127th General Assembly

Regular Session   **H. B. No. 470**

2007-2008

Representative Setzer

Cosponsors: Representatives Strahorn, Collier, Combs, Evans, Harwood

—

A B I L L

To enact section 5571.18 of the Revised Code to	1
authorize a board of township trustees to order	2
township workers to enter upon land in order to	3
remove vegetation that blocks or otherwise	4
interferes with the sight lines of motorists	5
traveling on township roads.	6

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

Section 1. That section 5571.18 of the Revised Code be	7
enacted to read as follows:	8
Sec. 5571.18. (A) If a board of township trustees determines	9
upon the basis of evidence submitted by the county engineer that,	10
at a particular location, vegetation located on land that is	11
located on a township road constitutes a clear and present danger	12
to the safety of traveling public, which may include pedestrians,	13
because the vegetation blocks or otherwise interferes with the	14
sight lines of operators of motor vehicles traveling on that	15
township road, the board shall send a written notice to the owner	16
of that land informing the owner of that fact and also	17
particularly describing the vegetation at issue. The notice shall	18
direct the owner to remove that vegetation forthwith, but in no	19
case later than fifteen days after the date of the notice. The	20

notice further shall inform the owner that if the owner does not   21

remove the vegetation at issue within that fifteen-day period, the   22

board shall cause the vegetation to be removed and the owner shall   23

be liable for all costs of the removal.   24

(B) If a board issues a notice to the owner of the land   25

pursuant to division (A) of this section and the owner does not   26

remove the vegetation described in the notice in a timely manner,   27

the board shall issue an order directing that employees of the   28

township enter upon the land and remove the vegetation at issue.   29

The board shall give notice of the proposed entry to the owner and   30

the person in possession of the land, if such person is not the   31

owner, by such means as are reasonably available not less than   32

three days but not more than seven days prior to the date of such   33

entry. The township employees shall enter upon the land and shall   34

remove the vegetation at issue and nothing more, and such entry   35

does not constitute a trespass.   36

(C) The board of township trustees shall make a written   37

report to the county auditor of the board's action under this   38

section. The board shall include in the report a proper   39

description of the premises and a statement of all expenses the   40

township incurred in having township employees remove the   41

vegetation at issue, including any costs incurred in providing the   42

required notice and the amount the township paid for labor,   43

materials, fuel, and equipment. The expenses incurred shall be   44

entered upon the tax duplicate and are a lien upon the land from   45

the date of the entry. They shall be collected as taxes are   46

collected and shall be returned to the township and placed in the   47

township general fund.   48

(D) The board shall make restitution or reimbursement for any   49

actual damage done to the land or to improvements or personal   50

property located on such land by the township employees that is   51

not incidental to the removal of the vegetation. If the township   52

and owner of the land are unable to agree upon restitution or   53

other settlement, damages are recoverable by civil action to which   54

the township hereby consents, except that the value of the   55

vegetation removed is not recoverable.   56