and use tax is approved after the fifteenth day 885
of July in any calendar year, the regional transit authority may 886
amend its budget for the current and next fiscal year and any 887
resolution adopted pursuant to section 5705.34 of the Revised 888
Code, to reflect the imposition of ~~such~~ the sales and use tax and 889
shall amend its budget for the next fiscal year and any resolution 890
adopted pursuant to section 5705.34 of the Revised Code to comply 891
with the immediately preceding paragraph. If the budget of the 892
regional transit authority is amended pursuant to this paragraph, 893
the county auditor shall prepare and deliver an amended 894
certificate of estimated resources to reflect the change in 895
anticipated revenues of the regional transit authority. 896

The procedures of this section are in addition to and an 897
alternative to those established in section 306.32 of the Revised 898
Code for joining to a regional transit authority additional 899
counties, municipal corporations, or townships. 900

Sec. 319.51. On the erection of a new township in the county, 901
the county auditor shall open an account with it, and, at ~~his~~ the 902
auditor's next semiannual settlement, credit it with all moneys 903
for taxes collected in or distributable to the territory included 904
in ~~such~~ the new township, making corresponding deductions from the 905
townships from which it was taken. The moneys so credited shall be 906
drawn by warrants in favor of the ~~township clerk~~ fiscal officer of 907
the new township. 908

Sec. 321.31. Immediately after each settlement with the 909
county auditor, on demand, and on presentation of the warrant of 910
the auditor therefor, the county treasurer shall pay to the 911
township ~~clerk~~ fiscal officer, or the treasurer of a municipal 912
corporation, school district, or any board authorized by law to 913
receive the funds or proceeds of any special tax levy, or other 914
properly designated officers delegated by the boards and 915

subdivisions to receive such funds or proceeds, all moneys in the 916
county treasury payable to such boards and subdivisions. 917
Delinquent taxes, interest, and penalties are payable in the 918
proportions prescribed in section 319.45 of the Revised Code. 919

Sec. 321.32. If a township ~~clerk~~ fiscal officer or other 920
proper officer so requires, or the board of township trustees, the 921
legislative authority of a municipal corporation, or the board of 922
education of a school district, respectively, directs, the moneys 923
described in section 321.31 of the Revised Code shall remain in 924
the county treasury, to be drawn by the proper officer on the 925
warrant of the county auditor, in sums of not less than one 926
hundred dollars. 927

If a county treasurer retains, or if a local officer permits 928
~~such~~ the moneys to remain in the treasury, in any manner other 929
than as provided by this section, ~~he~~ the county treasurer or local 930
officer shall forfeit and pay for ~~such~~ the offense not less than 931
one hundred nor more than one thousand dollars, to be recovered in 932
an action at the suit of the state, for the use of the county. 933

Sec. 321.34. (A)(1) When the local authorities by resolution 934
so request, the county auditor shall pay township ~~clerks~~ fiscal 935
officers, treasurers of municipal corporations, the treasurer of 936
any board of education, and the treasurer of any other political 937
subdivision or taxing district whose funds derived from taxes or 938
other sources are payable by law to the county treasurer, any 939
money that may be in the county treasury to the accounts of ~~such~~ 940
the local authorities, respectively, and lawfully applicable to 941
the purpose of the current fiscal year in which ~~such~~ the request 942
is made. The auditor and county treasurer shall retain any amounts 943
needed to make ~~such~~ the payments of obligations of local political 944
subdivisions or taxing districts as are required by law to be paid 945

directly by the county authorities. 946

(2)(a) For purposes of this section, in addition to the 947
moneys payable under division (A)(1) of this section, money in the 948
county treasury to the account of a board of education that is to 949
be included in the settlement required under division (C) of 950
section 321.24 of the Revised Code shall be paid to the treasurer 951
when the board of education, by resolution, so requests. 952

(b) ~~Such~~ The money becomes lawfully applicable to the 953
purposes of the fiscal year in which the request is made upon the 954
adoption of the resolution making the request if that resolution 955
specifies the board's intent to use the money for the purposes of 956
the fiscal year in which the request is made. 957

(B) The auditor, in making ~~such~~ the advance payment, shall 958
draw separate warrants for the payments for that part of the funds 959
allocated to the general fund of the subdivision and the part 960
allocated to service the debt charges of the subdivision. That 961
part of the advance payment allocated to the servicing of debt 962
charges shall be payable to the officer, board of trustees, or 963
commission of the subdivision charged with the payment and 964
retirement of the bonds and notes of such subdivision, and shall 965
be used for no other purpose. Any officer, board, or commission 966
receiving ~~such~~ the advance payment shall return a certificate, in 967
the form prescribed by the tax commissioner, to the auditor that 968
the funds so advanced and received have been paid into the bond 969
retirement fund. 970

(C) Upon the request, in like form, of any board of public 971
library trustees or board of township park commissioners for which 972
a share of the undivided classified property taxes collected in 973
the county has been allowed and fixed by the budget commission, 974
the auditor may, prior to the first day of April, in any year, pay 975
to the treasurer of ~~such~~ the board, from any undivided tax funds 976
in the county treasury, an amount not exceeding twenty-five per 977

cent of the board's share of ~~such~~ the undivided classified 978
property taxes; but the auditor and county treasurer shall retain 979
an amount sufficient to meet all other requests for payments which 980
have been made under this section or can be reasonably anticipated 981
prior to such first day of April. On or after the first day of 982
April, all amounts paid out of undivided tax funds shall be 983
reimbursed to the funds from which they have been paid and charged 984
against the share of ~~such~~ the board of library trustees or board 985
of township park commissioners in the undivided classified 986
property tax fund. 987

Sec. 345.01. The taxing authority of any municipal 988
corporation, township, or county, at any time not less than one 989
hundred days prior to a general election in any year, by a vote of 990
two-thirds of all members of the taxing authority, may, and upon 991
presentation to the clerk or fiscal officer, as the case may be, 992
of ~~such~~ the taxing authority of a petition signed by not less than 993
two per cent of the electors of the political subdivision, as 994
shown at the preceding general election held in the subdivision, 995
shall, declare by resolution that the amount of taxes which may be 996
raised within the ten-mill limitation will be insufficient to 997
provide an adequate amount for the necessary requirements of ~~such~~ 998
the subdivision, and that it is necessary to levy taxes in excess 999
of ~~such~~ the limitation for either or both of the following 1000
purposes: 1001

(A) For purchasing a site, and for erecting, equipping, and 1002
furnishing, or for establishing a memorial to commemorate the 1003
services of all members and veterans of the armed forces of the 1004
United States; 1005

(B) For the operation and maintenance of a memorial, and for 1006
the functions related ~~thereto~~ to it. 1007

~~Such~~ The resolution shall be confined to the purposes set 1008

forth in this ~~sections~~ section, and shall specify the amount of 1009
increase in rate which it is necessary to levy, the purpose of the 1010
rate increase, and the number of years during which ~~such~~ the 1011
increase shall be in effect. The increase may include a levy upon 1012
the tax duplicate of the current year. The number of years shall 1013
be any number not exceeding ten. The question of an increase in 1014
tax rate under divisions (A) and (B) of this section may be 1015
submitted to the electors on one ballot. 1016

The total tax for the purposes included in this section shall 1017
not, in any year, exceed one mill of each dollar of valuation. 1018

~~Such~~ The resolution shall go into immediate effect upon its 1019
passage, and no publication of the resolution, other than that 1020
provided for in the notice of election, shall be necessary. 1021

Sec. 503.162. (A) After certification of a resolution as 1022
provided in section 503.161 of the Revised Code, the board of 1023
elections shall submit the question of whether the township's name 1024
shall be changed to the electors of the unincorporated area of the 1025
township in accordance with division (C) of that section, and the 1026
ballot language shall be substantially as follows: 1027

"Shall the township of (name) change its name to 1028
..... (proposed name)? 1029

..... For name change 1030

..... Against name change" 1031

(B) At least forty-five days before the election on this 1032
question, the board of township trustees shall provide notice of 1033
the election and an explanation of the proposed name change in a 1034
newspaper of general circulation in the township for three 1035
consecutive weeks and shall post the notice and explanation in 1036
five conspicuous places in the unincorporated area of the 1037
township. 1038

(C) If a majority of the votes cast on the proposition of 1039
changing the township's name is in the affirmative, the name 1040
change is adopted and becomes effective ninety days after the 1041
board of elections certifies the election results to the ~~clerk~~ 1042
fiscal officer of the township. Upon receipt of the certification 1043
of the election results from the board of elections, the ~~clerk~~ 1044
fiscal officer of the township shall send a copy of that 1045
certification to the secretary of state. 1046

(D) A change in the name of a township shall not alter the 1047
rights or liabilities of the township as previously named. 1048

Sec. 503.25. ~~Forthwith,~~ Immediately after the election or 1049
appointment of township officers as provided by sections 503.22 to 1050
503.24, ~~inclusive,~~ of the Revised Code, the township ~~clerk~~ fiscal 1051
officer shall make a list of all the officers elected or 1052
appointed, stating the offices to which each is chosen or 1053
appointed, and ~~he~~ the fiscal officer shall add ~~thereto~~ to the list 1054
a requisition that ~~such~~ the officers appear before ~~him~~ the fiscal 1055
officer, or some other officer authorized to administer oaths, 1056
give bond, and take the oath of office prescribed by sections 3.22 1057
and 3.23 of the Revised Code and Section 7 of Article XV, Ohio 1058
Constitution. 1059

~~Such clerk~~ The fiscal officer shall ~~forthwith~~ immediately 1060
make service of, or deliver to any constable of the township who 1061
shall make service of, a copy of ~~such~~ the list and requisition by 1062
delivering it to each person so elected or appointed. ~~Such~~ The 1063
list and requisition, with the time and manner of service ~~thereon~~ 1064
on it, shall be returned and filed in the office of the ~~clerk~~ 1065
fiscal officer. 1066

Sec. 503.26. If a person elected or appointed to a township 1067
office takes the oath of office required by section 503.25 of the 1068

Revised Code before an officer other than the township ~~clerk~~ 1069
fiscal officer, the officer before whom it is taken, ~~forthwith,~~ 1070
shall immediately deposit with the ~~clerk~~ fiscal officer a 1071
certificate of ~~such~~ the oath. ~~Such clerk~~ The fiscal officer shall 1072
make a record of all official oaths. 1073

Sec. 503.29. Resolutions of the type described in division 1074
(B) of section 503.65 of the Revised Code may be proposed by 1075
initiative petition by the electors of a township and adopted by 1076
election by these electors, under the same circumstances, in the 1077
same manner, and subject to the same penalties as provided in 1078
sections 731.28 to 731.40 and section 731.99 of the Revised Code 1079
for ordinances and other measures of municipal corporations, 1080
insofar as those sections are applicable to townships, except as 1081
follows: 1082

(A) The board of township trustees shall perform the duties 1083
imposed on the legislative authority of the municipal corporation 1084
under those sections. 1085

(B) Initiative petitions shall be filed with the township 1086
~~clerk~~ fiscal officer, who shall perform the duties imposed under 1087
those sections upon the city auditor or village clerk. 1088

(C) Initiative petitions shall contain the signatures of 1089
electors of the township equal in number to at least ten per cent 1090
of the total vote cast in the township for the office of governor 1091
at the most recent general election for that office. 1092

(D) Each signer of an initiative petition shall be an elector 1093
of the township in which the election on the proposed resolution 1094
is to be held. 1095

Sec. 503.41. (A) A board of township trustees, by resolution, 1096
may regulate and require the registration of massage 1097
establishments and their employees within the unincorporated 1098

territory of the township. In accordance with sections 503.40 to 1099
503.49 of the Revised Code, for that purpose, the board, by a 1100
majority vote of all members, may adopt, amend, administer, and 1101
enforce regulations within the unincorporated territory of the 1102
township. 1103

(B) A board may adopt regulations and amendments under this 1104
section only after public hearing at not fewer than two regular 1105
sessions of the board. The board shall cause to be published in at 1106
least one newspaper of general circulation in the township notice 1107
of the public hearings, including the time, date, and place, once 1108
a week for two weeks immediately preceding the hearings. The board 1109
shall make available proposed regulations or amendments to the 1110
public at the office of the board. 1111

(C) Regulations or amendments adopted by the board are 1112
effective thirty days after the date of adoption unless, within 1113
thirty days after the adoption of the regulations or amendments, 1114
the township ~~clerk~~ fiscal officer receives a petition, signed by a 1115
number of qualified electors residing in the unincorporated area 1116
of the township equal to not less than ten per cent of the total 1117
vote cast for all candidates for governor in the area at the most 1118
recent general election at which a governor was elected, 1119
requesting the board to submit the regulations or amendments to 1120
the electors of the area for approval or rejection at the next 1121
primary or general election occurring at least seventy-five days 1122
after the board receives the petition. 1123

No regulation or amendment for which the referendum vote has 1124
been requested is effective unless a majority of the vote cast on 1125
the issue is in favor of the regulation or amendment. Upon 1126
certification by the board of elections that a majority of the 1127
votes cast on the issue was in favor of the regulation or 1128
amendment, the regulation or amendment takes immediate effect. 1129

(D) The board shall make available regulations it adopts or 1130

amends to the public at the office of the board and shall cause to
be published a notice of the availability of the regulations in at
least one newspaper of general circulation in the township within
ten days after their adoption or amendment.

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

Sec. 503.52. (A) A board of township trustees, by resolution,
may regulate and require the registration of adult cabarets within
the unincorporated territory of the township. In accordance with
sections 503.51 to 503.59 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 1162
number of qualified electors residing in the unincorporated area 1163
of the township equal to not less than ten per cent of the total 1164
number of votes cast in that area for all candidates for the 1165
office of governor at the most recent general election for that 1166
office, requesting the board to submit the regulations or 1167
amendments to the electors of the area for approval or rejection 1168
at the next primary or general election occurring at least 1169
seventy-five days after the board receives the petition. 1170

No regulation or amendment for which the referendum vote has 1171
been requested is effective unless a majority of the votes cast on 1172
the issue is in favor of the regulation or amendment. Upon 1173
certification by the board of elections that a majority of the 1174
votes cast on the issue was in favor of the regulation or 1175
amendment, the regulation or amendment takes immediate effect. 1176

(D) The board shall make available regulations it adopts or 1177
amends to the public at the office of the board and shall cause to 1178
be published a notice of the availability of the regulations in at 1179
least one newspaper of general circulation in the township within 1180
ten days after their adoption or amendment. 1181

Sec. 504.06. (A) Peace officers serving the township pursuant 1182
to section 504.16 of the Revised Code may issue citations to 1183
persons who violate township resolutions adopted pursuant to this 1184
chapter. Each ~~such~~ citation shall contain provisions that: 1185

(1) Advise the person upon whom it is served that the person 1186
must answer in relation to the violation charged in the citation 1187
within fourteen days after the citation is served upon ~~him~~ the 1188
person; 1189

(2) Indicate the allowable answers that may be made and that 1190
the person will be afforded a court hearing if ~~he~~ the person 1191

denies in ~~his~~ the person's answer ~~that he~~ having committed the 1192
violation; 1193

(3) Specify that the answer must be made in person or by mail 1194
to the township ~~clerk~~ fiscal officer; 1195

(4) Indicate the amount of the fine that arises from the 1196
violation. 1197

(B) A peace officer who issues a citation for a violation of 1198
a township resolution shall complete the citation by identifying 1199
the violation charged and by indicating the date, time, and place 1200
of the violation charged. The officer shall sign the citation, 1201
affirm the facts that it contains, and without unnecessary delay 1202
file the original citation with the court having jurisdiction over 1203
the violation. A copy of a citation issued pursuant to this 1204
section shall be served pursuant to the Rules of Civil Procedure 1205
upon the person who violated the resolution. No peace officer is 1206
entitled to receive witness fees in a cause prosecuted under a 1207
township resolution adopted pursuant to this chapter. 1208

Sec. 504.07. (A)(1) A person who is served with a citation 1209
pursuant to division (B) of section 504.06 of the Revised Code 1210
shall answer the charge by personal appearance before, or by mail 1211
addressed to, the township ~~clerk~~ fiscal officer, who shall 1212
immediately notify the township law director. An answer shall be 1213
made within fourteen days after the citation is served upon the 1214
person and shall be in one of the following forms: 1215

(a) An admission that the person committed the violation, by 1216
payment of any fine arising from the violation. Payment of a fine 1217
pursuant to division (A)(1)(a) of this section shall be payable to 1218
the ~~clerk~~ fiscal officer of the township and deposited by the 1219
~~clerk~~ fiscal officer into the township general fund. 1220

(b) A denial that the person committed the violation. 1221

(2) Whenever a person pays a fine pursuant to division 1222
(A)(1)(a) of this section or whenever a person answers by denying 1223
the violation or does not submit payment of the fine within the 1224
time required by division (A)(1) of this section, the township 1225
~~clerk~~ fiscal officer shall notify the court having jurisdiction 1226
over the violation. 1227

(B) If a person answers by denying the violation or does not 1228
submit payment of the fine within the time required by division 1229
(A)(1) of this section, the court having jurisdiction over the 1230
violation shall, upon receiving the notification required by 1231
division (A)(2) of this section, schedule a hearing on the 1232
violation and send notice of the date and time of the hearing to 1233
the person charged with the violation and to the township law 1234
director. If the person charged with the violation fails to appear 1235
for the scheduled hearing, the court may hold ~~him~~ the person in 1236
contempt, or issue a summons or a warrant for ~~his~~ the person's 1237
arrest pursuant to Criminal Rule 4. If the court issues a summons 1238
and the person charged with the violation fails to appear, the 1239
court may enter a default judgment against the person and require 1240
~~him~~ the person to pay the fine arising from the violation. 1241

(C) The court shall hold the scheduled hearing in accordance 1242
with the Rules of Civil Procedure and the rules of the court, and 1243
shall determine whether the township has established, by a 1244
preponderance of the evidence, that the person committed the 1245
violation. If the court determines that the person committed the 1246
violation, it shall enter a judgment against the person requiring 1247
~~him~~ the person to pay the fine arising from the violation. 1248

If the court determines that the township has not 1249
established, by a preponderance of the evidence, that the person 1250
committed the violation, the court shall enter judgment against 1251
the township whose resolution allegedly was violated, shall 1252
dismiss the charge of the violation against the person, and shall 1253

assess costs against the township.

1254

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

1255

1256

1257

1258

1259

1260

1261

1262

1263

1264

1265

1266

1267

(E) Any person against whom a judgment or default judgment is
entered pursuant to this section and any township against which a
judgment is entered pursuant to this section may appeal the
judgment or default judgment to the court of appeals within whose
territorial jurisdiction the resolution allegedly was violated. An
appeal shall be made by filing a notice of appeal with the trial
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.

1268

1269

1270

1271

1272

1273

1274

1275

1276

1277

1278

1279

1280

1281

1282

1283

1284

1285

Notwithstanding any other provision of law, the judgment on 1286
appeal of the court of appeals is final. 1287

Sec. 504.11. (A) The vote on the question of passage of a 1288
resolution provided for in section 504.10 of the Revised Code or a 1289
motion related to that resolution shall be taken by yeas and nays 1290
and entered on the journal, and the resolution or motion shall not 1291
be passed without concurrence of a majority of all members of the 1292
board of township trustees, except that each emergency resolution 1293
under that section shall require the affirmative vote of all of 1294
the members of the board for its enactment. If an emergency 1295
resolution fails to receive the required vote for passage as an 1296
emergency measure but receives the necessary majority for passage 1297
as a nonemergency resolution, it shall be considered passed as a 1298
nonemergency resolution. Except as otherwise provided in division 1299
(B) of this section, a resolution shall become effective thirty 1300
days after it is filed with the township ~~clerk~~ fiscal officer. 1301
Each emergency resolution shall determine that the resolution is 1302
necessary for the immediate preservation of the public peace, 1303
health, safety, or welfare and shall contain a statement of the 1304
necessity for the emergency. Each resolution shall be 1305
authenticated by the signature of the township ~~clerk~~ fiscal 1306
officer, but the failure or refusal of the ~~clerk~~ fiscal officer to 1307
sign a resolution shall not invalidate an otherwise properly 1308
enacted resolution. 1309

(B) Each resolution appropriating money, submitting a 1310
question to the electorate, determining to proceed with an 1311
election, or providing for the approval of a revision, 1312
codification, recodification, or rearrangement of resolutions, or 1313
publication of resolutions in book form, and any emergency 1314
resolution, shall take effect, unless a later time is specified in 1315
the resolution, ten days after it is filed with the township ~~clerk~~ 1316

fiscal officer. 1317

(C) Each resolution shall be recorded in a book, or other 1318
record prescribed by the board, established and maintained for 1319
that purpose. The township ~~clerk~~ fiscal officer or a duly 1320
authorized deputy to the ~~clerk~~ fiscal officer shall, upon the 1321
request of any person and upon the payment of a fee established by 1322
the board, certify true copies of any resolution, and these 1323
certified copies shall be admissible as evidence in any court. 1324

(D) The procedures provided in this section apply only to 1325
resolutions adopted pursuant to a township's limited home rule 1326
powers as authorized by this chapter. 1327

Sec. 504.12. No resolution and no section or numbered or 1328
lettered division of a section shall be revised or amended unless 1329
the new resolution contains the entire resolution, section, or 1330
division as revised or amended, and the resolution, section, or 1331
division so amended shall be repealed. This requirement does not 1332
prevent the amendment of a resolution by the addition of a new 1333
section, or division, and in this case the full text of the former 1334
resolution need not be set forth, nor does this section prevent 1335
repeals by implication. Except in the case of a codification or 1336
recodification of resolutions, a separate vote shall be taken on 1337
each resolution proposed to be amended. Resolutions that have been 1338
introduced and have received their first reading or their first 1339
and second readings, but have not been voted on for passage, may 1340
be amended or revised by a majority vote of the members of the 1341
board of township trustees, and the amended or revised resolution 1342
need not receive additional readings. 1343

The board of township trustees of a limited home rule 1344
township may revise, codify, and publish in book form the 1345
resolutions of the township in the same manner as provided in 1346
section 731.23 of the Revised Code for municipal corporations. 1347

Resolutions adopted by the board shall be published in the same
manner as provided by sections 731.21, 731.22, 731.24, 731.25, and
731.26 of the Revised Code for municipal corporations, except that
they shall be published in newspapers circulating within the
township. The ~~clerk~~ fiscal officer of the township shall perform
the duties that the clerk of the legislative authority of a
municipal corporation is required to perform under those sections.

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

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

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

(B) Initiative and referendum petitions shall contain the
signatures of not less than ten per cent of the total number of
electors in the unincorporated area of the township who voted for
the office of governor at the most recent general election for
that office in that area of the township.

Sec. 504.19. (A) The board of township trustees may prepare
and adopt a general plan of water supply or sewer services. After

the general plan has been approved by the board, the board 1378
immediately shall notify the board of county commissioners if 1379
territory served by a county water supply facility or a county 1380
sewer district includes territory to be covered by the plan, the 1381
legislative authority of a municipal corporation that operates a 1382
water supply or sewer system in any of the territory to be covered 1383
by the plan, and the board of trustees of any existing regional 1384
water and sewer district that includes any territory to be covered 1385
by the plan, of the township's intention to provide water supply 1386
or sewer services and shall describe the area where the township 1387
proposes to provide water supply or sewer services. The notified 1388
board of county commissioners, legislative authority of a 1389
municipal corporation, and board of trustees of the regional water 1390
and sewer district then have thirty days from the date of 1391
notification to comment and object in writing to the township's 1392
provision of water supply or sewer services. An objection may be 1393
based on one or more of the following: 1394

(1) The county, municipal corporation, or special district 1395
already provides the proposed water supply or sewer services to 1396
the area to be served. 1397

(2) The county, municipal corporation, or special district 1398
has in its service plan provisions to provide the proposed water 1399
supply or sewer services in the future to the proposed area within 1400
a reasonable period of time. 1401

Within fifteen days after receiving objections, the board of 1402
township trustees may request in writing submitted to the 1403
objecting party that the issue of the township's provision of the 1404
proposed water supply or sewer services be mediated. The mediation 1405
shall be performed either by the Ohio commission on dispute 1406
resolution and conflict management or by having each party select 1407
a mediator and having those two mediators select a third mediator 1408
who, together with the other two mediators, shall conduct the 1409

mediation. 1410

Within forty-five days after the request for mediation is 1411
submitted, any mediation shall be completed, and any agreements 1412
reached between the parties shall be filed in writing with the 1413
parties. Thereafter, the respective governing boards may adopt the 1414
agreements, making those agreements binding on the parties, or, if 1415
one or more of the agreed-upon points is rejected, that rejection 1416
shall be considered a final decision of a governing board for 1417
purposes of Chapter 2506. of the Revised Code, and the board of 1418
township trustees may file an appeal under that chapter regarding 1419
its provision of the proposed water supply or sewer services. In 1420
addition to any findings of the court provided in section 2506.04 1421
of the Revised Code, the court may determine that the county, 1422
municipal corporation, or special district has not met the 1423
criteria specified in divisions (A)(1) and (2) of this section 1424
and, therefore, the township may provide its proposed water supply 1425
or sewer services or, in the alternative, may determine that the 1426
township could provide the proposed water supply or sewer services 1427
more expediently than the county, municipal corporation, or 1428
special district with no substantial increase in cost to the users 1429
of the water supply or sewer services and, therefore, order that 1430
the township may provide its proposed water supply or sewer 1431
services. 1432

(B) Once the board has approved a general plan of water 1433
supply or sewer services under division (A) of this section, the 1434
board shall hire an engineer to prepare detailed plans, 1435
specifications, and estimates of the cost of the improvements, 1436
together with a tentative assessment of the cost based on the 1437
estimates. The tentative assessment shall be for the information 1438
of property owners and shall not be certified to the county 1439
auditor for collection. The detailed plans, specifications, 1440
estimates of cost, and tentative assessment, as prepared by the 1441

engineer and approved by the board, shall be preserved in the 1442
office of the board and shall be open to inspection of all persons 1443
interested in the improvements. 1444

(C) Once it has been determined under division (A) of this 1445
section that a township may provide its proposed water supply or 1446
sewer services, the board may appropriate for the use of the 1447
township any public or private land, easement, rights, 1448
rights-of-way, franchises, or other property within or outside the 1449
township required by it for the accomplishment of its purposes. 1450
Except as provided in division (D) of this section, the 1451
appropriation shall be according to the procedure set forth in 1452
sections 163.01 to 163.22 of the Revised Code. The engineer hired 1453
by the board may enter upon any public or private property for the 1454
purpose of making surveys and examinations necessary for the 1455
design or examination of water supply or sewer facilities. No 1456
person shall forbid or interfere with the engineer or the 1457
engineer's authorized assistants entering upon property for these 1458
purposes. If actual damage is done to property by the making of a 1459
survey and examination, the board shall pay the reasonable value 1460
of the damage to the owner of the property damaged, and the cost 1461
shall be included in the assessment upon the property benefited by 1462
the improvement. 1463

(D)(1) For purposes of this division, either of the following 1464
constitutes a public exigency: 1465

(a) A finding by the director of environmental protection 1466
that a public health nuisance caused by an occasion of unavoidable 1467
urgency and suddenness due to unsanitary conditions compels the 1468
immediate construction of sewers for the protection of the public 1469
health and welfare; 1470

(b) The issuance of an order by the board of health of a 1471
health district to mitigate or abate a public health nuisance that 1472

is caused by an occasion of unavoidable urgency and suddenness due
to unsanitary conditions and compels the immediate construction of
sewers for the protection of the public health and welfare.

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

The board of township trustees shall fix in its resolution
what it considers to be the value of the property to be
appropriated, which shall be the board's determination of the
compensation for the property and shall be supported by an
independent appraisal, together with any damages to the residue.
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
be levied upon each lot or parcel of land to the county auditor,
who shall enter the amounts on the tax duplicate, to be collected
as other taxes. The principal shall be payable in not more than
forty semiannual installments, as determined by the board. Any
assessment in the amount of twenty-five dollars or less, or of
which the unpaid balance is twenty-five dollars or less, shall be
paid in full and not in installments, at the time the first or
next installment otherwise would become due and payable.
Assessments are a lien upon the respective lots or parcels of land
assessed from the date of adoption of the resolution under
division (E) of this section. If bonds are issued to pay the

compensation, damages, and the costs of an improvement, the 1537
principal amount of the assessment shall be payable in such number 1538
of semiannual installments and in such amounts as the board 1539
determines to be necessary to provide a fund for the payment of 1540
the principal of and interest on the bonds and shall bear interest 1541
from the date of the issuance of the bonds and at the same rate as 1542
the bonds. 1543

(G) Any owner of property to be assessed for any water supply 1544
facilities or sewer services improvement project, or other person 1545
aggrieved by the action of the board in regard to any water supply 1546
facilities or sewer services improvement project, may appeal to 1547
the court of common pleas, in the manner prescribed by Chapter 1548
2506. of the Revised Code. 1549

(H) When collected, the assessments shall be paid by the 1550
county auditor by warrant of the county treasurer into a special 1551
fund in the township treasury created for the purpose of 1552
constructing, improving, maintaining, and operating water supply 1553
facilities or sewer improvements. The board may expend moneys from 1554
the fund only for the purposes for which the assessments were 1555
levied. 1556

Sec. 504.20. (A) For the purpose of supplying water and 1557
providing sewer services to users within the unincorporated area 1558
of the township under a plan adopted pursuant to section 504.19 of 1559
the Revised Code, the board of township trustees by resolution may 1560
acquire, construct, maintain, improve, repair, operate, and pay 1561
all or any part of the costs of water supply facilities or sewer 1562
improvements. If the best interests of the township and the users 1563
of the water supply facilities or sewer services so require, the 1564
board may sell or otherwise dispose of a water supply facility or 1565
sewer improvement. 1566

(B) To cover the costs of acquiring, constructing, 1567

maintaining, improving, repairing, or operating a water supply 1568
facility or sewer improvement, the board may issue general 1569
obligation bonds of the township in accordance with Chapter 133. 1570
of the Revised Code, for which the full faith and credit of the 1571
township shall be pledged. 1572

(C) For the purpose of paying costs of constructing or 1573
otherwise improving a water supply facility or sewer improvement 1574
and paying debt service charges on voted or unvoted securities of 1575
the township issued for those purposes, and for paying costs of 1576
operating, repairing, and maintaining a water supply facility or 1577
sewer improvement, the board may charge, alter, and collect rents 1578
and other charges for the use of services of a water supply 1579
facility or sewer improvement, which rents and charges if not paid 1580
when due may be certified by the township ~~clerk~~ fiscal officer to 1581
the county auditor, who shall place the same on the tax duplicate 1582
to be collected as other taxes. Those rents and charges are a lien 1583
on the property served from and after the date of entry by the 1584
county auditor on the tax duplicate. 1585

(D) The costs of constructing or otherwise improving a water 1586
supply facility or sewer improvement may include any of the 1587
following: 1588

(1) The purchase price of real estate or any interest in real 1589
estate; 1590

(2) The cost of preliminary and other surveys; 1591

(3) The cost of preparing plans, specifications, profiles, 1592
and estimates; 1593

(4) The cost of printing, serving, and publishing notices and 1594
any required legislation; 1595

(5) The cost of all special proceedings; 1596

(6) The cost of labor and material, whether furnished by 1597

contract or otherwise; 1598

(7) Interest on bonds or notes issued in anticipation of the 1599
levy or collection of special assessments; 1600

(8) The total amount of damages resulting from the project 1601
that are assessed in favor of any owners of lands affected by the 1602
project and any interest on those damages; 1603

(9) The cost incurred in connection with the preparation, 1604
levy, and collection of the special assessments, including legal 1605
expenses incurred by reason of the project; 1606

(10) All contract construction costs; 1607

(11) Incidental costs connected with the project. 1608

(E) The board may adopt, amend, rescind, publish, administer, 1609
and enforce rules for the construction, maintenance, operation, 1610
protection, and use of water supply facilities and sewer services, 1611
that are considered necessary and advisable. The rules shall not 1612
be inconsistent with the laws of the state or the rules of the 1613
environmental protection agency. The board may enforce the rules 1614
by mandamus, injunction, or other legal remedy. 1615

Sec. 505.03. Whenever ~~he~~ the judge deems it necessary, and on 1616
application of at least twelve freeholders of the township, the 1617
judge of the county or municipal court ~~or municipal judge~~ having 1618
jurisdiction in the township who approves the bond may require 1619
additional security or the execution of a new bond. If a trustee 1620
fails, for ten days, to give additional security or execute a new 1621
bond after service of ~~such~~ the notice in writing, the office shall 1622
be declared vacant and filled as required by section 503.24 of the 1623
Revised Code. ~~Such~~ The original bond or new bond shall be 1624
deposited with the township ~~clerk~~ fiscal officer and recorded by 1625
~~him~~ the fiscal officer. 1626

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

Sec. 505.07. Notwithstanding any contrary provision in another section of the Revised Code, section 519.12 of the Revised Code, or any vote of the electors on a petition for zoning referendum, a township may settle any court action by a consent decree or court-approved settlement agreement which may include an agreement to rezone any property involved in the action as provided in the decree or court-approved settlement agreement without following the procedures in section 519.12 of the Revised Code and also may include township approval of a development plan for any property involved in the action as provided in the decree or court-approved settlement agreement, provided that the court makes specific findings of fact that notice has been properly made pursuant to this section and the consent decree or court-approved settlement agreement is fair and reasonable.

If the subject of the consent decree or court-approved settlement agreement involves a zoning issue subject to referendum under section 519.12 of the Revised Code, the board of township trustees shall publish notice of their intent to meet and consider and take action on the decree or court-approved settlement agreement and the date and time of the meeting in a newspaper of general circulation in the township at least fifteen days before the meeting. The board shall permit members of the public to express their objections to the consent decree or court-approved settlement agreement at the meeting. Copies of the proposed

consent decree or court-approved settlement agreement shall be 1658
available to the public at the township ~~clerk's~~ fiscal officer's 1659
office during normal business hours. 1660

At least ten days prior to the submission of a proposed 1661
consent decree or settlement agreement to the court for its review 1662
and consideration, the plaintiff in the action involving the 1663
consent decree or settlement agreement shall publish a notice that 1664
shall include the caption of the case, the case number, and the 1665
court in which the consent decree or settlement agreement will be 1666
filed, the intention of the parties in the action to file a 1667
consent decree or settlement agreement, and, when applicable, a 1668
description of the real property involved and the proposed change 1669
in zoning or permitted use, in a newspaper of general circulation 1670
in the township. 1671

Sec. 505.108. Except as otherwise provided in this section 1672
and unless the property involved is required to be disposed of 1673
pursuant to another section of the Revised Code, property that is 1674
unclaimed for ninety days or more shall be sold by the chief of 1675
police or other head of the organized police department of the 1676
township, township police district, joint township police 1677
district, or office of a township constable at public auction, 1678
after notice of the sale has been provided by publication once a 1679
week for three successive weeks in a newspaper of general 1680
circulation in the county, or counties, if appropriate, in the 1681
case of a joint township police district. The proceeds of the sale 1682
shall be paid to the ~~clerk~~ fiscal officer of the township and 1683
credited to the township general fund, except that, in the case of 1684
a joint township police district, the proceeds of a sale shall be 1685
paid to the ~~clerk~~ fiscal officer of the most populous 1686
participating township and credited to the appropriate township 1687
general fund or funds according to agreement of the participating 1688

townships. 1689

If authorized to do so by a resolution adopted by the board 1690
of township trustees or, in the case of a joint township police 1691
district, each participating board of township trustees, and if 1692
the property involved is not required to be disposed of pursuant 1693
to another section of the Revised Code, the head of the 1694
department, district, or office may contribute property that is 1695
unclaimed for ninety days or more to one or more public agencies, 1696
to one or more nonprofit organizations no part of the net income 1697
of which inures to the benefit of any private shareholder or 1698
individual and no substantial part of the activities of which 1699
consists of carrying on propaganda or otherwise attempting to 1700
influence legislation, or to one or more organizations satisfying 1701
section 501(c)(3) or (c)(19) of the Internal Revenue Code of 1986. 1702

Sec. 505.11. (A) Whenever the provisions of division (B) of 1703
this section do not apply, and when, in its opinion, the township 1704
would be benefited, the board of township trustees may lease 1705
township real property to any person upon terms agreed upon by the 1706
board and the lessee. Any consideration received from ~~such a~~ the 1707
lease shall be payable, as prescribed in the lease, to the 1708
township ~~clerk~~ fiscal officer, who shall give a receipt for the 1709
amount received and deposit it in the township general fund. 1710

(B) When, in its opinion, the township would be benefited, 1711
the board of township trustees may execute and deliver contracts 1712
or leases to mine iron ore, stone, coal, petroleum, gas, salt, and 1713
other minerals upon lands owned by the township, to any person 1714
complying with the terms prescribed by the board as to 1715
consideration, rights of way, and occupancy of ground for 1716
necessary purposes. All other matters of contract shall be such as 1717
the board considers most advantageous to the township. ~~Such~~ The 1718
contracts or leases shall be forfeited to the township for 1719

noncompliance with any of the terms set forth in the contracts or 1720
leases, and shall not operate as a conveyance of the fee to any 1721
part of the realty. No contract or lease for the drilling or 1722
operation of a petroleum or gas well shall be valid for a longer 1723
term than forty years from the date of the contract or lease, and 1724
no contract or lease for the mining of iron ore, stone, coal, 1725
salt, or other minerals shall be valid for a longer term than 1726
fifteen years from that date. The consideration for the contracts 1727
and leases shall be ~~such~~ rental or royalty as is prescribed by the 1728
board, and shall be payable, as prescribed in the contract or 1729
lease, at least once a year to the township ~~clerk~~ fiscal officer, 1730
who shall give a receipt for ~~such~~ the amount and deposit it in the 1731
township general fund. 1732

Sec. 505.17. (A) Except in a township or portion ~~thereof~~ of a 1733
township that is within the limits of a municipal corporation, the 1734
board of township trustees may make ~~such~~ regulations and orders as 1735
are necessary to control passenger car, motorcycle, and internal 1736
combustion engine noise, as permitted under section 4513.221 of 1737
the Revised Code, and all vehicle parking in the township. This 1738
authorization includes, among other powers, the power to regulate 1739
parking on established roadways proximate to buildings on private 1740
property as necessary to provide access to the property by public 1741
safety vehicles and equipment, if the property is used for 1742
commercial purposes, the public is permitted to use ~~such~~ the 1743
parking area, and accommodation for more than ten motor vehicles 1744
is provided, and the power to authorize the issuance of orders 1745
limiting or prohibiting parking on any township street or highway 1746
during a snow emergency declared pursuant to a snow-emergency 1747
authorization adopted under this division. All such regulations 1748
and orders shall be subject to the limitations, restrictions, and 1749
exceptions in sections 4511.01 to 4511.76 and 4513.02 to 4513.37 1750
of the Revised Code. 1751

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

(2) Pursuant to the adoption of a snow-emergency authorization under this section, an order declaring a snow emergency becomes effective two hours after the president of the board or the other person specified in the general snow-emergency authorization makes an announcement of a snow emergency to the local news media. The president or other specified person shall request the local news media to announce that a snow emergency has been declared, the time the declaration will go into effect, and

whether the snow emergency will remain in effect for a specified 1784
period of time or indefinitely until canceled by a subsequent 1785
announcement to the local news media by the president or other 1786
specified person. 1787

(C) Such regulations and orders may be enforced where traffic 1788
control devices conforming to section 4511.09 of the Revised Code 1789
are prominently displayed. Parking regulations authorized by this 1790
section do not apply to any state highway unless the parking 1791
regulations are approved by the director of transportation. 1792

(D) A board of township trustees or its designated agent may 1793
order into storage any vehicle parked in violation of a township 1794
parking regulation or order, if the violation is not one that is 1795
required to be handled pursuant to Chapter 4521. of the Revised 1796
Code. The owner or any lienholder of a vehicle ordered into 1797
storage may claim the vehicle upon presentation of proof of 1798
ownership, which may be evidenced by a certificate of title to the 1799
vehicle, and payment of all expenses, charges, and fines incurred 1800
as a result of the parking violation and removal and storage of 1801
the vehicle. 1802

(E) Whoever violates any regulation or order adopted pursuant 1803
to this section is guilty of a minor misdemeanor, unless the 1804
township has enacted a regulation pursuant to division (A) of 1805
section 4521.02 of the Revised Code, that specifies that the 1806
violation shall not be considered a criminal offense and shall be 1807
handled pursuant to Chapter 4521. of the Revised Code. Fines 1808
levied and collected under this section shall be paid into the 1809
township general revenue fund. 1810

Sec. 505.24. Each township trustee is entitled to 1811
compensation as follows: 1812

(A) Except as otherwise provided in division (B) of this 1813

section, an amount for each day of service in the business of the township, to be paid from the township treasury as follows:	1814 1815
(1) In townships having a budget of fifty thousand dollars or less, twenty dollars per day for not more than two hundred days;	1816 1817
(2) In townships having a budget of more than fifty thousand but not more than one hundred thousand dollars, twenty-four dollars per day for not more than two hundred days;	1818 1819 1820
(3) In townships having a budget of more than one hundred thousand but not more than two hundred fifty thousand dollars, twenty-eight dollars and fifty cents per day for not more than two hundred days;	1821 1822 1823 1824
(4) In townships having a budget of more than two hundred fifty thousand but not more than five hundred thousand dollars, thirty-three dollars per day for not more than two hundred days;	1825 1826 1827
(5) In townships having a budget of more than five hundred thousand but not more than seven hundred fifty thousand dollars, thirty-five dollars per day for not more than two hundred days;	1828 1829 1830
(6) In townships having a budget of more than seven hundred fifty thousand but not more than one million five hundred thousand dollars, forty dollars per day for not more than two hundred days;	1831 1832 1833
(7) In townships having a budget of more than one million five hundred thousand but not more than three million five hundred thousand dollars, forty-four dollars per day for not more than two hundred days;	1834 1835 1836 1837
(8) In townships having a budget of more than three million five hundred thousand dollars but not more than six million dollars, forty-eight dollars per day for not more than two hundred days;	1838 1839 1840 1841
(9) In townships having a budget of more than six million dollars, fifty-two dollars per day for not more than two hundred	1842 1843

days.	1844
(B) Beginning in calendar year 1999, the amounts paid as specified in division (A) of this section shall be replaced by the following amounts:	1845 1846 1847
(1) In calendar year 1999, the amounts specified in division (A) of this section increased by three per cent;	1848 1849
(2) In calendar year 2000, the amounts determined under division (B)(1) of this section increased by three per cent;	1850 1851
(3) In calendar year 2001, the amounts determined under division (B)(2) of this section increased by three per cent;	1852 1853
(4) In calendar year 2002, except in townships having a budget of more than six million dollars, the amounts determined under division (B)(3) of this section increased by three per cent; in townships having a budget of more than six million but not more than ten million dollars, seventy dollars per day for not more than two hundred days; and in townships having a budget of more than ten million dollars, ninety dollars per day for not more than two hundred days;	1854 1855 1856 1857 1858 1859 1860 1861
(5) In calendar years 2003 through 2008, the amounts determined under division (B) of this section for the immediately preceding calendar year increased by the lesser of the following:	1862 1863 1864
(a) Three per cent;	1865
(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;	1866 1867 1868 1869
(6) In calendar year 2009 and thereafter, the amount determined under division (B) of this section for calendar year 2008.	1870 1871 1872
As used in division (B) of this section, "consumer price	1873

index" has the same meaning as in section 325.18 of the Revised Code. 1874
1875

(C) Whenever members of a board of township trustees are 1876
compensated per diem and not by annual salary, the board shall 1877
establish, by resolution, a method by which each member of the 1878
board shall periodically notify the township ~~clerk~~ fiscal officer 1879
of the number of days spent in the service of the township and the 1880
kinds of services rendered on those days. The per diem 1881
compensation shall be paid from the township general fund or from 1882
other township funds in such proportions as the kinds of services 1883
performed may require. The notice shall be filed with the township 1884
~~clerk~~ fiscal officer and preserved for inspection by any persons 1885
interested. 1886

By unanimous vote, a board of township trustees may adopt a 1887
method of compensation consisting of an annual salary to be paid 1888
in equal monthly payments. If the office of trustee is held by 1889
more than one person during any calendar year, each person holding 1890
the office shall receive payments for only those months, and any 1891
fractions of those months, during which the person holds the 1892
office. The amount of the annual salary approved by the board 1893
shall be no more than the maximum amount that could be received 1894
annually by a trustee if the trustee were paid on a per diem basis 1895
as specified in this division, and shall be paid from the township 1896
general fund or from other township funds in such proportions as 1897
the board may specify by resolution. A board of township trustees 1898
that has adopted a salary method of compensation may return to a 1899
method of compensation on a per diem basis as specified in this 1900
division by a majority vote. Any change in the method of 1901
compensation shall be effective on the first day of January of the 1902
year following the year during which the board has voted to change 1903
the method of compensation. 1904

Sec. 505.262. (A) Notwithstanding division (D) of section 1905
505.37 of the Revised Code or any other statute of this state, the 1906
board of township trustees of any township, by unanimous vote, may 1907
adopt a resolution allowing the township to contract for the 1908
purchase of equipment, buildings, and sites, or for the 1909
construction of buildings, for any lawful township purpose. The 1910
board may issue, by resolution adopted by unanimous vote, 1911
securities of the township to finance purchases and construction 1912
made pursuant to this division. The securities shall be signed by 1913
the board and attested by the signature of the township ~~clerk~~ 1914
fiscal officer, and the maximum maturity of those securities is 1915
subject to the limitations in section 133.20 of the Revised Code. 1916
The securities shall bear interest not to exceed the rate 1917
determined as provided in section 9.95 of the Revised Code and 1918
shall not be subject to Chapter 133. of the Revised Code. The 1919
resolution authorizing the issuance of the securities shall 1920
provide for levying and collecting annually by taxation, amounts 1921
sufficient to pay the interest on and principal of the securities. 1922
The securities may contain a clause permitting prepayment at the 1923
option of the board. Securities shall be offered for sale on the 1924
open market or given to the vendor or contractor if no sale is 1925
made. 1926

(B) No purchase or construction pursuant to division (A) of 1927
this section shall be undertaken unless the county auditor 1928
certifies that, if the purchase or construction is undertaken, the 1929
debt service charge for the purchase or construction in the first 1930
year, together with the debt service charge for that same year for 1931
any other purchase or construction already undertaken pursuant to 1932
division (A) of this section, does not exceed one-tenth of the 1933
township's total revenue from all sources. If the county auditor 1934
so certifies, in every year of the debt after the first year, the 1935
county budget commission shall include a debt charge in the 1936

township's annual tax budget submitted pursuant to sections 1937
5705.01 to 5705.47 of the Revised Code sufficient to meet the 1938
annual debt incurred pursuant to division (A) of this section, if 1939
~~such~~ the debt charge is omitted from the budget. 1940

Sec. 505.31. (A) Except as otherwise provided in division (B) 1941
of this section, the township ~~clerk~~ fiscal officer shall collect 1942
the service charges for waste disposal service and administer them 1943
under rules established by the board of township trustees. All of 1944
those service charges shall be kept in a separate fund designated 1945
as the waste collection fund and shall be appropriated and 1946
administered by the board. The fund shall be used for payment of 1947
the costs of the management, maintenance, and operation of the 1948
garbage and refuse collection and disposal system in the township 1949
or several waste disposal districts. The board also may use the 1950
fund for payment of the costs incurred by the township in relation 1951
to the collection and disposal of tree leaves. 1952

1953
Service charges for waste disposal service collected from one 1954
district cannot be used for any other district. If a district is 1955
abandoned or discontinued, any balance remaining in the fund for 1956
that district shall be paid into the general fund of the township. 1957

(B) When a board of township trustees contracts with an 1958
independent contractor for the collection, transfer, and disposal 1959
of solid wastes under section 505.27 of the Revised Code, the 1960
contract may provide for the independent contractor to collect and 1961
keep the service charges for the waste disposal services the 1962
contractor provides. 1963

Sec. 505.32. For the services arising in each fiscal year 1964
under sections 505.27 to 505.33, ~~inclusive,~~ of the Revised Code, 1965
the township ~~clerk~~ fiscal officer shall be allowed ~~such~~ the 1966

compensation ~~as is~~ fixed by the board of township trustees. ~~Such~~ 1967
The compensation shall be paid semiannually, and shall be charged 1968
back, and prorated against each waste disposal district as part of 1969
its operating costs. Any increase required by the board in the 1970
bond of the ~~clerk~~ fiscal officer, and the costs of any necessary 1971
supplies, shall be prorated and charged back to each district. 1972

Sec. 505.33. Annually, before the first day of October, the 1973
township ~~clerk~~ fiscal officer shall certify to the county auditor 1974
the names of the property owners and a description of their lands 1975
~~which that~~ are delinquent as to waste disposal service charges, 1976
~~whereupon such.~~ The auditor then shall place the charges on the 1977
tax duplicate for the ensuing December installment of taxes, for 1978
collection. 1979

Sec. 505.35. All funds arising from the sale of bonds for the 1980
construction or repair of viaducts, or for the purchase or 1981
condemnation of land for ~~such that~~ purpose, shall be paid into the 1982
township treasury, and shall be paid out and expended upon the 1983
vouchers of the board of township trustees, or of the officers in 1984
the township having charge of the repair of public roads or 1985
streets. 1986

Contracts for ~~such the~~ improvements shall be made in the same 1987
manner as other contracts. Vouchers to pay ~~such for the~~ contracts, 1988
or for any portion of the cost of the improvements, shall be drawn 1989
by ~~such the~~ board or officers upon the township ~~clerk~~ fiscal 1990
officer, who shall keep an accurate account of moneys so expended, 1991
~~and the.~~ The funds created by the sale of bonds for viaduct 1992
purposes shall be known as the "viaduct fund." 1993

Sec. 505.37. (A) The board of township trustees may establish 1994
all necessary rules to guard against the occurrence of fires and 1995
to protect the property and lives of the citizens against damage 1996

and accidents, and may, with the approval of the specifications by 1997
the prosecuting attorney or, if the township has adopted limited 1998
home rule government under Chapter 504. of the Revised Code, with 1999
the approval of the specifications by the township's law director, 2000
purchase, lease, lease with an option to purchase, or otherwise 2001
provide any fire apparatus, mechanical resuscitators, or other 2002
equipment, appliances, materials, fire hydrants, and water supply 2003
for fire-fighting purposes that seems advisable to the board. The 2004
board shall provide for the care and maintenance of fire 2005
equipment, and, for these purposes, may purchase, lease, lease 2006
with an option to purchase, or construct and maintain necessary 2007
buildings, and it may establish and maintain lines of fire-alarm 2008
communications within the limits of the township. The board may 2009
employ one or more persons to maintain and operate fire-fighting 2010
equipment, or it may enter into an agreement with a volunteer fire 2011
company for the use and operation of fire-fighting equipment. The 2012
board may compensate the members of a volunteer fire company on 2013
any basis and in any amount that it considers equitable. 2014

(B) The boards of township trustees of any two or more 2016
townships, or the legislative authorities of any two or more 2017
political subdivisions, or any combination ~~thereof~~ of these, may, 2018
through joint action, unite in the joint purchase, lease, lease 2019
with an option to purchase, maintenance, use, and operation of 2020
fire-fighting equipment, or for any other purpose designated in 2021
sections 505.37 to 505.42 of the Revised Code, and may prorate the 2022
expense of the joint action on any terms that are mutually agreed 2023
upon. 2024

(C) The board of township trustees of any township may, by 2025
resolution, whenever it is expedient and necessary to guard 2026
against the occurrence of fires or to protect the property and 2027
lives of the citizens against damages resulting from their 2028

occurrence, create a fire district of any portions of the township 2029
that it considers necessary. The board may purchase, lease, lease 2030
with an option to purchase, or otherwise provide any fire 2031
apparatus, appliances, materials, fire hydrants, and water supply 2032
for fire-fighting purposes, or may contract for the fire 2033
protection for the fire district as provided in section 9.60 of 2034
the Revised Code. The fire district so created shall be given a 2035
separate name by which it shall be known. 2036

Additional unincorporated territory of the township may be 2037
added to a fire district upon the board's adoption of a resolution 2038
authorizing the addition. A municipal corporation that is within 2039
or adjoining the township may be added to a fire district upon the 2040
board's adoption of a resolution authorizing the addition and the 2041
municipal legislative authority's adoption of a resolution or 2042
ordinance requesting the addition of the municipal corporation to 2043
the fire district. 2044

If the township fire district imposes a tax, additional 2045
unincorporated territory of the township or a municipal 2046
corporation that is within or adjoining the township shall become 2047
part of the fire district only after all of the following have 2048
occurred: 2049

(1) Adoption by the board of township trustees of a 2050
resolution approving the expansion of the territorial limits of 2051
the district and, if the resolution proposes to add a municipal 2052
corporation, adoption by the municipal legislative authority of a 2053
resolution or ordinance requesting the addition of the municipal 2054
corporation to the district; 2055

(2) Adoption by the board of township trustees of a 2056
resolution recommending the extension of the tax to the additional 2057
territory; 2058

(3) Approval of the tax by the electors of the territory 2059

proposed for addition to the district. 2060

Each resolution of the board adopted under division (C)(2) of 2061
this section shall state the name of the fire district, a 2062
description of the territory to be added, and the rate and 2063
termination date of the tax, which shall be the rate and 2064
termination date of the tax currently in effect in the fire 2065
district. 2066

The board of trustees shall certify each resolution adopted 2067
under division (C)(2) of this section to the board of elections in 2068
accordance with section 5705.19 of the Revised Code. The election 2069
required under division (C)(3) of this section shall be held, 2070
canvassed, and certified in the manner provided for the submission 2071
of tax levies under section 5705.25 of the Revised Code, except 2072
that the question appearing on the ballot shall read: 2073

"Shall the territory within 2074
(description of the proposed territory to be added) be added to 2075
..... (name) fire district, and a property tax 2076
at a rate of taxation not exceeding (here insert tax rate) 2077
be in effect for (here insert the number of years the 2078
tax is to be in effect or "a continuing period of time," as 2079
applicable)?" 2080

If the question is approved by at least a majority of the 2081
electors voting on it, the joinder shall be effective as of the 2082
first day of July of the year following approval, and on that 2083
date, the township fire district tax shall be extended to the 2084
taxable property within the territory that has been added. If the 2085
territory that has been added is a municipal corporation and if it 2086
had adopted a tax levy for fire purposes, the levy is terminated 2087
on the effective date of the joinder. 2088

Any municipal corporation may withdraw from a township fire 2089
district created under division (C) of this section by the 2090

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

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

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

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

(E) A board of township trustees of any township or a board
of fire district trustees of a fire district created under section
505.371 of the Revised Code may purchase a policy or policies of

liability insurance for the officers, employees, and appointees of 2155
the fire department, fire district, or joint fire district 2156
governed by the board that includes personal injury liability 2157
coverage as to the civil liability of those officers, employees, 2158
and appointees for false arrest, detention, or imprisonment, 2159
malicious prosecution, libel, slander, defamation or other 2160
violation of the right of privacy, wrongful entry or eviction, or 2161
other invasion of the right of private occupancy, arising out of 2162
the performance of their duties. 2163

When a board of township trustees cannot, by deed of gift or 2164
by purchase and upon terms it considers reasonable, procure land 2165
for a township fire station that is needed in order to respond in 2166
reasonable time to a fire or medical emergency, the board may 2167
appropriate land for that purpose under sections 163.01 to 163.22 2168
of the Revised Code. If it is necessary to acquire additional 2169
adjacent land for enlarging or improving the fire station, the 2170
board may purchase, appropriate, or accept a deed of gift for the 2171
land for these purposes. 2172

(F) As used in this division, "emergency medical service 2173
organization" has the same meaning as in section 4766.01 of the 2174
Revised Code. 2175

A board of township trustees, by adoption of an appropriate 2176
resolution, may choose to have the Ohio medical transportation 2177
board license any emergency medical service organization it 2178
operates. If the board adopts such a resolution, Chapter 4766. of 2179
the Revised Code, except for sections 4766.06 and 4766.99 of the 2180
Revised Code, applies to the organization. All rules adopted under 2181
the applicable sections of that chapter also apply to the 2182
organization. A board of township trustees, by adoption of an 2183
appropriate resolution, may remove its emergency medical service 2184
organization from the jurisdiction of the Ohio medical 2185
transportation board. 2186

Sec. 505.373. The ~~township~~ board of township trustees may, by 2187
resolution, adopt by incorporation by reference a standard code 2188
pertaining to fire, fire hazards, and fire prevention prepared and 2189
promulgated by the state or any department, board, or other agency 2190
of the state, or any such code prepared and promulgated by a 2191
public or private organization that publishes a model or standard 2192
code. 2193

After the adoption of ~~such a~~ the code by the board, a notice 2194
clearly identifying the code, stating the purpose of the code, and 2195
stating that a complete copy of the code is on file with the 2196
township ~~clerk~~ fiscal officer for inspection by the public and 2197
also on file in the law library of the county in which the 2198
township is located and that the ~~clerk~~ fiscal officer has copies 2199
available for distribution to the public at cost, shall be posted 2200
by the ~~township clerk~~ fiscal officer in five conspicuous places in 2201
the township for thirty days before becoming effective. The notice 2202
required by this section shall also be published in a newspaper of 2203
general circulation in the township once a week for three 2204
consecutive weeks. If the adopting township amends or deletes any 2205
provision of the code, the notice shall contain a brief summary of 2206
the deletion or amendment. 2207

If the agency that originally promulgated or published the 2208
code thereafter amends the code, any township that has adopted the 2209
code pursuant to this section may adopt the amendment or change by 2210
incorporation by reference in the same manner as provided for 2211
adoption of the original code. 2212

Sec. 505.47. The board of township trustees may pay the cost 2213
of the construction, rebuilding, or repair of footbridges 2214
authorized by section 505.46 of the Revised Code out of any funds, 2215
unappropriated for any other purpose, in the township treasury. 2216

~~Should~~ If there be no funds in the township treasury available for 2217
~~such~~ these purposes, ~~then~~ ~~such~~ the board may levy a tax for the 2218
purpose of procuring the necessary funds for the construction, 2219
rebuilding, or repair of ~~such~~ the footbridges, ~~which~~. The tax 2220
shall be levied upon all of the taxable property in the township, 2221
and shall be certified, levied, and collected in the manner 2222
prescribed for other township taxes. The money so raised shall be 2223
paid over to the township ~~clerk~~ fiscal officer, and ~~by him~~ ~~paid~~ 2224
the fiscal officer shall pay it out on the order of the board, 2225
certified by ~~such~~ ~~clerk~~ the fiscal officer. ~~Such~~ 2226

The tax shall not be levied until it has been approved by a 2227
majority of the qualified voters of the township, voting at any 2228
election at which the question shall be submitted. The 2229

~~Said~~ election shall be called at a regular meeting of the 2230
board and shall be held within thirty days from the date of the 2231
resolution of the board calling ~~the same~~ for it. Twenty days' 2232
notice of ~~said~~ the election shall be given by the posting of 2233
notices, ~~by the~~ ~~clerk~~, fiscal officer in ten public places of the 2234
township. Provisions for holding the election shall be made by the 2235
board of elections, upon receiving notice from the ~~clerk~~ fiscal 2236
officer of the date and purpose of ~~said~~ the election. 2237

Sec. 505.511. (A) A board of township trustees that operates 2238
a township police department or the board of township trustees of 2239
a township police district may, after police constables, the 2240
township police, a law enforcement agency with which the township 2241
contracts for police services, and the county sheriff or the 2242
sheriff's deputy have answered a combined total of three false 2243
alarms from the same commercial or residential security alarm 2244
system within the township in the same calendar year, cause the 2245
township ~~clerk~~ fiscal officer to mail the manager of the 2246
commercial establishment or the occupant, lessee, agent, or tenant 2247

of the residence a bill for each subsequent false alarm from the 2248
same alarm system during that year, to defray the costs incurred. 2249
The bill's amount shall be as follows: 2250

(1) For the fourth false alarm of that year\$50.00; 2251

(2) For the fifth false alarm of that year\$100.00; 2252

(3) For all false alarms in that year occurring after the 2253
fifth false alarm\$150.00. 2254

If payment of the bill is not received within thirty days, 2255
the township ~~clerk~~ fiscal officer shall send a notice by certified 2256
mail to the manager and to the owner, if different, of the real 2257
estate of which the commercial establishment is a part, or to the 2258
occupant, lessee, agent, or tenant and to the owner, if different, 2259
of the real estate of which the residence is a part, indicating 2260
that failure to pay the bill within thirty days, or to show just 2261
cause why the bill should not be paid, will result in the 2262
assessment of a lien upon the real estate in the amount of the 2263
bill. If payment is not received within those thirty days or if 2264
just cause is not shown, the amount of the bill shall be entered 2265
upon the tax duplicate, shall be a lien upon the real estate from 2266
the date of the entry, and shall be collected as other taxes and 2267
returned to the township treasury to be earmarked for use for 2268
police services. 2269

The board of township trustees shall not cause the township 2270
~~clerk~~ fiscal officer to send a bill pursuant to this division if a 2271
bill has already been sent pursuant to division (B) of this 2272
section for the same false alarm. 2273

(B) The county sheriff may, after the county sheriff or the 2274
sheriff's deputy, police constables, the township police, and a 2275
law enforcement agency with which the township contracts for 2276
police services have answered a combined total of three false 2277
alarms from the same commercial or residential security alarm 2278

system within the unincorporated area of the county in the same 2279
calendar year, mail the manager of the commercial establishment or 2280
the occupant, lessee, agent, or tenant of the residence a bill for 2281
each subsequent false alarm from the same alarm system during that 2282
year, to defray the costs incurred. The bill's amount shall be as 2283
follows: 2284

(1) For the fourth false alarm of that year\$50.00; 2285

(2) For the fifth false alarm of that year\$100.00; 2286

(3) For all false alarms in that year occurring after the 2287
fifth false alarm\$150.00. 2288

If payment of the bill is not received within thirty days, 2289
the sheriff shall send a notice by certified mail to the manager 2290
and to the owner, if different, of the real estate of which the 2291
commercial establishment is a part, or to the occupant, lessee, 2292
agent, or tenant and to the owner, if different, of the real 2293
estate of which the residence is a part, indicating that failure 2294
to pay the bill within thirty days, or to show just cause why the 2295
bill should not be paid, will result in the assessment of a lien 2296
upon the real estate in the amount of the bill. If payment is not 2297
received within those thirty days or if just cause is not shown, 2298
the amount of the bill shall be entered upon the tax duplicate, 2299
shall be a lien upon the real estate from the date of the entry, 2300
and shall be collected as other taxes and returned to the county 2301
treasury. 2302

The sheriff shall not send a bill pursuant to this division 2303
if a bill has already been sent pursuant to division (A) of this 2304
section for the same false alarm. 2305

(C) As used in this section, "commercial establishment" has 2306
the same meaning as in section 505.391 of the Revised Code. 2307

Sec. 505.73. (A) The board of township trustees may, by 2308

resolution, adopt by incorporation by reference, administer, and 2309
enforce within the unincorporated area of the township an existing 2310
structures code pertaining to the repair and continued maintenance 2311
of structures and the premises of those structures. For that 2312
purpose, the board shall adopt any model or standard code prepared 2313
and promulgated by this state, any department, board, or agency of 2314
this state, or any public or private organization that publishes a 2315
recognized model or standard code on the subject. The board shall 2316
ensure that the code adopted governs subject matter not addressed 2317
by the state residential building code and that it is fully 2318
compatible with the state residential and nonresidential building 2319
codes the board of building standards adopts pursuant to section 2320
3781.10 of the Revised Code. 2321

(B) The board shall assign the duties of administering and 2322
enforcing the existing structures code to a township officer or 2323
employee who is trained and qualified for those duties and shall 2324
establish by resolution the minimum qualifications necessary to 2325
perform those duties. 2326

(C)(1) After the board adopts an existing structures code, 2327
the township ~~clerk~~ fiscal officer shall post a notice that clearly 2328
identifies the code, states the code's purpose, and states that a 2329
complete copy of the code is on file for inspection by the public 2330
with the ~~township clerk~~ fiscal officer and in the county law 2331
library and that the ~~clerk~~ fiscal officer has copies available for 2332
distribution to the public at cost. 2333

(2) The township ~~clerk~~ fiscal officer shall post the notice 2334
in five conspicuous places in the township for thirty days before 2335
the code becomes effective and shall publish the notice in a 2336
newspaper of general circulation in the township for three 2337
consecutive weeks. If the adopting township amends or deletes any 2338
provision of the code, the notice shall contain a brief summary of 2339
the deletion or amendment. 2340

(D) If the agency that originally promulgated or published 2341
the existing structures code amends the code, the board may adopt 2342
the amendment or change by incorporation by reference in the 2343
manner provided for the adoption of the original code. 2344

Sec. 505.86. (A) As used in this section, "total cost" means 2345
any costs incurred due to the use of employees, materials, or 2346
equipment of the township, any costs arising out of contracts for 2347
labor, materials, or equipment, and costs of service of notice or 2348
publication required under this section. 2349

(B) A board of township trustees may provide for the removal, 2350
repair, or securance of buildings or other structures in the 2351
township that have been declared insecure, unsafe, or structurally 2352
defective by any fire department under contract with the township 2353
or by the county building department or other authority 2354
responsible under Chapter 3781. of the Revised Code for the 2355
enforcement of building regulations or the performance of building 2356
inspections in the township, or buildings or other structures that 2357
have been declared unfit for human habitation by the board of 2358
health of the general health district of which the township is a 2359
part. 2360

At least thirty days prior to the removal, repair, or 2361
securance of any insecure, unsafe, or structurally defective 2362
building, the board of township trustees shall give notice by 2363
certified mail of its intention with respect to ~~such~~ the removal, 2364
repair, or securance to the holders of legal or equitable liens of 2365
record upon the real property on which ~~such~~ the building is 2366
located and to owners of record of ~~such~~ the property. If the 2367
owner's address is unknown and cannot reasonably be obtained, it 2368
is sufficient to publish the notice once in a newspaper of general 2369
circulation in the township. The owners of record of ~~such~~ the 2370
property or the holders of liens of record upon ~~such~~ the property 2371

may enter into an agreement with the board to perform the removal, 2372
repair, or securance of the insecure, unsafe, or structurally 2373
defective building. If an emergency exists, as determined by the 2374
board, notice may be given other than by certified mail and less 2375
than thirty days prior to ~~such~~ the removal, repair, or securance. 2376

(C) A board may collect the total cost of removing, 2377
repairing, or securing buildings or other structures that have 2378
been declared insecure, unsafe, structurally defective, or unfit 2379
for human habitation, or of making emergency corrections of 2380
hazardous conditions, by either of the following methods: 2381

(1) The board may have the ~~clerk~~ fiscal officer of the 2382
township certify the total costs, together with a proper 2383
description of the lands to the county auditor who shall place the 2384
costs upon the tax duplicate. The costs are a lien upon ~~such~~ the 2385
lands from and after the date of entry. The costs shall be 2386
collected as other taxes and returned to the township general 2387
fund. 2388

(2) The board may commence a civil action to recover the 2389
total costs from the owner. 2390

(D) Any board may, whenever a policy or policies of insurance 2391
are in force providing coverage against the peril of fire on a 2392
building or structure and the loss agreed to between the named 2393
insured or insureds and the company or companies is more than five 2394
thousand dollars and equals or exceeds sixty per cent of the 2395
aggregate limits of liability on all fire policies covering the 2396
building or structure on the property, accept security payments 2397
and follow the procedures of divisions (C) and (D) of section 2398
3929.86 of the Revised Code. 2399

Sec. 507.01. A township ~~clerk~~ fiscal officer shall be elected 2400
at the general election in ~~1951~~ 2007, and quadrennially thereafter 2401
in each township, and ~~he~~ the fiscal officer shall hold ~~his~~ office 2402

for a term of four years commencing on the first day of April next 2403
after ~~his~~ election. 2404

Sec. 507.02. When a township ~~clerk~~ fiscal officer is unable 2405
to carry out the duties of ~~his~~ office because of illness, because 2406
~~he has entered~~ of entering the military service of the United 2407
States, or because ~~he~~ the fiscal officer is otherwise 2408
incapacitated or disqualified, the board of township trustees 2409
shall appoint a deputy ~~clerk~~ fiscal officer, who shall have full 2410
power to discharge the duties of ~~such~~ the office. ~~Such~~ The deputy 2411
~~clerk~~ fiscal officer shall serve during the period of time the 2412
~~clerk~~ fiscal officer is absent or incapacitated, or until a 2413
successor ~~clerk~~ fiscal officer is elected and qualified. Before 2414
entering on the discharge of ~~his~~ official duties, the deputy ~~clerk~~ 2415
fiscal officer shall give bond, for the faithful discharge of ~~his~~ 2416
official duties, as required under section 507.03 of the Revised 2417
Code. The board shall, by resolution, adjust and determine the 2418
compensation of the ~~clerk~~ fiscal officer and deputy ~~clerk~~ fiscal 2419
officer. The total compensation of both the ~~clerk~~ fiscal officer 2420
and any deputy ~~clerk~~ fiscal officer shall not exceed the sums 2421
fixed by section 507.09 of the Revised Code in any one year. 2422

Sec. 507.021. (A) The township ~~clerk~~ fiscal officer may hire 2423
and appoint one or more persons as the ~~clerk~~ fiscal officer finds 2424
necessary to provide assistance to the township ~~clerk~~ fiscal 2425
officer or deputy ~~clerk~~ fiscal officer. The township ~~clerk~~ fiscal 2426
officer may set the compensation of those persons subject to the 2427
prior approval of the board of township trustees. Those persons 2428
shall serve at the pleasure of the township ~~clerk~~ fiscal officer 2429
or, in the absence of the ~~clerk~~ township fiscal officer, the 2430
deputy ~~clerk~~ fiscal officer. The township ~~clerk~~ fiscal officer may 2431
delegate to an assistant any of the duties the ~~clerk~~ fiscal 2432
officer is otherwise required to perform. The appointment of 2433

assistants under this section does not relieve the township ~~clerk~~ fiscal officer of responsibility to discharge the duties of the office but shall serve to provide assistance to the ~~clerk~~ fiscal officer in performing those duties.

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

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

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

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

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

(B) In a township with a budget of more than fifty thousand dollars but not more than one hundred thousand dollars,	2465
thirty-five thousand dollars;	2466
	2467
(C) In a township with a budget of more than one hundred thousand dollars but not more than two hundred fifty thousand dollars, sixty thousand dollars;	2468
	2469
	2470
(D) In a township with a budget of more than two hundred fifty thousand dollars but not more than five hundred thousand dollars, eighty-five thousand dollars;	2471
	2472
	2473
(E) In a township with a budget of more than five hundred thousand dollars but not more than seven hundred fifty thousand dollars, one hundred ten thousand dollars;	2474
	2475
	2476
(F) In a township with a budget of more than seven hundred fifty thousand dollars but not more than one million five hundred thousand dollars, one hundred thirty-five thousand dollars;	2477
	2478
	2479
(G) In a township with a budget of more than one million five hundred thousand dollars but not more than three million five hundred thousand dollars, one hundred sixty thousand dollars;	2480
	2481
	2482
(H) In a township with a budget of more than three million five hundred thousand dollars but not more than six million dollars, one hundred ninety-five thousand dollars;	2483
	2484
	2485
(I) In a township with a budget of more than six million dollars but not more than ten million dollars, two hundred twenty thousand dollars;	2486
	2487
	2488
(J) In a township with a budget of more than ten million dollars, two hundred fifty thousand dollars.	2489
	2490
Sec. 507.04. (A) The township clerk <u>fiscal officer</u> shall keep	2491
an accurate record of the proceedings of the board of township	2492
trustees at all of its meetings, and of all its accounts and	2493

transactions, including the acceptance of the bonds of township 2494
officers. The ~~clerk~~ township fiscal officer shall personally 2495
attend at least one meeting of the board during each quarter of 2496
every year, unless prevented by the occurrence of an emergency 2497
from attending. 2498

(B) In any township where the ~~clerk~~ township fiscal officer 2499
does not keep the township's records in a public facility, the 2500
board of township trustees, once each quarter of each year, may 2501
request the ~~clerk~~ fiscal officer to provide the board with copies 2502
of township records for its review. If the board makes such a 2503
request, it shall tell the ~~clerk~~ township fiscal officer which 2504
records it wants copies of by indicating the dates or types of the 2505
records it is requesting. A request made under this section does 2506
not diminish any trustee's right to inspect township records under 2507
division (B) of section 149.43 of the Revised Code. 2508

Sec. 507.05. The township ~~clerk~~ fiscal officer shall, in 2509
addition to the books for the record of the proceedings of the 2510
board of township trustees, be provided by the township with a 2511
book for the record of township roads, a book for the record of 2512
marks and brands, and a book for the record of official oaths and 2513
bonds of township officers. 2514

Sec. 507.051. The ~~clerk~~ fiscal officer of a township shall 2515
notify the board of elections of all vacancies caused by death, 2516
resignation, or otherwise in the elective offices of the township. 2517
~~Such~~ The notification shall be made in writing and filed, not 2518
later than ten days after ~~the~~ a vacancy occurs, with the board of 2519
elections of the county in which the township is located. 2520

The ~~clerk~~ fiscal officer of a township shall notify the board 2521
of elections of all changes in boundaries of that township. ~~Such~~ 2522
The notification shall be made in writing ~~and~~, contain a plat 2523

clearly showing all boundary changes, and ~~shall~~ be filed, not 2524
later than ten days after the change of boundaries becomes 2525
effective, with the board of ~~election~~ elections of the county in 2526
which the township is located. 2527

Sec. 507.06. The township ~~clerk~~ fiscal officer may administer 2528
oaths, and take and certify affidavits ~~which, that~~ that pertain to the 2529
business of ~~his~~ the township or of the board of education of ~~his~~ 2530
the fiscal officer's local school district, or are connected with 2531
the official business of either the township or the local school 2532
district, including the official oaths of township and school 2533
officers, and oaths required in the execution, verification, and 2534
renewal of ~~chattel mortgages~~ security interests. 2535

Sec. 507.07. Immediately after the township officers have 2536
made their annual settlement of accounts, the township ~~clerk~~ 2537
fiscal officer shall make and enter in the record of the 2538
proceedings of the board of township trustees, a detailed 2539
statement of the receipts and expenditures of the township for the 2540
preceding year, the amount of money received and expended for such 2541
purposes in each ~~such~~ district in the township, and the receipts 2542
and expenditures of the board of education of the local school 2543
district. ~~Such clerk~~ The fiscal officer shall state from what 2544
source the moneys were received, to whom they were paid, for what 2545
they were expended, and, in detail, all liabilities. On the 2546
morning of the first Tuesday after the first Monday in November, 2547
each year, the ~~clerk~~ fiscal officer shall post a copy of ~~such~~ the 2548
statement at each place of holding township elections. 2549

Sec. 507.08. Official bonds of constables, as soon as 2550
approved by the board of township trustees, and before being 2551
filed, shall be recorded by the township ~~clerk~~ fiscal officer in 2552
the book kept for that purpose. 2553

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

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

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

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

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

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

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

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

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

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

thousand dollars, fifteen thousand four hundred dollars;	2583
(8) In townships having a budget of more than three million	2584
five hundred thousand dollars but not more than six million	2585
dollars, sixteen thousand five hundred dollars;	2586
(9) In townships having a budget of more than six million	2587
dollars, seventeen thousand six hundred dollars.	2588
(B) Any township clerk <u>fiscal officer</u> may elect to receive	2589
less than the compensation the clerk <u>fiscal officer</u> is entitled to	2590
under division (A) of this section. Any clerk <u>township fiscal</u>	2591
<u>officer</u> electing to do this shall so notify the board of township	2592
trustees in writing, and the board shall include this notice in	2593
the minutes of its next board meeting.	2594
(C) The compensation of the township clerk <u>fiscal officer</u>	2595
shall be paid in equal monthly payments. If the office of clerk	2596
<u>township fiscal officer</u> is held by more than one person during any	2597
calendar year, each person holding the office shall receive	2598
payments for only those months, and any fractions of those months,	2599
during which the person holds the office.	2600
(D) Beginning in calendar year 1999, the township clerk	2601
<u>fiscal officer</u> shall be entitled to compensation as follows:	2602
(1) In calendar year 1999, the compensation specified in	2603
division (A) of this section increased by three per cent;	2604
(2) In calendar year 2000, the compensation determined under	2605
division (D)(1) of this section increased by three per cent;	2606
(3) In calendar year 2001, the compensation determined under	2607
division (D)(2) of this section increased by three per cent;	2608
(4) In calendar year 2002, except in townships having a	2609
budget of more than six million dollars, the compensation	2610
determined under division (D)(3) of this section increased by	2611
three per cent; in townships having a budget of more than six	2612

million but not more than ten million dollars, nineteen thousand 2613
eight hundred ten dollars; and in townships having a budget of 2614
more than ten million dollars, twenty thousand nine hundred 2615
dollars; 2616

(5) In calendar year 2003, the compensation determined under 2617
division (D)(4) of this section increased by three per cent or the 2618
percentage increase in the consumer price index as described in 2619
division (D)(7)(b) of this section, whichever percentage is lower; 2620

(6) In calendar year 2004, except in townships having a 2621
budget of more than six million dollars, the compensation 2622
determined under division (D)(5) of this section for the calendar 2623
year 2003 increased by three per cent or the percentage increase 2624
in the consumer price index as described in division (D)(7)(b) of 2625
this section, whichever percentage is lower; in townships having a 2626
budget of more than six million but not more than ten million 2627
dollars, twenty-two thousand eighty-seven dollars; and in 2628
townships having a budget of more than ten million dollars, 2629
twenty-five thousand five hundred fifty-three dollars; 2630

(7) In calendar years 2005 through 2008, the compensation 2631
determined under division (D) of this section for the immediately 2632
preceding calendar year increased by the lesser of the following: 2633

(a) Three per cent; 2634

(b) The percentage increase, if any, in the consumer price 2635
index over the twelve-month period that ends on the thirtieth day 2636
of September of the immediately preceding calendar year, rounded 2637
to the nearest one-tenth of one per cent; 2638

(8) In calendar year 2009 and thereafter, the amount 2639
determined under division (D) of this section for calendar year 2640
2008. 2641

As used in this division, "consumer price index" has the same 2642

meaning as in section 325.18 of the Revised Code.

2643

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.

2644

2645

2646

2647

2648

2649

2650

2651

2652

(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~~ fiscal officer.

2653

2654

2655

Sec. 509.02. Each constable, before entering upon the discharge of ~~his~~ official 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~~ official duties, and with sureties resident of the township. The amount of ~~such~~ the bond and its sureties shall be approved by the board of township trustees. ~~Such~~ The bond shall be deposited with the township ~~clerk~~ fiscal officer.

2656

2657

2658

2659

2660

2661

2662

2663

Sec. 511.21. Upon the filing of the report of the board of park commissioners as provided by section 511.20 of the Revised Code, the board of township trustees shall direct the township ~~clerk~~ fiscal officer to give thirty days' notice, by posting in five public places in the township and by publication in one or more newspapers of general circulation in the township, that an election will be held at the next general election to determine whether one or more public parks are to be established within the township, and the estimated cost of the land recommended for that

2664

2665

2666

2667

2668

2669

2670

2671

2672

purpose. 2673

2674 **Sec. 511.22.** The board of township trustees shall direct the
2675 township ~~clerk~~ fiscal officer to file a written notice, not later
2676 than four p.m. of the seventy-fifth day before the day of the
2677 election, with the board of elections having charge of the
2678 preparation of official ballots, that an election will be held as
2679 provided in section 511.21 of the Revised Code and that the
2680 following shall be printed on the ballot:

"YES SHALL A PUBLIC PARK 2681

NO OR PUBLIC PARKS BE ESTABLISHED IN 2682

.....(NAME)..... TOWNSHIP?" 2683

2684 If a majority of the votes is in favor of the proposition, a
2685 park or parks shall be established for the township. If a majority
2686 of the votes cast is against the proposition, the board of park
2687 commissioners shall be abolished, and the board of township
2688 trustees shall provide for and pay all the proper expenses
2689 incurred by it.

2690 **Sec. 511.33.** In paying any expenses of park management and of
2691 improvements authorized by section 511.32 of the Revised Code, the
2692 board of township trustees may appropriate and use for ~~such these~~
2693 purposes any funds in the township treasury then unappropriated
2694 for any other purpose. ~~Should~~ If there ~~be~~ are no available funds
2695 in the treasury or an insufficient amount to pay for the desired
2696 park management and improvements in any year, the board may levy a
2697 tax in order to pay for ~~such the~~ park management and improvements.
2698 The tax shall be levied upon all of the taxable property in the
2699 township and shall be certified, levied, and collected in the
2700 manner prescribed for the certification, levy, and collection of
2701 other township taxes. The money so raised shall be paid over to
2702 the township ~~clerk~~ fiscal officer, and the fiscal officer shall be
2703 ~~paid pay the money~~ out ~~by him~~ on the order of the board. If a sum

greater than two thousand dollars is to be expended by the board 2704
for park management and improvement purposes in any one year, and 2705
~~such~~ the sum is not available from any unappropriated money in the 2706
township treasury, the question of levying ~~such~~ the additional tax 2707
shall, before making a levy ~~which~~ that will amount to more than 2708
two thousand dollars, be submitted to and approved by a majority 2709
of the electors of the township voting on the question. If ~~such~~ 2710
the election is necessary, it shall be called at a regular meeting 2711
of the board, and ~~such~~ the resolution shall be certified to the 2712
board of elections not later than four p.m. of the seventy-fifth 2713
day before the day of the election. 2714

Twenty days' notice of ~~such~~ the election shall be given by 2716
the posting of notices ~~thereof~~ of the election by the township 2717
~~clerk~~ fiscal officer in ten public places in the township, and 2718
provisions for holding the election shall be made by the board of 2719
elections upon receiving notice of the date and purpose of ~~such~~ 2720
the election from the ~~clerk~~ fiscal officer. This section and 2721
section 511.32 of the Revised Code do not repeal, affect, or 2722
modify any law relating to park commissioners, or prevent the 2723
appointment of park commissioners in the future. 2724

Sec. 513.04. ~~Where~~ If a tax has been levied for hospital 2725
purposes, the county auditor shall certify, at the semiannual 2726
collection of taxes, the amount collected from ~~such~~ the levy to 2727
the township ~~clerk~~ fiscal officer, who shall forthwith draw ~~his~~ a 2728
warrant for ~~such~~ the amount on the township treasury, payable to 2729
the treasurer of the hospital association or to the municipal 2730
corporation. 2731

Sec. 515.02. When the owners of more than one-half of the 2732
feet front₇ of the lots and lands abutting on the streets and 2733
public ways of any unincorporated district in a township₇ sign a 2734

petition for artificial lighting of the streets and public ways in 2735
~~such the~~ district, and file it with the township ~~clerk~~ fiscal 2736
officer, ~~such clerk~~ the fiscal officer shall ~~thereupon~~ give notice 2737
to the board of township trustees a notice of the filing of ~~such~~ 2738
the petition, ~~together with~~ and a copy thereof of it. 2739

Sec. 515.04. The township ~~clerk~~ fiscal officer shall fix a 2740
day, not more than thirty days from the date of notice to the 2741
board of township trustees, for the hearing of the petition 2742
provided for by section 515.02 of the Revised Code. ~~Such clerk~~ The 2743
township fiscal officer shall prepare and deliver to any of the 2744
petitioners, a notice in writing directed to the lot and land 2745
owners and to the corporations, either public or private, affected 2746
by the improvement. ~~Such~~ The notice shall set forth the substance, 2747
pendency, and prayer of the petition, and the time and place of 2748
the hearing thereon on it. 2749

A copy of ~~such the~~ notice shall be served upon each lot or 2750
land owner or left at ~~his~~ the lot or land owner's usual place of 2751
residence, and upon an officer or agent of each ~~such~~ corporation 2752
having its place of business in ~~such the~~ district, at least 2753
fifteen days before the date set for the hearing. On or before the 2754
day of the hearing, the person serving ~~such the~~ notice shall make 2755
return ~~thereon on it~~, under oath, of the time and manner of 2756
service, and shall file ~~such the~~ return with the ~~clerk~~ township 2757
fiscal officer. 2758

The ~~clerk~~ township fiscal officer shall give ~~such the~~ notice 2759
to each nonresident lot or land owner, by publication once, in a 2760
newspaper published in and of general circulation in the county in 2761
which the district is situated, at least two weeks before the day 2762
set for hearing. ~~Such~~ The notice shall be verified by affidavit of 2763
the printer or other person knowing the fact, and shall be filed 2764
with the ~~clerk~~ township fiscal officer on or before the day of 2765

hearing. No further notice of the petition or the proceedings 2766
~~thereunder~~ under it shall thereafter be required. 2767

Sec. 515.081. The board of township trustees, at the 2768
expiration of an existing contract for lighting, may award a new 2769
contract pursuant to section 515.07 of the Revised Code, unless 2770
the owners of lots and lands, containing in excess of fifty per 2771
cent of the front feet abutting on the streets and public ways of 2772
~~said~~ the unincorporated district in the township sign a petition 2773
for the discontinuance of the artificial lighting and file the 2774
petition with the township ~~clerk~~ fiscal officer not less than 2775
thirty days prior to the expiration of the existing contract. 2776

Sec. 515.12. (A) All officers shall receive for services 2777
performed under sections 515.01 to 515.11 of the Revised Code, the 2778
same fees allowed for other similar services. 2779

The township ~~clerk~~ fiscal officer shall receive for ~~such~~ the 2780
fiscal officer's services the sum of fifty cents from each lot or 2781
land owner for whom a notice is prepared and the sum of fifty 2782
cents for each annual assessment certified to the county auditor. 2783
~~All~~ 2784

All payments ~~hereunder~~ for the services of township officials 2785
shall be included in the cost of the lighting district and 2786
assessed against the property. ~~Such~~ The compensation shall be in 2787
addition to all other compensation provided by law. 2788

(B) The board of township trustees may, by resolution, employ 2789
additional personnel in place of the township ~~clerk~~ fiscal officer 2790
to prepare and certify notices for each lot or land owner and 2791
shall pay a reasonable sum not to exceed fifty cents for each lot 2792
or land owner for whom a notice is prepared and a reasonable sum 2793
not to exceed fifty cents for each annual assessment certified to 2794
the county auditor. The actual cost of ~~such~~ the additional 2795

personnel shall be assessed proportionately against each lot or 2796
land owner and shall be included in the cost of the lighting 2797
district. 2798

Sec. 517.05. On the making of an order or the filing of an 2799
application as provided by section 517.04 of the Revised Code, the 2800
~~clerk~~ township fiscal officer shall certify ~~such~~ the order or 2801
application to the board of elections not later than four p.m. of 2802
the seventy-fifth day before the day of the election, and, at 2803
least twenty days before an election, the ~~township clerk~~ fiscal 2804
officer shall post written notices in at least three public places 2805
in the township, that a vote will be taken on the question of the 2806
establishment of a cemetery. If a majority of the votes cast at 2807
~~such~~ the election on the proposition is in favor ~~thereof~~ of 2808
establishing a cemetery, the board of township trustees shall 2809
procure the lands for that purpose and levy taxes as provided by 2810
section 517.03 of the Revised Code. 2811

Sec. 517.06. The board of township trustees shall have the 2812
cemetery laid out in lots, avenues, and paths, ~~and~~ shall number 2813
the lots, and shall have a suitable plat ~~thereof~~ of the lots made, 2814
which plat shall be carefully kept by the township ~~clerk~~ fiscal 2815
officer. ~~Such~~ The board shall make and enforce all needful rules 2816
and regulations for the division of ~~such~~ the cemetery into lots, 2817
for the allotment ~~thereof~~ of lots to families or individuals, and 2818
for the care, supervision, and improvement ~~thereof~~, ~~and~~ ~~such~~ of 2819
the lots. The board shall require the grass and weeds in the 2820
cemetery to be cut and destroyed at least twice each year. 2821
Suitable 2822

~~Suitable~~ provision shall be made in ~~such~~ the cemetery for 2823
persons whose burial is at the expense of the township. 2824

Sec. 517.07. Upon application, the board of township trustees 2825

shall sell at a reasonable price ~~such~~ the number of lots as public 2826
wants demand for burial purposes. Purchasers of lots, upon 2827
complying with the terms of sale, may receive deeds ~~therefor~~ for 2828
the lots which the board shall execute, and which shall be 2829
recorded by the township ~~clerk~~ fiscal officer in a book for that 2830
purpose, ~~and the~~. The expense of recording shall be paid by the 2831
person receiving the deed. Upon the application of a head of a 2832
family living in the township, the board shall, without charge, 2833
make and deliver to ~~such~~ the applicant a deed for a suitable lot 2834
for the burial of ~~his~~ the applicant's family, if, in the opinion 2835
of the board and by reason of the circumstances of the family, 2836
~~such~~ the payment would be oppressive. 2837

The terms of sale and any deed for lots executed after ~~the~~ 2838
~~effective date of this amendment~~ July 24, 1986, may include the 2839
following requirements: 2840

(A) The grantee shall provide to the board of township 2841
trustees, in writing, a list of the names and addresses of the 2842
persons to whom the grantee's property would pass by intestate 2843
succession. 2844

(B) The grantee shall notify the board in writing of any 2845
subsequent changes in the name or address of any persons to whom 2846
property would descend. 2847

(C) Any person who receives a township cemetery lot by gift, 2848
inheritance, or any other means other than the original conveyance 2849
shall, within one year after receiving ~~such~~ the interest, give 2850
written notice of ~~his~~ the person's name and address to the board 2851
having control of the cemetery, and shall notify the board of any 2852
subsequent changes in ~~his~~ the person's name or address. 2853

The terms of sale and any deed for any lots executed in 2854
compliance with the notification requirements set forth in 2855
divisions (A), (B), and (C) of this section shall state that the 2856

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
on the termination date unless ~~he~~ the owner contracts for renewal
by that date. The board shall send the notice by certified mail to
the owner if the owner is a resident of the township or is a
nonresident whose address is known. 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.

The terms of sale and any deed for lots conveyed with a
termination date shall state that the board shall have right of
reentry to the lot at the end of the specified time period if the
lot is not used within this time period or renewed for an extended

period. 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 shall compensate owners of unused lots who
do not renew the terms of sale or the deed by paying the owner
eighty per cent of the purchase price. The board may repurchase
any cemetery lot from its owner at any time at a price that is
mutually agreed upon by the board and the owner.

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~~ 2920
fiscal officer. 2921

Sec. 519.211. (A) Except as otherwise provided in division 2922
(B) or (C) of this section, sections 519.02 to 519.25 of the 2923
Revised Code confer no power on any board of township trustees or 2924
board of zoning appeals in respect to the location, erection, 2925
construction, reconstruction, change, alteration, maintenance, 2926
removal, use, or enlargement of any buildings or structures of any 2927
public utility or railroad, whether publicly or privately owned, 2928
or the use of land by any public utility or railroad, for the 2929
operation of its business. 2930

(B)(1) As used in this division, "telecommunications tower" 2931
means any free-standing structure, or any structure to be attached 2932
to a building or other structure, that meets all of the following 2933
criteria: 2934

(a) The free-standing or attached structure is proposed to be 2935
constructed on or after October 31, 1996. 2936

(b) The free-standing or attached structure is proposed to be 2937
owned or principally used by a public utility engaged in the 2938
provision of telecommunications services. 2939

(c) The free-standing or attached structure is proposed to be 2940
located in an unincorporated area of a township, in an area zoned 2941
for residential use. 2942

(d)(i) The free-standing structure is proposed to top at a 2943
height that is greater than either the maximum allowable height of 2944
residential structures within the zoned area as set forth in the 2945
applicable zoning regulations, or the maximum allowable height of 2946
such a free-standing structure as set forth in any applicable 2947
zoning regulations in effect immediately prior to October 31, 2948
1996, or as those regulations subsequently are amended. 2949

(ii) The attached structure is proposed to top at a height 2950
that is greater than either the height of the building or other 2951
structure to which it is to be attached, or the maximum allowable 2952
height of such an attached structure as set forth in any 2953
applicable zoning regulations in effect immediately prior to 2954
October 31, 1996, or as those regulations subsequently are 2955
amended. 2956

(e) The free-standing or attached structure is proposed to 2957
have attached to it radio frequency transmission or reception 2958
equipment. 2959

(2) Sections 519.02 to 519.25 of the Revised Code confer 2960
power on a board of township trustees or board of zoning appeals 2961
with respect to the location, erection, construction, 2962
reconstruction, change, alteration, removal, or enlargement of a 2963
telecommunications tower, but not with respect to the maintenance 2964
or use of such a tower or any change or alteration that would not 2965
substantially increase the tower's height. However, the power so 2966
conferred shall apply to a particular telecommunications tower 2967
only upon the provision of a notice, in accordance with division 2968
(B)(4)(a) of this section, to the person proposing to construct 2969
the tower. 2970

(3) Any person who plans to construct a telecommunications 2971
tower in an area subject to township zoning regulations shall 2972
provide both of the following by certified mail: 2973

(a) Written notice to each owner of property, as shown on the 2974
county auditor's current tax list, whose land is contiguous to or 2975
directly across a street or roadway from the property on which the 2976
tower is proposed to be constructed, stating all of the following 2977
in clear and concise language: 2978

(i) The person's intent to construct the tower; 2979

(ii) A description of the property sufficient to identify the 2980

proposed location; 2981

(iii) That, no later than fifteen days after the date of 2982
mailing of the notice, any such property owner may give written 2983
notice to the board of township trustees requesting that sections 2984
519.02 to 519.25 of the Revised Code apply to the proposed 2985
location of the tower as provided under division (B)(4)(a) of this 2986
section. 2987

If the notice to a property owner is returned unclaimed or 2988
refused, the person shall mail the notice by regular mail. The 2989
failure of delivery of the notice does not invalidate the notice. 2990

(b) Written notice to the board of township trustees of the 2991
information specified in divisions (B)(3)(a)(i) and (ii) of this 2992
section. The notice to the board also shall include verification 2993
that the person has complied with division (B)(3)(a) of this 2994
section. 2995

(4)(a) If the board of township trustees receives notice from 2996
a property owner under division (B)(3)(a)(iii) of this section 2997
within the time specified in that division or if a board member 2998
makes an objection to the proposed location of the 2999
telecommunications tower within fifteen days after the date of 3000
mailing of the notice sent under division (B)(3)(b) of this 3001
section, the board shall request that the ~~clerk~~ fiscal officer of 3002
the township send the person proposing to construct the tower 3003
written notice that the tower is subject to the power conferred by 3004
and in accordance with division (B)(2) of this section. The notice 3005
shall be sent no later than five days after the earlier of the 3006
date the board first receives such a notice from a property owner 3007
or the date upon which a board member makes an objection. Upon the 3008
date of mailing of the notice to the person, sections 519.02 to 3009
519.25 of the Revised Code shall apply to the tower. 3010

(b) If the board of township trustees receives no notice 3011

under division (B)(3)(a)(iii) of this section within the time 3012
prescribed by that division or no board member has an objection as 3013
provided under division (B)(4)(a) of this section within the time 3014
prescribed by that division, division (A) of this section shall 3015
apply to the tower without exception. 3016

(C) Sections 519.02 to 519.25 of the Revised Code confer 3017
power on a board of township trustees or board of zoning appeals 3018
with respect to the location, erection, construction, 3019
reconstruction, change, alteration, maintenance, removal, use, or 3020
enlargement of any buildings or structures of a public utility 3021
engaged in the business of transporting persons or property, or 3022
both, or providing or furnishing such transportation service, over 3023
any public street, road, or highway in this state, and with 3024
respect to the use of land by any such public utility for the 3025
operation of its business, to the extent that any exercise of such 3026
power is reasonable and not inconsistent with Chapters 4901., 3027
4903., 4905., 4909., 4921., and 4923. of the Revised Code. 3028
However, this division confers no power on a board of township 3029
trustees or board of zoning appeals with respect to a building or 3030
structure of, or the use of land by, a person engaged in the 3031
transportation of farm supplies to the farm or farm products from 3032
farm to market or to food fabricating plants. 3033

(D) Sections 519.02 to 519.25 of the Revised Code confer no 3034
power on any township zoning commission, board of township 3035
trustees, or board of zoning appeals to prohibit the sale or use 3036
of alcoholic beverages in areas where the establishment and 3037
operation of any retail business, hotel, lunchroom, or restaurant 3038
is permitted. 3039

(E)(1) Any person who plans to construct a telecommunications 3040
tower within one hundred feet of a residential dwelling shall 3041
provide a written notice to the owner of the residential dwelling 3042
and to the person occupying the residence, if that person is not 3043

the owner of the residence stating in clear and concise language 3044
the person's intent to construct the tower and a description of 3045
the property sufficient to identify the proposed location. The 3046
notice shall be sent by certified mail. If the notice is returned 3047
unclaimed or refused, the person shall mail the notice by regular 3048
mail. The failure of delivery does not invalidate the notice. 3049

(2) As used in division (E) of this section: 3050

(a) "Residential dwelling" means a building used or intended 3051
to be used as a personal residence by the owner, part-time owner, 3052
or lessee of the building, or any person authorized by such a 3053
person to use the building as a personal residence. 3054

(b) "Telecommunications tower" has the same meaning as in 3055
division (B)(1) of this section, except that the proposed location 3056
of the free-standing or attached structure may be an area other 3057
than an unincorporated area of a township, in an area zoned for 3058
residential use. 3059

Sec. 521.02. Upon a petition filed with the township ~~clerk~~ 3060
fiscal officer by one or more property owners whose property is 3061
served by a private sewage collection tile, or upon the board's 3062
own initiative by the adoption of a resolution, the board of 3063
township trustees may repair or maintain a private sewage 3064
collection tile within a township road right-of-way in the 3065
township as provided in ~~sections 521.02 to 521.07 of the Revised~~ 3066
~~Code~~ this chapter. On receiving a petition, the township ~~clerk~~ 3067
fiscal officer shall give ~~notice~~ to the board of township trustees 3068
a notice of the filing of the petition, ~~together with~~ and a copy 3069
of the petition. 3070

Sec. 521.03. On receiving a petition filed under section 3071
521.02 of the Revised Code, or at the request of the board of 3072
township trustees, the township ~~clerk~~ fiscal officer shall fix a 3073

time, not more than thirty days after the date of giving notice of 3074
the filing to the board or the date of receiving the request from 3075
the board, and place for a hearing on the issue of repair or 3076
maintenance of the tiles. The ~~clerk~~ township fiscal officer shall 3077
prepare a notice in writing directed to the lot and land owners 3078
and to the corporations, either public or private, affected by the 3079
improvement. The notice shall set forth the substance of the 3080
petition or board request, and the time and place of the hearing 3081
on it. 3082

If the hearing is to be held in response to a petition, the 3083
~~clerk~~ township fiscal officer shall deliver a copy of the notice 3084
to any of the petitioners, who shall see that the notice is served 3085
on each lot or land owner or left at ~~his~~ the lot or land owner's 3086
usual place of residence, and served on an officer or agent of 3087
each corporation affected by the improvement, at least fifteen 3088
days before the date set for the hearing. If the hearing is to be 3089
held at the request of the board, the board shall see that the 3090
notice is so served. On or before the day of the hearing, the 3091
person serving the notice shall certify, under oath, the time and 3092
manner of service, and shall file this certification with the 3093
~~clerk~~ township fiscal officer. 3094

The ~~clerk~~ township fiscal officer shall give notice of the 3095
hearing to each nonresident lot or land owner, by publication 3096
once, in a newspaper published in and of general circulation in 3097
the county in which the township is situated, at least two weeks 3098
before the day set for the hearing. This notice shall be verified 3099
by affidavit of the printer or other person knowing the fact, and 3100
shall be filed with the ~~clerk~~ township fiscal officer on or before 3101
the day of the hearing. No further notice of the petition or the 3102
proceedings under it shall thereafter be required. 3103

Sec. 703.201. (A) As used in this section, "condition for 3104

surrendering corporate powers" means any of the following:	3105
(1) The village has been declared to be in a fiscal emergency	3106
under Chapter 118. of the Revised Code and has been in fiscal	3107
emergency for at least three consecutive years with little or no	3108
improvement on the conditions that caused the fiscal emergency	3109
declaration.	3110
(2) The village has failed to properly follow applicable	3111
election laws for at least two consecutive election cycles for any	3112
one elected office in the village.	3113
(3) The village has been declared during an audit conducted	3114
under section 117.11 of the Revised Code to be unauditible under	3115
section 117.41 of the Revised Code in at least two consecutive	3116
audits.	3117
(4) The village does not provide at least two services	3118
typically provided by municipal government, such as police or fire	3119
protection, garbage collection, water or sewer service, emergency	3120
medical services, road maintenance, or similar services.	3121
"Services" does not include any administrative service or	3122
legislative action.	3123
(5) The village has failed for any fiscal year to adopt the	3124
tax budget required by section 5705.28 of the Revised Code.	3125
(6) A village elected official has been convicted of theft in	3126
office, either under section 2921.41 of the Revised Code or an	3127
equivalent criminal statute at the federal level, at least two	3128
times in a period of ten years. The convicted official with	3129
respect to those convictions may be the same person or different	3130
persons.	3131
(B) If the auditor of state finds, in an audit report issued	3132
under division (A) or (B) of section 117.11 of the Revised Code of	3133
a village that has a population of one hundred fifty persons or	3134
less and consists of less than two square miles, that the village	3135

meets at least two conditions for surrendering corporate powers, 3136
the auditor of state shall send a certified copy of the report 3137
together with a letter to the attorney general requesting the 3138
attorney general to institute legal action to dissolve the village 3139
in accordance with division (C) of this section. The report and 3140
letter shall be sent to the attorney general within ten business 3141
days after the auditor of state's transmittal of the report to the 3142
village. The audit report transmitted to the village shall be 3143
accompanied by a notice to the village of the auditor's intent to 3144
refer the report to the attorney general for legal action in 3145
accordance with this section. 3146

(C) Within twenty days of receipt of the auditor of state's 3147
report and letter, the attorney general may file a legal action in 3148
the court of common pleas on behalf of the state to request the 3149
dissolution of the village that is the subject of the audit 3150
report. If a legal action is filed, the court shall hold a hearing 3151
within ninety days after the date the attorney general files the 3152
legal action with the court. Notice of the hearing shall be filed 3153
with the attorney general, the clerk of the village that is the 3154
subject of the action, and each ~~clerk~~ fiscal officer of a township 3155
located wholly or partly within the village. 3156

At the hearing on dissolution, the court shall determine if 3157
the village has a population of one hundred fifty persons or less, 3158
consists of less than two square miles, and meets at least two 3159
conditions for surrendering corporate powers. If the court so 3160
finds, it shall order the dissolution of the village and provide 3161
for the surrender of corporate powers in accordance with section 3162
703.21 of the Revised Code. The attorney general shall file a 3163
certified copy of the court's order of dissolution with the 3164
secretary of state and the county recorder of the county in which 3165
the village is situated, who shall record it in their respective 3166
offices. Upon the recording in the county recorder's office, the 3167

corporate powers of the village shall cease. 3168

(D) For purposes of this section, the population of a village 3169
shall be the population determined either at the last preceding 3170
federal decennial census or according to population estimates 3171
certified by the department of development between decennial 3172
censuses. 3173

(E) The procedure in this section is in addition to the 3174
procedure of section 703.20 of the Revised Code for the surrender 3175
of the corporate powers of a village. 3176

Sec. 707.28. When a village or a city is incorporated from a 3177
portion of a township, or portions of more than one township, a 3178
proper division of the real and personal property of ~~such~~ the 3179
townships, and of the funds for township purposes which are in the 3180
treasury, or in the process of collection, of the townships from 3181
which the territory is taken, shall, upon application of the 3182
village or city treasurer to the probate court of the county in 3183
which the territory is situated, be determined and ordered 3184
transferred to ~~such~~ the village or city, in the case of real or 3185
personal property, or, in the case of funds, paid to the village 3186
or city treasurer. 3187

In determining the portion of ~~such~~ the real and personal 3188
property and funds to which the village or city is entitled, the 3189
indebtedness of each township shall be taken into consideration. 3190
Ten days' notice of a hearing shall be given by the treasurer of 3191
the applicant to the township ~~clerk~~ fiscal officer of each 3192
township whose property and funds are sought to be divided. The 3193
findings and orders of the probate court under this section shall 3194
be final. 3195

Sec. 709.023. (A) A petition filed under section 709.021 of 3196
the Revised Code that requests to follow this section is for the 3197

special procedure of annexing land into a municipal corporation 3198
when, subject to division (H) of this section, the land also is 3199
not to be excluded from the township under section 503.07 of the 3200
Revised Code. The owners who sign this petition by their signature 3201
expressly waive their right to appeal in law or equity from the 3202
board of county commissioners' entry of any resolution under this 3203
section, waive any rights they may have to sue on any issue 3204
relating to a municipal corporation requiring a buffer as provided 3205
in this section, and waive any rights to seek a variance that 3206
would relieve or exempt them from that buffer requirement. 3207

The petition circulated to collect signatures for the special 3208
procedure in this section shall contain in boldface capital 3209
letters immediately above the heading of the place for signatures 3210
on each part of the petition the following: "WHOEVER SIGNS THIS 3211
PETITION EXPRESSLY WAIVES THEIR RIGHT TO APPEAL IN LAW OR EQUITY 3212
FROM THE BOARD OF COUNTY COMMISSIONERS' ENTRY OF ANY RESOLUTION 3213
PERTAINING TO THIS SPECIAL ANNEXATION PROCEDURE, ALTHOUGH A WRIT 3214
OF MANDAMUS MAY BE SOUGHT TO COMPEL THE BOARD TO PERFORM ITS 3215
DUTIES REQUIRED BY LAW FOR THIS SPECIAL ANNEXATION PROCEDURE." 3216

(B) Upon the filing of the petition in the office of the 3217
clerk of the board of county commissioners, the clerk shall cause 3218
the petition to be entered upon the board's journal at its next 3219
regular session. This entry shall be the first official act of the 3220
board on the petition. Within five days after the filing of the 3221
petition, the agent for the petitioners shall notify in the manner 3222
and form specified in this division the clerk of the legislative 3223
authority of the municipal corporation to which annexation is 3224
proposed, the ~~clerk~~ fiscal officer of each township any portion of 3225
which is included within the territory proposed for annexation, 3226
the clerk of the board of county commissioners of each county in 3227
which the territory proposed for annexation is located other than 3228
the county in which the petition is filed, and the owners of 3229

property adjacent to the territory proposed for annexation or 3230
adjacent to a road that is adjacent to that territory and located 3231
directly across that road from that territory. The notice shall 3232
refer to the time and date when the petition was filed and the 3233
county in which it was filed and shall have attached or shall be 3234
accompanied by a copy of the petition and any attachments or 3235
documents accompanying the petition as filed. 3236

Notice to a property owner is sufficient if sent by regular 3237
United States mail to the tax mailing address listed on the county 3238
auditor's records. Notice to the appropriate government officer 3239
shall be given by certified mail, return receipt requested, or by 3240
causing the notice to be personally served on the officer, with 3241
proof of service by affidavit of the person who delivered the 3242
notice. Proof of service of the notice on each appropriate 3243
government officer shall be filed with the board of county 3244
commissioners with which the petition was filed. 3245

(C) Within twenty days after the date that the petition is 3246
filed, the legislative authority of the municipal corporation to 3247
which annexation is proposed shall adopt an ordinance or 3248
resolution stating what services the municipal corporation will 3249
provide, and an approximate date by which it will provide them, to 3250
the territory proposed for annexation, upon annexation. The 3251
municipal corporation is entitled in its sole discretion to 3252
provide to the territory proposed for annexation, upon annexation, 3253
services in addition to the services described in that ordinance 3254
or resolution. 3255

If the territory proposed for annexation is subject to zoning 3256
regulations adopted under either Chapter 303. or 519. of the 3257
Revised Code at the time the petition is filed, the legislative 3258
authority of the municipal corporation also shall adopt an 3259
ordinance or resolution stating that, if the territory is annexed 3260
and becomes subject to zoning by the municipal corporation and 3261

that municipal zoning permits uses in the annexed territory that 3262
the municipal corporation determines are clearly incompatible with 3263
the uses permitted under current county or township zoning 3264
regulations in the adjacent land remaining within the township 3265
from which the territory was annexed, the legislative authority of 3266
the municipal corporation will require, in the zoning ordinance 3267
permitting the incompatible uses, the owner of the annexed 3268
territory to provide a buffer separating the use of the annexed 3269
territory and the adjacent land remaining within the township. For 3270
the purposes of this section, "buffer" includes open space, 3271
landscaping, fences, walls, and other structured elements; streets 3272
and street rights-of-way; and bicycle and pedestrian paths and 3273
sidewalks. 3274

The clerk of the legislative authority of the municipal 3275
corporation to which annexation is proposed shall file the 3276
ordinances or resolutions adopted under this division with the 3277
board of county commissioners within twenty days following the 3278
date that the petition is filed. The board shall make these 3279
ordinances or resolutions available for public inspection. 3280

(D) Within twenty-five days after the date that the petition 3281
is filed, the legislative authority of the municipal corporation 3282
to which annexation is proposed and each township any portion of 3283
which is included within the territory proposed for annexation may 3284
adopt and file with the board of county commissioners an ordinance 3285
or resolution consenting or objecting to the proposed annexation. 3286
An objection to the proposed annexation shall be based solely upon 3287
the petition's failure to meet the conditions specified in 3288
division (E) of this section. 3289

If the municipal corporation and each of those townships 3290
timely files an ordinance or resolution consenting to the proposed 3291
annexation, the board at its next regular session shall enter upon 3292
its journal a resolution granting the proposed annexation. If, 3293

instead, the municipal corporation or any of those townships files 3294
an ordinance or resolution that objects to the proposed 3295
annexation, the board of county commissioners shall proceed as 3296
provided in division (E) of this section. Failure of the municipal 3297
corporation or any of those townships to timely file an ordinance 3298
or resolution consenting or objecting to the proposed annexation 3299
shall be deemed to constitute consent by that municipal 3300
corporation or township to the proposed annexation. 3301

(E) Unless the petition is granted under division (D) of this 3302
section, not less than thirty or more than forty-five days after 3303
the date that the petition is filed, the board of county 3304
commissioners shall review it to determine if each of the 3305
following conditions has been met: 3306

(1) The petition meets all the requirements set forth in, and 3307
was filed in the manner provided in, section 709.021 of the 3308
Revised Code. 3309

(2) The persons who signed the petition are owners of the 3310
real estate located in the territory proposed for annexation and 3311
constitute all of the owners of real estate in that territory. 3312

(3) The territory proposed for annexation does not exceed 3313
five hundred acres. 3314

(4) The territory proposed for annexation shares a contiguous 3315
boundary with the municipal corporation to which annexation is 3316
proposed for a continuous length of at least five per cent of the 3317
perimeter of the territory proposed for annexation. 3318

(5) The annexation will not create an unincorporated area of 3319
the township that is completely surrounded by the territory 3320
proposed for annexation. 3321

(6) The municipal corporation to which annexation is proposed 3322
has agreed to provide to the territory proposed for annexation the 3323

services specified in the relevant ordinance or resolution adopted 3324
under division (C) of this section. 3325

(7) If a street or highway will be divided or segmented by 3326
the boundary line between the township and the municipal 3327
corporation as to create a road maintenance problem, the municipal 3328
corporation to which annexation is proposed has agreed as a 3329
condition of the annexation to assume the maintenance of that 3330
street or highway or to otherwise correct the problem. As used in 3331
this section, "street" or "highway" has the same meaning as in 3332
section 4511.01 of the Revised Code. 3333

(F) Not less than thirty or more than forty-five days after 3334
the date that the petition is filed, if the petition is not 3335
granted under division (D) of this section, the board of county 3336
commissioners, if it finds that each of the conditions specified 3337
in division (E) of this section has been met, shall enter upon its 3338
journal a resolution granting the annexation. If the board of 3339
county commissioners finds that one or more of the conditions 3340
specified in division (E) of this section have not been met, it 3341
shall enter upon its journal a resolution that states which of 3342
those conditions the board finds have not been met and that denies 3343
the petition. 3344

(G) If a petition is granted under division (D) or (F) of 3345
this section, the clerk of the board of county commissioners shall 3346
proceed as provided in division (C)(1) of section 709.033 of the 3347
Revised Code, except that no recording or hearing exhibits would 3348
be involved. There is no appeal in law or equity from the board's 3349
entry of any resolution under this section, but any party may seek 3350
a writ of mandamus to compel the board of county commissioners to 3351
perform its duties under this section. 3352

(H) Notwithstanding anything to the contrary in section 3353
503.07 of the Revised Code, unless otherwise provided in an 3354

annexation agreement entered into pursuant to section 709.192 of 3355
the Revised Code or in a cooperative economic development 3356
agreement entered into pursuant to section 701.07 of the Revised 3357
Code, territory annexed into a municipal corporation pursuant to 3358
this section shall not at any time be excluded from the township 3359
under section 503.07 of the Revised Code and, thus, remains 3360
subject to the township's real property taxes. 3361

(I) Any owner of land that remains within a township and that 3362
is adjacent to territory annexed pursuant to this section who is 3363
directly affected by the failure of the annexing municipal 3364
corporation to enforce compliance with any zoning ordinance it 3365
adopts under division (C) of this section requiring the owner of 3366
the annexed territory to provide a buffer zone, may commence in 3367
the court of common pleas a civil action against that owner to 3368
enforce compliance with that buffer requirement whenever the 3369
required buffer is not in place before any development of the 3370
annexed territory begins. 3371

Sec. 709.024. (A) A petition filed under section 709.021 of 3372
the Revised Code that requests to follow this section is for the 3373
special procedure of annexing land into a municipal corporation 3374
for the purpose of undertaking a significant economic development 3375
project. As used in this section, "significant economic 3376
development project" means one or more economic development 3377
projects that can be classified as industrial, distribution, high 3378
technology, research and development, or commercial, which 3379
projects may include ancillary residential and retail uses and 3380
which projects shall satisfy all of the following: 3381

(1) Total private real and personal property investment in a 3382
project shall be in excess of ten million dollars through land and 3383
infrastructure, new construction, reconstruction, installation of 3384
fixtures and equipment, or the addition of inventory, excluding 3385

investment solely related to the ancillary residential and retail 3386
elements, if any, of the project. As used in this division, 3387
"private real and personal property investment" does not include 3388
payments in lieu of taxes, however characterized, under Chapter 3389
725. or 1728. or sections 5709.40 to 5709.43, 5709.73 to 5709.75, 3390
or 5709.78 to 5709.81 of the Revised Code. 3391

(2) There shall be created by the project an additional 3392
annual payroll in excess of one million dollars, excluding payroll 3393
arising solely out of the retail elements, if any, of the project. 3394

(3) The project has been certified by the state director of 3395
development as meeting the requirements of divisions (A)(1) and 3396
(2) of this section. 3397

(B) Upon the filing of the petition under section 709.021 of 3398
the Revised Code in the office of the clerk of the board of county 3399
commissioners, the clerk shall cause the petition to be entered 3400
upon the journal of the board at its next regular session. This 3401
entry shall be the first official act of the board on the 3402
petition. Within five days after the filing of the petition, the 3403
agent for the petitioners shall notify in the manner and form 3404
specified in this division the clerk of the legislative authority 3405
of the municipal corporation to which annexation is proposed, the 3406
~~clerk~~ fiscal officer of each township any portion of which is 3407
included within the territory proposed for annexation, the clerk 3408
of the board of county commissioners of each county in which the 3409
territory proposed for annexation is located other than the county 3410
in which the petition is filed, and the owners of property 3411
adjacent to the territory proposed for annexation or adjacent to a 3412
road that is adjacent to that territory and located directly 3413
across that road from that territory. The notice shall refer to 3414
the time and date when the petition was filed and the county in 3415
which it was filed and shall have attached or shall be accompanied 3416
by a copy of the petition and any attachments or documents 3417

accompanying the petition as filed. 3418

Notice to a property owner is sufficient if sent by regular 3419
United States mail to the tax mailing address listed on the county 3420
auditor's records. Notice to the appropriate government officer 3421
shall be given by certified mail, return receipt requested, or by 3422
causing the notice to be personally served on the officer, with 3423
proof of service by affidavit of the person who delivered the 3424
notice. Proof of service of the notice on each appropriate 3425
government officer shall be filed with the board of county 3426
commissioners with which the petition was filed. 3427

(C)(1) Within thirty days after the petition is filed, the 3428
legislative authority of the municipal corporation to which 3429
annexation is proposed and each township any portion of which is 3430
included within the territory proposed for annexation may adopt 3431
and file with the board of county commissioners an ordinance or 3432
resolution consenting or objecting to the proposed annexation. An 3433
objection to the proposed annexation shall be based solely upon 3434
the petition's failure to meet the conditions specified in 3435
division (F) of this section. Failure of the municipal corporation 3436
or any of those townships to timely file an ordinance or 3437
resolution consenting or objecting to the proposed annexation 3438
shall be deemed to constitute consent by that municipal 3439
corporation or township to the proposed annexation. 3440

(2) Within twenty days after receiving the notice required by 3441
division (B) of this section, the legislative authority of the 3442
municipal corporation shall adopt, by ordinance or resolution, a 3443
statement indicating what services the municipal corporation will 3444
provide or cause to be provided, and an approximate date by which 3445
it will provide or cause them to be provided, to the territory 3446
proposed for annexation, upon annexation. If a hearing is to be 3447
conducted under division (E) of this section, the legislative 3448
authority shall file the statement with the clerk of the board of 3449

county commissioners at least twenty days before the date of the 3450
hearing. 3451

(D) If all parties to the annexation proceedings consent to 3452
the proposed annexation, a hearing shall not be held, and the 3453
board, at its next regular session, shall enter upon its journal a 3454
resolution granting the annexation. There is no appeal in law or 3455
in equity from the board's entry of a resolution under this 3456
division. The clerk of the board shall proceed as provided in 3457
division (C)(1) of section 709.033 of the Revised Code. 3458

(E) Unless the petition is granted under division (D) of this 3459
section, a hearing shall be held on the petition. The board of 3460
county commissioners shall hear the petition at its next regular 3461
session and shall notify the agent for the petitioners of the 3462
hearing's date, time, and place. The agent for the petitioners 3463
shall give, within five days after receipt of the notice of the 3464
hearing from the board, to the parties and property owners 3465
entitled to notice under division (B) of this section, notice of 3466
the date, time, and place of the hearing. Notice to a property 3467
owner is sufficient if sent by regular United States mail to the 3468
tax mailing address listed on the county auditor's records. At the 3469
hearing, the parties and any owner of real estate within the 3470
territory proposed to be annexed are entitled to appear for the 3471
purposes described in division (C) of section 709.032 of the 3472
Revised Code. 3473

(F) Within thirty days after a hearing under division (E) of 3474
this section, the board of county commissioners shall enter upon 3475
its journal a resolution granting or denying the proposed 3476
annexation. The resolution shall include specific findings of fact 3477
as to whether or not each of the conditions listed in this 3478
division has been met. If the board grants the annexation, the 3479
clerk of the board shall proceed as provided in division (C)(1) of 3480
section 709.033 of the Revised Code. 3481

The board shall enter a resolution granting the annexation if 3482
it finds, based upon a preponderance of the substantial, reliable, 3483
and probative evidence on the whole record, that each of the 3484
following conditions has been met: 3485

(1) The petition meets all the requirements set forth in, and 3486
was filed in the manner provided in, section 709.021 of the 3487
Revised Code. 3488

(2) The persons who signed the petition are owners of real 3489
estate located in the territory proposed to be annexed in the 3490
petition and constitute all of the owners of real estate in that 3491
territory. 3492

(3) No street or highway will be divided or segmented by the 3493
boundary line between a township and the municipal corporation as 3494
to create a road maintenance problem, or if the street or highway 3495
will be so divided or segmented, the municipal corporation has 3496
agreed, as a condition of the annexation, that it will assume the 3497
maintenance of that street or highway. For the purposes of this 3498
division, "street" or "highway" has the same meaning as in section 3499
4511.01 of the Revised Code. 3500

(4) The municipal corporation to which the territory is 3501
proposed to be annexed has adopted an ordinance or resolution as 3502
required by division (C)(2) of this section. 3503

(5) The state director of development has certified that the 3504
project meets the requirements of divisions (A)(1) and (2) of this 3505
section and thereby qualifies as a significant economic 3506
development project. The director's certification is binding on 3507
the board of county commissioners. 3508

(G) An owner who signed the petition may appeal a decision of 3509
the board of county commissioners denying the proposed annexation 3510
under section 709.07 of the Revised Code. No other person has 3511
standing to appeal the board's decision in law or in equity. If 3512

the board grants the annexation, there shall be no appeal in law 3513
or in equity. 3514

(H) Notwithstanding anything to the contrary in section 3515
503.07 of the Revised Code, unless otherwise provided in an 3516
annexation agreement entered into pursuant to section 709.192 of 3517
the Revised Code or in a cooperative economic development 3518
agreement entered into pursuant to section 701.07 of the Revised 3519
Code, territory annexed into a municipal corporation pursuant to 3520
this section shall not at any time be excluded from the township 3521
under section 503.07 of the Revised Code and, thus, remains 3522
subject to the township's real property taxes. 3523

(I) A municipal corporation to which annexation is proposed 3524
is entitled in its sole discretion to provide to the territory 3525
proposed for annexation, upon annexation, services in addition to 3526
the services described in the ordinance or resolution adopted by 3527
the legislative authority of the municipal corporation under 3528
division (C)(2) of this section. 3529

Sec. 709.03. The petition required by section 709.02 of the 3530
Revised Code shall be filed in the office of the board of county 3531
commissioners, and the clerk shall cause the petition to be 3532
entered upon the record of proceedings of the board, which entry 3533
shall be the first official act of the board on the annexation 3534
petition, and shall cause the petition to be filed in the office 3535
of the county auditor, where it shall be subject to the inspection 3536
of any interested person. The agent for the petitioners shall 3537
cause written notice of the filing of the petition with the board 3538
of county commissioners and the date of ~~such~~ the filing to be 3539
delivered to the clerk of the legislative authority of the 3540
municipal corporation to which annexation is proposed and to the 3541
~~clerk~~ fiscal officer of each township any portion of which is 3542
included within the territory sought to be annexed. Any person who 3543

signed the ~~petition for~~ annexation petition may remove ~~his~~ the 3544
person's signature by filing with the clerk of the board of county 3545
commissioners a written notice of withdrawal of ~~his~~ the person's 3546
signature within twenty days after ~~such a~~ the notice of filing is 3547
delivered to the ~~clerk~~ fiscal officer of the township in which ~~he~~ 3548
the person resides. Thereafter, signatures may be withdrawn or 3549
removed only in the manner authorized by section 709.032 of the 3550
Revised Code. 3551

Sec. 709.033. (A) After the hearing on a petition for 3552
annexation, the board of county commissioners shall enter upon its 3553
journal a resolution granting the annexation if it finds, based 3554
upon a preponderance of the substantial, reliable, and probative 3555
evidence on the whole record, that each of the following 3556
conditions has been met: 3557

(1) The petition meets all the requirements set forth in, and 3558
was filed in the manner provided in, section 709.02 of the Revised 3559
Code. 3560

(2) The persons who signed the petition are owners of real 3561
estate located in the territory proposed to be annexed in the 3562
petition, and, as of the time the petition was filed with the 3563
board of county commissioners, the number of valid signatures on 3564
the petition constituted a majority of the owners of real estate 3565
in that territory. 3566

(3) The municipal corporation to which the territory is 3567
proposed to be annexed has complied with division (D) of section 3568
709.03 of the Revised Code. 3569

(4) The territory proposed to be annexed is not unreasonably 3570
large. 3571

(5) On balance, the general good of the territory proposed to 3572
be annexed will be served, and the benefits to the territory 3573

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 3636
voting on it in each political subdivision proposed to be merged 3637
and in the municipal corporation with which merger is proposed, 3638
the five candidates from each of those political subdivisions 3639
shall be elected to the commission to formulate the conditions of 3640
merging the political subdivisions. The first meeting of the 3641
commission shall be held in the chamber of the legislative 3642
authority of the municipal corporation that has the smallest 3643
population or, in the case of a merger of the unincorporated area 3644
of a township and one or more municipal corporations, in the 3645
office of the board of township trustees, at nine a.m. on the 3646
tenth day after the certification of the election by the last of 3647
the respective boards of elections to make that certification, 3648
unless that day is a Saturday, Sunday, or holiday, in which case 3649
the first meeting shall be held on the next day thereafter which 3650
is not a Saturday, Sunday, or holiday. 3651

The clerk of the municipal legislative authority or the 3652
fiscal officer of the board of township trustees in whose chamber 3653
or office the first meeting of the commission is held shall serve 3654
as temporary chairperson until permanent officers are elected. The 3655
commission shall elect its own permanent officers and shall 3656
proceed to meet as often as necessary to formulate conditions for 3657
merger that are satisfactory to a majority of the members of the 3658
commission from each political subdivision. 3659

(B) In case of a vacancy on the commission, the vacancy shall 3660
be filled by an appointee of the legislative authority of the 3661
municipal corporation, or the board of township trustees of the 3662
township, that the prior commissioner represented. The person 3663
appointed to fill the vacancy shall be an elector of that 3664
political subdivision and, if the person is representing a 3665
township, shall reside in the unincorporated area of that 3666
township. 3667

(C) The costs of the commission shall be divided among the 3668
participating political subdivisions in proportion to the 3669
population that each participating political subdivision bears to 3670
the total population of the territory proposed to be merged. For 3671
these purposes, a township's population shall be based solely upon 3672
the population of the unincorporated area of the township proposed 3673
to be merged. It shall be a proper public purpose for a municipal 3674
corporation or township to expend general fund moneys for these 3675
payments. 3676

(D) All meetings of the commission shall be subject to the 3677
requirements of section 121.22 of the Revised Code. 3678

Sec. 711.05. (A) Upon the submission of a plat for approval, 3679
in accordance with section 711.041 of the Revised Code, the board 3680
of county commissioners shall certify on it the date of the 3681
submission. Within five days of submission of the plat, the board 3682
shall schedule a meeting to consider the plat and send a written 3683
notice by regular mail to the ~~clerk~~ fiscal officer of the board of 3684
township trustees of the township in which the plat is located and 3685
the board of health of the health district in which the plat is 3686
located. The notice shall inform the trustees and the board of 3687
health of the submission of the plat and of the date, time, and 3688
location of any meeting at which the board of county commissioners 3689
will consider or act upon the proposed plat. The meeting shall 3690
take place within thirty days of submission of the plat, and no 3691
meeting shall be held until at least seven days have passed from 3692
the date the notice was sent by the board of county commissioners. 3693
The approval of the board required by section 711.041 of the 3694
Revised Code or the refusal to approve shall take place within 3695
thirty days from the date of submission or such further time as 3696
the applying party may agree to in writing; otherwise, the plat is 3697
deemed approved and may be recorded as if bearing such approval. 3698

(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 3731
stated upon the record of the board, and, within sixty days 3732
thereafter, the person submitting any plat that the board refuses 3733
to approve may file a petition in the court of common pleas of the 3734
county in which the land described in the plat is situated to 3735
review the action of the board. A board of township trustees is 3736
not entitled to appeal a decision of the board of county 3737
commissioners under this section. 3738

Sec. 711.10. (A) Whenever a county planning commission or a 3739
regional planning commission adopts a plan for the major streets 3740
or highways of the county or region, no plat of a subdivision of 3741
land within the county or region, other than land within a 3742
municipal corporation or land within three miles of a city or one 3743
and one-half miles of a village as provided in section 711.09 of 3744
the Revised Code, shall be recorded until it is approved by the 3745
county or regional planning commission under division (C) of this 3746
section and the approval is endorsed in writing on the plat. 3747

(B) A county or regional planning commission may require the 3748
submission of a preliminary plan for each plat sought to be 3749
recorded. If the commission requires this submission, it shall 3750
provide for a review process for the preliminary plan. Under this 3751
review process, the planning commission shall give its approval, 3752
its approval with conditions, or its disapproval of each 3753
preliminary plan. The commission's decision shall be in writing, 3754
shall be under the signature of the secretary of the commission, 3755
and shall be issued within thirty-five business days after the 3756
submission of the preliminary plan to the commission. The 3757
disapproval of a preliminary plan shall state the reasons for the 3758
disapproval. A decision of the commission under this division is 3759
preliminary to and separate from the commission's decision to 3760
approve, conditionally approve, or refuse to approve a plat under 3761

division (C) of this section. 3762

(C) Within five calendar days after the submission of a plat 3763
for approval under this division, the county or regional planning 3764
commission shall schedule a meeting to consider the plat and send 3765
a notice by regular mail or by electronic mail to the ~~clerk~~ fiscal 3766
officer of the board of township trustees of the township in which 3767
the plat is located and the board of health of the health district 3768
in which the plat is located. The notice shall inform the trustees 3769
and the board of health of the submission of the plat and of the 3770
date, time, and location of any meeting at which the county or 3771
regional planning commission will consider or act upon the plat. 3772
The meeting shall take place within thirty calendar days after 3773
submission of the plat, and no meeting shall be held until at 3774
least seven calendar days have passed from the date the planning 3775
commission sent the notice. 3776

The approval of the county or regional planning commission, 3777
the commission's conditional approval as described in this 3778
division, or the refusal of the commission to approve shall be 3779
endorsed on the plat within thirty calendar days after the 3780
submission of the plat for approval under this division or within 3781
such further time as the applying party may agree to in writing; 3782
otherwise that plat is deemed approved, and the certificate of the 3783
commission as to the date of the submission of the plat for 3784
approval under this division and the failure to take action on it 3785
within that time shall be sufficient in lieu of the written 3786
endorsement or evidence of approval required by this division. 3787

A county or regional planning commission may grant 3788
conditional approval under this division to a plat by requiring a 3789
person submitting the plat to alter the plat or any part of it, 3790
within a specified period after the end of the thirty calendar 3791
days, as a condition for final approval under this division. Once 3792
all the conditions have been met within the specified period, the 3793

commission shall cause its final approval under this division to 3794
be endorsed on the plat. No plat shall be recorded until it is 3795
endorsed with the commission's final or unconditional approval 3796
under this division. 3797

The ground of refusal of approval of any plat submitted under 3798
this division, including citation of or reference to the rule 3799
violated by the plat, shall be stated upon the record of the 3800
county or regional planning commission. Within sixty calendar days 3801
after the refusal under this division, the person submitting any 3802
plat that the commission refuses to approve under this division 3803
may file a petition in the court of common pleas of the proper 3804
county, and the proceedings on the petition shall be governed by 3805
section 711.09 of the Revised Code as in the case of the refusal 3806
of a planning authority to approve a plat. A board of township 3807
trustees is not entitled to appeal a decision of the commission 3808
under this division. 3809

A county or regional planning commission shall adopt general 3810
rules, of uniform application, governing plats and subdivisions of 3811
land falling within its jurisdiction, to secure and provide for 3812
the proper arrangement of streets or other highways in relation to 3813
existing or planned streets or highways or to the county or 3814
regional plan, for adequate and convenient open spaces for 3815
traffic, utilities, access of firefighting apparatus, recreation, 3816
light, and air, and for the avoidance of congestion of population. 3817
The rules may provide for their modification by the commission in 3818
specific cases where unusual topographical and other exceptional 3819
conditions require the modification. The rules may require the 3820
board of health to review and comment on a plat before the 3821
commission acts upon it and also may require proof of compliance 3822
with any applicable zoning resolutions, and with household sewage 3823
treatment rules adopted under section 3718.02 of the Revised Code, 3824
as a basis for approval of a plat. 3825

Before adoption of its rules or amendment of its rules, the 3826
commission shall hold a public hearing on the adoption or 3827
amendment. Notice of the public hearing shall be sent to all 3828
townships in the county or region by regular mail or electronic 3829
mail at least thirty business days before the hearing. No county 3830
or regional planning commission shall adopt any rules requiring 3831
actual construction of streets or other improvements or facilities 3832
or assurance of that construction as a condition precedent to the 3833
approval of a plat of a subdivision unless the requirements have 3834
first been adopted by the board of county commissioners after a 3835
public hearing. A copy of the rules shall be certified by the 3836
planning commission to the county recorders of the appropriate 3837
counties. 3838

After a county or regional street or highway plan has been 3839
adopted as provided in this section, the approval of plats and 3840
subdivisions provided for in this section shall be in lieu of any 3841
approvals provided for in other sections of the Revised Code, 3842
insofar as the territory within the approving jurisdiction of the 3843
county or regional planning commission, as provided in this 3844
section, is concerned. Approval of a plat shall not be an 3845
acceptance by the public of the dedication of any street, highway, 3846
or other way or open space shown upon the plat. 3847

No county or regional planning commission shall require a 3848
person submitting a plat to alter the plat or any part of it as 3849
long as the plat is in accordance with the general rules governing 3850
plats and subdivisions of land, adopted by the commission as 3851
provided in this section, in effect at the time the plat is 3852
submitted. 3853

A county or regional planning commission and a city or 3854
village planning commission, or platting commissioner or 3855
legislative authority of a village, with subdivision regulation 3856
jurisdiction over unincorporated territory within the county or 3857

region may cooperate and agree by written agreement that the 3858
approval of a plat by the city or village planning commission, or 3859
platting commissioner or legislative authority of a village, as 3860
provided in section 711.09 of the Revised Code, shall be 3861
conditioned upon receiving advice from or approval by the county 3862
or regional planning commission. 3863

(D) As used in this section, "business day" means a day of 3864
the week excluding Saturday, Sunday, or a legal holiday as defined 3865
in section 1.14 of the Revised Code. 3866

Sec. 715.691. (A) As used in this section: 3867

(1) "Contracting party" means a municipal corporation that 3868
has entered into a joint economic development zone contract or any 3869
party succeeding to ~~such a~~ the municipal corporation, or a 3870
township that entered into a joint economic development zone 3871
contract with a municipal corporation. 3872

(2) "Zone" means a joint economic development zone designated 3873
under this section. 3874

(B) This section provides alternative procedures and 3875
requirements for creating and operating a joint economic 3876
development zone to those set forth in section 715.69 of the 3877
Revised Code. This section applies only if one of the contracting 3878
parties to the zone does not levy a municipal income tax under 3879
Chapter 718. of the Revised Code. A municipal corporation that 3880
does not levy a municipal income tax may enter into an agreement 3881
to create and operate a joint economic development zone under this 3882
section or under section 715.69 of the Revised Code. 3883

Two or more municipal corporations or one or more townships 3884
and one or more municipal corporations may enter into a contract 3885
whereby they agree to share in the costs of improvements for an 3886
area or areas located in one or more of the contracting parties 3887

that they designate as a joint economic development zone for the 3888
purpose of facilitating new or expanded growth for commercial or 3889
economic development in the state. The contract and zone shall 3890
meet the requirements of divisions (B) to (J) of this section. 3891

(C) The contract shall set forth each contracting party's 3892
contribution to the joint economic development zone. The 3893
contributions may be in any form that the contracting parties 3894
agree to, and may include, but are not limited to, the provision 3895
of services, money, or equipment. The contract may be amended, 3896
renewed, or terminated with the consent of the contracting 3897
parties. The contract shall continue in existence throughout the 3898
term it specifies and shall be binding on the contracting parties 3899
and on any entities succeeding to the contracting parties. 3900

(D) Before the legislative authority of any of the 3901
contracting parties enacts an ordinance or resolution approving a 3902
contract to designate a joint economic development zone, the 3903
legislative authority of each of the contracting parties shall 3904
hold a public hearing concerning the contract and zone. Each ~~such~~ 3905
legislative authority shall provide at least thirty days' public 3906
notice of the time and place of the public hearing in a newspaper 3907
of general circulation in the municipal corporation or township. 3908
During the thirty-day period prior to the public hearing, all of 3909
the following documents shall be available for public inspection 3910
in the office of the clerk of the legislative authority of ~~each a~~ 3911
municipal corporation that is a contracting party and in the 3912
office of the fiscal officer of the a township that is a 3913
contracting ~~parties~~ party: 3914

(1) A copy of the contract designating the zone; 3915

(2) A description of the area or areas to be included in the 3916
zone, including a map in sufficient detail to denote the specific 3917
boundaries of the area or areas; 3918

(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 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? 3950

3951

	FOR THE ORDINANCE AND CONTRACT	
	AGAINST THE ORDINANCE AND CONTRACT	"

3952

3953

3954

(2) If a vote is required to approve a township as a 3955
contracting party to a joint economic development zone under this 3956
section, the ballot shall be in the following form: 3957

"Shall the resolution of the board of township trustees of 3958
the township of (name of contracting party) approving the contract 3959
with (name of each other contracting party) for the designation of 3960
a joint economic development zone be approved? 3961

3962

	FOR THE RESOLUTION AND CONTRACT	
	AGAINST THE RESOLUTION AND CONTRACT	"

3963

3964

3965

If a majority of the electors of each contracting party 3966
voting on the issue vote for the ordinance or resolution and 3967
contract, the ordinance or resolution shall become effective 3968
immediately and the contract shall go into effect immediately or 3969
in accordance with its terms. 3970

(G)(1) A board of directors shall govern each joint economic 3971
development zone created under section 715.691 of the Revised 3972
Code. The members of the board shall be appointed as provided in 3973
the contract. Each of the contracting parties shall appoint three 3974
members to the board. Terms for each member shall be for two 3975
years, each term ending on the same day of the month of the year 3976
as did the term that it succeeds. A member may be reappointed to 3977
the board. 3978

(2) Membership on the board is not the holding of a public 3979

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 4012
that is not higher than the highest rate being levied by a 4013
municipal corporation that is a party to the contract, provided 4014
that the rate of the income tax is first submitted to and approved 4015
by the electors of the zone at the succeeding regular or primary 4016
election, or a special election called by the board, occurring 4017
subsequent to seventy-five days after a certified copy of the 4018
resolution levying the income tax and calling for the election is 4019
filed with the board of elections. If the voters approve the levy 4020
of the income tax, the income tax shall be in force for the full 4021
period of the contract establishing the zone. No election shall be 4022
held under this section if a majority of the electors residing 4023
within the zone, determined as specified in division (H) of this 4024
section, submit a petition to that effect to the board of 4025
directors. Any increase in the rate of an income tax by the board 4026
of directors shall be approved by a vote of the electors of the 4027
zone and shall be in force for the remaining period of the 4028
contract establishing the zone. 4029

(2) Whenever a zone is located in the territory of more than 4030
one contracting party, a majority vote of the electors in each of 4031
the several portions of the territory of the contracting parties 4032
constituting the zone approving the levy of the tax is required 4033
before it may be imposed under division (H) of this section. 4034

(3) If no electors reside in the zone, no election for the 4035
approval or rejection of an income tax shall be held under this 4036
section, provided that where no electors reside in the zone, the 4037
rate of the income tax shall be no higher than the highest rate 4038
being levied by a municipal corporation that is a party to the 4039
contract. 4040

(4) The board of directors of a zone levying an income tax 4041
shall enter into an agreement with one of the municipal 4042
corporations that is a party to the contract to administer, 4043

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

4044

(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.

4045

4046

4047

4048

(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.

4049

4050

4051

4052

4053

4054

4055

4056

4057

4058

4059

(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

4060

4061

4062

4063

4064

4065

4066

4067

4068

4069

4070

4071

4072

4073

4074

4075

or in excess of the ten-mill limitation. The name of the township 4076
may be changed to the name of the contracting party appearing in 4077
the contract creating a joint economic development zone under this 4078
section, so long as the name does not conflict with any other name 4079
in the state that has been certified by the secretary of state. 4080
The township shall have all of the powers set out in sections 4081
715.79, 715.80, and 715.81 of the Revised Code. 4082

(J) If, after creating and operating a joint economic 4083
development zone under this section, a contracting party that did 4084
not levy a municipal income tax under Chapter 718. of the Revised 4085
Code levies such a tax, the tax shall not apply to the zone for 4086
the full period of the contract establishing the zone, if the 4087
board of directors of the zone has levied an income tax as 4088
provided in division (H) of this section. 4089

Sec. 715.70. (A) This section and section 715.71 of the 4090
Revised Code apply only to: 4091

(1) Municipal corporations and townships within a county that 4092
has adopted a charter under Sections 3 and 4 of Article X, Ohio 4093
Constitution; 4094

(2) Municipal corporations and townships that have created a 4095
joint economic development district comprised entirely of real 4096
property owned by a municipal corporation at the time the district 4097
was created under this section. The real property owned by the 4098
municipal corporation shall include an airport owned by the 4099
municipal corporation and located entirely beyond the municipal 4100
corporation's corporate boundary. 4101

(3) Municipal corporations or townships that are part of or 4102
contiguous to a transportation improvement district created under 4103
Chapter 5540. of the Revised Code and that have created a joint 4104
economic development district under this section or section 715.71 4105
of the Revised Code prior to November 15, 1995; 4106

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

(B)(1) 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 an area or areas for the purpose of facilitating economic development to create or preserve jobs and employment opportunities and to improve the economic welfare of the people in the state and in the area of the contracting parties. A municipal corporation described in division (A)(4) of this section may enter into a contract with other municipal corporations and townships to create a new joint economic development district. In a district that includes a municipal corporation described in division (A)(4) of this section, the territory of each of the contracting parties shall be contiguous to the territory of at least one other contracting party, or contiguous to the territory of a township or municipal corporation that is contiguous to another contracting party, even if the intervening township or municipal corporation is not a contracting party. The area or areas of land to be included in the district shall not include any parcel of land owned in fee by a municipal corporation or a township or parcel of land that is leased to a municipal corporation or a township, unless the municipal corporation or township is a party to the contract or unless the municipal corporation or township has given its consent to have its parcel of land included in the district by the adoption of a resolution. As used in this division, "parcel of land" means any parcel of land owned by a municipal corporation or a township for at least a six-month period within a five-year

period prior to the creation of a district, but "parcel of land" 4139
does not include streets or public ways and sewer, water, and 4140
other utility lines whether owned in fee or otherwise. 4141

The district created shall be located within the territory of 4142
one or more of the participating parties and may consist of all or 4143
a portion of such territory. The boundaries of the district shall 4144
be described in the contract or in an addendum to the contract. 4145

(2) Prior to the public hearing to be held pursuant to 4146
division (D)(2) of this section, the participating parties shall 4147
give a copy of the proposed contract to each municipal corporation 4148
located within one-quarter mile of the proposed joint economic 4149
development district and not otherwise a party to the contract, 4150
and afford the municipal corporation the reasonable opportunity, 4151
for a period of thirty days following receipt of the proposed 4152
contract, to make comments and suggestions to the participating 4153
parties regarding elements contained in the proposed contract. 4154

(3) The district shall not exceed two thousand acres in area. 4155
The territory of the district shall not completely surround 4156
territory that is not included within the boundaries of the 4157
district. 4158

(4) Sections 503.07 to 503.12 of the Revised Code do not 4159
apply to territory included within a district created pursuant to 4160
this section as long as the contract creating the district is in 4161
effect, unless the legislative authority of each municipal 4162
corporation and the board of township trustees of each township 4163
included in the district consent, by ordinance or resolution, to 4164
the application of those sections of the Revised Code. 4165

(5) Upon the execution of the contract creating the district 4166
by the parties to the contract, a participating municipal 4167
corporation or township included within the district shall file a 4168
copy of the fully executed contract with the county recorder of 4169

each county within which a party to the contract is located, in 4170
the miscellaneous records of the county. No annexation proceeding 4171
pursuant to Chapter 709. of the Revised Code that proposes the 4172
annexation to, merger, or consolidation with a municipal 4173
corporation of any unincorporated territory within the district 4174
shall be commenced for a period of three years after the contract 4175
is filed with the county recorder of each county within which a 4176
party to the contract is located unless each board of township 4177
trustees whose territory is included, in whole or part, within the 4178
district and the territory proposed to be annexed, merged, or 4179
consolidated adopts a resolution consenting to the commencement of 4180
the proceeding and a copy of the resolution is filed with the 4181
legislative authority of each county within which a party to the 4182
contract is located or unless the contract is terminated during 4183
this period. 4184

The contract entered into between the municipal corporations 4185
and townships pursuant to this section may provide for the 4186
prohibition of any annexation by the participating municipal 4187
corporations of any unincorporated territory within the district 4188
beyond the three-year mandatory prohibition of any annexation 4189
provided for in division (B)(5) of this section. 4190

(C)(1) After the legislative authority of a municipal 4191
corporation and the board of township trustees have adopted an 4192
ordinance and resolution approving a contract to create a joint 4193
economic development district pursuant to this section, and after 4194
a contract has been signed, the municipal corporations and 4195
townships shall jointly file a petition with the legislative 4196
authority of each county within which a party to the contract is 4197
located. 4198

(a) The petition shall contain all of the following: 4199

(i) A statement that the area or areas of the district is not 4200

greater than two thousand acres and is located within the 4201
territory of one or more of the contracting parties; 4202

(ii) A brief summary of the services to be provided by each 4203
party to the contract or a reference to the portion of the 4204
contract describing those services; 4205

(iii) A description of the area or areas to be designated as 4206
the district; 4207

(iv) The signature of a representative of each of the 4208
contracting parties. 4209

(b) The following documents shall be filed with the petition: 4210

(i) A signed copy of the contract, together with copies of 4211
district maps and plans related to or part of the contract; 4212

(ii) A certified copy of the ordinances and resolutions of 4213
the contracting parties approving the contract; 4214

(iii) A certificate from each of the contracting parties 4215
indicating that the public hearings required by division (D)(2) of 4216
this section have been held, the date of the hearings, and 4217
evidence of publication of the notice of the hearings; 4218

(iv) One or more signed statements of persons who are owners 4219
of property located in whole or in part within the area to be 4220
designated as the district, requesting that ~~such~~ the property be 4221
included within the district, provided that those statements shall 4222
represent a majority of the persons owning property located in 4223
whole or in part within the district and persons owning a majority 4224
of the acreage located within the district. A signature may be 4225
withdrawn by the signer up to but not after the time of the public 4226
hearing required by division (D)(2) of this section. 4227

(2) The legislative authority of each county within which a 4228
party to the contract is located shall adopt a resolution 4229
approving the petition for the creation of the district if the 4230

petition and other documents have been filed in accordance with 4231
the requirements of division (C)(1) of this section. If the 4232
petition and other documents do not substantially meet the 4233
requirements of that division, the legislative authority of any 4234
county within which a party to the contract is located may adopt a 4235
resolution disapproving the petition for the creation of the 4236
district. The legislative authority of each county within which a 4237
party to the contract is located shall adopt a resolution 4238
approving or disapproving the petition within thirty days after 4239
the petition was filed. If the legislative authority of each such 4240
county does not adopt the resolution within the thirty-day period, 4241
the petition shall be deemed approved and the contract shall go 4242
into effect immediately after that approval or at such other time 4243
as the contract specifies. 4244

(D)(1) The contract creating the district shall set forth or 4245
provide for the amount or nature of the contribution of each 4246
municipal corporation and township to the development and 4247
operation of the district and may provide for the sharing of the 4248
costs of the operation of and improvements for the district. The 4249
contributions may be in any form to which the contracting 4250
municipal corporations and townships agree and may include but are 4251
not limited to the provision of services, money, real or personal 4252
property, facilities, or equipment. The contract may provide for 4253
the contracting parties to share revenue from taxes levied on 4254
property by one or more of the contracting parties if those 4255
revenues may lawfully be applied to that purpose under the 4256
legislation by which those taxes are levied. The contract shall 4257
provide for new, expanded, or additional services, facilities, or 4258
improvements, including expanded or additional capacity for or 4259
other enhancement of existing services, facilities, or 4260
improvements, provided that those services, facilities, or 4261
improvements, or expanded or additional capacity for or 4262

enhancement of existing services, facilities, or improvements, 4263
required herein have been provided within the two-year period 4264
prior to the execution of the contract. 4265

(2) Before the legislative authority of a municipal 4266
corporation or a board of township trustees passes any ordinance 4267
or resolution approving a contract to create a joint economic 4268
development district pursuant to this section, the legislative 4269
authority of the municipal corporation and the board of township 4270
trustees shall each hold a public hearing concerning the joint 4271
economic development district contract and shall provide thirty 4272
days' public notice of the time and place of the public hearing in 4273
a newspaper of general circulation in the municipal corporation 4274
and the township. The board of township trustees may provide 4275
additional notice to township residents in accordance with section 4276
9.03 of the Revised Code, and any ~~such~~ additional notice shall 4277
include the public hearing announcement; a summary of the terms of 4278
the contract; a statement that the entire text of the contract and 4279
district maps and plans are on file for public examination in the 4280
office of the township ~~clerk~~ fiscal officer; and information 4281
pertaining to any tax changes ~~which~~ that will or may occur as a 4282
result of the contract. 4283

During the thirty-day period prior to the public hearing, a 4284
copy of the text of the contract together with copies of district 4285
maps and plans related to or part of the contract shall be on 4286
file, for public examination, in the offices of the clerk of the 4287
legislative authority of the municipal corporation and of the 4288
township ~~clerk~~ fiscal officer. The public hearing provided for in 4289
division (D)(2) of this section shall allow for public comment and 4290
recommendations from the public on the proposed contract. The 4291
contracting parties may include in the contract any of those 4292
recommendations prior to the approval of the contract. 4293

(3) Any resolution of the board of township trustees that 4294

approves a contract that creates a joint economic development 4295
district pursuant to this section shall be subject to a referendum 4296
of the electors of the township. When a referendum petition, 4297
signed by ten per cent of the number of electors in the township 4298
who voted for the office of governor at the most recent general 4299
election for the office of governor, is presented to the board of 4300
township trustees within thirty days after the board of township 4301
trustees adopted the resolution, ordering that the resolution be 4302
submitted to the electors of the township for their approval or 4303
rejection, the board of township trustees shall, after ten days 4304
and not later than four p.m. of the seventy-fifth day before the 4305
election, certify the text of the resolution to the board of 4306
elections. The board of elections shall submit the resolution to 4307
the electors of the township for their approval or rejection at 4308
the next general, primary, or special election occurring 4309
subsequent to seventy-five days after the certifying of the 4310
petition to the board of elections. 4311

(4) Upon the creation of a district under this section or 4312
section 715.71 of the Revised Code, one of the contracting parties 4313
shall file a copy of the following with the director of 4314
development: 4315

(a) The petition and other documents described in division 4316
(C)(1) of this section, if the district is created under this 4317
section; 4318

(b) The documents described in division (D) of section 715.71 4319
of the Revised Code, if the district is created under this 4320
section. 4321

(E) The district created by the contract shall be governed by 4322
a board of directors that shall be established by or pursuant to 4323
the contract. The board is a public body for the purposes of 4324
section 121.22 of the Revised Code. The provisions of Chapter 4325

2744. of the Revised Code apply to the board and the district. The 4326
members of the board shall be appointed as provided in the 4327
contract from among the elected members of the legislative 4328
authorities and the elected chief executive officers of the 4329
contracting parties, provided that there shall be at least two 4330
members appointed from each of the contracting parties. 4331

(F) The contract shall enumerate the specific powers, duties, 4332
and functions of the board of directors of a district, and the 4333
contract shall provide for the determination of procedures that 4334
are to govern the board of directors. The contract may grant to 4335
the board the power to adopt a resolution to levy an income tax 4336
within the district. The income tax shall be used for the purposes 4337
of the district and for the purposes of the contracting municipal 4338
corporations and townships pursuant to the contract. The income 4339
tax may be levied in the district based on income earned by 4340
persons working or residing within the district and based on the 4341
net profits of businesses located in the district. The income tax 4342
shall follow the provisions of Chapter 718. of the Revised Code, 4343
except that a vote shall be required by the electors residing in 4344
the district to approve the rate of income tax. If no electors 4345
reside within the district, then division (F)(4) of this section 4346
applies. The rate of the income tax shall be no higher than the 4347
highest rate being levied by a municipal corporation that is a 4348
party to the contract. 4349

(1) Within one hundred eighty days after the first meeting of 4350
the board of directors, the board may levy an income tax, provided 4351
that the rate of the income tax is first submitted to and approved 4352
by the electors of the district at the succeeding regular or 4353
primary election, or a special election called by the board, 4354
occurring subsequent to seventy-five days after a certified copy 4355
of the resolution levying the income tax and calling for the 4356
election is filed with the board of elections. If the voters 4357

approve the levy of the income tax, the income tax shall be in 4358
force for the full period of the contract establishing the 4359
district. Any increase in the rate of an income tax that was first 4360
levied within one hundred eighty days after the first meeting of 4361
the board of directors shall be approved by a vote of the electors 4362
of the district, shall be in force for the remaining period of the 4363
contract establishing the district, and shall not be subject to 4364
division (F)(2) of this section. 4365

(2) Any resolution of the board of directors levying an 4366
income tax that is adopted subsequent to one hundred eighty days 4367
after the first meeting of the board of directors shall be subject 4368
to a referendum as provided in division (F)(2) of this section. 4369
Any resolution of the board of directors levying an income tax 4370
that is adopted subsequent to one hundred eighty days after the 4371
first meeting of the board of directors shall be subject to an 4372
initiative proceeding to amend or repeal the resolution levying 4373
the income tax as provided in division (F)(2) of this section. 4374
When a referendum petition, signed by ten per cent of the number 4375
of electors in the district who voted for the office of governor 4376
at the most recent general election for the office of governor, is 4377
filed with the county auditor of each county within which a party 4378
to the contract is located within thirty days after the resolution 4379
is adopted by the board or when an initiative petition, signed by 4380
ten per cent of the number of electors in the district who voted 4381
for the office of governor at the most recent general election for 4382
the office of governor, is filed with the county auditor of each 4383
such county ordering that a resolution to amend or repeal a prior 4384
resolution levying an income tax be submitted to the electors 4385
within the district for their approval or rejection, the county 4386
auditor of each such county, after ten days and not later than 4387
four p.m. of the seventy-fifth day before the election, shall 4388
certify the text of the resolution to the board of elections of 4389

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 4421
conducted in the same manner as is required for such proceedings 4422
within a municipal corporation pursuant to sections 731.28 to 4423
731.40 of the Revised Code. 4424

(G) Membership on the board of directors does not constitute 4425
the holding of a public office or employment within the meaning of 4426
any section of the Revised Code or any charter provision 4427
prohibiting the holding of other public office or employment, and 4428
shall not constitute an interest, either direct or indirect, in a 4429
contract or expenditure of money by any municipal corporation, 4430
township, county, or other political subdivision with which the 4431
member may be connected. No member of a board of directors shall 4432
be disqualified from holding any public office or employment, nor 4433
shall such member forfeit or be disqualified from holding any such 4434
office or employment, by reason of the member's membership on the 4435
board of directors, notwithstanding any law or charter provision 4436
to the contrary. 4437

(H) The powers and authorizations granted pursuant to this 4438
section or section 715.71 of the Revised Code are in addition to 4439
and not in derogation of all other powers granted to municipal 4440
corporations and townships pursuant to law. When exercising a 4441
power or performing a function or duty under a contract authorized 4442
pursuant to this section or section 715.71 of the Revised Code, a 4443
municipal corporation may exercise all of the powers of a 4444
municipal corporation, and may perform all the functions and 4445
duties of a municipal corporation, within the district, pursuant 4446
to and to the extent consistent with the contract. When exercising 4447
a power or performing a function or duty under a contract 4448
authorized pursuant to this section or section 715.71 of the 4449
Revised Code, a township may exercise all of the powers of a 4450
township, and may perform all the functions and duties of a 4451
township, within the district, pursuant to and to the extent 4452

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

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

purpose of facilitating economic development to create or preserve 4516
jobs and employment opportunities and to improve the economic 4517
welfare of the people in this state and in the area of the 4518
contracting parties. The district created shall be located within 4519
the territory of one or more of the contracting parties and may 4520
consist of all or a portion of ~~such~~ that territory. The boundaries 4521
of the district shall be described in the contract or in an 4522
addendum to the contract. The area or areas of land to be included 4523
in the district shall not include any parcel of land owned in fee 4524
by or leased to a municipal corporation or township, unless the 4525
municipal corporation or township is a party to the contract or 4526
has given its consent to have its parcel of land included in the 4527
district by the adoption of a resolution. As used in this 4528
division, "parcel of land" has the same meaning as in division (B) 4529
of section 715.70 of the Revised Code. 4530

(C) Before the legislative authority of a municipal 4531
corporation or a board of township trustees adopts an ordinance or 4532
resolution approving a contract to create a joint economic 4533
development district under this section, it shall hold a public 4534
hearing concerning the joint economic development district 4535
contract and shall provide thirty days' public notice of the time 4536
and place of the public hearing in a newspaper of general 4537
circulation in the municipal corporation and the township. Each 4538
municipal corporation and township that is a party to the contract 4539
shall hold a public hearing. During the thirty-day period prior to 4540
a public hearing, a copy of the text of the contract together with 4541
copies of district maps and plans related to or part of the 4542
contract shall be on file, for public examination, in the offices 4543
of the clerk of the legislative authority of the municipal 4544
corporation and of the township ~~clerk~~ fiscal officer. The public 4545
hearings provided for in this division shall allow for public 4546
comment and recommendations on the proposed contract. The 4547

participating parties may include in the contract any of those 4548
recommendations prior to approval of the contract. 4549

(D) After the legislative authority of a municipal 4550
corporation and the board of township trustees have adopted an 4551
ordinance and resolution approving a contract to create a joint 4552
economic development district, the municipal corporation and the 4553
township jointly shall file with the legislative authority of each 4554
county within which a party to the contract is located all of the 4555
following: 4556

(1) A signed copy of the contract, together with copies of 4557
district maps and plans related to or part of the contract; 4558

(2) Certified copies of the ordinances and resolutions of the 4559
contracting parties relating to the district and the contract; 4560

(3) A certificate of each of the contracting parties that the 4561
public hearings provided for in division (C) of this section have 4562
been held, the date of ~~such~~ the hearings, and evidence of 4563
publication of the notice of ~~such~~ the hearings. 4564

(E) Within thirty days after the filing under division (D) of 4565
this section, the legislative authority of each county within 4566
which a party to the contract is located shall adopt a resolution 4567
acknowledging the receipt of the required documents, approving the 4568
creation of the joint economic development district, and directing 4569
that the resolution of the board of township trustees approving 4570
the contract be submitted to the electors of the township for 4571
approval at the next succeeding general, primary, or special 4572
election. The legislative authority of the county shall file with 4573
the board of elections at least seventy-five days before the day 4574
of the election a copy of the resolution of the board of township 4575
trustees approving the contract. The resolution of the legislative 4576
authority of the county also shall specify the date the election 4577
is to be held and shall direct the board of elections to conduct 4578

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

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
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.

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

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

~~such~~ legislative authority shall provide at least thirty days' 4673
public notice of the time and place of the public hearing in a 4674
newspaper of general circulation in the municipal corporation or 4675
township, as applicable. During the thirty-day period prior to the 4676
public hearing and until the filing is made under section 715.76 4677
of the Revised Code, all of the following documents shall be 4678
available for public inspection in the office of the clerk of the 4679
legislative authority of ~~each~~ a municipal corporation that is a 4680
contracting party and in the office of the fiscal officer of the a 4681
township that is a contracting parties party: 4682

(A) A copy of the contract creating the district; 4683

(B) A description of the area or areas to be included in the 4684
district, including a map in sufficient detail to denote the 4685
specific boundaries of the area or areas and to indicate any 4686
zoning restrictions applicable to the area or areas; 4687

(C) An economic development plan for the district that 4688
consists of both of the following schedules: 4689

(1) A schedule for the provision of the new, expanded, or 4690
additional services, facilities, or improvements described in 4691
division (A) of section 715.74 of the Revised Code; 4692

(2) A schedule for the collection of an income tax levied 4693
under division (C) of section 715.74 of the Revised Code. 4694

A public hearing held under this section shall allow for 4695
public comment and recommendations on the contract and district. 4696
The contracting parties may include in the contract any of those 4697
recommendations prior to approval of the contract. 4698

Before any of the contracting parties approves a contract 4699
under section 715.76 of the Revised Code, the contracting parties 4700
shall deliver a copy of the contract to the board of county 4701
commissioners of each county in which a contracting party is 4702
located. Any such county may enter into an agreement with the 4703

contracting parties regarding the provision of services by the 4704
county within the proposed district and may enter into an 4705
agreement with the contracting parties to extend services to the 4706
area or areas to be included in the district. 4707

Sec. 715.76. After the public hearings required under section 4708
715.75 of the Revised Code have been held, each contracting party 4709
may adopt an ordinance or resolution approving the contract to 4710
create a joint economic development district. After each 4711
contracting party has adopted ~~such~~ an ordinance or resolution, the 4712
contracting parties jointly shall file with the legislative 4713
authority of each county within which a contracting party is 4714
located all of the following documents: 4715

(A) A signed copy of the contract; 4716

(B) A description of the area or areas to be included in the 4717
district, including a map in sufficient detail to denote the 4718
specific boundaries of the area or areas and to indicate any 4719
zoning restrictions applicable to the area or areas; 4720

(C) The economic development plan described in division (C) 4721
of section 715.75 of the Revised Code; 4722

(D) Certified copies of the ordinances and resolutions of the 4723
contracting parties relating to the contract and district; 4724

(E) A certificate of each contracting party that the public 4725
hearings required by section 715.75 of the Revised Code have been 4726
held, the date of the hearings, and evidence of publication of the 4727
notice of the hearings; 4728

(F) A petition signed by a majority of the owners of property 4729
located within the area or areas to be included in the district; 4730

(G) A petition signed by a majority of the owners of 4731
businesses, if any, located within the area or areas to be 4732
included in the district. 4733

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 4766
the creation of the district if it determines, in written findings 4767
of fact, that each contracting party did not enter into the 4768
contract freely and without duress or coercion. 4769

Sec. 971.05. The cost due the township ~~clerk~~ fiscal officer 4770
and the board of township trustees for making the assignment set 4771
forth in section 971.04 of the Revised Code, shall be taxed 4772
equally against each of the persons, and, if not paid to the ~~clerk~~ 4773
fiscal officer within thirty days from the date of ~~such the~~ 4774
assignment, shall be certified by ~~him~~ the fiscal officer to the 4775
county auditor, with a correct description of the lands and the 4776
amount charged against each portion. 4777

Sec. 971.06. The county auditor shall place the amount 4778
authorized in section 971.05 of the Revised Code, upon the 4779
duplicate to be collected as other taxes, and the county treasurer 4780
shall pay it, when collected, to the township ~~clerk~~ fiscal officer 4781
as other funds are paid. 4782

Sec. 971.08. When the work is completed to the satisfaction 4783
of the board of township trustees, it shall certify the costs to 4784
the township ~~clerk, and, if~~ fiscal officer. If the costs are not 4785
paid within thirty days, ~~such clerk~~ the township fiscal officer 4786
shall certify them to the county auditor with a statement of the 4787
cost of the construction and incidental costs incurred by the 4788
trustees, ~~with~~ and a correct description of each piece of land 4789
upon which the costs are assessed. 4790

Sec. 971.09. The county auditor shall place the amounts 4791
certified, as provided in section 971.08 of the Revised Code, upon 4792
the tax duplicate, which amounts shall become a lien and be 4793
collected as other taxes, ~~and the~~. The board of township trustees 4794

shall certify the amount due each person for building ~~such the~~ 4795
fence and the amount due each trustee and ~~clerk the township~~ 4796
fiscal officer for services rendered. In anticipation of the 4797
collection ~~thereof~~ of the amounts, the auditor shall draw orders 4798
for the payment of ~~such the~~ amounts out of the county treasury. 4799

Sec. 971.12. The report of the assignment of partition fences 4800
under this chapter shall be made and certified to the county 4801
recorder by the township ~~clerk~~ fiscal officer, and the cost of the 4802
record ~~thereof~~ of the report shall be taxed against the parties 4803
with the other costs. 4804

Sec. 971.35. When the work authorized in section 971.34 of 4805
the Revised Code is completed, the board of township trustees 4806
shall certify to the county auditor the amount of the cost of the 4807
work with the expense thereto attached, and a correct description 4808
of the land upon which the work was performed, ~~and the.~~ The 4809
auditor shall place the amount upon the tax duplicate to be 4810
collected as other taxes. The county treasurer shall pay the 4811
amount, when collected, to the township ~~clerk~~ fiscal officer as 4812
other funds are paid. 4813

Sec. 971.36. The board of township trustees may anticipate 4814
the collection, and refund the cost of the work authorized in 4815
section 971.34 of the Revised Code, to the township ~~clerk~~ fiscal 4816
officer for the amount, payable out of any township funds that may 4817
be in ~~his~~ the fiscal officer's hands. 4818

Sec. 1341.16. A surety of a constable, township ~~clerk~~ fiscal 4819
officer, or other township officer, may notify the board of 4820
township trustees, by giving at least five days' notice in 4821
writing, that ~~he~~ the surety is unwilling to continue as surety for 4822
~~such the~~ officer, ~~and,~~ at a time named in ~~such the~~ notice, will 4823

make application to the board to be released from further 4824
liability upon ~~his~~ the bond. He The surety also shall give at 4825
least three days' notice in writing to ~~such~~ the officer~~r~~, of the 4826
time and place at which the application will be made. 4827

Sec. 1533.13. Hunting and fishing licenses, wetlands habitat 4828
stamps, deer and wild turkey permits, fur taker permits, and any 4829
other licenses, permits, or stamps that are required under this 4830
chapter or Chapter 1531. of the Revised Code and any reissued 4831
license, permit, or stamp may be issued by the clerk of the court 4832
of common pleas, village ~~and~~ clerks, township ~~clerks~~ fiscal 4833
officers, and other authorized agents designated by the chief of 4834
the division of wildlife. When required by the chief, a clerk, 4835
fiscal officer, or other agent shall give bond in the manner 4836
provided by the chief. All bonds, reports, except records 4837
prescribed by the auditor of state, and moneys received by those 4838
persons shall be handled under rules adopted by the director of 4839
natural resources. 4840

The premium of any bond prescribed by the chief under this 4841
section may be paid by the chief. Any person who is designated and 4842
authorized by the chief to issue licenses, stamps, and permits as 4843
provided in this section, except the clerk of the court of common 4844
pleas ~~and the~~, a village clerk, and a township clerks fiscal 4845
officer, shall pay to the chief a premium in an amount that 4846
represents the person's portion of the premium paid by the chief 4847
under this section, which amount shall be established by the chief 4848
and approved by the wildlife council created under section 1531.03 4849
of the Revised Code. The chief shall pay all moneys that the chief 4850
receives as premiums under this section into the state treasury to 4851
the credit of the wildlife fund created under section 1531.17 of 4852
the Revised Code. 4853

Every authorized agent, for the purpose of issuing hunting 4854

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.

4855
4856
4857
4858
4859
4860

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.

4861
4862
4863
4864
4865
4866
4867
4868
4869
4870
4871
4872
4873
4874
4875
4876
4877
4878
4879
4880
4881
4882
4883
4884

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

4885
4886

to pay a nominal fee for postage and handling and credit card
transactions. 4887
4888

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. 4889
4890
4891
4892
4893
4894
4895
4896

No person under sixteen years of age shall engage in hunting
unless accompanied by the person's parent or another adult person. 4897
4898

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. 4899
4900
4901
4902
4903
4904
4905
4906

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 4907
4908
4909
4910
4911
4912
4913
4914
4915
4916
4917

consent with the clerk of the legislative authority, the township 4918
fiscal officer, or the village clerk, as appropriate. The area of 4919
each district shall be contiguous. 4920

(B) Except as provided in division (C) of this section, a 4921
district created under this chapter is not a political 4922
subdivision. A district created under this chapter shall be 4923
considered a public agency under section 102.01 and a public 4924
authority under section 4115.03 of the Revised Code. Each member 4925
of the board of directors of a district, each member's designee or 4926
proxy, and each officer and employee of a district shall be 4927
considered a public official or employee under section 102.01 of 4928
the Revised Code and a public official and public servant under 4929
section 2921.42 of the Revised Code. Districts created under this 4930
chapter are not subject to section 121.24 of the Revised Code. 4931
Districts created under this chapter are subject to sections 4932
121.22 and 121.23 of the Revised Code. 4933

(C) Each district created under this chapter shall be 4934
considered a political subdivision for purposes of section 4905.34 4935
of the Revised Code. 4936

Membership on the board of directors of the district shall 4937
not be considered as holding a public office. Directors and their 4938
designees shall be entitled to the immunities provided by Chapter 4939
1702. and to the same immunity as an employee under division 4940
(A)(6) of section 2744.03 of the Revised Code, except that 4941
directors and their designees shall not be entitled to the 4942
indemnification provided in section 2744.07 of the Revised Code 4943
unless the director or designee is an employee or official of a 4944
participating political subdivision of the district and is acting 4945
within the scope of the director's or designee's employment or 4946
official responsibilities. 4947

District officers and district members and directors and 4948

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

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

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

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

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

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

receiving approval of the amendment, by resolution, from the 4980
legislative authority of each participating political subdivision 4981
and filing the approved amendment and resolution with the 4982
secretary of state. 4983

(4) The reasons for creating the district, plus an 4984
explanation of how the district will be conducive to the public 4985
health, safety, peace, convenience, and welfare of the district. 4986

(E) The articles of incorporation for a nonprofit corporation 4987
governing a district created under this chapter and amendments to 4988
them shall be submitted to the municipal executive, if any, and 4989
the legislative authority of each municipal corporation or 4990
township in which the proposed district is to be located, 4991
accompanied by a petition signed either by the owners of at least 4992
sixty per cent of the front footage of all real property located 4993
in the proposed district that abuts upon any street, alley, public 4994
road, place, boulevard, parkway, park entrance, easement, or other 4995
existing public improvement within the proposed district, 4996
excluding church property or property owned by the state, county, 4997
township, municipal, or federal government, unless a church, 4998
county, township, or municipal corporation has specifically 4999
requested in writing that the property be included in the 5000
district, or by the owners of at least seventy-five per cent of 5001
the area of all real property located within the proposed 5002
district, excluding church property or property owned by the 5003
state, county, township, municipal, or federal government, unless 5004
a church, county, township, or municipal corporation has 5005
specifically requested in writing that the property be included in 5006
the district. For purposes of determining compliance with these 5007
requirements, the area of the district, or the front footage and 5008
ownership of property, shall be as shown in the most current 5009
records available at the county recorder's office and the county 5010
engineer's office sixty days prior to the date on which the 5011

petition is filed.

5012

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

5013

5014

5015

5016

5017

5018

5019

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

5020

5021

5022

5023

5024

An initial plan may include provisions for the following:

5025

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

5026

5027

(2) Hiring employees and professional services;

5028

(3) Contracting for insurance;

5029

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

5030

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

5031

5032

5033

(6) A plan for public improvements or public services that
benefit all or part of the district, which plan shall comply with
the requirements of division (A) of section 1710.06 of the Revised
Code and may include, but is not limited to, any of the permissive
provisions described in the fourth sentence of that division or
listed in divisions (A)(1) to (5) of that section.

5034

5035

5036

5037

5038

5039

After the initial plan is approved by all municipal
corporations and townships to which it is submitted for approval

5040

5041

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

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

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

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

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

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

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

report it to: 5072

(1) A law enforcement officer of the municipal corporation or 5073
township and the sheriff of the county where the escape occurred; 5074
and 5075

(2) The clerk of the municipal legislative authority or the 5076
~~township clerk~~ fiscal officer of the township where the escape 5077
occurred. 5078

(B) If the office of the clerk of a municipal legislative 5079
authority or township ~~clerk~~ fiscal officer is closed to the public 5080
at the time a report is required by division (A) of this section, 5081
~~then~~ it is sufficient compliance with division (A)(2) of this 5082
section if the owner or keeper makes the report within one hour 5083
after the office is next open to the public. 5084

(C) Whoever violates this section is guilty of a misdemeanor 5085
of the first degree. 5086

Sec. 3381.03. Any county, or any two or more counties, 5087
municipal corporations, or townships, or any combination ~~thereof~~ 5088
of these may create a regional arts and cultural district by the 5089
adoption of a resolution or ordinance by the board of county 5090
commissioners of each county, the legislative authority of each 5091
municipal corporation, and the board of township trustees of each 5092
township that desires to create or to join in the creation of the 5093
district. ~~Such~~ The resolution or ordinance shall state all of the 5094
following: 5095

(A) The purposes for the creation of the district; 5096

(B) The counties, municipal corporations, or townships that 5097
are to be included in the district; 5098

(C) The official name by which the district shall be known; 5099

(D) The location of the principal office of the district or 5100
the manner in which the location shall be selected; 5101

(E) Subject to section 3381.05 of the Revised Code, the 5102
number, term, and compensation, which shall not exceed the sum of 5103
fifty dollars for each board and committee meeting attended by a 5104
member, of the members of the board of trustees of the district; 5105

(F) Subject to section 3381.05 of the Revised Code, the 5106
manner in which members of the board of trustees of the district 5107
shall be appointed; the method of filling vacancies; and the 5108
period, if any, for which a trustee continues in office after 5109
expiration of ~~his~~ the trustee's term pending the appointment of 5110
~~his~~ the trustee's successor; 5111

(G) The manner of apportioning expenses of the district among 5112
the participating counties, municipal corporations, and townships. 5113
~~Such~~ 5114

The resolution or ordinance may also provide that the 5115
authority of the districts to make grants under section 3381.20 of 5116
the Revised Code may be totally or partially delegated to one or 5117
more area arts councils, as defined in section 757.03 of the 5118
Revised Code, located within the district. 5119

The district provided for in ~~such~~ the resolution or ordinance 5120
shall be created upon the adoption of ~~such~~ the resolution or 5121
ordinance by the board of county commissioners of each county, the 5122
legislative authority of each municipal corporation, and the board 5123
of township trustees of each township enumerated in the resolution 5124
or ordinance. The resolution or ordinance may be amended to 5125
include additional counties, municipal corporations, or townships 5126
or for any other purpose by the adoption of ~~such~~ an amendment by 5127
the board of county commissioners of each county, the legislative 5128
authority of each municipal corporation, and the board of township 5129
trustees of each township that has created or joined or proposes 5130
to join the district. 5131

After each ~~such~~ county, municipal corporation, and township 5132

has adopted a resolution or ordinance approving inclusion of 5133
additional counties, municipal corporations, or townships in the 5134
district, a copy of ~~such~~ the resolution or ordinance shall be 5135
filed with the clerk of the board of the county commissioners of 5136
each county, the clerk of the legislative authority of each 5137
municipal corporation, and the fiscal officer of the board of 5138
trustees of each township proposed to be included in the district. 5139
~~Such~~ The inclusion is effective when all such filing is completed 5140
unless the district to which territory is to be added has 5141
authority to levy an ad valorem tax on property within its 5142
territory, in which event ~~such~~ the inclusion shall become 5143
effective upon voter approval of the joinder and the tax. The 5144
board of trustees shall promptly certify the proposal to the board 5145
or boards of elections for the purpose of having the proposal 5146
placed on the ballot at the next general or primary election ~~which~~ 5147
that occurs not less than sixty days after the date of the meeting 5148
of the board of trustees, or at a special election held on a date 5149
specified in the certification that is not less than sixty days 5150
after the date of ~~such~~ the meeting of the board. If territory of 5151
more than one county, municipal corporation, or township is to be 5152
added to the regional arts and cultural district, the electors of 5153
~~such~~ the territories of the counties, municipal corporations, or 5154
townships which are to be added shall vote as a district, and the 5155
outcome of the election shall be determined by the vote cast in 5156
the entire district. Upon certification of a proposal to the board 5157
or boards of elections pursuant to this section, ~~such~~ the board or 5158
boards of elections shall make the necessary arrangements for the 5159
submission of ~~such~~ the questions to the electors of the territory 5160
to be added to the district, and the election shall be held, 5161
canvassed, and certified in the manner provided for the submission 5162
of tax levies under section 5705.19 of the Revised Code, except 5163
that the question appearing on the ballot shall read: 5164
"Shall the territory within the (name or 5165

names of political subdivisions to be joined) be added to 5166
..... (name) regional arts and cultural 5167
district? And shall a(n) (here insert type of 5168
tax or taxes) at a rate of taxation not to exceed (here 5169
insert maximum tax rate or rates) be levied for purposes of such 5170
district?" 5171

If the question is approved by a majority of the electors 5172
voting on ~~such~~ the question, the joinder is effective immediately, 5173
and the district may extend the levy of ~~such~~ the tax against all 5174
the taxable property within the territory that has been added. If 5175
~~such~~ the question is approved at a general election or at a 5176
special election occurring prior to a general election but after 5177
the fifteenth day of July in any calendar year, the district may 5178
amend its budget and resolution adopted pursuant to section 5179
5705.34 of the Revised Code, and ~~such~~ the levy shall be placed on 5180
the current tax list and duplicate and collected as other taxes 5181
are collected from all taxable property within the territory of 5182
the district, including the territory added as a result of ~~such~~ 5183
the election. 5184

The territory of a district shall be coextensive with the 5185
territory of the counties, municipal corporations, and townships 5186
included within the district, provided that the same territory may 5187
not be included in more than one regional arts and cultural 5188
district, and provided, that if a district includes only a portion 5189
of an entire county, a district may be created in the remaining 5190
portion of the same county by resolution of the board of county 5191
commissioners acting alone or in conjunction with municipal 5192
corporations and townships as provided in this section. 5193

Sec. 3501.37. After each election, the judges of ~~election~~ 5194
elections of each precinct, except when the board of elections 5195
assumes the duty, shall see that the movable booths and other 5196

As Reported by the Senate State and Local Government and Veterans Affairs Committee

equipment are returned for safekeeping to the ~~township clerk~~ 5197
fiscal officer of the township or to the clerk or auditor of the 5198
municipal corporation in which the precinct is situated. ~~Such~~ The 5199
fiscal officer, clerk, or auditor shall have booths and equipment 5200
on hand and in place at the polling places in each precinct before 5201
the time for opening the polls on election days, and for this 5202
service the board may allow the necessary expenses incurred. In 5203
cities, this duty shall devolve on the board. 5204

Sec. 3513.253. Nominations of candidates for election as 5205
officers of a township shall be made only by nominating petitions, 5206
unless a majority of the electors of such township have petitioned 5207
for a primary election. The nominating petitions of nonpartisan 5208
candidates for township trustee and township ~~clerk~~ fiscal officer 5209
shall be signed by not less than twenty-five qualified electors of 5210
the township. Such petition shall be filed with the board of 5211
elections not later than four p.m. of the seventy-fifth day before 5212
the day of the general election, provided that no such nominating 5213
petition shall be accepted for filing if it appears to contain 5214
signatures aggregating in number more than three times the minimum 5215
number of signatures required by this section. A board of 5216
elections shall not accept for filing a nominating petition of a 5217
person if that person, for the same election, has already filed a 5218
declaration of candidacy, a declaration of intent to be a write-in 5219
candidate, or a nominating petition, or has become a candidate 5220
through party nomination at a primary election or by the filling 5221
of a vacancy under section 3513.30 or 3513.31 of the Revised Code 5222
for any other township office, or for a municipal office, for 5223
member of a city, local, or exempted village board of education, 5224
or for member of a governing board of an educational service 5225
center. When a petition of a candidate has been accepted for 5226
filing by a board of elections, the petition shall not be deemed 5227
invalid if, upon verification of signatures contained in the 5228

petition, the board of elections finds the number of signatures 5229
accepted exceeds three times the minimum number of signatures 5230
required. A board of elections may discontinue verifying 5231
signatures when the number of verified signatures on a petition 5232
equals the minimum required number of qualified signatures. 5233

Sec. 3517.10. (A) Except as otherwise provided in this 5234
division, every campaign committee, political action committee, 5235
legislative campaign fund, and political party that made or 5236
received a contribution or made an expenditure in connection with 5237
the nomination or election of any candidate or in connection with 5238
any ballot issue or question at any election held or to be held in 5239
this state shall file, on a form prescribed under this section or 5240
by electronic means of transmission as provided in this section 5241
and section 3517.106 of the Revised Code, a full, true, and 5242
itemized statement, made under penalty of election falsification, 5243
setting forth in detail the contributions and expenditures, not 5244
later than four p.m. of the following dates: 5245

(1) The twelfth day before the election to reflect 5246
contributions received and expenditures made from the close of 5247
business on the last day reflected in the last previously filed 5248
statement, if any, to the close of business on the twentieth day 5249
before the election; 5250

(2) The thirty-eighth day after the election to reflect the 5251
contributions received and expenditures made from the close of 5252
business on the last day reflected in the last previously filed 5253
statement, if any, to the close of business on the seventh day 5254
before the filing of the statement; 5255

(3) The last business day of January of every year to reflect 5256
the contributions received and expenditures made from the close of 5257
business on the last day reflected in the last previously filed 5258
statement, if any, to the close of business on the last day of 5259

December of the previous year; 5260

(4) The last business day of July of every year to reflect 5261
the contributions received and expenditures made from the close of 5262
business on the last day reflected in the last previously filed 5263
statement, if any, to the close of business on the last day of 5264
June of that year. 5265

A campaign committee shall only be required to file the 5266
statements prescribed under divisions (A)(1) and (2) of this 5267
section in connection with the nomination or election of the 5268
committee's candidate. 5269

The statement required under division (A)(1) of this section 5270
shall not be required of any campaign committee, political action 5271
committee, legislative campaign fund, or political party that has 5272
received contributions of less than one thousand dollars and has 5273
made expenditures of less than one thousand dollars at the close 5274
of business on the twentieth day before the election. Those 5275
contributions and expenditures shall be reported in the statement 5276
required under division (A)(2) of this section. 5277

If an election to select candidates to appear on the general 5278
election ballot is held within sixty days before a general 5279
election, the campaign committee of a successful candidate in the 5280
earlier election may file the statement required by division 5281
(A)(1) of this section for the general election instead of the 5282
statement required by division (A)(2) of this section for the 5283
earlier election if the pregeneral election statement reflects the 5284
status of contributions and expenditures for the period twenty 5285
days before the earlier election to twenty days before the general 5286
election. 5287

If a person becomes a candidate less than twenty days before 5288
an election, the candidate's campaign committee is not required to 5289
file the statement required by division (A)(1) of this section. 5290

No statement under division (A)(3) or (4) of this section 5291
shall be required for any year in which a campaign committee, 5292
political action committee, legislative campaign fund, or 5293
political party is required to file a postgeneral election 5294
statement under division (A)(2) of this section. However, such a 5295
statement may be filed, at the option of the campaign committee, 5296
political action committee, legislative campaign fund, or 5297
political party. 5298

No statement under division (A)(3) or (4) of this section 5299
shall be required if the campaign committee, political action 5300
committee, legislative campaign fund, or political party has no 5301
contributions that it has received and no expenditures that it has 5302
made since the last date reflected in its last previously filed 5303
statement. However, the campaign committee, political action 5304
committee, legislative campaign fund, or political party shall 5305
file a statement to that effect, on a form prescribed under this 5306
section and made under penalty of election falsification, on the 5307
date required in division (A)(3) or (4) of this section, as 5308
applicable. 5309

The campaign committee of a statewide candidate shall file a 5310
monthly statement of contributions received during each of the 5311
months of July, August, and September in the year of the general 5312
election in which the candidate seeks office. The campaign 5313
committee of a statewide candidate shall file the monthly 5314
statement not later than three business days after the last day of 5315
the month covered by the statement. During the period beginning on 5316
the nineteenth day before the general election in which a 5317
statewide candidate seeks election to office and extending through 5318
the day of that general election, each time the campaign committee 5319
of the joint candidates for the offices of governor and lieutenant 5320
governor or of a candidate for the office of secretary of state, 5321
auditor of state, treasurer of state, or attorney general receives 5322

As Reported by the Senate State and Local Government and Veterans Affairs
Committee

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, 5356
and verified the successful operation of any system the secretary 5357
of state prescribes pursuant to divisions (C)(6)(b) and (D)(6) of 5358
this section and division (H)(1) of section 3517.106 of the 5359
Revised Code for the filing of campaign finance statements by 5360
electronic means of transmission, a campaign committee of a 5361
statewide candidate shall file a two-business-day statement under 5362
the preceding paragraph by electronic means of transmission if the 5363
campaign committee is required to file a pre-election, 5364
postelection, or monthly statement of contributions and 5365
expenditures by electronic means of transmission under this 5366
section or section 3517.106 of the Revised Code. 5367

If a campaign committee or political action committee has no 5368
balance on hand and no outstanding obligations and desires to 5369
terminate itself, it shall file a statement to that effect, on a 5370
form prescribed under this section and made under penalty of 5371
election falsification, with the official with whom it files a 5372
statement under division (A) of this section after filing a final 5373
statement of contributions and a final statement of expenditures, 5374
if contributions have been received or expenditures made since the 5375
period reflected in its last previously filed statement. 5376

(B) Except as otherwise provided in division (C)(7) of this 5377
section, each statement required by division (A) of this section 5378
shall contain the following information: 5379

(1) The full name and address of each campaign committee, 5380
political action committee, legislative campaign fund, or 5381
political party, including any treasurer of the committee, fund, 5382
or party, filing a contribution and expenditure statement; 5383

(2)(a) In the case of a campaign committee, the candidate's 5384
full name and address; 5385

(b) In the case of a political action committee, the 5386

registration number assigned to the committee under division	5387
(D)(1) of this section.	5388
(3) The date of the election and whether it was or will be a	5389
general, primary, or special election;	5390
(4) A statement of contributions received, which shall	5391
include the following information:	5392
(a) The month, day, and year of the contribution;	5393
(b)(i) The full name and address of each person, political	5394
party, campaign committee, legislative campaign fund, or political	5395
action committee from whom contributions are received and the	5396
registration number assigned to the political action committee	5397
under division (D)(1) of this section. The requirement of filing	5398
the full address does not apply to any statement filed by a state	5399
or local committee of a political party, to a finance committee of	5400
such committee, or to a committee recognized by a state or local	5401
committee as its fund-raising auxiliary. Notwithstanding division	5402
(F) of this section, the requirement of filing the full address	5403
shall be considered as being met if the address filed is the same	5404
address the contributor provided under division (E)(1) of this	5405
section.	5406
(ii) If a political action committee, legislative campaign	5407
fund, or political party that is required to file campaign finance	5408
statements by electronic means of transmission under section	5409
3517.106 of the Revised Code or a campaign committee of a	5410
statewide candidate or candidate for the office of member of the	5411
general assembly receives a contribution from an individual that	5412
exceeds one hundred dollars, the name of the individual's current	5413
employer, if any, or, if the individual is self-employed, the	5414
individual's occupation and the name of the individual's business,	5415
if any;	5416
(iii) If a campaign committee of a statewide candidate or	5417

candidate for the office of member of the general assembly 5418
receives a contribution transmitted pursuant to section 3599.031 5419
of the Revised Code from amounts deducted from the wages and 5420
salaries of two or more employees that exceeds in the aggregate 5421
one hundred dollars during any one filing period under division 5422
(A)(1), (2), (3), or (4) of this section, the full name of the 5423
employees' employer and the full name of the labor organization of 5424
which the employees are members, if any. 5425

(c) A description of the contribution received, if other than 5426
money; 5427

(d) The value in dollars and cents of the contribution; 5428

(e) A separately itemized account of all contributions and 5429
expenditures regardless of the amount, except a receipt of a 5430
contribution from a person in the sum of twenty-five dollars or 5431
less at one social or fund-raising activity and a receipt of a 5432
contribution transmitted pursuant to section 3599.031 of the 5433
Revised Code from amounts deducted from the wages and salaries of 5434
employees if the contribution from the amount deducted from the 5435
wages and salary of any one employee is twenty-five dollars or 5436
less aggregated in a calendar year. An account of the total 5437
contributions from each social or fund-raising activity shall 5438
include a description of and the value of each in-kind 5439
contribution received at that activity from any person who made 5440
one or more such contributions whose aggregate value exceeded two 5441
hundred fifty dollars and shall be listed separately, together 5442
with the expenses incurred and paid in connection with that 5443
activity. A campaign committee, political action committee, 5444
legislative campaign fund, or political party shall keep records 5445
of contributions from each person in the amount of twenty-five 5446
dollars or less at one social or fund-raising activity and 5447
contributions from amounts deducted under section 3599.031 of the 5448
Revised Code from the wages and salary of each employee in the 5449

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

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

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

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

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

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

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

(b) The full name and address of each person, political 5481
party, campaign committee, legislative campaign fund, or political 5482
action committee to whom the expenditure was made and the 5483
registration number assigned to the political action committee 5484
under division (D)(1) of this section; 5485

(c) The object or purpose for which the expenditure was made; 5486

(d) The amount of each expenditure. 5487

(C)(1) The statement of contributions and expenditures shall 5488
be signed by the person completing the form. If a statement of 5489
contributions and expenditures is filed by electronic means of 5490
transmission pursuant to this section or section 3517.106 of the 5491
Revised Code, the electronic signature of the person who executes 5492
the statement and transmits the statement by electronic means of 5493
transmission, as provided in division (H) of section 3517.106 of 5494
the Revised Code, shall be attached to or associated with the 5495
statement and shall be binding on all persons and for all purposes 5496
under the campaign finance reporting law as if the signature had 5497
been handwritten in ink on a printed form. 5498

(2) The person filing the statement, under penalty of 5499
election falsification, shall include with it a list of each 5500
anonymous contribution, the circumstances under which it was 5501
received, and the reason it cannot be attributed to a specific 5502
donor. 5503

(3) Each statement of a campaign committee of a candidate who 5504
holds public office shall contain a designation of each 5505
contributor who is an employee in any unit or department under the 5506
candidate's direct supervision and control. In a space provided in 5507
the statement, the person filing the statement shall affirm that 5508
each such contribution was voluntarily made. 5509

(4) A campaign committee that did not receive contributions 5510
or make expenditures in connection with the nomination or election 5511

of its candidate shall file a statement to that effect, on a form 5512
prescribed under this section and made under penalty of election 5513
falsification, on the date required in division (A)(2) of this 5514
section. 5515

(5) The campaign committee of any person who attempts to 5516
become a candidate and who, for any reason, does not become 5517
certified in accordance with Title XXXV of the Revised Code for 5518
placement on the official ballot of a primary, general, or special 5519
election to be held in this state, and who, at any time prior to 5520
or after an election, receives contributions or makes 5521
expenditures, or has given consent for another to receive 5522
contributions or make expenditures, for the purpose of bringing 5523
about the person's nomination or election to public office, shall 5524
file the statement or statements prescribed by this section and a 5525
termination statement, if applicable. Division (C)(5) of this 5526
section does not apply to any person with respect to an election 5527
to the offices of member of a county or state central committee, 5528
presidential elector, or delegate to a national convention or 5529
conference of a political party. 5530

(6)(a) The statements required to be filed under this section 5531
shall specify the balance in the hands of the campaign committee, 5532
political action committee, legislative campaign fund, or 5533
political party and the disposition intended to be made of that 5534
balance. 5535

(b) The secretary of state shall prescribe the form for all 5536
statements required to be filed under this section and shall 5537
furnish the forms to the boards of elections in the several 5538
counties. The boards of elections shall supply printed copies of 5539
those forms without charge. The secretary of state shall prescribe 5540
the appropriate methodology, protocol, and data file structure for 5541
statements required or permitted to be filed by electronic means 5542
of transmission under division (A) of this section, divisions (E), 5543

(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 5607
contributions received by the committee into an account separate 5608
from all other funds. 5609

(c) A state or county political party may establish a state 5610
candidate fund that is separate from an account that contains the 5611
public moneys received from the Ohio political party fund under 5612
section 3517.17 of the Revised Code and from all other funds. A 5613
state or county political party may deposit into its state 5614
candidate fund any amounts of monetary contributions that are made 5615
to or accepted by the political party subject to the applicable 5616
limitations, if any, prescribed in section 3517.102 of the Revised 5617
Code. A state or county political party shall deposit all other 5618
monetary contributions received by the party into one or more 5619
accounts that are separate from its state candidate fund and from 5620
its account that contains the public moneys received from the Ohio 5621
political party fund under section 3517.17 of the Revised Code. 5622

(d) Each state political party shall have only one 5623
legislative campaign fund for each house of the general assembly. 5624
Each such fund shall be separate from any other funds or accounts 5625
of that state party. A legislative campaign fund is authorized to 5626
receive contributions and make expenditures for the primary 5627
purpose of furthering the election of candidates who are members 5628
of that political party to the house of the general assembly with 5629
which that legislative campaign fund is associated. Each 5630
legislative campaign fund shall be administered and controlled in 5631
a manner designated by the caucus. As used in this division, 5632
"caucus" has the same meaning as in section 3517.01 of the Revised 5633
Code and includes, as an ex officio member, the chairperson of the 5634
state political party with which the caucus is associated or that 5635
chairperson's designee. 5636

(4) Every expenditure in excess of twenty-five dollars shall 5637
be vouched for by a receipted bill, stating the purpose of the 5638

expenditure, that shall be filed with the statement of 5639
expenditures. A canceled check with a notation of the purpose of 5640
the expenditure is a receipted bill for purposes of division 5641
(D)(4) of this section. 5642

(5) The secretary of state or the board of elections, as the 5643
case may be, shall issue a receipt for each statement filed under 5644
this section and shall preserve a copy of the receipt for a period 5645
of at least six years. All statements filed under this section 5646
shall be open to public inspection in the office where they are 5647
filed and shall be carefully preserved for a period of at least 5648
six years after the year in which they are filed. 5649

(6) The secretary of state, by rule adopted pursuant to 5650
section 3517.23 of the Revised Code, shall prescribe both of the 5651
following: 5652

(a) The manner of immediately acknowledging, with date and 5653
time received, and preserving the receipt of statements that are 5654
transmitted by electronic means of transmission to the secretary 5655
of state pursuant to this section or section 3517.106, 3517.1011, 5656
3517.1012, or 3517.1013 of the Revised Code; 5657

(b) The manner of preserving the contribution and 5658
expenditure, contribution and disbursement, deposit and 5659
disbursement, or gift and disbursement information in the 5660
statements described in division (D)(6)(a) of this section. The 5661
secretary of state shall preserve the contribution and 5662
expenditure, contribution and disbursement, deposit and 5663
disbursement, or gift and disbursement information in those 5664
statements for at least ten years after the year in which they are 5665
filed by electronic means of transmission. 5666

(7) The secretary of state, pursuant to division (I) of 5667
section 3517.106 of the Revised Code, shall make available online 5668
to the public through the internet the contribution and 5669

expenditure, contribution and disbursement, deposit and 5670
disbursement, or gift and disbursement information in all 5671
statements, all addenda, amendments, or other corrections to 5672
statements, and all amended statements filed with the secretary of 5673
state by electronic or other means of transmission under this 5674
section, division (B)(2)(b) or (C)(2)(b) of section 3517.105, or 5675
section 3517.106, 3517.1011, 3517.1012, 3517.1013, or 3517.11 of 5676
the Revised Code. The secretary of state may remove the 5677
information from the internet after a reasonable period of time. 5678

(E)(1) Any person, political party, campaign committee, 5679
legislative campaign fund, or political action committee that 5680
makes a contribution in connection with the nomination or election 5681
of any candidate or in connection with any ballot issue or 5682
question at any election held or to be held in this state shall 5683
provide its full name and address to the recipient of the 5684
contribution at the time the contribution is made. The political 5685
action committee also shall provide the registration number 5686
assigned to the committee under division (D)(1) of this section to 5687
the recipient of the contribution at the time the contribution is 5688
made. 5689

(2) Any individual who makes a contribution that exceeds one 5690
hundred dollars to a political action committee, legislative 5691
campaign fund, or political party or to a campaign committee of a 5692
statewide candidate or candidate for the office of member of the 5693
general assembly shall provide the name of the individual's 5694
current employer, if any, or, if the individual is self-employed, 5695
the individual's occupation and the name of the individual's 5696
business, if any, to the recipient of the contribution at the time 5697
the contribution is made. Sections 3599.39 and 3599.40 of the 5698
Revised Code do not apply to division (E)(2) of this section. 5699

(3) If a campaign committee shows that it has exercised its 5700
best efforts to obtain, maintain, and submit the information 5701

required under divisions (B)(4)(b)(ii) and (iii) of this section, 5702
that committee is considered to have met the requirements of those 5703
divisions. A campaign committee shall not be considered to have 5704
exercised its best efforts unless, in connection with written 5705
solicitations, it regularly includes a written request for the 5706
information required under division (B)(4)(b)(ii) of this section 5707
from the contributor or the information required under division 5708
(B)(4)(b)(iii) of this section from whoever transmits the 5709
contribution. 5710

(4) Any check that a political action committee uses to make 5711
a contribution or an expenditure shall contain the full name and 5712
address of the committee and the registration number assigned to 5713
the committee under division (D)(1) of this section. 5714

(F) As used in this section: 5715

(1)(a) Except as otherwise provided in division (F)(1) of 5716
this section, "address" means all of the following if they exist: 5717
apartment number, street, road, or highway name and number, rural 5718
delivery route number, city or village, state, and zip code as 5719
used in a person's post-office address, but not post-office box. 5720

(b) Except as otherwise provided in division (F)(1) of this 5721
section, if an address is required in this section, a post-office 5722
box and office, room, or suite number may be included in addition 5723
to, but not in lieu of, an apartment, street, road, or highway 5724
name and number. 5725

(c) If an address is required in this section, a campaign 5726
committee, political action committee, legislative campaign fund, 5727
or political party may use the business or residence address of 5728
its treasurer or deputy treasurer. The post-office box number of 5729
the campaign committee, political action committee, legislative 5730
campaign fund, or political party may be used in addition to that 5731
address. 5732

(d) For the sole purpose of a campaign committee's reporting 5733
of contributions on a statement of contributions received under 5734
division (B)(4) of this section, "address" has one of the 5735
following meanings at the option of the campaign committee: 5736

(i) The same meaning as in division (F)(1)(a) of this 5737
section; 5738

(ii) All of the following, if they exist: the contributor's 5739
post-office box number and city or village, state, and zip code as 5740
used in the contributor's post-office address. 5741

(e) As used with regard to the reporting under this section 5742
of any expenditure, "address" means all of the following if they 5743
exist: apartment number, street, road, or highway name and number, 5744
rural delivery route number, city or village, state, and zip code 5745
as used in a person's post-office address, or post-office box. If 5746
an address concerning any expenditure is required in this section, 5747
a campaign committee, political action committee, legislative 5748
campaign fund, or political party may use the business or 5749
residence address of its treasurer or deputy treasurer or its 5750
post-office box number. 5751

(2) "Statewide candidate" means the joint candidates for the 5752
offices of governor and lieutenant governor or a candidate for the 5753
office of secretary of state, auditor of state, treasurer of 5754
state, attorney general, member of the state board of education, 5755
chief justice of the supreme court, or justice of the supreme 5756
court. 5757

(G) An independent expenditure shall be reported whenever and 5758
in the same manner that an expenditure is required to be reported 5759
under this section and shall be reported pursuant to division 5760
(B)(2)(a) or (C)(2)(a) of section 3517.105 of the Revised Code. 5761

(H)(1) Except as otherwise provided in division (H)(2) of 5762
this section, if, during the combined pre-election and 5763

postelection reporting periods for an election, a campaign 5764
committee has received contributions of five hundred dollars or 5765
less and has made expenditures in the total amount of five hundred 5766
dollars or less, it may file a statement to that effect, under 5767
penalty of election falsification, in lieu of the statement 5768
required by division (A)(2) of this section. The statement shall 5769
indicate the total amount of contributions received and the total 5770
amount of expenditures made during those combined reporting 5771
periods. 5772

(2) In the case of a successful candidate at a primary 5773
election, if either the total contributions received by or the 5774
total expenditures made by the candidate's campaign committee 5775
during the preprimary, postprimary, pregeneral, and postgeneral 5776
election periods combined equal more than five hundred dollars, 5777
the campaign committee may file the statement under division 5778
(H)(1) of this section only for the primary election. The first 5779
statement that the campaign committee files in regard to the 5780
general election shall reflect all contributions received and all 5781
expenditures made during the preprimary and postprimary election 5782
periods. 5783

(3) Divisions (H)(1) and (2) of this section do not apply if 5784
a campaign committee receives contributions or makes expenditures 5785
prior to the first day of January of the year of the election at 5786
which the candidate seeks nomination or election to office or if 5787
the campaign committee does not file a termination statement with 5788
its postprimary election statement in the case of an unsuccessful 5789
primary election candidate or with its postgeneral election 5790
statement in the case of other candidates. 5791

(I) In the case of a contribution made by a partner of a 5792
partnership or an owner or a member of another unincorporated 5793
business from any funds of the partnership or other unincorporated 5794
business, all of the following apply: 5795

(1) The recipient of the contribution shall report the 5796
contribution by listing both the partnership or other 5797
unincorporated business and the name of the partner, owner, or 5798
member making the contribution. 5799

(2) For purposes of section 3517.102 of the Revised Code, the 5800
contribution shall be considered to have been made by the partner, 5801
owner, or member reported under division (I)(1) of this section. 5802

(3) No contribution from a partner of a partnership or an 5803
owner or a member of another unincorporated business shall be 5804
accepted from any funds of the partnership or other unincorporated 5805
business unless the recipient reports the contribution under 5806
division (I)(1) of this section. 5807

(4) No partnership or other unincorporated business shall 5808
make a contribution or contributions solely in the name of the 5809
partnership or other unincorporated business. 5810

(5) As used in division (I) of this section, "partnership or 5811
other unincorporated business" includes, but is not limited to, a 5812
cooperative, a sole proprietorship, a general partnership, a 5813
limited partnership, a limited partnership association, a limited 5814
liability partnership, and a limited liability company. 5815

(J) A candidate shall have only one campaign committee at any 5816
given time for all of the offices for which the person is a 5817
candidate or holds office. 5818

(K)(1) In addition to filing a designation of appointment of 5819
a treasurer under division (D)(1) of this section, the campaign 5820
committee of any candidate for an elected municipal office that 5821
pays an annual amount of compensation of five thousand dollars or 5822
less, the campaign committee of any candidate for member of a 5823
board of education except member of the state board of education, 5824
or the campaign committee of any candidate for township trustee or 5825
township ~~elect~~ fiscal officer may sign, under penalty of election 5826

falsification, a certificate attesting that the committee will not 5827
accept contributions during an election period that exceed in the 5828
aggregate two thousand dollars from all contributors and one 5829
hundred dollars from any one individual, and that the campaign 5830
committee will not make expenditures during an election period 5831
that exceed in the aggregate two thousand dollars. 5832

The certificate shall be on a form prescribed by the 5833
secretary of state and shall be filed not later than ten days 5834
after the candidate files a declaration of candidacy and petition, 5835
a nominating petition, or a declaration of intent to be a write-in 5836
candidate. 5837

(2) Except as otherwise provided in division (K)(3) of this 5838
section, a campaign committee that files a certificate under 5839
division (K)(1) of this section is not required to file the 5840
statements required by division (A) of this section. 5841

(3) If, after filing a certificate under division (K)(1) of 5842
this section, a campaign committee exceeds any of the limitations 5843
described in that division during an election period, the 5844
certificate is void and thereafter the campaign committee shall 5845
file the statements required by division (A) of this section. If 5846
the campaign committee has not previously filed a statement, then 5847
on the first statement the campaign committee is required to file 5848
under division (A) of this section after the committee's 5849
certificate is void, the committee shall report all contributions 5850
received and expenditures made from the time the candidate filed 5851
the candidate's declaration of candidacy and petition, nominating 5852
petition, or declaration of intent to be a write-in candidate. 5853

(4) As used in division (K) of this section, "election 5854
period" means the period of time beginning on the day a person 5855
files a declaration of candidacy and petition, nominating 5856
petition, or declaration of intent to be a write-in candidate 5857
through the day of the election at which the person seeks 5858

nomination to office if the person is not elected to office, or, 5859
if the candidate was nominated in a primary election, the day of 5860
the election at which the candidate seeks office. 5861

Sec. 3709.30. In case of epidemic or threatened epidemic or 5862
during the unusual prevalence of a dangerous communicable disease, 5863
if the moneys in the district health fund of a general health 5864
district are not sufficient, in the judgment of the board of 5865
health of ~~such~~ the district, to defray the expenses necessary to 5866
prevent the spread of such disease, ~~such~~ the board shall estimate 5867
the amount required for ~~such~~ this purpose and apportion it among 5868
the townships and municipal corporations in which the condition 5869
exists, on the basis provided for in section 3709.28 of the 5870
Revised Code. ~~Such~~ The estimate and apportionment shall be 5871
certified to the county auditor of the proper county, who shall 5872
draw an order on the clerk, fiscal officer, auditor, or other 5873
similar officer of each township or municipal corporation affected 5874
~~thereby~~ by it, for ~~such~~ that amount. ~~Such~~ The clerk, fiscal 5875
officer, auditor, or other similar officer shall forthwith draw 5876
~~his~~ a warrant on the township ~~clerk~~ fiscal officer or the 5877
treasurer of ~~such~~ the municipal corporation for the amount of ~~such~~ 5878
the certification, which shall be honored by the ~~clerk~~ fiscal 5879
officer or treasurer from any general treasury balances subject to 5880
~~his~~ the fiscal officer's or treasurer's control, regardless of 5881
funds. 5882

The clerk, fiscal officer, auditor, or other similar officer 5883
~~then~~ shall ~~thereupon~~ set up an account to be designated "as an 5884
emergency health account," showing a deficit ~~therein~~ in the 5885
account, and certify the action taken to the board of township 5886
trustees, legislative authority, or other body having the power to 5887
borrow money. ~~Thereupon~~ ~~such~~ That body then may exercise the 5888
powers provided for in section 3707.28 of the Revised Code. Moneys 5889

raised under this section shall be placed in the treasury of the 5890
borrowing subdivision and credited to the emergency health 5891
account, which shall ~~thereupon~~ then be closed, so that the moneys 5892
taken from general cash balances shall be restored thereto and the 5893
regular funds of the subdivision shall be restored thereby. 5894

If there is not sufficient money in the general cash balances 5895
of ~~such~~ the subdivisions to satisfy the warrant so drawn by the 5896
clerk, fiscal officer, auditor, or other similar officer, the 5897
~~clerk~~ township fiscal officer or the treasurer ~~thereof~~ of the 5898
municipal corporation shall honor ~~such~~ the warrant to the extent 5899
of the cash in ~~such~~ the treasury, and the balance shall be 5900
certified by the clerk, fiscal officer, auditor, or other similar 5901
officer and the ~~clerk~~ fiscal officer or treasurer, jointly, to the 5902
borrowing authority, which shall immediately exercise the powers 5903
provided for in this section, to raise the amount of the warrant. 5904
The proceeds of such action shall be paid into the general cash 5905
balance in the treasury of the subdivision, and the balance due on 5906
the warrant shall then be paid. 5907

The warrants provided for in this section shall be drawn in 5908
favor of the county treasurer, as treasurer of the district health 5909
fund, and the proceeds shall go into ~~such~~ the fund. A separate 5910
account shall be kept of expenditures under this section. If a 5911
greater amount is expended in any township or municipal 5912
corporation than the amount drawn therefrom by action under this 5913
section, the excess shall be charged against ~~such~~ the subdivision 5914
at the next annual apportionment in addition to the amount 5915
apportionable to ~~such~~ the subdivision under section 3709.28 of the 5916
Revised Code. If the amount drawn under this section is not wholly 5917
expended in any subdivision, the unexpended remainder shall be 5918
credited to the next annual apportionment to ~~such~~ the subdivision. 5919

Performance of the official duties imposed by this section on 5920
officers, boards, and legislative bodies may be enforced by 5921

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

of the township, as appropriate, shall maintain separate records 5953
of money received from the fees remitted under this section. 5954

No owner or operator of an off-site infectious waste 5955
treatment facility shall violate or fail to comply with this 5956
section or a rule adopted under section 3734.026 of the Revised 5957
Code. 5958

Sec. 3734.026. The director of environmental protection shall 5959
adopt rules in accordance with Chapter 119. of the Revised Code 5960
establishing procedures for remitting fees levied under section 5961
3734.024 of the Revised Code to the treasurers or other 5962
appropriate fiscal officers of municipal corporations and to the 5963
~~clerks~~ fiscal officers of townships. The rules also shall 5964
establish the dates for remitting the fees to those officers and 5965
may establish any other requirements that the director considers 5966
necessary or appropriate to implement or administer sections 5967
3734.024 and 3734.025 of the Revised Code. 5968

Sec. 3734.57. (A) For the purposes of paying the state's 5969
long-term operation costs or matching share for actions taken 5970
under the "Comprehensive Environmental Response, Compensation, and 5971
Liability Act of 1980," 94 Stat. 2767, 42 U.S.C.A. 9601, as 5972
amended; paying the costs of measures for proper clean-up of sites 5973
where polychlorinated biphenyls and substances, equipment, and 5974
devices containing or contaminated with polychlorinated biphenyls 5975
have been stored or disposed of; paying the costs of conducting 5976
surveys or investigations of solid waste facilities or other 5977
locations where it is believed that significant quantities of 5978
hazardous waste were disposed of and for conducting enforcement 5979
actions arising from the findings of such surveys or 5980
investigations; paying the costs of acquiring and cleaning up, or 5981
providing financial assistance for cleaning up, any hazardous 5982
waste facility or solid waste facility containing significant 5983

quantities of hazardous waste, that constitutes an imminent and 5984
substantial threat to public health or safety or the environment; 5985
and, from July 1, 2003, through June 30, 2006, for the purposes of 5986
paying the costs of administering and enforcing the laws 5987
pertaining to solid wastes, infectious wastes, and construction 5988
and demolition debris, including, without limitation, ground water 5989
evaluations related to solid wastes, infectious wastes, and 5990
construction and demolition debris, under this chapter and Chapter 5991
3714. of the Revised Code and any rules adopted under them, and 5992
paying a share of the administrative costs of the environmental 5993
protection agency pursuant to section 3745.014 of the Revised 5994
Code, the following fees are hereby levied on the disposal of 5995
solid wastes in this state: 5996

(1) One dollar per ton on and after July 1, 1993; 5997

(2) An additional one dollar per ton on and after July 1, 5998
2003, through June 30, 2006. 5999

The owner or operator of a solid waste disposal facility 6000
shall collect the fees levied under this division as a trustee for 6001
the state and shall prepare and file with the director of 6002
environmental protection monthly returns indicating the total 6003
tonnage of solid wastes received for disposal at the gate of the 6004
facility and the total amount of the fees collected under this 6005
division. Not later than thirty days after the last day of the 6006
month to which such a return applies, the owner or operator shall 6007
mail to the director the return for that month together with the 6008
fees collected during that month as indicated on the return. The 6009
owner or operator may request an extension of not more than thirty 6010
days for filing the return and remitting the fees, provided that 6011
the owner or operator has submitted such a request in writing to 6012
the director together with a detailed description of why the 6013
extension is requested, the director has received the request not 6014
later than the day on which the return is required to be filed, 6015

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.

6016
6017
6018
6019
6020
6021

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.

6022
6023
6024
6025
6026
6027
6028
6029
6030
6031
6032
6033
6034
6035
6036
6037
6038

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.

6039
6040
6041
6042
6043
6044
6045

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

6046
6047

management district, including, without limitation, the 6048
development and implementation of solid waste recycling or 6049
reduction programs; providing financial assistance to boards of 6050
health within the district, if solid waste facilities are located 6051
within the district, for the enforcement of this chapter and rules 6052
adopted and orders and terms and conditions of permits, licenses, 6053
and variances issued under it, other than the hazardous waste 6054
provisions of this chapter and rules adopted and orders and terms 6055
and conditions of permits issued under those provisions; providing 6056
financial assistance to the county to defray the added costs of 6057
maintaining roads and other public facilities and of providing 6058
emergency and other public services resulting from the location 6059
and operation of a solid waste facility within the county under 6060
the district's approved solid waste management plan; paying the 6061
costs incurred by boards of health for collecting and analyzing 6062
water samples from public or private wells on lands adjacent to 6063
solid waste facilities that are contained in the approved or 6064
amended plan of the district; paying the costs of developing and 6065
implementing a program for the inspection of solid wastes 6066
generated outside the boundaries of this state that are disposed 6067
of at solid waste facilities included in the district's approved 6068
solid waste management plan or amended plan; providing financial 6069
assistance to boards of health within the district for enforcing 6070
laws prohibiting open dumping; providing financial assistance to 6071
local law enforcement agencies within the district for enforcing 6072
laws and ordinances prohibiting littering; providing financial 6073
assistance to boards of health of health districts within the 6074
district that are on the approved list under section 3734.08 of 6075
the Revised Code for the training and certification required for 6076
their employees responsible for solid waste enforcement by rules 6077
adopted under division (L) of section 3734.02 of the Revised Code; 6078
providing financial assistance to individual municipal 6079
corporations and townships within the district to defray their 6080

added costs of maintaining roads and other public facilities and 6081
of providing emergency and other public services resulting from 6082
the location and operation within their boundaries of a 6083
composting, energy or resource recovery, incineration, or 6084
recycling facility that either is owned by the district or is 6085
furnishing solid waste management facility or recycling services 6086
to the district pursuant to a contract or agreement with the board 6087
of county commissioners or directors of the district; and payment 6088
of any expenses that are agreed to, awarded, or ordered to be paid 6089
under section 3734.35 of the Revised Code and of any 6090
administrative costs incurred pursuant to that section, the solid 6091
waste management policy committee of a county or joint solid waste 6092
management district may levy fees upon the following activities: 6093

(1) The disposal at a solid waste disposal facility located 6094
in the district of solid wastes generated within the district; 6095

(2) The disposal at a solid waste disposal facility within 6096
the district of solid wastes generated outside the boundaries of 6097
the district, but inside this state; 6098

(3) The disposal at a solid waste disposal facility within 6099
the district of solid wastes generated outside the boundaries of 6100
this state. 6101

If any such fees are levied prior to January 1, 1994, fees 6102
levied under division (B)(1) of this section always shall be equal 6103
to one-half of the fees levied under division (B)(2) of this 6104
section, and fees levied under division (B)(3) of this section, 6105
which shall be in addition to fees levied under division (B)(2) of 6106
this section, always shall be equal to fees levied under division 6107
(B)(1) of this section, except as otherwise provided in this 6108
division. The solid waste management plan of the county or joint 6109
district approved under section 3734.521 or 3734.55 of the Revised 6110
Code and any amendments to it, or the resolution adopted under 6111

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

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

exceed the estimated revenues set forth in the district's budget 6176
for calendar year 1994. Not later than seven days after the 6177
adoption of such a resolution, the committee shall notify by 6178
certified mail the owner or operator of each solid waste disposal 6179
facility that is required to collect the fees of the adoption of 6180
the resolution and of the amount of the amended fees. Collection 6181
of the amended fees shall take effect on the first day of the 6182
first month following the month in which the notification is sent 6183
to the owner or operator. The fees established in such a 6184
resolution shall remain in effect until the district's resolution 6185
levying fees that was adopted and ratified under this division is 6186
amended or repealed, and the amendment or repeal of the resolution 6187
is ratified, in accordance with this division, to amend or abolish 6188
the fees, the schedule of fees is amended or abolished in an 6189
amended plan of the district approved under section 3734.521 or 6190
division (A) or (D) of section 3734.56 of the Revised Code, or the 6191
schedule of fees is amended or abolished through an amendment to 6192
the district's plan under division (E) of section 3734.56 of the 6193
Revised Code; the notification of the amendment or abolishment of 6194
the fees has been given in accordance with this division; and 6195
collection of the amended fees so established commences, or 6196
collection of the fees ceases, in accordance with this division. 6197

Prior to the approval of the solid waste management plan of 6198
the district under section 3734.55 of the Revised Code, the solid 6199
waste management policy committee of a district may levy fees 6200
under this division by adopting a resolution establishing the 6201
proposed amount of the fees. Upon adopting the resolution, the 6202
committee shall deliver a copy of the resolution to the board of 6203
county commissioners of each county forming the district and to 6204
the legislative authority of each municipal corporation and 6205
township under the jurisdiction of the district and shall prepare 6206
and publish the resolution and a notice of the time and location 6207

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.

In the case of a county district or a joint district formed 6240
by two or three counties, the committee shall declare the proposed 6241
revised fees to be ratified as the fee schedule of the district 6242
upon determining that the board of county commissioners of each 6243
county forming the district has approved the proposed revised fees 6244
and that the legislative authorities of a combination of municipal 6245
corporations and townships with a combined population within the 6246
district comprising at least sixty per cent of the total 6247
population of the district have approved the proposed revised 6248
fees, provided that in the case of a county district, that 6249
combination shall include the municipal corporation having the 6250
largest population within the boundaries of the district, and 6251
provided further that in the case of a joint district formed by 6252
two or three counties, that combination shall include for each 6253
county forming the joint district the municipal corporation having 6254
the largest population within the boundaries of both the county in 6255
which the municipal corporation is located and the joint district. 6256
In the case of a joint district formed by four or more counties, 6257
the committee shall declare the proposed revised fees to be 6258
ratified as the fee schedule of the joint district upon 6259
determining that the boards of county commissioners of a majority 6260
of the counties forming the district have approved the proposed 6261
revised fees; that, in each of a majority of the counties forming 6262
the joint district, the proposed revised fees have been approved 6263
by the municipal corporation having the largest population within 6264
the county and the joint district; and that the legislative 6265
authorities of a combination of municipal corporations and 6266
townships with a combined population within the joint district 6267
comprising at least sixty per cent of the total population of the 6268
joint district have approved the proposed revised fees. 6269

For the purposes of this division, only the population of the 6270
unincorporated area of a township shall be considered. For the 6271

purpose of determining the largest municipal corporation within 6272
each county under this division, a municipal corporation that is 6273
located in more than one solid waste management district, but that 6274
is under the jurisdiction of one county or joint solid waste 6275
management district in accordance with division (A) of section 6276
3734.52 of the Revised Code shall be considered to be within the 6277
boundaries of the county in which a majority of the population of 6278
the municipal corporation resides. 6279

The committee may amend the schedule of fees levied pursuant 6280
to a resolution or amended resolution adopted and ratified under 6281
this division by adopting a resolution establishing the proposed 6282
amount of the amended fees. The committee may abolish the fees 6283
levied pursuant to such a resolution or amended resolution by 6284
adopting a resolution proposing to repeal them. Upon adopting such 6285
a resolution, the committee shall proceed to obtain ratification 6286
of the resolution in accordance with this division. 6287

Not later than fourteen days after declaring the fees or 6288
amended fees to be ratified under this division, the committee 6289
shall notify by certified mail the owner or operator of each solid 6290
waste disposal facility that is required to collect the fees of 6291
the ratification and the amount of the fees. Collection of any 6292
fees or amended fees ratified on or after March 24, 1992, shall 6293
commence on the first day of the second month following the month 6294
in which notification is sent to the owner or operator. 6295

Not later than fourteen days after declaring the repeal of 6296
the district's schedule of fees to be ratified under this 6297
division, the committee shall notify by certified mail the owner 6298
or operator of each facility that is collecting the fees of the 6299
repeal. Collection of the fees shall cease on the first day of the 6300
second month following the month in which notification is sent to 6301
the owner or operator. 6302

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 6335
3734.56 of the Revised Code that abolishes the schedule of fees 6336
levied under divisions (B)(1) to (3) of this section, or an 6337
amendment to the district's approved plan or amended plan 6338
abolishing the schedule of fees is ratified pursuant to division 6339
(E) of section 3734.56 of the Revised Code, as appropriate, the 6340
committee shall notify by certified mail the owner or operator of 6341
each facility that is collecting the fees of the approval of the 6342
plan or amended plan, or the amendment of the plan or amended 6343
plan, as appropriate, and the abolishment of the fees. In the case 6344
of an initial or amended plan approved under section 3734.521 of 6345
the Revised Code in connection with a change in district 6346
composition, other than one involving the withdrawal of a county 6347
from a joint district, that abolishes the schedule of fees levied 6348
under divisions (B)(1) to (3) of this section by a district 6349
resulting from the change, the committee, within fourteen days 6350
after the change takes effect pursuant to division (G) of that 6351
section, shall notify by certified mail the owner or operator of 6352
each solid waste disposal facility that is required to collect the 6353
fees that the change has taken effect and of the abolishment of 6354
the fees. Collection of the fees shall cease on the first day of 6355
the second month following the month in which notification is sent 6356
to the owner or operator. 6357

Except as otherwise provided in this division, if the 6358
schedule of fees that a district is levying under divisions (B)(1) 6359
to (3) of this section pursuant to a resolution or amended 6360
resolution adopted and ratified under this division, the solid 6361
waste management plan of the district approved under section 6362
3734.55 of the Revised Code, an amended plan approved under 6363
division (A) or (D) of section 3734.56 of the Revised Code, or an 6364
amendment to the district's approved plan or amended plan under 6365
division (E) of section 3734.56 of the Revised Code, is amended by 6366

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 6494
wastes that are generated from the combustion of coal, or from the 6495
combustion of primarily coal in combination with scrap tires, that 6496
is not combined in any way with garbage at one or more premises 6497
owned by the generator. 6498

(2) Except as provided in section 3734.571 of the Revised 6499
Code, any fees levied under division (B)(1) of this section apply 6500
to solid wastes originating outside the boundaries of a county or 6501
joint district that are covered by an agreement for the joint use 6502
of solid waste facilities entered into under section 343.02 of the 6503
Revised Code by the board of county commissioners or board of 6504
directors of the county or joint district where the wastes are 6505
generated and disposed of. 6506

(3) When solid wastes, other than solid wastes that consist 6507
of scrap tires, are burned in a disposal facility that is an 6508
incinerator or energy recovery facility, the fees levied under 6509
divisions (A), (B), and (C) of this section shall be levied upon 6510
the disposal of the fly ash and bottom ash remaining after burning 6511
of the solid wastes and shall be collected by the owner or 6512
operator of the sanitary landfill where the ash is disposed of. 6513

(4) When solid wastes are delivered to a solid waste transfer 6514
facility, the fees levied under divisions (A), (B), and (C) of 6515
this section shall be levied upon the disposal of solid wastes 6516
transported off the premises of the transfer facility for disposal 6517
and shall be collected by the owner or operator of the solid waste 6518
disposal facility where the wastes are disposed of. 6519

(5) The fees levied under divisions (A), (B), and (C) of this 6520
section do not apply to sewage sludge that is generated by a waste 6521
water treatment facility holding a national pollutant discharge 6522
elimination system permit and that is disposed of through 6523
incineration, land application, or composting or at another 6524

resource recovery or disposal facility that is not a landfill.

6525

(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.

6526

6527

6528

6529

6530

6531

6532

6533

(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.

6534

6535

6536

6537

6538

6539

6540

(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.

6541

6542

6543

6544

6545

6546

6547

6548

6549

6550

6551

6552

6553

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

6554

6555

be paid into the general fund of the municipal corporation. Moneys 6556
received by the ~~clerk~~ fiscal officer of the township under that 6557
division shall be paid into the general fund of the township. The 6558
treasurer or ~~such~~ other officer of the municipal corporation or 6559
the ~~clerk~~ township fiscal officer, as appropriate, shall maintain 6560
separate records of the moneys received from the fees levied under 6561
division (C) of this section. 6562

(G) Moneys received by the board of county commissioners or 6563
board of directors under division (E) of this section or section 6564
3734.571, 3734.572, 3734.573, or 3734.574 of the Revised Code 6565
shall be paid to the county treasurer, or other official acting in 6566
a similar capacity under a county charter, in a county district or 6567
to the county treasurer or other official designated by the board 6568
of directors in a joint district and kept in a separate and 6569
distinct fund to the credit of the district. If a regional solid 6570
waste management authority has been formed under section 343.011 6571
of the Revised Code, moneys received by the board of trustees of 6572
that regional authority under division (E) of this section shall 6573
be kept by the board in a separate and distinct fund to the credit 6574
of the district. Moneys in the special fund of the county or joint 6575
district arising from the fees levied under division (B) of this 6576
section and the fee levied under division (A) of section 3734.573 6577
of the Revised Code shall be expended by the board of county 6578
commissioners or directors of the district in accordance with the 6579
district's solid waste management plan or amended plan approved 6580
under section 3734.521, 3734.55, or 3734.56 of the Revised Code 6581
exclusively for the following purposes: 6582

(1) Preparation of the solid waste management plan of the 6583
district under section 3734.54 of the Revised Code, monitoring 6584
implementation of the plan, and conducting the periodic review and 6585
amendment of the plan required by section 3734.56 of the Revised 6586
Code by the solid waste management policy committee; 6587

(2) Implementation of the approved solid waste management 6588
plan or amended plan of the district, including, without 6589
limitation, the development and implementation of solid waste 6590
recycling or reduction programs; 6591

(3) Providing financial assistance to boards of health within 6592
the district, if solid waste facilities are located within the 6593
district, for enforcement of this chapter and rules, orders, and 6594
terms and conditions of permits, licenses, and variances adopted 6595
or issued under it, other than the hazardous waste provisions of 6596
this chapter and rules adopted and orders and terms and conditions 6597
of permits issued under those provisions; 6598

(4) Providing financial assistance to each county within the 6599
district to defray the added costs of maintaining roads and other 6600
public facilities and of providing emergency and other public 6601
services resulting from the location and operation of a solid 6602
waste facility within the county under the district's approved 6603
solid waste management plan or amended plan; 6604

(5) Pursuant to contracts entered into with boards of health 6605
within the district, if solid waste facilities contained in the 6606
district's approved plan or amended plan are located within the 6607
district, for paying the costs incurred by those boards of health 6608
for collecting and analyzing samples from public or private water 6609
wells on lands adjacent to those facilities; 6610

(6) Developing and implementing a program for the inspection 6611
of solid wastes generated outside the boundaries of this state 6612
that are disposed of at solid waste facilities included in the 6613
district's approved solid waste management plan or amended plan; 6614

(7) Providing financial assistance to boards of health within 6615
the district for the enforcement of section 3734.03 of the Revised 6616
Code or to local law enforcement agencies having jurisdiction 6617
within the district for enforcing anti-littering laws and 6618

ordinances; 6619

(8) Providing financial assistance to boards of health of 6620
health districts within the district that are on the approved list 6621
under section 3734.08 of the Revised Code to defray the costs to 6622
the health districts for the participation of their employees 6623
responsible for enforcement of the solid waste provisions of this 6624
chapter and rules adopted and orders and terms and conditions of 6625
permits, licenses, and variances issued under those provisions in 6626
the training and certification program as required by rules 6627
adopted under division (L) of section 3734.02 of the Revised Code; 6628

(9) Providing financial assistance to individual municipal 6629
corporations and townships within the district to defray their 6630
added costs of maintaining roads and other public facilities and 6631
of providing emergency and other public services resulting from 6632
the location and operation within their boundaries of a 6633
composting, energy or resource recovery, incineration, or 6634
recycling facility that either is owned by the district or is 6635
furnishing solid waste management facility or recycling services 6636
to the district pursuant to a contract or agreement with the board 6637
of county commissioners or directors of the district; 6638

(10) Payment of any expenses that are agreed to, awarded, or 6639
ordered to be paid under section 3734.35 of the Revised Code and 6640
of any administrative costs incurred pursuant to that section. In 6641
the case of a joint solid waste management district, if the board 6642
of county commissioners of one of the counties in the district is 6643
negotiating on behalf of affected communities, as defined in that 6644
section, in that county, the board shall obtain the approval of 6645
the board of directors of the district in order to expend moneys 6646
for administrative costs incurred. 6647

Prior to the approval of the district's solid waste 6648
management plan under section 3734.55 of the Revised Code, moneys 6649

in the special fund of the district arising from the fees shall be 6650
expended for those purposes in the manner prescribed by the solid 6651
waste management policy committee by resolution. 6652

Notwithstanding division (G)(6) of this section as it existed 6653
prior to October 29, 1993, or any provision in a district's solid 6654
waste management plan prepared in accordance with division 6655
(B)(2)(e) of section 3734.53 of the Revised Code as it existed 6656
prior to that date, any moneys arising from the fees levied under 6657
division (B)(3) of this section prior to January 1, 1994, may be 6658
expended for any of the purposes authorized in divisions (G)(1) to 6659
(10) of this section. 6660

(H) The director shall adopt rules in accordance with Chapter 6661
119. of the Revised Code prescribing procedures for collecting and 6662
forwarding the fees levied under divisions (B) and (C) of this 6663
section to the boards of county commissioners or directors of 6664
county or joint solid waste management districts and to the 6665
treasurers or other officers of municipal corporations ~~or to~~ and 6666
~~the clerks~~ fiscal officers of townships. The rules also shall 6667
prescribe the dates for forwarding the fees to the boards and 6668
officials and may prescribe any other requirements the director 6669
considers necessary or appropriate to implement and administer 6670
divisions (A), (B), and (C) of this section. Collection of the 6671
fees levied under division (A)(1) of this section shall commence 6672
on July 1, 1993. Collection of the fees levied under division 6673
(A)(2) of this section shall commence on January 1, 1994. 6674

Sec. 4301.80. (A) As used in this section, "community 6675
entertainment district" means a bounded area that includes or will 6676
include a combination of entertainment, retail, educational, 6677
sporting, social, cultural, or arts establishments within close 6678
proximity to some or all of the following types of establishments 6679
within the district, or other types of establishments similar to 6680

these:	6681
(1) Hotels;	6682
(2) Restaurants;	6683
(3) Retail sales establishments;	6684
(4) Enclosed shopping centers;	6685
(5) Museums;	6686
(6) Performing arts theaters;	6687
(7) Motion picture theaters;	6688
(8) Night clubs;	6689
(9) Convention facilities;	6690
(10) Sports facilities;	6691
(11) Entertainment facilities or complexes;	6692
(12) Any combination of the establishments described in	6693
division (A)(1) to (11) of this section that provide similar	6694
services to the community.	6695
(B) Any owner of property located in a municipal corporation	6696
seeking to have that property, or that property and other	6697
surrounding property, designated as a community entertainment	6698
district shall file an application seeking this designation with	6699
the mayor of the municipal corporation in which that property is	6700
located. Any owner of property located in the unincorporated area	6701
of a township seeking to have that property, or that property and	6702
other surrounding property, designated as a community	6703
entertainment district shall file an application seeking this	6704
designation with the board of township trustees of the township in	6705
whose unincorporated area that property is located. An application	6706
to designate an area as a community entertainment district shall	6707
contain all of the following:	6708
(1) The applicant's name and address;	6709

(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 6741
located in the unincorporated area of a township shall be 6742
addressed and submitted to the board of township trustees of the 6743
township in whose unincorporated area the area described in the 6744
application is located. The application is a public record for 6745
purposes of section 149.43 of the Revised Code upon its receipt by 6746
the mayor or board of township trustees. 6747

Within thirty days after it receives the application and the 6748
mayor's recommendations relating to the application, the 6749
legislative authority of the municipal corporation, by notice 6750
published once a week for two consecutive weeks in at least one 6751
newspaper of general circulation in the municipal corporation, 6752
shall notify the public that the application is on file in the 6753
office of the clerk of the municipal corporation and is available 6754
for inspection by the public during regular business hours. Within 6755
thirty days after it receives the application, the board of 6756
township trustees, by notice published once a week for two 6757
consecutive weeks in at least one newspaper of general circulation 6758
in the township, shall notify the public that the application is 6759
on file in the office of the township ~~clerk~~ fiscal officer and is 6760
available for inspection by the public during regular business 6761
hours. The notice shall also indicate the date and time of any 6762
public hearing by the legislative authority or board of township 6763
trustees on the application. 6764

Within seventy-five days after the date the application is 6765
filed with the mayor of a municipal corporation, the legislative 6766
authority of the municipal corporation by ordinance or resolution 6767
shall approve or disapprove the application based on whether the 6768
proposed community entertainment district does or will 6769
substantially contribute to entertainment, retail, educational, 6770
sporting, social, cultural, or arts opportunities for the 6771
community. The community considered shall at a minimum include the 6772

municipal corporation in which the community is located. Any 6773
approval of an application shall be by an affirmative majority 6774
vote of the legislative authority. 6775

Within seventy-five days after the date the application is 6776
filed with a board of township trustees, the board by resolution 6777
shall approve or disapprove the application based on whether the 6778
proposed community entertainment district does or will 6779
substantially contribute to entertainment, retail, educational, 6780
sporting, social, cultural, or arts opportunities for the 6781
community. The community considered shall at a minimum include the 6782
township in which the community is located. Any approval of an 6783
application shall be by an affirmative majority vote of the board 6784
of township trustees. 6785

If the legislative authority or board of township trustees 6786
disapproves the application, the applicant may make changes in the 6787
application to secure its approval by the legislative authority or 6788
board of township trustees. Any area approved by the legislative 6789
authority or board of township trustees constitutes a community 6790
entertainment district, and a local option election may be 6791
conducted in the district, as a type of community facility, under 6792
section 4301.356 of the Revised Code. 6793

(D) All or part of an area designated as a community 6794
entertainment district may lose this designation as provided in 6795
this division. The legislative authority of a municipal 6796
corporation in which a community entertainment district is 6797
located, or the board of township trustees of the township in 6798
whose unincorporated area a community entertainment district is 6799
located, after giving notice of its proposed action by publication 6800
once a week for two consecutive weeks in at least one newspaper of 6801
general circulation in the municipal corporation or township, may 6802
determine by ordinance or resolution in the case of the 6803
legislative authority of a municipal corporation, or by resolution 6804

in the case of a board of township trustees of a township, that
all or part of the area fails to meet the standards described in
this section for designation of an area as a community
entertainment district. If the legislative authority or board so
determines, the area designated in the ordinance or resolution no
longer constitutes a community entertainment district.

Sec. 4303.26. (A) Applications for regular permits authorized
by sections 4303.02 to 4303.23 of the Revised Code may be filed
with the division of liquor control. No permit shall be issued by
the division until fifteen days after the application for it is
filed. An applicant for the issuance of a new permit shall pay a
processing fee of one hundred dollars when filing application for
the permit, if the permit is then available, or shall pay the
processing fee when a permit becomes available, if it is not
available when the applicant initially files the application. When
an application for a new class C or D permit is filed, when class
C or D permits become available, or when an application for
transfer of ownership of a class C or D permit or transfer of a
location of a class C or D permit is filed, no permit shall be
issued, nor shall the location or the ownership of a permit be
transferred, by the division until the division notifies the
legislative authority of the municipal corporation, if the
business or event is or is to be located within the corporate
limits of a municipal corporation, or the clerk of the board of
county commissioners and the fiscal officer of the board of
township trustees in the county in which the business or event is
or is to be conducted, if the business is or is to be located
outside the corporate limits of a municipal corporation, and an
opportunity is provided officials or employees of the municipal
corporation or county and township, who shall be designated by the
legislative authority of the municipal corporation or the board of
county commissioners or board of township trustees, for a complete

As Reported by the Senate State and Local Government and Veterans Affairs
Committee

hearing upon the advisability of the issuance, transfer of 6837
ownership, or transfer of location of the permit. In this hearing, 6838
no objection to the issuance, transfer of ownership, or transfer 6839
of location of the permit shall be based upon noncompliance of the 6840
proposed permit premises with local zoning regulations which 6841
prohibit the sale of beer or intoxicating liquor, in an area zoned 6842
for commercial or industrial uses, for a permit premises that 6843
would otherwise qualify for a proper permit issued by the 6844
division. 6845

When the division sends notice to the legislative or 6846
executive authority of the political subdivision, as required by 6847
this section, the division shall also so notify, by certified 6848
mail, return receipt requested, or by personal service, the chief 6849
peace officer of the political subdivision. Upon the request of 6850
the chief peace officer, the division shall send the chief peace 6851
officer a copy of the application for the issuance or the transfer 6852
of ownership or location of the permit and all other documents or 6853
materials filed by the applicant or applicants in relation to the 6854
application. The chief peace officer may appear and testify, 6855
either in person or through a representative, at any hearing held 6856
on the advisability of the issuance, transfer of ownership, or 6857
transfer of location of the permit. The hearing shall be held in 6858
the central office of the division, except that upon written 6859
request of the legislative authority of the municipal corporation 6860
or the board of county commissioners or board of township 6861
trustees, the hearing shall be held in the county seat of the 6862
county where the applicant's business is or is to be conducted. 6863

If the business or event specified in an application for the 6864
issuance, transfer of ownership, or transfer of location of any 6865
regular permit authorized by sections 4303.02 to 4303.23 of the 6866
Revised Code, except for an F-2 permit, is, or is to be operated, 6867
within five hundred feet from the boundaries of a parcel of real 6868

estate having situated on it a school, church, library, public 6869
playground, or township park, no permit shall be issued, nor shall 6870
the location or the ownership of a permit be transferred, by the 6871
division until written notice of the filing of the application 6872
with the division is served, by certified mail, return receipt 6873
requested, or by personal service, upon the authorities in control 6874
of the school, church, library, public playground, or township 6875
park and an opportunity is provided them for a complete hearing 6876
upon the advisability of the issuance, transfer of ownership, or 6877
transfer of location of the permit. In this hearing, no objection 6878
to the issuance, transfer of ownership, or transfer of location of 6879
the permit shall be based upon the noncompliance of the proposed 6880
permit premises with local zoning regulations which prohibit the 6881
sale of beer or intoxicating liquor, in an area zoned for 6882
commercial or industrial uses, for a permit premises that would 6883
otherwise qualify for a proper permit issued by the division. Upon 6884
the written request of any ~~such~~ of these authorities, the hearing 6885
shall be held in the county seat of the county where the 6886
applicant's business is or is to be conducted. 6887

A request for any hearing authorized by this section shall be 6888
made no later than thirty days from the time of notification by 6889
the division. This thirty-day period begins on the date the 6890
division mails notice to the legislative authority or the date on 6891
which the division mails notice to or, by personal service, serves 6892
notice upon, the institution. The division shall conduct a hearing 6893
if the request for the hearing is postmarked by the deadline date. 6894
The division may allow, upon cause shown by the requesting 6895
legislative authority or board, an extension of thirty additional 6896
days for the legislative authority of the municipal corporation, 6897
board of township trustees of the township, or board of county 6898
commissioners of the county in which a permit premises is or is to 6899
be located to object to the issuance, transfer of ownership, or 6900

transfer of location of a permit. ~~Such~~ The request for the 6901
extension shall be made by the legislative authority or board to 6902
the division no later than thirty days after the time of 6903
notification by the division. 6904

(B)(1) When an application for transfer of ownership of a 6905
permit is filed with the division, the division shall give notice 6906
of the application to the department of taxation. Within twenty 6907
days after receiving this notification, the department of taxation 6908
shall notify the division of liquor control and the proposed 6909
transferee of the permit if the permit holder owes to this state 6910
any delinquent sales taxes or income taxes withheld from employee 6911
compensation or has failed to file any sales tax returns or 6912
employee income tax withholding returns, to the extent that ~~such~~ 6913
the delinquent taxes and delinquent returns are known to the 6914
department of taxation at that time. The division shall not 6915
transfer ownership of the permit until returns known to be 6916
delinquent are filed and until ~~any such~~ the tax or withholding 6917
delinquency is resolved. As used in this division, "resolved" 6918
means that the tax or withholding delinquency has been paid or an 6919
amount sufficient to satisfy the delinquency is in escrow for the 6920
benefit of the state. The department of taxation shall notify the 6921
division of the resolution. After the division has received ~~such~~ 6922
the notification from the department of taxation, the division may 6923
proceed to transfer ownership of the permit. Nothing in this 6924
division shall be construed to affect or limit the 6925
responsibilities or liabilities of the transferor or the 6926
transferee imposed by Chapter 5739. or 5747. of the Revised Code. 6927

(2) Notwithstanding section 5703.21 of the Revised Code, 6928
nothing prohibits the department of taxation from disclosing to 6929
the division or to the proposed transferee or the proposed 6930
transferee's designated agent any information pursuant to division 6931
(B)(1) of this section. 6932

(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

**As Reported by the Senate State and Local Government and Veterans Affairs
Committee**

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.

6996

(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.

6997
6998
6999
7000
7001
7002
7003
7004
7005
7006
7007
7008
7009
7010
7011
7012
7013
7014
7015

(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.

7016
7017
7018
7019
7020

(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:

7021
7022
7023
7024
7025
7026

(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 7058
the municipal corporation, township, or unincorporated area of the 7059
county and for which there is a choice of supplier of that service 7060
as a result of revised schedules approved under division (C) of 7061
section 4929.29 of the Revised Code, a rule or order adopted or 7062
issued by the commission under Chapter 4905. of the Revised Code, 7063
or an exemption granted by the commission under sections 4929.04 7064
to 4929.08 of the Revised Code. An ordinance or a resolution 7065
adopted under this section shall expressly state that it is 7066
adopted pursuant to the authority conferred by this section. The 7067
legislative authority or board also may exercise its authority 7068
under this section jointly with any other such legislative 7069
authority or board. For the purpose of the aggregation, the 7070
legislative authority or board may enter into service agreements 7071
to facilitate the sale and purchase of the service for the retail 7072
natural gas loads. 7073

(2)(a) No aggregation under an ordinance or resolution 7074
adopted under division (A)(1) of this section shall include the 7075
retail natural gas load of any person that meets any of the 7076
following criteria: 7077

(i) The person is both a distribution service customer and a 7078
mercantile customer on the date of commencement of service to the 7079
aggregated load, or the person becomes a distribution service 7080
customer after that date and also is a mercantile customer. 7081

(ii) The person is supplied with commodity sales service 7082
pursuant to a contract with a retail natural gas supplier that is 7083
in effect on the effective date of the ordinance or resolution. 7084

(iii) The person is supplied with commodity sales service as 7085
part of a retail natural gas load aggregation provided for 7086
pursuant to a rule or order adopted or issued by the commission 7087
under this chapter or Chapter 4905. of the Revised Code. 7088

(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. 7121
7122

(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. 7123
7124
7125
7126
7127
7128
7129
7130
7131
7132
7133
7134
7135
7136
7137
7138

(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. 7139
7140
7141
7142
7143

(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: 7144
7145
7146
7147
7148
7149

(a) The petitions shall be filed, respectively, with the township clerk* fiscal officer or the board of county 7150
7151

commissioners, who shall perform those duties imposed under those 7152
sections upon the city auditor or village clerk. 7153

(b) The petitions shall contain the signatures of not less 7154
than ten per cent of the total number of electors in the township 7155
or the unincorporated area of the county, respectively, who voted 7156
for the office of governor at the preceding general election for 7157
that office in that area. 7158

(F) A governmental aggregator under division (A) of this 7159
section is not a public utility engaging in the wholesale purchase 7160
and resale of natural gas, and provision of the aggregated service 7161
is not a wholesale utility transaction. A governmental aggregator 7162
shall be subject to supervision and regulation by the public 7163
utilities commission only to the extent of any competitive retail 7164
natural gas service it provides and commission authority under 7165
this chapter. 7166

Sec. 4929.27. (A)(1) The legislative authority of a municipal 7167
corporation may adopt an ordinance, or the board of township 7168
trustees of a township or the board of county commissioners of a 7169
county may adopt a resolution, under which, in accordance with 7170
this section and except as otherwise provided in division (A)(2) 7171
of this section, the legislative authority or board may aggregate, 7172
with the prior consent of each person whose retail natural gas 7173
load is proposed to be aggregated, competitive retail natural gas 7174
service for any such retail natural gas load that is located, 7175
respectively, within the municipal corporation, township, or 7176
unincorporated area of the county and for which there is a choice 7177
of supplier of that service as a result of revised schedules 7178
approved under division (C) of section 4929.29 of the Revised 7179
Code, a rule or order adopted or issued by the commission under 7180
Chapter 4905. of the Revised Code, or an exemption granted by the 7181
commission under sections 4929.04 to 4929.08 of the Revised Code. 7182

An ordinance or a resolution adopted under this section shall 7183
expressly state that it is adopted pursuant to the authority 7184
conferred by this section. The legislative authority or board also 7185
may exercise such authority jointly with any other such 7186
legislative authority or board. For the purpose of the 7187
aggregation, the legislative authority or board may enter into 7188
service agreements to facilitate the sale and purchase of the 7189
service for the retail natural gas loads. 7190

(2)(a) No aggregation under an ordinance or resolution 7191
adopted under division (A)(1) of this section shall include the 7192
retail natural gas load of any person that meets either of the 7193
following criteria: 7194

(i) The person is supplied with commodity sales service 7195
pursuant to a contract with a retail natural gas supplier that is 7196
in effect on the effective date of the ordinance or resolution. 7197

(ii) The person is supplied with commodity sales service as 7198
part of a retail natural gas load aggregation provided for 7199
pursuant to a rule or order adopted or issued by the commission 7200
under this chapter or Chapter 4905. of the Revised Code. 7201

(b) Nothing in division (A)(2)(a) of this section precludes a 7202
governmental aggregation under this section from permitting the 7203
retail natural gas load of a person described in division 7204
(A)(2)(a) of this section from being included in the aggregation 7205
upon the expiration of any contract or aggregation as described in 7206
division (A)(2)(a)(i) or (ii) of this section or upon the person 7207
no longer qualifying to be included in ~~such~~ an aggregation. 7208

(B) Upon the applicable requisite authority under division 7209
(A) of this section, the legislative authority or board shall 7210
develop a plan of operation and governance for the aggregation 7211
program so authorized. Before adopting a plan under this division, 7212
the legislative authority or board shall hold at least two public 7213

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 7245
this chapter. 7246

Sec. 5123.19. (A) As used in this section and in sections 7247
5123.191, 5123.194, 5123.196, 5123.198, and 5123.20 of the Revised 7248
Code: 7249

(1)(a) "Residential facility" means a home or facility in 7250
which a mentally retarded or developmentally disabled person 7251
resides, except the home of a relative or legal guardian in which 7252
a mentally retarded or developmentally disabled person resides, a 7253
respite care home certified under section 5126.05 of the Revised 7254
Code, a county home or district home operated pursuant to Chapter 7255
5155. of the Revised Code, or a dwelling in which the only 7256
mentally retarded or developmentally disabled residents are in an 7257
independent living arrangement or are being provided supported 7258
living. 7259

(b) "Intermediate care facility for the mentally retarded" 7260
means a residential facility that is considered an intermediate 7261
care facility for the mentally retarded for the purposes of 7262
Chapter 5111. of the Revised Code. 7263

(2) "Political subdivision" means a municipal corporation, 7264
county, or township. 7265

(3) "Independent living arrangement" means an arrangement in 7266
which a mentally retarded or developmentally disabled person 7267
resides in an individualized setting chosen by the person or the 7268
person's guardian, which is not dedicated principally to the 7269
provision of residential services for mentally retarded or 7270
developmentally disabled persons, and for which no financial 7271
support is received for rendering such service from any 7272
governmental agency by a provider of residential services. 7273

(4) "Supported living" has the same meaning as in section 7274

5126.01 of the Revised Code. 7275

(5) "Licensee" means the person or government agency that has 7276
applied for a license to operate a residential facility and to 7277
which the license was issued under this section. 7278

(B) Every person or government agency desiring to operate a 7279
residential facility shall apply for licensure of the facility to 7280
the director of mental retardation and developmental disabilities 7281
unless the residential facility is subject to section 3721.02, 7282
3722.04, 5103.03, or 5119.20 of the Revised Code. Notwithstanding 7283
Chapter 3721. of the Revised Code, a nursing home that is 7284
certified as an intermediate care facility for the mentally 7285
retarded under Title XIX of the "Social Security Act," 79 Stat. 7286
286 (1965), 42 U.S.C.A. 1396, as amended, shall apply for 7287
licensure of the portion of the home that is certified as an 7288
intermediate care facility for the mentally retarded. 7289

(C) Subject to section 5123.196 of the Revised Code, the 7290
director of mental retardation and developmental disabilities 7291
shall license the operation of residential facilities. An initial 7292
license shall be issued for a period that does not exceed one 7293
year, unless the director denies the license under division (D) of 7294
this section. A license shall be renewed for a period that does 7295
not exceed three years, unless the director refuses to renew the 7296
license under division (D) of this section. The director, when 7297
issuing or renewing a license, shall specify the period for which 7298
the license is being issued or renewed. A license remains valid 7299
for the length of the licensing period specified by the director, 7300
unless the license is terminated, revoked, or voluntarily 7301
surrendered. 7302

(D) If it is determined that an applicant or licensee is not 7303
in compliance with a provision of this chapter that applies to 7304
residential facilities or the rules adopted under such a 7305

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. 7369

(8) In determining whether a residential facility is being 7370
operated in compliance with a provision of this chapter that 7371
applies to residential facilities or the rules adopted under such 7372
a provision, or whether conditions at a residential facility 7373
present an immediate danger of physical or psychological harm to 7374
the residents, the director may rely on information obtained by a 7375
county board of mental retardation and developmental disabilities 7376
or other governmental agencies. 7377

(9) In proceedings initiated to deny, refuse to renew, or 7378
revoke licenses, the director may deny, refuse to renew, or revoke 7379
a license regardless of whether some or all of the deficiencies 7380
that prompted the proceedings have been corrected at the time of 7381
the hearing. 7382

(E) The director shall establish a program under which public 7383
notification may be made when the director has initiated license 7384
revocation proceedings or has issued an order for the suspension 7385
of admissions, placement of a monitor, or removal of residents. 7386
The director shall adopt rules in accordance with Chapter 119. of 7387
the Revised Code to implement this division. The rules shall 7388
establish the procedures by which the public notification will be 7389
made and specify the circumstances for which the notification must 7390
be made. The rules shall require that public notification be made 7391
if the director has taken action against the facility in the 7392
eighteen-month period immediately preceding the director's latest 7393
action against the facility and the latest action is being taken 7394
for the same or a substantially similar violation of a provision 7395
of this chapter that applies to residential facilities or the 7396
rules adopted under such a provision. The rules shall specify a 7397
method for removing or amending the public notification if the 7398
director's action is found to have been unjustified or the 7399
violation at the residential facility has been corrected. 7400

(F)(1) Except as provided in division (F)(2) of this section, 7401
appeals from proceedings initiated to impose a sanction under 7402
division (D) of this section shall be conducted in accordance with 7403
Chapter 119. of the Revised Code. 7404

(2) Appeals from proceedings initiated to order the 7405
suspension of admissions to a facility shall be conducted in 7406
accordance with Chapter 119. of the Revised Code, unless the order 7407
was issued before providing an opportunity for an adjudication, in 7408
which case all of the following apply: 7409

(a) The licensee may request a hearing not later than ten 7410
days after receiving the notice specified in section 119.07 of the 7411
Revised Code. 7412

(b) If a timely request for a hearing is made, the hearing 7413
shall commence not later than thirty days after the department 7414
receives the request. 7415

(c) After commencing, the hearing shall continue 7416
uninterrupted, except for Saturdays, Sundays, and legal holidays, 7417
unless other interruptions are agreed to by the licensee and the 7418
director. 7419

(d) If the hearing is conducted by a hearing examiner, the 7420
hearing examiner shall file a report and recommendations not later 7421
than ten days after the close of the hearing. 7422

(e) Not later than five days after the hearing examiner files 7423
the report and recommendations, the licensee may file objections 7424
to the report and recommendations. 7425

(f) Not later than fifteen days after the hearing examiner 7426
files the report and recommendations, the director shall issue an 7427
order approving, modifying, or disapproving the report and 7428
recommendations. 7429

(g) Notwithstanding the pendency of the hearing, the director 7430

shall lift the order for the suspension of admissions when the 7431
director determines that the violation that formed the basis for 7432
the order has been corrected. 7433

(G) In accordance with Chapter 119. of the Revised Code, the 7434
director shall adopt and may amend and rescind rules for licensing 7435
and regulating the operation of residential facilities, including 7436
intermediate care facilities for the mentally retarded. The rules 7437
for intermediate care facilities for the mentally retarded may 7438
differ from those for other residential facilities. The rules 7439
shall establish and specify the following: 7440

(1) Procedures and criteria for issuing and renewing 7441
licenses, including procedures and criteria for determining the 7442
length of the licensing period that the director must specify for 7443
each license when it is issued or renewed; 7444

(2) Procedures and criteria for denying, refusing to renew, 7445
terminating, and revoking licenses and for ordering the suspension 7446
of admissions to a facility, placement of a monitor at a facility, 7447
and the immediate removal of residents from a facility; 7448

(3) Fees for issuing and renewing licenses; 7449

(4) Procedures for surveying residential facilities; 7450

(5) Requirements for the training of residential facility 7451
personnel; 7452

(6) Classifications for the various types of residential 7453
facilities; 7454

(7) Certification procedures for licensees and management 7455
contractors that the director determines are necessary to ensure 7456
that they have the skills and qualifications to properly operate 7457
or manage residential facilities; 7458

(8) The maximum number of persons who may be served in a 7459
particular type of residential facility; 7460

(9) Uniform procedures for admission of persons to and 7461
transfers and discharges of persons from residential facilities; 7462

(10) Other standards for the operation of residential 7463
facilities and the services provided at residential facilities; 7464

(11) Procedures for waiving any provision of any rule adopted 7465
under this section. 7466

(H) Before issuing a license, the director of the department 7467
or the director's designee shall conduct a survey of the 7468
residential facility for which application is made. The director 7469
or the director's designee shall conduct a survey of each licensed 7470
residential facility at least once during the period the license 7471
is valid and may conduct additional inspections as needed. A 7472
survey includes but is not limited to an on-site examination and 7473
evaluation of the residential facility, its personnel, and the 7474
services provided there. 7475

In conducting surveys, the director or the director's 7476
designee shall be given access to the residential facility; all 7477
records, accounts, and any other documents related to the 7478
operation of the facility; the licensee; the residents of the 7479
facility; and all persons acting on behalf of, under the control 7480
of, or in connection with the licensee. The licensee and all 7481
persons on behalf of, under the control of, or in connection with 7482
the licensee shall cooperate with the director or the director's 7483
designee in conducting the survey. 7484

Following each survey, unless the director initiates a 7485
license revocation proceeding, the director or the director's 7486
designee shall provide the licensee with a report listing any 7487
deficiencies, specifying a timetable within which the licensee 7488
shall submit a plan of correction describing how the deficiencies 7489
will be corrected, and, when appropriate, specifying a timetable 7490
within which the licensee must correct the deficiencies. After a 7491

plan of correction is submitted, the director or the director's
designee shall approve or disapprove the plan. A copy of the
report and any approved plan of correction shall be provided to
any person who requests it.

The director shall initiate disciplinary action against any
department employee who notifies or causes the notification to any
unauthorized person of an unannounced survey of a residential
facility by an authorized representative of the department.

(I) In addition to any other information which may be
required of applicants for a license pursuant to this section, the
director shall require each applicant to provide a copy of an
approved plan for a proposed residential facility pursuant to
section 5123.042 of the Revised Code. This division does not apply
to renewal of a license.

(J) A licensee shall notify the owner of the building in
which the licensee's residential facility is located of any
significant change in the identity of the licensee or management
contractor before the effective date of the change if the licensee
is not the owner of the building.

Pursuant to rules which shall be adopted in accordance with
Chapter 119. of the Revised Code, the director may require
notification to the department of any significant change in the
ownership of a residential facility or in the identity of the
licensee or management contractor. If the director determines that
a significant change of ownership is proposed, the director shall
consider the proposed change to be an application for development
by a new operator pursuant to section 5123.042 of the Revised Code
and shall advise the applicant within sixty days of ~~such~~ the
notification that the current license shall continue in effect or
a new license will be required pursuant to this section. If the
director requires a new license, the director shall permit the

facility to continue to operate under the current license until 7523
the new license is issued, unless the current license is revoked, 7524
refused to be renewed, or terminated in accordance with Chapter 7525
119. of the Revised Code. 7526

(K) A county board of mental retardation and developmental 7527
disabilities, the legal rights service, and any interested person 7528
may file complaints alleging violations of statute or department 7529
rule relating to residential facilities with the department. All 7530
complaints shall be in writing and shall state the facts 7531
constituting the basis of the allegation. The department shall not 7532
reveal the source of any complaint unless the complainant agrees 7533
in writing to waive the right to confidentiality or until so 7534
ordered by a court of competent jurisdiction. 7535

The department shall adopt rules in accordance with Chapter 7536
119. of the Revised Code establishing procedures for the receipt, 7537
referral, investigation, and disposition of complaints filed with 7538
the department under this division. 7539

(L) The department shall establish procedures for the 7540
notification of interested parties of the transfer or interim care 7541
of residents from residential facilities that are closing or are 7542
losing their license. 7543

(M) Before issuing a license under this section to a 7544
residential facility that will accommodate at any time more than 7545
one mentally retarded or developmentally disabled individual, the 7546
director shall, by first class mail, notify the following: 7547

(1) If the facility will be located in a municipal 7548
corporation, the clerk of the legislative authority of the 7549
municipal corporation; 7550

(2) If the facility will be located in unincorporated 7551
territory, the clerk of the appropriate board of county 7552
commissioners and the ~~clerk~~ fiscal officer of the appropriate 7553

board of township trustees. 7554

The director shall not issue the license for ten days after 7555
mailing the notice, excluding Saturdays, Sundays, and legal 7556
holidays, in order to give the notified local officials time in 7557
which to comment on the proposed issuance. 7558

Any legislative authority of a municipal corporation, board 7559
of county commissioners, or board of township trustees that 7560
receives notice under this division of the proposed issuance of a 7561
license for a residential facility may comment on it in writing to 7562
the director within ten days after the director mailed the notice, 7563
excluding Saturdays, Sundays, and legal holidays. If the director 7564
receives written comments from any notified officials within the 7565
specified time, the director shall make written findings 7566
concerning the comments and the director's decision on the 7567
issuance of the license. If the director does not receive written 7568
comments from any notified local officials within the specified 7569
time, the director shall continue the process for issuance of the 7570
license. 7571

(N) Any person may operate a licensed residential facility 7572
that provides room and board, personal care, habilitation 7573
services, and supervision in a family setting for at least six but 7574
not more than eight persons with mental retardation or a 7575
developmental disability as a permitted use in any residential 7576
district or zone, including any single-family residential district 7577
or zone, of any political subdivision. These residential 7578
facilities may be required to comply with area, height, yard, and 7579
architectural compatibility requirements that are uniformly 7580
imposed upon all single-family residences within the district or 7581
zone. 7582

(O) Any person may operate a licensed residential facility 7583
that provides room and board, personal care, habilitation 7584
services, and supervision in a family setting for at least nine 7585

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 7617
section if either of the following is the case: 7618

(a) The director determines that an emergency exists 7619
requiring immediate placement of persons in a residential 7620
facility, that insufficient licensed beds are available, and that 7621
the residential facility is likely to receive a permanent license 7622
under this section within thirty days after issuance of the 7623
interim license. 7624

(b) The director determines that the issuance of an interim 7625
license is necessary to meet a temporary need for a residential 7626
facility. 7627

(2) To be eligible to receive an interim license, an 7628
applicant must meet the same criteria that must be met to receive 7629
a permanent license under this section, except for any differing 7630
procedures and time frames that may apply to issuance of a 7631
permanent license. 7632

(3) An interim license shall be valid for thirty days and may 7633
be renewed by the director for a period not to exceed one hundred 7634
fifty days. 7635

(4) The director shall adopt rules in accordance with Chapter 7636
119. of the Revised Code as the director considers necessary to 7637
administer the issuance of interim licenses. 7638

(S) Notwithstanding rules adopted pursuant to this section 7639
establishing the maximum number of persons who may be served in a 7640
particular type of residential facility, a residential facility 7641
shall be permitted to serve the same number of persons being 7642
served by the facility on the effective date of ~~such~~ the rules or 7643
the number of persons for which the facility is authorized 7644
pursuant to a current application for a certificate of need with a 7645
letter of support from the department of mental retardation and 7646
developmental disabilities and which is in the review process 7647

prior to April 4, 1986. 7648

(T) The director or the director's designee may enter at any 7649
time, for purposes of investigation, any home, facility, or other 7650
structure that has been reported to the director or that the 7651
director has reasonable cause to believe is being operated as a 7652
residential facility without a license issued under this section. 7653

The director may petition the court of common pleas of the 7654
county in which an unlicensed residential facility is located for 7655
an order enjoining the person or governmental agency operating the 7656
facility from continuing to operate without a license. The court 7657
may grant the injunction on a showing that the person or 7658
governmental agency named in the petition is operating a 7659
residential facility without a license. The court may grant the 7660
injunction, regardless of whether the residential facility meets 7661
the requirements for receiving a license under this section. 7662

Sec. 5126.021. As used in this section, "immediate family" 7663
means parents, brothers, sisters, spouses, sons, daughters, 7664
mothers-in-law, fathers-in-law, brothers-in-law, sisters-in-law, 7665
sons-in-law, and daughters-in-law. 7666

(A) The following individuals shall not serve as members of 7667
county boards of mental retardation and developmental 7668
disabilities: 7669

(1) Elected public officials, except for township trustees, 7670
township clerks fiscal officers, and those excluded from the 7671
definition of public official or employee in division (B) of 7672
section 102.01 of the Revised Code; 7673

(2) Members of the immediate family of another board member; 7674

(3) Board employees and members of the immediate family of 7675
board employees; 7676

(4) Former board employees within one calendar year of the 7677

termination of employment with the board on which the former 7678
employee would serve. 7679

(B) A person may not serve as a member of a county board of 7680
mental retardation and developmental disabilities when either the 7681
person or a member of the person's immediate family is a board 7682
member of a contract agency of that county board unless there is 7683
no conflict of interest. In no circumstance shall a member of a 7684
county board vote on any matter before the board concerning a 7685
contract agency of which the member or a member of the member's 7686
immediate family is also a board member or an employee. All 7687
questions relating to the existence of a conflict of interest 7688
shall be submitted to the local prosecuting attorney and the Ohio 7689
ethics commission for resolution. 7690

(C) No employee of an agency contracting with a county board 7691
of mental retardation and developmental disabilities or member of 7692
the immediate family of such an employee shall serve as a board 7693
member or an employee of the county board except that a county 7694
board may, pursuant to a resolution adopted by the board, employ a 7695
member of the immediate family of an employee of an agency 7696
contracting with the board. 7697

(D) No person shall serve as a member or employee of a county 7698
board of mental retardation and developmental disabilities if a 7699
member of the person's immediate family serves as a county 7700
commissioner of the county served by the board unless the person 7701
was a member or employee prior to October 31, 1980. 7702

(E) A county board of mental retardation and developmental 7703
disabilities shall not contract with an agency whose board 7704
includes a county commissioner of the county served by the county 7705
board. 7706

(F) Notwithstanding any provision of the Revised Code to the 7707
contrary, including applicable provisions of sections 102.03, 7708

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

As Reported by the Senate State and Local Government and Veterans Affairs Committee

respect to which the board of township trustees fails to report 7741
 within a reasonable time. Upon the completion of its investigation 7742
 and the designation of a system of county highways, the board of 7743
 county commissioners shall require the engineer to make a map 7744
~~thereof of it~~. A copy of this map, with the mileage of the 7745
 selected roads indicated ~~thereon~~ on it, together with a brief 7746
 statement by the board of county commissioners of its reasons for 7747
 the selection made, shall be transmitted to the director of 7748
 transportation. 7749

If the director finds that the system has been designated in 7750
 substantial compliance with this section and section ~~5541.03~~ 7751
5541.01 of the Revised Code, and that all portions of the system 7752
 of county highways connect with either a state or intercounty 7753
 highway, or another county road, ~~he~~ the director shall, within 7754
 sixty days, approve ~~such~~ the system and certify ~~his~~ the approval 7755
 to the board of county commissioners, which shall cause a copy of 7756
~~such~~ the map, approved by it, to be made a part of its records and 7757
 shall cause a copy ~~thereof~~ of it to be filed in the office of the 7758
 county engineer and of the ~~clerk~~ fiscal officer of each township 7759
 within the county. The system of roads designated upon ~~such~~ the 7760
 map shall then become the system of county roads of the county. 7761
 Each road constituting a part of ~~such~~ the system shall be given a 7762
 number by the board of county commissioners, which may also divide 7763
 the roads into convenient sections and assign appropriate 7764
 designations to each section. No state or intercounty highway or 7765
 part ~~thereof~~ of it shall be included in the system of county 7766
 highways. The board of county commissioners may make changes in or 7767
 additions to the county system as in the manner provided by this 7768
 section. All expenses incurred in carrying out this section shall 7769
 be paid from the general county road fund. 7770

Sec. 5543.05. The county auditor shall, before ~~he draws his~~ 7771
drawing a warrant for any moneys expended by the county on any 7772

As Reported by the Senate State and Local Government and Veterans Affairs
Committee

highways, other than intercounty or state highways, or on any 7773
bridges or culverts on ~~such the~~ highways, require of the county 7774
engineer the assignment of ~~such the~~ expense to the ~~road~~ highway 7775
and section ~~thereof~~ of it, bridge, or culvert in connection with 7776
which ~~such the~~ expense was incurred. The auditor shall keep such 7777
records as are necessary to show clearly at the close of each year 7778
the amount of money expended from the county treasury on each 7779
section of ~~road~~ highway, other than intercounty or state highways, 7780
and on each bridge and culvert on ~~such roads~~ the highways. 7781

The township ~~clerk~~ fiscal officer shall, before ~~he draws~~ 7782
drawing any warrant for money expended upon any road within the 7783
township, other than an intercounty or state highway, or on 7784
bridges or culverts on ~~such the~~ roads, require of the county 7785
engineer or board of township trustees the assignment of ~~such the~~ 7786
expense to the road and section of it, bridge, or culvert in 7787
connection with which the expense was incurred. The ~~clerk~~ fiscal 7788
officer may keep such additional records as are necessary to show 7789
clearly at the close of each year the amount of money expended 7790
from the township funds on each section of road, other than 7791
intercounty or state highways, within the township, and on each 7792
bridge and culvert on ~~such the~~ roads. The board of township 7793
trustees may require the ~~clerk~~ fiscal officer to keep ~~such those~~ 7794
additional records. 7795

When general equipment or material for use in the entire 7796
county or township is purchased, the expense ~~thereof~~ of the 7797
equipment or material need not be assigned to any section of road 7798
or to any bridge or culvert, but, ~~so far~~ insofar as practicable, 7799
all items of expense shall be assigned to the specific section of 7800
road or to the particular bridge or culvert in connection with 7801
which they were incurred. 7802

The director of transportation may prescribe all necessary 7803
and proper forms for maps and reports to be maintained by 7804

engineers, boards, auditors, and ~~clerks~~ fiscal officers. All 7805
auditors and ~~clerks~~ fiscal officers may be required by the 7806
director to transmit to ~~him~~ the director, in ~~such~~ the form as ~~he~~
the director prescribes, the cost records they are required by law 7807
to keep pertaining to roads, bridges, and culverts within their 7808
counties or townships. 7809
7810

Sec. 5552.10. The board of county commissioners shall 7811
designate the county engineer to administer county access 7812
management regulations, except that if the engineer declines to 7813
administer the regulations, the board may designate another 7814
person, or a planning commission, to administer them. If a board 7815
of township trustees adopts access management regulations, the 7816
board may administer the regulations or may appoint the township 7817
~~clerk~~ fiscal officer or any other person to administer them, with 7818
the advice of the county engineer. 7819

If the access management regulations apply to a subdivision 7820
and a permit request is filed pertaining to the subdivision, the 7821
county engineer, board of township trustees, planning commission, 7822
or other person administering the regulations shall approve or 7823
disapprove the permit request within the time period for approval 7824
of a subdivision without a plat specified in section 711.131 of 7825
the Revised Code. 7826

Sec. 5571.04. When the board of township trustees determines 7827
to proceed as provided in division (C) of section 5571.02 of the 7828
Revised Code and appoints a highway superintendent, ~~he~~ the 7829
superintendent shall, before entering upon the discharge of ~~his~~ 7830
~~duty~~ the official duties of superintendent, give bond to the 7831
state, for the use of the township, in the sum of two thousand 7832
dollars, conditioned upon the faithful performance of ~~his duty~~ the 7833
official duties of superintendent. ~~Such~~ The bond shall be approved 7834

by the board of township trustees, and filed with the township 7835
clerk fiscal officer. The board of township trustees shall fix the 7836
compensation of the superintendent, which compensation shall be 7837
paid from the township road fund. The compensation and all proper 7838
and necessary expenses, when approved by the board of township 7839
trustees, shall be paid by the township clerk fiscal officer upon 7840
~~his~~ the fiscal officer's warrant. 7841

Sec. 5571.16. The board of township trustees, by resolution, 7842
may require any person to obtain a permit before installing a 7843
driveway culvert or making any excavation in a township highway or 7844
highway right-of-way within its jurisdiction, except an excavation 7845
to repair, rehabilitate, or replace a pole already installed for 7846
the purpose of providing electric or telecommunications service. 7847
The board, as a condition to the granting of the permit, may do 7848
any of the following: 7849

(A) Require the applicant to submit plans indicating the 7850
location, size, type, and duration of the culvert or excavation 7851
contemplated; 7852

(B) Specify methods of excavation, refilling, and resurfacing 7853
to be followed; 7854

(C) Require the use of warning devices it considers necessary 7855
to protect travelers on the highway; 7856

(D) Require the applicant to indemnify the township against 7857
liability or damage as the result of the installation of the 7858
culvert or as a result of the excavation; 7859

(E) Require the applicant to post a deposit or bond, with 7860
sureties to the satisfaction of the board, conditioned upon the 7861
performance of all conditions in the permit. 7862

Applications for permits under this section shall be made to 7863
the township clerk fiscal officer upon forms to be furnished by 7864

the board. Applications, including, but not limited to, a single 7865
application for an excavation project to install six or more poles 7866
for the purpose of providing electric or telecommunications 7867
service or to install a pole associated with underground electric 7868
or telecommunications service, shall be accompanied by a fee of 7869
fifty dollars per application, which fee shall be returned to the 7870
applicant if the application is denied. Except as otherwise 7871
provided in this section, no application or fee shall be required 7872
for an excavation project to install five or fewer poles for the 7873
purpose of providing electric or telecommunications service, but 7874
the person making that excavation shall provide verifiable notice 7875
of the excavation to the township clerk at least three business 7876
days prior to the date of the excavation. 7877

No person shall install a driveway culvert or make an 7878
excavation in any township highway or highway right-of-way in 7879
violation of any resolution adopted pursuant to this section, 7880
except that, in the case of an emergency requiring immediate 7881
action to protect the public health, safety, and welfare, an 7882
excavation may be made without first obtaining a permit, if an 7883
application is made at the earliest possible opportunity. 7884

As used in this section, "person" has the same meaning as in 7885
section 1.59 of the Revised Code, and "right-of-way" has the same 7886
meaning as in division (UU)(2) of section 4511.01 of the Revised 7887
Code. 7888

Sec. 5573.13. The proportion of the compensation, damages, 7889
and costs of any road improvement to be paid by the township shall 7890
be paid out of any road improvement fund available ~~therefor~~ for 7891
it. For the purpose of providing by taxation a fund for the 7892
payment of the township's proportion of the compensation, damages, 7893
and costs of constructing, reconstructing, resurfacing, or 7894
improving roads under sections 5571.01, 5571.06, 5571.07, 5571.15, 7895

5573.01 to 5573.15, ~~inclusive,~~ and 5575.02 to 5575.09, ~~inclusive,~~ 7896
of the Revised Code, and for the purpose of maintaining, 7897
repairing, or dragging any public road or part ~~thereof~~ of any 7898
public road under their jurisdiction, in the manner provided in 7899
sections 5571.02 to 5571.05, ~~inclusive,~~ 5571.08, 5571.12, 5571.13, 7900
and 5575.01 of the Revised Code, the board of trustees may levy, 7901
annually, a tax not exceeding three mills upon each dollar of the 7902
taxable property of ~~said~~ the township. ~~Such~~ The levy shall be in 7903
addition to all other levies authorized for township purposes, and 7904
subject only to the limitation on the combined maximum rate for 7905
all taxes now in force. The taxes so authorized shall be placed by 7906
the county auditor upon the tax duplicate, ~~against~~ against the taxable 7907
property of the township, and collected by the county treasurer as 7908
other taxes. When collected, ~~such~~ the taxes shall be paid to the 7909
~~township clerk~~ fiscal officer of the township from which they are 7910
collected, and the money so received shall be under the control of 7911
the board of township trustees for the purposes for which the 7912
taxes were levied. 7913

Sec. 5573.211. The proportion of the compensation, damages, 7914
and costs of any road improvement to be paid by a township road 7915
district shall be paid out of any road improvement fund available 7916
~~therefor~~ for it. For the purpose of providing by taxation a fund 7917
for the payment of a township road district's proportion of the 7918
compensation, damages, and costs of constructing, reconstructing, 7919
resurfacing, improving, maintaining, repairing, and dragging 7920
township road district roads, ~~or parts thereof~~ of those roads, the 7921
board of trustees of a township in which a township road district 7922
has been erected as provided in section 5573.21 of the Revised 7923
Code, may levy, annually, a tax not exceeding three mills upon 7924
each dollar of the taxable property of ~~said~~ the township road 7925
district. ~~Such~~ The levy shall be in addition to all other levies 7926
authorized for township or township road district purposes, and 7927

subject only to the limitation on the combined maximum rate for 7928
all taxes in force. The taxes so authorized shall be placed by the 7929
county auditor upon the tax duplicate, against the taxable 7930
property of ~~said the~~ township road district, and collected by the 7931
county treasurer as other taxes. When collected, ~~such the~~ taxes 7932
shall be paid to the ~~township clerk~~ fiscal officer of the township 7933
in which ~~such the~~ township road district has been erected, and the 7934
money so received shall be under the control of the board of 7935
township trustees for the purposes for which the taxes were 7936
levied. 7937

Sec. 5575.04. Before entering into a contract, the board of 7938
township trustees shall require a bond indemnifying the township 7939
against damages that may be suffered by failure to perform the 7940
contract according to the contract's provisions ~~thereof~~, and in 7941
accordance with the specifications for the improvement. 7942

The township ~~clerk~~ fiscal officer shall not draw ~~his a~~ 7943
warrant in favor of any contractor for estimates, on account of a 7944
contract let under sections 5575.02 and 5575.03 of the Revised 7945
Code, until the affidavit of ~~such the~~ contractor, or an officer or 7946
agent in the case of a corporation, that all indebtedness of ~~such~~ 7947
the contractor on account of material incorporated into the work 7948
or delivered on the site of the improvement and labor performed 7949
has been paid, is filed with ~~such clerk~~ the fiscal officer. In 7950
lieu of ~~such the~~ affidavit, the contractor may file the written 7951
consent of all persons who have furnished material, incorporated 7952
into the work or delivered on the site of the improvement, or 7953
performed labor ~~thereon~~ on the improvement, that any estimate then 7954
due may be paid. ~~Such The~~ consent shall be accompanied by the 7955
affidavit of the contractor, or an officer or agent in the case of 7956
a corporation, that the consent bears the signatures of all 7957
persons who have furnished material, incorporated in the work or 7958
delivered on the site of the improvement, or performed labor 7959

~~thereon on the improvement~~, and have not been paid in full for 7960
~~such the~~ labor or material. This section does not prevent the 7961
payment out of any estimate that is due, upon the assignment by 7962
the contractor to any person who has furnished material for the 7963
work or performed labor ~~thereon on the improvement~~, of the amount 7964
due for ~~such the~~ material or labor. 7965

Sec. 5575.09. The board of township trustees shall provide 7966
the township ~~clerk~~ fiscal officer with a suitable book in which ~~he~~ 7967
the fiscal officer shall keep a complete record of proceedings for 7968
the construction, reconstruction, resurfacing, or improvement of 7969
public roads. For making ~~such the~~ record ~~he~~, the fiscal officer 7970
shall receive ten cents for each one hundred words, and, for all 7971
other services in connection ~~therewith he~~ with keeping the record, 7972
the fiscal officer shall receive ~~such the~~ reasonable compensation 7973
~~as is~~ allowed ~~him~~ by the board. 7974

Sec. 5579.08. All brush, briars, burrs, vines, and noxious 7975
weeds growing along the public highway shall be cut or destroyed 7976
between the first and twentieth days of June, the first and 7977
twentieth days of August, and, if necessary, between the first and 7978
twentieth days of September of each year or whenever necessary to 7979
prevent or eliminate a safety hazard. This work shall be done by 7980
the board of township trustees in its respective township, or by 7981
the township highway superintendent, who may employ the necessary 7982
labor to carry out this section. All expenses incurred shall, when 7983
approved by the board, be paid from the township road fund by the 7984
township ~~clerk~~ fiscal officer, upon ~~his~~ the fiscal officer's 7985
warrant. 7986

Sec. 5705.01. As used in this chapter: 7987

(A) "Subdivision" means any county; municipal corporation; 7988
township; township police district; township fire district; joint 7989

fire district; joint ambulance district; joint emergency medical 7990
services district; fire and ambulance district; joint recreation 7991
district; township waste disposal district; township road 7992
district; community college district; technical college district; 7993
detention facility district; a district organized under section 7994
2151.65 of the Revised Code; a combined district organized under 7995
sections 2152.41 and 2151.65 of the Revised Code; a joint-county 7996
alcohol, drug addiction, and mental health service district; a 7997
drainage improvement district created under section 6131.52 of the 7998
Revised Code; a union cemetery district; a county school financing 7999
district; or a city, local, exempted village, cooperative 8000
education, or joint vocational school district. 8001

(B) "Municipal corporation" means all municipal corporations, 8002
including those that have adopted a charter under Article XVIII, 8003
Ohio Constitution. 8004

(C) "Taxing authority" or "bond issuing authority" means, in 8005
the case of any county, the board of county commissioners; in the 8006
case of a municipal corporation, the council or other legislative 8007
authority of the municipal corporation; in the case of a city, 8008
local, exempted village, cooperative education, or joint 8009
vocational school district, the board of education; in the case of 8010
a community college district, the board of trustees of the 8011
district; in the case of a technical college district, the board 8012
of trustees of the district; in the case of a detention facility 8013
district, a district organized under section 2151.65 of the 8014
Revised Code, or a combined district organized under sections 8015
2152.41 and 2151.65 of the Revised Code, the joint board of county 8016
commissioners of the district; in the case of a township, the 8017
board of township trustees; in the case of a joint fire district, 8018
the board of fire district trustees; in the case of a joint 8019
recreation district, the joint recreation district board of 8020
trustees; in the case of a joint-county alcohol, drug addiction, 8021

and mental health service district, the district's board of 8022
alcohol, drug addiction, and mental health services; in the case 8023
of a joint ambulance district or a fire and ambulance district, 8024
the board of trustees of the district; in the case of a union 8025
cemetery district, the legislative authority of the municipal 8026
corporation and the board of township trustees, acting jointly as 8027
described in section 759.341 of the Revised Code; in the case of a 8028
drainage improvement district, the board of county commissioners 8029
of the county in which the drainage district is located; in the 8030
case of a joint emergency medical services district, the joint 8031
board of county commissioners of all counties in which all or any 8032
part of the district lies; and in the case of a township police 8033
district, a township fire district, a township road district, or a 8034
township waste disposal district, the board of township trustees 8035
of the township in which the district is located. "Taxing 8036
authority" also means the educational service center governing 8037
board that serves as the taxing authority of a county school 8038
financing district as provided in section 3311.50 of the Revised 8039
Code. 8040

(D) "Fiscal officer" in the case of a county, means the 8041
county auditor; in the case of a municipal corporation, the city 8042
auditor or village clerk, or ~~such an~~ officer ~~as~~ who, by virtue of 8043
the charter, has the duties and functions of the city auditor or 8044
village clerk, except that in the case of a municipal university 8045
the board of directors of which have assumed, in the manner 8046
provided by law, the custody and control of the funds of the 8047
university, the chief accounting officer of the university shall 8048
perform, with respect to the funds, the duties vested in the 8049
fiscal officer of the subdivision by sections 5705.41 and 5705.44 8050
of the Revised Code; in the case of a school district, the 8051
treasurer of the board of education; in the case of a county 8052
school financing district, the treasurer of the educational 8053

service center governing board that serves as the taxing 8054
authority; in the case of a township, the township ~~clerk~~ fiscal 8055
officer; in the case of a joint fire district, the clerk of the 8056
board of fire district trustees; in the case of a joint ambulance 8057
district, the clerk of the board of trustees of the district; in 8058
the case of a joint emergency medical services district, the 8059
person appointed as fiscal officer pursuant to division (D) of 8060
section 307.053 of the Revised Code; in the case of a fire and 8061
ambulance district, the person appointed as fiscal officer 8062
pursuant to division (B) of section 505.375 of the Revised Code; 8063
in the case of a joint recreation district, the person designated 8064
pursuant to section 755.15 of the Revised Code; in the case of a 8065
union cemetery district, the clerk of the municipal corporation 8066
designated in section 759.34 of the Revised Code; in the case of a 8067
children's home district, educational service center, general 8068
health district, joint-county alcohol, drug addiction, and mental 8069
health service district, county library district, detention 8070
facility district, district organized under section 2151.65 of the 8071
Revised Code, a combined district organized under sections 2152.41 8072
and 2151.65 of the Revised Code, or a metropolitan park district 8073
for which no treasurer has been appointed pursuant to section 8074
1545.07 of the Revised Code, the county auditor of the county 8075
designated by law to act as the auditor of the district; in the 8076
case of a metropolitan park district which has appointed a 8077
treasurer pursuant to section 1545.07 of the Revised Code, that 8078
treasurer; in the case of a drainage improvement district, the 8079
auditor of the county in which the drainage improvement district 8080
is located; and in all other cases, the officer responsible for 8081
keeping the appropriation accounts and drawing warrants for the 8082
expenditure of the moneys of the district or taxing unit. 8083

(E) "Permanent improvement" or "improvement" means any 8084
property, asset, or improvement with an estimated life or 8085
usefulness of five years or more, including land and interests 8086

therein, and reconstructions, enlargements, and extensions thereof 8087
having an estimated life or usefulness of five years or more. 8088

(F) "Current operating expenses" and "current expenses" mean 8089
the lawful expenditures of a subdivision, except those for 8090
permanent improvements, and except payments for interest, sinking 8091
fund, and retirement of bonds, notes, and certificates of 8092
indebtedness of the subdivision. 8093

(G) "Debt charges" means interest, sinking fund, and 8094
retirement charges on bonds, notes, or certificates of 8095
indebtedness. 8096

(H) "Taxing unit" means any subdivision or other governmental 8097
district having authority to levy taxes on the property in the 8098
district or issue bonds that constitute a charge against the 8099
property of the district, including conservancy districts, 8100
metropolitan park districts, sanitary districts, road districts, 8101
and other districts. 8102

(I) "District authority" means any board of directors, 8103
trustees, commissioners, or other officers controlling a district 8104
institution or activity that derives its income or funds from two 8105
or more subdivisions, such as the educational service center, the 8106
trustees of district children's homes, the district board of 8107
health, a joint-county alcohol, drug addiction, and mental health 8108
service district's board of alcohol, drug addiction, and mental 8109
health services, detention facility districts, a joint recreation 8110
district board of trustees, districts organized under section 8111
2151.65 of the Revised Code, combined districts organized under 8112
sections 2152.41 and 2151.65 of the Revised Code, and other such 8113
boards. 8114

(J) "Tax list" and "tax duplicate" mean the general tax lists 8115
and duplicates prescribed by sections 319.28 and 319.29 of the 8116
Revised Code. 8117

(K) "Property" as applied to a tax levy means taxable 8118
property listed on general tax lists and duplicates. 8119

(L) "School library district" means a school district in 8120
which a free public library has been established that is under the 8121
control and management of a board of library trustees as provided 8122
in section 3375.15 of the Revised Code. 8123

Sec. 5709.73. (A) As used in this section and section 5709.74 8124
of the Revised Code: 8125

(1) "Business day" means a day of the week excluding 8126
Saturday, Sunday, and a legal holiday as defined in section 1.14 8127
of the Revised Code. 8128

(2) "Further improvements" or "improvements" means the 8129
increase in the true value of real property that would first 8130
appear on the tax list and duplicate of real and public utility 8131
property after the effective date of a resolution adopted under 8132
this section were it not for the exemption granted by that 8133
resolution. For purposes of division (B) of this section, 8134
"improvements" do not include any property used or to be used for 8135
residential purposes. 8136

(3) "Housing renovation" means a project carried out for 8137
residential purposes. 8138

(4) "Incentive district" has the same meaning as in section 8139
5709.40 of the Revised Code, except that a blighted area is in the 8140
unincorporated area of a township. 8141

(5) "Project" and "public infrastructure improvement" have 8142
the same meanings as in section 5709.40 of the Revised Code. 8143

(B) A board of township trustees may, by unanimous vote, 8144
adopt a resolution that declares to be a public purpose any public 8145
infrastructure improvements made that are necessary for the 8146
development of certain parcels of land located in the 8147

unincorporated area of the township. Except as otherwise provided 8148
in division (D) of this section, the resolution may exempt from 8149
real property taxation not more than seventy-five per cent of 8150
further improvements to a parcel of land which directly benefits 8151
from ~~such~~ the public infrastructure improvements; the percentage 8152
exempted shall not, except as otherwise provided in division (D) 8153
of this section, exceed the estimated percentage of the 8154
incremental demand placed on the public infrastructure 8155
improvements that is directly attributable to the exempted 8156
improvement. For the purposes of this division, a public 8157
infrastructure improvement directly benefits a parcel of land only 8158
if a project on the parcel places direct, additional demand on the 8159
public infrastructure improvement, or, if the public 8160
infrastructure improvement has not yet been constructed, will 8161
place direct, additional demand on the public infrastructure 8162
improvement when completed. The resolution shall specify the 8163
percentage of the further improvements to be exempted. 8164

(C) A board of township trustees may adopt, by unanimous 8165
vote, a resolution creating an incentive district and declaring 8166
improvements to parcels within the district to be a public purpose 8167
and exempt from taxation as provided in this section. The district 8168
shall be located within the unincorporated area of the township 8169
and shall not include any territory that is included within a 8170
district created under division (B) of section 5709.78 of the 8171
Revised Code. The resolution shall delineate the boundary of the 8172
district and specifically identify each parcel within the 8173
district. A district may not include any parcel that is or has 8174
been exempted from taxation under division (B) of this section or 8175
that is or has been within another district created under this 8176
division. A resolution may create more than one ~~such~~ district, and 8177
more than one resolution may be adopted under this division. 8178

Not later than thirty days prior to adopting a resolution 8179

under this division, if the township intends to apply for 8180
exemptions from taxation under section 5709.911 of the Revised 8181
Code on behalf of owners of real property located within the 8182
proposed incentive district, the board shall conduct a public 8183
hearing on the proposed resolution. Not later than thirty days 8184
prior to the public hearing, the board shall give notice of the 8185
public hearing and the proposed resolution by first class mail to 8186
every real property owner whose property is located within the 8187
boundaries of the proposed incentive district that is the subject 8188
of the proposed resolution. 8189

A resolution under this division shall specify the life of 8190
the district and the percentage of the improvements to be exempted 8191
and shall designate the public infrastructure improvements made or 8192
to be made that benefit or serve parcels in the district. 8193

A resolution adopted under this division may authorize the 8194
use of service payments provided for in section 5709.74 of the 8195
Revised Code for the purpose of housing renovations within the 8196
district, provided that the resolution also designates public 8197
infrastructure improvements that benefit or serve the district, 8198
and that a project within the district places real property in use 8199
for commercial or industrial purposes. Service payments may be 8200
used to finance or support loans, deferred loans, and grants to 8201
persons for the purpose of housing renovations within the 8202
district. The resolution shall designate the parcels within the 8203
district that are eligible for housing renovations. The resolution 8204
shall state separately the amount or the percentages of the 8205
expected aggregate service payments that are designated for each 8206
public infrastructure improvement and for the purpose of housing 8207
renovations. 8208

Except with the approval of the board of education of each 8209
city, local, or exempted village school district within the 8210
territory of which the district is or will be located, the life of 8211

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

As Reported by the Senate State and Local Government and Veterans Affairs
Committee

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
improvements from taxation, or, in the case of a resolution
adopted under division (B) of this section, not more than the
estimated percentage of the incremental demand as otherwise
prescribed by division (B) of this section if that percentage is
less than seventy-five per cent. If the board of education fails
to certify a resolution to the board of trustees within the time
prescribed by this section, the board of trustees thereupon may
adopt the resolution and may declare the improvements a public
purpose for up to thirty years or, in the case of exemption
percentages proposed in excess of seventy-five per cent, for the
exemption percentage specified in the resolution. The board of
township trustees may adopt the resolution at any time after the
board of education certifies its resolution approving the
exemption to the board of township trustees, or, if the board of
education approves the exemption on the condition that a mutually
acceptable compensation agreement be negotiated, at any time after
the compensation agreement is agreed to by the board of education
and the board of township trustees.

If a board of education has adopted a resolution waiving its
right to approve exemptions from taxation and the resolution
remains in effect, approval of such exemptions by the board of
education is not required under this division. If a board of
education has adopted a resolution allowing a board of township
trustees to deliver the notice required under this division fewer
than forty-five business days prior to adoption of the resolution
by the board of township trustees, the board of township trustees
shall deliver the notice to the board of education not later than
the number of days prior to ~~such~~ the adoption as prescribed by the
board of education in its resolution. If a board of education
adopts a resolution waiving its right to approve exemptions or
shortening the notification period, the board of education shall

certify a copy of the resolution to the board of township trustees. If the board of education rescinds ~~such a~~ the resolution, it shall certify notice of the rescission to the board of township trustees.

If the board of trustees is not required by this division to notify the board of education of the board of trustees' intent to declare improvements to be a public purpose, the board of trustees shall comply with the notice requirements imposed under section 5709.83 of the Revised Code before taking formal action to adopt the resolution making that declaration, unless the board of education has adopted a resolution under that section waiving its right to receive ~~such a~~ the notice.

(E) An exemption from taxation granted under this section commences with the tax year in which an improvement first appears on the tax list and duplicate of real and public utility property and that begins after the effective date of the resolution. Except as otherwise provided in this division, the exemption ends on the date specified in the resolution as the date the improvement ceases to be a public purpose or the incentive district expires, or ends on the date on which the public infrastructure 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 8373
in lieu of taxes; expenditures of money from funds created under 8374
section 5709.75 of the Revised Code; a description of the public 8375
infrastructure improvements and housing renovations financed with 8376
~~such~~ the expenditures; and a quantitative summary of changes in 8377
private investment resulting from each project. 8378

(H) Nothing in this section shall be construed to prohibit a 8379
board of township trustees from declaring to be a public purpose 8380
improvements with respect to more than one parcel. 8381

(I) A board of township trustees that adopted a resolution 8382
under this section prior to July 21, 1994, may amend that 8383
resolution to include any additional public infrastructure 8384
improvement. A board of township trustees that seeks by ~~such an~~ 8385
the amendment to utilize money from its township public 8386
improvement tax increment equivalent fund for land acquisition in 8387
aid of industry, commerce, distribution, or research, demolition 8388
on private property, or stormwater and flood remediation projects 8389
may do so provided that the board currently is a party to a 8390
hold-harmless agreement with the board of education of the city, 8391
local, or exempted village school district within the territory of 8392
which are located the parcels that are subject to an exemption. 8393
For the purposes of this division, a "hold-harmless agreement" 8394
means an agreement under which the board of township trustees 8395
agrees to compensate the school district for one hundred per cent 8396
of the tax revenue that the school district would have received 8397
from further improvements to parcels designated in the resolution 8398
were it not for the exemption granted by the resolution. 8399

Sec. 5735.27. (A) There is hereby created in the state 8400
treasury the gasoline excise tax fund, which shall be distributed 8401
in the following manner: 8402

(1) The amount credited pursuant to divisions (B)(2)(a) and 8403

(C)(2)(a) of section 5735.23 of the Revised Code shall be 8404
distributed among municipal corporations. The amount paid to each 8405
municipal corporation shall be that proportion of the amount to be 8406
so distributed that the number of motor vehicles registered within 8407
~~such~~ the municipal corporation bears to the total number of motor 8408
vehicles registered within all the municipal corporations of this 8409
state during the preceding motor vehicle registration year. When a 8410
new village is incorporated, the registrar of motor vehicles shall 8411
determine from the applications on file in the bureau of motor 8412
vehicles the number of motor vehicles located within the territory 8413
comprising the village during the entire registration year in 8414
which ~~such~~ the municipal corporation was incorporated. The 8415
registrar shall forthwith certify the number of motor vehicles so 8416
determined to the tax commissioner for use in distributing motor 8417
vehicle fuel tax funds to ~~such~~ the village until ~~such~~ the village 8418
is qualified to participate in the distribution of ~~such~~ the funds 8419
pursuant to this division. The number of ~~such~~ motor vehicle 8420
registrations shall be determined by the official records of the 8421
bureau of motor vehicles. The amount received by each municipal 8422
corporation shall be used to plan, construct, reconstruct, repave, 8423
widen, maintain, repair, clear, and clean public highways, roads, 8424
and streets; to maintain and repair bridges and viaducts; to 8425
purchase, erect, and maintain street and traffic signs and 8426
markers; to pay the costs apportioned to the municipal corporation 8427
under section 4907.47 of the Revised Code; to purchase, erect, and 8428
maintain traffic lights and signals; to pay the principal, 8429
interest, and charges on bonds and other obligations issued 8430
pursuant to Chapter 133. of the Revised Code for the purpose of 8431
acquiring or constructing roads, highways, bridges, or viaducts or 8432
acquiring or making other highway improvements for which the 8433
municipal corporation may issue bonds; and to supplement revenue 8434
already available for ~~such~~ these purposes. 8435

(2) The amount credited pursuant to division (B) of section 8436
5735.26 of the Revised Code shall be distributed among the 8437
municipal corporations within the state, in the proportion which 8438
the number of motor vehicles registered within each municipal 8439
corporation bears to the total number of motor vehicles registered 8440
within all the municipal corporations of the state during the 8441
preceding calendar year, as shown by the official records of the 8442
bureau of motor vehicles, and shall be expended by each municipal 8443
corporation to plan, construct, reconstruct, repave, widen, 8444
maintain, repair, clear, and clean public highways, roads and 8445
streets; to maintain and repair bridges and viaducts; to purchase, 8446
erect, and maintain street and traffic signs and markers; to 8447
purchase, erect, and maintain traffic lights and signals; to pay 8448
costs apportioned to the municipal corporation under section 8449
4907.47 of the Revised Code; to pay the principal, interest, and 8450
charges on bonds and other obligations issued pursuant to Chapter 8451
133. of the Revised Code for the purpose of acquiring or 8452
constructing roads, highways, bridges, or viaducts or acquiring or 8453
making other highway improvements for which the municipal 8454
corporation may issue bonds; and to supplement revenue already 8455
available for ~~such~~ these purposes. 8456

(3) The amount credited pursuant to divisions (B)(2)(b) and 8457
(C)(2)(c) of section 5735.23 of the Revised Code shall be paid in 8458
equal proportions to the county treasurer of each county within 8459
the state and shall be used only for the purposes of planning, 8460
maintaining, and repairing the county system of public roads and 8461
highways within ~~such~~ the county; the planning, construction, and 8462
repair of walks or paths along county roads in congested areas; 8463
the planning, construction, purchase, lease, and maintenance of 8464
suitable buildings for the housing and repair of county road 8465
machinery, housing of supplies, and housing of personnel 8466
associated with the machinery and supplies; the payment of costs 8467

apportioned to the county under section 4907.47 of the Revised 8468
Code; the payment of principal, interest, and charges on bonds and 8469
other obligations issued pursuant to Chapter 133. of the Revised 8470
Code for the purpose of acquiring or constructing roads, highways, 8471
bridges, or viaducts or acquiring or making other highway 8472
improvements for which the board of county commissioners may issue 8473
bonds under that chapter; and the purchase, installation, and 8474
maintenance of traffic signal lights. 8475

(4) The amount credited pursuant to division (C) of section 8476
5735.26 of the Revised Code shall be paid in equal proportions to 8477
the county treasurer of each county for the purposes of planning, 8478
maintaining, constructing, widening, and reconstructing the county 8479
system of public roads and highways; paying principal, interest, 8480
and charges on bonds and other obligations issued pursuant to 8481
Chapter 133. of the Revised Code for the purpose of acquiring or 8482
constructing roads, highways, bridges, or viaducts or acquiring or 8483
making other highway improvements for which the board of county 8484
commissioners may issue bonds under ~~such~~ that chapter; and paying 8485
costs apportioned to the county under section 4907.47 of the 8486
Revised Code. 8487

(5)(a) The amount credited pursuant to division (D) of 8488
section 5735.26 and division (C)(2)(b) of section 5735.23 of the 8489
Revised Code shall be divided in equal proportions among the 8490
townships within the state. 8491

(b) As used in division (A)(5)(b) of this section, the 8492
"formula amount" for any township is the amount that would be 8493
allocated to that township if fifty per cent of the amount 8494
credited to townships pursuant to section 5735.291 of the Revised 8495
Code were allocated among townships in the state proportionate to 8496
the number of lane miles within the boundaries of the respective 8497
townships, as determined annually by the department of 8498
transportation, and the other fifty per cent of the amount 8499

credited pursuant to section 5735.291 of the Revised Code were 8500
allocated among townships in the state proportionate to the number 8501
of motor vehicles registered within the respective townships, as 8502
determined annually by the records of the bureau of motor 8503
vehicles. 8504

Beginning on August 15, 2003, the tax levied by section 8505
5735.29 of the Revised Code shall be partially allocated to 8506
provide funding for townships. Each township shall receive the 8507
greater of the following two calculations: 8508

(i) The total statewide amount credited to townships under 8509
division (A) of section 5735.291 of the Revised Code divided by 8510
the number of townships in the state at the time of the 8511
calculation; 8512

(ii) Seventy per cent of the formula amount for that 8513
township. 8514

(c) The total difference between the amount of money credited 8515
to townships under division (A) of section 5735.291 of the Revised 8516
Code and the total amount of money required to make all the 8517
payments specified in division (A)(5)(b) of this section shall be 8518
deducted, in accordance with division (B) of section 5735.291 of 8519
the Revised Code, from the revenues resulting from the tax levied 8520
pursuant to section 5735.29 of the Revised Code prior to crediting 8521
portions of such revenues to counties, municipal corporations, and 8522
the highway operating fund. 8523

(d) All amounts credited pursuant to divisions (a) and (b) of 8524
this section shall be paid to the county treasurer of each county 8525
for the total amount payable to the townships within each of the 8526
counties. The county treasurer shall pay to each township within 8527
the county its proportional share of the funds, which shall be 8528
expended by each township for the sole purpose of planning, 8529
constructing, maintaining, widening, and reconstructing the public 8530

roads and highways within ~~such~~ the township, and paying costs 8531
apportioned to the township under section 4907.47 of the Revised 8532
Code. 8533

No part of the funds shall be used for any purpose except to 8534
pay in whole or part the contract price of any such work done by 8535
contract, or to pay the cost of labor in planning, constructing, 8536
widening, and reconstructing such roads and highways, and the cost 8537
of materials forming a part of the improvement; provided, that 8538
~~such~~ the funds may be used for the purchase of road machinery and 8539
equipment and for the planning, construction, and maintenance of 8540
suitable buildings for housing road machinery and equipment, and 8541
that all such improvement of roads shall be under supervision and 8542
direction of the county engineer as provided in section 5575.07 of 8543
the Revised Code. No obligation against ~~such~~ the funds shall be 8544
incurred unless plans and specifications for ~~such~~ the improvement, 8545
approved by the county engineer, are on file in the office of the 8546
township ~~clerk~~ fiscal officer, and all contracts for material and 8547
for work done by contract shall be approved by the county engineer 8548
before being signed by the board of township trustees. The board 8549
of township trustees of any township may pass a resolution 8550
permitting the board of county commissioners to expend ~~such~~ the 8551
township's share of the funds, or any portion ~~thereof~~ of it, for 8552
the improvement of ~~such~~ the roads within the township as may be 8553
designated in the resolution. 8554

All investment earnings of the fund shall be credited to the 8555
fund. 8556

(B) Amounts credited to the highway operating fund pursuant 8557
to divisions (B)(2)(c) and (C)(2)(d) of section 5735.23 and 8558
division (A) of section 5735.26 of the Revised Code shall be 8559
expended in the following manner: 8560

(1) The amount credited pursuant to divisions (B)(2)(c) and 8561

(C)(2)(d) of section 5735.23 of the Revised Code shall be 8562
apportioned to and expended by the department of transportation 8563
for the purposes of planning, maintaining, repairing, and keeping 8564
in passable condition for travel the roads and highways of the 8565
state required by law to be maintained by the department; paying 8566
the costs apportioned to the state under section 4907.47 of the 8567
Revised Code; paying that portion of the construction cost of a 8568
highway project which a county, township, or municipal corporation 8569
normally would be required to pay, but which the director of 8570
transportation, pursuant to division (B) of section 5531.08 of the 8571
Revised Code, determines instead will be paid from moneys in the 8572
highway operating fund; and paying the costs of the department of 8573
public safety in administering and enforcing the state law 8574
relating to the registration and operation of motor vehicles. 8575

(2) The amount credited pursuant to division (A) of section 8576
5735.26 of the Revised Code shall be used for paying the state's 8577
share of the cost of planning, constructing, widening, 8578
maintaining, and reconstructing the state highways; paying that 8579
portion of the construction cost of a highway project which a 8580
county, township, or municipal corporation normally would be 8581
required to pay, but which the director of transportation, 8582
pursuant to division (B) of section 5531.08 of the Revised Code, 8583
determines instead will be paid from moneys in the highway 8584
operating fund; and also for supplying the state's share of the 8585
cost of eliminating railway grade crossings upon such highways and 8586
costs apportioned to the state under section 4907.47 of the 8587
Revised Code. The director of transportation may expend portions 8588
of such amount upon extensions of state highways within municipal 8589
corporations or upon portions of state highways within municipal 8590
corporations, as is provided by law. 8591

Sec. 5747.061. (A) As used in this section: 8592

(1) "State agency" means the general assembly, all courts, 8593
any department, division, institution, board, commission, 8594
authority, bureau, or other instrumentality of the state. 8595

(2) "Political subdivision" means a county, municipal 8596
corporation, township, school district, or other body corporate 8597
and politic responsible for governmental activities in a 8598
geographic area smaller than that of the state. 8599

(3) "Legislative authority" means the board of county 8600
commissioners, the legislative authority of a municipal 8601
corporation, the board of township trustees, the board of 8602
education, or the board, council, commission, or other governing 8603
body of any other political subdivision. 8604

(4) "Fiscal officer" means the county auditor, the treasurer 8605
of the municipal corporation, the clerk-treasurer of a village, or 8606
the officer ~~that~~ who, by virtue of the charter, has the duties of 8607
the treasurer or clerk-treasurer, the township ~~clerk~~ fiscal 8608
officer, the treasurer of the board of education, or, in the case 8609
of any state agency or other subdivision, the officer or person 8610
responsible for deducting and withholding from the compensation 8611
paid to an employee who is a taxpayer the amount of tax required 8612
to be withheld by section 5747.06 of the Revised Code. 8613

(B)(1) The director or other chief administrator of any state 8614
agency, in accordance with rules adopted by the department of 8615
administrative services, may direct its fiscal officer to deduct 8616
and withhold from the compensation paid to an employee who is a 8617
resident of a state with which the commissioner has entered into 8618
an agreement under division (A)(3) of section 5747.05 of the 8619
Revised Code, a tax computed in such a manner as to result, as far 8620
as practicable, in withholding from the compensation of the 8621
employee during each calendar year an amount substantially 8622
equivalent to the tax reasonably estimated to be due under the 8623

income tax laws of the state of residence of the employee with 8624
respect to the amount of such compensation included in gross 8625
income during the calendar year under those laws. 8626

(2) The legislative authority of a political subdivision may 8627
adopt a rule, ordinance, or resolution requiring the fiscal 8628
officer of the political subdivision to deduct and withhold from 8629
the compensation paid to an employee who is a resident of a state 8630
with which the tax commissioner has entered into an agreement 8631
under division (A)(3) of section 5747.05 of the Revised Code, a 8632
tax computed in such a manner as to result, as far as practicable, 8633
in withholding from the compensation of the employee during each 8634
calendar year an amount substantially equivalent to the tax 8635
reasonably estimated to be due under the income tax laws of the 8636
state of residence of the employee with respect to the amount of 8637
such compensation included in gross income during the calendar 8638
year under those laws. 8639

(3) Upon direction of the director or other chief 8640
administrator of a state agency, or adoption of a rule, ordinance, 8641
or resolution by a political subdivision under this division, the 8642
fiscal officer shall obtain from the official responsible for 8643
administering the income tax laws of the state of residence of the 8644
employee, information necessary to enable ~~him~~ the fiscal officer 8645
to withhold the proper amount of tax from the compensation of the 8646
employee for the calendar year. 8647

(C) A fiscal officer who deducts and withholds tax from the 8648
compensation of a nonresident employee shall file a withholding 8649
return or other report and pay the full amount of the tax deducted 8650
and withheld as required by the income tax laws of the state of 8651
residence of the employee. 8652

(D) A fiscal officer who deducts and withholds tax from the 8653
compensation of a nonresident employee shall furnish to that 8654

employee and to the official who is responsible for administering 8655
the income tax laws of the state of residence of the employee, a 8656
written statement showing the amount of compensation paid to the 8657
employee and the amount deducted and withheld from the 8658
compensation of the employee during the calendar year. The 8659
statement shall be furnished on or before the last day of January 8660
of the succeeding year, except that, with respect to an employee 8661
whose employment is terminated, the statement for the calendar 8662
year in which the last payment of compensation is made shall be 8663
furnished within thirty days from the date the last payment of 8664
compensation is made. 8665

Section 2. That existing sections 111.21, 111.22, 117.44, 8666
133.01, 133.27, 149.42, 301.01, 306.32, 306.321, 319.51, 321.31, 8667
321.32, 321.34, 345.01, 503.162, 503.25, 503.26, 503.29, 503.41, 8668
503.52, 504.06, 504.07, 504.11, 504.12, 504.14, 504.19, 504.20, 8669
505.03, 505.04, 505.07, 505.108, 505.11, 505.17, 505.24, 505.262, 8670
505.31, 505.32, 505.33, 505.35, 505.37, 505.373, 505.47, 505.511, 8671
505.73, 505.86, 507.01, 507.02, 507.021, 507.03, 507.04, 507.05, 8672
507.051, 507.06, 507.07, 507.08, 507.09, 507.11, 509.02, 511.21, 8673
511.22, 511.33, 513.04, 515.02, 515.04, 515.081, 515.12, 517.05, 8674
517.06, 517.07, 519.16, 519.161, 519.211, 521.02, 521.03, 703.201, 8675
707.28, 709.023, 709.024, 709.03, 709.033, 709.46, 711.05, 711.10, 8676
715.691, 715.70, 715.71, 715.75, 715.76, 971.05, 971.06, 971.08, 8677
971.09, 971.12, 971.35, 971.36, 1341.16, 1533.13, 1710.02, 8678
2927.21, 3381.03, 3501.37, 3513.253, 3517.10, 3709.30, 3734.025, 8679
3734.026, 3734.57, 4301.80, 4303.26, 4928.20, 4929.26, 4929.27, 8680
5123.19, 5126.021, 5541.02, 5543.05, 5552.10, 5571.04, 5571.16, 8681
5573.13, 5573.211, 5575.04, 5575.09, 5579.08, 5705.01, 5709.73, 8682
5735.27, and 5747.061 of the Revised Code are hereby repealed. 8683

Section 3. Section 711.10 of the Revised Code is presented in 8684
this act as a composite of the section as amended by both Sub. 8685

**As Reported by the Senate State and Local Government and Veterans Affairs
Committee**

H.B. 231 and Sub. S.B. 115 of the 125th General Assembly. Section 8686
715.70 of the Revised Code is presented in this act as a composite 8687
of the section as amended by both Sub. H.B. 434 and Am. Sub. S.B. 8688
201 of the 122nd General Assembly. The General Assembly, applying 8689
the principle stated in division (B) of section 1.52 of the 8690
Revised Code that amendments are to be harmonized if reasonably 8691
capable of simultaneous operation, finds that the composites are 8692
the resulting versions of the sections in effect prior to the 8693
effective date of the sections as presented in this act. 8694