

**As Passed by the House**

**127th General Assembly  
Regular Session  
2007-2008**

**Sub. H. B. No. 327**

**Representative McGregor, J.**

**Cosponsors: Representatives Skindell, Webster, Daniels, Flowers, Bolon,  
Boyd, Chandler, DeBose, Domenick, Driehaus, Harwood, Letson, Newcomb,  
Stewart, D.**

—

**A B I L L**

To amend sections 133.01, 3701.15, 3707.01, 3709.01, 1  
3709.05, 3709.081, 3709.11, 3709.14, 3709.15, 2  
3709.28, 3709.29, 3709.34, and 5705.01; to enact 3  
new section 3709.08 and sections 319.282, 3701.36, 4  
and 3709.092; and to repeal section 3709.08 of the 5  
Revised Code with regard to boards of health of 6  
city and general health districts. 7  
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**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 133.01, 3701.15, 3707.01, 3709.01, 9  
3709.05, 3709.081, 3709.11, 3709.14, 3709.15, 3709.28, 3709.29, 10  
3709.34, and 5705.01 be amended and new section 3709.08 and 11  
sections 319.282, 3701.36, and 3709.092 of the Revised Code be 12  
enacted to read as follows: 13

**Sec. 133.01.** As used in this chapter, in sections 9.95, 9.96, 14  
and 2151.655 of the Revised Code, in other sections of the Revised 15  
Code that make reference to this chapter unless the context does 16  
not permit, and in related proceedings, unless otherwise expressly 17

provided: 18

(A) "Acquisition" as applied to real or personal property 19  
includes, among other forms of acquisition, acquisition by 20  
exercise of a purchase option, and acquisition of interests in 21  
property, including, without limitation, easements and 22  
rights-of-way, and leasehold and other lease interests initially 23  
extending or extendable for a period of at least sixty months. 24

(B) "Anticipatory securities" means securities, including 25  
notes, issued in anticipation of the issuance of other securities. 26

(C) "Board of elections" means the county board of elections 27  
of the county in which the subdivision is located. If the 28  
subdivision is located in more than one county, "board of 29  
elections" means the county board of elections of the county that 30  
contains the largest portion of the population of the subdivision 31  
or that otherwise has jurisdiction in practice over and 32  
customarily handles election matters relating to the subdivision. 33

(D) "Bond retirement fund" means the bond retirement fund 34  
provided for in section 5705.09 of the Revised Code, and also 35  
means a sinking fund or any other special fund, regardless of the 36  
name applied to it, established by or pursuant to law or the 37  
proceedings for the payment of debt charges. Provision may be made 38  
in the applicable proceedings for the establishment in a bond 39  
retirement fund of separate accounts relating to debt charges on 40  
particular securities, or on securities payable from the same or 41  
common sources, and for the application of moneys in those 42  
accounts only to specified debt charges on specified securities or 43  
categories of securities. Subject to law and any provisions in the 44  
applicable proceedings, moneys in a bond retirement fund or 45  
separate account in a bond retirement fund may be transferred to 46  
other funds and accounts. 47

(E) "Capitalized interest" means all or a portion of the 48

interest payable on securities from their date to a date stated or 49  
provided for in the applicable legislation, which interest is to 50  
be paid from the proceeds of the securities. 51

(F) "Chapter 133. securities" means securities authorized by 52  
or issued pursuant to or in accordance with this chapter. 53

(G) "County auditor" means the county auditor of the county 54  
in which the subdivision is located. If the subdivision is located 55  
in more than one county, "county auditor" means the county auditor 56  
of the county that contains the highest amount of the tax 57  
valuation of the subdivision or that otherwise has jurisdiction in 58  
practice over and customarily handles property tax matters 59  
relating to the subdivision. In the case of a county that has 60  
adopted a charter, "county auditor" means the officer who 61  
generally has the duties and functions provided in the Revised 62  
Code for a county auditor. 63

(H) "Credit enhancement facilities" means letters of credit, 64  
lines of credit, stand-by, contingent, or firm securities purchase 65  
agreements, insurance, or surety arrangements, guarantees, and 66  
other arrangements that provide for direct or contingent payment 67  
of debt charges, for security or additional security in the event 68  
of nonpayment or default in respect of securities, or for making 69  
payment of debt charges to and at the option and on demand of 70  
securities holders or at the option of the issuer or upon certain 71  
conditions occurring under put or similar arrangements, or for 72  
otherwise supporting the credit or liquidity of the securities, 73  
and includes credit, reimbursement, marketing, remarketing, 74  
indexing, carrying, interest rate hedge, and subrogation 75  
agreements, and other agreements and arrangements for payment and 76  
reimbursement of the person providing the credit enhancement 77  
facility and the security for that payment and reimbursement. 78

(I) "Current operating expenses" or "current expenses" means 79  
the lawful expenditures of a subdivision, except those for 80

permanent improvements and for payments of debt charges of the 81  
subdivision. 82

(J) "Debt charges" means the principal, including any 83  
mandatory sinking fund deposits and mandatory redemption payments, 84  
interest, and any redemption premium, payable on securities as 85  
those payments come due and are payable. The use of "debt charges" 86  
for this purpose does not imply that any particular securities 87  
constitute debt within the meaning of the Ohio Constitution or 88  
other laws. 89

(K) "Financing costs" means all costs and expenses relating 90  
to the authorization, including any required election, issuance, 91  
sale, delivery, authentication, deposit, custody, clearing, 92  
registration, transfer, exchange, fractionalization, replacement, 93  
payment, and servicing of securities, including, without 94  
limitation, costs and expenses for or relating to publication and 95  
printing, postage, delivery, preliminary and final official 96  
statements, offering circulars, and informational statements, 97  
travel and transportation, underwriters, placement agents, 98  
investment bankers, paying agents, registrars, authenticating 99  
agents, remarketing agents, custodians, clearing agencies or 100  
corporations, securities depositories, financial advisory 101  
services, certifications, audits, federal or state regulatory 102  
agencies, accounting and computation services, legal services and 103  
obtaining approving legal opinions and other legal opinions, 104  
credit ratings, redemption premiums, and credit enhancement 105  
facilities. Financing costs may be paid from any moneys available 106  
for the purpose, including, unless otherwise provided in the 107  
proceedings, from the proceeds of the securities to which they 108  
relate and, as to future financing costs, from the same sources 109  
from which debt charges on the securities are paid and as though 110  
debt charges. 111

(L) "Fiscal officer" means the following, or, in the case of 112

absence or vacancy in the office, a deputy or assistant authorized 113  
by law or charter to act in the place of the named officer, or if 114  
there is no such authorization then the deputy or assistant 115  
authorized by legislation to act in the place of the named officer 116  
for purposes of this chapter, in the case of the following 117  
subdivisions: 118

(1) A county, the county auditor; 119

(2) A municipal corporation, the city auditor or village 120  
clerk or clerk-treasurer, or the officer who, by virtue of a 121  
charter, has the duties and functions provided in the Revised Code 122  
for the city auditor or village clerk or clerk-treasurer; 123

(3) A school district, the treasurer of the board of 124  
education; 125

(4) A regional water and sewer district, the secretary of the 126  
board of trustees; 127

(5) A joint township hospital district, the treasurer of the 128  
district; 129

(6) A joint ambulance district, the clerk of the board of 130  
trustees; 131

(7) A joint recreation district, the person designated 132  
pursuant to section 755.15 of the Revised Code; 133

(8) A detention facility district or a district organized 134  
under section 2151.65 of the Revised Code or a combined district 135  
organized under sections 2152.41 and 2151.65 of the Revised Code, 136  
the county auditor of the county designated by law to act as the 137  
auditor of the district; 138

(9) A township, a fire district organized under division (C) 139  
of section 505.37 of the Revised Code, or a township police 140  
district, the fiscal officer of the township; 141

(10) A joint fire district, the clerk of the board of 142

trustees of that district;	143
(11) A regional or county library district, the person responsible for the financial affairs of that district;	144 145
(12) A joint solid waste management district, the fiscal officer appointed by the board of directors of the district under section 343.01 of the Revised Code;	146 147 148
(13) A joint emergency medical services district, the person appointed as fiscal officer pursuant to division (D) of section 307.053 of the Revised Code;	149 150 151
(14) A fire and ambulance district, the person appointed as fiscal officer under division (B) of section 505.375 of the Revised Code;	152 153 154
(15) A subdivision described in division (MM)(17) of this section, the officer who is designated by law as or performs the functions of its chief fiscal officer;	155 156 157
<u>(16) A city health district or general health district, the person acting as the auditor of the district pursuant to section 3709.31 of the Revised Code.</u>	158 159 160
(M) "Fiscal year" has the same meaning as in section 9.34 of the Revised Code.	161 162
(N) "Fractionalized interests in public obligations" means participations, certificates of participation, shares, or other instruments or agreements, separate from the public obligations themselves, evidencing ownership of interests in public obligations or of rights to receive payments of, or on account of, principal or interest or their equivalents payable by or on behalf of an obligor pursuant to public obligations.	163 164 165 166 167 168 169
(O) "Fully registered securities" means securities in certificated or uncertificated form, registered as to both principal and interest in the name of the owner.	170 171 172

(P) "Fund" means to provide for the payment of debt charges	173
and expenses related to that payment at or prior to retirement by	174
purchase, call for redemption, payment at maturity, or otherwise.	175
(Q) "General obligation" means securities to the payment of	176
debt charges on which the full faith and credit and the general	177
property taxing power, including taxes within the tax limitation	178
if available to the subdivision, of the subdivision are pledged.	179
(R) "Interest" or "interest equivalent" means those payments	180
or portions of payments, however denominated, that constitute or	181
represent consideration for forbearing the collection of money, or	182
for deferring the receipt of payment of money to a future time.	183
(S) "Internal Revenue Code" means the "Internal Revenue Code	184
of 1986," 100 Stat. 2085, 26 U.S.C.A. 1 et seq., as amended, and	185
includes any laws of the United States providing for application	186
of that code.	187
(T) "Issuer" means any public issuer and any nonprofit	188
corporation authorized to issue securities for or on behalf of any	189
public issuer.	190
(U) "Legislation" means an ordinance or resolution passed by	191
a majority affirmative vote of the then members of the taxing	192
authority unless a different vote is required by charter	193
provisions governing the passage of the particular legislation by	194
the taxing authority.	195
(V) "Mandatory sinking fund redemption requirements" means	196
amounts required by proceedings to be deposited in a bond	197
retirement fund for the purpose of paying in any year or fiscal	198
year by mandatory redemption prior to stated maturity the	199
principal of securities that is due and payable, except for	200
mandatory prior redemption requirements as provided in those	201
proceedings, in a subsequent year or fiscal year.	202
(W) "Mandatory sinking fund requirements" means amounts	203

required by proceedings to be deposited in a year or fiscal year 204  
in a bond retirement fund for the purpose of paying the principal 205  
of securities that is due and payable in a subsequent year or 206  
fiscal year. 207

(X) "Net indebtedness" has the same meaning as in division 208  
(A) of section 133.04 of the Revised Code. 209

(Y) "Obligor," in the case of securities or fractionalized 210  
interests in public obligations issued by another person the debt 211  
charges or their equivalents on which are payable from payments 212  
made by a public issuer, means that public issuer. 213

(Z) "One purpose" relating to permanent improvements means 214  
any one permanent improvement or group or category of permanent 215  
improvements for the same utility, enterprise, system, or project, 216  
development or redevelopment project, or for or devoted to the 217  
same general purpose, function, or use or for which 218  
self-supporting securities, based on the same or different sources 219  
of revenues, may be issued or for which special assessments may be 220  
levied by a single ordinance or resolution. "One purpose" 221  
includes, but is not limited to, in any case any off-street 222  
parking facilities relating to another permanent improvement, and: 223

(1) Any number of roads, highways, streets, bridges, 224  
sidewalks, and viaducts; 225

(2) Any number of off-street parking facilities; 226

(3) In the case of a county, any number of permanent 227  
improvements for courthouse, jail, county offices, and other 228  
county buildings, and related facilities; 229

(4) In the case of a school district, any number of 230  
facilities and buildings for school district purposes, and related 231  
facilities. 232

(AA) "Outstanding," referring to securities, means securities 233



that have been issued, delivered, and paid for, except any of the	234
following:	235
(1) Securities canceled upon surrender, exchange, or	236
transfer, or upon payment or redemption;	237
(2) Securities in replacement of which or in exchange for	238
which other securities have been issued;	239
(3) Securities for the payment, or redemption or purchase for	240
cancellation prior to maturity, of which sufficient moneys or	241
investments, in accordance with the applicable legislation or	242
other proceedings or any applicable law, by mandatory sinking fund	243
redemption requirements, mandatory sinking fund requirements, or	244
otherwise, have been deposited, and credited for the purpose in a	245
bond retirement fund or with a trustee or paying or escrow agent,	246
whether at or prior to their maturity or redemption, and, in the	247
case of securities to be redeemed prior to their stated maturity,	248
notice of redemption has been given or satisfactory arrangements	249
have been made for giving notice of that redemption, or waiver of	250
that notice by or on behalf of the affected security holders has	251
been filed with the subdivision or its agent for the purpose.	252
(BB) "Paying agent" means the one or more banks, trust	253
companies, or other financial institutions or qualified persons,	254
including an appropriate office or officer of the subdivision,	255
designated as a paying agent or place of payment of debt charges	256
on the particular securities.	257
(CC) "Permanent improvement" or "improvement" means any	258
property, asset, or improvement certified by the fiscal officer,	259
which certification is conclusive, as having an estimated life or	260
period of usefulness of five years or more, and includes, but is	261
not limited to, real estate, buildings, and personal property and	262
interests in real estate, buildings, and personal property,	263
equipment, furnishings, and site improvements, and reconstruction,	264

rehabilitation, renovation, installation, improvement, 265  
enlargement, and extension of property, assets, or improvements so 266  
certified as having an estimated life or period of usefulness of 267  
five years or more. The acquisition of all the stock ownership of 268  
a corporation is the acquisition of a permanent improvement to the 269  
extent that the value of that stock is represented by permanent 270  
improvements. A permanent improvement for parking, highway, road, 271  
and street purposes includes resurfacing, but does not include 272  
ordinary repair. 273

(DD) "Person" has the same meaning as in section 1.59 of the 274  
Revised Code and also includes any federal, state, interstate, 275  
regional, or local governmental agency, any subdivision, and any 276  
combination of those persons. 277

(EE) "Proceedings" means the legislation, certifications, 278  
notices, orders, sale proceedings, trust agreement or indenture, 279  
mortgage, lease, lease-purchase agreement, assignment, credit 280  
enhancement facility agreements, and other agreements, 281  
instruments, and documents, as amended and supplemented, and any 282  
election proceedings, authorizing, or providing for the terms and 283  
conditions applicable to, or providing for the security or sale or 284  
award of, public obligations, and includes the provisions set 285  
forth or incorporated in those public obligations and proceedings. 286

(FF) "Public issuer" means any of the following that is 287  
authorized by law to issue securities or enter into public 288  
obligations: 289

(1) The state, including an agency, commission, officer, 290  
institution, board, authority, or other instrumentality of the 291  
state; 292

(2) A taxing authority, subdivision, district, or other local 293  
public or governmental entity, and any combination or consortium, 294  
or public division, district, commission, authority, department, 295

board, officer, or institution, thereof;	296
(3) Any other body corporate and politic, or other public entity.	297 298
(GG) "Public obligations" means both of the following:	299
(1) Securities;	300
(2) Obligations of a public issuer to make payments under installment sale, lease, lease purchase, or similar agreements, which obligations bear interest or interest equivalent.	301 302 303
(HH) "Refund" means to fund and retire outstanding securities, including advance refunding with or without payment or redemption prior to maturity.	304 305 306
(II) "Register" means the books kept and maintained by the registrar for registration, exchange, and transfer of registered securities.	307 308 309
(JJ) "Registrar" means the person responsible for keeping the register for the particular registered securities, designated by or pursuant to the proceedings.	310 311 312
(KK) "Securities" means bonds, notes, certificates of indebtedness, commercial paper, and other instruments in writing, including, unless the context does not admit, anticipatory securities, issued by an issuer to evidence its obligation to 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.	313 314 315 316 317 318 319 320
(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	321 322 323 324 325

the operation of the improvements being financed, or the 326  
enterprise, system, project, or category of improvements of which 327  
the improvements being financed are part, are estimated by the 328  
fiscal officer to be sufficient to pay the current expenses of 329  
that operation or of those improvements or enterprise, system, 330  
project, or categories of improvements and the debt charges 331  
payable from those receipts on securities issued for the purpose. 332  
Until such time as the improvements or increases in rates and 333  
charges have been in operation or effect for a period of at least 334  
six months, the receipts therefrom, for purposes of this 335  
definition, shall be those estimated by the fiscal officer, except 336  
that those receipts may include, without limitation, payments made 337  
and to be made to the subdivision under leases or agreements in 338  
effect at the time the estimate is made. In the case of an 339  
operation, improvements, or enterprise, system, project, or 340  
category of improvements without at least a six-month history of 341  
receipts, the estimate of receipts by the fiscal officer, other 342  
than those to be derived under leases and agreements then in 343  
effect, shall be confirmed by the taxing authority. 344

(MM) "Subdivision" means any of the following: 345

(1) A county, including a county that has adopted a charter 346  
under Article X, Ohio Constitution; 347

(2) A municipal corporation, including a municipal 348  
corporation that has adopted a charter under Article XVIII, Ohio 349  
Constitution; 350

(3) A school district; 351

(4) A regional water and sewer district organized under 352  
Chapter 6119. of the Revised Code; 353

(5) A joint township hospital district organized under 354  
section 513.07 of the Revised Code; 355

(6) A joint ambulance district organized under section 505.71 356

of the Revised Code;	357
(7) A joint recreation district organized under division (C) of section 755.14 of the Revised Code;	358 359
(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;	360 361 362 363
(9) A township police district organized under section 505.48 of the Revised Code;	364 365
(10) A township;	366
(11) A joint fire district organized under section 505.371 of the Revised Code;	367 368
(12) A county library district created under section 3375.19 or a regional library district created under section 3375.28 of the Revised Code;	369 370 371
(13) A joint solid waste management district organized under section 343.01 or 343.012 of the Revised Code;	372 373
(14) A joint emergency medical services district organized under section 307.052 of the Revised Code;	374 375
(15) A fire and ambulance district organized under section 505.375 of the Revised Code;	376 377
(16) A fire district organized under division (C) of section 505.37 of the Revised Code;	378 379
(17) <u>A city health district or general health district created under section 3709.01, 3709.051, 3709.07, 3709.071, or 3709.10 of the Revised Code;</u>	380 381 382
(18) 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.	383 384 385

(NN) "Taxing authority" means in the case of the following subdivisions:	386 387
(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;	388 389 390 391 392 393
(2) A municipal corporation, the legislative authority;	394
(3) A school district, the board of education;	395
(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;	396 397 398 399
(5) A joint township hospital district, the joint township hospital board;	400 401
(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;	402 403 404 405 406
(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;	407 408 409
(8) A joint solid waste management district organized under section 343.01 or 343.012 of the Revised Code, the board of directors of the district;	410 411 412
(9) A subdivision described in division (MM)(17) of this section, the legislative or governing body or official;	413 414
<u>(10) A city health district or general health district, board</u>	415

of health of the district. 416

(OO) "Tax limitation" means the "ten-mill limitation" as 417  
defined in section 5705.02 of the Revised Code without diminution 418  
by reason of section 5705.313 of the Revised Code or otherwise, 419  
or, in the case of a municipal corporation or county with a 420  
different charter limitation on property taxes levied to pay debt 421  
charges on unvoted securities, that charter limitation. Those 422  
limitations shall be respectively referred to as the "ten-mill 423  
limitation" and the "charter tax limitation." 424

(PP) "Tax valuation" means the aggregate of the valuations of 425  
property subject to ad valorem property taxation by the 426  
subdivision on the real property, personal property, and public 427  
utility property tax lists and duplicates most recently certified 428  
for collection, and shall be calculated without deductions of the 429  
valuations of otherwise taxable property exempt in whole or in 430  
part from taxation by reason of exemptions of certain amounts of 431  
taxable value under division (C) of section 5709.01, tax 432  
reductions under section 323.152 of the Revised Code, or similar 433  
laws now or in the future in effect. 434

For purposes of section 133.06 of the Revised Code, "tax 435  
valuation" shall not include the valuation of tangible personal 436  
property used in business, telephone or telegraph property, 437  
interexchange telecommunications company property, or personal 438  
property owned or leased by a railroad company and used in 439  
railroad operations listed under or described in section 5711.22, 440  
division (B) or (F) of section 5727.111, or section 5727.12 of the 441  
Revised Code. 442

(QQ) "Year" means the calendar year. 443

(RR) "Administrative agent," "agent," "commercial paper," 444  
"floating rate interest structure," "indexing agent," "interest 445  
rate hedge," "interest rate period," "put arrangement," and 446

"remarketing agent" have the same meanings as in section 9.98 of the Revised Code. 447  
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(SS) "Sales tax supported" means obligations to the payment of debt charges on which an additional sales tax or additional sales taxes have been pledged by the taxing authority of a county pursuant to section 133.081 of the Revised Code. 449  
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Sec. 319.282. The county auditor shall place on the general tax list and duplicate compiled in accordance with section 319.28 of the Revised Code the amount certified by a board of health pursuant to section 3709.092 of the Revised Code of any unpaid fines and late payment penalties that are due as a result of citations issued pursuant to that section and any fee, not to exceed three per cent of the unpaid fine, charged by the county auditor for placing the amount on the general tax list and duplicate and for the expenses of its collection. 453  
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The amount placed on the general tax list and duplicate shall be a lien on the real property on which the violation for which the citation was issued occurred or, in the case of a citation for open dumping or failure to comply with a health district's rabies vaccination and reporting requirements, a lien on the real property on which the recipient of the citation resides or, in the case of a business, the business is located, from the date the amount was placed on the tax list and duplicate and shall be charged and collected in the same manner as taxes on the list. 462  
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**Sec. 3701.15.** Each year, the director of health shall make a report to the governor, which shall include so much of the proceedings of the department of health, information concerning vital statistics and diseases, instructions on the subject of hygiene for dissemination among the people and suggestions as to legislation as the director deems proper. The director shall 471  
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include in the director's annual report a full statement of all 477  
examinations made in the department's public health laboratory 478  
authorized by section 3701.22 of the Revised Code, with a detailed 479  
account of all expenses. The director also shall include the 480  
report of the local public health advisory board issued under 481  
section 3701.36 of the Revised Code. 482

Sec. 3701.36. (A) There is hereby created the local public 483  
health advisory board consisting of the following appointed 484  
members: 485

(1) Three individuals appointed by the Ohio association of 486  
boards of health or a successor organization; 487

(2) Three individuals appointed by the association of Ohio 488  
health commissioners or a successor organization, at least one of 489  
whom is a sanitarian registered with the state board of sanitarian 490  
registration; 491

(3) Three individuals appointed by the director of health. 492

The public health council shall adopt rules establishing the 493  
initial and subsequent terms of appointment for each category of 494  
member appointed to the board. The rules may provide for 495  
staggering of terms. The council shall determine the duration of 496  
terms. 497

Each member shall hold office from the date of the member's 498  
appointment until the end of the term for which the member was 499  
appointed. Members may be reappointed. Vacancies shall be filled 500  
in the manner provided for original appointments. Any member 501  
appointed to fill a vacancy occurring prior to the expiration date 502  
of the term for which the member's predecessor was appointed shall 503  
hold office as a member for the remainder of that term. A member 504  
shall continue in office subsequent to the expiration date of the 505  
member's term until the member's successor takes office or until a 506

period of sixty days has elapsed, whichever occurs first. 507

(B) The board shall advise the director of health on funding 508  
of local public health programs, achievement of performance 509  
standards for health districts, and other matters pertaining to 510  
health districts. 511

Members of the board shall serve without compensation and 512  
receive no reimbursement from state funds for travel or other 513  
expenses incurred in the performance of their official duties. 514

(C) The board shall issue an annual report on the status of 515  
health districts in Ohio. 516

**Sec. 3707.01.** (A) As used in this chapter: 517

(1) "City health district" means a health district comprised 518  
of a single city. "City health district" also means a health 519  
district created by the union of two or more contiguous city 520  
health districts as provided under section 3709.051 of the Revised 521  
Code. 522

(2) "General health district" means a health district 523  
comprised of the townships and villages of a single county in this 524  
state. "General health district" also means both of the following: 525

(a) A health district created by the union of one or more 526  
city health districts with a general health district as provided 527  
under section 3709.07 or 3709.071 of the Revised Code; 528

(b) A health district created by the union of two or more 529  
general health districts as provided under section 3709.10 of the 530  
Revised Code. 531

(B) The board of health of a city or general health district 532  
shall abate and remove all nuisances within its jurisdiction. It 533  
may, by order, compel the owners, agents, assignees, occupants, or 534  
tenants of any lot, property, building, or structure to abate and 535  
remove any nuisance therein, and prosecute such persons for 536

neglect or refusal to obey such orders. Except in cities having a building department, or otherwise exercising the power to regulate the erection of buildings, the board may regulate the location, ~~construction~~ construction, and repair of water closets, privies, cesspools, sinks, plumbing, and drains. In cities having such departments or exercising such power, the legislative authority, by ordinance, shall prescribe such rules and regulations as are approved by the board and shall provide for their enforcement.

The board may regulate the location, construction, and repair of yards, pens, and stables, and the use, emptying, and cleaning of such yards, pens, and stables and of water closets, privies, cesspools, sinks, plumbing, drains, or other places where offensive or dangerous substances or liquids are or may accumulate.

When a building, erection, excavation, premises, business, pursuit, matter, or thing, or the sewerage, drainage, plumbing, or ventilation thereof is, in the opinion of the board, in a condition dangerous to life or health, and when a building or structure is occupied or rented for living or business purposes and sanitary plumbing and sewerage are feasible and necessary, but neglected or refused, the board may declare it a public nuisance and order it to be removed, abated, suspended, altered, or otherwise improved or purified by the owner, agent, or other person having control thereof or responsible for such condition, and may prosecute ~~him~~ the owner, agent, or other person having control thereof for the refusal or neglect to obey such order. The board may, by its officers and employees, remove, abate, suspend, alter, or otherwise improve or purify such nuisance and certify the costs and expense thereof to the county auditor, to be assessed against the property and thereby made a lien upon it and collected as other taxes.

**Sec. 3709.01.** (A) The state shall be divided into health 568  
districts. Each city constitutes a health district and shall be 569  
known as a "city health district." 570

The townships and villages in each county shall be combined 571  
into a health district and shall be known as a "general health 572  
district." 573

As provided for in sections 3709.07, 3709.071, and 3709.10 of 574  
the Revised Code, there may be a union of two or more contiguous 575  
general health districts, not to exceed five, a union of two or 576  
more contiguous city health districts to form a city health 577  
district, or a union of a general health district and one or more 578  
city health districts located within or partially within such 579  
general health district. 580

(B) As used in this chapter, "city health district" and 581  
"general health district" have the same meanings as in section 582  
3707.01 of the Revised Code. 583

**Sec. 3709.05.** (A) Unless an administration of public health 584  
different from that specifically provided in this section is 585  
established and maintained under authority of its charter, or 586  
unless a combined city health district is formed under section 587  
3709.051 of the Revised Code, the legislative authority of each 588  
city constituting a city health district shall establish a board 589  
of health. The board shall be composed of four members appointed 590  
by the mayor and confirmed by the legislative authority and one 591  
member appointed by the health district licensing council 592  
established under section 3709.41 of the Revised Code. Any city 593  
charter shall prevail on all matters related to the administration 594  
of public health services addressed by the charter and ordinances 595  
adopted under it. 596

(B) Each member of the board shall be paid a sum not to 597

exceed eighty dollars a day for the member's attendance at each 598  
meeting of the board. No member shall receive compensation for 599  
attendance at more than eighteen meetings in any year. 600

(C) Each member of the board shall receive travel expenses at 601  
rates established by the director of budget and management 602  
pursuant to section 126.31 of the Revised Code to cover the actual 603  
and necessary travel expenses incurred for travel to and from 604  
meetings that take place outside the county in which the member 605  
resides, except that any member may receive travel expenses for 606  
registration for any conference that takes place inside the county 607  
in which the member resides. 608

(D) A majority of the members constitutes a quorum, and the 609  
mayor shall be president of the board. 610

(E) The term of office of the members shall be five years 611  
from the date of appointment, except that of those first 612  
appointed, one shall serve for five years, one for four years, one 613  
for three years, one for two years, and one for one year, and 614  
thereafter one shall be appointed each year. 615

A vacancy in the membership of the board shall be filled in 616  
like manner as an original appointment and shall be for the 617  
unexpired term. 618

Sec. 3709.08. (A) The board of health of a city or general 619  
health district or the authority having the duties of a board of 620  
health under section 3709.05 of the Revised Code shall, for the 621  
express purpose of furnishing services authorized by Chapters 622  
3707. and 3709. of the Revised Code, be a body politic and 623  
corporate, and, as such, capable of suing and being sued under 624  
Chapter 2744. of the Revised Code, contracting and being 625  
contracted with, acquiring, holding, possessing, and disposing of 626  
real and personal property, and taking and holding in trust for 627  
the use and benefit of such district, any grant or devise of land 628

and any donation or bequest of money or other personal property. 629

(B) Each contract made pursuant to this section shall: 630

(1) State the amount of money or the proportion of expenses 631  
to be paid by the city or general health district under the 632  
contract and how it is to be paid; 633

(2) Provide for the amount and character of goods or 634  
services; 635

(3) State the date on which the contract will begin and the 636  
length of time the contract will be in effect. 637

**Sec. 3709.081.** A city constituting a city health district may 638  
enter into a contract for public health services with the chief 639  
executive of another city constituting a city health district with 640  
the approval of the majority of the members of the legislative 641  
authority of that city or with the chairperson of the district 642  
advisory council of a general health district with the approval of 643  
a majority of the members of the district advisory council. The 644  
proposal shall be made by the city seeking to contract only for 645  
all health services and shall be approved by a majority of the 646  
members of the legislative authority of the city. A general health 647  
district may enter into a contract for public health services with 648  
the chief executive of a city constituting a city health district 649  
with the approval of a majority of the members of the legislative 650  
authority of ~~said~~ that city or with the ~~chairman~~ chairperson of 651  
the district advisory council of another general health district 652  
with the approval of a majority of the members of the district 653  
advisory council. Such proposal shall be made by the general 654  
health district seeking only to contract for all health services 655  
and shall be approved by a majority of the members of the district 656  
advisory council and a majority of the members of the county 657  
budget commission. Such contracts shall: 658

(A) State the amount of money or the proportion of expenses 659  
to be paid by the general health district for such services and 660  
how it is to be paid; 661

(B) Provide for the amount and character of health services 662  
to be given to the general health district; 663

(C) State the date on which such services shall begin; 664

(D) State the length of time such contract shall be in 665  
effect. 666

No such contract shall be in effect until the department of 667  
health determines that the health department or board of health of 668  
the city or general health district providing such service is 669  
organized and equipped to provide adequate health service. After 670  
such contract has been approved by the department of health, the 671  
board of health or health department of the city or general health 672  
district providing such services shall have, within the general 673  
district receiving such service, all the powers and shall perform 674  
all the duties required of the board of health of a general health 675  
district. 676

This section does not prohibit a city constituting a city 677  
health district, or a general health district, from contracting 678  
with another city or health district pursuant to section 3709.08 679  
of the Revised Code for services when those services constitute 680  
less than the provision of all health services. If a city 681  
constituting a city health district, or a general health district, 682  
contracts with another city or health district for services when 683  
such services constitute less than the provision of all health 684  
services, the department of health is not required to approve such 685  
a contract. 686

**Sec. 3709.092.** (A) As used in this section: 687

(1) "Nuisance" means anything determined by a board of health 688

pursuant to section 3701.01 of the Revised Code to be a nuisance. 689

(2) "Open dumping" has the same meaning as in section 3734.01 690  
of the Revised Code. 691

(3) "Board of health" means a city or general health district 692  
board of health or the authority with the duties of a board of 693  
health under section 3709.05 of the Revised Code. 694

(B)(1) A board of health, by resolution, may establish a fine 695  
for any of the following offenses within the board's jurisdiction: 696

(a) Creating a nuisance; 697

(b) Open dumping; 698

(c) An animal bite reported to the board, if the animal's 699  
owner has failed to comply with the health district's reporting 700  
requirements regarding vaccination of domestic animals against 701  
rabies. 702

(2) The fine for each occurrence of an offense shall be 703  
one-third, rounded up to the nearest whole dollar, of the maximum 704  
allowable fine imposed under division (A)(2)(a)(v) of section 705  
2929.28 of the Revised Code. 706

(3) The fines established under this section shall be imposed 707  
by a citation issued by a sanitarian authorized by the board to 708  
issue citations. 709

(4) The fines and any late payments collected under this 710  
section shall be retained by the board of health for which the 711  
citation was issued and placed in the district health fund. 712

If the recipient of the citation fails to correct the offense 713  
not later than the end of the tenth business day after the day on 714  
which the citation is issued, an additional citation may be issued 715  
for each day the offense continues uncorrected for up to thirty 716  
days, beginning on the eleventh business day following the date 717  
the citation is issued. 718



(5) The board may assess a late payment penalty for any fine not paid by the end of the tenth business day after the day a citation is issued. If a board decides that it will assess a late payment penalty, the board shall specify the amount of the penalty in rules adopted by the board. 719  
720  
721  
722  
723

(6) If the recipient of a citation does not pay a fine and any late payment penalties due under this section not later than thirty days after the later of receipt of a citation or conclusion of any appeal, the board of health may have the board's health commissioner cause the amount of the unpaid fine and any late payment penalties to be certified to the county auditor to be placed on the general tax list and duplicate as provided in section 319.282 of the Revised Code. 724  
725  
726  
727  
728  
729  
730  
731

(C) A citation issued under this section shall include the following information: 732  
733

(1) The offense for which the citation is issued; 734

(2) The date on which the citation is issued; 735

(3) The amount of the fine; 736

(4) An explanation of where and how the fine is to be paid and the date by which it must be paid to avoid a late payment penalty; 737  
738  
739

(5) An explanation of the procedure for objecting to the citation; 740  
741

(6) An explanation of circumstances under which additional citations may be issued; 742  
743

(7) An explanation of the late payment penalty, if any, that may be assessed if the fine is not paid by the date specified; 744  
745

(8) If applicable to the health district in which the citation is issued, a statement that, if the recipient fails to pay the fine by the date specified, the amount of the fine and any 746  
747  
748

late payment penalty may be placed as a lien on the recipient's 749  
real property. 750

(D)(1) Not later than three days after receiving a citation 751  
under this section, the recipient may object to the citation by 752  
delivering, by any means provided for in division (E) of this 753  
section, a written notice to the health commissioner of the board 754  
for which the citation was issued. Not later than five days after 755  
receipt of the notice, the commissioner shall make a decision 756  
either approving or disapproving the objection and deliver to the 757  
recipient of the citation, by any means provided in division (E) 758  
of this section, written notice of the decision. 759

(2) If the health commissioner approves the objection or 760  
fails to make a decision within the time specified in division 761  
(D)(1) of this section, the fine and any accrued late payment 762  
penalty are void and cannot be placed as a lien on the recipient's 763  
real property. 764

(3) If the health commissioner disapproves the objection, the 765  
recipient may appeal from the commissioner's decision to the court 766  
of common pleas of the county in which the recipient resides or, 767  
in the case of a business, is located or in which the citation was 768  
issued. The appeal shall be in accordance with Chapter 2506. of 769  
the Revised Code. 770

(4) The time during which an objection is being considered or 771  
an appeal made shall not be included in determining whether fines 772  
have been paid within the time periods specified in this section. 773

(E) A notice required by division (D) of this section shall 774  
be delivered by one of the following: 775

(1) Certified mail, overnight delivery service, hand 776  
delivery, or any other method that includes written evidence of 777  
receipt; 778

(2) The sheriff of the county in which the recipient resides 779

or business is located, in accordance with one or more of the 780  
methods provided in the Rules of Civil Procedure. 781

The sheriff may charge a reasonable fee for delivering a 782  
notice under this section. 783

**Sec. 3709.11.** Within thirty days after the appointment of the 784  
members of the board of health in a general health district, they 785  
shall organize by selecting one of the members as president and 786  
another member as president pro tempore. ~~The~~ 787

The board shall appoint a health commissioner upon such 788  
terms, and for such period of time, not exceeding five years, as 789  
may be prescribed by the board. ~~The~~ If the health commissioner is 790  
appointed for part-time service, the board shall designate a 791  
full-time employee as the acting authority in the commissioner's 792  
absence. 793

The person appointed as commissioner shall be a licensed 794  
physician, licensed dentist, a licensed veterinarian, licensed 795  
podiatrist, licensed chiropractor, or the holder of a master's 796  
degree in public health or an equivalent master's degree in a 797  
related health field as determined by the members of the board of 798  
health in a general health district. ~~He~~ The commissioner shall be 799  
secretary of the board, and shall devote such time to the duties 800  
of ~~his~~ office as may be fixed by contract with the board. Notice 801  
of such appointment shall be filed with the director of health. 802  
The commissioner shall be the executive officer of the board and 803  
shall carry out all orders of the board and of the department of 804  
health. ~~He~~ The commissioner shall be charged with the enforcement 805  
of all sanitary laws and regulations in the district. The 806  
commissioner shall keep the public informed in regard to all 807  
matters affecting the health of the district. ~~When~~ 808

When the commissioner is not a physician, the board shall 809  
provide for adequate medical direction of all personal health and 810

nursing services by the employment of a licensed physician as 811  
medical director on either a full-time or part-time basis. The 812

The medical director and, if the health commissioner is a 813  
physician, the health commissioner shall complete not less than 814  
ten hours of continuing medical education in public health-related 815  
topics every two years. 816

The medical director shall be responsible to the ~~board of~~ 817  
health commissioner. 818

**Sec. 3709.14.** In any city health district, the board of 819  
health or person performing the duties of a board of health shall 820  
appoint for full\_ or part\_time service a health commissioner and 821  
may appoint such public health nurses, clerks, physicians, and 822  
other persons as are necessary. If the health commissioner is 823  
appointed for part-time service, the board or person performing 824  
the duties of the board shall designate a full-time employee as 825  
the acting authority in the commissioner's absence. 826

To be appointed as commissioner on or after the effective 827  
date of this amendment, a person shall be licensed under the 828  
Revised Code to practice as a physician, dentist, veterinarian, 829  
podiatrist, or chiropractor, or hold a master's degree in public 830  
health or an equivalent master's degree in a related health field 831  
as determined by the appointing authority. 832

If the commissioner is not a licensed physician, the board 833  
shall provide for adequate medical direction of all personal 834  
health and nursing services by the employment of a licensed 835  
physician as medical director on either a full- or part-time 836  
basis. 837

The medical director and, if the health commissioner is a 838  
licensed physician, the health commissioner shall complete not 839  
less than ten hours of continuing medical education in public 840

health-related topics every two years. 841

The medical director shall be responsible to the health 842  
commissioner. 843

**Sec. 3709.15.** The board of health of a city or general health 844  
district may appoint as many persons for sanitary duty as the 845  
public health and sanitary conditions of the district require, and 846  
such persons shall have general police powers and be known as 847  
"sanitarians." The On adoption of a resolution to impose a fine 848  
for certain offenses committed within the health district as 849  
provided under section 3709.092 of the Revised Code, the board may 850  
authorize a sanitarian to issue citations in accordance with that 851  
section. 852

The board may also appoint as many registered nurses for 853  
public health nurse duty as the public health and sanitary 854  
conditions of the district require, who shall be known as "public 855  
health nurses," and where such are appointed, the board may 856  
appoint licensed practical nurses as defined by section ~~4723.15~~ 857  
4723.02 of the Revised Code. The legislative authority of the city 858  
may determine the maximum number of sanitarians and public health 859  
nurses and licensed practical nurses to be appointed. 860

The board of health of a city or general health district may 861  
provide nursing care and other therapeutic and supportive care 862  
services to maintain an ill or infirm person in a place of 863  
residence used as such person's home or elsewhere. The board shall 864  
charge and collect reasonable fees not to exceed the cost of 865  
service for such care from patients financially able to pay, or 866  
may accept payment for such services from persons or public or 867  
private agencies on behalf of the recipient, either directly or by 868  
contract with such persons or agencies. The fees shall be retained 869  
by the board and placed in a special fund to be known as the home 870  
health services fund, and shall be used by the board only for 871

defraying the cost of personnel, equipment, supplies, rental of 872  
physical facilities including real property, utilities, and 873  
administrative costs in providing services under this section. The 874  
approval of the auditor of state referred to in section 5705.12 of 875  
the Revised Code shall not be required for the establishment of 876  
the fund. 877

The board, in addition, may contract with any individual or a 878  
public or private agency to furnish services authorized by this 879  
section on behalf of a city or general health district for such 880  
time and for such compensation as may be agreed upon by the board 881  
and the individual or agency. The compensation shall be paid by 882  
the board from the home health services fund, or from any other 883  
available fund of the board. 884

**Sec. 3709.28.** The If a general health district is to receive 885  
any part of its revenue for the ensuing fiscal year from 886  
apportionments among the townships and municipal corporations 887  
composing the district, the board of health of ~~a general~~ the 888  
health district shall, ~~annually, on or before the first Monday of~~ 889  
~~April,~~ adopt an itemized appropriation measure. Such for that 890  
fiscal year on or before the first day of April preceding that 891  
fiscal year. If the health district will not receive any part of 892  
its revenue for the ensuing fiscal year from apportionments among 893  
the townships and municipal corporations composing the district, 894  
the board of health shall adopt its annual appropriation measure 895  
under this section or under sections 5705.38, 5705.39, and 5705.40 896  
of the Revised Code. 897

An appropriation measure adopted under this section shall set 898  
forth the amounts for the current expenses of ~~such the~~ the district 899  
for the ensuing fiscal year ~~beginning on the first day of January~~ 900  
~~next ensuing~~. The appropriation measure, together with an estimate 901  
in itemized form, of the several sources of revenue available to 902

the district, including the amount due from the state for the ~~next~~ 903  
fiscal year as provided in section 3709.32 of the Revised Code and 904  
the amount which the board anticipates will be collected in fees 905  
or from any tax levied on its behalf under Chapter 5705. of the 906  
Revised Code during the ~~next ensuing~~ fiscal year, shall be 907  
certified to the county auditor and by the county auditor 908  
submitted to the county budget commission ~~which may reduce any~~ 909  
~~item in such appropriation measure but may not increase any item~~ 910  
~~or the aggregate of all items.~~ 911

The aggregate appropriation, as fixed by the commission, ~~less~~ 912  
~~the amounts available to the general health district from the~~ 913  
~~several sources of revenue, including the estimated balance from~~ 914  
~~the previous appropriation,~~ shall be apportioned, by the county 915  
auditor among the townships and municipal corporations composing 916  
the health district on the basis of taxable valuations in such 917  
townships and municipal corporations. The county auditor, when 918  
making the auditor's semiannual apportionment of funds, shall 919  
retain at each semiannual apportionment one-half of the amount 920  
apportioned to each township and municipal corporation. Such 921  
moneys and all other sources of revenue of the health district, 922  
including the estimated balance from the previous appropriation 923  
and any balance from grants, fees, or other sources of revenue, 924  
shall be placed in a separate fund, to be known as the "district 925  
health fund." When a general health district is composed of 926  
townships and municipal corporations in two or more counties, the 927  
county auditor making the original apportionment shall certify to 928  
the auditor of each county concerned the amount apportioned to 929  
each township and municipal corporation in such county. Each 930  
county auditor shall withhold from the semiannual apportionment to 931  
each such township or municipal corporation the amount certified, 932  
and shall pay the amounts withheld to the custodian of the funds 933  
of the health district concerned, to be credited to the district 934  
health fund. In making the apportionment under this paragraph for 935

each year from 2002 through 2016, the county auditor shall add to 936  
the taxable valuation of each township and municipal corporation 937  
the tax value loss determined for each township and municipal 938  
corporation under divisions (D) and (E) of section 5727.84 of the 939  
Revised Code multiplied by the percentage used for that year in 940  
determining replacement payments under division (A)(1) of section 941  
5727.86 of the Revised Code. The tax commissioner shall certify to 942  
the county auditor the tax value loss for each township and 943  
municipal corporation for which the auditor must make an 944  
apportionment. 945

Subject to the aggregate amount as has been apportioned among 946  
the townships and municipalities and as may become available from 947  
the several sources of revenue, the board of health may, by 948  
resolution, transfer funds from one item in their appropriation to 949  
another item, reduce or increase any item, create new items, and 950  
make additional appropriations or reduce the total appropriation. 951  
Any such action shall forthwith be certified by the secretary of 952  
the board of health to the county auditor for submission to and 953  
approval by the budget commission. 954

When any general health district has been united with or has 955  
contracted with a city health district located therein, the chief 956  
executive of the city shall, annually, on or before the first day 957  
of June, certify to the county auditor the total amount due for 958  
the ensuing fiscal year from the municipal corporations and 959  
townships in the district as provided in the contract between such 960  
city and the district advisory council of the original general 961  
health district. After approval by the county budget commission, 962  
the county auditor shall thereupon apportion the amount certified 963  
to the townships and municipal corporations, and shall withhold 964  
the sums apportioned as provided in this section. 965

**Sec. 3709.29.** ¶ Boards of health are taxing authorities for 966



all purposes related to execution of health district operations, 967  
except they are not authorized to levy any tax. 968

If the estimated amount of money necessary to meet the 969  
expenses of a general health district ~~program~~ will not be 970  
forthcoming to the board of health of such district out of the 971  
district health fund because the taxes within the ten-mill 972  
limitation will be insufficient, the board of health shall certify 973  
the fact of such insufficiency to the board of county 974  
commissioners of the county in which such district is located. 975  
Such board of county commissioners is hereby ordained to be a 976  
special taxing authority for the purposes of this section only, 977  
and, notwithstanding any other law to the contrary, the board of 978  
county commissioners of any county in which a general health 979  
district is located is the taxing authority for such special levy 980  
outside the ten-mill limitation. The board of county commissioners 981  
shall thereupon, in the year preceding that in which such health 982  
program will be effective, by vote of two-thirds of all the 983  
members of that body, declare by resolution that the amount of 984  
taxes which may be raised within the ten-mill limitation will be 985  
insufficient to provide an adequate amount for the necessary 986  
requirements of such district within the county, and that it is 987  
necessary to levy a tax in excess of such limitation in order to 988  
provide the board of health with sufficient funds ~~to carry out~~ 989  
~~such health program~~ for the district's expenses. Such resolution 990  
shall be filed with the board of elections not later than four 991  
p.m. of the seventy-fifth day before the day of election. 992

Such resolution shall specify the amount of increase in rate 993  
which it is necessary to levy and the number of years during which 994  
such increase shall be in effect, which shall not be for a longer 995  
period than ten years. 996

The resolution shall conform to section 5705.191 of the 997  
Revised Code and be certified and submitted in the manner provided 998

in section 5705.25 of the Revised Code, provided that the proposal 999  
shall be placed on the ballot at the next primary or general 1000  
election occurring more than seventy-five days after the 1001  
resolution is filed with the board of elections. 1002

For taxes proposed under this section on or after the 1003  
effective date of this section as amended by H.B. 327 of the 127th 1004  
general assembly, excluding a tax renewing or replacing a tax 1005  
first levied before that date, the tax may be levied for both 1006  
district operations and the expenses of housing district 1007  
operations or for either of those purposes individually. For this 1008  
purpose, the expenses of housing district operations include 1009  
expenses incurred by a board of health in acting under the board's 1010  
authority under division (A) or (C) of section 3707.55 of the 1011  
Revised Code. 1012

**Sec. 3709.34.** The board of county commissioners or the 1013  
legislative authority of any city may furnish suitable quarters 1014  
for any board of health or health department having jurisdiction 1015  
over all or a major part of such county or city. 1016

On acceptance by the board of health or health department, 1017  
the board of county commissioners or the legislative authority of 1018  
a city may convey real property to the board of health or health 1019  
department having jurisdiction over all or a major part of such 1020  
county or city to be used as quarters by the board or department. 1021  
If a board of county commissioners or the legislative authority of 1022  
a city conveys such real property to a board of health or health 1023  
department, the board of county commissioners or legislative 1024  
authority need not provide any additional office space, utilities, 1025  
janitorial services, repair, or maintenance with respect to the 1026  
real property. All expenses associated with the real property 1027  
after the conveyance is the sole responsibility of the board of 1028  
health or health department. 1029

<b>Sec. 5705.01.</b> As used in this chapter:	1030
(A) "Subdivision" means any county; municipal corporation;	1031
township; township police district; township fire district; joint	1032
fire district; joint ambulance district; joint emergency medical	1033
services district; fire and ambulance district; joint recreation	1034
district; township waste disposal district; township road	1035
district; community college district; technical college district;	1036
detention facility district; a district organized under section	1037
2151.65 of the Revised Code; a combined district organized under	1038
sections 2152.41 and 2151.65 of the Revised Code; a joint-county	1039
alcohol, drug addiction, and mental health service district; a	1040
drainage improvement district created under section 6131.52 of the	1041
Revised Code; a union cemetery district; a county school financing	1042
district; <u>a health district</u> ; or a city, local, exempted village,	1043
cooperative education, or joint vocational school district.	1044
(B) "Municipal corporation" means all municipal corporations,	1045
including those that have adopted a charter under Article XVIII,	1046
Ohio Constitution.	1047
(C) "Taxing authority" or "bond issuing authority" means, in	1048
the case of any county, the board of county commissioners; in the	1049
case of a municipal corporation, the council or other legislative	1050
authority of the municipal corporation; in the case of a city,	1051
local, exempted village, cooperative education, or joint	1052
vocational school district, the board of education; in the case of	1053
a community college district, the board of trustees of the	1054
district; in the case of a technical college district, the board	1055
of trustees of the district; in the case of a detention facility	1056
district, a district organized under section 2151.65 of the	1057
Revised Code, or a combined district organized under sections	1058
2152.41 and 2151.65 of the Revised Code, the joint board of county	1059
commissioners of the district; in the case of a township, the	1060

board of township trustees; in the case of a joint fire district, 1061  
the board of fire district trustees; in the case of a joint 1062  
recreation district, the joint recreation district board of 1063  
trustees; in the case of a joint-county alcohol, drug addiction, 1064  
and mental health service district, the district's board of 1065  
alcohol, drug addiction, and mental health services; in the case 1066  
of a joint ambulance district or a fire and ambulance district, 1067  
the board of trustees of the district; in the case of a union 1068  
cemetery district, the legislative authority of the municipal 1069  
corporation and the board of township trustees, acting jointly as 1070  
described in section 759.341 of the Revised Code; in the case of a 1071  
drainage improvement district, the board of county commissioners 1072  
of the county in which the drainage district is located; in the 1073  
case of a joint emergency medical services district, the joint 1074  
board of county commissioners of all counties in which all or any 1075  
part of the district lies; and in the case of a township police 1076  
district, a township fire district, a township road district, or a 1077  
township waste disposal district, the board of township trustees 1078  
of the township in which the district is located. "Taxing 1079  
authority" also means the educational service center governing 1080  
board that serves as the taxing authority of a county school 1081  
financing district as provided in section 3311.50 of the Revised 1082  
Code. 1083

A board of health of a health district is a taxing authority 1084  
for the purposes of this chapter except that such a board is not 1085  
authorized to levy a tax within or in excess of the ten-mill 1086  
limitation. 1087

(D) "Fiscal officer" in the case of a county, means the 1088  
county auditor; in the case of a municipal corporation, the city 1089  
auditor or village clerk, or an officer who, by virtue of the 1090  
charter, has the duties and functions of the city auditor or 1091  
village clerk, except that in the case of a municipal university 1092

the board of directors of which have assumed, in the manner 1093  
provided by law, the custody and control of the funds of the 1094  
university, the chief accounting officer of the university shall 1095  
perform, with respect to the funds, the duties vested in the 1096  
fiscal officer of the subdivision by sections 5705.41 and 5705.44 1097  
of the Revised Code; in the case of a school district, the 1098  
treasurer of the board of education; in the case of a county 1099  
school financing district, the treasurer of the educational 1100  
service center governing board that serves as the taxing 1101  
authority; in the case of a township, the township fiscal officer; 1102  
in the case of a joint fire district, the clerk of the board of 1103  
fire district trustees; in the case of a joint ambulance district, 1104  
the clerk of the board of trustees of the district; in the case of 1105  
a joint emergency medical services district, the person appointed 1106  
as fiscal officer pursuant to division (D) of section 307.053 of 1107  
the Revised Code; in the case of a fire and ambulance district, 1108  
the person appointed as fiscal officer pursuant to division (B) of 1109  
section 505.375 of the Revised Code; in the case of a joint 1110  
recreation district, the person designated pursuant to section 1111  
755.15 of the Revised Code; in the case of a union cemetery 1112  
district, the clerk of the municipal corporation designated in 1113  
section 759.34 of the Revised Code; in the case of a children's 1114  
home district, educational service center, general health 1115  
district, joint-county alcohol, drug addiction, and mental health 1116  
service district, county library district, detention facility 1117  
district, district organized under section 2151.65 of the Revised 1118  
Code, a combined district organized under sections 2152.41 and 1119  
2151.65 of the Revised Code, or a metropolitan park district for 1120  
which no treasurer has been appointed pursuant to section 1545.07 1121  
of the Revised Code, the county auditor of the county designated 1122  
by law to act as the auditor of the district; in the case of a 1123  
metropolitan park district which has appointed a treasurer 1124  
pursuant to section 1545.07 of the Revised Code, that treasurer; 1125

in the case of a drainage improvement district, the auditor of the 1126  
county in which the drainage improvement district is located; and 1127  
in all other cases, the officer responsible for keeping the 1128  
appropriation accounts and drawing warrants for the expenditure of 1129  
the moneys of the district or taxing unit. 1130

(E) "Permanent improvement" or "improvement" means any 1131  
property, asset, or improvement with an estimated life or 1132  
usefulness of five years or more, including land and interests 1133  
therein, and reconstructions, enlargements, and extensions thereof 1134  
having an estimated life or usefulness of five years or more. 1135

(F) "Current operating expenses" and "current expenses" mean 1136  
the lawful expenditures of a subdivision, except those for 1137  
permanent improvements, and except payments for interest, sinking 1138  
fund, and retirement of bonds, notes, and certificates of 1139  
indebtedness of the subdivision. 1140

(G) "Debt charges" means interest, sinking fund, and 1141  
retirement charges on bonds, notes, or certificates of 1142  
indebtedness. 1143

(H) "Taxing unit" means any subdivision or other governmental 1144  
district having authority to levy taxes on the property in the 1145  
district or issue bonds that constitute a charge against the 1146  
property of the district, including conservancy districts, 1147  
metropolitan park districts, sanitary districts, road districts, 1148  
and other districts. 1149

(I) "District authority" means any board of directors, 1150  
trustees, commissioners, or other officers controlling a district 1151  
institution or activity that derives its income or funds from two 1152  
or more subdivisions, such as the educational service center, the 1153  
trustees of district children's homes, the district board of 1154  
health, a joint-county alcohol, drug addiction, and mental health 1155  
service district's board of alcohol, drug addiction, and mental 1156

health services, detention facility districts, a joint recreation 1157  
district board of trustees, districts organized under section 1158  
2151.65 of the Revised Code, combined districts organized under 1159  
sections 2152.41 and 2151.65 of the Revised Code, and other such 1160  
boards. 1161

(J) "Tax list" and "tax duplicate" mean the general tax lists 1162  
and duplicates prescribed by sections 319.28 and 319.29 of the 1163  
Revised Code. 1164

(K) "Property" as applied to a tax levy means taxable 1165  
property listed on general tax lists and duplicates. 1166

(L) "School library district" means a school district in 1167  
which a free public library has been established that is under the 1168  
control and management of a board of library trustees as provided 1169  
in section 3375.15 of the Revised Code. 1170

(M) "Health district" means a city health district or general 1171  
health district created under section 3709.01, 3709.051, 3709.07, 1172  
3709.071, or 3709.10 of the Revised Code. 1173

(N) "Board of health" means a board of health constituted 1174  
under Chapter 3709. of the Revised Code. 1175

**Section 2.** That existing sections 133.01, 3701.15, 3707.01, 1176  
3709.01, 3709.05, 3709.081, 3709.11, 3709.14, 3709.15, 3709.28, 1177  
3709.29, 3709.34, and 5705.01 and section 3709.08 of the Revised 1178  
Code are hereby repealed. 1179