

**As Introduced**

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

**H. B. No. 494**

**Representative Dyer**

**Cosponsors: Representatives Brady, Luckie, Williams, B., Otterman, J.,  
Yuko**

**—**

**A B I L L**

To amend sections 6115.04, 6115.05, 6115.06, 6115.08, 1  
6115.16, 6115.46, and 6115.69 and to enact 2  
sections 6115.051, 6115.081, 6115.082, 6115.091, 3  
6115.092, 6115.093, 6115.094, 6115.095, 6115.096, 4  
and 6115.321 of the Revised Code to revise the law 5  
governing sanitary districts that are organized 6  
wholly for the reduction of populations of biting 7  
arthropods. 8

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

**Section 1.** That sections 6115.04, 6115.05, 6115.06, 6115.08, 9  
6115.16, 6115.46, and 6115.69 be amended and sections 6115.051, 10  
6115.081, 6115.082, 6115.091, 6115.092, 6115.093, 6115.094, 11  
6115.095, 6115.096, and 6115.321 of the Revised Code be enacted to 12  
read as follows: 13

**Sec. 6115.04.** The court of common pleas of any county in this 14  
state, when the conditions stated in section 6115.05 or 6115.051 15  
of the Revised Code, as applicable, are found to exist, may 16  
establish sanitary districts within the county in which the court 17  
is located. Districts partly within and partly without such county 18

may also be established by a court comprised of one judge of the 19  
court of common pleas from each county having area within the 20  
district, as provided in section 6115.08 or 6115.081 of the 21  
Revised Code, as applicable. 22

If there are but two judges who sit as a court under this 23  
section, and the judges are unable to agree as to the 24  
establishment of such district or upon any other question left for 25  
their decision, then a third judge from a disinterested county 26  
shall be appointed by the chief justice of the supreme court, 27  
which judge shall sit with the other two judges, and the decisions 28  
of a majority of the judges shall be final. Compensation for such 29  
judge shall be fixed by the chief justice. 30

Sanitary districts may be established for any of the 31  
following purposes: 32

(A) To prevent and correct the pollution of streams; 33

(B) To clean and improve stream channels for sanitary 34  
purposes; 35

(C) To regulate the flow of streams for sanitary purposes; 36

(D) To provide for the collection and disposal of sewage and 37  
other liquid wastes produced within the district; 38

(E) To provide a water supply for domestic, municipal, and 39  
public use within the district, and incident to those purposes and 40  
to enable their accomplishment to construct reservoirs, trunk 41  
sewers, intercepting sewers, siphons, pumping stations, wells, 42  
intakes, pipe lines, purification works, and treatment and 43  
disposal works, to maintain, operate, and repair the same, to 44  
acquire additional water supplies by purchase, and to do all other 45  
things necessary for the fulfillment of the purposes of sections 46  
6115.01 to 6115.79 of the Revised Code; 47

(F) To reduce populations of biting arthropods and abate 48

their breeding places, and incident to those purposes to purchase 49  
supplies, materials, and equipment, to employ technicians and 50  
laborers, to build, construct, maintain, and repair such 51  
structures, devices, and improvements, to conduct studies and 52  
surveys of the populations of biting arthropods and of the 53  
incidence or spread within or among human or animal populations of 54  
diseases transmitted by biting arthropods, and to do such other 55  
things as are necessary or desirable to accomplish those purposes; 56

(G) To collect and dispose of garbage; 57

(H) To collect and dispose of any other refuse that may 58  
become a menace to health. 59

**Sec. 6115.05.** Before any court establishes a sanitary 60  
district as outlined in section 6115.04 of the Revised Code, a 61  
petition shall be filed in the office of the clerk of ~~said~~ the 62  
court, signed by five hundred freeholders, or by a majority of the 63  
freeholders, or by the owners of more than half of the property, 64  
in either acreage or value, within the limits of the territory 65  
proposed to be organized into a district. Such a petition may be 66  
signed by the governing body of any public corporation lying 67  
wholly or partly within the proposed district, in such manner as 68  
it prescribes, and when so signed by such governing body such a 69  
petition on the part of ~~said~~ the governing body shall fill all the 70  
requirements of representation upon such petition of the 71  
freeholders of such public corporation, as they appear upon the 72  
tax duplicate; and thereafter it is not necessary for individuals 73  
within ~~said~~ the public corporation to sign such a petition. Such a 74  
petition may also be signed by railroads and other corporations 75  
owning lands. 76

Such petition may be filed by any city interested in some 77  
degree in the improvement, upon proper action by its governing 78  
body. Property in each political subdivision wholly or partly 79

included in the proposed district shall be represented by the 80  
signers of the petition provided for by this section. 81

The petition for the establishment of a district to provide a 82  
water supply for domestic, municipal, and public use shall be 83  
signed by the governing body of each municipal corporation, or 84  
part thereof included in the proposed district, or by a majority 85  
of the freeholders of political subdivisions or parts thereof 86  
included in the proposed district and lying outside municipal 87  
corporations, and shall also be signed by the public service 88  
corporation ~~which~~ that may be supplying water to the inhabitants 89  
of such political subdivisions under franchise granted by the 90  
governing bodies thereof. 91

The petition shall set forth the proposed name of ~~said~~ the 92  
district, the necessity for the proposed work and that it will be 93  
conducive to the public health, safety, comfort, convenience, or 94  
welfare, and a general description of the purpose of the 95  
contemplated improvement, and of the territory to be included in 96  
the proposed district. ~~Said~~ The description need not be given by 97  
metes and bounds or by legal subdivisions, but it is sufficient if 98  
a generally accurate description is given of the territory to be 99  
organized as a district. ~~Said~~ The territory shall include two or 100  
more political subdivisions or portions thereof, and, except as a 101  
subdistrict provided for by section 6115.69 of the Revised Code, 102  
shall not be included wholly within the limits of a single 103  
municipal corporation. ~~Said~~ The territory need not be contiguous, 104  
provided that it is so situated that the public health, safety, 105  
comfort, convenience, or welfare will be promoted by the 106  
organization as a single district of the territory described. ~~Said~~ 107  
The petition shall pray for the organization of the district by 108  
the name proposed. 109

No petition with the requisite signatures shall be declared 110  
void because of alleged defects, but the court may at any time 111

permit the petition to be amended in form and substance to conform 112  
to the facts by correcting any errors in the description of the 113  
territory, or in any other particular. Several similar petitions 114  
or duplicate copies of the same petition for the organization of 115  
the same district may be filed and shall together be regarded as 116  
one petition. All such petitions filed prior to the hearing on 117  
~~said~~ the petition shall be considered by the court as though they 118  
had been filed with the first petition placed on file. 119

In determining when a majority of landowners has signed the 120  
petition, the court shall be governed by the names as they appear 121  
upon the tax duplicate, which shall be prima-facie evidence of 122  
such ownership. 123

This section does not apply to a sanitary district that is 124  
proposed to be organized wholly for the reduction of populations 125  
of biting arthropods. Instead, section 6115.051 of the Revised 126  
Code applies to such a sanitary district. 127

Sec. 6115.051. (A) Before a court establishes a sanitary 128  
district that is to be organized wholly for the reduction of 129  
populations of biting arthropods as outlined in section 6115.04 of 130  
the Revised Code, a petition shall be filed in the office of the 131  
clerk of the court, signed by the lesser of five hundred 132  
registered voters or ten per cent of the electors who voted for 133  
the office of governor within the political subdivision in the 134  
most recent gubernatorial election in each political subdivision 135  
in which any portion of the sanitary district is proposed to be 136  
located. 137

(B)(1) The petition shall set forth the proposed name of the 138  
sanitary district, the purpose for the creation of the sanitary 139  
district, and a general description of the territory to be 140  
included in the proposed sanitary district. The description need 141  
not be given by metes and bounds or by legal subdivisions, but it 142

is sufficient if a generally accurate description is given of the 143  
territory to be organized as a sanitary district. The territory 144  
shall include two or more political subdivisions or portions 145  
thereof and shall not be included wholly within the limits of a 146  
single municipal corporation. The territory need not be 147  
contiguous, provided that it is so situated that the public 148  
health, safety, comfort, convenience, or welfare will be promoted 149  
by the organization as a single sanitary district of the territory 150  
described. 151

(2) The petition shall request the organization of the 152  
sanitary district by the name proposed. 153

(C) No petition with the requisite signatures shall be 154  
declared void because of alleged defects, but the court at any 155  
time may permit the petition to be amended in form and substance 156  
to conform to the facts by correcting any errors in the 157  
description of the territory or in any other particular. Several 158  
similar petitions or duplicate copies of the same petition for the 159  
organization of the same sanitary district may be filed and shall 160  
together be regarded as one petition. All such petitions that are 161  
filed prior to the election on the petition shall be considered by 162  
the court as though they had been filed with the first petition 163  
placed on file. 164

(D) After receiving the petition with the requisite number of 165  
signatures, the court shall submit the names and signatures of the 166  
petitioners to the appropriate boards of elections of the counties 167  
in which the petitioners reside for verification of the petition 168  
signatures. The boards of elections shall notify the court of the 169  
sufficiency or insufficiency of the petition. If the petition 170  
contains a sufficient number of valid signatures, the court shall 171  
follow the procedures established in section 6115.081 of the 172  
Revised Code. 173

**Sec. 6115.06.** At the time of filing the petition provided for 174  
in section 6115.05 of the Revised Code, or at any time subsequent 175  
thereto and prior to the time of the hearing on ~~said~~ the petition, 176  
a bond shall be filed, with security approved by the court, 177  
sufficient to pay all the expenses connected with the proceedings 178  
in case the court refuses to organize the sanitary district. If at 179  
any time during the proceeding the court is satisfied that the 180  
bond first executed is insufficient in amount, it may require the 181  
execution of an additional bond within a time to be fixed, which 182  
shall be not less than ten days distant, and upon failure of the 183  
petitioners to execute such additional bond the petition shall be 184  
dismissed. 185

This section does not apply to a sanitary district that is 186  
proposed to be organized wholly for the reduction of populations 187  
of biting arthropods. Instead, section 6115.082 of the Revised 188  
Code applies to such a sanitary district. 189

**Sec. 6115.08.** Any owner of real property in a proposed 190  
sanitary district who individually has not signed a petition under 191  
section 6115.05 of the Revised Code, and who wishes to object to 192  
the organization and incorporation of ~~said~~ the district shall, on 193  
or before the date set for the cause to be heard, file ~~his~~ the 194  
owner's objections to the organization and incorporation of such 195  
district. Such objections shall be limited to a denial of the 196  
statements in the petition, and shall be heard by the court as an 197  
advanced case without unnecessary delay. 198

Upon the hearing, if it appears that the purposes of sections 199  
6115.01 to 6115.79, ~~inclusive,~~ of the Revised Code, would be 200  
~~subverted~~ served by the creation of a district, the court, after 201  
disposing of all objections as justice and equity require, shall 202  
by its findings, duly entered of record, adjudicate all questions 203  
of jurisdiction, declare the district organized, and give it a 204

corporate name by which in all proceedings it shall thereafter be 205  
known. A district so organized shall be a political subdivision of 206  
the state and a body corporate with all the powers of a 207  
corporation, and shall have perpetual existence, with power to sue 208  
and be sued, to incur debts, liabilities, and obligations, to 209  
exercise the right of eminent domain and of taxation and 210  
assessment as provided in such sections, to issue bonds, and to do 211  
all acts necessary and proper for the carrying out of the purposes 212  
for which the district was created and for executing the powers 213  
with which it is invested. 214

In such decree, the court shall designate the place where the 215  
office or principal place of business of the district shall be 216  
located, which shall be within the corporate limits of the 217  
district if practicable, and which may be changed by order of 218  
court. The regular meetings of the board of directors of the 219  
district shall be held at such office or place of business, but 220  
for cause may be adjourned to any other convenient place. The 221  
official records and files of the district shall be kept at the 222  
office so established. 223

If the court finds that the property set out in ~~said~~ the 224  
petition should not be incorporated into a district, it shall 225  
dismiss ~~said~~ the proceedings, and adjudge the costs against the 226  
signers of the petition in the proportion of the interest 227  
represented by them. 228

After an order is entered establishing the district, such 229  
order is final and binding upon the real property within the 230  
district and finally and conclusively establishes the regular 231  
organization of such district against all persons except the state 232  
upon suit commenced by the attorney general. Any such suit ~~must~~ 233  
shall be commenced within three months after ~~said~~ the decree 234  
declaring such district organized. The organization of ~~said~~ the 235  
district shall not be directly or collaterally questioned in any 236



suit, action, or proceeding except as expressly authorized in 237  
sections 6115.01 to 6115.79, ~~inclusive~~, of the Revised Code. 238

In the case of a district lying in more than one county, one 239  
judge of the court of common pleas of each of the counties having 240  
land in the district shall sit as a court in the courthouse where 241  
the original petition was filed to make the findings required by 242  
this section and by section 6115.16 of the Revised Code. A 243  
majority of ~~said~~ the judges shall be necessary to render a 244  
decision. 245

This section does not apply to a sanitary district that is 246  
proposed to be organized wholly for the reduction of populations 247  
of biting arthropods unless the board of health of a health 248  
district having jurisdiction within the territory in which the 249  
sanitary district is proposed to be located issues an order under 250  
section 3709.20 or 3709.21 of the Revised Code, as applicable, 251  
declaring a health emergency that requires the reduction of 252  
populations of biting arthropods. 253

Sec. 6115.081. (A) If it appears that the purposes of this 254  
chapter would be served by the creation of a sanitary district 255  
that is to be organized wholly for the reduction of populations of 256  
biting arthropods, the court shall submit the question of whether 257  
such a sanitary district shall be created to the electors residing 258  
within the territory in which the sanitary district is proposed to 259  
be located. 260

(B) The court shall certify a copy of the court order 261  
proposing to create the sanitary district to the board of 262  
elections of each county in which any territory of the proposed 263  
sanitary district is located. The board of elections of each such 264  
county shall make the necessary arrangements for the submission of 265  
the question to the electors of the proposed sanitary district on 266  
the day specified in the order and occurring not less than 267

seventy-five days after the order is certified to the board of elections. The election shall be held, canvassed, and certified in the same manner as regular elections for the election of county officers. 268  
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(C) Notice of the election shall be published in one or more newspapers that, in the aggregate, are of general circulation in the territory of the proposed sanitary district. The notice of the election shall be published once a week for two consecutive weeks prior to the election. If an applicable board of elections operates and maintains a web site, notice of the election also shall be posted on that web site for thirty days prior to the election. The notice shall state the purpose for the creation of the sanitary district and the time and place of the election. 272  
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(D) The form of the ballot cast at the election shall be as follows: 281  
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"Shall a sanitary district organized wholly for the reduction of populations of biting arthropods be created encompassing property located within the ..... (name of political subdivisions)? 283  
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	<u>For the creation</u>	"
	<u>Against the creation</u>	

(E)(1) If a majority of the electors voting on the question of creating the sanitary district vote in favor of the creation, the court shall declare the sanitary district organized and give it a corporate name by which it shall thereafter be known in all proceedings. A sanitary district so organized is a political subdivision of the state and a body corporate with all the powers of a corporation and shall have perpetual existence, with power to sue and be sued, to incur debts, liabilities, and obligations, to 287  
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exercise the right of eminent domain and of taxation and 299  
assessment as provided in this chapter, to issue bonds, and to 300  
perform all acts that are necessary and proper for carrying out 301  
the purposes for which the sanitary district was created and for 302  
executing the powers with which it is invested. 303

(2) In its decree, the court shall designate the place where 304  
the office or principal place of business of the sanitary district 305  
shall be located, which shall be within the corporate limits of 306  
the sanitary district if practicable and which may be changed by 307  
order of the court. The regular meetings of the board of directors 308  
of the sanitary district shall be held at that office or place of 309  
business, but for cause may be adjourned to any other convenient 310  
place. The official records and files of the sanitary district 311  
shall be kept at the office so established. 312

(3) After an order is entered establishing the sanitary 313  
district, the order is final and binding on the real property 314  
within the sanitary district. The organization of the sanitary 315  
district shall not be directly or collaterally questioned in any 316  
suit, action, or proceeding except as expressly authorized in this 317  
chapter. 318

(4) In the case of a sanitary district lying in more than one 319  
county, one judge of the court of common pleas of each of the 320  
counties having land in the sanitary district shall sit as a court 321  
in the courthouse where the original petition was filed for the 322  
purposes of this section and to make the findings required by 323  
section 6115.16 of the Revised Code. A majority of the judges 324  
shall be necessary to render a decision. 325

(F)(1) If the creation of a sanitary district is approved in 326  
an election that is held under this section, the court may charge 327  
the sanitary district for any applicable election costs that the 328  
court incurs under section 3501.17 of the Revised Code. 329

(2) If the creation of a sanitary district is not approved in 330  
an election that is held under this section, the court may seek 331  
reimbursement from the signers of the petition to create the 332  
sanitary district in the proportion of the interest represented by 333  
them for any applicable election costs that the court incurs under 334  
section 3501.17 of the Revised Code. 335

**Sec. 6115.082.** At the time of filing the petition provided 336  
for in section 6115.051 of the Revised Code, or at any time 337  
subsequent to the filing and prior to the election on the 338  
petition, a bond shall be filed, with security approved by the 339  
court, sufficient to pay all of the expenses connected with the 340  
proceedings in case the electors voting on the question of 341  
creating a sanitary district in accordance with section 6115.081 342  
of the Revised Code vote against the creation of the sanitary 343  
district. If at any time during the proceeding the court is 344  
satisfied that the bond first executed is insufficient in amount, 345  
it may require the execution of an additional bond within a time 346  
to be fixed, which shall be not less than ten days distant, and 347  
upon failure of the petitioners to execute the additional bond, 348  
the petition shall be dismissed. 349

**Sec. 6115.091.** (A) If the board of directors of a sanitary 350  
district that is organized wholly for the reduction of populations 351  
of biting arthropods wishes to expand the sanitary district beyond 352  
its existing territory, the board shall file a petition in the 353  
office of the clerk of the court, signed by the lesser of five 354  
hundred registered voters or ten per cent of the electors who 355  
voted for the office of governor within the political subdivision 356  
in the most recent gubernatorial election in each political 357  
subdivision in which any portion of the sanitary district is 358  
located and in each political subdivision in which any territory 359  
is located that is proposed to be included in the sanitary 360

district by expansion. 361

(B)(1) The petition shall set forth the reason for the 362  
expansion of the sanitary district and a general description of 363  
the territory that is proposed to be included in the sanitary 364  
district. The description need not be given by metes and bounds or 365  
by legal subdivisions, but it is sufficient if a generally 366  
accurate description is given of the territory that is proposed to 367  
be included in the sanitary district. The territory in the 368  
proposed expansion need not be contiguous to the territory that is 369  
located in the sanitary district, provided that the expanded 370  
territory is so situated that the public health, safety, comfort, 371  
convenience, or welfare will be promoted by the inclusion of the 372  
territory described. 373

(2) The petition shall request that the sanitary district be 374  
expanded to include the territory described in the petition. 375

(C) No petition with the requisite signatures shall be 376  
declared void because of alleged defects, but the court at any 377  
time may permit the petition to be amended in form and substance 378  
to conform to the facts by correcting any errors in the 379  
description of the territory or in any other particular. Several 380  
similar petitions or duplicate copies of the same petition for the 381  
expansion of the sanitary district may be filed and shall together 382  
be regarded as one petition. All such petitions that are filed 383  
prior to the election on the petition shall be considered by the 384  
court as though they had been filed with the first petition placed 385  
on file. 386

(D) After receiving the petition with the requisite number of 387  
signatures, the court shall submit the names and signatures of the 388  
petitioners to the appropriate boards of elections of the counties 389  
in which the petitioners reside for verification of the petition 390  
signatures. The boards of elections shall notify the court of the 391

sufficiency or insufficiency of the petition. If the petition 392  
contains a sufficient number of valid signatures, the court shall 393  
follow the procedures established in section 6115.092 of the 394  
Revised Code. 395

**Sec. 6115.092.** (A) If it appears that the purposes of this 396  
chapter would be served by the expansion of a sanitary district 397  
that is organized wholly for the reduction of populations of 398  
biting arthropods, the court shall submit the question of whether 399  
such a sanitary district shall be expanded to the electors 400  
residing in the sanitary district and in the territory that is 401  
proposed to be included in the sanitary district by expansion. 402

(B) The court shall certify a copy of the court order 403  
proposing to expand the sanitary district to the board of 404  
elections of each county in which any territory that is included 405  
in the sanitary district or that is proposed to be included in the 406  
sanitary district is located. The board of elections of each such 407  
county shall make the necessary arrangements for the submission of 408  
the question to the electors of the sanitary district or of the 409  
proposed expansion of the sanitary district, as applicable, on the 410  
day specified in the order and occurring not less than 411  
seventy-five days after the order is certified to the board of 412  
elections. The election shall be held, canvassed, and certified in 413  
the same manner as regular elections for the election of county 414  
officers. 415

(C) Notice of the election shall be published in one or more 416  
newspapers that, in the aggregate, are of general circulation in 417  
the sanitary district and in the territory that is proposed to be 418  
included in the sanitary district. The notice of the election 419  
shall be published once a week for two consecutive weeks prior to 420  
the election. If an applicable board of elections operates and 421  
maintains a web site, notice of the election also shall be posted 422

on that web site for thirty days prior to the election. The notice 423  
shall state the purpose for the expansion of the sanitary district 424  
and the time and place of the election. 425

(D) The form of the ballot cast at the election shall be as 426  
follows: 427

"Shall the ..... (name of sanitary district) be expanded 428  
to include property located within the ..... (name of 429  
political subdivisions)? 430

	<u>For the expansion</u>	
	<u>Against the expansion</u>	<u>"</u>

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(E) If a majority of the electors voting on the question of 435  
expanding the sanitary district vote in favor of the expansion, 436  
the court shall declare that the territory that is proposed to be 437  
included in the expansion is part of the sanitary district. The 438  
court may give the sanitary district a new corporate name that 439  
includes the expanded territory by which it shall thereafter be 440  
known in all proceedings. 441

(F) Whether the expansion of a sanitary district is approved 442  
or not approved in an election that is held under this section, 443  
the court may charge the sanitary district for any applicable 444  
election costs that the court incurs under section 3501.17 of the 445  
Revised Code. 446

**Sec. 6115.093.** (A) If the board of directors of a sanitary 447  
district that is organized wholly for the reduction of populations 448  
of biting arthropods receives a petition for the withdrawal of a 449  
political subdivision from the sanitary district, signed by the 450  
lesser of five hundred registered voters or ten per cent of the 451  
electors who voted for the office of governor within the political 452

subdivision in the most recent gubernatorial election in the 453  
political subdivision, the board shall file the petition in the 454  
office of the clerk of the court. 455

(B) The petition shall set forth the reason for the 456  
withdrawal of the political subdivision from the sanitary district 457  
and shall request the withdrawal of the political subdivision from 458  
the sanitary district. 459

(C) No petition with the requisite signatures shall be 460  
declared void because of alleged defects, but the court at any 461  
time may permit the petition to be amended in form and substance 462  
to conform to the facts by correcting any errors in the 463  
description of the territory or in any other particular. Several 464  
similar petitions or duplicate copies of the same petition for the 465  
withdrawal of a political subdivision from the sanitary district 466  
may be filed and shall together be regarded as one petition. All 467  
such petitions that are filed prior to the election on the 468  
petition shall be considered by the court as though they had been 469  
filed with the first petition placed on file. 470

(D) After receiving the petition with the requisite number of 471  
signatures, the court shall submit the names and signatures of the 472  
petitioners to the appropriate boards of elections of the counties 473  
in which the petitioners reside for verification of the petition 474  
signatures. The boards of elections shall notify the court of the 475  
sufficiency or insufficiency of the petition. If the petition 476  
contains a sufficient number of valid signatures, the court shall 477  
follow the procedures established in section 6115.094 of the 478  
Revised Code. 479

**Sec. 6115.094.** (A) If the applicable boards of elections 480  
notify the court that a petition to withdraw a political 481  
subdivision from a sanitary district that is organized wholly for 482



the reduction of populations of biting arthropods contains a 483  
sufficient number of valid signatures as provided in section 484  
6115.093 of the Revised Code, the court shall submit the question 485  
of whether the political subdivision shall withdraw from the 486  
sanitary district to the electors residing in the political 487  
subdivision. 488

(B) The court shall certify a copy of the court order 489  
proposing the withdrawal of the political subdivision from the 490  
sanitary district to the board of elections of each county in 491  
which any territory of the political subdivision is located. The 492  
board of elections of each such county shall make the necessary 493  
arrangements for the submission of the question to the electors of 494  
the proposed withdrawal of the political subdivision from the 495  
sanitary district on the day specified in the order and occurring 496  
not less than seventy-five days after the order is certified to 497  
the board of elections. The election shall be held, canvassed, and 498  
certified in the same manner as regular elections for the election 499  
of county officers. 500

(C) Notice of the election shall be published in one or more 501  
newspapers that, in the aggregate, are of general circulation in 502  
the political subdivision that is proposed to be withdrawn from 503  
the sanitary district. The notice of the election shall be 504  
published once a week for two consecutive weeks prior to the 505  
election. If an applicable board of elections operates and 506  
maintains a web site, notice of the election also shall be posted 507  
on that web site for thirty days prior to the election. The notice 508  
shall state the reason for the withdrawal of the political 509  
subdivision from the sanitary district and the time and place of 510  
the election. 511

(D) The form of the ballot cast at the election shall be as 512  
follows: 513

"Shall the ..... (name of the political subdivision) be 514  
withdrawn from the ..... (name of sanitary district)? 515

	<u>For the withdrawal</u>	
	<u>Against the withdrawal</u>	"

(E) If a majority of the electors voting on the question of 518  
withdrawing the political subdivision from the sanitary district 519  
vote in favor of the withdrawal, the court shall declare the 520  
political subdivision withdrawn from the sanitary district. The 521  
withdrawal shall take effect one year after the electors vote in 522  
favor of the withdrawal. The court shall conclude the affairs of 523  
the political subdivision with regard to the sanitary district. 524  
For that purpose, all the claims, demands, or interests of 525  
creditors or claimants shall be determined as of the day on which 526  
the court declares the political subdivision withdrawn from the 527  
sanitary district. 528

(F) Whether the withdrawal of a political subdivision from a 529  
sanitary district is approved or not approved in an election that 530  
is held under this section, the court may charge the political 531  
subdivision for any applicable election costs that the court 532  
incurs under section 3501.17 of the Revised Code. 533

(G) If a political subdivision withdraws from a sanitary 534  
district that is organized wholly for the reduction of populations 535  
of biting arthropods under this section and the sanitary district 536  
then consists of only one political subdivision, the requirement 537  
in section 6115.051 of the Revised Code that the territory in such 538  
a sanitary district include two or more political subdivisions or 539  
portions thereof does not apply to that sanitary district. 540

**Sec. 6115.095.** (A) If the board of directors of a sanitary 541  
district that is organized wholly for the reduction of populations 542  
of biting arthropods receives a petition for the dissolution of 543  
the sanitary district, signed by the lesser of five hundred 544

registered voters or ten per cent of the electors who voted for 545  
the office of governor within the political subdivision in the 546  
most recent gubernatorial election in each political subdivision 547  
that has territory that is included in the sanitary district, the 548  
board shall file the petition in the office of the clerk of the 549  
court. 550

(B) The petition shall set forth the reason for the 551  
dissolution of the sanitary district and shall request the 552  
dissolution of the sanitary district. 553

(C) No petition with the requisite signatures shall be 554  
declared void because of alleged defects, but the court at any 555  
time may permit the petition to be amended in form and substance 556  
to conform to the facts by correcting any errors in the 557  
description of the territory or in any other particular. Several 558  
similar petitions or duplicate copies of the same petition for the 559  
dissolution of the sanitary district may be filed and shall 560  
together be regarded as one petition. All such petitions that are 561  
filed prior to the election on the petition shall be considered by 562  
the court as though they had been filed with the first petition 563  
placed on file. 564

(D) After receiving the petition with the requisite number of 565  
signatures, the court shall submit the names and signatures of the 566  
petitioners to the appropriate boards of elections of the counties 567  
in which the petitioners reside for verification of the petition 568  
signatures. The boards of elections shall notify the court of the 569  
sufficiency or insufficiency of the petition. If the petition 570  
contains a sufficient number of valid signatures, the court shall 571  
follow the procedures established in section 6115.096 of the 572  
Revised Code. 573

**Sec. 6115.096.** (A) If the applicable boards of elections 574  
notify the court that a petition to dissolve a sanitary district 575

that is organized wholly for the reduction of populations of 576  
biting arthropods contains a sufficient number of valid signatures 577  
as provided in section 6115.095 of the Revised Code, the court 578  
shall submit the question of whether such a sanitary district 579  
shall be dissolved to the electors residing in the sanitary 580  
district. 581

(B) The court shall certify a copy of the court order 582  
proposing to dissolve the sanitary district to the board of 583  
elections of each county in which any territory of the sanitary 584  
district is located. The board of elections of each such county 585  
shall make the necessary arrangements for the submission of the 586  
question to the electors of the proposed dissolution of the 587  
sanitary district on the day specified in the order and occurring 588  
not less than seventy-five days after the order is certified to 589  
the board of elections. The election shall be held, canvassed, and 590  
certified in the same manner as regular elections for the election 591  
of county officers. 592

(C) Notice of the election shall be published in one or more 593  
newspapers that, in the aggregate, are of general circulation in 594  
the sanitary district. The notice of the election shall be 595  
published once a week for two consecutive weeks prior to the 596  
election. If an applicable board of elections operates and 597  
maintains a web site, notice of the election also shall be posted 598  
on that web site for thirty days prior to the election. The notice 599  
shall state the reason for the dissolution of the sanitary 600  
district and the time and place of the election. 601

(D) The form of the ballot cast at the election shall be as 602  
follows: 603

"Shall the ..... (name of sanitary district) be 604  
dissolved? 605

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	<u>For the dissolution</u>	
	<u>Against the dissolution</u>	"

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(E) If a majority of the electors voting on the question of dissolving the sanitary district vote in favor of the dissolution, the court shall declare the sanitary district dissolved. The dissolution shall take effect one year after the electors vote in favor of the dissolution. The court shall conclude the affairs of the sanitary district. For that purpose, all the claims, demands, or interests of creditors or claimants shall be determined as of the day on which the court declares the sanitary district dissolved.

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(F) Whether the dissolution of a sanitary district is approved or not approved in an election that is held under this section, the court may charge the sanitary district for any applicable election costs that the court incurs under section 3501.17 of the Revised Code.

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**Sec. 6115.16.** Upon its qualification, the board of directors of a sanitary district shall prepare a plan for the improvement for which the district was created. The plan shall include such maps, profiles, plans, and other data and descriptions as are necessary to set forth properly the location and character of the work, and of the property benefited or taken or damaged, with estimates of cost. In the case of a district organized wholly or partly for the reduction of populations of biting arthropods, the plan is sufficient if it includes a description, in general terms, of the methods of reducing such populations to be utilized, and it shall not be necessary to indicate in the plan the particular parcels of land in the district where the physical structures, devices, or improvements incident to the reduction of such populations are to be constructed or where the labor incident to

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the reduction of biting arthropod populations will be employed. 638

In the preparation of the plan, the board may recognize the 639  
necessity of future extensions and enlargements that may result 640  
from enlargements of the area of the district, in order that the 641  
district improvements may be designed to meet properly the 642  
increased demands. The plan for a water supply for domestic, 643  
municipal, and public use shall be prepared with recognition of an 644  
equitable apportionment of the available supply to each political 645  
subdivision within the district. If the purposes for which the 646  
district was established include both improved sanitation and 647  
improved water supply, a plan shall be prepared for each purpose. 648

If the board finds that any former survey made by any other 649  
district or in any other manner is useful for the purposes of the 650  
district, the board may take over the data secured by such survey, 651  
or such other proceedings as ~~is~~ are useful to it, and may pay 652  
therefor an amount equal to the value of such data to the 653  
district. 654

Upon the completion of the plan, the board shall submit it to 655  
the environmental protection agency for approval. In deciding 656  
whether to approve or reject the plan, the agency shall consider, 657  
among other factors, the protection of the public health, and 658  
compliance with air and water quality standards and regulations 659  
and solid waste disposal requirements. If the agency rejects the 660  
plan, the board shall proceed as in the first instance under this 661  
section to prepare another plan. If the agency refers the plan to 662  
the board for amendment, the board shall prepare and submit an 663  
amended plan to the agency. If the agency approves the plan, a 664  
copy of the action of the agency shall be filed with the secretary 665  
of the district and by ~~him~~ the secretary incorporated into the 666  
records of the district. 667

Upon the approval of the plan by the agency, the board shall 668  
cause notice by publication to be given in each county of the 669

district of the completion of the plan, and shall permit the 670  
inspection of the plan at its office by all persons interested. 671  
The notice shall fix the time and place for the hearing of all 672  
objections to the plan, which shall be not less than twenty nor 673  
more than thirty days after the last publication of the notice. 674  
All objections to the plan shall be in writing and filed with the 675  
secretary at ~~his~~ the secretary's office not more than ten days 676  
after the last publication of the notice. After the hearing before 677  
the board, the board shall adopt the plan as the official plan of 678  
the district. If any persons object to the official plan, so 679  
adopted, then those persons may, within ten days from the adoption 680  
of the official plan, file their objections in writing, specifying 681  
the features of the plan to which they object, in the original 682  
case establishing the district in the office of the clerk of the 683  
court, who shall fix a day for the hearing of the objections 684  
before the court, which shall be not less than twenty nor more 685  
than thirty days after the time fixed for filing objections, at 686  
which time the judges, sitting as a court as provided in section 687  
6115.08 or 6115.081 of the Revised Code, as applicable, for the 688  
organization of the district, shall meet at the courthouse of the 689  
county where the original case is pending and hear the objections 690  
and adopt, reject, or refer back the plan to the board. A majority 691  
of the judges shall control. If the court rejects the plan, the 692  
board shall proceed as in the first instance under this section to 693  
prepare another plan. If the court refers the plan to the board 694  
for amendment, then the court shall continue the hearing to a day 695  
certain without publication of notice. If the court approves the 696  
plan as the official plan of the district, a certified copy of the 697  
journal of the court shall be filed with the secretary, and by ~~him~~ 698  
the secretary incorporated into the records of the district. 699

The official plan may be altered in detail until the 700  
assessment roll is filed, and of all the alterations the board of 701  
appraisers of the sanitary district shall take notice. After the 702

assessment roll has been filed in court, no alterations of the 703  
official plan shall be made except as provided in section 6115.40 704  
of the Revised Code. 705

The board of directors of a sanitary district shall have full 706  
power and authority to devise, prepare for, execute, maintain, and 707  
operate all works or improvements necessary or desirable to 708  
complete, maintain, operate, and protect the official plan. It may 709  
secure and use ~~men~~ personnel and equipment under the supervision 710  
of the chief engineer or other agents, or it may let contracts for 711  
such works, either as a whole or in parts. 712

Sec. 6115.321. Sections 6115.31 and 6115.32 of the Revised 713  
Code do not apply to the proposed inclusion of land in a sanitary 714  
district that is organized wholly for the reduction of populations 715  
of biting arthropods. Instead, such an inclusion is governed by 716  
sections 6115.091 and 6115.092 of the Revised Code. 717

**Sec. 6115.46.** After the filing of a petition for the 718  
organization of a sanitary district, and before the district is 719  
organized, the costs of publication and other official costs of 720  
the proceedings, other than the costs for an election that is held 721  
under section 6115.081, 6115.092, 6115.094, or 6115.096 of the 722  
Revised Code, shall be paid out of the general funds of the county 723  
in which the petition is pending. Such payment shall be made on 724  
the warrant of the county auditor on the order of the court. If 725  
the district is organized, such cost shall be repaid to the county 726  
out of the first funds received by the district through levying of 727  
taxes or assessments or selling of bonds, or the borrowing of 728  
money. If the district is not organized, the cost shall be 729  
collected from the petitioners or their ~~bondsmen~~ bondspersons. 730  
Upon the organization of the district, the court shall make an 731  
order indicating a preliminary division of the preliminary 732  
expenses between the counties included in the district in 733



approximately the proportions of interest of the various counties 734  
as estimated by the court. The court shall issue an order to the 735  
auditor of each county to issue ~~his~~ a warrant upon the county 736  
treasurer of ~~his~~ the auditor's county to reimburse the county 737  
having paid the total cost. 738

Expenses incurred after the organization of the district and 739  
prior to the receipt of money by the district from taxes or 740  
assessments, bond sales, or otherwise, shall be paid from the 741  
general funds of the counties upon the order of the court and upon 742  
certification of the clerk of the court of such order specifying 743  
the amount and purpose of the levy to the auditor of each county, 744  
who shall thereupon at once issue ~~his~~ a warrant to the treasurer 745  
of ~~his~~ the auditor's county, ~~said~~ the payments to be made in 746  
proportion to the order outlined by the court. Upon receipt of 747  
funds by the district from the sale of bonds or by taxation or 748  
assessment, the funds so advanced by the counties shall be repaid. 749

As soon as any district has been organized, and a board of 750  
directors of the sanitary district has been appointed and 751  
qualified, such board may levy upon the property of the district 752  
not to exceed three-tenths of a mill on the assessed valuation 753  
thereof as a level rate to be used for the purpose of paying 754  
expenses of organization, for surveys and plans, and for other 755  
incidental expenses ~~which~~ that may be necessary up to the time 756  
money is received from the sale of bonds or otherwise. This tax 757  
shall be certified to the auditors of the various counties and by 758  
them to the respective treasurers of their counties. If such items 759  
of expense have already been paid in whole or in part from other 760  
sources, they may be repaid although the work proposed may have 761  
been found impracticable or for other reasons is abandoned. The 762  
collection of such tax levy and the procedure relating to the 763  
nonpayment of taxes shall conform in all matters to the collection 764  
of taxes and assessments for the district. The board may borrow 765

money in any manner provided for in sections 6115.47 and 6115.50 766  
of the Revised Code, and may pledge the receipts from such taxes 767  
or, in the case of a sanitary district organized for the purpose 768  
of providing a water supply, the proceeds of the sale of water 769  
pursuant to section 6115.62 of the Revised Code for its repayment, 770  
the information collected by the necessary surveys, the appraisal 771  
of benefits and damages, and other information and data being of 772  
real value and constituting benefits for which the tax may be 773  
levied. In case a district is disbanded for any cause before the 774  
work is constructed, the data, plans, and estimates ~~which~~ that 775  
have been secured shall be filed with the clerk of the court 776  
before which the district was organized and shall be matters of 777  
public record available to any person interested. 778

The procedures and requirements established in this section 779  
apply to the expansion of a sanitary district that is organized 780  
wholly for the reduction of populations of biting arthropods. 781

**Sec. 6115.69.** Whenever it is desired to construct 782  
improvements wholly within or partly within and partly without any 783  
sanitary district, which improvements will affect only a part of 784  
~~said~~ the district, for the purpose of accomplishing such work, 785  
subdistricts may be organized upon petition of the owners of real 786  
property within or partly within and partly without the district. 787  
Such petition shall fulfill the same requirements concerning the 788  
subdistricts as the petition outlined in section 6115.05 of the 789  
Revised Code is required to fulfill concerning the organization of 790  
the main district, shall be filed with the clerk of the same court 791  
of common pleas, and shall be accompanied by a bond as provided 792  
for in section 6115.06 of the Revised Code. All proceedings 793  
relating to the organization of such subdistricts shall conform in 794  
all things to sections 6115.01 to 6115.79, ~~inclusive,~~ of the 795  
Revised Code, relating to the organization of districts. Whenever 796  
the court by its order entered of record decrees such subdistricts 797

to be organized, the clerk of ~~said~~ the court shall thereupon give 798  
notice of such order to the board of directors of the sanitary 799  
district, which shall thereupon act also as the board of directors 800  
of the subdistrict. Thereafter, the proceedings in reference to 801  
the subdistrict shall in all matters conform to such sections~~+~~1 802  
except that in appraisal of benefits and damages for the purposes 803  
of such subdistricts, in the issuance of bonds, in the levying of 804  
assessments or taxes, and in all other matters affecting only the 805  
subdistrict, such sections shall apply to this subdistrict as 806  
though it were an independent district, and it shall not, in these 807  
things, be amalgamated with the main district. 808

The board of directors, board of appraisers, chief engineer, 809  
attorney, secretary of the sanitary district, and other officers, 810  
agents, and employees of the district shall, so far as it is 811  
necessary, serve in the same capacity for such subdistricts, and 812  
contracts and agreements between the main district and the 813  
subdistrict may be made in the same manner as contracts and 814  
agreements between two districts. The distribution of 815  
administrative expense between the main district and subdistrict 816  
shall be in proportion to the interests involved and the amount of 817  
service rendered. Such division shall be made by the board of 818  
directors with an appeal to the court establishing the district. 819  
This section does not prevent the organization of independent 820  
districts for local improvements under other laws within the 821  
limits of a district organized under sections 6115.01 to 6115.79~~+~~ 822  
~~inclusive~~, of the Revised Code, as provided in sections 6115.66 823  
and 6115.67 of the Revised Code. 824

This section does not apply to a sanitary district that is 825  
organized wholly for the reduction of populations of biting 826  
arthropods. 827

**Section 2.** That existing sections 6115.04, 6115.05, 6115.06, 828  
6115.08, 6115.16, 6115.46, and 6115.69 of the Revised Code are 829

hereby repealed.

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