

As Introduced

**128th General Assembly
Regular Session
2009-2010**

H. B. No. 220

Representative Chandler

**Cosponsors: Representatives Blair, Brown, Derickson, Gardner, Hagan,
Harwood, Letson, Skindell, Weddington, Williams, B., Yuko**

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A B I L L

To amend sections 7.10, 7.11, 7.12, 118.17, 131.23,	1
133.18, 133.55, 135.05, 301.02, 301.15, 301.28,	2
306.35, 306.43, 306.70, 307.022, 307.041, 307.10,	3
307.12, 307.676, 307.70, 307.79, 307.791, 307.81,	4
307.82, 307.83, 308.13, 317.20, 319.11, 321.18,	5
322.02, 322.021, 323.08, 324.02, 324.021, 343.08,	6
345.03, 349.03, 501.07, 503.05, 503.162, 503.41,	7
504.02, 504.03, 504.12, 504.21, 505.108, 505.17,	8
505.264, 505.28, 505.373, 505.55, 505.73, 511.23,	9
511.25, 511.28, 511.34, 513.14, 515.04, 517.12,	10
517.22, 521.03, 705.16, 711.35, 715.011, 715.47,	11
718.09, 718.10, 719.012, 719.05, 721.03, 721.15,	12
721.20, 723.07, 727.011, 727.012, 727.08, 727.14,	13
727.46, 729.08, 729.11, 731.141, 731.20, 731.21,	14
731.211, 731.22, 731.23, 731.24, 731.25, 735.05,	15
735.20, 737.32, 745.07, 747.05, 747.11, 747.12,	16
755.41, 755.42, 755.43, 759.47, 951.11, 1515.08,	17
1515.24, 1545.09, 1545.12, 1547.302, 1711.05,	18
1711.07, 1711.18, 1711.30, 1728.06, 2105.09,	19
2329.26, 2329.27, 3311.21, 3311.213, 3311.214,	20
3311.50, 3311.53, 3311.73, 3313.41, 3313.533,	21
3313.911, 3349.29, 3354.12, 3355.09, 3375.41,	22

3381.11, 3501.03, 3505.13, 3709.21, 3735.36, 23
3735.66, 4301.80, 4301.81, 4503.06, 4504.02, 24
4504.021, 4504.15, 4504.16, 4504.18, 4513.62, 25
4582.31, 4585.10, 4928.20, 4929.26, 4929.27, 26
4931.51, 4931.52, 4931.53, 5126.42, 5310.35, 27
5540.031, 5540.05, 5543.10, 5552.06, 5553.05, 28
5553.19, 5553.23, 5553.42, 5555.07, 5555.27, 29
5555.42, 5559.06, 5559.10, 5559.12, 5561.04, 30
5561.08, 5571.011, 5573.02, 5573.10, 5575.01, 31
5575.02, 5591.15, 5593.08, 5705.16, 5705.191, 32
5705.194, 5705.196, 5705.21, 5705.211, 5705.218, 33
5705.25, 5705.251, 5705.261, 5705.314, 5705.71, 34
5713.01, 5715.17, 5715.23, 5719.04, 5721.01, 35
5721.03, 5721.04, 5721.31, 5722.13, 5723.05, 36
5727.57, 5733.23, 5739.021, 5739.022, 5739.026, 37
5739.101, 5747.451, 5748.02, 5748.021, 5748.04, 38
5748.08, 6101.16, 6103.05, 6103.06, 6103.081, 39
6103.31, 6105.131, 6115.01, 6115.20, 6117.06, 40
6117.07, 6117.251, 6117.49, 6119.10, 6119.18, 41
6119.22, 6119.25, and 6119.58, to enact section 42
7.16, and to repeal sections 7.14 and 701.04 of 43
the Revised Code to implement the recommendations 44
of the Local Government Public Notice Task Force 45
by authorizing legal publication to be made in a 46
newspaper of general circulation, eliminating 47
certain publication and postal privilege 48
requirements, reducing the number of times 49
publication must be made, requiring newspapers to 50
establish a government rate for publication, 51
allowing publication of a summary of an ordinance 52
rather than publishing it in its entirety, and 53
allowing the costs of publishing delinquent 54
property tax lists to be charged to delinquent 55

taxpayers.

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

Section 1. That sections 7.10, 7.11, 7.12, 118.17, 131.23, 57
133.18, 133.55, 135.05, 301.02, 301.15, 301.28, 306.35, 306.43, 58
306.70, 307.022, 307.041, 307.10, 307.12, 307.676, 307.70, 307.79, 59
307.791, 307.81, 307.82, 307.83, 308.13, 317.20, 319.11, 321.18, 60
322.02, 322.021, 323.08, 324.02, 324.021, 343.08, 345.03, 349.03, 61
501.07, 503.05, 503.162, 503.41, 504.02, 504.03, 504.12, 504.21, 62
505.108, 505.17, 505.264, 505.28, 505.373, 505.55, 505.73, 511.23, 63
511.25, 511.28, 511.34, 513.14, 515.04, 517.12, 517.22, 521.03, 64
705.16, 711.35, 715.011, 715.47, 718.09, 718.10, 719.012, 719.05, 65
721.03, 721.15, 721.20, 723.07, 727.011, 727.012, 727.08, 727.14, 66
727.46, 729.08, 729.11, 731.141, 731.20, 731.21, 731.211, 731.22, 67
731.23, 731.24, 731.25, 735.05, 735.20, 737.32, 745.07, 747.05, 68
747.11, 747.12, 755.41, 755.42, 755.43, 759.47, 951.11, 1515.08, 69
1515.24, 1545.09, 1545.12, 1547.302, 1711.05, 1711.07, 1711.18, 70
1711.30, 1728.06, 2105.09, 2329.26, 2329.27, 3311.21, 3311.213, 71
3311.214, 3311.50, 3311.53, 3311.73, 3313.41, 3313.533, 3313.911, 72
3349.29, 3354.12, 3355.09, 3375.41, 3381.11, 3501.03, 3505.13, 73
3709.21, 3735.36, 3735.66, 4301.80, 4301.81, 4503.06, 4504.02, 74
4504.021, 4504.15, 4504.16, 4504.18, 4513.62, 4582.31, 4585.10, 75
4928.20, 4929.26, 4929.27, 4931.51, 4931.52, 4931.53, 5126.42, 76
5310.35, 5540.031, 5540.05, 5543.10, 5552.06, 5553.05, 5553.19, 77
5553.23, 5553.42, 5555.07, 5555.27, 5555.42, 5559.06, 5559.10, 78
5559.12, 5561.04, 5561.08, 5571.011, 5573.02, 5573.10, 5575.01, 79
5575.02, 5591.15, 5593.08, 5705.16, 5705.191, 5705.194, 5705.196, 80
5705.21, 5705.211, 5705.218, 5705.25, 5705.251, 5705.261, 81
5705.314, 5705.71, 5713.01, 5715.17, 5715.23, 5719.04, 5721.01, 82
5721.03, 5721.04, 5721.31, 5722.13, 5723.05, 5727.57, 5733.23, 83
5739.021, 5739.022, 5739.026, 5739.101, 5747.451, 5748.02, 84
5748.021, 5748.04, 5748.08, 6101.16, 6103.05, 6103.06, 6103.081, 85

6103.31, 6105.131, 6115.01, 6115.20, 6117.06, 6117.07, 6117.251, 86
6117.49, 6119.10, 6119.18, 6119.22, 6119.25, and 6119.58 be 87
amended and section 7.16 of the Revised Code be enacted to read as 88
follows: 89

Sec. 7.10. For the publication of advertisements, notices, 90
and proclamations, except those relating to proposed amendments to 91
the Ohio ~~constitution~~ Constitution, required to be published by a 92
public officer of the state, ~~county, municipal corporation,~~ 93
~~township, school, a~~ benevolent or other public institution, ~~or by~~ 94
a trustee, assignee, executor, or administrator, or by or in any 95
court of record, except when the rate is otherwise fixed by law, 96
publishers of newspapers may charge and receive for such 97
advertisements, notices, and proclamations rates charged on annual 98
contracts by them for a like amount of space to other advertisers 99
who advertise in its general display advertising columns. ~~Legal~~ 100
For advertisements, notices, or proclamations required to be 101
published by a county, municipal corporation, township, school, or 102
other political subdivision, publishers of newspapers shall 103
establish a government rate. The government rate shall not exceed 104
the lowest noncontract classified rate paid by other advertisers. 105

Legal advertising, except that relating to proposed 107
amendments to the Ohio ~~constitution~~ Constitution, shall be set up 108
in a compact form, without unnecessary spaces, blanks, or 109
headlines, and printed in not smaller than six-point type. The 110
type used must be of such proportions that the body of the capital 111
letter M is no wider than it is high and all other letters and 112
characters are in proportion. 113

Except as provided in section 2701.09 of the Revised Code, 114
all legal advertisements or notices shall be printed in newspapers 115
~~published in the English language only~~ of general circulation and 116

also shall be posted on a newspaper's internet web site, if the 117
newspaper has one. 118

Sec. 7.11. A proclamation for an election, an order fixing 119
the time of holding court, notice of the rates of taxation, bridge 120
and pike notices, notice to contractors, and such other 121
advertisements of general interest to the taxpayers as the county 122
auditor, county treasurer, probate judge, or board of county 123
commissioners deems proper shall be published in ~~two newspapers~~ a 124
newspaper of ~~opposite politics~~ of general circulation as defined 125
in section ~~5721.01~~ 7.12 of the Revised Code at the county seat ~~if~~ 126
~~there are such newspapers published thereat. If there are not two~~ 127
~~newspapers of opposite politics and of general circulation~~ 128
~~published in said county seat, such publication shall be made in~~ 129
~~one newspaper published in said county seat and in any other~~ 130
~~newspaper of general circulation in said county as defined in~~ 131
~~section 5721.01 of the Revised Code, wherever published, without~~ 132
~~regard to the politics of such other newspaper.~~ In counties having 133
cities of eight thousand inhabitants or more, not the county seat 134
of such counties, additional publication of such notice shall be 135
made in ~~two newspapers~~ a newspaper of ~~opposite politics and of~~ 136
general circulation in such city as defined in such section. ~~For~~ 137
~~purposes of this section, a newspaper independent in politics is a~~ 138
~~newspaper of opposite politics to a newspaper of designated~~ 139
~~political affiliation. Sections 7.10 to 7.13, inclusive, of the~~ 140
~~Revised Code, do not apply to the publication of notices of~~ 141
~~delinquent and forfeited land sales.~~ 142

The cost of any publication authorized by this section, which 143
~~is~~ shall be printed in display form, shall be the ~~commercial~~ 144
government rate ~~charged~~ established by such newspaper under 145
section 7.10 of the Revised Code. 146

Sec. 7.12. (A) ~~Whenever any legal publication~~ a political 147

~~subdivision~~ is required by law to be ~~made~~ make any legal 148
publication in a newspaper ~~published in a municipal corporation,~~ 149
~~county, or other political subdivision,~~ the newspaper shall also 150
be a newspaper of general circulation in the ~~municipal~~ 151
~~corporation, county, or other political subdivision, without~~ 152
~~further restriction or limitation upon a selection of the~~ 153
~~newspaper to be used. If no newspaper is published in such~~ 154
~~municipal corporation, county, or other political subdivision,~~ 155
such legal publication shall be made in any newspaper of general 156
circulation therein. If there are less than two newspapers 157
published in any municipal corporation, county, or other political 158
subdivision in the manner defined by this section, then any legal 159
publication required by law to be made in a newspaper published in 160
a ~~municipal corporation, county, or other political subdivision~~ 161
may be made in any newspaper regularly issued at stated intervals 162
from a known office of publication located within the municipal 163
~~corporation, county, or other political subdivision. As used in~~ 164
~~this section, a known office of publication is a public office~~ 165
~~where the business of the newspaper is transacted during the usual~~ 166
~~business hours, and such office shall be shown by the publication~~ 167
~~itself. A~~ 168

~~In addition to all other requirements, a "newspaper" or~~ 169
~~"newspaper of general circulation," except those publications~~ 170
performing the functions described in section 2701.09 of the 171
Revised Code for a period of ~~one year~~ three years immediately 172
preceding any such publication required to be made, shall be a 173
publication bearing a title or name, regularly issued ~~as~~ 174
~~frequently as at least~~ once a week ~~for a definite price or~~ 175
~~consideration paid for by not less than fifty per cent of those to~~ 176
~~whom distribution is made, having a second class mailing~~ 177
~~privilege, being not less than four pages, published continuously~~ 178
~~during the immediately preceding one year period, and circulated~~ 179
~~generally in the political subdivision in which it is published.~~ 180

~~Such publication must be of a type to which the general public
resorts for passing events of a political, religious, commercial,
and social nature, current happenings, announcements,
miscellaneous reading matter, advertisements, and other notices,
and that meets all of the following requirements:~~

(1) It is printed in the English language using traditional
printing methods, being not less than eight pages in the
broadsheet format or its equivalent.

(2) It contains at least twenty-five per cent editorial
content consisting of news of general public interest, including
local news, political information, local sports, and editorial
commentary.

(3) Not less than fifty per cent of those to whom the
publication is distributed pay a definite price for it.

(4) The publication has been in circulation continuously for
at least three years in the political subdivision responsible for
placing the legal notice.

(5) The publication is the area's newspaper of record because
it is circulated generally in the political subdivision by United
States mail or carrier delivery to a minimum of thirty per cent of
the households in the political subdivision, or, if this minimum
circulation percentage cannot be met, the publication has the
highest household circulation percentage of all the qualifying
publications circulated in the political subdivision.

(6) The publication has the ability to add to its
distribution list subscribers in the political subdivision.

(B) A person who disagrees that a publication is a "newspaper
of general circulation" in which legal publication may be made
under this section may deliver a written request for binding
arbitration to the publisher of the publication and to the court
of common pleas of the county in which is located the political

subdivision in which the publication is circulated. The court of 212
common pleas shall appoint an arbitrator. The petitioner and the 213
publisher of the publication shall pay the costs of the 214
arbitrator's service in equal amounts. 215

Not later than thirty days after the arbitrator's 216
appointment, the petitioner and the publisher of the publication 217
each shall deliver to the arbitrator a recommendation for 218
resolution of the matter. Not later than sixty days after the 219
arbitrator's appointment, the arbitrator shall approve one of the 220
recommendations submitted or decide the dispute based on the 221
arbitrator's judgment. The arbitrator shall deliver to the 222
petitioner and the publisher a written statement of the 223
arbitration decision. The petitioner and publisher shall abide by 224
the decision, which shall be enforced, upon petition by either the 225
petitioner or publisher, by the court of common pleas of the 226
county that appointed the arbitrator. 227

Sec. 7.16. (A) If a section of the Revised Code requires a 228
political subdivision to publish a notice or advertisement two or 229
more times in a newspaper of general circulation, the section 230
refers to this section, and the political subdivision operates and 231
maintains an internet web site, the second publication otherwise 232
required by that section may be made in abbreviated form in a 233
newspaper of general circulation in the political subdivision 234
designated in that section and on the newspaper's internet web 235
site, if the newspaper has one, and the political subdivision may 236
eliminate any further newspaper publications, provided that the 237
second, abbreviated notice or advertisement meets all the 238
following requirements: 239

(1) It is published in the newspaper of general circulation 240
in which the first publication of the notice or advertisement was 241
made and is published on that newspaper's internet web site, if 242

<u>the newspaper has one.</u>	243
<u>(2) It includes a statement that the notice or advertisement is posted in its entirety on the political subdivision's internet web site.</u>	244 245 246
<u>(3) It includes the political subdivision's and the newspaper's internet addresses on the world wide web.</u>	247 248
<u>(4) It includes instructions for accessing the notice or advertisement on the subdivision's and newspaper's internet web sites.</u>	249 250 251
<u>(5) It is of sufficient size that it covers at least one-eighth of a page in the newspaper.</u>	252 253
<u>(B) A notice or advertisement published under this section on a political subdivision's internet web site shall be published in its entirety in accordance with the section of the Revised Code that requires the publication.</u>	254 255 256 257
<u>(C) If a political subdivision does not operate and maintain, or ceases to operate and maintain, an internet web site, the political subdivision shall not publish a notice or advertisement under this section, but instead shall comply with the publication requirements of the section of the Revised Code that refers to this section.</u>	258 259 260 261 262 263
Sec. 118.17. (A) During a fiscal emergency period and with the approval of the financial planning and supervision commission, a municipal corporation, county, or township may issue local government fund notes, in anticipation of amounts to be allocated to it pursuant to division (B) of section 5747.50 of the Revised Code or to be apportioned to it under section 5747.51 or 5747.53 of the Revised Code in a future year or years, for a period of no more than eight calendar years. The principal amount of the notes and interest on the notes due and payable in any year shall not	264 265 266 267 268 269 270 271 272

exceed fifty per cent of the total amount of local government fund 273
moneys so allocated or apportioned to the municipal corporation, 274
county, or township for the year preceding the year in which the 275
notes are issued. The notes may mature in semiannual or annual 276
installments in such amounts as may be fixed by the commission, 277
and need not mature in substantially equal semiannual or annual 278
installments. The notes of a municipal corporation may be 279
authorized and issued, subject to the approval of the commission, 280
in the manner provided in sections 717.15 and 717.16 of the 281
Revised Code, except that, notwithstanding division (A)(2) of 282
section 717.16 of the Revised Code, the rate or rates of interest 283
payable on the notes shall be the prevailing market rate or rates 284
as determined and approved by the commission, and except that they 285
shall not be issued in anticipation of bonds, shall not constitute 286
general obligations of the municipal corporation, and shall not 287
pledge the full faith and credit of the municipal corporation. 288

(B) The principal and interest on the notes provided for in 289
this section shall be payable, as provided in this section, solely 290
from the portion of the local government fund that would otherwise 291
be apportioned to the municipal corporation, county, or township 292
and shall not be payable from or constitute a pledge of or claim 293
upon, or require the levy, collection, or application of, any 294
unvoted ad valorem property taxes or other taxes, or in any manner 295
occupy any portion of the indirect debt limit. 296

(C) Local government fund notes may be issued only to the 297
extent needed to achieve one or more of the following objectives 298
of the financial plan: 299

(1) Satisfying any contractual or noncontractual judgments, 300
past due accounts payable, and all past due and payable payroll 301
and fringe benefits to be taken into account under section 118.03 302
of the Revised Code; 303

(2) Restoring to construction funds or other restricted funds 304

any money applied from such funds to uses not within the purposes 305
of such funds and which could not be transferred to such use under 306
section 5705.14 of the Revised Code; 307

(3) Eliminating deficit balances in all deficit funds, 308
including funds that may be used to pay operating expenses. 309

In addition to the objectives set forth in divisions (C)(1) 310
to (3) of this section, local government fund notes may be issued 311
and the proceeds of those notes may be used for the purpose of 312
retiring or replacing other moneys used to retire current revenue 313
notes issued pursuant to section 118.23 of the Revised Code to the 314
extent that the proceeds of the current revenue notes have been or 315
are to be used directly or to replace other moneys used to achieve 316
one or more of the objectives of the financial plan specified in 317
divisions (C)(1) to (3) of this section. Upon authorization of the 318
local government fund notes by the legislative authority of the 319
municipal corporation, county, or township, the proceeds of the 320
local government fund notes and the proceeds of any such current 321
revenue notes shall be deemed to be appropriated, to the extent 322
that the proceeds have been or are to be so used, for the purposes 323
for which the revenues anticipated by any such current revenue 324
notes are collected and appropriated within the meaning of section 325
133.10 of the Revised Code. 326

(D) The need for an issue of local government fund notes for 327
such purposes shall be determined by taking into consideration 328
other money and sources of moneys available therefor under this 329
chapter or other provisions of law, and calculating the respective 330
amounts needed therefor in accordance with section 118.03 of the 331
Revised Code, including the deductions or offsets therein 332
provided, for determining that a fiscal emergency condition 333
exists, and by eliminating any duplication of amounts thereunder. 334
The respective amounts needed to achieve such objectives and the 335
resulting aggregate net amount shall be determined initially by a 336

certification of the fiscal officer as and to the extent approved 337
by the financial supervisor. The principal amount of such notes 338
shall not exceed the aggregate net amount needed for such 339
purposes. The aggregate amount of all issues of such notes shall 340
not exceed three times the average of the allocation or 341
apportionment to the municipal corporation, county, or township of 342
moneys from the local government fund in each of the three fiscal 343
years preceding the fiscal year in which the notes are issued. 344

(E) The proceeds of the sale of local government fund notes 345
shall be appropriated by the municipal corporation, county, or 346
township for and shall be applied only to the purposes, and in the 347
respective amounts for those purposes, set forth in the 348
certification given pursuant to division (D) of this section, as 349
the purposes and amounts may be modified in the approval by the 350
commission provided for in this section. The proceeds shall be 351
deposited in separate accounts with a fiscal agent designated in 352
the resolution referred to in division (F) of this section and 353
released only for such respective purposes in accordance with the 354
procedures set forth in division (D) of section 118.20 of the 355
Revised Code. Any amounts not needed for such purposes shall be 356
deposited with the fiscal agent designated to receive deposits for 357
payment of the principal of and interest due on the notes. 358

(F) An application for approval by the financial planning and 359
supervision commission of an issue of local government fund notes 360
shall be authorized by a preliminary resolution adopted by the 361
legislative authority. The resolution may authorize the 362
application as a part of the initial submission of the financial 363
plan for approval or as a part of any proposed amendment to an 364
approved financial plan or at any time after the approval of a 365
financial plan, or amendment to a financial plan, that proposes 366
the issue of such notes. The preliminary resolution shall 367
designate a fiscal agent for the deposit of the proceeds of the 368

sale of the notes, and shall contain a covenant of the municipal 369
corporation, county, or township to comply with this chapter and 370
the financial plan. 371

The commission shall review and evaluate the application and 372
supporting certification and financial supervisor action, and 373
shall thereupon certify its approval or disapproval, or 374
modification and approval, of the application. 375

The commission shall certify the amounts, maturities, 376
interest rates, and terms of issue of the local government fund 377
notes approved by the commission and the purposes to which the 378
proceeds of the sale of the notes will be applied in respective 379
amounts. 380

The commission shall certify a copy of its approval, of the 381
preliminary resolution, and of the related certification and 382
action of the financial supervisor to the fiscal officer, the 383
financial supervisor, the county budget commission, the county 384
auditor, the county treasurer, and the fiscal agent designated to 385
receive and disburse the proceeds of the sale of the notes. 386

(G) Upon the sale of any local government fund notes issued 387
under this section, the commission shall determine a schedule for 388
the deposit of local government fund distributions that are 389
pledged for the payment of the principal of and interest on the 390
notes with the fiscal agent or trustee designated in the agreement 391
between the municipal corporation, county, or township and the 392
holders of the notes to receive and disburse the distributions. 393
The amounts to be deposited shall be adequate to provide for the 394
payment of principal and interest on the notes when due and to pay 395
all other proper charges, costs, or expenses pertaining thereto. 396

The amount of the local government fund moneys apportioned to 397
the municipal corporation, county, or township that is to be so 398
deposited in each year shall not be included in the tax budget and 399

appropriation measures of the municipal corporation, county, or township, or in certificates of estimated revenues, for that year.

The commission shall certify the schedule to the officers designated in division (F) of this section.

(H) Deposit of amounts with the fiscal agent or trustee pursuant to the schedule determined by the commission shall be made from local government fund distributions to or apportioned to the municipal corporation, county, or township as provided in this division. The apportionment of local government fund moneys to the municipal corporation, county, or township for any year from the undivided local government fund shall be determined as to the municipal corporation, county, or township without regard to the amounts to be deposited with the fiscal agent or trustee in that year in accordance with division (G) of this section. After the amount of the undivided local government fund apportioned to the municipal corporation, county, or township for a calendar year is determined, the county auditor and the county treasurer shall withhold from each monthly amount to be distributed to the municipal corporation, county, or township from the undivided local government fund, and transmit to the fiscal agent or trustee for deposit, one-twelfth of the amount scheduled for deposit in that year pursuant to division (G) of this section.

(I) If the commission approves the application, the municipal corporation, county, or township may proceed with the issuance of the notes as approved by the commission.

All notes issued under authority of this section are lawful investments for the entities enumerated in division (A)(1) of section 133.03 of the Revised Code and are eligible as security for the repayment of the deposit of public moneys.

Upon the issuance of any notes under this section, the fiscal officer of the municipal corporation, county, or township shall

certify the fact of the issuance to the county auditor and shall 431
also certify to the county auditor the last calendar year in which 432
any of the notes are scheduled to mature. 433

(J) After the legislative authority of the municipal 434
corporation, county, or township has passed an ordinance or 435
resolution authorizing the issuance of local government fund notes 436
and subsequent to the commission's preliminary or final approval 437
of the ordinance or resolution, the director of law, prosecuting 438
attorney, or other chief legal officer of the municipal 439
corporation, county, or township shall certify a sample of the 440
form and content of a note to be used to issue the local 441
government fund notes to the commission. The commission shall 442
determine whether the sample note is consistent with this section 443
and the ordinance or resolution authorizing the issuance of the 444
local government fund notes, and if the sample note is found to be 445
consistent with this section and the ordinance, the commission 446
shall approve the sample note for use by the municipal 447
corporation, county, or township. The form and content of the 448
notes to be used by the municipal corporation, county, or township 449
in issuing the local government fund notes may be modified at any 450
time subsequent to the commission's approval of the sample note 451
upon the approval of the commission and the director of law, 452
prosecuting attorney, or other chief legal officer of the 453
municipal corporation, county, or township. The failure of the 454
director of law, prosecuting attorney, or other chief legal 455
officer of the municipal corporation, county, or township to make 456
the certification required by this division shall not subject that 457
legal officer to removal pursuant to the Revised Code or the 458
charter of a municipal corporation. If the director of law, 459
prosecuting attorney, or other chief legal officer fails or 460
refuses to make the certification required by this division, or if 461
any officer of the municipal corporation, county, or township 462
fails or refuses to take any action required by this section or 463

the ordinance or resolution authorizing the issuance or sale of 464
local government fund notes, the mayor of the municipal 465
corporation or the board of county commissioners or board of 466
township trustees may cause the commencement of a mandamus action 467
in the supreme court against the director of law, prosecuting 468
attorney, or other chief legal officer to secure the certification 469
required by this division or other action required by this section 470
or the ordinance or resolution. If an adjudication of the matters 471
that could be adjudicated in validation proceedings under section 472
133.70 of the Revised Code is necessary to a determination of the 473
mandamus action, the mayor, the board of county commissioners, or 474
the board of township trustees or the mayor's or board's legal 475
counsel shall name and cause to be served as defendants to the 476
mandamus action all of the following: 477

(1) The director of law, prosecuting attorney, or other chief 478
legal officer, or other official of the municipal corporation, 479
county, or township, whose failure or refusal to act necessitated 480
the action; 481

(2) The municipal corporation, through its mayor, or the 482
board of county commissioners or board of township trustees; 483

(3) The financial planning and supervision commission, 484
through its chairperson; 485

(4) The prosecuting attorney and auditor of each county in 486
which the municipal corporation, county, or township is located, 487
in whole or in part; 488

(5) The auditor of state; 489

(6) The property owners, taxpayers, citizens of the municipal 490
corporation, county, or township and others having or claiming any 491
right, title, or interest in any property or funds to be affected 492
by the issuance of the local government fund notes by the 493
municipal corporation, county, or township, or otherwise affected 494

in any way thereby. 495

Service upon all defendants described in division (J)(6) of 496
this section shall be either by publication three times, with at 497
least six days between each publication, in a newspaper of general 498
circulation in Franklin county and a newspaper of general 499
circulation in the county or counties where the municipal 500
corporation, county, or township is located, or by publication in 501
both such newspapers as provided in section 7.16 of the Revised 502
Code. The publication and the notice shall indicate that the 503
nature of the action is in mandamus, the name of the parties to 504
the action, and that the action may result in the validation of 505
the subject local government fund notes. Authorization to commence 506
such an action by the legislative authority of the municipal 507
corporation, county, or township is not required. 508

A copy of the complaint in the mandamus action shall be 509
served personally or by certified mail upon the attorney general. 510
If the attorney general has reason to believe that the complaint 511
is defective, insufficient, or untrue, or if in the attorney 512
general's opinion the issuance of the local government fund notes 513
is not lawful or has not been duly authorized, defense shall be 514
made to the complaint as the attorney general considers proper. 515

(K) The action in mandamus authorized by division (J) of this 516
section shall take priority over all other civil cases pending in 517
the court, except habeas corpus, and shall be determined with the 518
least possible delay. The supreme court may determine that the 519
local government fund notes will be consistent with the purpose 520
and effects, including not occupying the indirect debt limit, 521
provided for in this section and will be validly issued and 522
acquired. Such a determination shall include a finding of 523
validation of the subject local government fund notes if the court 524
specifically finds that: 525

(1) The complaint in mandamus, or subsequent pleadings, 526

include appropriate allegations required by division (C) of 527
section 133.70 of the Revised Code, and that the proceeding is in 528
lieu of an action to validate under section 133.70 of the Revised 529
Code; 530

(2) All parties described in divisions (J)(1) to (6) of this 531
section have been duly served with notice or are otherwise 532
properly before the court; 533

(3) Notice of the action has been published as required by 534
division (J) of this section; 535

(4) The effect of validation is required to provide a 536
complete review and determination of the controversy in mandamus, 537
and to avoid duplication of litigation, danger of inconsistent 538
results, or inordinate delay in light of the fiscal emergency, or 539
that a disposition in the mandamus action would, as a practical 540
matter, be dispositive of any subsequent validation proceedings 541
under section 133.70 of the Revised Code. 542

(L) Any decision that includes a finding of validation has 543
the same effect as a validation order established by an action 544
under section 133.70 of the Revised Code. 545

(M) Divisions (J) and (K) of this section do not prevent a 546
municipal corporation, county, or township from using section 547
133.70 of the Revised Code to validate local government fund notes 548
by the filing of a petition for validation in the court of common 549
pleas of the county in which the municipal corporation, county, or 550
township is located, in whole or in part. 551

(N) It is hereby determined by the general assembly that a 552
validation action authorized by section 133.70 of the Revised Code 553
is not an adequate remedy at law with respect to a municipal 554
corporation, county, or township that is a party to a mandamus 555
action pursuant to divisions (J) and (K) of this section and in 556
which a fiscal emergency condition has been determined to exist 557

pursuant to section 118.04 of the Revised Code because of, but not 558
limited to, the following reasons: 559

(1) It is urgently necessary for such a municipal 560
corporation, county, or township to take prompt action to issue 561
local government fund notes for the purposes provided in division 562
(C) of this section; 563

(2) The potentially ruinous effect upon the fiscal condition 564
of a municipal corporation, county, or township by the passage of 565
the time required to adjudicate such a separate validation action 566
and any appeals thereof; 567

(3) The reasons stated in division (K)(4) of this section. 568

Sec. 131.23. The various political subdivisions of this state 569
may issue bonds, and any indebtedness created by that issuance 570
shall not be subject to the limitations or included in the 571
calculation of indebtedness prescribed by sections 133.05, 133.06, 572
133.07, and 133.09 of the Revised Code, but the bonds may be 573
issued only under the following conditions: 574

(A) The subdivision desiring to issue the bonds shall obtain 575
from the county auditor a certificate showing the total amount of 576
delinquent taxes due and unpayable to the subdivision at the last 577
semiannual tax settlement. 578

(B) The fiscal officer of that subdivision shall prepare a 579
statement, from the books of the subdivision, verified by the 580
fiscal officer under oath, which shall contain the following facts 581
of the subdivision: 582

(1) The total bonded indebtedness; 583

(2) The aggregate amount of notes payable or outstanding 584
accounts of the subdivision, incurred prior to the commencement of 585
the current fiscal year, which shall include all evidences of 586
indebtedness issued by the subdivision except notes issued in 587

anticipation of bond issues and the indebtedness of any	588
nontax-supported public utility;	589
(3) Except in the case of school districts, the aggregate	590
current year's requirement for disability financial assistance and	591
disability medical assistance provided under Chapter 5115. of the	592
Revised Code that the subdivision is unable to finance except by	593
the issue of bonds;	594
(4) The indebtedness outstanding through the issuance of any	595
bonds or notes pledged or obligated to be paid by any delinquent	596
taxes;	597
(5) The total of any other indebtedness;	598
(6) The net amount of delinquent taxes unpledged to pay any	599
bonds, notes, or certificates, including delinquent assessments on	600
improvements on which the bonds have been paid;	601
(7) The budget requirements for the fiscal year for bond and	602
note retirement;	603
(8) The estimated revenue for the fiscal year.	604
(C) The certificate and statement provided for in divisions	605
(A) and (B) of this section shall be forwarded to the tax	606
commissioner, together with a request for authority to issue bonds	607
of the subdivision in an amount not to exceed seventy per cent of	608
the net unobligated delinquent taxes and assessments due and owing	609
to the subdivision, as set forth in division (B)(6) of this	610
section.	611
(D) No subdivision may issue bonds under this section in	612
excess of a sufficient amount to pay the indebtedness of the	613
subdivision as shown by division (B)(2) of this section and,	614
except in the case of school districts, to provide funds for	615
disability financial assistance and disability medical assistance,	616
as shown by division (B)(3) of this section.	617

(E) The tax commissioner shall grant to the subdivision 618
authority requested by the subdivision as restricted by divisions 619
(C) and (D) of this section and shall make a record of the 620
certificate, statement, and grant in a record book devoted solely 621
to such recording and which shall be open to inspection by the 622
public. 623

(F) The commissioner shall immediately upon issuing the 624
authority provided in division (E) of this section notify the 625
proper authority having charge of the retirement of bonds of the 626
subdivision by forwarding a copy of the grant of authority and of 627
the statement provided for in division (B) of this section. 628

(G) Upon receipt of authority, the subdivision shall proceed 629
according to law to issue the amount of bonds authorized by the 630
commissioner, and authorized by the taxing authority, provided the 631
taxing authority of that subdivision may submit, by resolution, to 632
the electors of that subdivision the question of issuing the 633
bonds. The resolution shall make the declarations and statements 634
required by section 133.18 of the Revised Code. The county auditor 635
and taxing authority shall thereupon proceed as set forth in 636
divisions (C) and (D) of that section. The election on the 637
question of issuing the bonds shall be held under divisions (E), 638
(F), and (G) of that section, except that publication of the 639
notice of the election shall be made on two separate days prior to 640
the election in ~~one or more newspapers~~ a newspaper of general 641
circulation in the subdivision, ~~and, if~~ or as provided in section 642
7.16 of the Revised Code. If the board of elections operates and 643
maintains a web site, notice of the election also shall be posted 644
on that web site for thirty days prior to the election. The bonds 645
may be exchanged at their face value with creditors of the 646
subdivision in liquidating the indebtedness described and 647
enumerated in division (B)(2) of this section or may be sold as 648
provided in Chapter 133. of the Revised Code, and in either event 649

shall be uncontestable. 650

(H) The per cent of delinquent taxes and assessments 651
collected for and to the credit of the subdivision after the 652
exchange or sale of bonds as certified by the commissioner shall 653
be paid to the authority having charge of the sinking fund of the 654
subdivision, which money shall be placed in a separate fund for 655
the purpose of retiring the bonds so issued. The proper authority 656
of the subdivisions shall provide for the levying of a tax 657
sufficient in amount to pay the debt charges on all such bonds 658
issued under this section. 659

(I) This section is for the sole purpose of assisting the 660
various subdivisions in paying their unsecured indebtedness, and 661
providing funds for disability financial assistance and disability 662
medical assistance. The bonds issued under authority of this 663
section shall not be used for any other purpose, and any exchange 664
for other purposes, or the use of the money derived from the sale 665
of the bonds by the subdivision for any other purpose, is 666
misapplication of funds. 667

(J) The bonds authorized by this section shall be redeemable 668
or payable in not to exceed ten years from date of issue and shall 669
not be subject to or considered in calculating the net 670
indebtedness of the subdivision. The budget commission of the 671
county in which the subdivision is located shall annually allocate 672
such portion of the then delinquent levy due the subdivision which 673
is unpledged for other purposes to the payment of debt charges on 674
the bonds issued under authority of this section. 675

(K) The issue of bonds under this section shall be governed 676
by Chapter 133. of the Revised Code, respecting the terms used, 677
forms, manner of sale, and redemption except as otherwise provided 678
in this section. 679

The board of county commissioners of any county may issue 680

bonds authorized by this section and distribute the proceeds of 681
the bond issues to any or all of the cities and townships of the 682
county, according to their relative needs for disability financial 683
assistance and disability medical assistance as determined by the 684
county. 685

All sections of the Revised Code inconsistent with or 686
prohibiting the exercise of the authority conferred by this 687
section are inoperative respecting bonds issued under this 688
section. 689

Sec. 133.18. (A) The taxing authority of a subdivision may by 690
legislation submit to the electors of the subdivision the question 691
of issuing any general obligation bonds, for one purpose, that the 692
subdivision has power or authority to issue. 693

(B) When the taxing authority of a subdivision desires or is 694
required by law to submit the question of a bond issue to the 695
electors, it shall pass legislation that does all of the 696
following: 697

(1) Declares the necessity and purpose of the bond issue; 698

(2) States the date of the authorized election at which the 699
question shall be submitted to the electors; 700

(3) States the amount, approximate date, estimated rate of 701
interest, and maximum number of years over which the principal of 702
the bonds may be paid; 703

(4) Declares the necessity of levying a tax outside the tax 704
limitation to pay the debt charges on the bonds and any 705
anticipatory securities. 706

The estimated rate of interest, and any statutory or charter 707
limit on interest rates that may then be in effect and that is 708
subsequently amended, shall not be a limitation on the actual 709
interest rate or rates on the securities when issued. 710

(C)(1) The taxing authority shall certify a copy of the 711
legislation passed under division (B) of this section to the 712
county auditor. The county auditor shall promptly calculate and 713
advise and, not later than seventy-five days before the election, 714
confirm that advice by certification to, the taxing authority the 715
estimated average annual property tax levy, expressed in cents or 716
dollars and cents for each one hundred dollars of tax valuation 717
and in mills for each one dollar of tax valuation, that the county 718
auditor estimates to be required throughout the stated maturity of 719
the bonds to pay the debt charges on the bonds. In calculating the 720
estimated average annual property tax levy for this purpose, the 721
county auditor shall assume that the bonds are issued in one 722
series bearing interest and maturing in substantially equal 723
principal amounts in each year over the maximum number of years 724
over which the principal of the bonds may be paid as stated in 725
that legislation, and that the amount of the tax valuation of the 726
subdivision for the current year remains the same throughout the 727
maturity of the bonds, except as otherwise provided in division 728
(C)(2) of this section. If the tax valuation for the current year 729
is not determined, the county auditor shall base the calculation 730
on the estimated amount of the tax valuation submitted by the 731
county auditor to the county budget commission. If the subdivision 732
is located in more than one county, the county auditor shall 733
obtain the assistance of the county auditors of the other 734
counties, and those county auditors shall provide assistance, in 735
establishing the tax valuation of the subdivision for purposes of 736
certifying the estimated average annual property tax levy. 737

(2) When considering the tangible personal property component 738
of the tax valuation of the subdivision, the county auditor shall 739
take into account the assessment percentages prescribed in section 740
5711.22 of the Revised Code. The tax commissioner may issue rules, 741
orders, or instructions directing how the assessment percentages 742
must be utilized. 743

(D) After receiving the county auditor's advice under 744
division (C) of this section, the taxing authority by legislation 745
may determine to proceed with submitting the question of the issue 746
of securities, and shall, not later than the seventy-fifth day 747
before the day of the election, file the following with the board 748
of elections: 749

(1) Copies of the legislation provided for in divisions (B) 750
and (D) of this section; 751

(2) The amount of the estimated average annual property tax 752
levy, expressed in cents or dollars and cents for each one hundred 753
dollars of tax valuation and in mills for each one dollar of tax 754
valuation, as estimated and certified to the taxing authority by 755
the county auditor. 756

(E)(1) The board of elections shall prepare the ballots and 757
make other necessary arrangements for the submission of the 758
question to the electors of the subdivision. If the subdivision is 759
located in more than one county, the board shall inform the boards 760
of elections of the other counties of the filings with it, and 761
those other boards shall if appropriate make the other necessary 762
arrangements for the election in their counties. The election 763
shall be conducted, canvassed, and certified in the manner 764
provided in Title XXXV of the Revised Code. 765

(2) The election shall be held at the regular places for 766
voting in the subdivision. If the electors of only a part of a 767
precinct are qualified to vote at the election the board of 768
elections may assign the electors in that part to an adjoining 769
precinct, including an adjoining precinct in another county if the 770
board of elections of the other county consents to and approves 771
the assignment. Each elector so assigned shall be notified of that 772
fact prior to the election by notice mailed by the board of 773
elections, in such manner as it determines, prior to the election. 774

(3) The board of elections shall publish a notice of the election, ~~once in one or more newspapers~~ a newspaper of general circulation in the subdivision, ~~at least once~~ no later than ten days prior to the election. The notice shall state all of the following:

(a) The principal amount of the proposed bond issue;

(b) The stated purpose for which the bonds are to be issued;

(c) The maximum number of years over which the principal of the bonds may be paid;

(d) The estimated additional average annual property tax levy, expressed in cents or dollars and cents for each one hundred dollars of tax valuation and in mills for each one dollar of tax valuation, to be levied outside the tax limitation, as estimated and certified to the taxing authority by the county auditor;

(e) The first calendar year in which the tax is expected to be due.

(F)(1) The form of the ballot to be used at the election shall be substantially either of the following, as applicable:

(a) "Shall bonds be issued by the (name of subdivision) for the purpose of (purpose of the bond issue) in the principal amount of (principal amount of the bond issue), to be repaid annually over a maximum period of (the maximum number of years over which the principal of the bonds may be paid) years, and an annual levy of property taxes be made outside the (as applicable, "ten-mill" or "...charter tax") limitation, estimated by the county auditor to average over the repayment period of the bond issue (number of mills) mills for each one dollar of tax valuation, which amounts to (rate expressed in cents or dollars and cents, such as "36 cents" or "\$1.41") for each one hundred dollars of tax valuation, commencing in (first year the

tax will be levied), first due in calendar year (first 806
calendar year in which the tax shall be due), to pay the annual 807
debt charges on the bonds, and to pay debt charges on any notes 808
issued in anticipation of those bonds? 809

	For the bond issue
	Against the bond issue

"

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(b) In the case of an election held pursuant to legislation 814
adopted under section 3375.43 or 3375.431 of the Revised Code: 815

"Shall bonds be issued for (name of library) for 816
the purpose of (purpose of the bond issue), in the 817
principal amount of (amount of the bond issue) by 818
..... (the name of the subdivision that is to issue the bonds 819
and levy the tax) as the issuer of the bonds, to be repaid 820
annually over a maximum period of (the maximum number 821
of years over which the principal of the bonds may be paid) years, 822
and an annual levy of property taxes be made outside the ten-mill 823
limitation, estimated by the county auditor to average over the 824
repayment period of the bond issue (number of mills) 825
mills for each one dollar of tax valuation, which amounts to 826
..... (rate expressed in cents or dollars and cents, such as 827
"36 cents" or "\$1.41") for each one hundred dollars of tax 828
valuation, commencing in (first year the tax will be 829
levied), first due in calendar year (first calendar 830
year in which the tax shall be due), to pay the annual debt 831
charges on the bonds, and to pay debt charges on any notes issued 832
in anticipation of those bonds? 833

	For the bond issue
	Against the bond issue

"

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(2) The purpose for which the bonds are to be issued shall be printed in the space indicated, in boldface type.

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(G) The board of elections shall promptly certify the results of the election to the tax commissioner, the county auditor of each county in which any part of the subdivision is located, and the fiscal officer of the subdivision. The election, including the proceedings for and result of the election, is incontestable other than in a contest filed under section 3515.09 of the Revised Code in which the plaintiff prevails.

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(H) If a majority of the electors voting upon the question vote for it, the taxing authority of the subdivision may proceed under sections 133.21 to 133.33 of the Revised Code with the issuance of the securities and with the levy and collection of a property tax outside the tax limitation during the period the securities are outstanding sufficient in amount to pay the debt charges on the securities, including debt charges on any anticipatory securities required to be paid from that tax. If legislation passed under section 133.22 or 133.23 of the Revised Code authorizing those securities is filed with the county auditor on or before the last day of November, the amount of the voted property tax levy required to pay debt charges or estimated debt charges on the securities payable in the following year shall if requested by the taxing authority be included in the taxes levied for collection in the following year under section 319.30 of the Revised Code.

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(I)(1) If, before any securities authorized at an election under this section are issued, the net indebtedness of the subdivision exceeds that applicable to that subdivision or those securities, then and so long as that is the case none of the securities may be issued.

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(2) No securities authorized at an election under this 868
section may be initially issued after the first day of the sixth 869
January following the election, but this period of limitation 870
shall not run for any time during which any part of the permanent 871
improvement for which the securities have been authorized, or the 872
issuing or validity of any part of the securities issued or to be 873
issued, or the related proceedings, is involved or questioned 874
before a court or a commission or other tribunal, administrative 875
agency, or board. 876

(3) Securities representing a portion of the amount 877
authorized at an election that are issued within the applicable 878
limitation on net indebtedness are valid and in no manner affected 879
by the fact that the balance of the securities authorized cannot 880
be issued by reason of the net indebtedness limitation or lapse of 881
time. 882

(4) Nothing in this division (I) shall be interpreted or 883
applied to prevent the issuance of securities in an amount to fund 884
or refund anticipatory securities lawfully issued. 885

(5) The limitations of divisions (I)(1) and (2) of this 886
section do not apply to any securities authorized at an election 887
under this section if at least ten per cent of the principal 888
amount of the securities, including anticipatory securities, 889
authorized has theretofore been issued, or if the securities are 890
to be issued for the purpose of participating in any federally or 891
state-assisted program. 892

(6) The certificate of the fiscal officer of the subdivision 893
is conclusive proof of the facts referred to in this division. 894

Sec. 133.55. Before adopting any reassessment provided for in 895
section 133.54 of the Revised Code, the fiscal officer shall 896
prepare and file for public inspection a list containing the names 897
of the owners, a tax duplicate description of each parcel of land 898

on which the reassessment will be levied, and the total amount to 899
be reassessed, separately stated as to each parcel, and the taxing 900
authority shall publish notice for two consecutive weeks in a 901
newspaper of general circulation in the political subdivision, or 902
as provided in section 7.16 of the Revised Code, that such 903
reassessment has been prepared by the fiscal officer and that it 904
is on file in ~~his~~ the fiscal officer's office for the inspection 905
and examination of the persons interested therein. Sections 906
727.13, 727.15, and 727.16 of the Revised Code do not apply to any 907
such assessments, but any person may file objections in writing 908
with the fiscal officer within one week after the expiration of 909
such notice and the taxing authority shall hear and determine any 910
such objections at its next meeting. Such objections shall be 911
limited solely to matters of description of parcels and owners and 912
of computations of amounts, and no matters concluded by any 913
proceedings on the original assessments shall form the basis for 914
any such objections. When the reassessment list is confirmed by 915
the taxing authority, it shall be complete and final and shall be 916
recorded in the office of the fiscal officer. 917

Sec. 135.05. Each governing board shall, at least three weeks 918
prior to the date when it is required by section 135.12 of the 919
Revised Code to designate public depositories, by resolution, 920
estimate the aggregate maximum amount of public moneys subject to 921
its control to be awarded and be on deposit as inactive deposits. 922
The state board of deposit shall cause a copy of such resolution, 923
together with a notice of the date on which the meeting of the 924
board for the designation of such depositories will be held and 925
the period for which such inactive deposits will be awarded, to be 926
published once a week for two consecutive weeks in two newspapers 927
of general circulation in each of the three most populous 928
counties. The governing board of each subdivision shall cause a 929
copy of such resolution, together with a notice of the date on 930

which the meeting of the board for the designation of such 931
depositories will be held and the period for which such inactive 932
deposits will be awarded, to be published once a week for two 933
consecutive weeks in ~~two newspapers~~ a newspaper of ~~opposite~~ 934
~~politics and of~~ general circulation in the county or as provided 935
in section 7.16 of the Revised Code. If a subdivision is located 936
in more than one county, such publication shall be made in 937
~~newspapers published~~ a newspaper of general circulation in the 938
county in which the major part of such subdivision is located, and 939
of general circulation in the subdivision. A written notice 940
stating the aggregate maximum amount to be awarded as inactive 941
deposits of the subdivision shall be given to each eligible 942
depository by the governing board at the time the first 943
publication is made in the ~~newspapers~~ newspaper. 944

All deposits of the public moneys of the state or any 945
subdivision made during the period covered by the designation in 946
excess of the aggregate amount so estimated shall be active 947
deposits or interim deposits. Inactive, interim, and active 948
deposits shall be separately awarded, made, and administered as 949
provided by sections 135.01 to 135.21, ~~inclusive~~, of the Revised 950
Code. 951

Sec. 301.02. Previous to the presentation of a petition to 952
the general assembly praying that a new county be erected, or for 953
the location or relocation of a county seat, notice of the 954
intention to present such petition shall be given, at least thirty 955
days before the ensuing session of the general assembly, by 956
advertisement in a newspaper published of general circulation in 957
each county from which such new county is intended to be taken. If 958
no ~~paper~~ newspaper is ~~printed~~ of general circulation within the 959
county, notice shall be given by advertisement affixed to the door 960
of the house where courts are held for such county, for such 961
period of thirty days. The notice shall set forth the boundary 962

lines of the new county, or the place where it is proposed to 963
locate such county seat. 964

Sec. 301.15. Within sixty days after their appointment, the 965
commissioners provided for by section 301.14 of the Revised Code, 966
or any two of them, shall assemble at some convenient place in the 967
new county. Twenty days' notice of the time, place, and purpose of 968
such meeting shall be given by publication in a newspaper 969
~~published in and circulated~~ of general circulation in ~~such the~~ 970
county, or by being posted in three of the most public places in 971
such county. When assembled, after having taken the oath of office 972
prescribed by sections 3.22 and 3.23 of the Revised Code, such 973
commissioners shall proceed to examine and select the most proper 974
place as a seat of justice, as near the center of the county as 975
possible, having regard to the situation, extent of population, 976
quality of land, and the convenience and interest of the 977
inhabitants. 978

Sec. 301.28. (A) As used in this section: 979

(1) "Financial transaction device" includes a credit card, 980
debit card, charge card, or prepaid or stored value card, or 981
automated clearinghouse network credit, debit, or e-check entry 982
that includes, but is not limited to, accounts receivable and 983
internet-initiated, point of purchase, and telephone-initiated 984
applications or any other device or method for making an 985
electronic payment or transfer of funds. 986

(2) "County expenses" includes fees, costs, taxes, 987
assessments, fines, penalties, payments, or any other expense a 988
person owes to a county office under the authority of a county 989
official other than dog registration and kennel fees required to 990
be paid under Chapter 955. of the Revised Code. 991

(3) "County official" includes the county auditor, county 992

treasurer, county engineer, county recorder, county prosecuting 993
attorney, county sheriff, county coroner, county park district and 994
board of county commissioners, the clerk of the probate court, the 995
clerk of the juvenile court, the clerks of court for all divisions 996
of the courts of common pleas, and the clerk of the court of 997
common pleas, the clerk of a county-operated municipal court, and 998
the clerk of a county court. 999

The term "county expenses" includes county expenses owed to 1000
the board of health of the general health district or a combined 1001
health district in the county. If the board of county 1002
commissioners authorizes county expenses to be paid by financial 1003
transaction devices under this section, then the board of health 1004
and the general health district and the combined health district 1005
may accept payments by financial transaction devices under this 1006
section as if the board were a "county official" and the district 1007
were a county office. However, in the case of a general health 1008
district formed by unification of general health districts under 1009
section 3709.10 of the Revised Code, this entitlement applies only 1010
if all the boards of county commissioners of all counties in the 1011
district have authorized payments to be accepted by financial 1012
transaction devices. 1013

(B) Notwithstanding any other section of the Revised Code and 1014
except as provided in division (D) of this section, a board of 1015
county commissioners may adopt a resolution authorizing the 1016
acceptance of payments by financial transaction devices for county 1017
expenses. The resolution shall include the following: 1018

(1) A specification of those county officials who, and of the 1019
county offices under those county officials that, are authorized 1020
to accept payments by financial transaction devices; 1021

(2) A list of county expenses that may be paid for through 1022
the use of a financial transaction device; 1023

(3) Specific identification of financial transaction devices 1024
that the board authorizes as acceptable means of payment for 1025
county expenses. Uniform acceptance of financial transaction 1026
devices among different types of county expenses is not required. 1027

(4) The amount, if any, authorized as a surcharge or 1028
convenience fee under division (E) of this section for persons 1029
using a financial transaction device. Uniform application of 1030
surcharges or convenience fees among different types of county 1031
expenses is not required. 1032

(5) A specific provision as provided in division (G) of this 1033
section requiring the payment of a penalty if a payment made by 1034
means of a financial transaction device is returned or dishonored 1035
for any reason. 1036

The board's resolution shall also designate the county 1037
treasurer as an administrative agent to solicit proposals, within 1038
guidelines established by the board in the resolution and in 1039
compliance with the procedures provided in division (C) of this 1040
section, from financial institutions, issuers of financial 1041
transaction devices, and processors of financial transaction 1042
devices, to make recommendations about those proposals to the 1043
board, and to assist county offices in implementing the county's 1044
financial transaction devices program. The county treasurer may 1045
decline this responsibility within thirty days after receiving a 1046
copy of the board's resolution by notifying the board in writing 1047
within that period. If the treasurer so notifies the board, the 1048
board shall perform the duties of the administrative agent. 1049

If the county treasurer is the administrative agent and fails 1050
to administer the county financial transaction devices program in 1051
accordance with the guidelines in the board's resolution, the 1052
board shall notify the treasurer in writing of the board's 1053
findings, explain the failures, and give the treasurer six months 1054
to correct the failures. If the treasurer fails to make the 1055

appropriate corrections within that six-month period, the board 1056
may pass a resolution declaring the board to be the administrative 1057
agent. The board may later rescind that resolution at its 1058
discretion. 1059

(C) The county shall follow the procedures provided in this 1060
division whenever it plans to contract with financial 1061
institutions, issuers of financial transaction devices, or 1062
processors of financial transaction devices for the purposes of 1063
this section. The administrative agent shall request proposals 1064
from at least three financial institutions, issuers of financial 1065
transaction devices, or processors of financial transaction 1066
devices, as appropriate in accordance with the resolution adopted 1067
under division (B) of this section. Prior to sending any financial 1068
institution, issuer, or processor a copy of any such request, the 1069
county shall advertise its intent to request proposals in a 1070
newspaper of general circulation in the county once a week for two 1071
consecutive weeks or as provided in section 7.16 of the Revised 1072
Code. The notice shall state that the county intends to request 1073
proposals; specify the purpose of the request; indicate the date, 1074
which shall be at least ten days after the second publication, on 1075
which the request for proposals will be mailed to financial 1076
institutions, issuers, or processors; and require that any 1077
financial institution, issuer, or processor, whichever is 1078
appropriate, interested in receiving the request for proposals 1079
submit written notice of this interest to the county not later 1080
than noon of the day on which the request for proposals will be 1081
mailed. 1082

Upon receiving the proposals, the administrative agent shall 1083
review them and make a recommendation to the board of county 1084
commissioners on which proposals to accept. The board of county 1085
commissioners shall consider the agent's recommendation and review 1086
all proposals submitted, and then may choose to contract with any 1087

or all of the entities submitting proposals, as appropriate. The 1088
board shall provide any financial institution, issuer, or 1089
processor that submitted a proposal, but with which the board does 1090
not enter into a contract, notice that its proposal is rejected. 1091
The notice shall state the reasons for the rejection, indicate 1092
whose proposals were accepted, and provide a copy of the terms and 1093
conditions of the successful bids. 1094

(D) A board of county commissioners adopting a resolution 1095
under this section shall send a copy of the resolution to each 1096
county official in the county who is authorized by the resolution 1097
to accept payments by financial transaction devices. After 1098
receiving the resolution and before accepting payments by 1099
financial transaction devices, a county official shall provide 1100
written notification to the board of county commissioners of the 1101
official's intent to implement the resolution within the 1102
official's office. Each county office subject to the board's 1103
resolution adopted under division (B) of this section may use only 1104
the financial institutions, issuers of financial transaction 1105
devices, and processors of financial transaction devices with 1106
which the board of county commissioners contracts, and each such 1107
office is subject to the terms of those contracts. 1108

If a county office under the authority of a county official 1109
is directly responsible for collecting one or more county expenses 1110
and the county official determines not to accept payments by 1111
financial transaction devices for one or more of those expenses, 1112
the office shall not be required to accept payments by financial 1113
transaction devices, notwithstanding the adoption of a resolution 1114
by the board of county commissioners under this section. 1115

Any office of a clerk of the court of common pleas that 1116
accepts financial transaction devices on or before July 1, 1999, 1117
and any other county office that accepted such devices before 1118
January 1, 1998, may continue to accept such devices without being 1119

subject to any resolution passed by the board of county 1120
commissioners under division (B) of this section, or any other 1121
oversight by the board of the office's financial transaction 1122
devices program. Any such office may use surcharges or convenience 1123
fees in any manner the county official in charge of the office 1124
determines to be appropriate, and, if the county treasurer 1125
consents, may appoint the county treasurer to be the office's 1126
administrative agent for purposes of accepting financial 1127
transaction devices. In order not to be subject to the resolution 1128
of the board of county commissioners adopted under division (B) of 1129
this section, a county office shall notify the board in writing 1130
within thirty days after March 30, 1999, that it accepted 1131
financial transaction devices prior to January 1, 1998, or, in the 1132
case of the office of a clerk of the court of common pleas, the 1133
clerk has accepted or will accept such devices on or before July 1134
1, 1999. Each such notification shall explain how processing costs 1135
associated with financial transaction devices are being paid and 1136
shall indicate whether surcharge or convenience fees are being 1137
passed on to consumers. 1138

(E) A board of county commissioners may establish a surcharge 1139
or convenience fee that may be imposed upon a person making 1140
payment by a financial transaction device. The surcharge or 1141
convenience fee shall not be imposed unless authorized or 1142
otherwise permitted by the rules prescribed by an agreement 1143
governing the use and acceptance of the financial transaction 1144
device. 1145

If a surcharge or convenience fee is imposed, every county 1146
office accepting payment by a financial transaction device, 1147
regardless of whether that office is subject to a resolution 1148
adopted by a board of county commissioners, shall clearly post a 1149
notice in that office and shall notify each person making a 1150
payment by such a device about the surcharge or fee. Notice to 1151

each person making a payment shall be provided regardless of the 1152
medium used to make the payment and in a manner appropriate to 1153
that medium. Each notice shall include all of the following: 1154

(1) A statement that there is a surcharge or convenience fee 1155
for using a financial transaction device; 1156

(2) The total amount of the charge or fee expressed in 1157
dollars and cents for each transaction, or the rate of the charge 1158
or fee expressed as a percentage of the total amount of the 1159
transaction, whichever is applicable; 1160

(3) A clear statement that the surcharge or convenience fee 1161
is nonrefundable. 1162

(F) If a person elects to make a payment to the county by a 1163
financial transaction device and a surcharge or convenience fee is 1164
imposed, the payment of the surcharge or fee shall be considered 1165
voluntary and the surcharge or fee is not refundable. 1166

(G) If a person makes payment by financial transaction device 1167
and the payment is returned or dishonored for any reason, the 1168
person is liable to the county for payment of a penalty over and 1169
above the amount of the expense due. The board of county 1170
commissioners shall determine the amount of the penalty, which may 1171
be either a fee not to exceed twenty dollars or payment of the 1172
amount necessary to reimburse the county for banking charges, 1173
legal fees, or other expenses incurred by the county in collecting 1174
the returned or dishonored payment. The remedies and procedures 1175
provided in this section are in addition to any other available 1176
civil or criminal remedies provided by law. 1177

(H) No person making any payment by financial transaction 1178
device to a county office shall be relieved from liability for the 1179
underlying obligation except to the extent that the county 1180
realizes final payment of the underlying obligation in cash or its 1181
equivalent. If final payment is not made by the financial 1182

transaction device issuer or other guarantor of payment in the 1183
transaction, the underlying obligation shall survive and the 1184
county shall retain all remedies for enforcement that would have 1185
applied if the transaction had not occurred. 1186

(I) A county official or employee who accepts a financial 1187
transaction device payment in accordance with this section and any 1188
applicable state or local policies or rules is immune from 1189
personal liability for the final collection of such payments. 1190

Sec. 306.35. Upon the creation of a regional transit 1191
authority as provided by section 306.32 of the Revised Code, and 1192
upon the qualifying of its board of trustees and the election of a 1193
president and a vice-president, the authority shall exercise in 1194
its own name all the rights, powers, and duties vested in and 1195
conferred upon it by sections 306.30 to 306.53 of the Revised 1196
Code. Subject to any reservations, limitations, and qualifications 1197
that are set forth in those sections, the regional transit 1198
authority: 1199

(A) May sue or be sued in its corporate name; 1200

(B) May make contracts in the exercise of the rights, powers, 1201
and duties conferred upon it; 1202

(C) May adopt and at will alter a seal and use such seal by 1203
causing it to be impressed, affixed, reproduced, or otherwise 1204
used, but failure to affix the seal shall not affect the validity 1205
of any instrument; 1206

(D)(1) May adopt, amend, and repeal bylaws for the 1207
administration of its affairs and rules for the control of the 1208
administration and operation of transit facilities under its 1209
jurisdiction, and for the exercise of all of its rights of 1210
ownership in those transit facilities; 1211

(2) The regional transit authority also may adopt bylaws and 1212

rules for the following purposes: 1213

(a) To prohibit selling, giving away, or using any beer or 1214
intoxicating liquor on transit vehicles or transit property; 1215

(b) For the preservation of good order within or on transit 1216
vehicles or transit property; 1217

(c) To provide for the protection and preservation of all 1218
property and life within or on transit vehicles or transit 1219
property; 1220

(d) To regulate and enforce the collection of fares. 1221

(3) Before a bylaw or rule adopted under division (D)(2) of 1222
this section takes effect, the regional transit authority shall 1223
provide for a notice of its adoption to be published once a week 1224
for two consecutive weeks in a newspaper of general circulation 1225
within the territorial boundaries of the regional transit 1226
authority, or as provided in section 7.16 of the Revised Code. 1227

(4) No person shall violate any bylaw or rule of a regional 1228
transit authority adopted under division (D)(2) of this section. 1229

(E) May fix, alter, and collect fares, rates, and rentals and 1230
other charges for the use of transit facilities under its 1231
jurisdiction to be determined exclusively by it for the purpose of 1232
providing for the payment of the expenses of the regional transit 1233
authority, the acquisition, construction, improvement, extension, 1234
repair, maintenance, and operation of transit facilities under its 1235
jurisdiction, the payment of principal and interest on its 1236
obligations, and to fulfill the terms of any agreements made with 1237
purchasers or holders of any such obligations, or with any person 1238
or political subdivision; 1239

(F) Shall have jurisdiction, control, possession, and 1240
supervision of all property, rights, easements, licenses, moneys, 1241
contracts, accounts, liens, books, records, maps, or other 1242

property rights and interests conveyed, delivered, transferred, or 1243
assigned to it; 1244

(G) May acquire, construct, improve, extend, repair, lease, 1245
operate, maintain, or manage transit facilities within or without 1246
its territorial boundaries, considered necessary to accomplish the 1247
purposes of its organization and make charges for the use of 1248
transit facilities; 1249

(H) May levy and collect taxes as provided in sections 306.40 1250
and 306.49 of the Revised Code; 1251

(I) May issue bonds secured by its general credit as provided 1252
in section 306.40 of the Revised Code; 1253

(J) May hold, encumber, control, acquire by donation, by 1254
purchase for cash or by installment payments, by lease-purchase 1255
agreement, by lease with option to purchase, or by condemnation, 1256
and may construct, own, lease as lessee or lessor, use, and sell, 1257
real and personal property, or any interest or right in real and 1258
personal property, within or without its territorial boundaries, 1259
for the location or protection of transit facilities and 1260
improvements and access to transit facilities and improvements, 1261
the relocation of buildings, structures, and improvements situated 1262
on lands acquired by the regional transit authority, or for any 1263
other necessary purpose, or for obtaining or storing materials to 1264
be used in constructing, maintaining, and improving transit 1265
facilities under its jurisdiction; 1266

(K) May exercise the power of eminent domain to acquire 1267
property or any interest in property, within or without its 1268
territorial boundaries, that is necessary or proper for the 1269
construction or efficient operation of any transit facility or 1270
access to any transit facility under its jurisdiction in 1271
accordance with section 306.36 of the Revised Code; 1272

(L) May provide by agreement with any county, including the 1273

counties within its territorial boundaries, or any municipal 1274
corporation or any combination of counties or municipal 1275
corporations for the making of necessary surveys, appraisals, and 1276
examinations preliminary to the acquisition or construction of any 1277
transit facility and the amount of the expense for the surveys, 1278
appraisals, and examinations to be paid by each such county or 1279
municipal corporation; 1280

(M) May provide by agreement with any county, including the 1281
counties within its territorial boundaries, or any municipal 1282
corporation or any combination of those counties or municipal 1283
corporations for the acquisition, construction, improvement, 1284
extension, maintenance, or operation of any transit facility owned 1285
or to be owned and operated by it or owned or to be owned and 1286
operated by any such county or municipal corporation and the terms 1287
on which it shall be acquired, leased, constructed, maintained, or 1288
operated, and the amount of the cost and expense of the 1289
acquisition, lease, construction, maintenance, or operation to be 1290
paid by each such county or municipal corporation; 1291

(N) May issue revenue bonds for the purpose of acquiring, 1292
replacing, improving, extending, enlarging, or constructing any 1293
facility or permanent improvement that it is authorized to 1294
acquire, replace, improve, extend, enlarge, or construct, 1295
including all costs in connection with and incidental to the 1296
acquisition, replacement, improvement, extension, enlargement, or 1297
construction, and their financing, as provided by section 306.37 1298
of the Revised Code; 1299

(O) May enter into and supervise franchise agreements for the 1300
operation of a transit system; 1301

(P) May accept the assignment of and supervise an existing 1302
franchise agreement for the operation of a transit system; 1303

(Q) May exercise a right to purchase a transit system in 1304

accordance with the acquisition terms of an existing franchise 1305
agreement; and in connection with the purchase the regional 1306
transit authority may issue revenue bonds as provided by section 1307
306.37 of the Revised Code or issue bonds secured by its general 1308
credit as provided in section 306.40 of the Revised Code; 1309

(R) May apply for and accept grants or loans from the United 1310
States, the state, or any other public body for the purpose of 1311
providing for the development or improvement of transit 1312
facilities, mass transportation facilities, equipment, techniques, 1313
methods, or services, and grants or loans needed to exercise a 1314
right to purchase a transit system pursuant to agreement with the 1315
owner of those transit facilities, or for providing lawful 1316
financial assistance to existing transit systems; and may provide 1317
any consideration that may be required in order to obtain those 1318
grants or loans from the United States, the state, or other public 1319
body, either of which grants or loans may be evidenced by the 1320
issuance of revenue bonds as provided by section 306.37 of the 1321
Revised Code or general obligation bonds as provided by section 1322
306.40 of the Revised Code; 1323

(S) May employ and fix the compensation of consulting 1324
engineers, superintendents, managers, and such other engineering, 1325
construction, accounting and financial experts, attorneys, and 1326
other employees and agents necessary for the accomplishment of its 1327
purposes; 1328

(T) May procure insurance against loss to it by reason of 1329
damages to its properties resulting from fire, theft, accident, or 1330
other casualties or by reason of its liability for any damages to 1331
persons or property occurring in the construction or operation of 1332
transit facilities under its jurisdiction or the conduct of its 1333
activities; 1334

(U) May maintain funds that it considers necessary for the 1335
efficient performance of its duties; 1336

(V) May direct its agents or employees, when properly 1337
identified in writing, after at least five days' written notice, 1338
to enter upon lands within or without its territorial boundaries 1339
in order to make surveys and examinations preliminary to the 1340
location and construction of transit facilities, without liability 1341
to it or its agents or employees except for actual damage done; 1342

(W) On its own motion, may request the appropriate zoning 1343
board, as defined in section 4563.03 of the Revised Code, to 1344
establish and enforce zoning regulations pertaining to any transit 1345
facility under its jurisdiction in the manner prescribed by 1346
sections 4563.01 to 4563.21 of the Revised Code; 1347

(X) If it acquires any existing transit system, shall assume 1348
all the employer's obligations under any existing labor contract 1349
between the employees and management of the system. If the board 1350
acquires, constructs, controls, or operates any such facilities, 1351
it shall negotiate arrangements to protect the interests of 1352
employees affected by the acquisition, construction, control, or 1353
operation. The arrangements shall include, but are not limited to: 1354

(1) The preservation of rights, privileges, and benefits 1355
under existing collective bargaining agreements or otherwise, the 1356
preservation of rights and benefits under any existing pension 1357
plans covering prior service, and continued participation in 1358
social security in addition to participation in the public 1359
employees retirement system as required in Chapter 145. of the 1360
Revised Code; 1361

(2) The continuation of collective bargaining rights; 1362

(3) The protection of individual employees against a 1363
worsening of their positions with respect to their employment; 1364

(4) Assurances of employment to employees of those transit 1365
systems and priority reemployment of employees terminated or laid 1366
off; 1367

(5) Paid training or retraining programs; 1368

(6) Signed written labor agreements. 1369

The arrangements may include provisions for the submission of 1370
labor disputes to final and binding arbitration. 1371

(Y) May provide for and maintain security operations, 1372
including a transit police department, subject to section 306.352 1373
of the Revised Code. Regional transit authority police officers 1374
shall have the power and duty to act as peace officers within 1375
transit facilities owned, operated, or leased by the transit 1376
authority to protect the transit authority's property and the 1377
person and property of passengers, to preserve the peace, and to 1378
enforce all laws of the state and ordinances and regulations of 1379
political subdivisions in which the transit authority operates. 1380
Regional transit authority police officers also shall have the 1381
power and duty to act as peace officers when they render emergency 1382
assistance outside their jurisdiction to any other peace officer 1383
who is not a regional transit authority police officer and who has 1384
arrest authority under section 2935.03 of the Revised Code. 1385
Regional transit authority police officers may render emergency 1386
assistance if there is a threat of imminent physical danger to the 1387
peace officer, a threat of physical harm to another person, or any 1388
other serious emergency situation and if either the peace officer 1389
who is assisted requests emergency assistance or it appears that 1390
the peace officer who is assisted is unable to request emergency 1391
assistance and the circumstances observed by the regional transit 1392
authority police officer reasonably indicate that emergency 1393
assistance is appropriate. 1394

Before exercising powers of arrest and the other powers and 1395
duties of a peace officer, each regional transit authority police 1396
officer shall take an oath and give bond to the state in a sum 1397
that the board of trustees prescribes for the proper performance 1398
of the officer's duties. 1399

Persons employed as regional transit authority police 1400
officers shall complete training for the position to which they 1401
have been appointed as required by the Ohio peace officer training 1402
commission as authorized in section 109.77 of the Revised Code, or 1403
be otherwise qualified. The cost of the training shall be provided 1404
by the regional transit authority. 1405

(Z) May procure a policy or policies insuring members of its 1406
board of trustees against liability on account of damages or 1407
injury to persons and property resulting from any act or omission 1408
of a member in the member's official capacity as a member of the 1409
board or resulting solely out of the member's membership on the 1410
board; 1411

(AA) May enter into any agreement for the sale and leaseback 1412
or lease and leaseback of transit facilities, which agreement may 1413
contain all necessary covenants for the security and protection of 1414
any lessor or the regional transit authority including, but not 1415
limited to, indemnification of the lessor against the loss of 1416
anticipated tax benefits arising from acts, omissions, or 1417
misrepresentations of the regional transit authority. In 1418
connection with that transaction, the regional transit authority 1419
may contract for insurance and letters of credit and pay any 1420
premiums or other charges for the insurance and letters of credit. 1421
The fiscal officer shall not be required to furnish any 1422
certificate under section 5705.41 of the Revised Code in 1423
connection with the execution of any such agreement. 1424

(BB) In regard to any contract entered into on or after March 1425
19, 1993, for the rendering of services or the supplying of 1426
materials or for the construction, demolition, alteration, repair, 1427
or reconstruction of transit facilities in which a bond is 1428
required for the faithful performance of the contract, may permit 1429
the person awarded the contract to utilize a letter of credit 1430
issued by a bank or other financial institution in lieu of the 1431

bond; 1432

(CC) May enter into agreements with municipal corporations 1433
located within the territorial jurisdiction of the regional 1434
transit authority permitting regional transit authority police 1435
officers employed under division (Y) of this section to exercise 1436
full arrest powers, as provided in section 2935.03 of the Revised 1437
Code, for the purpose of preserving the peace and enforcing all 1438
laws of the state and ordinances and regulations of the municipal 1439
corporation within the areas that may be agreed to by the regional 1440
transit authority and the municipal corporation. 1441

Sec. 306.43. (A) The board of trustees of a regional transit 1442
authority or any officer or employee designated by such board may 1443
make any contract for the purchase of goods or services, the cost 1444
of which does not exceed one hundred thousand dollars. When an 1445
expenditure, other than for the acquisition of real estate, the 1446
discharge of claims, or the acquisition of goods or services under 1447
the circumstances described in division (H) of this section, is 1448
expected to exceed one hundred thousand dollars, such expenditure 1449
shall be made through full and open competition by the use of 1450
competitive procedures. The regional transit authority shall use 1451
the competitive procedure, as set forth in divisions (B), (C), 1452
(D), and (E) of this section, that is most appropriate under the 1453
circumstances of the procurement. 1454

(B) Competitive sealed bidding is the preferred method of 1455
procurement and a regional transit authority shall use that method 1456
if all of the following conditions exist: 1457

(1) A clear, complete and adequate description of the goods, 1458
services, or work is available; 1459

(2) Time permits the solicitation, submission, and evaluation 1460
of sealed bids; 1461

(3) The award will be made on the basis of price and other price-related factors; 1462
1463

(4) It is not necessary to conduct discussions with responding offerors about their bids; 1464
1465

(5) There is a reasonable expectation of receiving more than one sealed bid. 1466
1467

A regional transit authority shall publish a notice calling for bids once a week for no less than two consecutive weeks in ~~at least one~~ a newspaper of general circulation within the territorial boundaries of the regional transit authority, or as provided in section 7.16 of the Revised Code. A regional transit authority may require that a bidder for any contract other than a construction contract provide a bid guaranty in the form, quality, and amount considered appropriate by the regional transit authority. The board may let the contract to the lowest responsive and responsible bidder. Where fewer than two responsive bids are received, a regional transit authority may negotiate price with the sole responsive bidder or may rescind the solicitation and procure under division (H)(2) of this section. 1468
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(C) A regional transit authority may use two-step competitive bidding, consisting of a technical proposal and a separate, subsequent sealed price bid from those submitting acceptable technical proposals, if both of the following conditions exist: 1481
1482
1483
1484

(1) A clear, complete, and adequate description of the goods, services, or work is not available, but definite criteria exist for the evaluation of technical proposals; 1485
1486
1487

(2) It is necessary to conduct discussions with responding offerors. 1488
1489

A regional transit authority shall publish a notice calling for technical proposals once a week for no less than two consecutive weeks in ~~at least one~~ a newspaper of general 1490
1491
1492

circulation within the territorial boundaries of the regional 1493
transit authority, or as provided in section 7.16 of the Revised 1494
Code. A regional transit authority may require a bid guaranty in 1495
the form, quality, and amount the regional transit authority 1496
considers appropriate. The board may let the contract to the 1497
lowest responsive and responsible bidder. Where fewer than two 1498
responsive and responsible bids are received, a regional transit 1499
authority may negotiate price with the sole responsive and 1500
responsible bidder or may rescind the solicitation and procure 1501
under division (H)(2) of this section. 1502

(D) A regional transit authority shall make a procurement by 1503
competitive proposals if competitive sealed bidding or two-step 1504
competitive bidding is not appropriate. 1505

A regional transit authority shall publish a notice calling 1506
for proposals once a week for no less than two consecutive weeks 1507
in ~~at least one~~ a newspaper of general circulation within the 1508
territorial boundaries of the regional transit authority, or as 1509
provided in section 7.16 of the Revised Code. A regional transit 1510
authority may require a proposal guaranty in the form, quality, 1511
and amount considered appropriate by the regional transit 1512
authority. The board may let the contract to the proposer making 1513
the offer considered most advantageous to the authority. Where 1514
fewer than two competent proposals are received, a regional 1515
transit authority may negotiate price and terms with the sole 1516
proposer or may rescind the solicitation and procure under 1517
division (H)(2) of this section. 1518

(E)(1) A regional transit authority shall procure the 1519
services of an architect or engineer in the manner prescribed by 1520
the "Federal Mass Transportation Act of 1987," Public Law No. 1521
100-17, section 316, 101 Stat. 227, 232-234, 49 U.S.C.A. app. 1608 1522
and the services of a construction manager in the manner 1523
prescribed by sections 9.33 to 9.332 of the Revised Code. 1524

(2) A regional transit authority may procure revenue rolling stock in the manner prescribed by division (B), (C), or (D) of this section.

(3) All contracts for construction in excess of one hundred thousand dollars shall be made only after the regional transit authority has published a notice calling for bids once a week for two consecutive weeks in ~~at least one~~ a newspaper of general circulation within the territorial boundaries of the regional transit authority, or as provided in section 7.16 of the Revised Code. The board may award a contract to the lowest responsive and responsible bidder. Where only one responsive and responsible bid is received, the regional transit authority may negotiate price with the sole responsive bidder or may rescind the solicitation. The regional transit authority shall award construction contracts in accordance with sections 153.12 to 153.14 and 153.54 of the Revised Code. Divisions (B) and (C) of this section shall not apply to the award of contracts for construction.

(F) All contracts involving expenditures in excess of one hundred thousand dollars shall be in writing and shall be accompanied by or shall refer to plans and specifications for the work to be done. The plans and specifications shall at all times be made and considered part of the contract. For all contracts other than construction contracts, a regional transit authority may require performance, payment, or maintenance guaranties or any combination of such guaranties in the form, quality, and amount it considers appropriate. The contract shall be approved by the board and signed on behalf of the regional transit authority and by the contractor.

(G) In making a contract, a regional transit authority may give preference to goods produced in the United States in accordance with the Buy America requirements in the "Surface

Transportation Assistance Act of 1982," Public Law No. 97-424, 1557
section 165, 96 Stat. 2097, 23 U.S.C.A. 101 note, as amended, and 1558
the rules adopted thereunder. The regional transit authority also 1559
may give preference to providers of goods produced in and services 1560
provided in labor surplus areas as defined by the United States 1561
department of labor in 41 U.S.C.A. 401 note, Executive Order No. 1562
12073, August 16, 1978, 43 Fed. Reg. 36873, as amended. 1563

(H) Competitive procedures under this section are not 1564
required in any of the following circumstances: 1565

(1) The board of trustees of a regional transit authority, by 1566
a two-thirds affirmative vote of its members, determines that a 1567
real and present emergency exists under any of the following 1568
conditions, and the board enters its determination and the reasons 1569
for it in its proceedings: 1570

(a) Affecting safety, welfare, or the ability to deliver 1571
transportation services; 1572

(b) Arising out of an interruption of contracts essential to 1573
the provision of daily transit services; 1574

(c) Involving actual physical damage to structures, supplies, 1575
equipment, or property. 1576

(2) The purchase consists of goods or services, or any 1577
combination thereof, and after reasonable inquiry the board or any 1578
officer or employee the board designates finds that only one 1579
source of supply is reasonably available. 1580

(3) The expenditure is for a renewal or renegotiation of a 1581
lease or license for telecommunications or electronic data 1582
processing equipment, services, or systems, or for the upgrade of 1583
such equipment, services, or systems, or for the maintenance 1584
thereof as supplied by the original source or its successors or 1585
assigns. 1586

(4) The purchase of goods or services is made from another political subdivision, public agency, public transit system, regional transit authority, the state, or the federal government, or as a third-party beneficiary under a state or federal procurement contract, or as a participant in a department of administrative services contract under division (B) of section 125.04 of the Revised Code.

(5) The sale and leaseback or lease and leaseback of transit facilities is made as provided in division (AA) of section 306.35 of the Revised Code.

(6) The purchase substantially involves services of a personal, professional, highly technical, or scientific nature, including but not limited to the services of an attorney, physician, surveyor, appraiser, investigator, court reporter, adjuster, advertising consultant, or licensed broker, or involves the special skills or proprietary knowledge required for the servicing of specialized equipment owned by the regional transit authority.

(7) Services or supplies are available from a qualified nonprofit agency pursuant to sections 4115.31 to 4115.35 of the Revised Code.

(8) The purchase consists of the product or services of a public utility.

(9) The purchase is for the services of individuals with disabilities to work in the authority's commissaries or cafeterias, and those individuals are supplied by a nonprofit corporation or association whose purpose is to assist individuals with disabilities, whether or not that corporation or association is funded entirely or in part by the federal government, or the purchase is for services provided by a nonprofit corporation or association whose purpose is to assist individuals with

disabilities, whether or not that corporation or association is 1618
funded entirely or in part by the federal government. For purposes 1619
of division (H)(9) of this section, "disability" has the same 1620
meaning as in section 4112.01 of the Revised Code. 1621

(I) A regional transit authority may enter into blanket 1622
purchase agreements for purchases of maintenance, operating, or 1623
repair goods or services where the item cost does not exceed five 1624
hundred dollars and the annual expenditure does not exceed one 1625
hundred thousand dollars. 1626

(J) Nothing contained in this section prohibits a regional 1627
transit authority from participating in intergovernmental 1628
cooperative purchasing arrangements. 1629

(K) Except as otherwise provided in this chapter, a regional 1630
transit authority shall make a sale or other disposition of 1631
property through full and open competition. Except as provided in 1632
division (L) of this section, all dispositions of personal 1633
property and all grants of real property for terms exceeding five 1634
years shall be made by public auction or competitive procedure. 1635

(L) The competitive procedures required by division (K) of 1636
this section are not required in any of the following 1637
circumstances: 1638

(1) The grant is a component of a joint development between 1639
public and private entities and is intended to enhance or benefit 1640
public transit. 1641

(2) The grant of a limited use or of a license affecting land 1642
is made to an owner of abutting real property. 1643

(3) The grant of a limited use is made to a public utility. 1644

(4) The grant or disposition is to a department of the 1645
federal or state government, to a political subdivision of the 1646
state, or to any other governmental entity. 1647

(5) Used equipment is traded on the purchase of equipment and 1648
the value of the used equipment is a price-related factor in the 1649
basis for award for the purchase. 1650

(6) The value of the personal property is such that 1651
competitive procedures are not appropriate and the property either 1652
is sold at its fair market value or is disposed of by gift to a 1653
nonprofit entity having the general welfare or education of the 1654
public as one of its principal objects. 1655

(M) The board of trustees of a regional transit authority, 1656
when making a contract funded exclusively by state or local moneys 1657
or any combination thereof, shall make a good faith effort to use 1658
disadvantaged business enterprise participation to the same extent 1659
required under Section 105(f) of the "Surface Transportation 1660
Assistance Act of 1982," Public Law No. 97-424, 96 Stat. 2100, and 1661
Section 106(c) of the "Surface Transportation and Uniform 1662
Relocation Assistance Act of 1987," Public Law No. 100-17, 101 1663
Stat. 145, and the rules adopted thereunder. 1664

(N) As used in this section: 1665

(1) "Goods" means all things, including specially 1666
manufactured goods, that are movable at the time of identification 1667
to the contract for sale other than the money in which the price 1668
is to be paid, investment securities, and things in action. 1669
"Goods" also includes other identified things attached to realty 1670
as described in section 1302.03 of the Revised Code. 1671

(2) "Services" means the furnishing of labor, time, or effort 1672
by a contractor, not involving the delivery of goods or reports 1673
other than goods or reports that are merely incidental to the 1674
required performance, including but not limited to insurance, 1675
bonding, or routine operation, routine repair, or routine 1676
maintenance of existing structures, buildings, real property, or 1677
equipment, but does not include employment agreements, collective 1678

bargaining agreements, or personal services. 1679

(3) "Construction" means the process of building, altering, 1680
repairing, improving, painting, decorating, or demolishing any 1681
structure or building, or other improvements of any kind to any 1682
real property owned or leased by a regional transit authority. 1683

(4) "Full and open competition" has the same meaning as in 1684
the "Office of Federal Procurement Policy Act," Public Law No. 1685
98-369, section 2731, 98 Stat. 1195 (1984), 41 U.S.C.A. 403. 1686

(5) A bidder is "responsive" if, applying the criteria of 1687
division (A) of section 9.312 of the Revised Code, the bidder is 1688
"responsive" as described in that section. 1689

(6) A bidder is "responsible" if, applying the criteria of 1690
division (A) of section 9.312 of the Revised Code and of the 1691
"Office of Federal Procurement Policy Act," Public Law No. 98-369, 1692
section 2731, 98 Stat. 1195 (1984), 41 U.S.C.A. 403, the bidder is 1693
"responsible" as described in those sections. 1694

Sec. 306.70. A tax proposed to be levied by a board of county 1695
commissioners or by the board of trustees of a regional transit 1696
authority pursuant to sections 5739.023 and 5741.022 of the 1697
Revised Code shall not become effective until it is submitted to 1698
the electors residing within the county or within the territorial 1699
boundaries of the regional transit authority and approved by a 1700
majority of the electors voting on it. Such question shall be 1701
submitted at a general election or at a special election on a day 1702
specified in the resolution levying the tax and occurring not less 1703
than seventy-five days after such resolution is certified to the 1704
board of elections, in accordance with section 3505.071 of the 1705
Revised Code. 1706

The board of elections of the county or of each county in 1707
which any territory of the regional transit authority is located 1708

shall make the necessary arrangements for the submission of such 1709
question to the electors of the county or regional transit 1710
authority, and the election shall be held, canvassed, and 1711
certified in the same manner as regular elections for the election 1712
of county officers. Notice of the election shall be published in 1713
~~one or more newspapers which in the aggregate are a newspaper~~ of 1714
general circulation in the territory of the county or of the 1715
regional transit authority once a week for two consecutive weeks 1716
prior to the election ~~and, if, or as provided in section 7.16 of~~ 1717
the Revised Code. If the board of elections operates and maintains 1718
a web site, notice of the election also shall be posted on that 1719
web site for thirty days prior to the election. The notice shall 1720
state the type, rate, and purpose of the tax to be levied, the 1721
length of time during which the tax will be in effect, and the 1722
time and place of the election. 1723

More than one such question may be submitted at the same 1724
election. The form of the ballots cast at such election shall be: 1725

"Shall a(n) (sales and use) 1726
tax be levied for all transit purposes of the 1727
(here insert name of the county or regional transit authority) at 1728
a rate not exceeding (here insert percentage) 1729
per cent for (here insert number of years the tax 1730
is to be in effect, or that it is to be in effect for a continuing 1731
period of time)?" 1732

If the tax proposed to be levied is a continuation of an 1733
existing tax, whether at the same rate or at an increased or 1734
reduced rate, or an increase in the rate of an existing tax, the 1735
notice and ballot form shall so state. 1736

The board of elections to which the resolution was certified 1737
shall certify the results of the election to the county auditor of 1738
the county or secretary-treasurer of the regional transit 1739
authority levying the tax and to the tax commissioner of the 1740

state. 1741

Sec. 307.022. (A) The board of county commissioners of any 1742
county may do both of the following without following the 1743
competitive bidding requirements of section 307.86 of the Revised 1744
Code: 1745

(1) Enter into a lease, including a lease with an option to 1746
purchase, of correctional facilities for a term not in excess of 1747
forty years. Before entering into the lease, the board shall 1748
publish, once a week for three consecutive weeks in a newspaper of 1749
general circulation in the county or as provided in section 7.16 1750
of the Revised Code, a notice that the board is accepting 1751
proposals for a lease pursuant to this division. The notice shall 1752
state the date before which the proposals are required to be 1753
submitted in order to be considered by the board. 1754

(2) Subject to compliance with this section, grant leases, 1755
easements, and licenses with respect to, or sell, real property 1756
owned by the county if the real property is to be leased back by 1757
the county for use as correctional facilities. 1758

The lease under division (A)(1) of this section shall require 1759
the county to contract, in accordance with Chapter 153., sections 1760
307.86 to 307.92, and Chapter 4115. of the Revised Code, for the 1761
construction, improvement, furnishing, and equipping of 1762
correctional facilities to be leased pursuant to this section. 1763
Prior to the board's execution of the lease, it may require the 1764
lessor under the lease to cause sufficient money to be made 1765
available to the county to enable the county to comply with the 1766
certification requirements of division (D) of section 5705.41 of 1767
the Revised Code. 1768

A lease entered into pursuant to division (A)(1) of this 1769
section by a board may provide for the county to maintain and 1770
repair the correctional facility during the term of the leasehold, 1771

may provide for the county to make rental payments prior to or 1772
after occupation of the correctional facilities by the county, and 1773
may provide for the board to obtain and maintain any insurance 1774
that the lessor may require, including, but not limited to, public 1775
liability, casualty, builder's risk, and business interruption 1776
insurance. The obligations incurred under a lease entered into 1777
pursuant to division (A)(1) of this section shall not be 1778
considered to be within the debt limitations of section 133.07 of 1779
the Revised Code. 1780

(B) The correctional facilities leased under division (A)(1) 1781
of this section may include any or all of the following: 1782

(1) Facilities in which one or more other governmental 1783
entities are participating or in which other facilities of the 1784
county are included; 1785

(2) Facilities acquired, constructed, renovated, or financed 1786
by the Ohio building authority and leased to the county pursuant 1787
to section 307.021 of the Revised Code; 1788

(3) Correctional facilities that are under construction or 1789
have been completed and for which no permanent financing has been 1790
arranged. 1791

(C) As used in this section: 1792

(1) "Correctional facilities" includes, but is not limited 1793
to, jails, detention facilities, workhouses, community-based 1794
correctional facilities, and family court centers. 1795

(2) "Construction" has the same meaning as in division (B) of 1796
section 4115.03 of the Revised Code. 1797

Sec. 307.041. (A) As used in this section, "energy 1798
conservation measure" means an installation or modification of an 1799
installation in, or remodeling of, an existing building, to reduce 1800
energy consumption. "Energy conservation measure" includes the 1801

following:	1802
(1) Insulation of the building structure and of systems within the building;	1803 1804
(2) Storm windows and doors, multiglazed windows and doors, heat-absorbing or heat-reflective glazed and coated window and door systems, additional glazing, reductions in glass area, and other window and door system modifications that reduce energy consumption;	1805 1806 1807 1808 1809
(3) Automatic energy control systems;	1810
(4) Heating, ventilating, or air conditioning system modifications or replacements;	1811 1812
(5) Caulking and weatherstripping;	1813
(6) Replacement or modification of lighting fixtures to increase the energy efficiency of the system without increasing the overall illumination of a facility, unless such an increase in illumination is necessary to conform to the applicable state or local building code for the proposed lighting system;	1814 1815 1816 1817 1818
(7) Energy recovery systems;	1819
(8) Cogeneration systems that produce steam or forms of energy such as heat, as well as electricity, for use primarily within a building or complex of buildings;	1820 1821 1822
(9) Acquiring, constructing, furnishing, equipping, improving the site of, and otherwise improving a central utility plant to provide heating and cooling services to a building or buildings together with distribution piping and ancillary distribution controls, equipment, and related facilities from the central utility plant to the building or buildings;	1823 1824 1825 1826 1827 1828
(10) Any other modification, installation, or remodeling approved by the board of county commissioners as an energy conservation measure.	1829 1830 1831

(B) For the purpose of evaluating county buildings for energy conservation measures, a county may contract with an architect, professional engineer, energy services company, contractor, or other person experienced in the design and implementation of energy conservation measures for an energy conservation report. The report shall include all of the following:

(1) Analyses of the buildings' energy needs and recommendations for building installations, modifications of existing installations, or building remodeling that would significantly reduce energy consumption in the buildings owned by that county;

(2) Estimates of all costs of those installations, those modifications, or that remodeling, including costs of design, engineering, installation, maintenance, and repairs;

(3) Estimates of the amounts by which energy consumption could be reduced;

(4) The interest rate used to estimate the costs of any energy conservation measures that are to be financed;

(5) The average system life of the energy conservation measures;

(6) Estimates of the likely savings that will result from the reduction in energy consumption over the average system life of the energy conservation measure, including the methods used to estimate the savings;

(7) A certification under the seal of a registered professional engineer that the energy conservation report uses reasonable methods of analysis and estimation.

(C)(1) A county desiring to implement energy conservation measures may proceed under either of the following methods:

(a) Using a report or any part of an energy conservation

report prepared under division (B) of this section, advertise for 1862
bids and, except as otherwise provided in this section, comply 1863
with sections 307.86 to 307.92 of the Revised Code; 1864

(b) Notwithstanding sections 307.86 to 307.92 of the Revised 1865
Code, request proposals from at least three vendors for the 1866
implementation of energy conservation measures. A request for 1867
proposals shall require the installer that is awarded a contract 1868
under division (C)(2)(b) of this section to prepare an energy 1869
conservation report in accordance with division (B) of this 1870
section. Prior to sending any installer of energy conservation 1871
measures a copy of any request for proposals, the county shall 1872
advertise its intent to request proposals for the installation of 1873
energy conservation measures in a newspaper of general circulation 1874
in the county once a week for two consecutive weeks or as provided 1875
in section 7.16 of the Revised Code. The notice shall state that 1876
the county intends to request proposals for the installation of 1877
energy conservation measures; indicate the date, which shall be at 1878
least ten days after the second publication, on which the request 1879
for proposals will be mailed to installers of energy conservation 1880
measures; and state that any installer of energy conservation 1881
measures interested in receiving the request for proposals shall 1882
submit written notice to the county not later than noon of the day 1883
on which the request for proposals will be mailed. 1884

(2)(a) Upon receiving bids under division (C)(1)(a) of this 1886
section, the county shall analyze them and select the lowest and 1887
best bid or bids most likely to result in the greatest energy 1888
savings considering the cost of the project and the county's 1889
ability to pay for the improvements with current revenues or by 1890
financing the improvements. 1891

(b) Upon receiving proposals under division (C)(1)(b) of this 1892
section, the county shall analyze the proposals and the 1893

installers' qualifications and select the most qualified installer 1894
to prepare an energy conservation report in accordance with 1895
division (B) of this section. After receipt and review of the 1896
energy conservation report, the county may award a contract to the 1897
selected installer to install the energy conservation measures 1898
that are most likely to result in the greatest energy savings 1899
considering the cost of the project and the county's ability to 1900
pay for the improvements with current revenues or by financing the 1901
improvements. 1902

(c) The awarding of a contract to install energy conservation 1903
measures under division (C)(2)(a) or (b) of this section shall be 1904
conditioned upon a finding by the contracting authority that the 1905
amount of money spent on the energy conservation measures is not 1906
likely to exceed the amount of money the county would save in 1907
energy, operating, maintenance, and avoided capital costs over the 1908
average system life of the energy conservation measures as 1909
specified in the energy conservation report. In making such a 1910
finding, the contracting authority may take into account increased 1911
costs due to inflation as shown in the energy conservation report. 1912
Nothing in this division prohibits a county from rejecting all 1913
bids or proposals under division (C)(1)(a) or (b) of this section 1914
or from selecting more than one bid or proposal. 1915

(D) A board of county commissioners may enter into an 1916
installment payment contract for the purchase and installation of 1917
energy conservation measures. Provisions of installment payment 1918
contracts that deal with interest charges and financing terms 1919
shall not be subject to the competitive bidding requirements of 1920
section 307.86 of the Revised Code, and shall be on the following 1921
terms: 1922
1923

(1) Not less than a specified percentage, as determined and 1924
approved by the board of county commissioners, of the costs of the 1925

contract shall be paid within two years from the date of purchase. 1926
1927

(2) The remaining balance of the costs of the contract shall 1928
be paid within the lesser of the average system life of the energy 1929
conservation measures as specified in the energy conservation 1930
report or thirty years. 1931

(E) The board of county commissioners may issue the notes of 1932
the county specifying the terms of a purchase of energy 1933
conservation measures under this section and securing any deferred 1934
payments provided for in division (D) of this section. The notes 1935
shall be payable at the times provided and bear interest at a rate 1936
not exceeding the rate determined as provided in section 9.95 of 1937
the Revised Code. The notes may contain an option for prepayment 1938
and shall not be subject to Chapter 133. of the Revised Code. 1939
Revenues derived from local taxes or otherwise for the purpose of 1940
conserving energy or for defraying the current operating expenses 1941
of the county may be pledged and applied to the payment of 1942
interest and the retirement of the notes. The notes may be sold at 1943
private sale or given to the contractor under an installment 1944
payment contract authorized by division (D) of this section. 1945
1946

(F) Debt incurred under this section shall not be included in 1947
the calculation of the net indebtedness of a county under section 1948
133.07 of the Revised Code. 1949

Sec. 307.10. (A) No sale of real property, or lease of real 1950
property used or to be used for the purpose of airports, landing 1951
fields, or air navigational facilities, or parts thereof, as 1952
provided by section 307.09 of the Revised Code shall be made 1953
unless it is authorized by a resolution adopted by a majority of 1954
the board of county commissioners. When a sale of real property as 1955
provided by section 307.09 of the Revised Code is authorized, the 1956

board may either deed the property to the highest responsible 1957
bidder, after advertisement once a week for four consecutive weeks 1958
in a newspaper of general circulation in the county or as provided 1959
in section 7.16 of the Revised Code, or offer the real property 1960
for sale at a public auction, after giving at least thirty days' 1961
notice of the auction by publication in a newspaper of general 1962
circulation in the county. The board may reject any and all bids. 1963
The board may, as it considers best, sell real property pursuant 1964
to this section as an entire tract or in parcels. The board, by 1965
resolution adopted by a majority of the board, may lease real 1966
property, in accordance with division (A) of section 307.09 of the 1967
Revised Code, without advertising for bids. 1968

(B) The board, by resolution, may transfer real property in 1969
fee simple belonging to the county and not needed for public use 1970
to the United States government, to the state or any department or 1971
agency thereof, to municipal corporations or other political 1972
subdivisions of the state, to the county board of mental 1973
retardation and developmental disabilities, or to a county land 1974
reutilization corporation organized under Chapter 1724. of the 1975
Revised Code for public purposes upon the terms and in the manner 1976
that it may determine to be in the best interests of the county, 1977
without advertising for bids. The board shall execute a deed or 1978
other proper instrument when such a transfer is approved. 1979

(C) The board, by resolution adopted by a majority of the 1980
board, may grant leases, rights, or easements to the United States 1981
government, to the state or any department or agency thereof, or 1982
to municipal corporations and other political subdivisions of the 1983
state, or to privately owned electric light and power companies, 1984
natural gas companies, or telephone or telegraph companies for 1985
purposes of rendering their several public utilities services, in 1986
accordance with division (B) of section 307.09 of the Revised 1987
Code, without advertising for bids. When such grant of lease, 1988

right, or easement is authorized, a deed or other proper 1989
instrument therefor shall be executed by the board. 1990

Sec. 307.12. (A) Except as otherwise provided in divisions 1991
(D), (E), and (G) of this section, when the board of county 1992
commissioners finds, by resolution, that the county has personal 1993
property, including motor vehicles acquired for the use of county 1994
officers and departments, and road machinery, equipment, tools, or 1995
supplies, that is not needed for public use, is obsolete, or is 1996
unfit for the use for which it was acquired, and when the fair 1997
market value of the property to be sold or donated under this 1998
division is, in the opinion of the board, in excess of two 1999
thousand five hundred dollars, the board may do either of the 2000
following: 2001

(1) Sell the property at public auction or by sealed bid to 2002
the highest bidder. Notice of the time, place, and manner of the 2003
sale shall be published in a newspaper of general circulation in 2004
the county at least ten days prior to the sale, and a typewritten 2005
or printed notice of the time, place, and manner of the sale shall 2006
be posted at least ten days before the sale in the offices of the 2007
county auditor and the board of county commissioners. 2008

If a board conducts a sale of property by sealed bid, the 2009
form of the bid shall be as prescribed by the board, and each bid 2010
shall contain the name of the person submitting it. Bids received 2011
shall be opened and tabulated at the time stated in the notice. 2012
The property shall be sold to the highest bidder, except that the 2013
board may reject all bids and hold another sale, by public auction 2014
or sealed bid, in the manner prescribed by this section. 2015

(2) Donate any motor vehicle that does not exceed four 2016
thousand five hundred dollars in value to a nonprofit organization 2017
exempt from federal income taxation pursuant to 26 U.S.C. 501(a) 2018
and (c)(3) for the purpose of meeting the transportation needs of 2019

participants in the Ohio works first program established under 2020
Chapter 5107. of the Revised Code and participants in the 2021
prevention, retention, and contingency program established under 2022
Chapter 5108. of the Revised Code. 2023

(B) When the board of county commissioners finds, by 2024
resolution, that the county has personal property, including motor 2025
vehicles acquired for the use of county officers and departments, 2026
and road machinery, equipment, tools, or supplies, that is not 2027
needed for public use, is obsolete, or is unfit for the use for 2028
which it was acquired, and when the fair market value of the 2029
property to be sold or donated under this division is, in the 2030
opinion of the board, two thousand five hundred dollars or less, 2031
the board may do either of the following: 2032

(1) Sell the property by private sale, without advertisement 2033
or public notification; 2034

(2) Donate the property to an eligible nonprofit organization 2035
that is located in this state and is exempt from federal income 2036
taxation pursuant to 26 U.S.C. 501(a) and (c)(3). Before donating 2037
any property under this division, the board shall adopt a 2038
resolution expressing its intent to make unneeded, obsolete, or 2039
unfit-for-use county personal property available to these 2040
organizations. The resolution shall include guidelines and 2041
procedures the board considers necessary to implement a donation 2042
program under this division and shall indicate whether the county 2043
will conduct the donation program or the board will contract with 2044
a representative to conduct it. If a representative is known when 2045
the resolution is adopted, the resolution shall provide contact 2046
information such as the representative's name, address, and 2047
telephone number. 2048

The resolution shall include within its procedures a 2049
requirement that any nonprofit organization desiring to obtain 2050
donated property under this division shall submit a written notice 2051

to the board or its representative. The written notice shall 2052
include evidence that the organization is a nonprofit organization 2053
that is located in this state and is exempt from federal income 2054
taxation pursuant to 26 U.S.C. 501(a) and (c)(3); a description of 2055
the organization's primary purpose; a description of the type or 2056
types of property the organization needs; and the name, address, 2057
and telephone number of a person designated by the organization's 2058
governing board to receive donated property and to serve as its 2059
agent. 2060

After adoption of the resolution, the board shall publish, in 2061
a newspaper of general circulation in the county, notice of its 2062
intent to donate unneeded, obsolete, or unfit-for-use county 2063
personal property to eligible nonprofit organizations. The notice 2064
shall include a summary of the information provided in the 2065
resolution and shall be published ~~at least~~ twice or as provided in 2066
section 7.16 of the Revised Code. The second and any subsequent 2067
notice shall be published not less than ten nor more than twenty 2068
days after the previous notice. A similar notice also shall be 2069
posted continually in a conspicuous place in the offices of the 2070
county auditor and the board of county commissioners, ~~and, if.~~ If 2071
the county maintains a web site on the internet, the notice shall 2072
be posted continually at that web site. 2073

The board or its representative shall maintain a list of all 2074
nonprofit organizations that notify the board or its 2075
representative of their desire to obtain donated property under 2076
this division and that the board or its representative determines 2077
to be eligible, in accordance with the requirements set forth in 2078
this section and in the donation program's guidelines and 2079
procedures, to receive donated property. 2080

The board or its representatives also shall maintain a list 2081
of all county personal property the board finds to be unneeded, 2082
obsolete, or unfit for use and to be available for donation under 2083

this division. The list shall be posted continually in a 2084
conspicuous location in the offices of the county auditor and the 2085
board of county commissioners, and, if the county maintains a web 2086
site on the internet, the list shall be posted continually at that 2087
web site. An item of property on the list shall be donated to the 2088
eligible nonprofit organization that first declares to the board 2089
or its representative its desire to obtain the item unless the 2090
board previously has established, by resolution, a list of 2091
eligible nonprofit organizations that shall be given priority with 2092
respect to the item's donation. Priority may be given on the basis 2093
that the purposes of a nonprofit organization have a direct 2094
relationship to specific public purposes of programs provided or 2095
administered by the board. A resolution giving priority to certain 2096
nonprofit organizations with respect to the donation of an item of 2097
property shall specify the reasons why the organizations are given 2098
that priority. 2099

(C) Members of the board of county commissioners shall 2100
consult with the Ohio ethics commission, and comply with the 2101
provisions of Chapters 102. and 2921. of the Revised Code, with 2102
respect to any sale or donation under division (A) or (B) of this 2103
section to a nonprofit organization of which a county 2104
commissioner, any member of the county commissioner's family, or 2105
any business associate of the county commissioner is a trustee, 2106
officer, board member, or employee. 2107

(D) Notwithstanding anything to the contrary in division (A), 2108
(B), or (E) of this section and regardless of the property's 2109
value, the board of county commissioners may sell or donate county 2110
personal property, including motor vehicles, to the federal 2111
government, the state, any political subdivision of the state, or 2112
a county land reutilization corporation without advertisement or 2113
public notification. 2114

(E) Notwithstanding anything to the contrary in division (A), 2115

(B), or (G) of this section and regardless of the property's 2116
value, the board of county commissioners may sell personal 2117
property, including motor vehicles acquired for the use of county 2118
officers and departments, and road machinery, equipment, tools, or 2119
supplies, that is not needed for public use, is obsolete, or is 2120
unfit for the use for which it was acquired, by internet auction. 2121
The board shall adopt, during each calendar year, a resolution 2122
expressing its intent to sell that property by internet auction. 2123
The resolution shall include a description of how the auctions 2124
will be conducted and shall specify the number of days for bidding 2125
on the property, which shall be no less than ten days, including 2126
Saturdays, Sundays, and legal holidays. The resolution shall 2127
indicate whether the county will conduct the auction or the board 2128
will contract with a representative to conduct the auction and 2129
shall establish the general terms and conditions of sale. If a 2130
representative is known when the resolution is adopted, the 2131
resolution shall provide contact information such as the 2132
representative's name, address, and telephone number. 2133

After adoption of the resolution, the board shall publish, in 2134
a newspaper of general circulation in the county, notice of its 2135
intent to sell unneeded, obsolete, or unfit-for-use county 2136
personal property by internet auction. The notice shall include a 2137
summary of the information provided in the resolution and shall be 2138
published ~~at least~~ twice or as provided in section 7.16 of the 2139
Revised Code. The second and any subsequent notice shall be 2140
published not less than ten nor more than twenty days after the 2141
previous notice. A similar notice also shall be posted continually 2142
throughout the calendar year in a conspicuous place in the offices 2143
of the county auditor and the board of county commissioners, ~~and,~~ 2144
~~if.~~ If the county maintains a web site on the internet, the notice 2145
shall be posted continually throughout the calendar year at that 2146
web site. 2147

When property is to be sold by internet auction, the board or 2148
its representative may establish a minimum price that will be 2149
accepted for specific items and may establish any other terms and 2150
conditions for the particular sale, including requirements for 2151
pick-up or delivery, method of payment, and sales tax. This type 2152
of information shall be provided on the internet at the time of 2153
the auction and may be provided before that time upon request 2154
after the terms and conditions have been determined by the board 2155
or its representative. 2156

(F) When a county officer or department head determines that 2157
county-owned personal property under the jurisdiction of the 2158
officer or department head, including motor vehicles, road 2159
machinery, equipment, tools, or supplies, is not of immediate 2160
need, the county officer or department head may notify the board 2161
of county commissioners, and the board may lease that personal 2162
property to any municipal corporation, township, other political 2163
subdivision of the state, or to a county land reutilization 2164
corporation. The lease shall require the county to be reimbursed 2165
under terms, conditions, and fees established by the board, or 2166
under contracts executed by the board. 2167

(G) If the board of county commissioners finds, by 2168
resolution, that the county has vehicles, equipment, or machinery 2169
that is not needed, or is unfit for public use, and the board 2170
desires to sell the vehicles, equipment, or machinery to the 2171
person or firm from which it proposes to purchase other vehicles, 2172
equipment, or machinery, the board may offer to sell the vehicles, 2173
equipment, or machinery to that person or firm, and to have the 2174
selling price credited to the person or firm against the purchase 2175
price of other vehicles, equipment, or machinery. 2176

(H) If the board of county commissioners advertises for bids 2177
for the sale of new vehicles, equipment, or machinery to the 2178
county, it may include in the same advertisement a notice of the 2179

willingness of the board to accept bids for the purchase of 2180
county-owned vehicles, equipment, or machinery that is obsolete or 2181
not needed for public use, and to have the amount of those bids 2182
subtracted from the selling price of the other vehicles, 2183
equipment, or machinery as a means of determining the lowest 2184
responsible bidder. 2185

(I) If a board of county commissioners determines that county 2186
personal property is not needed for public use, or is obsolete or 2187
unfit for the use for which it was acquired, and that the property 2188
has no value, the board may discard or salvage that property. 2189

(J) A county engineer, in the engineer's discretion, may 2190
dispose of scrap construction materials on such terms as the 2191
engineer determines reasonable, including disposal without 2192
recovery of costs, if the total value of the materials does not 2193
exceed twenty-five thousand dollars. The engineer shall maintain 2194
records of all dispositions made under this division, including 2195
identification of the origin of the materials, the final 2196
disposition, and copies of all receipts resulting from the 2197
dispositions. 2198

As used in division (I) of this section, "scrap construction 2199
materials" means construction materials that result from a road or 2200
bridge improvement, remain after the improvement is completed, and 2201
are not reusable. Construction material that is metal and that 2202
results from a road or bridge improvement and remains after the 2203
improvement is completed is scrap construction material only if it 2204
cannot be used in any other road or bridge improvement or other 2205
project in its current state. 2206

Sec. 307.676. (A) As used in this section: 2207

(1) "Food and beverages" means any raw, cooked, or processed 2208
edible substance used or intended for use in whole or in part for 2209
human consumption, including ice, water, spirituous liquors, wine, 2210

mixed beverages, beer, soft drinks, soda, and other beverages. 2211

(2) "Convention facilities authority" has the same meaning as 2212
in section 351.01 of the Revised Code. 2213

(3) "Convention center" has the same meaning as in section 2214
307.695 of the Revised Code. 2215

(B) The legislative authority of a county with a population 2216
of one million or more according to the most recent federal 2217
decennial census may, by resolution adopted on or before August 2218
30, 2004, by a majority of the members of the legislative 2219
authority and with the subsequent approval of a majority of the 2220
electors of the county voting upon it, levy a tax of not more than 2221
two per cent on every retail sale in the county of food and 2222
beverages to be consumed on the premises where sold to pay the 2223
expenses of administering the tax and to provide revenues for the 2224
county general fund. Such resolution shall direct the board of 2225
elections to submit the question of levying the tax to the 2226
electors of the county at the next primary or general election in 2227
the county occurring not less than seventy-five days after the 2228
resolution is certified to the board of elections, and such 2229
resolution may further direct the board of elections to include 2230
upon the ballot submitted to the electors any specific purposes 2231
for which the tax will be used. The legislative authority shall 2232
establish all regulations necessary to provide for the 2233
administration and allocation of the tax. The regulations may 2234
prescribe the time for payment of the tax and may provide for 2235
imposition of a penalty, interest, or both for late payments, 2236
provided that any such penalty may not exceed ten per cent of the 2237
amount of tax due and the rate at which interest accrues may not 2238
exceed the rate per annum required under section 5703.47 of the 2239
Revised Code. 2240

(C) A tax levied under this section shall remain in effect 2241
for the period of time specified in the resolution or ordinance 2242

levying the tax, but in no case for a longer period than forty 2243
years. 2244

(D) A tax levied under this section is in addition to any 2245
other tax levied under Chapter 307., 4301., 4305., 5739., 5741., 2246
or any other chapter of the Revised Code. "Price," as defined in 2247
sections 5739.01 and 5741.01 of the Revised Code, does not include 2248
any tax levied under this section and any tax levied under this 2249
section does not include any tax imposed under Chapter 5739. or 2250
5741. of the Revised Code. 2251

(E)(1) No amount collected from a tax levied under this 2252
section shall be contributed to a convention facilities authority, 2253
corporation, or other entity created after July 1, 2003, for the 2254
principal purpose of constructing, improving, expanding, 2255
equipping, financing, or operating a convention center unless the 2256
mayor of the municipal corporation in which the convention center 2257
is to be operated by that convention facilities authority, 2258
corporation, or other entity has consented to the creation of that 2259
convention facilities authority, corporation, or entity. 2260
Notwithstanding any contrary provision of section 351.04 of the 2261
Revised Code, if a tax is levied by a county under this section, 2262
the board of county commissioners of that county may determine the 2263
manner of selection, the qualifications, the number, and terms of 2264
office of the members of the board of directors of any convention 2265
facilities authority, corporation, or other entity described in 2266
division (E)(1) of this section. 2267

(2)(a) No amount collected from a tax levied under this 2268
section may be used for any purpose other than paying the direct 2269
and indirect costs of constructing, improving, expanding, 2270
equipping, financing, or operating a convention center and for the 2271
real and actual costs of administering the tax, unless, prior to 2272
the adoption of the resolution of the legislative authority of the 2273
county directing the board of elections to submit the question of 2274

the levy, extension, or increase to the electors of the county, 2275
the county and the mayor of the most populous municipal 2276
corporation in that county have entered into an agreement as to 2277
the use of such amounts, provided that such agreement has been 2278
approved by a majority of the mayors of the other municipal 2279
corporations in that county. The agreement shall provide that the 2280
amounts to be used for purposes other than paying the convention 2281
center or administrative costs described in division (E)(2)(a) of 2282
this section be used only for the direct and indirect costs of 2283
capital improvements in accordance with the agreement, including 2284
the financing of capital improvements. Immediately following the 2285
execution of the agreement, the county shall: 2286

(i) In accordance with section 7.12 of the Revised Code, 2287
cause the agreement to be published ~~at least~~ once in a newspaper 2288
of general circulation in that county; or 2289

(ii) Post the agreement in at least five public places in the 2290
county, as determined by the legislative authority, for a period 2291
not less than fifteen days. 2292

(b) If the county in which the tax is levied has an 2293
association of mayors and city managers, the approval of that 2294
association of an agreement described in division (E)(2)(a) of 2295
this section shall be considered to be the approval of the 2296
majority of the mayors of the other municipal corporations for 2297
purposes of that division. 2298

(F) Each year, the auditor of state shall conduct an audit of 2299
the uses of any amounts collected from taxes levied under this 2300
section and shall prepare a report of the auditor of state's 2301
findings. The auditor of state shall submit the report to the 2302
legislative authority of the county that has levied the tax, the 2303
speaker of the house of representatives, the president of the 2304
senate, and the leaders of the minority parties of the house of 2305
representatives and the senate. 2306

(G) The levy of any taxes under Chapter 5739. of the Revised Code on the same transactions subject to a tax under this section does not prevent the levy of a tax under this section.

Sec. 307.70. In any county electing a county charter commission, the board of county commissioners shall appropriate money for the expenses of such commission in the preparation of a county charter, or charter amendment, and the study of problems involved. No appropriation shall be made for the compensation of members of the commission for their services. The board shall appropriate money for the printing and mailing or otherwise distributing to each elector in the county, as far as may be reasonably possible, a copy of a charter submitted to the electors of the county by a charter commission or by the board pursuant to petition as provided by Section 4 of Article X, Ohio Constitution. The copy of the charter shall be mailed or otherwise distributed at least thirty days prior to the election. The board shall appropriate money for the printing and distribution or publication of proposed amendments to a charter submitted by a charter commission pursuant to Section 4 of Article X, Ohio Constitution. Notice of amendments to a county charter shall be given by mailing or otherwise distributing a copy of each proposed amendment to each elector in the county, as far as may be reasonably possible, at least thirty days prior to the election or, if the board so determines, by publishing the full text of the proposed amendments once a week for at least two consecutive weeks in a newspaper ~~published in the county. If no newspaper is published in the county or the board is unable to obtain publication in a newspaper published in the county, the proposed amendments may be published in a newspaper~~ of general circulation within the county, or as provided in section 7.16 of the Revised Code. No public officer is precluded, because of being a public officer, from also holding office as a member of a county charter commission, except that not

more than four officeholders may be elected to a county charter 2339
commission at the same time. No member of a county charter 2340
commission, because of charter commission membership, is precluded 2341
from seeking or holding other public office. 2342

Sec. 307.79. (A) The board of county commissioners may adopt, 2343
amend, and rescind rules establishing technically feasible and 2344
economically reasonable standards to achieve a level of management 2345
and conservation practices that will abate wind or water erosion 2346
of the soil or abate the degradation of the waters of the state by 2347
soil sediment in conjunction with land grading, excavating, 2348
filling, or other soil disturbing activities on land used or being 2349
developed for nonfarm commercial, industrial, residential, or 2350
other nonfarm purposes, and establish criteria for determination 2351
of the acceptability of those management and conservation 2352
practices. The rules shall be designed to implement the applicable 2353
areawide waste treatment management plan prepared under section 2354
208 of the "Federal Water Pollution Control Act," 86 Stat. 816 2355
(1972), 33 U.S.C.A. 1228, as amended, and to implement phase II of 2356
the storm water program of the national pollutant discharge 2357
elimination system established in 40 C.F.R. Part 122. The rules to 2358
implement phase II of the storm water program of the national 2359
pollutant discharge elimination system shall not be inconsistent 2360
with, more stringent than, or broader in scope than the rules or 2361
regulations adopted by the environmental protection agency under 2362
40 C.F.R. Part 122. The rules adopted under this section shall not 2363
apply inside the limits of municipal corporations or the limits of 2364
townships with a limited home rule government that have adopted 2365
rules under section 504.21 of the Revised Code, to lands being 2366
used in a strip mine operation as defined in section 1513.01 of 2367
the Revised Code, or to land being used in a surface mine 2368
operation as defined in section 1514.01 of the Revised Code. 2369

2370

The rules adopted under this section may require persons to 2371
file plans governing erosion control, sediment control, and water 2372
management before clearing, grading, excavating, filling, or 2373
otherwise wholly or partially disturbing one or more contiguous 2374
acres of land owned by one person or operated as one development 2375
unit for the construction of nonfarm buildings, structures, 2376
utilities, recreational areas, or other similar nonfarm uses. If 2377
the rules require plans to be filed, the rules shall do all of the 2378
following: 2379

(1) Designate the board itself, its employees, or another 2380
agency or official to review and approve or disapprove the plans; 2381

(2) Establish procedures and criteria for the review and 2382
approval or disapproval of the plans; 2383

(3) Require the designated entity to issue a permit to a 2384
person for the clearing, grading, excavating, filling, or other 2385
project for which plans are approved and to deny a permit to a 2386
person whose plans have been disapproved; 2387

(4) Establish procedures for the issuance of the permits; 2388

(5) Establish procedures under which a person may appeal the 2389
denial of a permit. 2390

Areas of less than one contiguous acre shall not be exempt 2391
from compliance with other provisions of this section or rules 2392
adopted under this section. The rules adopted under this section 2393
may impose reasonable filing fees for plan review, permit 2394
processing, and field inspections. 2395

No permit or plan shall be required for a public highway, 2396
transportation, or drainage improvement or maintenance project 2397
undertaken by a government agency or political subdivision in 2398
accordance with a statement of its standard sediment control 2399
policies that is approved by the board or the chief of the 2400
division of soil and water conservation in the department of 2401

natural resources. 2402

(B) Rules or amendments may be adopted under this section 2403
only after public hearings at not fewer than two regular sessions 2404
of the board. The board of county commissioners shall cause to be 2405
published, in a newspaper of general circulation in the county, 2406
notice of the public hearings, including time, date, and place, 2407
once a week for two weeks immediately preceding the hearings, or 2408
as provided in section 7.16 of the Revised Code. The proposed 2409
rules or amendments shall be made available by the board to the 2410
public at the board office or other location indicated in the 2411
notice. The rules or amendments shall take effect on the 2412
thirty-first day following the date of their adoption. 2413

(C) The board of county commissioners may employ personnel to 2414
assist in the administration of this section and the rules adopted 2415
under it. The board also, if the action does not conflict with the 2416
rules, may delegate duties to review sediment control and water 2417
management plans to its employees, and may enter into agreements 2418
with one or more political subdivisions, other county officials, 2419
or other government agencies, in any combination, in order to 2420
obtain reviews and comments on plans governing erosion control, 2421
sediment control, and water management or to obtain other services 2422
for the administration of the rules adopted under this section. 2423

(D) The board of county commissioners or any duly authorized 2424
representative of the board may, upon identification to the owner 2425
or person in charge, enter any land upon obtaining agreement with 2426
the owner, tenant, or manager of the land in order to determine 2427
whether there is compliance with the rules adopted under this 2428
section. If the board or its duly authorized representative is 2429
unable to obtain such an agreement, the board or representative 2430
may apply for, and a judge of the court of common pleas for the 2431
county where the land is located may issue, an appropriate 2432
inspection warrant as necessary to achieve the purposes of this 2433

chapter. 2434

(E)(1) If the board of county commissioners or its duly 2435
authorized representative determines that a violation of the rules 2436
adopted under this section exists, the board or representative may 2437
issue an immediate stop work order if the violator failed to 2438
obtain any federal, state, or local permit necessary for sediment 2439
and erosion control, earth movement, clearing, or cut and fill 2440
activity. In addition, if the board or representative determines 2441
such a rule violation exists, regardless of whether or not the 2442
violator has obtained the proper permits, the board or 2443
representative may authorize the issuance of a notice of 2444
violation. If, after a period of not less than thirty days has 2445
elapsed following the issuance of the notice of violation, the 2446
violation continues, the board or its duly authorized 2447
representative shall issue a second notice of violation. Except as 2448
provided in division (E)(3) of this section, if, after a period of 2449
not less than fifteen days has elapsed following the issuance of 2450
the second notice of violation, the violation continues, the board 2451
or its duly authorized representative may issue a stop work order 2452
after first obtaining the written approval of the prosecuting 2453
attorney of the county if, in the opinion of the prosecuting 2454
attorney, the violation is egregious. 2455

Once a stop work order is issued, the board or its duly 2456
authorize representative shall request, in writing, the 2457
prosecuting attorney of the county to seek an injunction or other 2458
appropriate relief in the court of common pleas to abate excessive 2459
erosion or sedimentation and secure compliance with the rules 2460
adopted under this section. If the prosecuting attorney seeks an 2461
injunction or other appropriate relief, then, in granting relief, 2462
the court of common pleas may order the construction of sediment 2463
control improvements or implementation of other control measures 2464
and may assess a civil fine of not less than one hundred or more 2465

than five hundred dollars. Each day of violation of a rule or stop work order issued under this section shall be considered a separate violation subject to a civil fine.

(2) The person to whom a stop work order is issued under this section may appeal the order to the court of common pleas of the county in which it was issued, seeking any equitable or other appropriate relief from that order.

(3) No stop work order shall be issued under this section against any public highway, transportation, or drainage improvement or maintenance project undertaken by a government agency or political subdivision in accordance with a statement of its standard sediment control policies that is approved by the board or the chief of the division of soil and water conservation in the department of natural resources.

(F) No person shall violate any rule adopted or order issued under this section. Notwithstanding division (E) of this section, if the board of county commissioners determines that a violation of any rule adopted or administrative order issued under this section exists, the board may request, in writing, the prosecuting attorney of the county to seek an injunction or other appropriate relief in the court of common pleas to abate excessive erosion or sedimentation and secure compliance with the rules or order. In granting relief, the court of common pleas may order the construction of sediment control improvements or implementation of other control measures and may assess a civil fine of not less than one hundred or more than five hundred dollars. Each day of violation of a rule adopted or administrative order issued under this section shall be considered a separate violation subject to a civil fine.

Sec. 307.791. The question of repeal of a county sediment control rule adopted under section 307.79 of the Revised Code may

be initiated by filing with the board of elections of the county 2497
not less than seventy-five days before the general or primary 2498
election in any year a petition requesting that an election be 2499
held on such question. Such petition shall be signed by qualified 2500
electors residing in the county equal in number to ten per cent of 2501
those voting for governor at the most recent gubernatorial 2502
election in the county. 2503

After determination by it that such petition is valid, the 2504
board of elections shall submit the question to the electors of 2505
the county at the next general or primary election. The election 2506
shall be conducted, canvassed, and certified in the same manner as 2507
regular elections for county offices in the county. Notice of the 2508
election shall be published in a newspaper of general circulation 2509
in the county once a week for two consecutive weeks prior to the 2510
election ~~and, if~~ or as provided in section 7.16 of the Revised 2511
Code. If the board of elections operates and maintains a web site, 2512
notice of the election also shall be posted on that web site for 2513
thirty days prior to the election. The notice shall state the 2514
purpose, time, and place of the election and ~~the complete text a~~ 2515
succinct summary of each rule sought to be repealed. The form of 2516
the ballot cast at such election shall be prescribed by the 2517
secretary of state. The question covered by such petition shall be 2518
submitted as a separate proposition, but it may be printed on the 2519
same ballot with any other proposition submitted at the same 2520
election other than the election of officers. If a majority of the 2521
qualified electors voting on the question of repeal approve the 2522
repeal, the result of the election shall be certified immediately 2523
after the canvass by the board of elections to the board of county 2524
commissioners, who shall thereupon rescind the rule. 2525

Sec. 307.81. (A) Where lands have been dedicated to or for 2526
the use of the public for parks or park lands, and where such 2527
lands have remained unimproved and unused by the public and there 2528

appears to be little or no possibility that such lands will be 2529
improved and used by the public, the board of county commissioners 2530
of the county in which the lands are located may, by resolution, 2531
declare such parks or park lands vacated upon the petition of a 2532
majority of the abutting freeholders. No such parks or park lands 2533
shall be vacated unless notice of the pendency and prayer of the 2534
petition is given in a newspaper of general circulation in the 2535
county in which such lands are situated for three consecutive 2536
weeks preceding action on such petition or as provided in section 2537
7.16 of the Revised Code. No such lands shall be vacated prior to 2538
a public hearing had thereon. 2539

(B) Before the board of county commissioners may act on a 2540
petition to vacate unimproved and unused parks or park lands under 2541
division (A) of this section, the board shall offer such parks or 2542
park lands to all political subdivisions described in division (C) 2543
of this section. The board shall give notice to those political 2544
subdivisions by first class mail that the parks or park lands may 2545
be declared vacated unless the board of county commissioners 2546
accepts an offer from another political subdivision to buy or 2547
lease the lands. The failure of delivery of any such notice does 2548
not invalidate any proceedings for the disposition of parks or 2549
park lands under this division. Any such political subdivision 2550
that wishes to buy or lease the parks or park lands shall make an 2551
offer for the lands to the board in writing not later than ninety 2552
days after receiving the notice. The board may reject any offer, 2553
except that if it receives an offer in which the political 2554
subdivision agrees to use the lands for park purposes and in which 2555
the board finds all of the other terms acceptable, the board shall 2556
accept that offer. No offer shall be accepted until notice of the 2557
offer is published for three consecutive weeks in a newspaper of 2558
general circulation in the county in which the lands are situated 2559
or as provided in section 7.16 of the Revised Code, and a public 2560
hearing is held. Proceeds from the sale or lease of the lands 2561

shall be placed in the general fund of the county and be disbursed 2562
as prescribed in section 307.82 of the Revised Code. Any deed 2563
conveying the lands shall be executed as provided in that section. 2564

(C) In order to receive a notice or to make an offer 2565
regarding parks or park lands under division (B) of this section, 2566
a political subdivision must meet both of the following 2567
conditions: 2568

(1) Have the authority to acquire, develop, and maintain 2569
public parks or recreation areas; 2570

(2) Contain the parks or park lands in question within its 2571
boundaries, or adjoin a political subdivision that contains those 2572
parks or park lands within its boundaries. 2573

Sec. 307.82. Upon the vacation of parks or park lands, the 2574
board of county commissioners shall offer such lands for sale at a 2575
public auction at the courthouse of the county in which such lands 2576
are situated. No lands shall be sold until the board gives notice 2577
of intention to sell such lands. Such notice shall be published 2578
once a week for four consecutive weeks in a newspaper of general 2579
circulation in the county in which sale is to be had or as 2580
provided in section 7.16 of the Revised Code. The board shall sell 2581
such lands to the highest and best bidder, provided, the board may 2582
reject any and all bids made hereunder. 2583

When such sale is made, the auditor of the county in which 2584
sale is had and in which such lands are located, shall enter into 2585
a deed, conveying said lands to the purchaser thereof. At the time 2586
of sale, the auditor shall place the lands sold hereunder on the 2587
tax duplicate of the county at a value to be established by ~~him~~ 2588
the auditor as in cases where ~~he~~ the auditor re-enters property 2589
which has been tax exempt on the taxable list of the county. 2590

The proceeds from the sale of lands sold pursuant to this 2591

section shall be placed in the general fund of the county in which 2592
such lands are located and may be disbursed as other general fund 2593
moneys. 2594

Sec. 307.83. When real estate which has been dedicated to or 2595
for the use of the public for parks or park lands is vacated by 2596
the board of county commissioners pursuant to division (A) of 2597
section 307.81 of the Revised Code or is to be sold or leased for 2598
nonpark use under division (B) of that section, and where 2599
reversionary interests have been set up in the event of the 2600
non-use of such lands for the dedicated purpose, such reversionary 2601
interests shall accelerate and vest in the holders thereof upon 2602
such vacation, or prior to the acceptance of an offer to buy or 2603
lease the land. Thereupon the auditor of the county shall place 2604
the lands on the tax duplicate of the county in the names of such 2605
reversioners as are known to the board of county commissioners. If 2606
the board is unable to establish the names of such reversioners, 2607
it shall fix a date on or before which claims to such real estate 2608
may be asserted and after which such real estate shall be sold or 2609
leased. The board shall give notice of such date and of the sale 2610
or lease to be held thereafter, once each week for four 2611
consecutive weeks in a newspaper of general circulation in the 2612
county wherein such lands are located or as provided in section 2613
7.16 of the Revised Code. In the event that no claims to such 2614
lands are asserted or found to be valid, the lands shall be sold 2615
pursuant to section 307.82 of the Revised Code in the case of a 2616
vacation of the lands pursuant to division (A) of section 307.81 2617
of the Revised Code, or be sold or leased pursuant to division (B) 2618
of section 307.81 of the Revised Code if an agreement with a 2619
political subdivision is entered into under that division, and the 2620
title of any holders of reversionary interests shall be 2621
extinguished. 2622

Sec. 308.13. (A) The board of trustees of a regional airport 2623
authority or any officer or employee designated by such board may 2624
make any contract for the purchase of supplies or material or for 2625
labor for any work, under the supervision of the board, the cost 2626
of which shall not exceed fifteen thousand dollars. Except where 2627
the contract is for equipment, materials, or supplies available 2628
from a qualified nonprofit agency pursuant to sections 4115.31 to 2629
4115.35 of the Revised Code, when an expenditure, other than for 2630
the acquisition of real estate, the discharge of noncontractual 2631
claims, personal services, or for the product or services of 2632
public utilities, exceeds fifteen thousand dollars, such 2633
expenditure shall be made only after a notice calling for bids has 2634
been published once a week for three consecutive weeks in ~~at least~~ 2635
~~one~~ a newspaper of general circulation within the territorial 2636
boundaries of the regional airport authority, or as provided in 2637
section 7.16 of the Revised Code. If the bid is for a contract for 2638
the construction, demolition, alteration, repair, or 2639
reconstruction of an improvement, it shall meet the requirements 2640
of section 153.54 of the Revised Code. If the bid is for any other 2641
contract authorized by this section, it shall be accompanied by a 2642
good and approved bond with ample security conditioned on the 2643
carrying out of the contract. The board may let the contract to 2644
the lowest and best bidder. Such contract shall be in writing and 2645
shall be accompanied by or shall refer to plans and specifications 2646
for the work to be done, approved by the board. The plans and 2647
specifications shall at all times be made and considered part of 2648
the contract. Said contract shall be approved by the board and 2649
signed by its chief executive officer and by the contractor, and 2650
shall be executed in duplicate. 2651

(B) Whenever a board of trustees of a regional airport 2652
authority or any officer or employee designated by the board makes 2653
a contract for the purchase of supplies or material or for labor 2654

for any work, the cost of which is greater than one thousand 2655
dollars but no more than fifteen thousand dollars, the board or 2656
designated officer or employee shall solicit informal estimates 2657
from no fewer than three potential suppliers before awarding the 2658
contract. With regard to each such contract, the board shall 2659
maintain a record of such estimates, including the name of each 2660
person from whom an estimate is solicited, for no less than one 2661
year after the contract is awarded. 2662

Sec. 317.20. (A) When, in the opinion of the board of county 2663
commissioners, sectional indexes are needed and it so directs, in 2664
addition to the alphabetical indexes provided for in section 2665
317.18 of the Revised Code, the board may provide for making, in 2666
books prepared for that purpose, sectional indexes to the records 2667
of all real estate in the county beginning with some designated 2668
year and continuing through the period of years that the board 2669
specifies. The sectional indexes shall place under the heads of 2670
the original surveyed sections or surveys, parts of a section or 2671
survey, squares, subdivisions, permanent parcel numbers provided 2672
for under section 319.28 of the Revised Code, or lots, on the 2673
left-hand page or on the upper portion of that page of the index 2674
book, the name of the grantor, then the name of the grantee, then 2675
the number and page of the record in which the instrument is found 2676
recorded, then the character of the instrument, and then a 2677
pertinent description of the interest in property conveyed by the 2678
deed, lease, or assignment of lease and shall place under similar 2679
headings on the right-hand page or on the lower portion of that 2680
page of the index book, beginning at the bottom, all the 2681
mortgages, liens, notices provided for in sections 5301.51, 2682
5301.52, and 5301.56 of the Revised Code, or other encumbrances 2683
affecting the real estate. 2684

(B) The compensation for the services rendered under this 2685
section shall be paid from the general revenue fund of the county, 2686

and no additional levy shall be made in consequence of the 2687
services. 2688

(C) If the board of county commissioners decides to have 2689
sectional indexes made, it shall advertise for three consecutive 2690
weeks in one newspaper of general circulation in the county or as 2691
provided in section 7.16 of the Revised Code for sealed proposals 2692
to do the work provided for in this section, shall contract with 2693
the lowest and best bidder, and shall require the successful 2694
bidder to give a bond for the faithful performance of the contract 2695
in the sum that the board fixes. The work shall be done to the 2696
acceptance of the auditor of state upon allowance by the board. 2697
The board may reject any and all bids for the work, provided that 2698
no more than five cents shall be paid for each entry of each tract 2699
or lot of land. 2700

(D) When the sectional indexes are brought up and completed, 2701
the county recorder shall maintain the indexes and comply with 2702
division (E) of this section in connection with registered land. 2703

(E)(1) As used in division (E) of this section, "housing 2704
accommodations" and "restrictive covenant" have the same meanings 2705
as in section 4112.01 of the Revised Code. 2706

(2) In connection with any transfer of registered land that 2707
occurs on and after ~~the effective date of this amendment~~ March 30, 2708
1999, in accordance with Chapters 5309. and 5310. of the Revised 2709
Code, the county recorder shall delete from the sectional indexes 2710
maintained under this section all references to any restrictive 2711
covenant that appears to apply to the transferred registered land, 2712
if any inclusion of the restrictive covenant in a transfer, 2713
rental, or lease of housing accommodations, any honoring or 2714
exercising of the restrictive covenant, or any attempt to honor or 2715
exercise the restrictive covenant constitutes an unlawful 2716
discriminatory practice under division (H)(9) of section 4112.02 2717
of the Revised Code. 2718

Sec. 319.11. The county auditor shall, on or before ninety 2719
days after the close of the fiscal year, prepare a financial 2720
report of the county for the preceding fiscal year in such form as 2721
prescribed by the auditor of state. Upon completing the report, 2722
the county auditor shall publish notice that the report has been 2723
completed and is available for public inspection at the office of 2724
the county auditor. The notice shall be published once in ~~two~~ 2725
~~newspapers~~ a newspaper of general circulation ~~published~~ in the 2726
county, ~~except that if only one newspaper is published in the~~ 2727
~~county, then publication in only one newspaper is required, and~~ 2728
~~if.~~ If there are is no newspapers newspaper of general circulation 2729
in the county, then publication is required in the newspaper of 2730
general circulation in an adjoining county that has the largest 2731
circulation in ~~the~~ that adjoining county. The report shall contain 2732
at least the information required by section 117.38 of the Revised 2733
Code, and a copy shall be filed with the auditor of state. 2734

No county auditor shall fail or neglect to prepare the report 2735
or publish notice of completion of the report as required by this 2736
section. 2737

Sec. 321.18. As soon as sufficient funds are in the county 2738
treasury to redeem the warrants drawn on the treasury, and on 2739
which interest is accruing, the county treasurer shall give notice 2740
in a newspaper ~~published in and circulating~~ of general circulation 2741
in ~~his~~ the county that ~~he~~ the treasurer is ready to redeem such 2742
warrants, and from the date of the notice the interest on such 2743
warrants shall cease. 2744

Sec. 322.02. (A) For the purpose of paying the costs of 2745
enforcing and administering the tax and providing additional 2746
general revenue for the county, any county may levy and collect a 2747
tax to be known as the real property transfer tax on each deed 2748

conveying real property or any interest in real property located 2749
wholly or partially within the boundaries of the county at a rate 2750
not to exceed thirty cents per hundred dollars for each one 2751
hundred dollars or fraction thereof of the value of the real 2752
property or interest in real property located within the 2753
boundaries of the county granted, assigned, transferred, or 2754
otherwise conveyed by the deed. The tax shall be levied pursuant 2755
to a resolution adopted by the board of county commissioners of 2756
the county and, except as provided in division (A) of section 2757
322.07 of the Revised Code, shall be levied at a uniform rate upon 2758
all deeds as defined in ~~division~~ division (D) of section 322.01 of 2759
the Revised Code. Prior to the adoption of any such resolution, 2760
the board of county commissioners shall conduct two public 2761
hearings thereon, the second hearing to be not less than three nor 2762
more than ten days after the first. Notice of the date, time, and 2763
place of the hearings shall be given by publication in a newspaper 2764
of general circulation in the county once a week on the same day 2765
of the week for two consecutive weeks, ~~the~~ or as provided in 2766
section 7.16 of the Revised Code. The second publication ~~being~~ 2767
shall be not less than ten nor more than thirty days prior to the 2768
first hearing. The tax shall be levied upon the grantor named in 2769
the deed and shall be paid by the grantor for the use of the 2770
county to the county auditor at the time of the delivery of the 2771
deed as provided in section 319.202 of the Revised Code and prior 2772
to the presentation of the deed to the recorder of the county for 2773
recording. 2774

(B) No resolution levying a real property transfer tax 2775
pursuant to this section or a manufactured home transfer tax 2776
pursuant to section 322.06 of the Revised Code shall be effective 2777
sooner than thirty days following its adoption. Such a resolution 2778
is subject to a referendum as provided in sections 305.31 to 2779
305.41 of the Revised Code, unless the resolution is adopted as an 2780
emergency measure necessary for the immediate preservation of the 2781

public peace, health, or safety, in which case it shall go into 2782
immediate effect. An emergency measure must receive an affirmative 2783
vote of all of the members of the board of commissioners, and 2784
shall state the reasons for the necessity. A resolution may direct 2785
the board of elections to submit the question of levying the tax 2786
to the electors of the county at the next primary or general 2787
election in the county occurring not less than seventy-five days 2788
after the resolution is certified to the board. No such resolution 2789
shall go into effect unless approved by a majority of those voting 2790
upon it. 2791

Sec. 322.021. The question of a repeal of a county permissive 2792
tax adopted as an emergency measure pursuant to division (B) of 2793
section 322.02 of the Revised Code may be initiated by filing with 2794
the board of elections of the county not less than seventy-five 2795
days before the general election in any year a petition requesting 2796
that an election be held on such question. Such petition shall be 2797
signed by qualified electors residing in the county equal in 2798
number to ten per cent of those voting for governor at the most 2799
recent gubernatorial election. 2800

After determination by it that such petition is valid, the 2801
board of elections shall submit the question to the electors of 2802
the county at the next general election. The election shall be 2803
conducted, canvassed, and certified in the same manner as regular 2804
elections for county offices in the county. Notice of the election 2805
shall be published in a newspaper of general circulation in the 2806
district once a week for two consecutive weeks prior to the 2807
election ~~and, if or as provided in section 7.16 of the Revised~~ 2808
Code. If the board of elections operates and maintains a web site, 2809
notice of the election also shall be posted on that web site for 2810
thirty days prior to the election. The notice shall state the 2811
purpose, time, and place of the election. The form of the ballot 2812
cast at such election shall be prescribed by the secretary of 2813

state. The question covered by such petition shall be submitted as 2814
a separate proposition, but it may be printed on the same ballot 2815
with any other proposition submitted at the same election other 2816
than the election of officers. If a majority of the qualified 2817
electors voting on the question of repeal approve the repeal, the 2818
result of the election shall be certified immediately after the 2819
canvass by the board of elections to the board of county 2820
commissioners, who shall thereupon, after the current year, cease 2821
to levy the tax. 2822

Sec. 323.08. After certifying the tax list and duplicate 2823
pursuant to section 319.28 of the Revised Code, the county auditor 2824
shall deliver a list of the tax rates, tax reduction factors, and 2825
effective tax rates assessed and applied against each of the two 2826
classes of property of the county to the county treasurer, who 2827
shall immediately cause a schedule of such tax rates and effective 2828
rates to be published in a newspaper of ~~the type described in~~ 2829
~~section 5721.01 of the Revised Code having~~ general circulation in 2830
the county or, in lieu of such publication, the county treasurer 2831
may insert a copy of such schedule with each tax bill mailed. Such 2832
schedule shall specify particularly the rates and effective rates 2833
of taxation levied for all purposes on the tax list and duplicate 2834
for the support of the various taxing units within the county, 2835
expressed in dollars and cents for each one thousand dollars of 2836
valuation. The effective tax rates shall be printed in boldface 2837
type. 2838

The county treasurer shall publish notice of the date of the 2839
last date for payment of each installment of taxes once a week for 2840
two successive weeks prior to such date in ~~two newspapers a~~ 2841
newspaper of general circulation within the county or as provided 2842
in section 7.16 of the Revised Code. ~~If only one such newspaper~~ 2843
~~exists, the notice shall be published in it.~~ The notice shall be 2844
inserted in a conspicuous place ~~in each newspaper~~ and shall also 2845

contain notice that any taxes paid after such date will accrue a penalty and interest and that failure to receive a tax bill will not avoid such penalty and interest. The notice shall contain a telephone number that may be called by taxpayers who have not received tax bills.

As used in this section and section 323.131 of the Revised Code, "effective tax rate" means the effective rate after making the reduction required by section 319.301, but before making the reduction required by section 319.302 of the Revised Code.

Sec. 324.02. For the purpose of providing additional general revenues for the county and paying the expense of administering such levy, any county may levy a county excise tax to be known as the utilities service tax on the charge for every utility service to customers within the county at a rate not to exceed two per cent of such charge. On utility service to customers engaged in business, the tax shall be imposed at a rate of one hundred fifty per cent of the rate imposed upon all other consumers within the county. The tax shall be levied pursuant to a resolution adopted by the board of county commissioners of the county and shall be levied at uniform rates required by this section upon all charges for utility service except as provided in section 324.03 of the Revised Code. The tax shall be levied upon the customer and shall be paid by the customer to the utility supplying the service at the time the customer pays the utility for the service. If the charge for utility service is billed to a person other than the customer at the request of such person, the tax commissioner of the state may, in accordance with section 324.04 of the Revised Code, provide for the levy of the tax against and the payment of the tax by such other person. Each utility furnishing a utility service the charge for which is subject to the tax shall set forth the tax as a separate item on each bill or statement rendered to the customer.

Prior to the adoption of any resolution levying a utilities 2878
service tax the board of county commissioners shall conduct two 2879
public hearings thereon, the second hearing to be not less than 2880
three nor more than ten days after the first. Notice of the date, 2881
time, and place of such hearings shall be given by publication in 2882
a newspaper of general circulation in the county once a week on 2883
the same day of the week for two consecutive weeks, ~~the~~ or as 2884
provided in section 7.16 of the Revised Code. The second 2885
publication ~~being~~ shall be not less than ten nor more than thirty 2886
days prior to the first hearing. No resolution levying a utilities 2887
service tax pursuant to this section of the Revised Code shall be 2888
effective sooner than thirty days following its adoption and such 2889
resolution is subject to a referendum as provided in sections 2890
305.31 to 305.41 of the Revised Code, unless such resolution is 2891
adopted as an emergency measure necessary for the immediate 2892
preservation of the public peace, health, or safety, in which case 2893
it shall go into immediate effect. Such emergency measure must 2894
receive an affirmative vote of all of the members of the board of 2895
commissioners, and shall state the reasons for such necessity. A 2896
resolution may direct the board of elections to submit the 2897
question of levying the tax to the electors of the county at the 2898
next primary or general election in the county occurring not less 2899
than seventy-five days after such resolution is certified to the 2900
board. No such resolution shall go into effect unless approved by 2901
a majority of those voting upon it. The tax levied by such 2902
resolution shall apply to all bills rendered subsequent to the 2903
sixtieth day after the effective date of the resolution. No bills 2904
shall be rendered out of the ordinary course of business to avoid 2905
payment of the tax. 2906

Sec. 324.021. The question of repeal of a county permissive 2907
tax adopted as an emergency measure pursuant to section 324.02 of 2908
the Revised Code may be initiated by filing with the board of 2909

elections of the county not less than seventy-five days before the 2910
general election in any year a petition requesting that an 2911
election be held on such question. Such petition shall be signed 2912
by qualified electors residing in the county equal in number to 2913
ten per cent of those voting for governor at the most recent 2914
gubernatorial election. 2915

After determination by it that such petition is valid, the 2916
board of elections shall submit the question to the electors of 2917
the county at the next general election. The election shall be 2918
conducted, canvassed, and certified in the same manner as regular 2919
elections for county offices in the county. Notice of the election 2920
shall be published in a newspaper of general circulation in the 2921
district once a week for two consecutive weeks prior to the 2922
election ~~and, if or as provided in section 7.16 of the Revised~~ 2923
Code. If the board of elections operates and maintains a web site, 2924
notice of the election also shall be posted on that web site for 2925
thirty days prior to the election. The notice shall state the 2926
purpose, time, and place of the election. The form of the ballot 2927
cast at such election shall be prescribed by the secretary of 2928
state. The question covered by such petition shall be submitted as 2929
a separate proposition, but it may be printed on the same ballot 2930
with any other proposition submitted at the same election other 2931
than the election of officers. If a majority of the qualified 2932
electors voting on the question of repeal approve the repeal, the 2933
result of the election shall be certified immediately after the 2934
canvass by the board of elections to the board of county 2935
commissioners, who shall thereupon, after the current year, cease 2936
to levy the tax. 2937

Sec. 343.08. (A) The board of county commissioners of a 2938
county solid waste management district and the board of directors 2939
of a joint solid waste management district may fix reasonable 2940
rates or charges to be paid by every person, municipal 2941

corporation, township, or other political subdivision that owns 2942
premises to which solid waste collection, storage, transfer, 2943
disposal, recycling, processing, or resource recovery service is 2944
provided by the district and may change the rates or charges 2945
whenever it considers it advisable. Charges for collection, 2946
storage, transfer, disposal, recycling, processing, or resource 2947
recovery service shall be made only against lots or parcels that 2948
are improved, or in the process of being improved, with at least 2949
one permanent, portable, or temporary building. The rates or 2950
charges may be collected by either of the following means: 2951

(1) Periodic billings made by the district directly or in 2952
conjunction with billings for public utility rates or charges by a 2953
county water district established under section 6103.02 of the 2954
Revised Code, a county sewer district established under section 2955
6117.02 of the Revised Code, or a municipal corporation or other 2956
political subdivision authorized by law to provide public utility 2957
service. When any such charges that are so billed are not paid, 2958
the board shall certify them to the county auditor of the county 2959
where the lots or parcels are located, who shall place them upon 2960
the real property duplicate against the property served by the 2961
collection, storage, transfer, disposal, recycling, processing, or 2962
resource recovery service. The charges shall be a lien on the 2963
property from the date they are placed upon the real property 2964
duplicate by the auditor and shall be collected in the same manner 2965
as other taxes. 2966

(2) Certifying the rates or charges to the county auditor of 2967
the county where the lots or parcels are located, who shall place 2968
them on the real property duplicate against the lots or parcels. 2969
The rates or charges are a lien on the property from the date they 2970
are placed upon the real property duplicate by the auditor and 2971
shall be collected in the same manner as other taxes. 2972

The county or joint district need not fix a rate or charge 2973

against property if the district does not operate a collection system. 2974
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Where a county or joint district owns or operates a solid waste facility, either without a collection system or in conjunction therewith, the board of county commissioners or board of directors may fix reasonable rates or charges for the use of the facility by persons, municipal corporations, townships, and other political subdivisions, may contract with any public authority or person for the collection of solid wastes in any part of any district for collection, storage, disposal, transfer, recycling, processing, or resource recovery in any solid waste facility, or may lease the facility to any public authority or person. The cost of collection, storage, transfer, disposal, recycling, processing, or resource recovery under such contracts may be paid by rates or charges fixed and collected under this section or by rates and charges fixed under those contracts and collected by the contractors. 2976
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All moneys collected by or on behalf of a county or joint district as rates or charges for solid waste collection, storage, transfer, disposal, recycling, processing, or resource recovery service in any district shall be paid to the county treasurer in a county district or to the county treasurer or other official designated by the board of directors in a joint district and kept in a separate and distinct fund to the credit of the district. The fund shall be used for the payment of the cost of the management, maintenance, and operation of the solid waste collection or other solid waste facilities of the district and, if applicable, the payment of the cost of collecting the rates or charges of the district pursuant to division (A)(1) or (2) of this section. Prior to the approval of the district's initial solid waste management plan under section 3734.55 of the Revised Code or the issuance of an order under that section requiring the district to implement an 2991
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initial plan prepared by the director, as appropriate, the fund 3006
also may be used for the purposes of division (G)(1) or (3) of 3007
section 3734.57 of the Revised Code. On and after the approval of 3008
the district's initial plan under section 3734.521 or 3734.55 of 3009
the Revised Code or the issuance of an order under either of those 3010
sections, as appropriate, requiring the district to implement an 3011
initial plan prepared by the director, the fund also may be used 3012
for the purposes of divisions (G)(1) to (10) of section 3734.57 of 3013
the Revised Code. Those uses may include, in accordance with a 3014
cost allocation plan adopted under division (B) of this section, 3015
the payment of all allowable direct and indirect costs of the 3016
district, the sanitary engineer or sanitary engineering 3017
department, or a federal or state grant program, incurred for the 3018
purposes of this chapter and sections 3734.52 to 3734.572 of the 3019
Revised Code. Any surplus remaining after those uses of the fund 3020
may be used for the enlargement, modification, or replacement of 3021
such facilities and for the payment of the interest and principal 3022
on bonds and bond anticipation notes issued pursuant to section 3023
343.07 of the Revised Code. In no case shall money so collected be 3024
expended otherwise than for the use and benefit of the district. 3025

A board of county commissioners or directors, instead of 3026
operating and maintaining solid waste collection or other solid 3027
waste facilities of the district with county or joint district 3028
personnel, may enter into a contract with a municipal corporation 3029
having territory within the district pursuant to which the 3030
operation and maintenance of the facilities will be performed by 3031
the municipal corporation. 3032

The products of any solid waste collection or other solid 3033
waste facility owned under this chapter shall be sold through 3034
competitive bidding in accordance with section 307.12 of the 3035
Revised Code, except when a board of county commissioners or 3036
directors determines by resolution that it is in the public 3037

interest to sell those products in a commercially reasonable 3038
manner without competitive bidding. 3039

(B) A board of county commissioners or directors may adopt a 3040
cost allocation plan that identifies, accumulates, and distributes 3041
allowable direct and indirect costs that may be paid from the fund 3042
of the district created in division (A) of this section and 3043
prescribes methods for allocating those costs. The plan shall 3044
authorize payment from the fund for only those costs incurred by 3045
the district, the sanitary engineer or sanitary engineering 3046
department, or a federal or state grant program, and those costs 3047
incurred by the general and other funds of the county for a common 3048
or joint purpose, that are necessary and reasonable for the proper 3049
and efficient administration of the district under this chapter 3050
and sections 3734.52 to 3734.572 of the Revised Code. The plan 3051
shall not authorize payment from the fund of any general 3052
government expense required to carry out the overall governmental 3053
responsibilities of a county. The plan shall conform to United 3054
States office of management and budget Circular A-87 "Cost 3055
Principles for State and Local Governments," published January 15, 3056
1983. 3057

(C) A board of county commissioners or directors shall fix 3058
rates or charges, or enter into contracts fixing the rates or 3059
charges to be collected by the contractor, for solid waste 3060
collection, storage, transfer, disposal, recycling, processing, or 3061
resource recovery services at a public meeting held in accordance 3062
with section 121.22 of the Revised Code. In addition to fulfilling 3063
the requirements of section 121.22 of the Revised Code, the board, 3064
before fixing or changing rates or charges for solid waste 3065
collection, storage, transfer, disposal, recycling, processing, or 3066
resource recovery services, or before entering into a contract 3067
that fixes rates or charges to be collected by the contractor 3068
providing the services, shall hold at least three public hearings 3069

on the proposed rates, charges, or contract. Prior to the first 3070
public hearing, the board shall publish notice of the public 3071
hearings as provided in section 7.16 of the Revised Code or once a 3072
week for three consecutive weeks in a newspaper of general 3073
circulation in the county or counties that would be affected by 3074
the proposed rates, charges, or contract. The notice shall include 3075
a listing of the proposed rates or charges to be fixed and 3076
collected by the board or fixed pursuant to the contract and 3077
collected by the contractor, and the dates, time, and place of 3078
each of the three hearings thereon. The board shall hear any 3079
person who wishes to testify on the proposed rates, charges, or 3080
contract. 3081

Sec. 345.03. A copy of any resolution adopted under section 3082
345.01 of the Revised Code shall be certified within five days by 3083
the taxing authority and not later than four p. m. of the 3084
seventy-fifth day before the day of the election, to the county 3085
board of elections, and such board shall submit the proposal to 3086
the electors of the subdivision at the succeeding general 3087
election. The board shall make the necessary arrangements for the 3088
submission of such question to the electors of the subdivision, 3089
and the election shall be conducted, canvassed, and certified in 3090
like manner as regular elections in such subdivision. 3091

Notice of the election shall be published once in a newspaper 3092
of general circulation in the subdivision, ~~at least once~~, not less 3093
than two weeks prior to such election. The notice shall set out 3094
the purpose of the proposed increase in rate, the amount of the 3095
increase expressed in dollars and cents for each one hundred 3096
dollars of valuation as well as in mills for each one dollar of 3097
property valuation, the number of years during which such increase 3098
will be in effect, and the time and place of holding such 3099
election. 3100

Sec. 349.03. (A) Proceedings for the organization of a new 3101
community authority shall be initiated by a petition filed by the 3102
developer in the office of the clerk of the board of county 3103
commissioners of one of the counties in which all or part of the 3104
proposed new community district is located. Such petition shall be 3105
signed by the developer and may be signed by each proximate city. 3106
The legislative authorities of each such proximate city shall act 3107
in behalf of such city. Such petition shall contain: 3108

(1) The name of the proposed new community authority; 3109

(2) The address where the principal office of the authority 3110
will be located or the manner in which the location will be 3111
selected; 3112

(3) A map and a full and accurate description of the 3113
boundaries of the new community district together with a 3114
description of the properties within such boundaries, if any, 3115
which will not be included in the new community district. Unless 3116
the district is wholly contained within municipalities, the total 3117
acreage included in such district shall not be less than one 3118
thousand acres, all of which acreage shall be owned by, or under 3119
the control through leases of at least seventy-five years 3120
duration, options, or contracts to purchase, of the developer, if 3121
the developer is a private entity. Such acreage shall be 3122
developable as one functionally interrelated community. 3123

(4) A statement setting forth the zoning regulations proposed 3124
for zoning the area within the boundaries of the new community 3125
district for comprehensive development as a new community, and if 3126
the area has been zoned for such development, a certified copy of 3127
the applicable zoning regulations therefor; 3128

(5) A current plan indicating the proposed development 3129
program for the new community district, the land acquisition and 3130
land development activities, community facilities, and services 3131

which it is proposed the new community authority will undertake 3132
under such program and the proposed method of financing such 3133
activities and services and the projected total population of the 3134
new community; 3135

(6) A suggested number of members, consistent with section 3136
349.04 of the Revised Code, for the board of trustees; 3137

(7) A preliminary economic feasibility analysis, including 3138
the area development pattern and demand, location and proposed new 3139
community district size, present and future socio-economic 3140
conditions, public services provision, financial plan, and the 3141
developer's management capability; 3142

(8) A statement that the development will comply with all 3143
applicable environmental laws and regulations. 3144

Upon the filing of such petition, the organizational board of 3145
commissioners shall determine whether such petition complies with 3146
the requirements of this section as to form and substance. The 3147
board in subsequent proceedings may at any time permit the 3148
petition to be amended in form and substance to conform to the 3149
facts by correcting any errors in the description of the proposed 3150
new community district or in any other particular. 3151

Upon the determination of the organizational board of 3152
commissioners that a sufficient petition has been filed in 3153
accordance with this section, the board shall fix the time and 3154
place of a hearing on the petition for the establishment of the 3155
proposed new community authority. Such hearing shall be held not 3156
less than ninety-five nor more than one hundred fifteen days after 3157
the petition filing date, except that if the petition has been 3158
signed by all proximate cities, such hearing shall be held not 3159
less than thirty nor more than forty-five days after the petition 3160
filing date. The clerk of the board of county commissioners with 3161
which the petition was filed shall give notice thereof by 3162

publication as provided in section 7.16 of the Revised Code or 3163
once each week for three consecutive weeks in a newspaper of 3164
general circulation in any county of which a portion is within the 3165
proposed new community district. Such clerk shall also give 3166
written notice of the date, time, and place of the hearing and 3167
furnish a certified copy of the petition to the clerk of the 3168
legislative authority of each proximate city which has not signed 3169
such petition. In the event that the legislative authority of a 3170
proximate city which did not sign the petition does not approve by 3171
ordinance, resolution, or motion the establishment of the proposed 3172
new community authority and does not deliver such ordinance, 3173
resolution, or motion to the clerk of the board of county 3174
commissioners with which the petition was filed within ninety days 3175
following the date of the first publication of the notice of the 3176
public hearing, the organizational board of commissioners shall 3177
cancel such public hearing and terminate the proceedings for the 3178
establishment of the new community authority. 3179

Upon the hearing, if the organizational board of 3180
commissioners determines by resolution that the proposed new 3181
community district will be conducive to the public health, safety, 3182
convenience, and welfare, and is intended to result in the 3183
development of a new community, the board shall by its resolution, 3184
entered of record in its journal and the journal of the board of 3185
county commissioners with which the petition was filed, declare 3186
the new community authority to be organized and a body politic and 3187
corporate with the corporate name designated in the resolution, 3188
and define the boundary of the new community district. In 3189
addition, the resolution shall provide the method of selecting the 3190
board of trustees of the new community authority and fix the 3191
surety for their bonds in accordance with section 349.04 of the 3192
Revised Code. 3193

If the organizational board of commissioners finds that the 3194

establishment of the district will not be conducive to the public health, safety, convenience, or welfare, or is not intended to result in the development of a new community, it shall reject the petition thereby terminating the proceedings for the establishment of the new community authority.

(B) At any time after the creation of a new community authority, the developer may file an application with the clerk of the board of county commissioners of the county in which the original petition was filed, setting forth a general description of territory it desires to add or to delete from such district, that such change will be conducive to the public health, safety, convenience, and welfare, and will be consistent with the development of a new community and will not jeopardize the plan of the new community. If the developer is not a municipal corporation or county, all of such an addition to such a district shall be owned by, or under the control through leases of at least seventy-five years duration, options, or contracts to purchase, of the developer. Upon the filing of the application, the organizational board of commissioners shall follow the same procedure as required by this section in relation to the petition for the establishment of the proposed new community.

(C) If all or any part of the new community district is annexed to one or more existing municipal corporations, their legislative authorities may appoint persons to replace any appointed citizen member of the board of trustees. The number of such trustees to be replaced by the municipal corporation shall be the number, rounded to the lowest integer, bearing the proportionate relationship to the number of existing appointed citizen members as the acreage of the new community district within such municipal corporation bears to the total acreage of the new community district. If any such municipal corporation chooses to replace an appointed citizen member, it shall do so by

ordinance, the term of the trustee being replaced shall terminate 3227
thirty days from the date of passage of such ordinance, and the 3228
trustee to be replaced shall be determined by lot. Each newly 3229
appointed member shall assume the term of ~~his~~ the member's 3230
predecessor. 3231

Sec. 501.07. Lands described in division (A) of section 3232
501.06 of the Revised Code shall continue to be leased under the 3233
terms granted until such time as the lease may expire. At the time 3234
of expiration, subject to section 501.04 of the Revised Code, the 3235
land may be leased again by the board of education of the school 3236
district for whose benefit the land has been allocated or be 3237
offered for sale by public auction or by the receipt of sealed 3238
bids with the sale awarded by the school board to the highest 3239
bidder. Prior to the offering of these lands for sale, the school 3240
board shall have an appraisal made of these lands by at least two 3241
disinterested appraisers. Notification of the sale of these lands, 3242
including the minerals in or on these or other lands, shall be 3243
advertised ~~at least~~ once a week for two consecutive weeks, or as 3244
provided in section 7.16 of the Revised Code, in a newspaper of 3245
general circulation in the county in which the land is located. No 3246
bids shall be accepted for less than the appraised value of the 3247
land. 3248

Sec. 503.05. When a boundary line between townships is in 3249
dispute, the board of county commissioners, upon application of 3250
the board of township trustees of one of such townships, and upon 3251
notice in writing to the board of township trustees of such civil 3252
township, and on thirty days' public notice printed in a newspaper 3253
~~published~~ of general circulation within the county, shall 3254
establish such boundary line and make a record thereof as provided 3255
by section 503.04 of the Revised Code. 3256

Sec. 503.162. (A) After certification of a resolution as 3257
provided in section 503.161 of the Revised Code, the board of 3258
elections shall submit the question of whether the township's name 3259
shall be changed to the electors of the unincorporated area of the 3260
township in accordance with division (C) of that section, and the 3261
ballot language shall be substantially as follows: 3262

"Shall the township of (name) change its name to 3263
..... (proposed name)? 3264

..... For name change 3265

..... Against name change" 3266

(B)(1) At least forty-five days before the election on this 3267
question, the board of township trustees shall provide notice of 3268
the election and an explanation of the proposed name change in a 3269
newspaper of general circulation in the township once a week for 3270
two consecutive weeks ~~and~~ or as provided in section 7.16 of the 3271
Revised Code. The board of township trustees shall post the notice 3272
and explanation in five conspicuous places in the unincorporated 3273
area of the township. 3274

(2) If the board of elections operates and maintains a web 3275
site, notice of the election and an explanation of the proposed 3276
name change shall be posted on that web site for at least thirty 3277
days before the election on this question. 3278

(C) If a majority of the votes cast on the proposition of 3279
changing the township's name is in the affirmative, the name 3280
change is adopted and becomes effective ninety days after the 3281
board of elections certifies the election results to the fiscal 3282
officer of the township. Upon receipt of the certification of the 3283
election results from the board of elections, the fiscal officer 3284
of the township shall send a copy of that certification to the 3285
secretary of state. 3286

(D) A change in the name of a township shall not alter the 3287
rights or liabilities of the township as previously named. 3288

Sec. 503.41. (A) A board of township trustees, by resolution, 3289
may regulate and require the registration of massage 3290
establishments and their employees within the unincorporated 3291
territory of the township. In accordance with sections 503.40 to 3292
503.49 of the Revised Code, for that purpose, the board, by a 3293
majority vote of all members, may adopt, amend, administer, and 3294
enforce regulations within the unincorporated territory of the 3295
township. 3296

(B) A board may adopt regulations and amendments under this 3297
section only after public hearing at not fewer than two regular 3298
sessions of the board. The board shall cause to be published in ~~at~~ 3299
~~least one~~ a newspaper of general circulation in the township, or 3300
as provided in section 7.16 of the Revised Code, notice of the 3301
public hearings, including the time, date, and place, once a week 3302
for two weeks immediately preceding the hearings. The board shall 3303
make available proposed regulations or amendments to the public at 3304
the office of the board. 3305

(C) Regulations or amendments adopted by the board are 3306
effective thirty days after the date of adoption unless, within 3307
thirty days after the adoption of the regulations or amendments, 3308
the township fiscal officer receives a petition, signed by a 3309
number of qualified electors residing in the unincorporated area 3310
of the township equal to not less than ten per cent of the total 3311
vote cast for all candidates for governor in the area at the most 3312
recent general election at which a governor was elected, 3313
requesting the board to submit the regulations or amendments to 3314
the electors of the area for approval or rejection at the next 3315
primary or general election occurring at least seventy-five days 3316
after the board receives the petition. 3317

No regulation or amendment for which the referendum vote has 3318
been requested is effective unless a majority of the ~~vote~~ votes 3319
cast on the issue is in favor of the regulation or amendment. Upon 3320
certification by the board of elections that a majority of the 3321
votes cast on the issue was in favor of the regulation or 3322
amendment, the regulation or amendment takes immediate effect. 3323

(D) The board shall make available regulations it adopts or 3324
amends to the public at the office of the board and shall cause to 3325
be published once a notice of the availability of the regulations 3326
in ~~at least one~~ a newspaper of general circulation in the township 3327
within ten days after their adoption or amendment. 3328

(E) Nothing in sections 503.40 to 503.49 of the Revised Code 3329
shall be construed to allow a board of township trustees to 3330
regulate the practice of any limited branch of medicine specified 3331
in section 4731.15 of the Revised Code or the practice of 3332
providing therapeutic massage by a licensed physician, a licensed 3333
chiropractor, a licensed podiatrist, a licensed nurse, or any 3334
other licensed health professional. As used in this division, 3335
"licensed" means licensed, certified, or registered to practice in 3336
this state. 3337

Sec. 504.02. (A) After certification of a resolution as 3338
provided in division (A) of section 504.01 of the Revised Code, 3339
the board of elections shall submit the question of whether to 3340
adopt a limited home rule government to the electors of the 3341
unincorporated area of the township, and the ballot language shall 3342
be substantially as follows: 3343

"Shall the township of (name) adopt a limited 3344
home rule government, under which government the board of township 3345
trustees, by resolution, may exercise limited powers of local 3346
self-government and limited police powers? 3347

..... For adoption of a limited home rule government 3348

..... Against adoption of a limited home rule government" 3349

(B)(1) At least forty-five days before the election on this 3350
question, the board of township trustees shall have notice of the 3351
election and a description of the proposed limited home rule 3352
government published in a newspaper of general circulation in the 3353
township once a week for two consecutive weeks or as provided in 3354
section 7.16 of the Revised Code, and shall have the notice and 3355
description posted in five conspicuous places in the 3356
unincorporated area of the township. 3357

(2) If a board of elections operates and maintains a web 3358
site, notice of the election and a description of the proposed 3359
limited home rule government shall be posted on that web site for 3360
at least thirty days before the election on this question. 3361

(C) If a majority of the votes cast on the proposition of 3362
adopting a limited home rule government is in the affirmative, 3363
that government is adopted and becomes the government of the 3364
township on the first day of January immediately following the 3365
election. 3366

Sec. 504.03. (A)(1) If a limited home rule government is 3367
adopted pursuant to section 504.02 of the Revised Code, it shall 3368
remain in effect for at least three years except as otherwise 3369
provided in division (B) of this section. At the end of that 3370
period, if the board of township trustees determines that that 3371
government is not in the best interests of the township, it may 3372
adopt a resolution causing the board of elections to submit to the 3373
electors of the unincorporated area of the township the question 3374
of whether the township should continue the limited home rule 3375
government. The question shall be voted upon at the next general 3376
election occurring at least seventy-five days after the 3377
certification of the resolution to the board of elections. After 3378
certification of the resolution, the board of elections shall 3379

submit the question to the electors of the unincorporated area of 3380
the township, and the ballot language shall be substantially as 3381
follows: 3382

"Shall the township of (name) continue the 3383
limited home rule government under which it is operating? 3384

..... For continuation of the limited home rule government 3385

..... Against continuation of the limited home rule government" 3386

(2)(a) At least forty-five days before the election on the 3387
question of continuing the limited home rule government, the board 3388
of township trustees shall have notice of the election published 3389
in a newspaper of general circulation in the township once a week 3390
for two consecutive weeks or as provided in section 7.16 of the 3391
Revised Code, and shall have the notice posted in five conspicuous 3392
places in the unincorporated area of the township. 3393

(b) If a board of elections operates and maintains a web 3394
site, notice of the election shall be posted on that web site for 3395
at least thirty days before the election on the question of 3396
continuing the limited home rule government. 3397

(B) The electors of a township that has adopted a limited 3398
home rule government may propose at any time by initiative 3399
petition, in accordance with section 504.14 of the Revised Code, a 3400
resolution submitting to the electors in the unincorporated area 3401
of the township, in an election, the question set forth in 3402
division (A)(1) of this section. 3403

(C) If a majority of the votes cast under division (A) or (B) 3404
of this section on the proposition of continuing the limited home 3405
rule government is in the negative, that government is terminated 3406
effective on the first day of January immediately following the 3407
election, and a limited home rule government shall not be adopted 3408
in the unincorporated area of the township pursuant to section 3409
504.02 of the Revised Code for at least three years after that 3410

date. 3411

(D) If a limited home rule government is terminated under 3412
this section, the board of township trustees immediately shall 3413
adopt a resolution repealing all resolutions adopted pursuant to 3414
this chapter that are not authorized by any other section of the 3415
Revised Code outside this chapter, effective on the first day of 3416
January immediately following the election described in division 3417
(A) or (B) of this section. However, no resolution adopted under 3418
this division shall affect or impair the obligations of the 3419
township under any security issued or contracts entered into by 3420
the township in connection with the financing of any water supply 3421
facility or sewer improvement under sections 504.18 to 504.20 of 3422
the Revised Code or the authority of the township to collect or 3423
enforce any assessments or other revenues constituting security 3424
for or source of payments of debt service charges of those 3425
securities. 3426

(E) Upon the termination of a limited home rule government 3427
under this section, if the township had converted its board of 3428
township trustees to a five-member board before September 26, 3429
2003, the current board member who received the lowest number of 3430
votes of the current board members who were elected at the most 3431
recent election for township trustees, and the current board 3432
member who received the lowest number of votes of the current 3433
board members who were elected at the second most recent election 3434
for township trustees, shall cease to be township trustees on the 3435
date that the limited home rule government terminates. Their 3436
offices likewise shall cease to exist at that time, and the board 3437
shall continue as a three-member board as provided in section 3438
505.01 of the Revised Code. 3439

Sec. 504.12. No resolution and no section or numbered or 3440
lettered division of a section shall be revised or amended unless 3441

the new resolution contains the entire resolution, section, or 3442
division as revised or amended, and the resolution, section, or 3443
division so amended shall be repealed. This requirement does not 3444
prevent the amendment of a resolution by the addition of a new 3445
section, or division, and in this case the full text of the former 3446
resolution need not be set forth, nor does this section prevent 3447
repeals by implication. Except in the case of a codification or 3448
recodification of resolutions, a separate vote shall be taken on 3449
each resolution proposed to be amended. Resolutions that have been 3450
introduced and have received their first reading or their first 3451
and second readings, but have not been voted on for passage, may 3452
be amended or revised by a majority vote of the members of the 3453
board of township trustees, and the amended or revised resolution 3454
need not receive additional readings. 3455

The board of township trustees of a limited home rule 3456
township may revise, codify, and publish in book form the 3457
resolutions of the township in the same manner as provided in 3458
section 731.23 of the Revised Code for municipal corporations. 3459
Resolutions adopted by the board shall be published in the same 3460
manner as provided by sections 731.21, 731.22, 731.24, 731.25, and 3461
731.26 of the Revised Code for municipal corporations, except that 3462
they shall be published in ~~newspapers circulating~~ a newspaper of 3463
general circulation within the township. The fiscal officer of the 3464
township shall perform the duties that the clerk of the 3465
legislative authority of a municipal corporation is required to 3466
perform under those sections. 3467

The procedures provided in this section apply only to 3468
resolutions adopted pursuant to a township's limited home rule 3469
powers as authorized by this chapter. 3470

Sec. 504.21. (A) The board of township trustees of a township 3471
that has adopted a limited home rule government may, for the 3472

unincorporated territory in the township, adopt, amend, and 3473
rescind rules establishing technically feasible and economically 3474
reasonable standards to achieve a level of management and 3475
conservation practices that will abate wind or water erosion of 3476
the soil or abate the degradation of the waters of the state by 3477
soil sediment in conjunction with land grading, excavating, 3478
filling, or other soil disturbing activities on land used or being 3479
developed in the township for nonfarm commercial, industrial, 3480
residential, or other nonfarm purposes, and establish criteria for 3481
determination of the acceptability of those management and 3482
conservation practices. The rules shall be designed to implement 3483
the applicable areawide waste treatment management plan prepared 3484
under section 208 of the "Federal Water Pollution Control Act," 86 3485
Stat. 816 (1972), 33 U.S.C.A. 1228, as amended, and to implement 3486
phase II of the storm water program of the national pollutant 3487
discharge elimination system established in 40 C.F.R. Part 122. 3488
The rules to implement phase II of the storm water program of the 3489
national pollutant discharge elimination system shall not be 3490
inconsistent with, more stringent than, or broader in scope than 3491
the rules or regulations adopted by the environmental protection 3492
agency under 40 C.F.R. Part 122. The rules adopted under this 3493
section shall not apply inside the limits of municipal 3494
corporations, to lands being used in a strip mine operation as 3495
defined in section 1513.01 of the Revised Code, or to land being 3496
used in a surface mine operation as defined in section 1514.01 of 3497
the Revised Code. 3498

The rules adopted under this section may require persons to 3499
file plans governing erosion control, sediment control, and water 3500
management before clearing, grading, excavating, filling, or 3501
otherwise wholly or partially disturbing one or more contiguous 3502
acres of land owned by one person or operated as one development 3503
unit for the construction of nonfarm buildings, structures, 3504
utilities, recreational areas, or other similar nonfarm uses. If 3505

the rules require plans to be filed, the rules shall do all of the following: 3506
3507

(1) Designate the board itself, its employees, or another agency or official to review and approve or disapprove the plans; 3508
3509

(2) Establish procedures and criteria for the review and approval or disapproval of the plans; 3510
3511

(3) Require the designated entity to issue a permit to a person for the clearing, grading, excavating, filling, or other project for which plans are approved and to deny a permit to a person whose plans have been disapproved; 3512
3513
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(4) Establish procedures for the issuance of the permits; 3516

(5) Establish procedures under which a person may appeal the denial of a permit. 3517
3518

Areas of less than one contiguous acre shall not be exempt from compliance with other provisions of this section or rules adopted under this section. The rules adopted under this section may impose reasonable filing fees for plan review, permit processing, and field inspections. 3519
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No permit or plan shall be required for a public highway, transportation, or drainage improvement or maintenance project undertaken by a government agency or political subdivision in accordance with a statement of its standard sediment control policies that is approved by the board or the chief of the division of soil and water conservation in the department of natural resources. 3524
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(B) Rules or amendments may be adopted under this section only after public hearings at not fewer than two regular sessions of the board of township trustees. The board shall cause to be published, in a newspaper of general circulation in the township or as provided in section 7.16 of the Revised Code, notice of the 3531
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public hearings, including time, date, and place, once a week for 3536
two weeks immediately preceding the hearings. The proposed rules 3537
or amendments shall be made available by the board to the public 3538
at the board office or other location indicated in the notice. The 3539
rules or amendments shall take effect on the thirty-first day 3540
following the date of their adoption. 3541

(C) The board of township trustees may employ personnel to 3542
assist in the administration of this section and the rules adopted 3543
under it. The board also, if the action does not conflict with the 3544
rules, may delegate duties to review sediment control and water 3545
management plans to its employees, and may enter into agreements 3546
with one or more political subdivisions, other township officials, 3547
or other government agencies, in any combination, in order to 3548
obtain reviews and comments on plans governing erosion control, 3549
sediment control, and water management or to obtain other services 3550
for the administration of the rules adopted under this section. 3551

(D) The board of township trustees or any duly authorized 3552
representative of the board may, upon identification to the owner 3553
or person in charge, enter any land upon obtaining agreement with 3554
the owner, tenant, or manager of the land in order to determine 3555
whether there is compliance with the rules adopted under this 3556
section. If the board or its duly authorized representative is 3557
unable to obtain such an agreement, the board or representative 3558
may apply for, and a judge of the court of common pleas for the 3559
county where the land is located may issue, an appropriate 3560
inspection warrant as necessary to achieve the purposes of this 3561
section. 3562

(E)(1) If the board of township trustees or its duly 3563
authorized representative determines that a violation of the rules 3564
adopted under this section exists, the board or representative may 3565
issue an immediate stop work order if the violator failed to 3566
obtain any federal, state, or local permit necessary for sediment 3567

and erosion control, earth movement, clearing, or cut and fill 3568
activity. In addition, if the board or representative determines 3569
such a rule violation exists, regardless of whether or not the 3570
violation has obtained the proper permits, the board or 3571
representative may authorize the issuance of a notice of 3572
violation. If, after a period of not less than thirty days has 3573
elapsed following the issuance of the notice of violation, the 3574
violation continues, the board or its duly authorized 3575
representative shall issue a second notice of violation. Except as 3576
provided in division (E)(3) of this section, if, after a period of 3577
not less than fifteen days has elapsed following the issuance of 3578
the second notice of violation, the violation continues, the board 3579
or its duly authorized representative may issue a stop work order 3580
after first obtaining the written approval of the prosecuting 3581
attorney of the county in which the township is located if, in the 3582
opinion of the prosecuting attorney, the violation is egregious. 3583

Once a stop work order is issued, the board or its duly 3584
authorized representative shall request, in writing, the 3585
prosecuting attorney to seek an injunction or other appropriate 3586
relief in the court of common pleas to abate excessive erosion or 3587
sedimentation and secure compliance with the rules adopted under 3588
this section. If the prosecuting attorney seeks an injunction or 3589
other appropriate relief, then, in granting relief, the court of 3590
common pleas may order the construction of sediment control 3591
improvements or implementation of other control measures and may 3592
assess a civil fine of not less than one hundred or more than five 3593
hundred dollars. Each day of violation of a rule or stop work 3594
order issued under this section shall be considered a separate 3595
violation subject to a civil fine. 3596

(2) The person to whom a stop work order is issued under this 3597
section may appeal the order to the court of common pleas of the 3598
county in which it was issued, seeking any equitable or other 3599

appropriate relief from that order. 3600

(3) No stop work order shall be issued under this section 3601
against any public highway, transportation, or drainage 3602
improvement or maintenance project undertaken by a government 3603
agency or political subdivision in accordance with a statement of 3604
its standard sediment control policies that is approved by the 3605
board or the chief of the division of soil and water conservation 3606
in the department of natural resources. 3607

(F) No person shall violate any rule adopted or order issued 3608
under this section. Notwithstanding division (E) of this section, 3609
if the board of township trustees determines that a violation of 3610
any rule adopted or administrative order issued under this section 3611
exists, the board may request, in writing, the prosecuting 3612
attorney of the county in which the township is located, to seek 3613
an injunction or other appropriate relief in the court of common 3614
pleas to abate excessive erosion or sedimentation and secure 3615
compliance with the rules or order. In granting relief, the court 3616
of common pleas may order the construction of sediment control 3617
improvements or implementation of other control measures and may 3618
assess a civil fine of not less than one hundred or more than five 3619
hundred dollars. Each day of violation of a rule adopted or 3620
administrative order issued under this section shall be considered 3621
a separate violation subject to a civil fine. 3622

Sec. 505.108. Except as otherwise provided in this section 3623
and unless the property involved is required to be disposed of 3624
pursuant to another section of the Revised Code, property that is 3625
unclaimed for ninety days or more shall be sold by the chief of 3626
police or other head of the organized police department of the 3627
township, township police district, joint township police 3628
district, or office of a township constable at public auction, 3629
after notice of the sale has been provided by publication once a 3630

week for three successive weeks in a newspaper of general 3631
circulation, or as provided in section 7.16 of the Revised Code, 3632
in the county, or counties, if appropriate, in the case of a joint 3633
township police district. The proceeds of the sale shall be paid 3634
to the fiscal officer of the township and credited to the township 3635
general fund, except that, in the case of a joint township police 3636
district, the proceeds of a sale shall be paid to the fiscal 3637
officer of the most populous participating township and credited 3638
to the appropriate township general fund or funds according to 3639
agreement of the participating townships. 3640

If authorized to do so by a resolution adopted by the board 3641
of township trustees or, in the case of a joint township police 3642
district, each participating board of township trustees, and if 3643
the property involved is not required to be disposed of pursuant 3644
to another section of the Revised Code, the head of the 3645
department, district, or office may contribute property that is 3646
unclaimed for ninety days or more to one or more public agencies, 3647
to one or more nonprofit organizations no part of the net income 3648
of which inures to the benefit of any private shareholder or 3649
individual and no substantial part of the activities of which 3650
consists of carrying on propaganda or otherwise attempting to 3651
influence legislation, or to one or more organizations satisfying 3652
section 501(c)(3) or (c)(19) of the Internal Revenue Code of 1986. 3653

Sec. 505.17. (A) Except in a township or portion of a 3654
township that is within the limits of a municipal corporation, the 3655
board of township trustees may make regulations and orders as are 3656
necessary to control passenger car, motorcycle, and internal 3657
combustion engine noise, as permitted under section 4513.221 of 3658
the Revised Code, and all vehicle parking in the township. This 3659
authorization includes, among other powers, the power to regulate 3660
parking on established roadways proximate to buildings on private 3661
property as necessary to provide access to the property by public 3662

safety vehicles and equipment, if the property is used for 3663
commercial purposes, the public is permitted to use the parking 3664
area, and accommodation for more than ten motor vehicles is 3665
provided, and the power to authorize the issuance of orders 3666
limiting or prohibiting parking on any township street or highway 3667
during a snow emergency declared pursuant to a snow-emergency 3668
authorization adopted under this division. All such regulations 3669
and orders shall be subject to the limitations, restrictions, and 3670
exceptions in sections 4511.01 to 4511.76 and 4513.02 to 4513.37 3671
of the Revised Code. 3672

A board of township trustees may adopt a general 3673
snow-emergency authorization, which becomes effective under 3674
division (B)(1) of this section, allowing the president of the 3675
board or some other person specified in the authorization to issue 3676
an order declaring a snow emergency and limiting or prohibiting 3677
parking on any township street or highway during the snow 3678
emergency. Any such order becomes effective under division (B)(2) 3679
of this section. Each general snow-emergency authorization adopted 3680
under this division shall specify the weather conditions under 3681
which a snow emergency may be declared in that township. 3682

(B)(1) All regulations and orders, including any 3683
snow-emergency authorization established by the board under this 3684
section, except for an order declaring a snow emergency as 3685
provided in division (B)(2) of this section, shall be posted by 3686
the township fiscal officer in five conspicuous public places in 3687
the township for thirty days before becoming effective, and shall 3688
be published in a newspaper of general circulation in the township 3689
for three consecutive weeks or as provided in section 7.16 of the 3690
Revised Code. In addition to these requirements, no general 3691
snow-emergency authorization shall become effective until 3692
permanent signs giving notice that parking is limited or 3693
prohibited during a snow emergency are properly posted, in 3694

accordance with any applicable standards adopted by the department 3695
of transportation, along streets or highways specified in the 3696
authorization. 3697

(2) Pursuant to the adoption of a snow-emergency 3698
authorization under this section, an order declaring a snow 3699
emergency becomes effective two hours after the president of the 3700
board or the other person specified in the general snow-emergency 3701
authorization makes an announcement of a snow emergency to the 3702
local news media. The president or other specified person shall 3703
request the local news media to announce that a snow emergency has 3704
been declared, the time the declaration will go into effect, and 3705
whether the snow emergency will remain in effect for a specified 3706
period of time or indefinitely until canceled by a subsequent 3707
announcement to the local news media by the president or other 3708
specified person. 3709

(C) Such regulations and orders may be enforced where traffic 3710
control devices conforming to section 4511.09 of the Revised Code 3711
are prominently displayed. Parking regulations authorized by this 3712
section do not apply to any state highway unless the parking 3713
regulations are approved by the director of transportation. 3714

(D) A board of township trustees or its designated agent may 3715
order into storage any vehicle parked in violation of a township 3716
parking regulation or order, if the violation is not one that is 3717
required to be handled pursuant to Chapter 4521. of the Revised 3718
Code. The owner or any lienholder of a vehicle ordered into 3719
storage may claim the vehicle upon presentation of proof of 3720
ownership, which may be evidenced by a certificate of title to the 3721
vehicle, and payment of all expenses, charges, and fines incurred 3722
as a result of the parking violation and removal and storage of 3723
the vehicle. 3724

(E) Whoever violates any regulation or order adopted pursuant 3725
to this section is guilty of a minor misdemeanor, unless the 3726

township has enacted a regulation pursuant to division (A) of 3727
section 4521.02 of the Revised Code, that specifies that the 3728
violation shall not be considered a criminal offense and shall be 3729
handled pursuant to Chapter 4521. of the Revised Code. Fines 3730
levied and collected under this section shall be paid into the 3731
township general revenue fund. 3732

Sec. 505.264. (A) As used in this section, "energy 3733
conservation measure" means an installation or modification of an 3734
installation in, or remodeling of, an existing building, to reduce 3735
energy consumption. It includes the following: 3736

(1) Insulation of the building structure and of systems 3737
within the building; 3738

(2) Storm windows and doors, multiglazed windows and doors, 3739
heat-absorbing or heat-reflective glazed and coated window and 3740
door systems, additional glazing, reductions in glass area, and 3741
other window and door system modifications that reduce energy 3742
consumption; 3743

(3) Automatic energy control systems; 3744

(4) Heating, ventilating, or air conditioning system 3745
modifications or replacements; 3746

(5) Caulking and weatherstripping; 3747

(6) Replacement or modification of lighting fixtures to 3748
increase the energy efficiency of the system without increasing 3749
the overall illumination of a facility, unless an increase in 3750
illumination is necessary to conform to the applicable state or 3751
local building code for the proposed lighting system; 3752

(7) Energy recovery systems; 3753

(8) Cogeneration systems that produce steam or forms of 3754
energy such as heat, as well as electricity, for use primarily 3755
within a building or complex of buildings; 3756

(9) Any other modification, installation, or remodeling 3757
approved by the board of township trustees as an energy 3758
conservation measure. 3759

(B) For the purpose of evaluating township buildings for 3760
energy conservation measures, a township may contract with an 3761
architect, professional engineer, energy services company, 3762
contractor, or other person experienced in the design and 3763
implementation of energy conservation measures for a report that 3764
analyzes the buildings' energy needs and presents recommendations 3765
for building installations, modifications of existing 3766
installations, or building remodeling that would significantly 3767
reduce energy consumption in the buildings owned by that township. 3768
The report shall include estimates of all costs of the 3769
installations, modifications, or remodeling, including costs of 3770
design, engineering, installation, maintenance, and repairs, and 3771
estimates of the amounts by which energy consumption could be 3772
reduced. 3773

(C) A township desiring to implement energy conservation 3774
measures may proceed under either of the following methods: 3775

(1) Using a report or any part of a report prepared under 3776
division (B) of this section, advertise for bids and comply with 3777
the bidding procedures set forth in sections 307.86 to 307.92 of 3778
the Revised Code; 3779

(2) Request proposals from at least three vendors for the 3780
implementation of energy conservation measures. Prior to sending 3781
any installer of energy conservation measures a copy of any such 3782
request, the township shall advertise its intent to request 3783
proposals for the installation of energy conservation measures in 3784
a newspaper of general circulation in the township once a week for 3785
two consecutive weeks or as provided in section 7.16 of the 3786
Revised Code. The notice shall state that the township intends to 3787
request proposals for the installation of energy conservation 3788

measures; indicate the date, which shall be at least ten days 3789
after the second publication, on which the request for proposals 3790
will be mailed to installers of energy conservation measures; and 3791
state that any installer of energy conservation measures 3792
interested in receiving the request for proposal shall submit 3793
written notice to the township not later than noon of the day on 3794
which the request for proposal will be mailed. 3795

Upon receiving the proposals, the township shall analyze them 3796
and select the proposal or proposals most likely to result in the 3797
greatest energy savings considering the cost of the project and 3798
the township's ability to pay for the improvements with current 3799
revenues or by financing the improvements. The awarding of a 3800
contract to install energy conservation measures under division 3801
(C)(2) of this section shall be conditioned upon a finding by the 3802
township that the amount of money spent on energy savings measures 3803
is not likely to exceed the amount of money the township would 3804
save in energy and operating costs over ten years or a lesser 3805
period as determined by the township or, in the case of contracts 3806
for cogeneration systems, over five years or a lesser period as 3807
determined by the township. Nothing in this section prohibits a 3808
township from rejecting all proposals or from selecting more than 3809
one proposal. 3810

(D) A board of township trustees may enter into an 3811
installment payment contract for the purchase and installation of 3812
energy conservation measures. Any provisions of those installment 3813
payment contracts that deal with interest charges and financing 3814
terms shall not be subject to the competitive bidding procedures 3815
of section 307.86 of the Revised Code. Unless otherwise approved 3816
by a resolution of the board, an installment payment contract 3817
entered into by a board of township trustees under this section 3818
shall require the board to contract in accordance with the 3819
procedures set forth in section 307.86 of the Revised Code for the 3820

installation, modification, or remodeling of energy conservation 3821
measures pursuant to this section. 3822

(E) The board may issue securities of the township specifying 3823
the terms of the purchase and securing the deferred payments, 3824
payable at the times provided and bearing interest at a rate not 3825
exceeding the rate determined as provided in section 9.95 of the 3826
Revised Code. The maximum maturity of the securities shall be as 3827
provided in division (B)(7)(g) of section 133.20 of the Revised 3828
Code. The securities may contain an option for prepayment and 3829
shall not be subject to Chapter 133. of the Revised Code. Revenues 3830
derived from local taxes or otherwise, for the purpose of 3831
conserving energy or for defraying the current operating expenses 3832
of the township, may be applied to the payment of interest and the 3833
retirement of the securities. The securities may be sold at 3834
private sale or given to the contractor under the installment 3835
payment contract authorized by division (D) of this section. 3836

(F) Debt incurred under this section shall not be included in 3837
the calculation of the net indebtedness of a township under 3838
section 133.09 of the Revised Code. 3839

Sec. 505.28. The board of township trustees may create a 3840
waste disposal district under sections 505.27 to 505.33 of the 3841
Revised Code, by a unanimous vote of the board and give notice 3842
thereof by a publication in ~~two newspapers~~ a newspaper of general 3843
circulation in the township. If, within thirty days after such 3844
publication, a protest petition is filed with the board, signed by 3845
at least fifty per cent of the electors residing in the district, 3846
the act of the board in creating such district shall be void. If a 3847
petition is filed with the board asking for the creation of such a 3848
district in the township, accompanied by a map clearly showing the 3849
boundaries of such district, and signed by at least sixty-five per 3850
cent of the electors residing therein, with addresses of such 3851

signers, the board shall, within sixty days, create such a district.

Each district shall be given a name, and the entire cost of any necessary equipment and labor shall be apportioned against each district by the respective boards.

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

After the adoption of the code by the board, a notice clearly identifying the code, stating the purpose of the code, and stating that a complete copy of the code is on file with the township fiscal officer for inspection by the public and also on file in the law library of the county in which the township is located and that the fiscal officer has copies available for distribution to the public at cost, shall be posted by the fiscal officer in five conspicuous places in the township for thirty days before becoming effective. The notice required by this section shall also be published in a newspaper of general circulation in the township once a week for three consecutive weeks or as provided in section 7.16 of the Revised Code. If the adopting township amends or deletes any provision of the code, the notice shall contain a brief summary of the deletion or amendment.

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

Sec. 505.55. In the event that need for a township police 3883
district ceases to exist, the township trustees by a two-thirds 3884
vote of the board shall adopt a resolution specifying the date 3885
that the township police district shall cease to exist and provide 3886
for the disposal of all property belonging to the district by 3887
public sale. Such sale must be by public auction and upon notice 3888
thereof being published once a week for three weeks in a newspaper 3889
~~published, or~~ of general circulation in such township, ~~the~~ or as 3890
provided in section 7.16 of the Revised Code. The last of such 3891
publications ~~to~~ shall be made at least five days before the date 3892
of the sale. Any moneys remaining after the dissolution of the 3893
district or received from the public sale of property shall be 3894
paid into the treasury of the township and may be expended for any 3895
public purpose when duly authorized by the township board of 3896
trustees. 3897

Sec. 505.73. (A) The board of township trustees may, by 3898
resolution, adopt by incorporation by reference, administer, and 3899
enforce within the unincorporated area of the township an existing 3900
structures code pertaining to the repair and continued maintenance 3901
of structures and the premises of those structures. For that 3902
purpose, the board shall adopt any model or standard code prepared 3903
and promulgated by this state, any department, board, or agency of 3904
this state, or any public or private organization that publishes a 3905
recognized model or standard code on the subject. The board shall 3906
ensure that the code adopted governs subject matter not addressed 3907
by the state residential building code and that it is fully 3908
compatible with the state residential and nonresidential building 3909
codes the board of building standards adopts pursuant to section 3910
3781.10 of the Revised Code. 3911

(B) The board shall assign the duties of administering and 3912
enforcing the existing structures code to a township officer or 3913

employee who is trained and qualified for those duties and shall 3914
establish by resolution the minimum qualifications necessary to 3915
perform those duties. 3916

(C)(1) After the board adopts an existing structures code, 3917
the township fiscal officer shall post a notice that clearly 3918
identifies the code, states the code's purpose, and states that a 3919
complete copy of the code is on file for inspection by the public 3920
with the fiscal officer and in the county law library and that the 3921
fiscal officer has copies available for distribution to the public 3922
at cost. 3923

(2) The township fiscal officer shall post the notice in five 3924
conspicuous places in the township for thirty days before the code 3925
becomes effective and shall publish the notice in a newspaper of 3926
general circulation in the township for three consecutive weeks or 3927
as provided in section 7.16 of the Revised Code. If the adopting 3928
township amends or deletes any provision of the code, the notice 3929
shall contain a brief summary of the deletion or amendment. 3930

(D) If the agency that originally promulgated or published 3931
the existing structures code amends the code, the board may adopt 3932
the amendment or change by incorporation by reference in the 3933
manner provided for the adoption of the original code. 3934

Sec. 511.23. (A) When the vote under section 511.22 of the 3935
Revised Code is in favor of establishing one or more public parks, 3936
the board of park commissioners shall constitute a board, to be 3937
called the board of park commissioners of that township park 3938
district, and they shall be a body politic and corporate. Their 3939
office is not a township office within the meaning of section 3940
703.22 of the Revised Code but is an office of the township park 3941
district. The members of the board shall serve without 3942
compensation but shall be allowed their actual and necessary 3943
expenses incurred in the performance of their duties. 3944

(B) The board may locate, establish, improve, maintain, and operate a public park or parks in accordance with division (B) of section 511.18 of the Revised Code, with or without recreational facilities. Any township park district that contains only unincorporated territory and that operated a public park or parks outside the township immediately prior to July 18, 1990, may continue to improve, maintain, and operate these parks outside the township, but further acquisitions of land shall not affect the boundaries of the park district itself or the appointing authority for the board of park commissioners.

The board may lease, accept a conveyance of, or purchase suitable lands for cash, by purchase by installment payments with or without a mortgage, by lease or lease-purchase agreements, or by lease with option to purchase, may acquire suitable lands through an exchange under section 511.241 of the Revised Code, or may appropriate suitable lands and materials for park district purposes. The board also may lease facilities from other political subdivisions or private sources. The board shall have careful surveys and plats made of the lands acquired for park district purposes and shall establish permanent monuments on the boundaries of the lands. Those plats, when executed according to sections 711.01 to 711.38 of the Revised Code, shall be recorded in the office of the county recorder, and those records shall be admissible in evidence for the purpose of locating and ascertaining the true boundaries of the park or parks.

(C) In furtherance of the use and enjoyment of the lands controlled by it, the board may accept donations of money or other property or act as trustees of land, money, or other property, and may use and administer the land, money, or other property as stipulated by the donor or as provided in the trust agreement.

The board may receive and expend grants for park purposes from agencies and instrumentalities of the United States and this

state and may enter into contracts or agreements with those 3977
agencies and instrumentalities to carry out the purposes for which 3978
the grants were furnished. 3979

(D) In exercising any powers conferred upon the board under 3980
divisions (B) and (C) of this section and for other types of 3981
assistance that the board finds necessary in carrying out its 3982
duties, the board may hire and contract for professional, 3983
technical, consulting, and other special services and may purchase 3984
goods and award contracts. The procuring of goods and awarding of 3985
contracts shall be done in accordance with the procedures 3986
established for the board of county commissioners by sections 3987
307.86 to 307.91 of the Revised Code. 3988

(E) The board may appoint an executive for the park or parks 3989
and may designate the executive or another person as the clerk of 3990
the board. It may appoint all other necessary officers and 3991
employees, fix their compensation, and prescribe their duties, or 3992
it may require the executive to appoint all other necessary 3993
officers and employees, and to fix their compensation and 3994
prescribe their duties, in accordance with guidelines and policies 3995
adopted by the board. 3996

(F) The board may adopt bylaws and rules that it considers 3997
advisable for the following purposes: 3998

(1) To prohibit selling, giving away, or using any 3999
intoxicating liquors in the park or parks; 4000

(2) For the government and control of the park or parks and 4001
the operation of motor vehicles in the park or parks; 4002

(3) To provide for the protection and preservation of all 4003
property and natural life within its jurisdiction. 4004

Before the bylaws and rules take effect, the board shall 4005
provide for a notice of their adoption to be published once a week 4006
for two consecutive weeks or as provided in section 7.16 of the 4007

Revised Code, in a newspaper of general circulation in the county 4008
within which the park district is located. 4009

No person shall violate any of the bylaws or rules. Fines 4010
levied and collected for violations shall be paid into the 4011
treasury of the township park district. The board may use moneys 4012
collected from those fines for any purpose that is not 4013
inconsistent with sections 511.18 to 511.37 of the Revised Code. 4014

(G) The board may do either of the following: 4015

(1) Establish and charge fees for the use of any facilities 4016
and services of the park or parks regardless of whether the park 4017
or parks were acquired before, on, or after ~~the effective date of~~ 4018
~~this amendment~~ September 21, 2000; 4019

(2) Enter into a lease agreement with an individual or 4020
organization that provides for the exclusive use of a specified 4021
portion of the park or parks within the township park district by 4022
that individual or organization for the duration of an event 4023
produced by the individual or organization. The board, for the 4024
specific portion of the park or parks covered by the lease 4025
agreement, may charge a fee to, or permit the individual or 4026
organization to charge a fee to, participants in and spectators at 4027
the event covered by the agreement. 4028

(H) If the board finds that real or personal property owned 4029
by the township park district is not currently needed for park 4030
purposes, the board may lease that property to other persons or 4031
organizations during any period of time the board determines the 4032
property will not be needed. If the board finds that competitive 4033
bidding on a lease is not feasible, it may lease the property 4034
without taking bids. 4035

(I) The board may exchange property owned by the township 4036
park district for property owned by the state, another political 4037
subdivision, or the federal government on terms that it considers 4038

desirable, without the necessity of competitive bidding. 4039

(J) Any rights or duties established under this section may 4040
be modified, shared, or assigned by an agreement pursuant to 4041
section 755.16 of the Revised Code. 4042

Sec. 511.25. If the board of park commissioners of a township 4043
park district finds that any lands that the board has acquired are 4044
not necessary for the purposes for which they were acquired, it 4045
may sell and dispose of those lands upon terms that the board 4046
considers advisable and may reject any purchase bid received under 4047
this section that the board determines does not meet its terms for 4048
sale. 4049

Except as otherwise provided in this section, no lands shall 4050
be sold without first giving notice of the board's intention to 4051
sell the lands by publication once a week for four consecutive 4052
weeks in a newspaper of general circulation in the township or as 4053
provided in section 7.16 of the Revised Code. The notice shall 4054
contain an accurate description of the lands being offered for 4055
sale and shall state the time and place at which sealed bids for 4056
the lands will be received. If the board rejects all of the 4057
purchase bids, it may reoffer the lands for sale in accordance 4058
with this section. 4059

The board also may sell park lands not necessary for district 4060
purposes to another political subdivision, the state, or the 4061
federal government without giving the notices or taking bids as 4062
otherwise required by this section. 4063

No lands acquired by a township park district may be sold 4064
without the approval of the court of common pleas of the county in 4065
which the park district is located, if the court appointed the 4066
board under section 511.18 of the Revised Code, or the approval of 4067
the board of township trustees, if the board of township trustees 4068
appointed the board of park commissioners under section 511.18 of 4069

the Revised Code. 4070

Sec. 511.28. A copy of any resolution for a tax levy adopted 4071
by the township board of park commissioners as provided in section 4072
511.27 of the Revised Code shall be certified by the clerk of the 4073
board of park commissioners to the board of elections of the 4074
proper county, together with a certified copy of the resolution 4075
approving the levy, passed by the board of township trustees if 4076
such a resolution is required by division (C) of section 511.27 of 4077
the Revised Code, not less than seventy-five days before a general 4078
or primary election in any year. The board of elections shall 4079
submit the proposal to the electors as provided in section 511.27 4080
of the Revised Code at the succeeding general or primary election. 4081
A resolution to renew an existing levy may not be placed on the 4082
ballot unless the question is submitted at the general election 4083
held during the last year the tax to be renewed may be extended on 4084
the real and public utility property tax list and duplicate, or at 4085
any election held in the ensuing year. The board of park 4086
commissioners shall cause notice that the vote will be taken to be 4087
published once a week for two consecutive weeks prior to the 4088
election in a newspaper of general circulation, or as provided in 4089
section 7.16 of the Revised Code, in the county within which the 4090
park district is located. Additionally, if the board of elections 4091
operates and maintains a web site, the board of elections shall 4092
post that notice on its web site for thirty days prior to the 4093
election. The notice shall state the purpose of the proposed levy, 4094
the annual rate proposed expressed in dollars and cents for each 4095
one hundred dollars of valuation as well as in mills for each one 4096
dollar of valuation, the number of consecutive years during which 4097
the levy shall be in effect, and the time and place of the 4098
election. 4099

The form of the ballots cast at the election shall be: "An 4100
additional tax for the benefit of (name of township park district) 4101

..... for the purpose of (purpose stated in the order of the board) at a rate not exceeding mills for each one dollar of valuation, which amounts to (rate expressed in dollars and cents) for each one hundred dollars of valuation, for (number of years the levy is to run)

	FOR THE TAX LEVY
	AGAINST THE TAX LEVY

"

If the levy submitted is a proposal to renew, increase, or decrease an existing levy, the form of the ballot specified in this section may be changed by substituting for the words "An additional" at the beginning of the form, the words "A renewal of a" in the case of a proposal to renew an existing levy in the same amount; the words "A renewal of mills and an increase of mills to constitute a" in the case of an increase; or the words "A renewal of part of an existing levy, being a reduction of mills, to constitute a" in the case of a decrease in the rate of the existing levy.

If the tax is to be placed on the current tax list, the form of the ballot shall be modified by adding, after the statement of the number of years the levy is to run, the phrase ", commencing in (first year the tax is to be levied), first due in calendar year (first calendar year in which the tax shall be due)."

The question covered by the order shall be submitted as a separate proposition, but may be printed on the same ballot with any other proposition submitted at the same election, other than the election of officers. More than one such question may be submitted at the same election.

Sec. 511.34. In townships composed of islands, and on one of 4132
which islands lands have been conveyed in trust for the benefit of 4133
the inhabitants of the island for use as a park, and a board of 4134
park trustees has been provided for the control of the park, the 4135
board of township trustees may create a tax district of the island 4136
to raise funds by taxation as provided under divisions (A) and (B) 4137
of this section. 4138

(A) For the care and maintenance of parks on the island, the 4139
board of township trustees annually may levy a tax, not to exceed 4140
one mill, upon all the taxable property in the district. The tax 4141
shall be in addition to all other levies authorized by law, and 4142
subject to no limitation on tax rates except as provided in this 4143
division. 4144

The proceeds of the tax levy shall be expended by the board 4145
of township trustees for the purpose of the care and maintenance 4146
of the parks, and shall be paid out of the township treasury upon 4147
the orders of the board of park trustees. 4148

(B) For the purpose of acquiring additional land for use as a 4149
park, the board of township trustees may levy a tax in excess of 4150
the ten-mill limitation on all taxable property in the district. 4151
The tax shall be proposed by resolution adopted by two-thirds of 4152
the members of the board of township trustees. The resolution 4153
shall specify the purpose and rate of the tax and the number of 4154
years the tax will be levied, which shall not exceed five years, 4155
and which may include a levy on the current tax list and 4156
duplicate. The resolution shall go into immediate effect upon its 4157
passage, and no publication of the resolution is necessary other 4158
than that provided for in the notice of election. The board of 4159
township trustees shall certify a copy of the resolution to the 4160
proper board of elections not later than seventy-five days before 4161
the primary or general election in the township, and the board of 4162

elections shall submit the question of the tax to the voters of the district at the succeeding primary or general election. The board of elections shall make the necessary arrangements for the submission of the question to the electors of the district, and the election shall be conducted, canvassed, and certified in the same manner as regular elections in the township for the election of officers. Notice of the election shall be published in a newspaper of general circulation in the township once a week for two consecutive weeks, or as provided in section 7.16 of the Revised Code, prior to the election ~~and, if~~. If the 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 of the tax, the proposed rate of the tax expressed in dollars and cents for each one hundred dollars of valuation and mills for each one dollar of valuation, the number of years the tax will be in effect, the first year the tax will be levied, and the time and place of the election.

The form of the ballots cast at an election held under this division shall be as follows:

"An additional tax for the benefit of (name of the township) for the purpose of acquiring additional park land at a rate of mills for each one dollar of valuation, which amounts to (rate expressed in dollars and cents) for each one hundred dollars of valuation, for (number of years the levy is to run) beginning in (first year the tax will be levied).

	FOR THE TAX LEVY
	AGAINST THE TAX LEVY

"

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The question shall be submitted as a separate proposition but 4194
may be printed on the same ballot with any other proposition 4195
submitted at the same election other than the election of 4196
officers. More than one such question may be submitted at the same 4197
election. 4198

If the levy is approved by a majority of electors voting on 4199
the question, the board of elections shall certify the result of 4200
the election to the tax commissioner. In the first year of the 4201
levy, the tax shall be extended on the tax lists after the 4202
February settlement following the election. If the tax is to be 4203
placed on the tax lists of the current year as specified in the 4204
resolution, the board of elections shall certify the result of the 4205
election immediately after the canvass to the board of township 4206
trustees, which shall forthwith make the necessary levy and 4207
certify the levy to the county auditor, who shall extend the levy 4208
on the tax lists for collection. After the first year of the levy, 4209
the levy shall be included in the annual tax budget that is 4210
certified to the county budget commission. 4211

Sec. 513.14. The board of elections shall advertise the 4212
proposed tax levy question mentioned in section 513.13 of the 4213
Revised Code in ~~two newspapers of opposite political faith, if two~~ 4214
~~such newspapers are published in the joint township hospital~~ 4215
~~district, or otherwise in one a newspaper, published or of general~~ 4216
circulation in the proposed township hospital district, once a 4217
week for two consecutive weeks, or as provided in section 7.16 of 4218
the Revised Code, prior to the election ~~and, if.~~ If the board 4219
operates and maintains a web site, the board also shall advertise 4220
that proposed tax levy question on its web site for thirty days 4221
prior to the election. 4222

Sec. 515.04. The township fiscal officer shall fix a day, not 4223
more than thirty days from the date of notice to the board of 4224

township trustees, for the hearing of the petition authorized by 4225
section 515.02 or 515.16 of the Revised Code. The township fiscal 4226
officer or the fiscal officer's designee shall prepare and deliver 4227
to any of the petitioners a notice in writing directed to the lot 4228
and land owners and to the corporations, either public or private, 4229
affected by the improvement. The notice shall set forth the 4230
substance, pendency, and prayer of the petition and the time and 4231
place of the hearing on it. 4232

A copy of the notice shall be served upon each lot or land 4233
owner or left at the lot or land owner's usual place of residence, 4234
and upon an officer or agent of each corporation having its place 4235
of business in the district or area, at least fifteen days before 4236
the date set for the hearing. On or before the day of the hearing, 4237
the person serving the notice shall make return on it, under oath, 4238
of the time and manner of service and shall file the return with 4239
the township fiscal officer. 4240

The township fiscal officer or the fiscal officer's designee 4241
shall give the notice to each nonresident lot or land owner, by 4242
publication once, in a newspaper ~~published in and~~ of general 4243
circulation in the county in which the district or area is 4244
situated, at least two weeks before the day set for hearing. The 4245
notice shall be verified by affidavit of the printer or other 4246
person knowing the fact and shall be filed with the township 4247
fiscal officer or the fiscal officer's designee on or before the 4248
day of hearing. No further notice of the petition or the 4249
proceedings under it shall thereafter be required. 4250

Sec. 517.12. The board of township trustees may make rules 4251
specifying the times when cemeteries under its control shall be 4252
closed to the public. The board shall cause the rules to be 4253
published once a week for two consecutive weeks in a newspaper of 4254
general circulation within the township or as provided in section 4255

7.16 of the Revised Code, and may post appropriate notice in the township as considered necessary.

The purposes of such rules shall be to assure a reasonable time of access to the cemeteries in view of the differences in attendance anticipated from past experience as to each, to exclude attendance at times when no proper purposes could normally be expected, to permit exceptions to the normal hours of access on reasonable request with adequate reason provided, and to facilitate the task of protecting the premises from vandalism, desecration, and other improper usage.

Whoever violates these rules is guilty of a minor misdemeanor.

Sec. 517.22. The board of township trustees or the trustees or directors of a cemetery association, after notice has first been given in ~~two newspapers~~ a newspaper of general circulation in the county, may dispose of, at public sale, and convey any cemetery under their control that they have determined to discontinue as burial grounds, but possession of the cemetery shall not be given to a grantee until after the remains buried in that cemetery, together with stones and monuments, have been removed as provided by section 517.21 of the Revised Code.

Sec. 521.03. On receiving a petition filed under section 521.02 of the Revised Code, or at the request of the board of township trustees, the township fiscal officer shall fix a time, not more than thirty days after the date of giving notice of the filing to the board or the date of receiving the request from the board, and place for a hearing on the issue of repair or maintenance of the tiles. The township fiscal officer shall prepare a notice in writing directed to the lot and land owners and to the corporations, either public or private, affected by the

improvement. The notice shall set forth the substance of the 4286
petition or board request, and the time and place of the hearing 4287
on it. 4288

If the hearing is to be held in response to a petition, the 4289
township fiscal officer shall deliver a copy of the notice to any 4290
of the petitioners, who shall see that the notice is served on 4291
each lot or land owner or left at the lot or land owner's usual 4292
place of residence, and served on an officer or agent of each 4293
corporation affected by the improvement, at least fifteen days 4294
before the date set for the hearing. If the hearing is to be held 4295
at the request of the board, the board shall see that the notice 4296
is so served. On or before the day of the hearing, the person 4297
serving the notice shall certify, under oath, the time and manner 4298
of service, and shall file this certification with the township 4299
fiscal officer. 4300

The township fiscal officer shall give notice of the hearing 4301
to each nonresident lot or land owner, by publication once, in a 4302
newspaper ~~published in and~~ of general circulation in the county in 4303
which the township is situated, at least two weeks before the day 4304
set for the hearing. This notice shall be verified by affidavit of 4305
the printer or other person knowing the fact, and shall be filed 4306
with the township fiscal officer on or before the day of the 4307
hearing. No further notice of the petition or the proceedings 4308
under it shall thereafter be required. 4309

Sec. 705.16. (A) All ordinances or resolutions shall be in 4310
effect after thirty days from the date of their passage, except as 4311
provided in section 705.75 of the Revised Code. 4312

(B) ~~Notwithstanding any conflicting provision of section 7.12~~ 4313
~~of the Revised Code, A succinct summary of~~ each ordinance and 4314
resolution of a general nature, or providing for public 4315
improvements, or assessing property, ~~or a succinct summary of each~~ 4316

~~such ordinance or resolution,~~ shall, upon passage of the ordinance 4317
or resolution, be promptly published one time in ~~not more than two~~ 4318
~~newspapers~~ a newspaper of general circulation in the municipal 4319
corporation. Such publication shall be made in the body type of 4320
the paper under headlines in eighteen point type, which headlines 4321
shall specify the nature of such legislation. ~~If a summary of an~~ 4322
~~ordinance or resolution is published, the~~ The publication shall 4323
contain notice that the complete text of each such ordinance or 4324
resolution may be obtained or viewed at the office of the clerk of 4325
the legislative authority of the municipal corporation and may be 4326
viewed at any other location designated by the legislative 4327
authority of the municipal corporation. The city director of law, 4328
village solicitor, or other chief legal officer of the municipal 4329
corporation shall review ~~any~~ the summary of an ordinance or 4330
resolution published under this section prior to forwarding it to 4331
the clerk for publication, to ensure that the summary is legally 4332
accurate and sufficient. 4333

(C) Upon publication of a summary of an ordinance or 4334
resolution in accordance with this section, the clerk of the 4335
legislative authority shall supply a copy of the complete text of 4336
each such ordinance or resolution to any person, upon request, and 4337
may charge a reasonable fee, set by the legislative authority, for 4338
each copy supplied. The clerk shall post a copy of the text at ~~his~~ 4339
the clerk's office and at every other location designated by the 4340
legislative authority. 4341

(D) No newspaper shall be paid a higher price for the 4342
publication of summaries of ordinances than its ~~maximum bona fide~~ 4343
~~commercial~~ government rate established under section 7.10 of the 4344
Revised Code. 4345

Sec. 711.35. Upon the filing of the application provided for 4346
in section 711.34 of the Revised Code, the county auditor shall 4347

give notice of the filing, by publication, for two consecutive 4348
weeks in a newspaper ~~published and~~ of general circulation in the 4349
county, ~~of the filing thereof, and~~ or as provided in section 7.16 4350
of the Revised Code. The county auditor shall also notify the 4351
board of county commissioners of such filing. 4352

Sec. 715.011. Each municipal corporation may lease for a 4353
period not to exceed forty years, pursuant to a contract providing 4354
for the construction thereof under a lease-purchase plan, 4355
buildings, structures, and other improvements for any authorized 4356
municipal purpose, and in conjunction therewith, may grant leases, 4357
easements, or licenses for lands under the control of the 4358
municipal corporation for a period not to exceed forty years. The 4359
lease shall provide that at the end of the lease period the 4360
buildings, structures, and related improvements together with the 4361
land on which they are situate shall become the property of the 4362
municipal corporation without cost. 4363

Whenever any building, structure, or other improvement is to 4364
be so leased by a municipal corporation, the appropriate 4365
contracting officer of the municipal corporation shall file with 4366
the clerk of the council such basic plans, specifications, bills 4367
of materials, and estimates of cost with sufficient detail to 4368
afford bidders all needed information, or alternatively, shall 4369
file the following plans, details, bills of materials, and 4370
specifications: 4371

(A) Full and accurate plans, suitable for the use of 4372
mechanics and other builders in such construction, improvement, 4373
addition, alteration, or installation; 4374

(B) Details to scale and full sized, so drawn and represented 4375
as to be easily understood; 4376

(C) Accurate bills showing the exact quantity of different 4377
kinds of material necessary to the construction; 4378

(D) Definite and complete specifications of the work to be performed, together with such directions as will enable a competent mechanic or other builder to carry them out and afford bidders all needed information;

(E) A full and accurate estimate of each item of expense and of the aggregate cost thereof.

The council of the municipal corporation shall give public notice, in ~~the~~ a newspaper of general circulation in the municipal corporation, and in the form and with the phraseology as the council orders, published once each week for four consecutive weeks or as provided in section 7.16 of the Revised Code, of the time and place, when and where bids will be received for entering into an agreement to lease to the municipal corporation a building, structure, or other improvement, the last publication to be at least eight days preceding the day for opening the bids. The bids shall contain the terms upon which the builder would propose to lease the building, structure, or other improvement to the municipal corporation. The form of the bid approved by the council of the municipal corporation shall be used and a bid shall be invalid and not considered unless such form is used without change, alteration, or addition. Before submitting bids pursuant to this section, any builder shall have complied with sections 153.50 to 153.52 of the Revised Code.

On the day and at the place named for receiving bids for entering into lease agreements with the municipal corporation, the appropriate contracting officer of the municipal corporation shall open the bids, and shall publicly proceed immediately to tabulate the bids upon triplicate sheets, one of each of which sheets shall be filed with the clerk of the council. No lease agreement shall be entered into until the bureau of workers' compensation has certified that the corporation, partnership, or person to be awarded the lease agreement has complied with Chapter 4123. of the

Revised Code, and until, if the builder submitting the lowest and 4411
best bid is a foreign corporation, the secretary of state has 4412
certified that the corporation is authorized to do business in 4413
this state, and until, if the builder submitting the lowest and 4414
best bid is a person or partnership nonresident of this state, the 4415
person or partnership has filed with the secretary of state a 4416
power of attorney designating the secretary of state as its agent 4417
for the purpose of accepting service of summons in any action 4418
brought under Chapter 4123. of the Revised Code, and until the 4419
agreement is submitted to the village solicitor or city director 4420
of law of the municipal corporation and ~~his~~ the solicitor's or 4421
director's approval is certified thereon. Within thirty days after 4422
the day on which the bids are received, the council shall 4423
investigate the bids received and shall determine that the bureau 4424
and the secretary of state have made the certifications required 4425
by this section of the builder who has submitted the lowest and 4426
best bid. Within ten days of the completion of the investigation 4427
of the bids the council may award the lease agreement to the 4428
builder who has submitted the lowest and best bid and who has been 4429
certified by the bureau and secretary of state as required by this 4430
section. If bidding for the lease agreement has been conducted 4431
upon the basis of basic plans, specifications, bills of materials, 4432
and estimates of costs, upon the award to the builder, the 4433
council, or the builder with the approval of the council, shall 4434
appoint an architect or engineer licensed in this state to prepare 4435
such further detailed plans, specifications, and bills of 4436
materials as are required to construct the building, structure, or 4437
improvement. 4438

The council may reject any bid. Where there is reason to 4439
believe there is collusion or combination among bidders, the bids 4440
of those concerned therein shall be rejected. 4441

Sec. 715.47. A municipal corporation may fill or drain any 4442

lot or land within its limits on which water at any time becomes 4443
stagnant, remove all putrid substances from any lot, and remove 4444
all obstructions from culverts, covered drains, or private 4445
property, laid in any natural watercourse, creek, brook, or 4446
branch, which obstruct the water naturally flowing therein, 4447
causing it to flow back or become stagnant, in a way prejudicial 4448
to the health, comfort, or convenience of any of the citizens of 4449
the neighborhood. If such culverts or drains are of insufficient 4450
capacity, the municipal corporation may make them of such capacity 4451
as reasonably to accommodate the flow of such water at all times. 4452
The legislative authority of such municipal corporation may, by 4453
resolution, direct the owner to fill or drain such lot, remove 4454
such putrid substance or such obstructions, and if necessary, 4455
enlarge such culverts or covered drains to meet the requirements 4456
thereof. 4457

After service of a copy of such resolution, or after a 4458
publication thereof, in a newspaper of general circulation in such 4459
municipal corporation or as provided in section 7.16 of the 4460
Revised Code, for two consecutive weeks, such owner, or ~~his~~ such 4461
owner's agent or attorney, shall comply with the directions of the 4462
resolution within the time therein specified. 4463

In case of the failure or refusal of such owner to comply 4464
with the resolution, the work required thereby may be done at the 4465
expense of the municipal corporation, and the amount of money so 4466
expended shall be recovered from the owner before any court of 4467
competent jurisdiction. Such expense from the time of the adoption 4468
of the resolution shall be a lien on such lot, which may be 4469
enforced by suit in the court of common pleas, and like 4470
proceedings may be had as directed in relation to the improvement 4471
of streets. 4472

The officers connected with the health department of every 4473
such municipal corporation shall see that this section is strictly 4474

and promptly enforced. 4475

Sec. 718.09. (A) This section applies to either of the 4476
following: 4477

(1) A municipal corporation that shares the same territory as 4478
a city, local, or exempted village school district, to the extent 4479
that not more than five per cent of the territory of the municipal 4480
corporation is located outside the school district and not more 4481
than five per cent of the territory of the school district is 4482
located outside the municipal corporation; 4483

(2) A municipal corporation that shares the same territory as 4484
a city, local, or exempted village school district, to the extent 4485
that not more than five per cent of the territory of the municipal 4486
corporation is located outside the school district, more than five 4487
per cent but not more than ten per cent of the territory of the 4488
school district is located outside the municipal corporation, and 4489
that portion of the territory of the school district that is 4490
located outside the municipal corporation is located entirely 4491
within another municipal corporation having a population of four 4492
hundred thousand or more according to the federal decennial census 4493
most recently completed before the agreement is entered into under 4494
division (B) of this section. 4495

(B) The legislative authority of a municipal corporation to 4496
which this section applies may propose to the electors an income 4497
tax, one of the purposes of which shall be to provide financial 4498
assistance to the school district through payment to the district 4499
of not less than twenty-five per cent of the revenue generated by 4500
the tax, except that the legislative authority may not propose to 4501
levy the income tax on the incomes of nonresident individuals. 4502
Prior to proposing the tax, the legislative authority shall 4503
negotiate and enter into a written agreement with the board of 4504
education of the school district specifying the tax rate, the 4505

percentage of tax revenue to be paid to the school district, the 4506
purpose for which the school district will use the money, the 4507
first year the tax will be levied, the date of the special 4508
election on the question of the tax, and the method and schedule 4509
by which the municipal corporation will make payments to the 4510
school district. The special election shall be held on a day 4511
specified in division (D) of section 3501.01 of the Revised Code, 4512
except that the special election may not be held on the day for 4513
holding a primary election as authorized by the municipal 4514
corporation's charter unless the municipal corporation is to have 4515
a primary election on that day. 4516

After the legislative authority and board of education have 4517
entered into the agreement, the legislative authority shall 4518
provide for levying the tax by ordinance. The ordinance shall 4519
state the tax rate, the percentage of tax revenue to be paid to 4520
the school district, the purpose for which the municipal 4521
corporation will use its share of the tax revenue, the first year 4522
the tax will be levied, and that the question of the income tax 4523
will be submitted to the electors of the municipal corporation. 4524
The legislative authority also shall adopt a resolution specifying 4525
the regular or special election date the election will be held and 4526
directing the board of elections to conduct the election. At least 4527
seventy-five days before the date of the election, the legislative 4528
authority shall file certified copies of the ordinance and 4529
resolution with the board of elections. 4530

(C) The board of elections shall make the necessary 4531
arrangements for the submission of the question to the electors of 4532
the municipal corporation, and shall conduct the election in the 4533
same manner as any other municipal income tax election. Notice of 4534
the election shall be published in a newspaper of general 4535
circulation in the municipal corporation once a week for four 4536
consecutive weeks, or as provided in section 7.16 of the Revised 4537

Code, prior to the election, and shall include statements of the rate and municipal corporation and school district purposes of the income tax, the percentage of tax revenue that will be paid to the school district, and the first year the tax will be levied. The ballot shall be in the following form:

"Shall the ordinance providing for a per cent levy on income for (brief description of the municipal corporation and school district purposes of the levy, including a statement of the percentage of tax revenue that will be paid to the school district) be passed? The income tax, if approved, will not be levied on the incomes of individuals who do not reside in (the name of the municipal corporation).

	For the income tax
	Against the income tax

(D) If the question is approved by a majority of the electors, the municipal corporation shall impose the income tax beginning in the year specified in the ordinance. The proceeds of the levy may be used only for the specified purposes, including payment of the specified percentage to the school district.

Sec. 718.10. (A) This section applies to a group of two or more municipal corporations that, taken together, share the same territory as a single city, local, or exempted village school district, to the extent that not more than five per cent of the territory of the municipal corporations as a group is located outside the school district and not more than five per cent of the territory of the school district is located outside the municipal corporations as a group.

(B) The legislative authorities of the municipal corporations

in a group of municipal corporations to which this section applies 4568
each may propose to the electors an income tax, to be levied in 4569
concert with income taxes in the other municipal corporations of 4570
the group, except that a legislative authority may not propose to 4571
levy the income tax on the incomes of individuals who do not 4572
reside in the municipal corporation. One of the purposes of such a 4573
tax shall be to provide financial assistance to the school 4574
district through payment to the district of not less than 4575
twenty-five per cent of the revenue generated by the tax. Prior to 4576
proposing the taxes, the legislative authorities shall negotiate 4577
and enter into a written agreement with each other and with the 4578
board of education of the school district specifying the tax rate, 4579
the percentage of the tax revenue to be paid to the school 4580
district, the first year the tax will be levied, and the date of 4581
the election on the question of the tax, all of which shall be the 4582
same for each municipal corporation. The agreement also shall 4583
state the purpose for which the school district will use the 4584
money, and specify the method and schedule by which each municipal 4585
corporation will make payments to the school district. The special 4586
election shall be held on a day specified in division (D) of 4587
section 3501.01 of the Revised Code, including a day on which all 4588
of the municipal corporations are to have a primary election. 4589

After the legislative authorities and board of education have 4590
entered into the agreement, each legislative authority shall 4591
provide for levying its tax by ordinance. Each ordinance shall 4592
state the rate of the tax, the percentage of tax revenue to be 4593
paid to the school district, the purpose for which the municipal 4594
corporation will use its share of the tax revenue, and the first 4595
year the tax will be levied. Each ordinance also shall state that 4596
the question of the income tax will be submitted to the electors 4597
of the municipal corporation on the same date as the submission of 4598
questions of an identical tax to the electors of each of the other 4599
municipal corporations in the group, and that unless the electors 4600

of all of the municipal corporations in the group approve the tax 4601
in their respective municipal corporations, none of the municipal 4602
corporations in the group shall levy the tax. Each legislative 4603
authority also shall adopt a resolution specifying the regular or 4604
special election date the election will be held and directing the 4605
board of elections to conduct the election. At least seventy-five 4606
days before the date of the election, each legislative authority 4607
shall file certified copies of the ordinance and resolution with 4608
the board of elections. 4609

(C) For each of the municipal corporations, the board of 4610
elections shall make the necessary arrangements for the submission 4611
of the question to the electors, and shall conduct the election in 4612
the same manner as any other municipal income tax election. For 4613
each of the municipal corporations, notice of the election shall 4614
be published in a newspaper of general circulation in the 4615
municipal corporation once a week for four consecutive weeks prior 4616
to the election or as provided in section 7.16 of the Revised 4617
Code. The notice shall include a statement of the rate and 4618
municipal corporation and school district purposes of the income 4619
tax, the percentage of tax revenue that will be paid to the school 4620
district, and the first year the tax will be levied, and an 4621
explanation that the tax will not be levied unless an identical 4622
tax is approved by the electors of each of the other municipal 4623
corporations in the group. The ballot shall be in the following 4624
form: 4625

"Shall the ordinance providing for a ... per cent levy on 4626
income for (brief description of the municipal corporation and 4627
school district purposes of the levy, including a statement of the 4628
percentage of income tax revenue that will be paid to the school 4629
district) be passed? The income tax, if approved, will not be 4630
levied on the incomes of individuals who do not reside in (the 4631
name of the municipal corporation). In order for the income tax to 4632

be levied, the voters of (the other municipal corporations in the 4633
group), which are also in the (name of the school district) school 4634
district, must approve an identical income tax and agree to pay 4635
the same percentage of the tax revenue to the school district. 4636

	For the income tax	
	Against the income tax	"

(D) If the question is approved by a majority of the electors 4641
and identical taxes are approved by a majority of the electors in 4642
each of the other municipal corporations in the group, the 4643
municipal corporation shall impose the tax beginning in the year 4644
specified in the ordinance. The proceeds of the levy may be used 4645
only for the specified purposes, including payment of the 4646
specified percentage to the school district. 4647

Sec. 719.012. In order to rehabilitate a building or 4648
structure that a municipal corporation determines to be a blighted 4649
property as defined in section 1.08 of the Revised Code, a 4650
municipal corporation may appropriate, in the manner provided in 4651
sections 163.01 to 163.22 of the Revised Code, any such building 4652
or structure and the real property of which it is a part. The 4653
municipal corporation shall rehabilitate the building or structure 4654
or cause it to be rehabilitated within two years after the 4655
appropriation, so that the building or structure is no longer a 4656
public nuisance, insecure, unsafe, structurally defective, 4657
unhealthful, or unsanitary, or a threat to the public health, 4658
safety, or welfare, or in violation of a building code or 4659
ordinance adopted under section 731.231 of the Revised Code. Any 4660
building or structure appropriated pursuant to this section which 4661
is not rehabilitated within two years shall be demolished. 4662

If during the rehabilitation process the municipal 4663

corporation retains title to the building or structure and the 4664
real property of which it is a part, then within one hundred 4665
eighty days after the rehabilitation is complete, the municipal 4666
corporation shall appraise the rehabilitated building or structure 4667
and the real property of which it is a part, and shall sell the 4668
building or structure and property at public auction. The 4669
municipal corporation shall advertise the public auction in a 4670
newspaper of general circulation in the municipal corporation once 4671
a week for three consecutive weeks, or as provided in section 7.16 4672
of the Revised Code, prior to the date of sale. The municipal 4673
corporation shall sell the building or structure and real property 4674
to the highest and best bidder. No property that a municipal 4675
corporation acquires pursuant to this section shall be leased. 4676
4677

Sec. 719.05. The mayor of a municipal corporation shall, 4678
immediately upon the passage of a resolution under section 719.04 4679
of the Revised Code, declaring an intent to appropriate property, 4680
for which but one reading is necessary, cause written notice to be 4681
given to the owner of, person in possession of, or person having 4682
an interest of record in, every piece of property sought to be 4683
appropriated, or to ~~his~~ the authorized agent of the owner or other 4684
such person. Such notice shall be served by a person designated 4685
for the purpose and return made in the manner provided for the 4686
service and return of summons in civil actions. If such owner, 4687
person, or agent cannot be found, notice shall be given by 4688
publication once a week for three consecutive weeks in a newspaper 4689
of general circulation in the municipal corporation or as provided 4690
in section 7.16 of the Revised Code, and the legislative authority 4691
may thereupon pass an ordinance by a two-thirds vote of all 4692
members elected thereto, directing such appropriation to proceed. 4693

Sec. 721.03. No contract, except as provided in section 4694

721.28 of the Revised Code, for the sale or lease of real estate 4695
belonging to a municipal corporation shall be made unless 4696
authorized by an ordinance, approved by a two-thirds vote of the 4697
members of the legislative authority of such municipal 4698
corporation, and by the board or officer having supervision or 4699
management of such real estate. When the contract is so 4700
authorized, it shall be made in writing by such board or officer, 4701
and, except as provided in section 721.27 of the Revised Code, 4702
only with the highest bidder, after advertisement once a week for 4703
five consecutive weeks in a newspaper of general circulation 4704
within the municipal corporation or as provided in section 7.16 of 4705
the Revised Code. Such board or officer may reject any bids and 4706
readvertise until all such real estate is sold or leased. 4707

Sec. 721.15. (A) Personal property not needed for municipal 4708
purposes, the estimated value of which is less than one thousand 4709
dollars, may be sold by the board or officer having supervision or 4710
management of that property. If the estimated value of that 4711
property is one thousand dollars or more, it shall be sold only 4712
when authorized by an ordinance of the legislative authority of 4713
the municipal corporation and approved by the board, officer, or 4714
director having supervision or management of that property. When 4715
so authorized, the board, officer, or director shall make a 4716
written contract with the highest and best bidder after 4717
advertisement for not less than two ~~or~~ nor more than four 4718
consecutive weeks in a newspaper of general circulation within the 4719
municipal corporation or as provided in section 7.16 of the 4720
Revised Code, or with a board of county commissioners upon such 4721
lawful terms as are agreed upon, as provided by division (B)(1) of 4722
section 721.27 of the Revised Code. 4723

(B) When the legislative authority finds, by resolution, that 4724
the municipal corporation has vehicles, equipment, or machinery 4725
which is obsolete, or is not needed or is unfit for public use, 4726

that the municipal corporation has need of other vehicles, 4727
equipment, or machinery of the same type, and that it will be in 4728
the best interest of the municipal corporation that the sale of 4729
obsolete, unneeded, or unfit vehicles, equipment, or machinery be 4730
made simultaneously with the purchase of the new vehicles, 4731
equipment, or machinery of the same type, the legislative 4732
authority may offer to sell, or authorize a board, officer, or 4733
director of the municipal corporation having supervision or 4734
management of the property to offer to sell, those vehicles, 4735
equipment, or machinery and to have the selling price credited 4736
against the purchase price of other vehicles, equipment, or 4737
machinery and to consummate the sale and purchase by a single 4738
contract with the lowest and best bidder to be determined by 4739
subtracting from the selling price of the vehicles, equipment, or 4740
machinery to be purchased by the municipal corporation the 4741
purchase price offered for the municipally-owned vehicles, 4742
equipment, or machinery. When the legislative authority or the 4743
authorized board, officer, or director of a municipal corporation 4744
advertises for bids for the sale of new vehicles, equipment, or 4745
machinery to the municipal corporation, they may include in the 4746
same advertisement a notice of willingness to accept bids for the 4747
purchase of municipally-owned vehicles, equipment, or machinery 4748
which is obsolete, or is not needed or is unfit for public use, 4749
and to have the amount of those bids subtracted from the selling 4750
price as a means of determining the lowest and best bidder. 4751

(C) If the legislative authority of the municipal corporation 4752
determines that municipal personal property is not needed for 4753
public use, or is obsolete or unfit for the use for which it was 4754
acquired, and that the property has no value, the legislative 4755
authority may discard or salvage that property. 4756

(D) Notwithstanding anything to the contrary in division (A) 4757
or (B) of this section and regardless of the property's value, the 4758

legislative authority of a municipal corporation may sell personal 4759
property, including motor vehicles acquired for the use of 4760
municipal officers and departments, and road machinery, equipment, 4761
tools, or supplies, which is not needed for public use, or is 4762
obsolete or unfit for the use for which it was acquired, by 4763
internet auction. The legislative authority shall adopt, during 4764
each calendar year, a resolution expressing its intent to sell 4765
that property by internet auction. The resolution shall include a 4766
description of how the auctions will be conducted and shall 4767
specify the number of days for bidding on the property, which 4768
shall be no less than fifteen days, including Saturdays, Sundays, 4769
and legal holidays. The resolution shall indicate whether the 4770
municipal corporation will conduct the auction or the legislative 4771
authority will contract with a representative to conduct the 4772
auction and shall establish the general terms and conditions of 4773
sale. If a representative is known when the resolution is adopted, 4774
the resolution shall provide contact information such as the 4775
representative's name, address, and telephone number. 4776

After adoption of the resolution, the legislative authority 4777
shall publish, in a newspaper of general circulation in the 4778
municipal corporation or as provided in section 7.16 of the 4779
Revised Code, notice of its intent to sell unneeded, obsolete, or 4780
unfit municipal personal property by internet auction. The notice 4781
shall include a summary of the information provided in the 4782
resolution and shall be published ~~at least~~ twice. The second ~~and~~ 4783
~~any subsequent~~ notice shall be published not less than ten nor 4784
more than twenty days after the previous notice. A similar notice 4785
also shall be posted continually throughout the calendar year in a 4786
conspicuous place in the offices of the village clerk or city 4787
auditor, and the legislative authority, ~~and, if.~~ If the municipal 4788
corporation maintains a website on the internet, the notice shall 4789
be posted continually throughout the calendar year at that 4790
website. 4791

When the property is to be sold by internet auction, the 4792
legislative authority or its representative may establish a 4793
minimum price that will be accepted for specific items and may 4794
establish any other terms and conditions for the particular sale, 4795
including requirements for pick-up or delivery, method of payment, 4796
and sales tax. This type of information shall be provided on the 4797
internet at the time of the auction and may be provided before 4798
that time upon request after the terms and conditions have been 4799
determined by the legislative authority or its representative. 4800

Sec. 721.20. Notice of the filing, pendency, and prayer of 4801
the petition provided for by section 721.19 of the Revised Code 4802
shall be published for four consecutive weeks or as provided in 4803
section 7.16 of the Revised Code, prior to the day of hearing, in 4804
a newspaper ~~published in the municipal corporation, or if there is~~ 4805
~~none, then in a newspaper published in the county,~~ and of general 4806
circulation in such municipal corporation. 4807

Sec. 723.07. No street or alley shall be vacated or narrowed 4808
unless notice of the pendency and prayer of the petition under 4809
section 723.04 of the Revised Code is given by publishing, in a 4810
newspaper ~~published or~~ of general circulation in such municipal 4811
corporation, for six consecutive weeks preceding action on such 4812
petition, ~~or, where~~ as provided in section 7.16 of the Revised 4813
Code preceding action on the petition. Where no newspaper is 4814
~~published of general circulation~~ in the municipal corporation, 4815
notice shall be given by posting the notice in three public places 4816
therein six weeks preceding such action. Action thereon shall take 4817
place within three months after the completion of the notice. 4818
4819

Sec. 727.011. For the purpose of controlling the blight and 4820
disease of shade trees within public rights-of-way, and for 4821

planting, maintaining, trimming, and removing shade trees in and 4822
along the streets of a municipality, the legislative authority of 4823
such municipal corporation may establish one or more districts in 4824
the municipality designating the boundaries thereof, and may each 4825
year thereafter, by ordinance, designate the district in which 4826
such control, planting, care, and maintenance shall be effected, 4827
setting forth an estimate of the cost and providing for the levy 4828
of a special assessment upon all the real property in the 4829
district, in the amount and in the manner provided in section 4830
727.01 of the Revised Code, for planting, maintaining, trimming, 4831
and removing shade trees. The ordinance shall be adopted ~~and~~ 4832
~~published~~ as other ordinances and a succinct summary of the 4833
ordinance shall be published in the manner provided in section 4834
731.21 of the Revised Code. Bonds and anticipatory notes may be 4835
issued in anticipation of the collection of such special 4836
assessments, under section 133.17 of the Revised Code. 4837

Sec. 727.012. For the purpose of constructing, maintaining, 4838
repairing, cleaning, and enclosing ditches, the legislative 4839
authority of such municipal corporation may establish one or more 4840
districts in the municipality designating the boundaries thereof, 4841
and may each year thereafter, by ordinance, designate the district 4842
in which such constructing, maintaining, repairing, cleaning, and 4843
enclosing of ditches shall be effected, setting forth an estimate 4844
of the cost and providing for the levying of a special assessment 4845
upon all the real property in the district, in the amount and in 4846
the manner provided in section 727.01 of the Revised Code, for 4847
constructing, maintaining, repairing, cleaning, and enclosing 4848
ditches. The ordinance shall be adopted ~~and published~~ as other 4849
ordinances and a succinct summary of the ordinance shall be 4850
published in the manner provided in section 731.21 of the Revised 4851
Code. Bonds and anticipatory notes may be issued in anticipation 4852
of the collection of such special assessments, under section 4853

133.17 of the Revised Code. 4854

Sec. 727.08. The cost of any public improvement to be paid 4855
for directly or indirectly, in whole or in part, by funds derived 4856
from special assessments may include but not be limited to: 4857

(A) The purchase price of real estate or any interest therein 4858
when acquired by purchase, or not more than fifty per cent of the 4859
cost of acquiring such real estate or any interest therein when 4860
acquired by appropriation; 4861

(B) The cost of preliminary and other surveys; 4862

(C) The cost of preparing plans, specifications, profiles, 4863
and estimates except, to the extent that costs of plans, 4864
specifications, and estimates of cost have been paid for by the 4865
levy of assessments under section 729.11 of the Revised Code, such 4866
costs shall not be included in determining the cost of the 4867
improvement under this section; 4868

(D) The cost of printing, serving, and publishing notices, 4869
and summaries of resolutions, and ordinances; 4870

(E) The cost of all special proceedings; 4871

(F) The cost of labor and material, whether furnished by 4872
contract or otherwise; 4873

(G) Interest on securities issued in anticipation of the levy 4874
and collection of the special assessments or, if securities in 4875
anticipation of the levy of the special assessments are not 4876
issued, interest, at a rate to be determined by the legislative 4877
authority in the resolution of necessity adopted pursuant to 4878
section 727.12 of the Revised Code, on moneys advanced by the 4879
municipal corporation for the cost of the public improvement in 4880
anticipation of the levy of the special assessments; 4881

(H) The total amount of damages, resulting from the 4882
improvement, assessed in favor of any owner of lands affected by 4883

the improvement, and interest thereon; 4884

(I) The cost incurred in connection with the preparation, 4885
levy, and collection of the special assessments, including legal 4886
expenses incurred by reason of the improvement; 4887

(J) Incidental costs directly connected with the improvement. 4888

Sec. 727.14. In lieu of the procedure provided in section 4889
727.13 of the Revised Code, the legislative authority may provide 4890
for notice of the passage of a resolution of necessity providing 4891
for the lighting, sprinkling, sweeping, or cleaning of any street, 4892
alley, public road, or place, or parts thereof or for treating the 4893
surface of the same with dust-laying or preservative substances, 4894
or for the planting, maintaining, and removing of shade trees, or 4895
for the constructing, maintaining, repairing, cleaning, and 4896
enclosing of ditches, and the filing of the estimated assessment 4897
under section 727.12 of the Revised Code, to be given by 4898
publication of such notice once a week for two consecutive weeks 4899
in a newspaper of general circulation in the municipal corporation 4900
or as provided in section 7.16 of the Revised Code. When it 4901
appears from the estimated assessment filed as provided by section 4902
727.12 of the Revised Code, that the assessment against the owner 4903
of any lot or parcel of land will exceed two hundred fifty 4904
dollars, such owner shall be notified of the assessment in the 4905
manner provided in section 727.13 of the Revised Code. 4906

Sec. 727.46. When a general plan has been prepared under 4907
section 727.44 of the Revised Code and reported to the legislative 4908
authority, it shall be filed with the clerk of the legislative 4909
authority and the legislative authority shall cause its clerk to 4910
publish, once a week for two consecutive weeks in a newspaper of 4911
general circulation in the municipal corporation or as provided in 4912
section 7.16 of the Revised Code, a notice stating that such 4913

general plan has been prepared and is on file in the office of the clerk of the legislative authority for examination by interested persons and that written objections to such plan may be filed in the office of such clerk before the date specified in the notice, which shall not be earlier than the seventeenth day following the date of the first publication in said newspaper. Any person having an objection to the general plan shall file such objection in writing, with the clerk of the legislative authority within the time specified.

Sec. 729.08. The legislative authority of the municipal corporation shall cause a notice to be published for three consecutive weeks in a newspaper of general circulation in the municipal corporation or as provided in section 7.16 of the Revised Code, stating that such list of estimated assessments has been made and is on file in the office of the clerk of the legislative authority for the inspection and examination of persons interested therein.

If any person objects to an assessment on such list, ~~he~~ the person shall file ~~his~~ the objection in writing with the clerk of the legislative authority within two weeks after the expiration of the notice provided in this section.

Sec. 729.11. In addition to the power conferred upon municipal corporations under section 727.01 of the Revised Code to levy and collect special assessments, the legislative authority of a municipal corporation may, whenever it has determined by ordinance that it is necessary to construct, enlarge, or improve a system of storm or sanitary sewerage for the municipal corporation or any part thereof, including sewage disposal works, treatment plants, and sewage pumping stations, or a water supply system for the municipal corporation or any part thereof including mains, dams, reservoirs, wells, intakes, purification works, and pumping

stations, and that any such improvement shall be constructed, 4945
enlarged, or improved, may levy upon property to be benefited in 4946
the municipal corporation or any designated part thereof, which 4947
property shall be described in the ordinance, a preliminary 4948
assessment upon the benefited lots and lands within the 4949
corporation or such part thereof, apportioned according to 4950
benefits or to the tax valuation or partly by one method and 4951
partly by the other, as the legislative authority determines for 4952
the purpose of paying the costs of general and detailed plans, 4953
specifications, estimates, preparation of the tentative 4954
assessment, financing, and legal services incident to the 4955
preparation of such plans, and a plan for financing the proposed 4956
improvements. 4957

Prior to the adoption of such ordinance, the legislative 4958
authority of such municipal corporation shall give notice of the 4959
pendency thereof and of the proposed determination of the 4960
necessity of the improvement therein generally described, which 4961
notice shall set forth the description of the benefited property 4962
as designated in the ordinance and the time and place of hearing 4963
of objections to and endorsements of the improvement. Such notice 4964
shall be given by publication in a newspaper of general 4965
circulation in the municipal corporation once a week for two 4966
consecutive weeks or as provided in section 7.16 of the Revised 4967
Code, the first publication to be at least two weeks prior to the 4968
date set for the hearing. At such hearing, or at any adjournment 4969
thereof, of which no further published notice need be given, the 4970
legislative authority shall hear all persons whose properties are 4971
proposed to be assessed, and such evidence as is deemed to be 4972
necessary, and shall then determine the necessity of the proposed 4973
improvement and in addition shall determine whether the 4974
improvement shall be made by the municipal corporation, and shall 4975
direct the preparation of tentative assessments upon the benefited 4976
properties and by whom they shall be prepared. 4977

Such assessments shall be in the amount determined to be 4978
necessary by the legislative authority to pay the costs of general 4979
and detailed plans, specifications, estimates of cost, preparation 4980
of the tentative assessment, financing and legal services incident 4981
to the preparation of such plans, and a plan of financing the 4982
proposed improvements, and shall be payable in such number of 4983
years as the legislative authority determines, not to exceed 4984
twenty, together with interest on any notes which may be issued in 4985
anticipation of the collection of such assessments. 4986

The legislative authority may at any time levy additional 4987
assessments according to benefits or to tax valuation or partly by 4988
one method and partly by the other as the legislative authority 4989
determines for such purposes upon such properties to complete the 4990
payment of such costs or to pay the cost of any additional plans, 4991
specifications, estimates of cost, tentative assessments, and the 4992
cost of financing and legal services incident to the preparation 4993
of such plans and such plan of financing, which additional 4994
assessments shall be payable in such number of years as the 4995
legislative authority determines, not to exceed twenty years, 4996
together with interest on any notes and bonds which may be issued 4997
in anticipation of the collection thereof. 4998

Upon completion of the tentative assessments or any 4999
additional assessments, they shall be filed with the clerk of the 5000
legislative authority and shall be and remain open to public 5001
inspection, and thereupon, the legislative authority shall give at 5002
least ten days' notice of the filing thereof in one newspaper of 5003
general circulation in the municipal corporation, or shall give 5004
notice as provided in section 7.16 of the Revised Code, which 5005
notice shall state the time and place when and where such 5006
tentative assessments shall be taken up for consideration. At such 5007
time and place or at any adjournment thereof, of which no further 5008
published notice need be given, the legislative authority shall 5009

hear all persons whose properties are proposed to be assessed, 5010
shall correct any errors and make any revisions that appear to be 5011
necessary or just, and may then pass an ordinance levying upon the 5012
properties determined to be benefited such assessments as so 5013
corrected and revised. 5014

The assessments levied by such ordinance shall be certified 5015
to the county auditor for collection as other taxes in the year or 5016
years in which they are payable; provided any such assessment in 5017
the amount of five dollars or less, or any unpaid balance of any 5018
such assessment which is five dollars or less, shall be paid in 5019
full, and not in installments, at the time the first or next 5020
installment would otherwise become due and payable. 5021

Upon the adoption of such ordinance levying assessments the 5022
legislative authority may authorize contracts to carry out the 5023
purposes for which such assessments have been levied without the 5024
prior issuance of notes and bonds; provided that the payments due 5025
by the municipal corporation do not fall due prior to the times in 5026
which such assessments shall be collected. The municipal 5027
corporation may also issue and sell its bonds with a maximum 5028
maturity of twenty years in anticipation of the collection of such 5029
assessments and may issue its notes in anticipation of the 5030
issuance of such bonds, which notes and bonds shall be issued and 5031
sold as provided in Chapter 133. of the Revised Code. 5032

Sec. 731.141. In those villages that have established the 5033
position of village administrator, as provided by section 735.271 5034
of the Revised Code, the village administrator shall make 5035
contracts, purchase supplies and materials, and provide labor for 5036
any work under the administrator's supervision involving not more 5037
than twenty-five thousand dollars. When an expenditure, other than 5038
the compensation of persons employed by the village, exceeds 5039
twenty-five thousand dollars, the expenditure shall first be 5040

authorized and directed by ordinance of the legislative authority 5041
of the village. When so authorized and directed, except where the 5042
contract is for equipment, services, materials, or supplies to be 5043
purchased under division (D) of section 713.23 or section 125.04 5044
or 5513.01 of the Revised Code, available from a qualified 5045
nonprofit agency pursuant to sections 4115.31 to 4115.35 of the 5046
Revised Code, or required to be purchased from a qualified 5047
nonprofit agency under sections 125.60 to 125.6012 of the Revised 5048
Code, the village administrator shall make a written contract with 5049
the lowest and best bidder after advertisement for not less than 5050
two nor more than four consecutive weeks in a newspaper of general 5051
circulation within the village or as provided in section 7.16 of 5052
the Revised Code. The bids shall be opened and shall be publicly 5053
read by the village administrator or a person designated by the 5054
village administrator at the time, date, and place as specified in 5055
the advertisement to bidders or specifications. The time, date, 5056
and place of bid openings may be extended to a later date by the 5057
village administrator, provided that written or oral notice of the 5058
change shall be given to all persons who have received or 5059
requested specifications no later than ninety-six hours prior to 5060
the original time and date fixed for the opening. All contracts 5061
shall be executed in the name of the village and signed on its 5062
behalf by the village administrator and the clerk. 5063

The legislative authority of a village may provide, by 5064
ordinance, for central purchasing for all offices, departments, 5065
divisions, boards, and commissions of the village, under the 5066
direction of the village administrator, who shall make contracts, 5067
purchase supplies or materials, and provide labor for any work of 5068
the village in the manner provided by this section. 5069

Sec. 731.20. Ordinances, resolutions, and bylaws shall be 5070
authenticated by the signature of the presiding officer and clerk 5071
of the legislative authority of the municipal corporation. 5072

~~Ordinances~~ A succinct summary of ordinances of a general nature or 5073
providing for improvements shall be published as provided by 5074
sections 731.21 and 731.22 of the Revised Code before going into 5075
operation. No ordinance shall take effect until the expiration of 5076
ten days after the first publication of such notice. As soon as a 5077
bylaw, resolution, or ordinance is passed and signed, it shall be 5078
recorded by the clerk in a book furnished by the legislative 5079
authority for that purpose. 5080

Sec. 731.21. (A) ~~Notwithstanding any conflicting provision of~~ 5081
~~section 7.12 of the Revised Code,~~ A succinct summary of each 5082
~~municipal ordinance or resolution, or a succinet summary of each~~ 5083
~~municipal ordinance and resolution,~~ and all statements, orders, 5084
proclamations, notices, and reports required by law or ordinance 5085
to be published shall be published ~~as follows:~~ 5086

~~(1) In two English language newspapers of opposite politics,~~ 5087
~~published and in a newspaper~~ of general circulation in the 5088
municipal corporation, ~~if there are any such newspapers;~~ 5089

~~(2) If two English language newspapers of opposite politics~~ 5090
~~are not published and of general circulation in the municipal~~ 5091
~~corporation, then in one such political newspaper and one other~~ 5092
~~English language newspaper published and of general circulation~~ 5093
~~therein;~~ 5094

~~(3) If only one english language newspaper is published and~~ 5095
~~of general circulation in the municipal corporation, then in that~~ 5096
~~newspaper;~~ 5097

~~(4) If no english language newspaper is published and of~~ 5098
~~general circulation in the municipal corporation, then in any~~ 5099
~~English language newspaper of general circulation therein or by~~ 5100
~~posting as provided in section 731.25 of the Revised Code, at the~~ 5101
~~option of the legislative authority of such municipal corporation.~~ 5102
Proof of the publication and required circulation of any newspaper 5103

used as a medium of publication as provided by this section shall 5104
be made by affidavit of the proprietor of ~~either of such~~ 5105
~~newspapers~~ the newspaper, and shall be filed with the clerk of the 5106
legislative authority. 5107

(B) ~~If a summary of an ordinance or resolution is published~~ 5108
~~under division (A) of this section, the~~ The publication shall 5109
contain notice that the complete text of each such ordinance or 5110
resolution may be obtained or viewed at the office of the clerk of 5111
the legislative authority of the municipal corporation and may be 5112
viewed at any other location designated by the legislative 5113
authority of the municipal corporation. The city director of law, 5114
village solicitor, or other chief legal officer of the municipal 5115
corporation shall review ~~any~~ the summary of an ordinance or 5116
resolution published under this section prior to forwarding it to 5117
the clerk for publication, to ensure that the summary is legally 5118
accurate and sufficient. 5119

(C) Upon publication of a summary of an ordinance or 5120
resolution in accordance with this section, the clerk of the 5121
legislative authority shall supply a copy of the complete text of 5122
each such ordinance or resolution to any person, upon request, and 5123
may charge a reasonable fee, set by the legislative authority, for 5124
each copy supplied. The clerk shall post a copy of the text at ~~his~~ 5125
the clerk's office and at every other location designated by the 5126
legislative authority. 5127

Sec. 731.211. In accordance with Section 9 of Article XVIII, 5128
Ohio Constitution, notice of proposed amendments to municipal 5129
charters shall be given in one of the following ways: 5130

(A) Not less than thirty days prior to the election at which 5131
the amendment is to be submitted to the electors, the clerk of the 5132
municipality shall mail a copy of the proposed charter amendment 5133
to each elector whose name appears upon the poll or registration 5134

books of the last regular or general election held therein. 5135

(B) The full text of the proposed charter amendment shall be 5136
published once a week for not less than two consecutive weeks in a 5137
newspaper ~~published of general circulation~~ in the municipal 5138
corporation or as provided in section 7.16 of the Revised Code, 5139
with the first publication being at least fifteen days prior to 5140
the election at which the amendment is to be submitted to the 5141
electors. ~~If no newspaper is published in the municipal~~ 5142
~~corporation, then such publication shall be made in a newspaper of~~ 5143
~~general circulation within the municipal corporation.~~ 5144

Sec. 731.22. The publication required in section 731.21 of 5145
the Revised Code shall be for the following times: 5146

(A) ~~Ordinances and resolutions, or summaries~~ Summaries of 5147
ordinances or resolutions, and proclamations of elections, once a 5148
week for two consecutive weeks or as provided in section 7.16 of 5149
the Revised Code; 5150

(B) Notices, not less than two nor more than four consecutive 5151
weeks or as provided in section 7.16 of the Revised Code; 5152

(C) All other matters shall be published once. 5153

Sec. 731.23. When ordinances are revised, codified, 5154
rearranged, published in book form, and certified as correct by 5155
the clerk of the legislative authority of a municipal corporation 5156
and the mayor, such publication shall be a sufficient publication, 5157
and the ordinances so published, under appropriate titles, 5158
chapters, and sections, shall be held the same in law as though 5159
they had been published in a newspaper. A new ordinance so 5160
published in book form, a summary of which has not been published 5161
as required by sections 731.21 and 731.22 of the Revised Code, and 5162
which contains entirely new matter, shall be published as required 5163
by such sections. If such revision or codification is made by a 5164

municipal corporation and contains new matter, it shall be a 5165
sufficient publication of such codification, including the new 5166
matter, to publish, in the manner required by such sections, a 5167
notice of the enactment of such codifying ordinance, containing 5168
the title of the ordinance and a summary of the new matters 5169
covered by it. Such revision and codification may be made under 5170
appropriate titles, chapters, and sections and in one ordinance 5171
containing one or more subjects. 5172

Except as provided by this section, a succinct summary of all 5173
ordinances, including emergency ordinances, shall be published in 5174
accordance with section 731.21 of the Revised Code. 5175

Sec. 731.24. Immediately after the expiration of the period 5176
of publication ~~for ordinances or~~ of summaries of ordinances 5177
required by section 731.22 of the Revised Code, the clerk of the 5178
legislative authority of a municipal corporation shall enter on 5179
the record of ordinances, in a blank to be left for such purpose 5180
under the recorded ordinance, a certificate stating in which 5181
newspaper and on what dates such publication was made, and shall 5182
sign ~~his~~ the clerk's name thereto officially. Such certificate 5183
shall be prima-facie evidence that legal publication of the 5184
~~ordinance or~~ summary of the ordinance was made. 5185

Sec. 731.25. ~~Notwithstanding any conflicting provision of~~ 5186
~~section 7.12 of the Revised Code, in~~ In municipal corporations in 5187
which no newspaper is ~~published~~ generally circulated, publication 5188
of ~~ordinances and resolutions, or~~ summaries of ordinances and 5189
resolutions, and publication of all statements, orders, 5190
proclamations, notices, and reports, required by law or ordinance 5191
to be published, shall be accomplished ~~in either of the following~~ 5192
~~methods, as determined by the legislative authority:~~ 5193

~~(A) By~~ by posting copies in not less than five of the most 5194

public places in the municipal corporation, as determined by the 5195
legislative authority, for a period of not less than fifteen days 5196
prior to the effective date thereof: 5197

~~(B) By publication in any newspaper printed in this state and 5198
of general circulation in such municipal corporation. 5199~~

Notices to bidders for the construction of public 5200
improvements and notices of the sale of bonds shall be published 5201
in ~~not more than two newspapers, printed in this state and a~~ 5202
newspaper of general circulation in such municipal corporation, 5203
for the time prescribed in section 731.22 of the Revised Code. 5204

Where such publication is by posting, the clerk shall make a 5205
certificate as to such posting, and as to the times when and the 5206
places where such posting is done, in the manner provided in 5207
section 731.24 of the Revised Code, and such certificate shall be 5208
prima-facie evidence that the copies were posted as required. 5209

Sec. 735.05. The director of public service may make any 5210
contract, purchase supplies or material, or provide labor for any 5211
work under the supervision of the department of public service 5212
involving not more than twenty-five thousand dollars. When an 5213
expenditure within the department, other than the compensation of 5214
persons employed in the department, exceeds twenty-five thousand 5215
dollars, the expenditure shall first be authorized and directed by 5216
ordinance of the city legislative authority. When so authorized 5217
and directed, except where the contract is for equipment, 5218
services, materials, or supplies to be purchased under division 5219
(D) of section 713.23 or section 125.04 or 5513.01 of the Revised 5220
Code or available from a qualified nonprofit agency pursuant to 5221
sections 4115.31 to 4115.35 of the Revised Code, the director 5222
shall make a written contract with the lowest and best bidder 5223
after advertisement for not less than two nor more than four 5224
consecutive weeks in a newspaper of general circulation within the 5225

city or as provided in section 7.16 of the Revised Code. 5226

Sec. 735.20. When a whole plan, or any portion thereof, as 5227
provided in section 735.19 of the Revised Code is completed, or 5228
when the location of any avenue, street, roadway, or alley has 5229
been finally determined by the platting commissioner of a city, a 5230
plat of the plan, avenue, street, roadway, or alley shall be 5231
placed in the office of the city engineer for the inspection of 5232
persons interested, and notice that it is ready for inspection 5233
shall be published in ~~one or more newspapers,~~ a newspaper of 5234
general circulation within the city, for six consecutive weeks, or 5235
as provided in section 7.16 of the Revised Code. 5236

Sec. 737.32. Except as otherwise provided in this section and 5237
unless the property involved is required to be disposed of 5238
pursuant to another section of the Revised Code, property that is 5239
unclaimed for ninety days or more shall be sold by the chief of 5240
police of the municipal corporation, marshal of the village, or 5241
licensed auctioneer at public auction, after notice of the sale 5242
has been provided by publication once a week for three successive 5243
weeks in a newspaper of general circulation in the county or as 5244
provided in section 7.16 of the Revised Code. The proceeds of the 5245
sale shall be paid to the treasurer of the municipal corporation 5246
and shall be credited to the general fund of the municipal 5247
corporation. 5248

If authorized to do so by an ordinance adopted by the 5249
legislative authority of the municipal corporation and if the 5250
property involved is not required to be disposed of pursuant to 5251
another section of the Revised Code, the chief of police or 5252
marshal may contribute property that is unclaimed for ninety days 5253
or more to one or more public agencies, to one or more nonprofit 5254
organizations no part of the net income of which inures to the 5255
benefit of any private shareholder or individual and no 5256

substantial part of the activities of which consists of carrying 5257
on propaganda or otherwise attempting to influence legislation, or 5258
to one or more organizations satisfying section 501(c)(3) or 5259
(c)(19) of the Internal Revenue Code of 1986. 5260

Sec. 745.07. An ordinance passed pursuant to section 745.06 5261
of the Revised Code shall not take effect until submitted to the 5262
electors of the municipal corporation, at a special or general 5263
election held in the municipal corporation at such time as the 5264
legislative authority determines, and approved by a majority of 5265
the electors voting on it. The ordinance shall be passed by an 5266
affirmative vote of not less than a majority of the members of the 5267
legislative authority and shall be subject to the approval of the 5268
mayor as provided by law. The ordinance shall specify the form or 5269
phrasing of the question to be placed upon the ballot. Thirty 5270
days' notice of the election shall be given by publication once a 5271
week for two consecutive weeks in ~~two daily or weekly newspapers~~ 5272
~~published or circulated~~ a newspaper of general circulation in the 5273
municipal corporation ~~and, if~~ or as provided in section 7.16 of 5274
the Revised Code. If the board of elections operates and maintains 5275
a web site, notice of the election also shall be posted on that 5276
web site for thirty days prior to the election. The notice shall 5277
contain the full form or phrasing of the question to be submitted. 5278
The clerk of the legislative authority shall certify the passage 5279
of the ordinance to the officers having control of elections in 5280
the municipal corporation, who shall cause the question to be 5281
voted on at the general or special election as specified in the 5282
ordinance. 5283

Sec. 747.05. The board of rapid transit commissioners shall 5284
have control of the expenditure of all moneys appropriated by the 5285
legislative authority of the city, received from the sale of bonds 5286
provided for in sections 747.01 to 747.13, ~~inclusive,~~ of the 5287

Revised Code, or from any other source, for the purchase, 5288
construction, improvement, maintenance, equipment, or enjoyment of 5289
all such rapid transit property, but no liability shall be 5290
incurred or expenditure made unless the money required therefor is 5291
in the city treasury to the credit of the board of rapid transit 5292
commissioners' fund and not appropriated for any other purpose. 5293
Moneys to be derived from the sale of bonds, the issue of which 5294
has been authorized, shall be deemed to be in the treasury to the 5295
credit of such fund. 5296

All moneys expended for the construction and acquisition of 5297
parkways or boulevards, as authorized by such sections, shall be 5298
provided for partly by special appropriation or bond issue and 5299
partly by assessments, as specified in section 747.06 of the 5300
Revised Code, and such funds shall be separately accounted for, 5301
and such expenditure shall not be considered a part of the rapid 5302
transit expenditure authorized by this section. The board may let 5303
contracts for any part of the work to the lowest and best bidder 5304
after three weeks' advertisement in ~~two newspapers~~ a newspaper of 5305
general circulation in the city or as provided in section 7.16 of 5306
the Revised Code. 5307

The board may reject any bid, and the proceedings for such 5308
contracts and payment therefor shall be the same as provided for 5309
the director of public service except the requirement of the 5310
approval of the board of control. 5311

Sec. 747.11. The board of rapid transit commissioners may 5312
grant to any corporation organized for street or interurban 5313
railway purposes the right to operate, by lease or otherwise, the 5314
depots, terminals, and railways mentioned in section 747.08 of the 5315
Revised Code upon such terms as the board is authorized by 5316
ordinance to agree upon with such corporation, subject to the 5317
approval of a majority of the electors of the city voting on the 5318

question. 5319

The board of rapid transit commissioners shall certify such 5320
lease or agreement to the board of elections, which shall then 5321
submit the question of the approval of such lease or agreement to 5322
the qualified electors of the city at either a special or general 5323
election as the ordinance specifies. Thirty days' notice of the 5324
election shall be given by publication in ~~one or more of the~~ 5325
~~newspapers published~~ a newspaper of general circulation in the 5326
city once a week for two consecutive weeks prior to the election, 5327
~~and, if or as provided in section 7.16 of the Revised Code.~~ If the 5328
board of elections operates and maintains a web site, the board of 5329
elections shall post notice of the election for thirty days prior 5330
to the election on its web site. The notice shall set forth the 5331
terms of the lease or agreement and the time of holding the 5332
election. On the approval by a majority of the voters voting at 5333
the election, the corporation may operate such depots, terminals, 5334
and railways as provided in the lease or agreement, and 5335
corporations organized under the laws of this state for street or 5336
interurban railway purposes may lease and operate such depots, 5337
terminals, and railways. 5338

Sec. 747.12. Whenever the board of rapid transit 5339
commissioners of a city declares by resolution that real estate of 5340
the city acquired for rapid transit purposes is not needed for the 5341
proper conduct and maintenance of such rapid transit system, such 5342
real estate may be sold or leased by the board to the highest 5343
bidder after advertisement once a week for three consecutive weeks 5344
in a newspaper of general circulation within the city or as 5345
provided in section 7.16 of the Revised Code. The board may reject 5346
any bid and readvertise until all such property is sold or leased. 5347
When the board has twice so offered to sell or lease such 5348
property, and it is not sold or leased, the board may privately 5349
sell or lease it. 5350

Moneys arising from such sales or leases shall be deposited 5351
in the treasury of the city to the credit of the board of rapid 5352
transit commissioners' fund, and may be expended for the purchase, 5353
construction, improvement, maintenance, equipment, and enjoyment 5354
of the city's rapid transit property, as such board directs. 5355

Contracts, leases, deeds, bills of sale, or other instruments 5356
in writing pertaining to such sales or leases shall be executed on 5357
behalf of the city by the board, by its president and secretary. 5358

Sec. 755.41. When lands lying within the limits of a 5359
municipal corporation have been dedicated to or for the use of the 5360
public for parks or park lands, and where such lands have remained 5361
unimproved and unused by the public for a period of twenty-one 5362
years and there appears to be little or no possibility that such 5363
lands will be improved and used by the public, the legislative 5364
authority of a municipal corporation in which said lands are 5365
located may, by ordinance, declare such parks or park lands 5366
vacated upon the petition of a majority of the abutting 5367
freeholders. No such parks or park lands shall be vacated unless 5368
notice of the pendency and prayer of the petition is given, in a 5369
newspaper of general circulation in the municipal corporation in 5370
which such lands are situated for three consecutive weeks, or as 5371
provided in section 7.16 of the Revised Code, preceding action on 5372
such petition. No such lands shall be vacated prior to a public 5373
hearing had thereon. 5374

Sec. 755.42. Upon the vacation of parks or park lands as 5375
provided by section 755.41 of the Revised Code, the legislative 5376
authority of a municipal corporation shall offer such lands for 5377
sale at a public auction. No lands shall be sold until the 5378
legislative authority of such municipal corporation gives notice 5379
of intention to sell such lands. Such notice shall be published as 5380
provided in section 7.16 of the Revised Code or once a week for 5381

four consecutive weeks in a newspaper of general circulation in a 5382
municipal corporation in which the sale is to be had. The 5383
legislative authority of such municipal corporation or the board 5384
or officer having supervision or management of such real estate 5385
shall sell such lands to the highest and best bidder, provided 5386
that any and all bids made hereunder may be rejected. 5387

When such sale is made, the mayor or other officer of a 5388
municipal corporation in which sale is had and in which such lands 5389
are located, shall enter into a deed, conveying said lands to the 5390
purchaser thereof. At or after the time of sale, the auditor of 5391
the county shall place the lands sold hereunder on the tax 5392
duplicate of the county at a value to be established by ~~him~~ the 5393
auditor as in cases where ~~he~~ the auditor re-enters property which 5394
has been tax exempt on the taxable list of the county. 5395

The proceeds from the sale of lands sold pursuant to this 5396
section shall be placed in the general fund of the treasury of the 5397
municipal corporation in which such lands are located and may be 5398
disbursed as other general fund moneys. 5399

Sec. 755.43. When real estate ~~which~~ that has been dedicated 5400
to or for the use of the public for parks or park lands is vacated 5401
by the legislative authority of a municipal corporation pursuant 5402
to section 755.41 of the Revised Code, and where reversionary 5403
interests have been set up in the event of the non-use of such 5404
lands for the dedicated purpose, such reversionary interests shall 5405
accelerate and vest in the holders thereof upon such vacation. 5406
Thereupon, the auditor of the county shall place the lands on the 5407
tax duplicate of the county in the names of such reversionaries as 5408
are known to and supplied by the legislative authority of the 5409
municipal corporation or the board or officer having supervision 5410
or management of such real estate. If the legislative authority of 5411
such board or officer is unable to furnish the names of such 5412

reversioners, the legislative authority of a municipal corporation 5413
shall fix a date on or before which claims to such real estate may 5414
be asserted and after which such real estate shall be sold. Notice 5415
shall be given of such date and of the sale to be held thereafter, 5416
as provided in section 7.16 of the Revised Code or once each week 5417
for four consecutive weeks in a newspaper of general circulation 5418
in the municipal corporation wherein such lands are located. In 5419
the event that no claims to such lands are asserted or found to be 5420
valid, the lands shall be sold pursuant to section 755.42 of the 5421
Revised Code, and the title of any holders of reversionary 5422
interests shall be extinguished. 5423

Nothing contained in sections 755.41, 755.42, or 755.43 of 5424
the Revised Code shall be construed as limiting any of the home 5425
rule powers conferred upon municipalities by Article XVIII of the 5426
Constitution of the State of Ohio. 5427

Sec. 759.47. Land belonging to a public cemetery and used for 5428
an approach thereto, and which is, in the judgment of a majority 5429
of the officers having control or management thereof, unnecessary 5430
for cemetery purposes, may be sold by them at public sale to the 5431
highest bidder after advertisement as provided in section 7.16 of 5432
the Revised Code or once a week for five consecutive weeks in a 5433
newspaper of general circulation within the county in which the 5434
cemetery is situated. The board of township trustees or board of 5435
cemetery trustees of a municipal corporation making such sale 5436
shall execute in the name of the township or municipal corporation 5437
owning such cemetery proper conveyances for the land so sold. 5438

Sec. 951.11. A person finding an animal at large in violation 5440
of section 951.01 or 951.02 of the Revised Code, may, and a law 5441
enforcement officer of a county, township, city, or village, on 5442
view or information, shall, take and confine such animal, 5443

forthwith giving notice thereof to the owner or keeper, if known, 5444
and, if not known, by publishing a notice describing such animal 5445
~~at least~~ once in a newspaper of general circulation in the county, 5446
township, city, or village wherein the animal was found. If the 5447
owner or keeper does not appear and claim the animal and pay the 5448
compensation prescribed in section 951.13 of the Revised Code for 5449
so taking, advertising, and keeping it within ten days from the 5450
date of such notice, such person or the county shall have a lien 5451
therefor and the animal may be sold at public auction as provided 5452
in section 1311.49 of the Revised Code, and the residue of the 5453
proceeds of sale shall be paid and deposited by the treasurer in 5454
the general fund of the county. 5455

Sec. 1515.08. The supervisors of a soil and water 5456
conservation district have the following powers in addition to 5457
their other powers: 5458

(A) To conduct surveys, investigations, and research relating 5459
to the character of soil erosion, floodwater and sediment damages, 5460
and the preventive and control measures and works of improvement 5461
for flood prevention and the conservation, development, 5462
utilization, and disposal of water needed within the district, and 5463
to publish the results of those surveys, investigations, or 5464
research, provided that no district shall initiate any research 5465
program except in cooperation or after consultation with the Ohio 5466
agricultural research and development center; 5467

(B) To develop plans for the conservation of soil resources, 5468
for the control and prevention of soil erosion, and for works of 5469
improvement for flood prevention and the conservation, 5470
development, utilization, and disposal of water within the 5471
district, and to publish those plans and information; 5472

(C) To implement, construct, repair, maintain, and operate 5473
preventive and control measures and other works of improvement for 5474

natural resource conservation and development and flood 5475
prevention, and the conservation, development, utilization, and 5476
disposal of water within the district on lands owned or controlled 5477
by this state or any of its agencies and on any other lands within 5478
the district, which works may include any facilities authorized 5479
under state or federal programs, and to acquire, by purchase or 5480
gift, to hold, encumber, or dispose of, and to lease real and 5481
personal property or interests in such property for those 5482
purposes; 5483

(D) To cooperate or enter into agreements with any occupier 5484
of lands within the district in the carrying on of natural 5485
resource conservation operations and works of improvement for 5486
flood prevention and the conservation, development, utilization, 5487
and management of natural resources within the district, subject 5488
to such conditions as the supervisors consider necessary; 5489

(E) To accept donations, gifts, grants, and contributions in 5490
money, service, materials, or otherwise, and to use or expend them 5491
according to their terms; 5492

(F) To adopt, amend, and rescind rules to carry into effect 5493
the purposes and powers of the district; 5494

(G) To sue and plead in the name of the district, and be sued 5495
and impleaded in the name of the district, with respect to its 5496
contracts and, as indicated in section 1515.081 of the Revised 5497
Code, certain torts of its officers, employees, or agents acting 5498
within the scope of their employment or official responsibilities, 5499
or with respect to the enforcement of its obligations and 5500
covenants made under this chapter; 5501

(H) To make and enter into all contracts, leases, and 5502
agreements and execute all instruments necessary or incidental to 5503
the performance of the duties and the execution of the powers of 5504
the district under this chapter, provided that all of the 5505

following apply: 5506

(1) Except as provided in section 307.86 of the Revised Code 5507
regarding expenditures by boards of county commissioners, when the 5508
cost under any such contract, lease, or agreement, other than 5509
compensation for personal services or rental of office space, 5510
involves an expenditure of more than the amount established in 5511
that section regarding expenditures by boards of county 5512
commissioners, the supervisors shall make a written contract with 5513
the lowest and best bidder after advertisement, for not less than 5514
two nor more than four consecutive weeks preceding the day of the 5515
opening of bids, in a newspaper of general circulation within the 5516
district or as provided in section 7.16 of the Revised Code, and 5517
in such other publications as the supervisors determine. The 5518
notice shall state the general character of the work and materials 5519
to be furnished, the place where plans and specifications may be 5520
examined, and the time and place of receiving bids. 5521

(2) Each bid for a contract shall contain the full name of 5522
every person interested in it. 5523

(3) Each bid for a contract for the construction, demolition, 5524
alteration, repair, or reconstruction of an improvement shall meet 5525
the requirements of section 153.54 of the Revised Code. 5526

(4) Each bid for a contract, other than a contract for the 5527
construction, demolition, alteration, repair, or reconstruction of 5528
an improvement, at the discretion of the supervisors, may be 5529
accompanied by a bond or certified check on a solvent bank in an 5530
amount not to exceed five per cent of the bid, conditioned that, 5531
if the bid is accepted, a contract shall be entered into. 5532

(5) The supervisors may reject any and all bids. 5533

(I) To make agreements with the department of natural 5534
resources giving it control over lands of the district for the 5535
purpose of construction of improvements by the department under 5536

section 1501.011 of the Revised Code; 5537

(J) To charge, alter, and collect rentals and other charges 5538
for the use or services of any works of the district; 5539

(K) To enter, either in person or by designated 5540
representatives, upon lands, private or public, in the necessary 5541
discharge of their duties; 5542

(L) To enter into agreements or contracts with the department 5543
for the determination, implementation, inspection, and funding of 5544
agricultural pollution abatement and urban sediment pollution 5545
abatement measures whereby landowners, operators, managers, and 5546
developers may meet adopted state standards for a quality 5547
environment, except that failure of a district board of 5548
supervisors to negotiate an agreement or contract with the 5549
department shall authorize the division of soil and water 5550
conservation to implement the required program; 5551

(M) To conduct demonstrations and provide information to the 5552
public regarding practices and methods for natural resource 5553
conservation, development, and utilization; 5554

(N) Until June 1, 1996, to conduct surveys and investigations 5555
relating to the incidence of the multiflora rose within the 5556
district and of the nature and extent of the adverse effects of 5557
the multiflora rose on agriculture, forestry, recreation, and 5558
other beneficial land uses; 5559

(O) Until June 1, 1996, to develop plans for the control of 5560
the multiflora rose within the district and to publish those plans 5561
and information related to control of the multiflora rose; 5562

(P) Until June 1, 1996, to enter into contracts or agreements 5563
with the chief of the division of soil and water conservation to 5564
implement and administer a program for control of the multiflora 5565
rose and to receive and expend funds provided by the chief for 5566
that purpose; 5567

(Q) Until June 1, 1996, to enter into cost-sharing agreements 5568
with landowners for control of the multiflora rose. Before 5569
entering into any such agreement, the board of supervisors shall 5570
determine that the landowner's application meets the eligibility 5571
criteria established under division (E)(6) of section 1511.02 of 5572
the Revised Code. The cost-sharing agreements shall contain the 5573
contract provisions required by the rules adopted under that 5574
division and such other provisions as the board of supervisors 5575
considers appropriate to ensure effective control of the 5576
multiflora rose. 5577

(R) To enter into contracts or agreements with the chief to 5578
implement and administer a program for urban sediment pollution 5579
abatement and to receive and expend moneys provided by the chief 5580
for that purpose; 5581

(S) To develop operation and management plans, as defined in 5582
section 1511.01 of the Revised Code, as necessary; 5583

(T) To determine whether operation and management plans 5584
developed under division (A) of section 1511.021 of the Revised 5585
Code comply with the standards established under division (E)(1) 5586
of section 1511.02 of the Revised Code and to approve or 5587
disapprove the plans, based on such compliance. If an operation 5588
and management plan is disapproved, the board shall provide a 5589
written explanation to the person who submitted the plan. The 5590
person may appeal the plan disapproval to the chief, who shall 5591
afford the person a hearing. Following the hearing, the chief 5592
shall uphold the plan disapproval or reverse it. If the chief 5593
reverses the plan disapproval, the plan shall be deemed approved 5594
under this division. In the event that any person operating or 5595
owning agricultural land or a concentrated animal feeding 5596
operation in accordance with an approved operation and management 5597
plan who, in good faith, is following that plan, causes 5598
agricultural pollution, the plan shall be revised in a fashion 5599

necessary to mitigate the agricultural pollution, as determined 5600
and approved by the board of supervisors of the soil and water 5601
conservation district. 5602

(U) With regard to composting conducted in conjunction with 5603
agricultural operations, to do all of the following: 5604

(1) Upon request or upon their own initiative, inspect 5605
composting at any such operation to determine whether the 5606
composting is being conducted in accordance with section 1511.022 5607
of the Revised Code; 5608

(2) If the board determines that composting is not being so 5609
conducted, request the chief to issue an order under division (G) 5610
of section 1511.02 of the Revised Code requiring the person who is 5611
conducting the composting to prepare a composting plan in 5612
accordance with rules adopted under division (E)(10)(c) of that 5613
section and to operate in accordance with that plan or to operate 5614
in accordance with a previously prepared plan, as applicable; 5615

(3) In accordance with rules adopted under division 5616
(E)(10)(c) of section 1511.02 of the Revised Code, review and 5617
approve or disapprove any such composting plan. If a plan is 5618
disapproved, the board shall provide a written explanation to the 5619
person who submitted the plan. 5620

As used in division (U) of this section, "composting" has the 5621
same meaning as in section 1511.01 of the Revised Code. 5622

(V) With regard to conservation activities that are conducted 5623
in conjunction with agricultural operations, to assist the county 5624
auditor, upon request, in determining whether a conservation 5625
activity is a conservation practice for purposes of Chapter 929. 5626
or sections 5713.30 to 5713.37 and 5715.01 of the Revised Code. 5627

As used in this division, "conservation practice" has the 5628
same meaning as in section 5713.30 of the Revised Code. 5629

(W) To do all acts necessary or proper to carry out the 5630
powers granted in this chapter. 5631

The director of natural resources shall make recommendations 5632
to reduce the adverse environmental effects of each project that a 5633
soil and water conservation district plans to undertake under 5634
division (A), (B), (C), or (D) of this section and that will be 5635
funded in whole or in part by moneys authorized under section 5636
1515.16 of the Revised Code and shall disapprove any such project 5637
that the director finds will adversely affect the environment 5638
without equal or greater benefit to the public. The director's 5639
disapproval or recommendations, upon the request of the district 5640
filed in accordance with rules adopted by the Ohio soil and water 5641
conservation commission, shall be reviewed by the commission, 5642
which may confirm the director's decision, modify it, or add 5643
recommendations to or approve a project the director has 5644
disapproved. 5645

Any instrument by which real property is acquired pursuant to 5646
this section shall identify the agency of the state that has the 5647
use and benefit of the real property as specified in section 5648
5301.012 of the Revised Code. 5649

Sec. 1515.24. (A) Following receipt of a certification made 5650
by the supervisors of a soil and water conservation district 5651
pursuant to section 1515.19 of the Revised Code together with 5652
receipt of all plans, specifications, and estimates submitted 5653
under that section and upon completion of a schedule of estimated 5654
assessments in accordance with section 1515.211 of the Revised 5655
Code, the board of county commissioners may adopt a resolution 5656
levying upon the property within the project area an assessment at 5657
a uniform or varied rate based upon the benefit to the area 5658
certified by the supervisors, as necessary to pay the cost of 5659
construction of the improvement not otherwise funded and to repay 5660

advances made for purposes of the improvement from the fund 5661
created by section 1515.15 of the Revised Code. The board of 5662
county commissioners shall direct the person or authority 5663
preparing assessments to give primary consideration, in 5664
determining a parcel's estimated assessments relating to the 5665
disposal of water, to the potential increase in productivity that 5666
the parcel may experience as a result of the improvement and also 5667
to give consideration to the amount of water disposed of, the 5668
location of the property relative to the project, the value of the 5669
project to the watershed, and benefits. The part of the assessment 5670
that is found to benefit state, county, or township roads or 5671
highways or municipal streets shall be assessed against the state, 5672
county, township, or municipal corporation, respectively, payable 5673
from motor vehicle revenues. The part of the assessment that is 5674
found to benefit property owned by any public corporation, any 5675
political subdivision of the state, or the state shall be assessed 5676
against the public corporation, the political subdivision, or the 5677
state and shall be paid out of the general funds or motor vehicle 5678
revenues of the public corporation, the political subdivision of 5679
the state, or the state, except as otherwise provided by law. 5680

(B) The assessment shall be certified to the county auditor 5681
and by the county auditor to the county treasurer. The collection 5682
of the assessment shall conform in all matters to Chapter 323. of 5683
the Revised Code. 5684

(C) Any land owned and managed by the department of natural 5685
resources for wildlife, recreation, nature preserve, or forestry 5686
purposes is exempt from assessments if the director of natural 5687
resources determines that the land derives no benefit from the 5688
improvement. In making such a determination, the director shall 5689
consider the purposes for which the land is owned and managed and 5690
any relevant articles of dedication or existing management plans 5691
for the land. If the director determines that the land derives no 5692

benefit from the improvement, the director shall notify the board 5693
of county commissioners, within thirty days after receiving the 5694
assessment notification required by this section, indicating that 5695
the director has determined that the land is to be exempt and 5696
explaining the specific reason for making this determination. The 5697
board of county commissioners, within thirty days after receiving 5698
the director's exemption notification, may appeal the 5699
determination to the court of common pleas. If the court of common 5700
pleas finds in favor of the board of county commissioners, the 5701
department of natural resources shall pay all court costs and 5702
legal fees. 5703

(D)(1) The board shall give notice by first class mail to 5704
every public and private property owner whose property is subject 5705
to assessment, at the tax mailing or other known address of the 5706
owner. The notice shall contain a statement of the amount to be 5707
assessed against the property of the addressee, a description of 5708
the method used to determine the necessity for and the amount of 5709
the proposed assessment, a description of any easement on the 5710
property that is necessary for purposes of the improvement, and a 5711
statement that the addressee may file an objection in writing at 5712
the office of the board of county commissioners within thirty days 5713
after the mailing of notice. If the residence of any owner cannot 5714
be ascertained, or if any mailed notice is returned undelivered, 5715
the board shall publish the notice to all such owners in a 5716
newspaper of general circulation within the project area, ~~at least~~ 5717
once each week for three weeks, ~~which~~ or as provided in section 5718
7.16 of the Revised Code. The notice shall include the information 5719
contained in the mailed notice, but shall state that the owner may 5720
file an objection in writing at the office of the board of county 5721
commissioners within thirty days after the last publication of the 5722
notice. 5723

(2) Upon receipt of objections as provided in this section, 5724

the board shall proceed within thirty days to hold a final hearing 5725
on the objections by fixing a date and giving notice by first 5726
class mail to the objectors at the address provided in filing the 5727
objection. If any mailed notice is returned undelivered, the board 5728
shall give due notice to the objectors in a newspaper of general 5729
circulation in the project area or as provided in section 7.16 of 5730
the Revised Code, stating the time, place, and purpose of the 5731
hearing. Upon hearing the objectors, the board may adopt a 5732
resolution amending and approving the final schedule of 5733
assessments and shall enter it in the journal. 5734

(3) Any owner whose objection is not allowed may appeal 5735
within thirty days to the court of common pleas of the county in 5736
which the property is located. 5737

(4) The board of county commissioners shall make an order 5738
approving the levying of the assessment and shall proceed under 5739
section 6131.23 of the Revised Code after one of the following has 5740
occurred, as applicable: 5741

(a) Final notice is provided by mail or publication. 5742

(b) The imposition of assessments is upheld in the final 5743
disposition of an appeal that is filed pursuant to division (D)(3) 5744
of this section. 5745

(c) The resolution levying the assessments is approved in a 5746
referendum that is held pursuant to section 305.31 of the Revised 5747
Code. 5748

(5) The county treasurer shall deposit the proceeds of the 5749
assessment in the fund designated by the board and shall report to 5750
the county auditor the amount of money from the assessment that is 5751
collected by the treasurer. Moneys shall be expended from the fund 5752
for purposes of the improvement. 5753

(E) Any moneys collected in excess of the amount needed for 5754
construction of the improvement and the subsequent first year's 5755

maintenance may be maintained in a fund to be used for maintenance 5756
of the improvement. In any year subsequent to a year in which an 5757
assessment for construction of an improvement levied under this 5758
section has been collected, and upon determination by the board of 5759
county commissioners that funds are not otherwise available for 5760
maintenance or repair of the improvement, the board shall levy on 5761
the property within the project area an assessment for maintenance 5762
at a uniform percentage of all construction costs based upon the 5763
assessment schedule used in determining the construction 5764
assessment. The assessment is not subject to the provisions 5765
concerning notice and petition contained in this section. An 5766
assessment for maintenance shall not be levied in any year in 5767
which the unencumbered balance of funds available for maintenance 5768
of the improvement exceeds twenty per cent of the cost of 5769
construction of the improvement, except that the board may adjust 5770
the level of assessment within the twenty per cent limitation, or 5771
suspend temporarily the levying of an assessment, for maintenance 5772
purposes as maintenance funds are needed. 5773

For the purpose of levying an assessment for maintenance of 5774
an improvement, a board may use the procedures established in 5775
Chapter 6137. of the Revised Code regarding maintenance of 5776
improvements as defined in section 6131.01 of the Revised Code in 5777
lieu of using the procedures established under this section. 5778

(F) The board of county commissioners may issue bonds and 5779
notes as authorized by section 131.23 or 133.17 of the Revised 5780
Code. 5781

Sec. 1545.09. (A) The board of park commissioners shall adopt 5782
such bylaws and rules as the board considers advisable for the 5783
preservation of good order within and adjacent to parks and 5784
reservations of land, and for the protection and preservation of 5785
the parks, parkways, and other reservations of land under its 5786

jurisdiction and control and of property and natural life therein. 5787
The board shall also adopt bylaws or rules establishing a 5788
procedure for contracting for professional, technical, consulting, 5789
and other special services. Any competitive bidding procedures of 5790
the board do not apply to the purchase of benefits for park 5791
district officers or employees when such benefits are provided 5792
through a health and welfare trust fund administered through or in 5793
conjunction with a collective bargaining representative of the 5794
park district employees, as authorized in section 1545.071 of the 5795
Revised Code. The Summaries of the bylaws and rules shall be 5796
published as provided in the case of ordinances of municipal 5797
corporations under section 731.21 of the Revised Code before 5798
taking effect. 5799

(B)(1) As used in division (B)(2) of this section, "similar 5800
violation under state law" means a violation of any section of the 5801
Revised Code, other than division (C) of this section, that is 5802
similar to a violation of a bylaw or rule adopted under division 5803
(A) of this section. 5804

(2) The board of park commissioners may adopt by bylaw a 5805
penalty for a violation of any bylaw or rule adopted under 5806
division (A) of this section, and any penalty so adopted shall not 5807
exceed in severity whichever of the following is applicable: 5808

(a) The penalty designated under the Revised Code for a 5809
violation of the state law that is similar to the bylaw or rule 5810
for which the board adopted the penalty; 5811

(b) For a violation of a bylaw or rule adopted under division 5812
(A) of this section for which the similar violation under state 5813
law does not bear a penalty or for which there is no similar 5814
violation under state law, a fine of not more than one hundred 5815
fifty dollars for a first offense and not more than one thousand 5816
dollars for each subsequent offense. 5817

(3) ~~Any~~ A summary of any bylaw adopted under division (B)(2) 5818
of this section shall be published as provided in the case of 5819
ordinances of municipal corporations under section 731.21 of the 5820
Revised Code before taking effect. 5821

(C) No person shall violate any bylaws or rules adopted under 5822
division (A) of this section. All fines collected for any 5823
violation of this section shall be paid into the treasury of such 5824
park board. 5825

Sec. 1545.12. (A) Except as provided in division (B) of this 5826
section, if the board of park commissioners finds that any lands 5827
that it has acquired are not necessary for the purposes for which 5828
they were acquired by the board, it may sell and dispose of the 5829
lands upon terms the board considers advisable. The board also may 5830
lease or permit the use of any lands for purposes not inconsistent 5831
with the purposes for which the lands were acquired, and upon 5832
terms the board considers advisable. No lands shall be sold 5833
pursuant to this division without first giving notice of the 5834
board's intention to sell the lands by publication once a week for 5835
four consecutive weeks in ~~not less than two English newspapers a~~ 5836
newspaper of general circulation in the district or as provided in 5837
section 7.16 of the Revised Code. The notice shall contain an 5838
accurate description of the lands and shall state the time and 5839
place at which sealed bids will be received for the purchase of 5840
the lands, and the lands shall not thereafter be sold at private 5841
sale for less than the best and highest bid received without 5842
giving further notice as specified in this division. 5843

(B)(1) After compliance with division (B)(2) of this section, 5844
the board of park commissioners may sell land upon terms the board 5845
considers advisable to any park district established under section 5846
511.18 or Chapter 1545. of the Revised Code, any political 5847
subdivision of the state, the state or any department or agency of 5848

the state, or any department or agency of the federal government 5849
for conservation uses or for park or recreation purposes without 5850
the necessity of having to comply with division (A) of this 5851
section. 5852

(2) Before the board of park commissioners may sell land 5853
under division (B)(1) of this section, the board shall offer the 5854
land for sale to each of the following public agencies that is 5855
authorized to acquire, develop, and maintain land for conservation 5856
uses or for park or recreation purposes: each park district 5857
established under section 511.18 or Chapter 1545. of the Revised 5858
Code or political subdivision in which the land is located, each 5859
park district that is so established and that adjoins or each 5860
political subdivision that adjoins a park district so established 5861
or political subdivision in which the land is located, and each 5862
agency or department of the state or of the federal government 5863
that operates parks or conservation or recreation areas near the 5864
land. The board shall make the offer by giving a written notice 5865
that the land is available for sale, by first class mail, to these 5866
public agencies. A failure of delivery of the written notice to 5867
any of these public agencies does not invalidate any proceedings 5868
for the sale of land under this division. Any public agency that 5869
is so notified and that wishes to purchase the land shall make an 5870
offer to the board in writing not later than sixty days after 5871
receiving the written notice. 5872

If there is only one offer to purchase the land made in that 5873
sixty-day period, the board need not hold a public hearing on the 5874
offer. The board shall accept the offer only if it determines that 5875
acceptance of the offer will result in the best public use of the 5876
land. 5877

If there is more than one offer to purchase the land made in 5878
that sixty-day period, the board shall not accept any offer until 5879
the board holds a public hearing on the offers. If, after the 5880

hearing, the board decides to accept an offer, it shall accept the offer that it determines will result in the best public use of the land.

(C) No lands shall be sold under this section at either public or private sale without the approval of the probate court of the county in which the lands are situated.

Sec. 1547.302. (A) Unclaimed vessels or outboard motors ordered into storage under division (B) of section 1547.30 or section 1547.301 of the Revised Code shall be disposed of at the order of the sheriff of the county, the chief of police of the municipal corporation, township, or township police district, or another chief of a law enforcement agency in any of the following ways:

(1) To a marine salvage dealer;

(2) To any other facility owned, operated, or under contract with the state or the county, municipal corporation, township, or other political subdivision;

(3) To a charitable organization, religious organization, or similar organization not used and operated for profit;

(4) By sale at public auction by the sheriff, the chief, or an auctioneer licensed under Chapter 4707. of the Revised Code, after giving notice of the auction by advertisement, published once a week for two consecutive weeks in a newspaper of general circulation in the county or as provided in section 7.16 of the Revised Code.

(B) Any moneys accruing from the disposition of an unclaimed vessel or motor that are in excess of the expenses resulting from the removal and storage of the vessel or motor shall be credited to the general revenue fund or to the general fund of the county, municipal corporation, township, or other political subdivision,

as appropriate. 5911

(C) As used in this section, "charitable organization" has 5912
the same meaning as in section 1716.01 of the Revised Code. 5913

Sec. 1711.05. Every county agricultural society annually 5914
shall publish an abstract of its treasurer's account in a 5915
newspaper of general circulation in the county and make a report 5916
of its proceedings during the year. It shall also make, in 5917
accordance with the rules of the department of agriculture, a 5918
synopsis of its awards for improvement in agriculture and in 5919
household manufactures and forward such synopsis to the director 5920
of agriculture at or before the annual meeting of the directors of 5921
the society with the director of agriculture, as provided for in 5922
section 901.06 of the Revised Code. No payment after such date 5923
shall be made from the county treasury to such society unless a 5924
certificate from the director is presented to the county auditor 5925
showing that such reports have been made. 5926

Sec. 1711.07. The board of directors of a county or 5927
independent agricultural society shall consist of at least eight 5928
members. An employee of the Ohio state university extension 5929
service and the county school superintendent shall be members ex 5930
officio. Their terms of office shall be determined by the rules of 5931
the department of agriculture. Any vacancy in the board caused by 5932
death, resignation, refusal to qualify, removal from county, or 5933
other cause may be filled by the board until the society's next 5934
annual election, when a director shall be elected for the 5935
unexpired term. There shall be an annual election of directors by 5936
ballot at a time and a place fixed by the board, but this election 5937
shall not be held later than the first Saturday in December 1994, 5938
and not later than the fifteenth day of November each year 5939
thereafter, beginning in 1995. The secretary of the society shall 5940
give notice of such election, for three weeks prior to the holding 5941

thereof, in ~~at least two newspapers~~ a newspaper of ~~opposite~~ 5942
~~polities and of~~ general circulation in the county or as provided 5943
in section 7.16 of the Revised Code, or by letter mailed to each 5944
member of the society. Only persons holding membership 5945
certificates at the close of the annual county fair, or at least 5946
fifteen calendar days before the date of election, as may be fixed 5947
by the board, may vote, unless such election is held on the 5948
fairground during the fair, in which case all persons holding 5949
membership certificates on the date and hour of the election may 5950
vote. When the election is to be held during the fair, notice of 5951
such election must be prominently mentioned in the premium list, 5952
in addition to the notice required in ~~newspapers~~ a newspaper. The 5953
terms of office of the retiring directors shall expire, and those 5954
of the directors-elect shall begin, not later than the first 5955
Saturday in January 1995, and not later than the thirtieth day of 5956
November each year thereafter, beginning in 1995. 5957

The secretary of such society shall send the name and address 5958
of each member of its board to the director of agriculture within 5959
ten days after the election. 5960

Sec. 1711.18. In a county in which there is a county 5961
agricultural society indebted fifteen thousand dollars or more, 5962
and such society has purchased a fairground or title to such 5963
fairground is vested in fee in the county, the board of county 5964
commissioners, upon the presentation of a petition signed by not 5965
less than five hundred resident electors of the county praying for 5966
the submission to the electors of the county of the question 5967
whether or not county bonds shall be issued and sold to liquidate 5968
such indebtedness, shall, by resolution within ten days 5969
thereafter, fix a date, which shall be within thirty days, upon 5970
which the question of issuing and selling such bonds, in the 5971
necessary amount and denomination, shall be submitted to the 5972
electors of the county. The board also shall cause a copy of such 5973

resolution to be certified to the county board of elections and 5974
such board of elections, within ten days after such certification, 5975
shall proceed to make the necessary arrangements for the 5976
submission of such question to such electors at the time fixed by 5977
such resolution. 5978

Such election shall be held at the regular places of voting 5979
in the county and shall be conducted, canvassed, and certified, 5980
except as otherwise provided by law, as are elections of county 5981
officers. The county board of elections must give fifteen days' 5982
notice of such submission by publication in ~~one or more newspapers~~ 5983
published a newspaper of general circulation in the county once a 5984
week for two consecutive weeks or as provided in section 7.16 of 5985
the Revised Code, stating the amount of bonds to be issued, the 5986
purpose for which they are to be issued, and the time and places 5987
of holding such election. Those who vote in favor of the 5988
proposition shall have written or printed on their ballots "for 5989
the issue of bonds" and those who vote against it shall have 5990
written or printed on their ballots "against the issue of bonds." 5991
If a majority of those voting upon the question of issuing the 5992
bonds vote in favor thereof, then and only then shall they be 5993
issued and the tax provided for in section 1711.20 of the Revised 5994
Code be levied. 5995

Sec. 1711.30. Before issuing bonds under section 1711.28 of 5996
the Revised Code, the board of county commissioners, by 5997
resolution, shall submit to the qualified electors of the county 5998
at the next general election for county officers, held not less 5999
than thirty days after receiving from the county agricultural 6000
society the notice provided for in section 1711.25 of the Revised 6001
Code, the question of issuing and selling such bonds in such 6002
amount and denomination as are necessary for the purpose in view, 6003
and shall certify a copy of such resolution to the county board of 6004
elections. 6005

The county board of elections shall place the question of 6006
issuing and selling such bonds upon the ballot and make all other 6007
necessary arrangements for the submission, at the time fixed by 6008
such resolution, of such question to such electors. The votes cast 6009
at such election upon such question must be counted, canvassed, 6010
and certified in the same manner, except as provided by law, as 6011
votes cast for county officers. Fifteen days' notice of such 6012
submission shall be given by the county board of elections, by 6013
publication once a week for two consecutive weeks in ~~two or more~~ 6014
~~newspapers published~~ a newspaper of general circulation in the 6015
county or as provided in section 7.16 of the Revised Code, stating 6016
the amount of bonds to be issued, the purpose for which they are 6017
to be issued, and the time and places of holding such election. 6018
Such question must be stated on the ballot as follows: "For the 6019
issue of county fair bonds, yes"; "For the issue of county fair 6020
bonds, no." If the majority of those voting upon the question of 6021
issuing the bonds vote in favor thereof, then and only then shall 6022
they be issued and the tax provided for in section 1711.29 of the 6023
Revised Code be levied. 6024

Sec. 1728.06. Every community urban redevelopment corporation 6025
qualifying under this chapter, before proceeding with any project 6026
authorized in this chapter, shall make written application to the 6027
municipal corporation for approval thereof. The application shall 6028
be in such form and shall certify to such facts and data as shall 6029
be required by the municipal corporation, and may include but not 6030
be limited to: 6031

(A) A general statement of the nature of the proposed 6032
project, that the undertaking conforms to all applicable municipal 6033
ordinances, that its completion will meet an existing need, and 6034
that the project accords with the master plan or official map, if 6035
any, of the municipal corporation; 6036

(B) A description of the proposed project outlining the area 6037
included and a description of each unit thereof if the project is 6038
to be undertaken in units and setting out such architectural and 6039
site plans as may be required; 6040

(C) A statement of the estimated cost of the proposed project 6041
in such detail as may be required, including the estimated cost of 6042
each unit if it is to be so undertaken; 6043

(D) The source, method, and amount of money to be subscribed 6044
through the investment of private capital, setting forth the 6045
amount of stock or other securities to be issued therefor; 6046

(E) A fiscal plan for the project outlining a schedule of 6047
rents, the estimated expenditures for operation and maintenance, 6048
payments for interest, amortization of debt and reserves, and 6049
payments to the municipal corporation to be made pursuant to a 6050
financial agreement to be entered into with the municipal 6051
corporation; 6052

(F) A relocation plan providing for the relocation of 6053
persons, including families, business concerns, and others, 6054
displaced by the project, which relocation plan shall include, but 6055
not be limited to, the proposed method for the relocation of 6056
residents who will be displaced from their dwelling accommodations 6057
in decent, safe, and sanitary dwelling accommodations within their 6058
means, or with provision for adjustment payments to bring such 6059
accommodations within their means, and without undue hardship, and 6060
reasonable moving costs; 6061

(G) The names and tax mailing addresses, as determined from 6062
the records of the county auditor not more than five days prior to 6063
the submission of the application to the mayor of the municipal 6064
corporation, of the owners of all property which the corporation 6065
proposes in its application to acquire. 6066

Such application shall be addressed and submitted to the 6067

mayor of the municipal corporation, who shall, within sixty days 6068
after receipt thereof, submit it with ~~his~~ the mayor's 6069
recommendations to the governing body. The application shall be a 6070
matter of public record upon receipt by the mayor. 6071

The governing body shall by notice published once a week for 6072
two consecutive weeks in a newspaper of general circulation in the 6073
municipal corporation or as provided in section 7.16 of the 6074
Revised Code, by written notice, by certified mail or personal 6075
service, to the owners of property which the corporation proposes 6076
in its application to purchase at the tax mailing address as set 6077
forth in the corporation's application, by the putting up of signs 6078
in at least five places within the area covered by the 6079
application, and by giving written notice, by certified mail or 6080
personal service, to community organizations known by the clerk of 6081
the governing body to represent a substantial number of the 6082
residents of the area covered by the application, advise that the 6083
application is on file in the office of the clerk of the governing 6084
body of the municipal corporation and is available for inspection 6085
by the general public during business hours and advise that a 6086
public hearing shall be held thereon, stating the place and time 6087
of the public hearing, which time shall be not less than fourteen 6088
days after the first publication, or after sending the mailed 6089
notice, or after the putting up of the signs, whichever is later. 6090

Following the public hearing and after complying with section 6091
5709.83 of the Revised Code, the governing body, taking into 6092
consideration the financial impact on the community, shall by 6093
resolution approve or disapprove the application, approval to be 6094
by an affirmative vote of not less than three-fifths of the 6095
governing body, but in the event of disapproval, changes may be 6096
suggested to secure its approval. 6097

An application may be revised or resubmitted in the same 6098
manner and subject to the same procedures as an original 6099

application. The clerk of the governing body shall diligently 6100
discharge the duties imposed on the clerk by this division, 6101
provided failure of the clerk to send written notices to all 6102
community organizations, in a good faith effort by the clerk to 6103
give the required notice, shall not invalidate any proceedings 6104
under this chapter. The failure of delivery of notice given by 6105
certified mail under this division shall not invalidate any 6106
proceedings under this chapter. 6107

Sec. 2105.09. (A) The county auditor, unless ~~he~~ the auditor 6108
acts pursuant to division (C) of this section, shall take 6109
possession of real property escheated to the state that is located 6110
in ~~his~~ the auditor's county and outside the incorporated area of a 6111
city. The auditor shall take possession in the name of the state 6112
and sell the property at public auction, at the county seat of the 6113
county, to the highest bidder, after having given thirty days' 6114
notice of the intended sale in a newspaper ~~published within of~~ 6115
general circulation in the county or as provided in section 7.16 6116
of the Revised Code. 6117

On the application of the auditor, the court of common pleas 6118
shall appoint three disinterested freeholders of the county to 6119
appraise the real property. The freeholders shall be governed by 6120
the same rule as appraisers in sheriffs' or administrators' sales. 6121
The auditor shall sell the property at not less than two thirds of 6122
its appraised value and may sell it for cash, or for one-third 6123
cash and the balance in equal annual payments, the deferred 6124
payments to be amply secured. Upon payment of the whole 6125
consideration, the auditor shall execute a deed to the purchaser, 6126
in the name and on behalf of the state. The proceeds of the sale 6127
shall be paid by the auditor to the county treasurer. 6128

If there is a regularly organized agricultural society within 6129
the county, the treasurer shall pay the greater of six hundred 6130

dollars or five per cent of the proceeds, in any case, to the 6131
society. The excess of the proceeds, or the whole thereof if there 6132
is no regularly organized agricultural society within the county, 6133
shall be distributed as follows: 6134

(1) Twenty-five per cent shall be paid equally to the 6135
townships of the county; 6136

(2) Seventy per cent shall be paid into the state treasury to 6137
the credit of the agro Ohio fund created under section 901.04 of 6138
the Revised Code; 6139

(3) Five per cent shall be credited to the county general 6140
fund for such lawful purposes as the board of county commissioners 6141
provides. 6142

(B) The legislative authority of a city within which are 6143
lands escheated to the state, unless it acts pursuant to division 6144
(C) of this section, shall take possession of the lands for the 6145
city, and the title to the lands shall vest in the city. The city 6146
shall use the premises primarily for health, welfare, or 6147
recreational purposes, or may lease them at such prices and for 6148
such purposes as it considers proper. With the approval of the tax 6149
commissioner, the city may sell the lands or any undivided 6150
interest in the lands, in the same manner as is provided in the 6151
sale of land not needed for any municipal purposes; provided, that 6152
the net proceeds from the rent or sale of the premises shall be 6153
devoted to health, welfare, or recreational purposes. 6154

(C) As an alternative to the procedure prescribed in 6155
divisions (A) and (B) of this section, the county auditor, or if 6156
the real property is located within the incorporated area of a 6157
city, the legislative authority of that city by an affirmative 6158
vote of at least a majority of its members, may request the 6159
probate court to direct the administrator or executor of the 6160
estate that contains the escheated property to commence an action 6161

in the probate court for authority to sell the real property in 6162
the manner provided in Chapter 2127. of the Revised Code. The 6163
proceeds from the sale of real property that is located outside 6164
the incorporated area of a city shall be distributed by the court 6165
in the same manner as the proceeds are distributed under division 6166
(A) of this section. The proceeds from the sale of real property 6167
that is located within the incorporated area of a city shall be 6168
distributed by the court in the same manner as the proceeds are 6169
distributed under division (B) of this section. 6170

Sec. 2329.26. (A) Lands and tenements taken in execution 6171
shall not be sold until all of the following occur: 6172

(1)(a) Except as otherwise provided in division (A)(1)(b) of 6173
this section, the judgment creditor who seeks the sale of the 6174
lands and tenements or the judgment creditor's attorney does both 6175
of the following: 6176

(i) Causes a written notice of the date, time, and place of 6177
the sale to be served in accordance with divisions (A) and (B) of 6178
Civil Rule 5 upon the judgment debtor and upon each other party to 6179
the action in which the judgment giving rise to the execution was 6180
rendered; 6181

(ii) At least seven calendar days prior to the date of the 6182
sale, files with the clerk of the court that rendered the judgment 6183
giving rise to the execution a copy of the written notice 6184
described in division (A)(1)(a)(i) of this section with proof of 6185
service endorsed on the copy in the form described in division (D) 6186
of Civil Rule 5. 6187

(b) Service of the written notice described in division 6188
(A)(1)(a)(i) of this section is not required to be made upon any 6189
party who is in default for failure to appear in the action in 6190
which the judgment giving rise to the execution was rendered. 6191

(2) The officer taking the lands and tenements gives public notice of the date, time, and place of the sale for at least three weeks before the day of sale by advertisement in a newspaper published in and of general circulation in the county. The court ordering the sale may designate in the order of sale the newspaper in which this public notice shall be published, ~~and this public notice is subject to division (A) of section 2329.27 of the Revised Code.~~

(3) The officer taking the lands and tenements shall collect the purchaser's information required by section 2329.271 of the Revised Code.

(B) A sale of lands and tenements taken in execution may be set aside in accordance with division (A) or (B) of section 2329.27 of the Revised Code.

Sec. 2329.27. ~~(A) When the public notice required by division (A)(2) of section 2329.26 of the Revised Code is made in a newspaper published weekly, it is sufficient to insert it for three consecutive weeks. If both a daily and weekly edition of the paper are published and the circulation of the daily in the county exceeds that of the weekly in the county, or if the lands and tenements taken in execution are situated in a city, both a daily and weekly edition of the paper are published, and the circulation of the daily in that city exceeds the circulation of the weekly in that city, it is sufficient to publish the public notice in the daily once a week for three consecutive weeks before the day of sale, each insertion to be on the same day of the week. The expense of that publication in a daily shall not exceed the cost of publishing it in a weekly.~~

~~(B)(1)~~ Subject to divisions ~~(B)(2)~~ and ~~(3)~~(C) of this section, all sales of lands and tenements taken in execution that are made without compliance with the written notice requirements

of division (A)(1)(a) of section 2329.26 of the Revised Code, the 6223
public notice requirements of division (A)(2) of that section, and 6224
the purchaser information requirements of section 2329.271 of the 6225
Revised Code, ~~and division (A) of this section~~ shall be set aside, 6226
on motion by any interested party, by the court to which the 6227
execution is returnable. 6228

~~(2)~~(B) Proof of service endorsed upon a copy of the written 6229
notice required by division (A)(1)(a) of section 2329.26 of the 6230
Revised Code shall be conclusive evidence of the service of the 6231
written notice in compliance with the requirements of that 6232
division, unless a party files a motion to set aside the sale of 6233
the lands and tenements pursuant to division ~~(B)(1)~~(A) of this 6234
section and establishes by a preponderance of the evidence that 6235
the proof of service is fraudulent. 6236

~~(3)~~(C) If the court to which the execution is returnable 6237
enters its order confirming the sale of the lands and tenements, 6238
the order shall have both of the following effects: 6239

~~(a)~~(1) The order shall be deemed to constitute a judicial 6240
finding as follows: 6241

~~(i)~~(a) That the sale of the lands and tenements complied with 6242
the written notice requirements of division (A)(1)(a) of section 6243
2329.26 of the Revised Code and the public notice requirements of 6244
division (A)(2) of that section ~~and division (A) of this section~~, 6245
or that compliance of that nature did not occur but the failure to 6246
give a written notice to a party entitled to notice under division 6247
(A)(1)(a) of section 2329.26 of the Revised Code has not 6248
prejudiced that party; 6249

~~(ii)~~(b) That all parties entitled to notice under division 6250
(A)(1)(a) of section 2329.26 of the Revised Code received adequate 6251
notice of the date, time, and place of the sale of the lands and 6252
tenements; 6253

~~(iii)~~(c) That the purchaser has submitted the contact 6254
information required by section 2329.271 of the Revised Code. 6255

~~(b)~~(2) The order bars the filing of any further motions to 6256
set aside the sale of the lands and tenements. 6257

Sec. 3311.21. (A) In addition to the resolutions authorized 6258
by sections 5705.194, 5705.199, 5705.21, 5705.212, and 5705.213 of 6259
the Revised Code, the board of education of a joint vocational or 6260
cooperative education school district by a vote of two-thirds of 6261
its full membership may at any time adopt a resolution declaring 6262
the necessity to levy a tax in excess of the ten-mill limitation 6263
for a period not to exceed ten years to provide funds for any one 6264
or more of the following purposes, which may be stated in the 6265
following manner in such resolution, the ballot, and the notice of 6266
election: purchasing a site or enlargement thereof and for the 6267
erection and equipment of buildings; for the purpose of enlarging, 6268
improving, or rebuilding thereof; for the purpose of providing for 6269
the current expenses of the joint vocational or cooperative school 6270
district; or for a continuing period for the purpose of providing 6271
for the current expenses of the joint vocational or cooperative 6272
education school district. The resolution shall specify the amount 6273
of the proposed rate and, if a renewal, whether the levy is to 6274
renew all, or a portion of, the existing levy, and shall specify 6275
the first year in which the levy will be imposed. If the levy 6276
provides for but is not limited to current expenses, the 6277
resolution shall apportion the annual rate of the levy between 6278
current expenses and the other purpose or purposes. Such 6279
apportionment may but need not be the same for each year of the 6280
levy, but the respective portions of the rate actually levied each 6281
year for current expenses and the other purpose or purposes shall 6282
be limited by such apportionment. The portion of any such rate 6283
actually levied for current expenses of a joint vocational or 6284
cooperative education school district shall be used in applying 6285

division (A) of section 3317.01 of the Revised Code. The portion 6286
of any such rate not apportioned to the current expenses of a 6287
joint vocational or cooperative education school district shall be 6288
used in applying division (B) of this section. On the adoption of 6289
such resolution, the joint vocational or cooperative education 6290
school district board of education shall certify the resolution to 6291
the board of elections of the county containing the most populous 6292
portion of the district, which board shall receive resolutions for 6293
filing and send them to the boards of elections of each county in 6294
which territory of the district is located, furnish all ballots 6295
for the election as provided in section 3505.071 of the Revised 6296
Code, and prepare the election notice; and the board of elections 6297
of each county in which the territory of such district is located 6298
shall make the other necessary arrangements for the submission of 6299
the question to the electors of the joint vocational or 6300
cooperative education school district at the next primary or 6301
general election occurring not less than seventy-five days after 6302
the resolution was received from the joint vocational or 6303
cooperative education school district board of education, or at a 6304
special election to be held at a time designated by the district 6305
board of education consistent with the requirements of section 6306
3501.01 of the Revised Code, which date shall not be earlier than 6307
seventy-five days after the adoption and certification of the 6308
resolution. 6309

The board of elections of the county or counties in which 6310
territory of the joint vocational or cooperative education school 6311
district is located shall cause to be published in one ~~or more~~ 6312
~~newspapers~~ newspaper of general circulation in that district an 6313
advertisement of the proposed tax levy question, together with a 6314
statement of the amount of the proposed levy, once a week for two 6315
consecutive weeks or as provided in section 7.16 of the Revised 6316
Code, prior to the election at which the question is to appear on 6317
the ballot, ~~and, if~~ If the board of elections operates and 6318

maintains a web site, the board also shall post ~~a similar~~ the 6319
advertisement on its web site for thirty days prior to that 6320
election. 6321

If a majority of the electors voting on the question of 6322
levying such tax vote in favor of the levy, the joint vocational 6323
or cooperative education school district board of education shall 6324
annually make the levy within the district at the rate specified 6325
in the resolution and ballot or at any lesser rate, and the county 6326
auditor of each affected county shall annually place the levy on 6327
the tax list and duplicate of each school district in the county 6328
having territory in the joint vocational or cooperative education 6329
school district. The taxes realized from the levy shall be 6330
collected at the same time and in the same manner as other taxes 6331
on the duplicate, and the taxes, when collected, shall be paid to 6332
the treasurer of the joint vocational or cooperative education 6333
school district and deposited to a special fund, which shall be 6334
established by the joint vocational or cooperative education 6335
school district board of education for all revenue derived from 6336
any tax levied pursuant to this section and for the proceeds of 6337
anticipation notes which shall be deposited in such fund. After 6338
the approval of the levy, the joint vocational or cooperative 6339
education school district board of education may anticipate a 6340
fraction of the proceeds of the levy and from time to time, during 6341
the life of the levy, but in any year prior to the time when the 6342
tax collection from the levy so anticipated can be made for that 6343
year, issue anticipation notes in an amount not exceeding fifty 6344
per cent of the estimated proceeds of the levy to be collected in 6345
each year up to a period of five years after the date of the 6346
issuance of the notes, less an amount equal to the proceeds of the 6347
levy obligated for each year by the issuance of anticipation 6348
notes, provided that the total amount maturing in any one year 6349
shall not exceed fifty per cent of the anticipated proceeds of the 6350
levy for that year. Each issue of notes shall be sold as provided 6351

in Chapter 133. of the Revised Code, and shall, except for such 6352
limitation that the total amount of such notes maturing in any one 6353
year shall not exceed fifty per cent of the anticipated proceeds 6354
of the levy for that year, mature serially in substantially equal 6355
installments, during each year over a period not to exceed five 6356
years after their issuance. 6357

(B) Prior to the application of section 319.301 of the 6358
Revised Code, the rate of a levy that is limited to, or to the 6359
extent that it is apportioned to, purposes other than current 6360
expenses shall be reduced in the same proportion in which the 6361
district's total valuation increases during the life of the levy 6362
because of additions to such valuation that have resulted from 6363
improvements added to the tax list and duplicate. 6364

(C) The form of ballot cast at an election under division (A) 6365
of this section shall be as prescribed by section 5705.25 of the 6366
Revised Code. 6367

Sec. 3311.213. (A) With the approval of the board of 6368
education of a joint vocational school district ~~which that~~ is in 6369
existence, any school district in the county or counties 6370
comprising the joint vocational school district or any school 6371
district in a county adjacent to a county comprising part of a 6372
joint vocational school district may become a part of the joint 6373
vocational school district. On the adoption of a resolution of 6374
approval by the board of education of the joint vocational school 6375
district, it shall advertise a copy of such resolution in a 6376
newspaper of general circulation in the school district proposing 6377
to become a part of such joint vocational school district once 6378
each week for ~~at least~~ two weeks immediately following the date of 6379
the adoption of such resolution or as provided in section 7.16 of 6380
the Revised Code. Such resolution shall not become effective until 6381
the later of the sixty-first day after its adoption or until the 6382

board of elections certifies the results of an election in favor 6383
of joining of the school district to the joint vocational school 6384
district if such an election is held under division (B) of this 6385
section. 6386

(B) During the sixty-day period following the date of the 6387
adoption of a resolution to join a school district to a joint 6388
vocational school district under division (A) of this section, the 6389
electors of the school district that proposes joining the joint 6390
vocational school district may petition for a referendum vote on 6391
the resolution. The question whether to approve or disapprove the 6392
resolution shall be submitted to the electors of such school 6393
district if a number of qualified electors equal to twenty per 6394
cent of the number of electors in the school district who voted 6395
for the office of governor at the most recent general election for 6396
that office sign a petition asking that the question of whether 6397
the resolution shall be disapproved be submitted to the electors. 6398
The petition shall be filed with the board of elections of the 6399
county in which the school district is located. If the school 6400
district is located in more than one county, the petition shall be 6401
filed with the board of elections of the county in which the 6402
majority of the territory of the school district is located. The 6403
board shall certify the validity and sufficiency of the signatures 6404
on the petition. 6405

The board of elections shall immediately notify the board of 6406
education of the joint vocational school district and the board of 6407
education of the school district that proposes joining the joint 6408
vocational school district that the petition has been filed. 6409

The effect of the resolution shall be stayed until the board 6410
of elections certifies the validity and sufficiency of the 6411
signatures on the petition. If the board of elections determines 6412
that the petition does not contain a sufficient number of valid 6413
signatures and sixty days have passed since the adoption of the 6414

resolution, the resolution shall become effective. 6415

If the board of elections certifies that the petition 6416
contains a sufficient number of valid signatures, the board shall 6417
submit the question to the qualified electors of the school 6418
district on the day of the next general or primary election held 6419
at least seventy-five days after but no later than six months 6420
after the board of elections certifies the validity and 6421
sufficiency of signatures on the petition. If there is no general 6422
or primary election held at least seventy-five days after but no 6423
later than six months after the board of elections certifies the 6424
validity and sufficiency of signatures on the petition, the board 6425
shall submit the question to the electors at a special election to 6426
be held on the next day specified for special elections in 6427
division (D) of section 3501.01 of the Revised Code that occurs at 6428
least seventy-five days after the board certifies the validity and 6429
sufficiency of signatures on the petition. The election shall be 6430
conducted and canvassed and the results shall be certified in the 6431
same manner as in regular elections for the election of members of 6432
a board of education. 6433

If a majority of the electors voting on the question 6434
disapprove the resolution, the resolution shall not become 6435
effective. 6436

(C) If the resolution becomes effective, the board of 6437
education of the joint vocational school district shall notify the 6438
county auditor of the county in which the school district becoming 6439
a part of the joint vocational school district is located, who 6440
shall thereupon have any outstanding levy for building purposes, 6441
bond retirement, or current expenses in force in the joint 6442
vocational school district spread over the territory of the school 6443
district becoming a part of the joint vocational school district. 6444
On the addition of a city or exempted village school district or 6445
an educational service center to the joint vocational school 6446

district, pursuant to this section, the board of education of such 6447
joint vocational school district shall submit to the state board 6448
of education a proposal to enlarge the membership of such board by 6449
the addition of one or more persons at least one of whom shall be 6450
a member of the board of education or governing board of such 6451
additional school district or educational service center, and the 6452
term of each such additional member. On the addition of a local 6453
school district to the joint vocational school district, pursuant 6454
to this section, the board of education of such joint vocational 6455
school district may submit to the state board of education a 6456
proposal to enlarge the membership of such board by the addition 6457
of one or more persons who are members of the educational service 6458
center governing board of such additional local school district. 6459
On approval by the state board of education additional members 6460
shall be added to such joint vocational school district board of 6461
education. 6462

Sec. 3311.214. (A) With the approval of the state board of 6463
education, the boards of education of any two or more joint 6464
vocational school districts may, by the adoption of identical 6465
resolutions by a majority of the members of each such board, 6466
propose that one new joint vocational school district be created 6467
by adding together all of the territory of each of the districts 6468
and dissolving such districts. A copy of each resolution shall be 6469
filed with the state board of education for its approval or 6470
disapproval. The resolutions shall include a provision that the 6471
board of education of the new district shall be composed of the 6472
members from the same boards of education that composed the 6473
membership of the board of each of the districts to be dissolved, 6474
except that, if an even number of districts are to be dissolved, 6475
one additional member shall be added, who may be from any school 6476
district included in the territory of any of the districts to be 6477
dissolved as designated in the resolutions. The members of the new 6478

board shall have the same terms of office as they had under the 6479
respective plans of the districts adopting the resolutions, except 6480
that, if the new board has an additional member, ~~he~~ the additional 6481
member shall have a term as specified in the resolutions. 6482

If the state board approves the resolutions, the board of 6483
education of each district to be dissolved shall advertise a copy 6484
of the resolution in a newspaper of general circulation in its 6485
district once each week for ~~at least~~ two weeks, or as provided in 6486
section 7.16 of the Revised Code, immediately following the date 6487
the resolutions are approved by the state board. The resolutions 6488
shall become effective on the first day of July next succeeding 6489
the sixtieth day following approval by the state board unless 6490
prior to the expiration of such sixty-day period, qualified 6491
electors residing in one of the districts to be dissolved equal in 6492
number to a majority of the qualified electors of that district 6493
voting at the last general election file with the state board a 6494
petition of remonstrance against creation of the proposed new 6495
district. 6496

(B) When a resolution becomes effective under division (A) of 6497
this section, each district in which a resolution was adopted and 6498
the board of each such district are dissolved. The territory of 6499
each dissolved district becomes a part of the new joint vocational 6500
school district. The net indebtedness of each dissolved district 6501
shall be assumed in full by the new district and the funds and 6502
property of each dissolved district shall become in full the funds 6503
and property of the new district. All existing contracts of each 6504
dissolved board shall be honored by the board of the new district 6505
until their expiration dates. The board of the new district shall 6506
notify the county auditor of each county in which each dissolved 6507
district was located that a resolution has become effective and a 6508
new district has been created and shall certify to each auditor 6509
any changes that might be required in the tax rate as a result of 6510

the creation of the new district. 6511

(C) As used in this section, "net indebtedness" means the 6512
difference between the par value of the outstanding and unpaid 6513
bonds and notes of the school district and the amount held in the 6514
sinking fund and other indebtedness retirement funds for their 6515
redemption. 6516

Sec. 3311.50. (A) As used in this section, "county school 6517
financing district" means a taxing district consisting of the 6518
following territory: 6519

(1) The territory that constitutes the educational service 6520
center on the date that the governing board of that educational 6521
service center adopts a resolution under division (B) of this 6522
section declaring that the territory of the educational service 6523
center is a county school financing district, exclusive of any 6524
territory subsequently withdrawn from the district under division 6525
(D) of this section; 6526

(2) Any territory that has been added to the county school 6527
financing district under this section. 6528

A county school financing district may include the territory 6529
of a city, local, or exempted village school district whose 6530
territory also is included in the territory of one or more other 6531
county school financing districts. 6532

(B) The governing board of any educational service center 6533
may, by resolution, declare that the territory of the educational 6534
service center is a county school financing district. The 6535
resolution shall state the purpose for which the county school 6536
financing district is created which may be for any one or more of 6537
the following purposes: 6538

(1) To levy taxes for the provision of special education by 6539
the school districts that are a part of the district, including 6540

taxes for permanent improvements for special education; 6541

(2) To levy taxes for the provision of specified educational 6542
programs and services by the school districts that are a part of 6543
the district, as identified in the resolution creating the 6544
district, including the levying of taxes for permanent 6545
improvements for those programs and services; 6546

(3) To levy taxes for permanent improvements of school 6547
districts that are a part of the district. 6548

The governing board of the educational service center that 6549
creates a county school financing district shall serve as the 6550
taxing authority of the district and may use educational service 6551
center governing board employees to perform any of the functions 6552
necessary in the performance of its duties as a taxing authority. 6553
A county school financing district shall not employ any personnel. 6554

With the approval of a majority of the members of the board 6555
of education of each school district within the territory of the 6556
county school financing district, the taxing authority of the 6557
financing district may amend the resolution creating the district 6558
to broaden or narrow the purposes for which it was created. 6559

A governing board of an educational service center may create 6560
more than one county school financing district. If a governing 6561
board of an educational service center creates more than one such 6562
district, it shall clearly distinguish among the districts it 6563
creates by including a designation of each district's purpose in 6564
the district's name. 6565

(C) A majority of the members of a board of education of a 6566
city, local, or exempted village school district may adopt a 6567
resolution requesting that its territory be joined with the 6568
territory of any county school financing district. Copies of the 6569
resolution shall be filed with the state board of education and 6570
the taxing authority of the county school financing district. 6571

Within sixty days of its receipt of such a resolution, the county 6572
school financing district's taxing authority shall vote on the 6573
question of whether to accept the school district's territory as 6574
part of the county school financing district. If a majority of the 6575
members of the taxing authority vote to accept the territory, the 6576
school district's territory shall thereupon become a part of the 6577
county school financing district unless the county school 6578
financing district has in effect a tax imposed under section 6579
5705.211 of the Revised Code. If the county school financing 6580
district has such a tax in effect, the taxing authority shall 6581
certify a copy of its resolution accepting the school district's 6582
territory to the school district's board of education, which may 6583
then adopt a resolution, with the affirmative vote of a majority 6584
of its members, proposing the submission to the electors of the 6585
question of whether the district's territory shall become a part 6586
of the county school financing district and subject to the taxes 6587
imposed by the financing district. The resolution shall set forth 6588
the date on which the question shall be submitted to the electors, 6589
which shall be at a special election held on a date specified in 6590
the resolution, which shall not be earlier than seventy-five days 6591
after the adoption and certification of the resolution. A copy of 6592
the resolution shall immediately be certified to the board of 6593
elections of the proper county, which shall make arrangements for 6594
the submission of the proposal to the electors of the school 6595
district. The board of the joining district shall publish notice 6596
of the election in ~~one or more newspapers~~ a newspaper of general 6597
circulation in the county once a week for two consecutive weeks, 6598
or as provided in section 7.16 of the Revised Code, prior to the 6599
election. Additionally, if the board of elections operates and 6600
maintains a web site, the board of elections shall post notice of 6601
the election on its web site for thirty days prior to the 6602
election. The question appearing on the ballot shall read: 6603

"Shall the territory within (name of the school 6604

district proposing to join the county school financing district) 6605
..... be added to (name) county school 6606
financing district, and a property tax for the purposes of 6607
..... (here insert purposes) at a rate of taxation 6608
not exceeding (here insert the outstanding tax rate) 6609
..... be in effect for (here insert the number of 6610
years the tax is to be in effect or "a continuing period of time," 6611
as applicable)?" 6612

If the proposal is approved by a majority of the electors 6613
voting on it, the joinder shall take effect on the first day of 6614
July following the date of the election, and the county board of 6615
elections shall notify the county auditor of each county in which 6616
the school district joining its territory to the county school 6617
financing district is located. 6618

(D) The board of any city, local, or exempted village school 6619
district whose territory is part of a county school financing 6620
district may withdraw its territory from the county school 6621
financing district thirty days after submitting to the governing 6622
board that is the taxing authority of the district and the state 6623
board a resolution proclaiming such withdrawal, adopted by a 6624
majority vote of its members, but any county school financing 6625
district tax levied in such territory on the effective date of the 6626
withdrawal shall remain in effect in such territory until such tax 6627
expires or is renewed. No board may adopt a resolution withdrawing 6628
from a county school financing district that would take effect 6629
during the forty-five days preceding the date of an election at 6630
which a levy proposed under section 5705.215 of the Revised Code 6631
is to be voted upon. 6632

(E) A city, local, or exempted village school district does 6633
not lose its separate identity or legal existence by reason of 6634
joining its territory to a county school financing district under 6635
this section and an educational service center does not lose its 6636

separate identity or legal existence by reason of creating a 6637
county school financing district that accepts or loses territory 6638
under this section. 6639

Sec. 3311.53. (A)(1) The board of education of any city, 6640
local, or exempted village school district that wishes to become 6641
part of a cooperative education school district established 6642
pursuant to divisions (A) to (C) of section 3311.52 of the Revised 6643
Code may adopt a resolution proposing to become a part of the 6644
cooperative education school district. 6645

(2) The board of education of any city, local, or exempted 6646
village school district that is contiguous to a cooperative 6647
education school district established pursuant to section 3311.521 6648
of the Revised Code and that wishes to become part of that 6649
cooperative district may adopt a resolution proposing to become 6650
part of that cooperative district. 6651

(B) If, after the adoption of a resolution in accordance with 6652
division (A) of this section, the board of education of the 6653
cooperative education school district named in that resolution 6654
also adopts a resolution accepting the new district, the board of 6655
the district wishing to become part of the cooperative district 6656
shall advertise a copy of the cooperative district board's 6657
resolution in a newspaper of general circulation in the school 6658
district proposing to become a part of the cooperative education 6659
school district once each week for ~~at least~~ two weeks, or as 6660
provided in section 7.16 of the Revised Code, immediately 6661
following the date of the adoption of the resolution. The 6662
resolution shall become legally effective on the sixtieth day 6663
after its adoption, unless prior to the expiration of that 6664
sixty-day period qualified electors residing in the school 6665
district proposed to become a part of the cooperative education 6666
school district equal in number to a majority of the qualified 6667

electors voting at the last general election file with the board 6668
of education a petition of remonstrance against the transfer. If 6669
the resolution becomes legally effective, both of the following 6670
shall apply: 6671

(1) The resolution that established the cooperative education 6672
school district pursuant to divisions (A) to (C) of section 6673
3311.52 or section 3311.521 of the Revised Code shall be amended 6674
to reflect the addition of the new district to the cooperative 6675
district. 6676

(2) The board of education of the cooperative education 6677
school district shall give written notice of this fact to the 6678
county auditor and the board of elections of each county in which 6679
the school district becoming a part of the cooperative education 6680
school district has territory. Any such county auditor shall 6681
thereupon have any outstanding levy for building purposes, bond 6682
retirement, or current expenses in force in the cooperative 6683
education school district spread over the territory of the school 6684
district becoming a part of the cooperative education school 6685
district. 6686

(C) If the board of education of the cooperative education 6687
school district is not the governing board of an educational 6688
service center, the board of education of the cooperative 6689
education school district shall, on the addition of a city, local, 6690
or exempted village school district to the district pursuant to 6691
this section, submit to the state board of education a proposal to 6692
enlarge the membership of the board. In the case of a cooperative 6693
district established pursuant to divisions (A) to (C) of section 6694
3311.52 of the Revised Code, the proposal shall add one or more 6695
persons to the district's board, at least one of whom shall be a 6696
member of or selected by the board of education of the additional 6697
school district, and shall specify the term of each such 6698
additional member. In the case of a cooperative district 6699

established pursuant to section 3311.521 of the Revised Code, the 6700
proposal shall add two or more persons to the district's board, at 6701
least two of whom shall be a member of or selected by the board of 6702
education of the additional school district, and shall specify the 6703
term of each such additional member. On approval by the state 6704
board of education, the additional members shall be added to the 6705
cooperative education school district board of education. 6706

Sec. 3311.73. (A) No later than seventy-five days before the 6707
general election held in the first even-numbered year occurring at 6708
least four years after the date it assumed control of the 6709
municipal school district pursuant to division (B) of section 6710
3311.71 of the Revised Code, the board of education appointed 6711
under that division shall notify the board of elections of each 6712
county containing territory of the municipal school district of 6713
the referendum election required by division (B) of this section. 6714

(B) At the general election held in the first even-numbered 6715
year occurring at least four years after the date the new board 6716
assumed control of a municipal school district pursuant to 6717
division (B) of section 3311.71 of the Revised Code, the following 6718
question shall be submitted to the electors residing in the school 6719
district: 6720

"Shall the mayor of (here insert the name of the 6721
applicable municipal corporation) continue to appoint the members 6722
of the board of education of the (here insert the name of 6723
the municipal school district)?" 6724

The board of elections of the county in which the majority of 6725
the school district's territory is located shall make all 6726
necessary arrangements for the submission of the question to the 6727
electors, and the election shall be conducted, canvassed, and 6728
certified in the same manner as regular elections in the district 6729
for the election of county officers, provided that in any such 6730

election in which only part of the electors of a precinct are 6731
qualified to vote, the board of elections may assign voters in 6732
such part to an adjoining precinct. Such an assignment may be made 6733
to an adjoining precinct in another county with the consent and 6734
approval of the board of elections of such other county. Notice of 6735
the election shall be published in a newspaper of general 6736
circulation in the school district once a week for two consecutive 6737
weeks, or as provided in section 7.16 of the Revised Code, prior 6738
to the election, ~~and, if.~~ If the board of elections operates and 6739
maintains a web site, the board of elections shall post notice of 6740
the election on its web site for thirty days prior to the 6741
election. The notice shall state the question on which the 6742
election is being held. The ballot shall be in the form prescribed 6743
by the secretary of state. Costs of submitting the question to the 6744
electors shall be charged to the municipal school district in 6745
accordance with section 3501.17 of the Revised Code. 6746

(C) If a majority of electors voting on the issue proposed in 6747
division (B) of this section approve the question, the mayor shall 6748
appoint a new board on the immediately following first day of July 6749
pursuant to division (F) of section 3311.71 of the Revised Code. 6750

(D) If a majority of electors voting on the issue proposed in 6751
division (B) of this section disapprove the question, a new 6752
seven-member board of education shall be elected at the next 6753
regular election occurring in November of an odd-numbered year. At 6754
such election, four members shall be elected for terms of four 6755
years and three members shall be elected for terms of two years. 6756
Thereafter, their successors shall be elected in the same manner 6757
and for the same terms as members of boards of education of a city 6758
school district. All members of the board of education of a 6759
municipal school district appointed pursuant to division (B) of 6760
section 3311.71 of the Revised Code shall continue to serve after 6761
the end of the terms to which they were appointed until their 6762

successors are qualified and assume office in accordance with 6763
section 3313.09 of the Revised Code. 6764

Sec. 3313.41. (A) Except as provided in divisions (C), (D), 6765
(F), and (G) of this section, when a board of education decides to 6766
dispose of real or personal property that it owns in its corporate 6767
capacity and that exceeds in value ten thousand dollars, it shall 6768
sell the property at public auction, after giving at least thirty 6769
days' notice of the auction by publication in a newspaper of 6770
general circulation in the school district, by publication as 6771
provided in section 7.16 of the Revised Code, or by posting 6772
notices in five of the most public places in the school district 6773
in which the property, if it is real property, is situated, or, if 6774
it is personal property, in the school district of the board of 6775
education that owns the property. The board may offer real 6776
property for sale as an entire tract or in parcels. 6777

(B) When the board of education has offered real or personal 6778
property for sale at public auction at least once pursuant to 6779
division (A) of this section, and the property has not been sold, 6780
the board may sell it at a private sale. Regardless of how it was 6781
offered at public auction, at a private sale, the board shall, as 6782
it considers best, sell real property as an entire tract or in 6783
parcels, and personal property in a single lot or in several lots. 6784

(C) If a board of education decides to dispose of real or 6785
personal property that it owns in its corporate capacity and that 6786
exceeds in value ten thousand dollars, it may sell the property to 6787
the adjutant general; to any subdivision or taxing authority as 6788
respectively defined in divisions (A) and (C) of section 5705.01 6789
of the Revised Code, township park district, board of park 6790
commissioners established under Chapter 755. of the Revised Code, 6791
or park district established under Chapter 1545. of the Revised 6792
Code; to a wholly or partially tax-supported university, 6793

university branch, or college; or to the board of trustees of a 6794
school district library, upon such terms as are agreed upon. The 6795
sale of real or personal property to the board of trustees of a 6796
school district library is limited, in the case of real property, 6797
to a school district library within whose boundaries the real 6798
property is situated, or, in the case of personal property, to a 6799
school district library whose boundaries lie in whole or in part 6800
within the school district of the selling board of education. 6801

(D) When a board of education decides to trade as a part or 6802
an entire consideration, an item of personal property on the 6803
purchase price of an item of similar personal property, it may 6804
trade the same upon such terms as are agreed upon by the parties 6805
to the trade. 6806

(E) The president and the treasurer of the board of education 6807
shall execute and deliver deeds or other necessary instruments of 6808
conveyance to complete any sale or trade under this section. 6809

(F) When a board of education has identified a parcel of real 6810
property that it determines is needed for school purposes, the 6811
board may, upon a majority vote of the members of the board, 6812
acquire that property by exchanging real property that the board 6813
owns in its corporate capacity for the identified real property or 6814
by using real property that the board owns in its corporate 6815
capacity as part or an entire consideration for the purchase price 6816
of the identified real property. Any exchange or acquisition made 6817
pursuant to this division shall be made by a conveyance executed 6818
by the president and the treasurer of the board. 6819

(G)(1) When a school district board of education decides to 6820
dispose of real property suitable for use as classroom space, 6821
prior to disposing of that property under divisions (A) to (F) of 6822
this section, it shall first offer that property for sale to the 6823
governing authorities of the start-up community schools 6824
established under Chapter 3314. of the Revised Code located within 6825

the territory of the school district, at a price that is not 6826
higher than the appraised fair market value of that property. If 6827
more than one community school governing authority accepts the 6828
offer made by the school district board, the board shall sell the 6829
property to the governing authority that accepted the offer first 6830
in time. If no community school governing authority accepts the 6831
offer within sixty days after the offer is made by the school 6832
district board, the board may dispose of the property in the 6833
applicable manner prescribed under divisions (A) to (F) of this 6834
section. 6835

(2) When a school district board of education has not used 6836
real property suitable for classroom space for academic 6837
instruction, administration, storage, or any other educational 6838
purpose for one full school year and has not adopted a resolution 6839
outlining a plan for using that property for any of those purposes 6840
within the next three school years, it shall offer that property 6841
for sale to the governing authorities of the start-up community 6842
schools established under Chapter 3314. of the Revised Code 6843
located within the territory of the school district, at a price 6844
that is not higher than the appraised fair market value of that 6845
property. If more than one community school governing authority 6846
accepts the offer made by the school district board, the board 6847
shall sell the property to the governing authority that accepted 6848
the offer first in time. 6849

(H) When a school district board of education has property 6850
that the board, by resolution, finds is not needed for school 6851
district use, is obsolete, or is unfit for the use for which it 6852
was acquired, the board may donate that property in accordance 6853
with this division if the fair market value of the property is, in 6854
the opinion of the board, two thousand five hundred dollars or 6855
less. 6856

The property may be donated to an eligible nonprofit 6857

organization that is located in this state and is exempt from 6858
federal income taxation pursuant to 26 U.S.C. 501(a) and (c)(3). 6859
Before donating any property under this division, the board shall 6860
adopt a resolution expressing its intent to make unneeded, 6861
obsolete, or unfit-for-use school district property available to 6862
these organizations. The resolution shall include guidelines and 6863
procedures the board considers to be necessary to implement the 6864
donation program and shall indicate whether the school district 6865
will conduct the donation program or the board will contract with 6866
a representative to conduct it. If a representative is known when 6867
the resolution is adopted, the resolution shall provide contact 6868
information such as the representative's name, address, and 6869
telephone number. 6870

The resolution shall include within its procedures a 6871
requirement that any nonprofit organization desiring to obtain 6872
donated property under this division shall submit a written notice 6873
to the board or its representative. The written notice shall 6874
include evidence that the organization is a nonprofit organization 6875
that is located in this state and is exempt from federal income 6876
taxation pursuant to 26 U.S.C. 501(a) and (c)(3); a description of 6877
the organization's primary purpose; a description of the type or 6878
types of property the organization needs; and the name, address, 6879
and telephone number of a person designated by the organization's 6880
governing board to receive donated property and to serve as its 6881
agent. 6882

After adoption of the resolution, the board shall publish, in 6883
a newspaper of general circulation in the school district or as 6884
provided in section 7.16 of the Revised Code, notice of its intent 6885
to donate unneeded, obsolete, or unfit-for-use school district 6886
property to eligible nonprofit organizations. The notice shall 6887
include a summary of the information provided in the resolution 6888
and shall be published ~~at least~~ twice. The second ~~and any~~ 6889

~~subsequent~~ notice shall be published not less than ten nor more 6890
than twenty days after the previous notice. A similar notice also 6891
shall be posted continually in the board's office, ~~and, if.~~ If the 6892
school district maintains a web site on the internet, the notice 6893
shall be posted continually at that web site. 6894

The board or its representatives shall maintain a list of all 6895
nonprofit organizations that notify the board or its 6896
representative of their desire to obtain donated property under 6897
this division and that the board or its representative determines 6898
to be eligible, in accordance with the requirements set forth in 6899
this section and in the donation program's guidelines and 6900
procedures, to receive donated property. 6901

The board or its representative also shall maintain a list of 6902
all school district property the board finds to be unneeded, 6903
obsolete, or unfit for use and to be available for donation under 6904
this division. The list shall be posted continually in a 6905
conspicuous location in the board's office, and, if the school 6906
district maintains a web site on the internet, the list shall be 6907
posted continually at that web site. An item of property on the 6908
list shall be donated to the eligible nonprofit organization that 6909
first declares to the board or its representative its desire to 6910
obtain the item unless the board previously has established, by 6911
resolution, a list of eligible nonprofit organizations that shall 6912
be given priority with respect to the item's donation. Priority 6913
may be given on the basis that the purposes of a nonprofit 6914
organization have a direct relationship to specific school 6915
district purposes of programs provided or administered by the 6916
board. A resolution giving priority to certain nonprofit 6917
organizations with respect to the donation of an item of property 6918
shall specify the reasons why the organizations are given that 6919
priority. 6920

Members of the board shall consult with the Ohio ethics 6921

commission, and comply with Chapters 102. and 2921. of the Revised 6922
Code, with respect to any donation under this division to a 6923
nonprofit organization of which a board member, any member of a 6924
board member's family, or any business associate of a board member 6925
is a trustee, officer, board member, or employee. 6926

Sec. 3313.533. (A) The board of education of a city, exempted 6927
village, or local school district may adopt a resolution to 6928
establish and maintain an alternative school in accordance with 6929
this section. The resolution shall specify, but not necessarily be 6930
limited to, all of the following: 6931

(1) The purpose of the school, which purpose shall be to 6932
serve students who are on suspension, who are having truancy 6933
problems, who are experiencing academic failure, who have a 6934
history of class disruption, who are exhibiting other academic or 6935
behavioral problems specified in the resolution, or who have been 6936
discharged or released from the custody of the department of youth 6937
services under section 5139.51 of the Revised Code; 6938

(2) The grades served by the school, which may include any of 6939
grades kindergarten through twelve; 6940

(3) A requirement that the school be operated in accordance 6941
with this section. The board of education adopting the resolution 6942
under division (A) of this section shall be the governing board of 6943
the alternative school. The board shall develop and implement a 6944
plan for the school in accordance with the resolution establishing 6945
the school and in accordance with this section. Each plan shall 6946
include, but not necessarily be limited to, all of the following: 6947

(a) Specification of the reasons for which students will be 6948
accepted for assignment to the school and any criteria for 6949
admission that are to be used by the board to approve or 6950
disapprove the assignment of students to the school; 6951

(b) Specification of the criteria and procedures that will be used for returning students who have been assigned to the school back to the regular education program of the district;

(c) An evaluation plan for assessing the effectiveness of the school and its educational program and reporting the results of the evaluation to the public.

(B) Notwithstanding any provision of Title XXXVIII of the Revised Code to the contrary, the alternative school plan may include any of the following:

(1) A requirement that on each school day students must attend school or participate in other programs specified in the plan or by the chief administrative officer of the school for a period equal to the minimum school day set by the state board of education under section 3313.48 of the Revised Code plus any additional time required in the plan or by the chief administrative officer;

(2) Restrictions on student participation in extracurricular or interscholastic activities;

(3) A requirement that students wear uniforms prescribed by the district board of education.

(C) In accordance with the alternative school plan, the district board of education may employ teachers and nonteaching employees necessary to carry out its duties and fulfill its responsibilities or may contract with a nonprofit or for profit entity to operate the alternative school, including the provision of personnel, supplies, equipment, or facilities.

(D) An alternative school may be established in all or part of a school building.

(E) If a district board of education elects under this section, or is required by section 3313.534 of the Revised Code,

to establish an alternative school, the district board may join 6982
with the board of education of one or more other districts to form 6983
a joint alternative school by forming a cooperative education 6984
school district under section 3311.52 or 3311.521 of the Revised 6985
Code, or a joint educational program under section 3313.842 of the 6986
Revised Code. The authority to employ personnel or to contract 6987
with a nonprofit or for profit entity under division (C) of this 6988
section applies to any alternative school program established 6989
under this division. 6990

(F) Any individual employed as a teacher at an alternative 6991
school operated by a nonprofit or for profit entity under this 6992
section shall be licensed and shall be subject to background 6993
checks, as described in section 3319.39 of the Revised Code, in 6994
the same manner as an individual employed by a school district. 6995

(G) Division (G) of this section applies only to any 6996
alternative school that is operated by a nonprofit or for profit 6997
entity under contract with the school district. 6998

(1) In addition to the specifications authorized under 6999
division (B) of this section, any plan adopted under that division 7000
for an alternative school to which division (G) of this section 7001
also applies shall include the following: 7002

(a) A description of the educational program provided at the 7003
alternative school, which shall include: 7004

(i) Provisions for the school to be configured in clusters or 7005
small learning communities; 7006

(ii) Provisions for the incorporation of education technology 7007
into the curriculum; 7008

(iii) Provisions for accelerated learning programs in reading 7009
and mathematics. 7010

(b) A method to determine the reading and mathematics level 7011

of each student assigned to the alternative school and a method to 7012
continuously monitor each student's progress in those areas. The 7013
methods employed under this division shall be aligned with the 7014
curriculum adopted by the school district board of education under 7015
section 3313.60 of the Revised Code. 7016

(c) A plan for social services to be provided at the 7017
alternative school, such as, but not limited to, counseling 7018
services, psychological support services, and enrichment programs; 7019

(d) A plan for a student's transition from the alternative 7020
school back to a school operated by the school district; 7021

(e) A requirement that the alternative school maintain 7022
financial records in a manner that is compatible with the form 7023
prescribed for school districts by the auditor of state to enable 7024
the district to comply with any rules adopted by the auditor of 7025
state. 7026

(2) Notwithstanding division (A)(2) of this section, any 7027
alternative school to which division (G) of this section applies 7028
shall include only grades six through twelve. 7029

(3) Notwithstanding anything in division (A)(3)(a) of this 7030
section to the contrary, the characteristics of students who may 7031
be assigned to an alternative school to which division (G) of this 7032
section applies shall include only disruptive and low-performing 7033
students. 7034

(H) When any district board of education determines to 7035
contract with a nonprofit or for profit entity to operate an 7036
alternative school under this section, the board shall use the 7037
procedure set forth in this division. 7038

(1) The board shall publish notice of a request for proposals 7039
in a newspaper of general circulation in the district once each 7040
week for a period of ~~at least~~ two consecutive weeks, or as 7041
provided in section 7.16 of the Revised Code, prior to the date 7042

specified by the board for receiving proposals. Notices of 7043
requests for proposals shall contain a general description of the 7044
subject of the proposed contract and the location where the 7045
request for proposals may be obtained. The request for proposals 7046
shall include all of the following information: 7047

(a) Instructions and information to respondents concerning 7048
the submission of proposals, including the name and address of the 7049
office where proposals are to be submitted; 7050

(b) Instructions regarding communications, including at least 7051
the names, titles, and telephone numbers of persons to whom 7052
questions concerning a proposal may be directed; 7053

(c) A description of the performance criteria that will be 7054
used to evaluate whether a respondent to which a contract is 7055
awarded is meeting the district's educational standards or the 7056
method by which such performance criteria will be determined; 7057

(d) Factors and criteria to be considered in evaluating 7058
proposals, the relative importance of each factor or criterion, 7059
and a description of the evaluation procedures to be followed; 7060

(e) Any terms or conditions of the proposed contract, 7061
including any requirement for a bond and the amount of such bond; 7062

(f) Documents that may be incorporated by reference into the 7063
request for proposals, provided that the request for proposals 7064
specifies where such documents may be obtained and that such 7065
documents are readily available to all interested parties. 7066

(2) After the date specified for receiving proposals, the 7067
board shall evaluate the submitted proposals and may hold 7068
discussions with any respondent to ensure a complete understanding 7069
of the proposal and the qualifications of such respondent to 7070
execute the proposed contract. Such qualifications shall include, 7071
but are not limited to, all of the following: 7072

(a) Demonstrated competence in performance of the required services as indicated by effective implementation of educational programs in reading and mathematics and at least three years of experience successfully serving a student population similar to the student population assigned to the alternative school;

(b) Demonstrated performance in the areas of cost containment, the provision of educational services of a high quality, and any other areas determined by the board;

(c) Whether the respondent has the resources to undertake the operation of the alternative school and to provide qualified personnel to staff the school;

(d) Financial responsibility.

(3) The board shall select for further review at least three proposals from respondents the board considers qualified to operate the alternative school in the best interests of the students and the district. If fewer than three proposals are submitted, the board shall select each proposal submitted. The board may cancel a request for proposals or reject all proposals at any time prior to the execution of a contract.

The board may hold discussions with any of the three selected respondents to clarify or revise the provisions of a proposal or the proposed contract to ensure complete understanding between the board and the respondent of the terms under which a contract will be entered. Respondents shall be accorded fair and equal treatment with respect to any opportunity for discussion regarding clarifications or revisions. The board may terminate or discontinue any further discussion with a respondent upon written notice.

(4) Upon further review of the three proposals selected by the board, the board shall award a contract to the respondent the board considers to have the most merit, taking into consideration

the scope, complexity, and nature of the services to be performed 7104
by the respondent under the contract. 7105

(5) Except as provided in division (H)(6) of this section, 7106
the request for proposals, submitted proposals, and related 7107
documents shall become public records under section 149.43 of the 7108
Revised Code after the award of the contract. 7109

(6) Any respondent may request in writing that the board not 7110
disclose confidential or proprietary information or trade secrets 7111
contained in the proposal submitted by the respondent to the 7112
board. Any such request shall be accompanied by an offer of 7113
indemnification from the respondent to the board. The board shall 7114
determine whether to agree to the request and shall inform the 7115
respondent in writing of its decision. If the board agrees to 7116
nondisclosure of specified information in a proposal, such 7117
information shall not become a public record under section 149.43 7118
of the Revised Code. If the respondent withdraws its proposal at 7119
any time prior to the execution of a contract, the proposal shall 7120
not be a public record under section 149.43 of the Revised Code. 7121

(I) Upon a recommendation from the department and in 7122
accordance with section 3301.16 of the Revised Code, the state 7123
board of education may revoke the charter of any alternative 7124
school operated by a school district that violates this section. 7125

Sec. 3313.911. The state board of education may adopt a 7126
resolution assigning a city, exempted village, or local school 7127
district that is not a part of a joint vocational school district 7128
to membership in a joint vocational school district. A copy of the 7129
resolution shall be certified to the board of education of the 7130
joint vocational school district and the board of education of the 7131
district proposed to be assigned. The board of education of the 7132
joint vocational school district shall advertise a copy of the 7133
resolution in a newspaper of general circulation in the district 7134

proposed to be assigned once each week for ~~at least~~ two weeks, or 7135
as provided in section 7.16 of the Revised Code, immediately 7136
following the certification of the resolution to the board. The 7137
assignment shall take effect on the ninety-first day after the 7138
state board adopts the resolution, unless prior to that date 7139
qualified electors residing in the school district proposed for 7140
assignment, equal in number to ten per cent of the qualified 7141
electors of that district voting at the last general election, 7142
file a petition against the assignment. 7143

The petition of referendum shall be filed with the treasurer 7144
of the board of education of the district proposed to be assigned 7145
to the joint vocational school district. The treasurer shall give 7146
the person presenting the petition a receipt showing the time of 7147
day, date, and purpose of the petition. The treasurer shall cause 7148
the board of elections to determine the sufficiency of signatures 7149
on the petition and if the signatures are found to be sufficient, 7150
shall present the petition to the board of education of the 7151
district. The board of education shall promptly certify the 7152
question to the board of elections for the purpose of having the 7153
question placed on the ballot at the next general, primary, or 7154
special election not earlier than sixty days after the date of the 7155
certification. 7156

Only those qualified electors residing in the district 7157
proposed for assignment to the joint vocational school district 7158
are qualified to vote on the question. If a majority of the 7159
electors voting on the question vote against the assignment, it 7160
shall not take place, and the state board of education shall 7161
require the district to contract with the joint vocational school 7162
district or another school district as authorized by section 7163
3313.91 of the Revised Code. 7164

If a majority of the electors voting on the question do not 7165
vote against the assignment, the assignment shall take immediate 7166

effect, and the board of education of the joint vocational school 7167
district shall notify the county auditor of the county in which 7168
the school district becoming a part of the joint vocational school 7169
district is located to have any outstanding levy of the joint 7170
vocational school district spread over the territory of the school 7171
district that has become a part of the joint vocational school 7172
district. 7173

The assignment of a school district to a joint vocational 7174
school district pursuant to this section is subject to any 7175
agreements made between the board of education of the assigned 7176
school district and the board of education of the joint vocational 7177
school district. Such an agreement may include provisions for a 7178
payment by the assigned school district to the joint vocational 7179
school district of an amount to be contributed toward the cost of 7180
the existing facilities of the joint vocational school district. 7181

On the assignment of a school district to a joint vocational 7182
school district pursuant to this section, the joint vocational 7183
school district's board of education shall submit a proposal to 7184
the state board of education to enlarge or reorganize the 7185
membership of the joint vocational school district's board of 7186
education if expansion or reorganization of the board is necessary 7187
in order to comply with section 3311.19 of the Revised Code. 7188

Sec. 3349.29. An agreement made pursuant to sections 3349.27 7189
and 3349.28 of the Revised Code is not effective unless it has 7190
been approved by the legislative authority of the municipal 7191
corporation with which the municipal university is identified, 7192
upon such legislative authority's determination that such 7193
agreement will be beneficial to the municipal corporation, and 7194
also approved by the Ohio board of regents, and, if required by 7195
any applicable appropriation measure, by the state controlling 7196
board, and any payment from state tax moneys provided for in the 7197

agreement will be subject to appropriations made by the general 7198
assembly. If provision is to be made under such agreement for the 7199
transfer of, or grant of the right to use, all or a substantial 7200
part of the assets of the municipal university to the state 7201
university and assumption by the state university of educational 7202
functions of the municipal university, such agreement shall not 7203
become effective, under sections 3349.27 to 3349.30 of the Revised 7204
Code until the electors of the municipal corporation have approved 7205
such transfer or grant. 7206

The legislative authority of the municipal corporation shall, 7207
by ordinance, submit the question to the electors at a general, 7208
primary, or a special election to be held on the date specified in 7209
the ordinance. The ordinance shall be certified to the board of 7210
elections not later than the forty-fifth day preceding the date of 7211
the election. Notice of the election shall be published in one ~~or~~ 7212
~~more newspapers~~ newspaper of general circulation in the municipal 7213
corporation once a week for two consecutive weeks or as provided 7214
in section 7.16 of the Revised Code, prior to the election ~~and,~~ 7215
~~if.~~ If the board of elections operates and maintains a web site, 7216
notice of the election also shall be posted on that web site for 7217
thirty days prior to the election. The form of the ballot to be 7218
used at the election shall be substantially as follows, with such 7219
variations as may be appropriate to reflect the general nature of 7220
the transfer or grant of use of assets and the transfer of 7221
educational functions contemplated: 7222

"Shall assets of the municipal university known as 7223
..... be transferred to (make available for 7224
use by) a state university known as 7225
and the state university assume educational functions of the 7226
municipal university and provide higher education in (or in close 7227
proximity to) the city of to the 7228
residents of the city of and of the state 7229

of Ohio and such others as shall be admitted?" 7230

The favorable vote of a majority of those voting on the 7231
proposition constitutes such approval as is required by this 7232
section. 7233

Sec. 3354.12. (A) Upon the request by resolution approved by 7234
the board of trustees of a community college district, and upon 7235
certification to the board of elections not less than seventy-five 7236
days prior to the election, the boards of elections of the county 7237
or counties comprising such district shall place upon the ballot 7238
in their respective counties the question of levying a tax on all 7239
the taxable property in the community college district outside the 7240
ten-mill limitation, for a specified period of years or for a 7241
continuing period of time, to provide funds for any one or more of 7242
the following purposes: the acquisition of sites, the erection, 7243
furnishing, and equipment of buildings, the acquisition, 7244
construction, or improvement of any property which the board of 7245
trustees of a community college district is authorized to acquire, 7246
construct, or improve and which has an estimated life of 7247
usefulness of five years or more as certified by the fiscal 7248
officer, and the payment of operating costs. Not more than two 7249
special elections shall be held in any one calendar year. Levies 7250
for a continuing period of time adopted under this section may be 7251
reduced in accordance with section 5705.261 of the Revised Code. 7252

If such proposal is to be or include the renewal of an 7253
existing levy at the expiration thereof, the ballot for such 7254
election shall state whether it is a renewal of a tax; a renewal 7255
of a stated number of mills and an increase of a stated number of 7256
mills, or a renewal of a part of an existing levy with a reduction 7257
of a stated number of mills; the year of the tax duplicate on 7258
which such renewal will first be made; and if earlier, the year of 7259
the tax duplicate on which such additional levy will first be 7260

made, which may include the tax duplicate for the current year 7261
unless the election is to be held after the first Tuesday after 7262
the first Monday in November of the current tax year. The ballot 7263
shall also state the period of years for such levy or that it is 7264
for a continuing period of time. If a levy for a continuing period 7265
of time provides for but is not limited to current expenses, the 7266
resolution of the board of trustees providing for the election on 7267
such levy shall apportion the annual rate of the levy between 7268
current expenses and the other purpose or purposes. Such 7269
apportionment need not be the same for each year of the levy, but 7270
the respective portions of the rate actually levied each year for 7271
current expenses and the other purpose or purposes shall be 7272
limited by such apportionment. The portion of the rate apportioned 7273
to the other purpose or purposes shall be reduced as provided in 7274
division (B) of this section. 7275

If a majority of the electors in such district voting on such 7276
question approve thereof, the county auditor or auditors of the 7277
county or counties comprising such district shall annually, for 7278
the applicable years, place such levy on the tax duplicate in such 7279
district, in an amount determined by the board of trustees, but 7280
not to exceed the amount set forth in the proposition approved by 7281
the electors. 7282

The boards of trustees of a community college district shall 7283
establish a special fund for all revenue derived from any tax 7284
levied pursuant to this section. 7285

The boards of elections of the county or counties comprising 7286
the district shall cause to be published in a newspaper of general 7287
circulation in each such county an advertisement of the proposed 7288
tax levy question once a week for two consecutive weeks or as 7289
provided in section 7.16 of the Revised Code, prior to the 7290
election at which the question is to appear on the ballot, ~~and,~~ 7291
~~if.~~ If a board of elections operates and maintains a web site, 7292

that board also shall post ~~a similar~~ the advertisement on its web 7293
site for thirty days prior to that election. 7294

After the approval of such levy by vote, the board of 7295
trustees of a community college district may anticipate a fraction 7296
of the proceeds of such levy and from time to time issue 7297
anticipation notes having such maturity or maturities that the 7298
aggregate principal amount of all such notes maturing in any 7299
calendar year shall not exceed seventy-five per cent of the 7300
anticipated proceeds from such levy for such year, and that no 7301
note shall mature later than the thirty-first day of December of 7302
the tenth calendar year following the calendar year in which such 7303
note is issued. Each issue of notes shall be sold as provided in 7304
Chapter 133. of the Revised Code. 7305

The amount of bonds or anticipatory notes authorized pursuant 7306
to Chapter 3354. of the Revised Code, may include sums to repay 7307
moneys previously borrowed, advanced, or granted and expended for 7308
the purposes of such bond or anticipatory note issues, whether 7309
such moneys were advanced from the available funds of the 7310
community college district or by other persons, and the community 7311
college district may restore and repay to such funds or persons 7312
from the proceeds of such issues the moneys so borrowed, advanced 7313
or granted. 7314

All operating costs of such community college may be paid out 7315
of any gift or grant from the state, pursuant to division (K) of 7316
section 3354.09 of the Revised Code; out of student fees and 7317
tuition collected pursuant to division (G) of section 3354.09 of 7318
the Revised Code; or out of unencumbered funds from any other 7319
source of the community college income not prohibited by law. 7320

(B) Prior to the application of section 319.301 of the 7321
Revised Code, the rate of a levy that is limited to, or to the 7322
extent that it is apportioned to, purposes other than current 7323
expenses shall be reduced in the same proportion in which the 7324

district's total valuation increases during the life of the levy 7325
because of additions to such valuation that have resulted from 7326
improvements added to the tax list and duplicate. 7327

Sec. 3355.09. Upon receipt of a request from the university 7328
branch district managing authority, the boards of elections of the 7329
county or counties comprising such district shall place upon the 7330
ballot in the district at the next primary or general election 7331
occurring not less than seventy-five days after submission of such 7332
request by such managing authority, the question of levying a tax 7333
outside the ten-mill limitation, for a specified period of years, 7334
to provide funds for any of the following purposes: 7335

(A) Purchasing a site or enlargement thereof; 7336

(B) The erection and equipment of buildings; 7337

(C) Enlarging, improving, or rebuilding buildings; 7338

(D) The acquisition, construction, or improvement of any 7339
property which the university branch district managing authority 7340
is authorized to acquire, construct, or improve and which has been 7341
certified by the fiscal officer to have an estimated useful life 7342
of five or more years. 7343

If a majority of the electors in such district voting on such 7344
question approve, the county auditor of the county or counties 7345
comprising such district shall annually place such levy on the tax 7346
duplicate in such district, in the amount set forth in the 7347
proposition approved by the electors. 7348

The managing authority of the university branch district 7349
shall establish a special fund pursuant to section 3355.07 of the 7350
Revised Code for all revenue derived from any tax levied pursuant 7351
to provisions of this section. 7352

The boards of election of the county or counties comprising 7353
the district shall cause to be published in a newspaper of general 7354

circulation in each such county an advertisement of the proposed 7355
tax levy question once a week for two consecutive weeks, or as 7356
provided in section 7.16 of the Revised Code, prior to the 7357
election at which the question is to appear on the ballot, ~~and,~~ 7358
~~if.~~ If a board of elections operates and maintains a web site, 7359
that board also shall post ~~a similar~~ the advertisement on its web 7360
site for thirty days prior to the election. 7361

After the approval of such levy by vote, the managing 7362
authority of the university branch district may anticipate a 7363
fraction of the proceeds of such levy and from time to time, 7364
during the life of such levy, issue anticipation notes in an 7365
amount not to exceed seventy-five per cent of the estimated 7366
proceeds of such levy to be collected in each year over a period 7367
of five years after the date of the issuance of such notes, less 7368
an amount equal to the proceeds of such levy previously obligated 7369
for such year by the issuance of anticipation notes, provided, 7370
that the total amount maturing in any one year shall not exceed 7371
seventy-five per cent of the anticipated proceeds of such levy for 7372
that year. 7373

Each issue of notes shall be sold as provided in Chapter 133. 7374
of the Revised Code and shall mature serially in substantially 7375
equal amounts, during each remaining year of the levy, not to 7376
exceed five, after their issuance. 7377

Sec. 3375.41. When a board of library trustees appointed 7378
pursuant to section 3375.06, 3375.10, 3375.12, 3375.15, 3375.22, 7379
or 3375.30 of the Revised Code determines to construct, demolish, 7380
alter, repair, or reconstruct a library or make any improvements 7381
or repairs, the cost of which will exceed twenty-five thousand 7382
dollars, except in cases of urgent necessity or for the security 7383
and protection of library property, it shall proceed as follows: 7384

(A) The board shall advertise for a period of two weeks for 7385

sealed bids in ~~some~~ a newspaper of general circulation in the 7386
district, ~~and, if there are two such newspapers, the board shall~~ 7387
~~advertise in both of them~~ or as provided in section 7.16 of the 7388
Revised Code. If no newspaper has a general circulation in the 7389
district, the board shall post the advertisement in three public 7390
places in the district. The advertisement shall be entered in full 7391
by the fiscal officer on the record of proceedings of the board. 7392

(B) The sealed bids shall be filed with the fiscal officer by 7393
twelve noon of the last day stated in the advertisement. 7394

(C) The sealed bids shall be opened at the next meeting of 7395
the board, shall be publicly read by the fiscal officer, and shall 7396
be entered in full on the records of the board; provided that the 7397
board, by resolution, may provide for the public opening and 7398
reading of the bids by the fiscal officer, immediately after the 7399
time for their filing has expired, at the usual place of meeting 7400
of the board, and for the tabulation of the bids and a report of 7401
the tabulation to the board at its next meeting. 7402

(D) Each sealed bid shall contain the name of every person 7403
interested in it and shall meet the requirements of section 153.54 7404
of the Revised Code. 7405

(E) When both labor and materials are embraced in the work 7406
bid for, the board may require that each be separately stated in 7407
the sealed bid, with their price, or may require that bids be 7408
submitted without the separation. 7409

(F) None but the lowest responsible bid shall be accepted. 7410
The board may reject all the bids or accept any bid for both labor 7411
and material for the improvement or repair which is the lowest in 7412
the aggregate. 7413

(G) The contract shall be between the board and the bidders. 7414
The board shall pay the contract price for the work in cash at the 7415

times and in the amounts as provided by sections 153.12, 153.13, 7417
and 153.14 of the Revised Code. 7418

(H) When two or more bids are equal, in whole or in part, and 7419
are lower than any others, either may be accepted, but in no case 7420
shall the work be divided between these bidders. 7421

(I) When there is reason to believe there is collusion or 7422
combination among the bidders, the bids of those concerned in the 7423
collusion or combination shall be rejected. 7424

Sec. 3381.11. The board of trustees of a regional arts and 7425
cultural district or any officer or employee designated by such 7426
board may make any contract for the purchase of supplies or 7427
material or for labor for any work, under the supervision of the 7428
board, the cost of which shall not exceed ten thousand dollars. 7429
When an expenditure, other than for the acquisition of real 7430
estate, the discharge of noncontractual claims, personal services, 7431
or for the product or services of public utilities, exceeds ten 7432
thousand dollars, such expenditure shall be made only after a 7433
notice calling for bids has been published once a week for two 7434
consecutive weeks in ~~at least~~ one newspaper of general circulation 7435
within the territory of the district or as provided in section 7436
7.16 of the Revised Code. The board may then let said contract to 7437
the lowest and best bidder, who shall give a good and approved 7438
bond with ample security conditioned on the carrying out of the 7439
contract. Such contract shall be in writing and shall be 7440
accompanied by or shall refer to plans and specifications for the 7441
work to be done, approved by the board. The plans and 7442
specifications shall at all times be made and considered part of 7443
the contract. The contract shall be approved by the board and 7444
signed on behalf of the district and by the contractor. No sale of 7445
any real or personal property or a lease thereof having a term 7446
thereof in excess of five years shall be made except with the 7447

highest and best bidder after publication of notice for bids in 7448
the manner above provided. 7449

Competitive bidding under this section is not required when: 7450

(A) The board, by a two-thirds affirmative vote of its 7451
members, determines that a real and present emergency exists and 7452
such determination and the reasons therefor are entered in the 7453
proceedings of the board, when: 7454

(1) The estimated cost is less than fifteen thousand dollars; 7455
or 7456

(2) There is actual physical damage to structures or 7457
equipment. 7458

(B) Such purchase consists of supplies or a replacement or 7459
supplemental part or parts for a product or equipment owned or 7460
leased by the district and the only source of supply for such 7461
supplies, part, or parts is limited to a single supplier; 7462

(C) The lease is a renewal of a lease for electronic data 7463
processing equipment, services, or systems; 7464

(D) Services or supplies are available from a qualified 7465
nonprofit agency pursuant to sections 4115.31 to 4115.35 of the 7466
Revised Code; 7467

(E) With respect to any contract, agreement, or lease by a 7468
district with any arts or cultural organization or any 7469
governmental body or agency. 7470

Sec. 3501.03. At least ten days before the time for holding 7471
an election the board of elections shall give public notice by a 7472
proclamation, posted in a conspicuous place in the courthouse and 7473
city hall, or by one insertion in a newspaper published of general 7474
circulation in the county, ~~but if no newspaper is published in~~ 7475
~~such county, then in a newspaper of general circulation therein.~~ 7476

The board shall have authority to publicize information 7477
relative to registration or elections. 7478

Sec. 3505.13. A contract for the printing of ballots 7479
involving a cost in excess of ten thousand dollars shall not be 7480
let until after five days' notice published once in a ~~leading~~ 7481
newspaper ~~published~~ of general circulation in the county or upon 7482
notice given by mail by the board of elections, addressed to the 7483
responsible printing offices within the state. Except as otherwise 7484
provided in this section, each bid for such printing must be 7485
accompanied by a bond with at least two sureties, or a surety 7486
company, satisfactory to the board, in a sum double the amount of 7487
the bid, conditioned upon the faithful performance of the contract 7488
for such printing as is awarded and for the payment as damages by 7489
such bidder to the board of any excess of cost over the bid which 7490
it may be obliged to pay for such work by reason of the failure of 7491
the bidder to complete the contract. No bid unaccompanied by such 7492
bond shall be considered by the board. The board may, however, 7493
waive the requirement that each bid be accompanied by a bond if 7494
the cost of the contract is ten thousand dollars or less. The 7495
contract shall be let to the lowest responsible bidder in the 7496
state. All ballots shall be printed within the state. 7497

Sec. 3709.21. The board of health of a general health 7498
district may make such orders and regulations as are necessary for 7499
its own government, for the public health, the prevention or 7500
restriction of disease, and the prevention, abatement, or 7501
suppression of nuisances. Such board may require that no human, 7502
animal, or household wastes from sanitary installations within the 7503
district be discharged into a storm sewer, open ditch, or 7504
watercourse without a permit therefor having been secured from the 7505
board under such terms as the board requires. All orders and 7506
regulations not for the government of the board, but intended for 7507

the general public, shall be adopted, recorded, and certified as 7508
are ordinances of municipal corporations and the record thereof 7509
shall be given in all courts the same effect as is given such 7510
ordinances, but the advertisements of such orders and regulations 7511
shall be by publication in ~~one a~~ newspaper ~~published and~~ of 7512
general circulation within the district. Publication shall be made 7513
once a week for two consecutive weeks or as provided in section 7514
7.16 of the Revised Code, and such orders and regulations shall 7515
take effect and be in force ten days from the date of the first 7516
publication. In cases of emergency caused by epidemics of 7517
contagious or infectious diseases, or conditions or events 7518
endangering the public health, the board may declare such orders 7519
and regulations to be emergency measures, and such orders and 7520
regulations shall become effective immediately without such 7521
advertising, recording, and certifying. 7522

Sec. 3735.36. When a metropolitan housing authority has 7523
acquired the property necessary for any project, it shall proceed 7524
to make plans and specifications for carrying out such project, 7525
and shall advertise for bids for all work ~~which~~ that it desires to 7526
have done by contract, such advertisements to be published as 7527
provided in section 7.16 of the Revised Code or once a week for 7528
two consecutive weeks in a newspaper of general circulation in the 7529
political subdivision in which the project is to be developed. The 7530
contract shall be awarded to the lowest and best bidder. 7531

Sec. 3735.66. The legislative authorities of municipal 7532
corporations and counties may survey the housing within their 7533
jurisdictions and, after the survey, may adopt resolutions 7534
describing the boundaries of community reinvestment areas which 7535
contain the conditions required for the finding under division (B) 7536
of section 3735.65 of the Revised Code. The findings resulting 7537
from the survey shall be incorporated in the resolution describing 7538

the boundaries of an area. The legislative authority may stipulate 7539
in the resolution that only new structures or remodeling 7540
classified as to use as commercial, industrial, or residential, or 7541
some combination thereof, and otherwise satisfying the 7542
requirements of section 3735.67 of the Revised Code are eligible 7543
for exemption from taxation under that section. If the resolution 7544
does not include such a stipulation, all new structures and 7545
remodeling satisfying the requirements of section 3735.67 of the 7546
Revised Code are eligible for exemption from taxation regardless 7547
of classification. Whether or not the resolution includes such a 7548
stipulation, the classification of the structures or remodeling 7549
eligible for exemption in the area shall at all times be 7550
consistent with zoning restrictions applicable to the area. For 7551
the purposes of sections 3735.65 to 3735.70 of the Revised Code, 7552
whether a structure or remodeling composed of multiple units is 7553
classified as commercial or residential shall be determined by 7554
resolution or ordinance of the legislative authority or, in the 7555
absence of such a determination, by the classification of the use 7556
of the structure or remodeling under the applicable zoning 7557
regulations. 7558

If construction or remodeling classified as residential is 7559
eligible for exemption from taxation, the resolution shall specify 7560
a percentage, not to exceed one hundred per cent, of the assessed 7561
valuation of such property to be exempted. The percentage 7562
specified shall apply to all residential construction or 7563
remodeling for which exemption is granted. 7564

The resolution adopted pursuant to this section shall be 7565
published in a newspaper of general circulation in the municipal 7566
corporation, if the resolution is adopted by the legislative 7567
authority of a municipal corporation, or in a newspaper of general 7568
circulation in the county, if the resolution is adopted by the 7569
legislative authority of the county, once a week for two 7570

consecutive weeks or as provided in section 7.16 of the Revised Code, immediately following its adoption. 7571
7572

Each legislative authority adopting a resolution pursuant to 7573
this section shall designate a housing officer. In addition, each 7574
such legislative authority, not later than fifteen days after the 7575
adoption of the resolution, shall petition the director of 7576
development for the director to confirm the findings described in 7577
the resolution. The petition shall be accompanied by a copy of the 7578
resolution and by a map of the community reinvestment area in 7579
sufficient detail to denote the specific boundaries of the area 7580
and to indicate zoning restrictions applicable to the area. The 7581
director shall determine whether the findings contained in the 7582
resolution are valid, and whether the classification of structures 7583
or remodeling eligible for exemption under the resolution is 7584
consistent with zoning restrictions applicable to the area as 7585
indicated on the map. Within thirty days of receiving the 7586
petition, the director shall forward the director's determination 7587
to the legislative authority. The legislative authority or housing 7588
officer shall not grant any exemption from taxation under section 7589
3735.67 of the Revised Code until the director forwards the 7590
director's determination to the legislative authority. The 7591
director shall assign to each community reinvestment area a unique 7592
designation by which the area shall be identified for purposes of 7593
sections 3735.65 to 3735.70 of the Revised Code. 7594

If zoning restrictions in any part of a community 7595
reinvestment area are changed at any time after the legislative 7596
authority petitions the director under this section, the 7597
legislative authority shall notify the director and shall submit a 7598
map of the area indicating the new zoning restrictions in the 7599
area. 7600

Sec. 4301.80. (A) As used in this section, "community 7601

entertainment district" means a bounded area that includes or will
include a combination of entertainment, retail, educational,
sporting, social, cultural, or arts establishments within close
proximity to some or all of the following types of establishments
within the district, or other types of establishments similar to
these:

- (1) Hotels;
- (2) Restaurants;
- (3) Retail sales establishments;
- (4) Enclosed shopping centers;
- (5) Museums;
- (6) Performing arts theaters;
- (7) Motion picture theaters;
- (8) Night clubs;
- (9) Convention facilities;
- (10) Sports facilities;
- (11) Entertainment facilities or complexes;

(12) Any combination of the establishments described in
division (A)(1) to (11) of this section that provide similar
services to the community.

(B) Any owner of property located in a municipal corporation
seeking to have that property, or that property and other
surrounding property, designated as a community entertainment
district shall file an application seeking this designation with
the mayor of the municipal corporation in which that property is
located. Any owner of property located in the unincorporated area
of a township seeking to have that property, or that property and
other surrounding property, designated as a community
entertainment district shall file an application seeking this

designation with the board of township trustees of the township in 7631
whose unincorporated area that property is located. An application 7632
to designate an area as a community entertainment district shall 7633
contain all of the following: 7634

(1) The applicant's name and address; 7635

(2) A map or survey of the proposed community entertainment 7636
district in sufficient detail to identify the boundaries of the 7637
district and the property owned by the applicant; 7638

(3) A general statement of the nature and types of 7639
establishments described in division (A) of this section that are 7640
or will be located within the proposed community improvement 7641
district and any other establishments located in the proposed 7642
community entertainment district that are not described in 7643
division (A) of this section; 7644

(4) If some or all of the establishments within the proposed 7645
community entertainment district have not yet been developed, the 7646
proposed time frame for completing the development of these 7647
establishments; 7648

(5) Evidence that the uses of land within the proposed 7649
community entertainment district are in accord with the municipal 7650
corporation's or township's master zoning plan or map; 7651

(6) A certificate from a surveyor or engineer licensed under 7652
Chapter 4733. of the Revised Code indicating that the area 7653
encompassed by the proposed community entertainment district 7654
contains no less than twenty contiguous acres; 7655

(7) A handling and processing fee to accompany the 7656
application, payable to the applicable municipal corporation or 7657
township, in an amount determined by that municipal corporation or 7658
township. 7659

(C) An application described in division (B) of this section 7660

relating to an area located in a municipal corporation shall be 7661
addressed and submitted to the mayor of the municipal corporation 7662
in which the area described in the application is located. The 7663
mayor, within thirty days after receiving the application, shall 7664
submit the application with the mayor's recommendation to the 7665
legislative authority of the municipal corporation. An application 7666
described in division (B) of this section relating to an area 7667
located in the unincorporated area of a township shall be 7668
addressed and submitted to the board of township trustees of the 7669
township in whose unincorporated area the area described in the 7670
application is located. The application is a public record for 7671
purposes of section 149.43 of the Revised Code upon its receipt by 7672
the mayor or board of township trustees. 7673

Within thirty days after it receives the application and the 7674
mayor's recommendations relating to the application, the 7675
legislative authority of the municipal corporation, by notice 7676
published once a week for two consecutive weeks in ~~at least~~ one 7677
newspaper of general circulation in the municipal corporation or 7678
as provided in section 7.16 of the Revised Code, shall notify the 7679
public that the application is on file in the office of the clerk 7680
of the municipal corporation and is available for inspection by 7681
the public during regular business hours. Within thirty days after 7682
it receives the application, the board of township trustees, by 7683
notice published once a week for two consecutive weeks in ~~at least~~ 7684
one newspaper of general circulation in the township or as 7685
provided in section 7.16 of the Revised Code, shall notify the 7686
public that the application is on file in the office of the 7687
township fiscal officer and is available for inspection by the 7688
public during regular business hours. The notice shall also 7689
indicate the date and time of any public hearing by the 7690
legislative authority or board of township trustees on the 7691
application. 7692

Within seventy-five days after the date the application is 7693
filed with the mayor of a municipal corporation, the legislative 7694
authority of the municipal corporation by ordinance or resolution 7695
shall approve or disapprove the application based on whether the 7696
proposed community entertainment district does or will 7697
substantially contribute to entertainment, retail, educational, 7698
sporting, social, cultural, or arts opportunities for the 7699
community. The community considered shall at a minimum include the 7700
municipal corporation in which the community is located. Any 7701
approval of an application shall be by an affirmative majority 7702
vote of the legislative authority. 7703

Within seventy-five days after the date the application is 7704
filed with a board of township trustees, the board by resolution 7705
shall approve or disapprove the application based on whether the 7706
proposed community entertainment district does or will 7707
substantially contribute to entertainment, retail, educational, 7708
sporting, social, cultural, or arts opportunities for the 7709
community. The community considered shall at a minimum include the 7710
township in which the community is located. Any approval of an 7711
application shall be by an affirmative majority vote of the board 7712
of township trustees. 7713

If the legislative authority or board of township trustees 7714
disapproves the application, the applicant may make changes in the 7715
application to secure its approval by the legislative authority or 7716
board of township trustees. Any area approved by the legislative 7717
authority or board of township trustees constitutes a community 7718
entertainment district, and a local option election may be 7719
conducted in the district, as a type of community facility, under 7720
section 4301.356 of the Revised Code. 7721

(D) All or part of an area designated as a community 7722
entertainment district may lose this designation as provided in 7723
this division. The legislative authority of a municipal 7724

corporation in which a community entertainment district is 7725
located, or the board of township trustees of the township in 7726
whose unincorporated area a community entertainment district is 7727
located, after giving notice of its proposed action by publication 7728
once a week for two consecutive weeks in ~~at least~~ one newspaper of 7729
general circulation in the municipal corporation or township or as 7730
provided in section 7.16 of the Revised Code, may determine by 7731
ordinance or resolution in the case of the legislative authority 7732
of a municipal corporation, or by resolution in the case of a 7733
board of township trustees of a township, that all or part of the 7734
area fails to meet the standards described in this section for 7735
designation of an area as a community entertainment district. If 7736
the legislative authority or board so determines, the area 7737
designated in the ordinance or resolution no longer constitutes a 7738
community entertainment district. 7739

Sec. 4301.81. (A) As used in this section: 7740

(1) "Revitalization district" means a bounded area that 7741
includes or will include a combination of entertainment, retail, 7742
educational, sporting, social, cultural, or arts establishments 7743
within close proximity to some or all of the following types of 7744
establishments within the district, or other types of 7745
establishments similar to these: 7746

(a) Hotels; 7747

(b) Restaurants; 7748

(c) Retail sales establishments; 7749

(d) Enclosed shopping centers; 7750

(e) Museums; 7751

(f) Performing arts theaters; 7752

(g) Motion picture theaters; 7753

(h) Night clubs;	7754
(i) Convention facilities;	7755
(j) Sports facilities;	7756
(k) Entertainment facilities or complexes;	7757
(l) Any combination of the establishments described in	7758
divisions (A)(1)(a) to (k) of this section that provide similar	7759
services to the community.	7760
(2) "Municipal corporation" means a municipal corporation	7761
with a population of less than one hundred thousand.	7762
(3) "Township" means a township with a population in its	7763
unincorporated area of less than one hundred thousand.	7764
(B) Any owner of property located in a municipal corporation	7765
seeking to have that property, or that property and other	7766
surrounding property, designated as a revitalization district	7767
shall file an application seeking this designation with the mayor	7768
of the municipal corporation in which that property is located.	7769
Any owner of property located in the unincorporated area of a	7770
township seeking to have that property, or that property and other	7771
surrounding property, designated as a revitalization district	7772
shall file an application seeking this designation with the board	7773
of township trustees of the township in whose unincorporated area	7774
that property is located. An application to designate an area as a	7775
revitalization district shall contain all of the following:	7776
(1) The applicant's name and address;	7777
(2) A map or survey of the proposed revitalization district	7778
in sufficient detail to identify the boundaries of the district	7779
and the property owned by the applicant;	7780
(3) A general statement of the nature and types of	7781
establishments described in division (A) of this section that are	7782
or will be located within the proposed revitalization district and	7783

any other establishments located in the proposed revitalization 7784
district that are not described in division (A) of this section; 7785

(4) If some or all of the establishments within the proposed 7786
revitalization district have not yet been developed, the proposed 7787
time frame for completing the development of these establishments; 7788

(5) Evidence that the uses of land within the proposed 7789
revitalization district are in accord with the municipal 7790
corporation's or township's master zoning plan or map; and 7791

(6) A handling and processing fee to accompany the 7792
application, payable to the applicable municipal corporation or 7793
township, in an amount determined by that municipal corporation or 7794
township. 7795

(C) An application relating to an area located in a municipal 7796
corporation shall be addressed and submitted to the mayor of the 7797
municipal corporation in which the area described in the 7798
application is located. The mayor, within thirty days after 7799
receiving the application, shall submit the application with the 7800
mayor's recommendation to the legislative authority of the 7801
municipal corporation. An application relating to an area located 7802
in the unincorporated area of a township shall be addressed and 7803
submitted to the board of township trustees of the township in 7804
whose unincorporated area the area described in the application is 7805
located. The application is a public record for purposes of 7806
section 149.43 of the Revised Code upon its receipt by the mayor 7807
or board of township trustees. 7808

Within thirty days after it receives the application and the 7809
mayor's recommendations relating to the application, the 7810
legislative authority of the municipal corporation, by notice 7811
published once a week for two consecutive weeks in ~~at least~~ one 7812
newspaper of general circulation in the municipal corporation or 7813
as provided in section 7.16 of the Revised Code, shall notify the 7814

public that the application is on file in the office of the clerk 7815
of the municipal corporation and is available for inspection by 7816
the public during regular business hours. Within thirty days after 7817
it receives the application, the board of township trustees, by 7818
notice published once a week for two consecutive weeks in ~~at least~~ 7819
one newspaper of general circulation in the township or as 7820
provided in section 7.16 of the Revised Code, shall notify the 7821
public that the application is on file in the office of the 7822
township fiscal officer and is available for inspection by the 7823
public during regular business hours. The notice shall also 7824
indicate the date and time of any public hearing by the municipal 7825
legislative authority or board of township trustees on the 7826
application. 7827

Within seventy-five days after the date the application is 7828
filed with the mayor of a municipal corporation, the legislative 7829
authority of the municipal corporation by ordinance or resolution 7830
shall approve or disapprove the application based on whether the 7831
proposed revitalization district does or will substantially 7832
contribute to entertainment, retail, educational, sporting, 7833
social, cultural, or arts opportunities for the community. The 7834
community considered shall at a minimum include the municipal 7835
corporation in which the community is located. Any approval of an 7836
application shall be by an affirmative majority vote of the 7837
legislative authority. Not more than one revitalization district 7838
shall be designated within the municipal corporation. 7839

Within seventy-five days after the date the application is 7840
filed with a board of township trustees, the board by resolution 7841
shall approve or disapprove the application based on whether the 7842
proposed revitalization district does or will substantially 7843
contribute to entertainment, retail, educational, sporting, 7844
social, cultural, or arts opportunities for the community. The 7845
community considered shall at a minimum include the township in 7846

which the community is located. Any approval of an application 7847
shall be by an affirmative majority vote of the board of township 7848
trustees. Not more than one revitalization district shall be 7849
designated within the unincorporated area of the township. 7850

If the municipal legislative authority or board of township 7851
trustees disapproves the application, the applicant may make 7852
changes in the application to secure its approval by the 7853
legislative authority or board of township trustees. Any area 7854
approved by the legislative authority or board of township 7855
trustees constitutes a revitalization district, and a local option 7856
election may be conducted in the district, as a type of community 7857
facility, under section 4301.356 of the Revised Code. 7858

(D) All or part of an area designated as a revitalization 7859
district may lose this designation as provided in this division. 7860
The legislative authority of a municipal corporation in which a 7861
revitalization district is located, or the board of township 7862
trustees of the township in whose unincorporated area a 7863
revitalization district is located, after giving notice of its 7864
proposed action by publication once a week for two consecutive 7865
weeks in ~~at least~~ one newspaper of general circulation in the 7866
municipal corporation or township or as provided in section 7.16 7867
of the Revised Code, may determine by ordinance or resolution in 7868
the case of the legislative authority of a municipal corporation, 7869
or by resolution in the case of a board of township trustees of a 7870
township, that all or part of the area fails to meet the standards 7871
described in this section for designation of an area as a 7872
revitalization district. If the legislative authority or board so 7873
determines, the area designated in the ordinance or resolution no 7874
longer constitutes a revitalization district. 7875

Sec. 4503.06. (A) The owner of each manufactured or mobile 7876
home that has acquired situs in this state shall pay either a real 7877

property tax pursuant to Title LVII of the Revised Code or a 7878
manufactured home tax pursuant to division (C) of this section. 7879

(B) The owner of a manufactured or mobile home shall pay real 7880
property taxes if either of the following applies: 7881

(1) The manufactured or mobile home acquired situs in the 7882
state or ownership in the home was transferred on or after January 7883
1, 2000, and all of the following apply: 7884

(a) The home is affixed to a permanent foundation as defined 7885
in division (C)(5) of section 3781.06 of the Revised Code. 7886

(b) The home is located on land that is owned by the owner of 7887
the home. 7888

(c) The certificate of title has been inactivated by the 7889
clerk of the court of common pleas that issued it, pursuant to 7890
division (H) of section 4505.11 of the Revised Code. 7891

(2) The manufactured or mobile home acquired situs in the 7892
state or ownership in the home was transferred before January 1, 7893
2000, and all of the following apply: 7894

(a) The home is affixed to a permanent foundation as defined 7895
in division (C)(5) of section 3781.06 of the Revised Code. 7896

(b) The home is located on land that is owned by the owner of 7897
the home. 7898

(c) The owner of the home has elected to have the home taxed 7899
as real property and, pursuant to section 4505.11 of the Revised 7900
Code, has surrendered the certificate of title to the auditor of 7901
the county containing the taxing district in which the home has 7902
its situs, together with proof that all taxes have been paid. 7903

(d) The county auditor has placed the home on the real 7904
property tax list and delivered the certificate of title to the 7905
clerk of the court of common pleas that issued it and the clerk 7906
has inactivated the certificate. 7907

(C)(1) Any mobile or manufactured home that is not taxed as 7908
real property as provided in division (B) of this section is 7909
subject to an annual manufactured home tax, payable by the owner, 7910
for locating the home in this state. The tax as levied in this 7911
section is for the purpose of supplementing the general revenue 7912
funds of the local subdivisions in which the home has its situs 7913
pursuant to this section. 7914

(2) The year for which the manufactured home tax is levied 7915
commences on the first day of January and ends on the following 7916
thirty-first day of December. The state shall have the first lien 7917
on any manufactured or mobile home on the list for the amount of 7918
taxes, penalties, and interest charged against the owner of the 7919
home under this section. The lien of the state for the tax for a 7920
year shall attach on the first day of January to a home that has 7921
acquired situs on that date. The lien for a home that has not 7922
acquired situs on the first day of January, but that acquires 7923
situs during the year, shall attach on the next first day of 7924
January. The lien shall continue until the tax, including any 7925
penalty or interest, is paid. 7926

(3)(a) The situs of a manufactured or mobile home located in 7927
this state on the first day of January is the local taxing 7928
district in which the home is located on that date. 7929

(b) The situs of a manufactured or mobile home not located in 7930
this state on the first day of January, but located in this state 7931
subsequent to that date, is the local taxing district in which the 7932
home is located thirty days after it is acquired or first enters 7933
this state. 7934

(4) The tax is collected by and paid to the county treasurer 7935
of the county containing the taxing district in which the home has 7936
its situs. 7937

(D) The manufactured home tax shall be computed and assessed 7938

by the county auditor of the county containing the taxing district 7939
in which the home has its situs as follows: 7940

(1) On a home that acquired situs in this state prior to 7941
January 1, 2000: 7942

(a) By multiplying the assessable value of the home by the 7943
tax rate of the taxing district in which the home has its situs, 7944
and deducting from the product thus obtained any reduction 7945
authorized under section 4503.065 of the Revised Code. The tax 7946
levied under this formula shall not be less than thirty-six 7947
dollars, unless the home qualifies for a reduction in assessable 7948
value under section 4503.065 of the Revised Code, in which case 7949
there shall be no minimum tax and the tax shall be the amount 7950
calculated under this division. 7951

(b) The assessable value of the home shall be forty per cent 7952
of the amount arrived at by the following computation: 7953

(i) If the cost to the owner, or market value at time of 7954
purchase, whichever is greater, of the home includes the 7955
furnishings and equipment, such cost or market value shall be 7956
multiplied according to the following schedule: 7957

For the first calendar year			7958
in which the			7959
home is owned by the			7960
current owner	x	80%	7961
2nd calendar year	x	75%	7962
3rd "	x	70%	7963
4th "	x	65%	7964
5th "	x	60%	7965
6th "	x	55%	7966
7th "	x	50%	7967
8th "	x	45%	7968
9th "	x	40%	7969

10th and each year thereafter x 35% 7970

The first calendar year means any period between the first 7971
day of January and the thirty-first day of December of the first 7972
year. 7973

(ii) If the cost to the owner, or market value at the time of 7974
purchase, whichever is greater, of the home does not include the 7975
furnishings and equipment, such cost or market value shall be 7976
multiplied according to the following schedule: 7977

For the first calendar year 7978
in which the 7979
home is owned by the 7980
current owner x 95% 7981
2nd calendar year x 90% 7982
3rd " x 85% 7983
4th " x 80% 7984
5th " x 75% 7985
6th " x 70% 7986
7th " x 65% 7987
8th " x 60% 7988
9th " x 55% 7989
10th and each year thereafter x 50% 7990

The first calendar year means any period between the first 7991
day of January and the thirty-first day of December of the first 7992
year. 7993

(2) On a home in which ownership was transferred or that 7994
first acquired situs in this state on or after January 1, 2000: 7995

(a) By multiplying the assessable value of the home by the 7996
effective tax rate, as defined in section 323.08 of the Revised 7997
Code, for residential real property of the taxing district in 7998
which the home has its situs, and deducting from the product thus 7999
obtained the reductions required or authorized under section 8000
319.302, division (B) of section 323.152, or section 4503.065 of 8001

the Revised Code. 8002

(b) The assessable value of the home shall be thirty-five per 8003
cent of its true value as determined under division (L) of this 8004
section. 8005

(3) On or before the fifteenth day of January each year, the 8006
county auditor shall record the assessable value and the amount of 8007
tax on the manufactured or mobile home on the tax list and deliver 8008
a duplicate of the list to the county treasurer. In the case of an 8009
emergency as defined in section 323.17 of the Revised Code, the 8010
tax commissioner, by journal entry, may extend the times for 8011
delivery of the duplicate for an additional fifteen days upon 8012
receiving a written application from the county auditor regarding 8013
an extension for the delivery of the duplicate, or from the county 8014
treasurer regarding an extension of the time for the billing and 8015
collection of taxes. The application shall contain a statement 8016
describing the emergency that will cause the unavoidable delay and 8017
must be received by the tax commissioner on or before the last day 8018
of the month preceding the day delivery of the duplicate is 8019
otherwise required. When an extension is granted for delivery of 8020
the duplicate, the time period for payment of taxes shall be 8021
extended for a like period of time. When a delay in the closing of 8022
a tax collection period becomes unavoidable, the tax commissioner, 8023
upon application by the county auditor and county treasurer, may 8024
order the time for payment of taxes to be extended if the tax 8025
commissioner determines that penalties have accrued or would 8026
otherwise accrue for reasons beyond the control of the taxpayers 8027
of the county. The order shall prescribe the final extended date 8028
for payment of taxes for that collection period. 8029

(4) After January 1, 1999, the owner of a manufactured or 8030
mobile home taxed pursuant to division (D)(1) of this section may 8031
elect to have the home taxed pursuant to division (D)(2) of this 8032
section by filing a written request with the county auditor of the 8033

taxing district in which the home is located on or before the 8034
first day of December of any year. Upon the filing of the request, 8035
the county auditor shall determine whether all taxes levied under 8036
division (D)(1) of this section have been paid, and if those taxes 8037
have been paid, the county auditor shall tax the manufactured or 8038
mobile home pursuant to division (D)(2) of this section commencing 8039
in the next tax year. 8040

(5) A manufactured or mobile home that acquired situs in this 8041
state prior to January 1, 2000, shall be taxed pursuant to 8042
division (D)(2) of this section if no manufactured home tax had 8043
been paid for the home and the home was not exempted from taxation 8044
pursuant to division (E) of this section for the year for which 8045
the taxes were not paid. 8046

(6)(a) Immediately upon receipt of any manufactured home tax 8047
duplicate from the county auditor, but not less than twenty days 8048
prior to the last date on which the first one-half taxes may be 8049
paid without penalty as prescribed in division (F) of this 8050
section, the county treasurer shall cause to be prepared and 8051
mailed or delivered to each person charged on that duplicate with 8052
taxes, or to an agent designated by such person, the tax bill 8053
prescribed by the tax commissioner under division (D)(7) of this 8054
section. When taxes are paid by installments, the county treasurer 8055
shall mail or deliver to each person charged on such duplicate or 8056
the agent designated by that person a second tax bill showing the 8057
amount due at the time of the second tax collection. The second 8058
half tax bill shall be mailed or delivered at least twenty days 8059
prior to the close of the second half tax collection period. A 8060
change in the mailing address of any tax bill shall be made in 8061
writing to the county treasurer. Failure to receive a bill 8062
required by this section does not excuse failure or delay to pay 8063
any taxes shown on the bill or, except as provided in division 8064
(B)(1) of section 5715.39 of the Revised Code, avoid any penalty, 8065

interest, or charge for such delay. 8066

(b) After delivery of the copy of the delinquent manufactured 8067
home tax list under division (H) of this section, the county 8068
treasurer may prepare and mail to each person in whose name a home 8069
is listed an additional tax bill showing the total amount of 8070
delinquent taxes charged against the home as shown on the list. 8071
The tax bill shall include a notice that the interest charge 8072
prescribed by division (G) of this section has begun to accrue. 8073

(7) Each tax bill prepared and mailed or delivered under 8074
division (D)(6) of this section shall be in the form and contain 8075
the information required by the tax commissioner. The commissioner 8076
may prescribe different forms for each county and may authorize 8077
the county auditor to make up tax bills and tax receipts to be 8078
used by the county treasurer. The tax bill shall not contain or be 8079
mailed or delivered with any information or material that is not 8080
required by this section or that is not authorized by section 8081
321.45 of the Revised Code or by the tax commissioner. In addition 8082
to the information required by the commissioner, each tax bill 8083
shall contain the following information: 8084

(a) The taxes levied and the taxes charged and payable 8085
against the manufactured or mobile home; 8086

(b) The following notice: "Notice: If the taxes are not paid 8087
within sixty days after the county auditor delivers the delinquent 8088
manufactured home tax list to the county treasurer, you and your 8089
home may be subject to collection proceedings for tax 8090
delinquency." Failure to provide such notice has no effect upon 8091
the validity of any tax judgment to which a home may be subjected. 8092

(c) In the case of manufactured or mobile homes taxed under 8093
division (D)(2) of this section, the following additional 8094
information: 8095

(i) The effective tax rate. The words "effective tax rate" 8096

shall appear in boldface type. 8097

(ii) The following notice: "Notice: If the taxes charged 8098
against this home have been reduced by the 2-1/2 per cent tax 8099
reduction for residences occupied by the owner but the home is not 8100
a residence occupied by the owner, the owner must notify the 8101
county auditor's office not later than March 31 of the year for 8102
which the taxes are due. Failure to do so may result in the owner 8103
being convicted of a fourth degree misdemeanor, which is 8104
punishable by imprisonment up to 30 days, a fine up to \$250, or 8105
both, and in the owner having to repay the amount by which the 8106
taxes were erroneously or illegally reduced, plus any interest 8107
that may apply. 8108

If the taxes charged against this home have not been reduced 8109
by the 2-1/2 per cent tax reduction and the home is a residence 8110
occupied by the owner, the home may qualify for the tax reduction. 8111
To obtain an application for the tax reduction or further 8112
information, the owner may contact the county auditor's office at 8113
..... (insert the address and telephone number of the county 8114
auditor's office)." 8115

(E)(1) A manufactured or mobile home is not subject to this 8116
section when any of the following applies: 8117

(a) It is taxable as personal property pursuant to section 8118
5709.01 of the Revised Code. Any manufactured or mobile home that 8119
is used as a residence shall be subject to this section and shall 8120
not be taxable as personal property pursuant to section 5709.01 of 8121
the Revised Code. 8122

(b) It bears a license plate issued by any state other than 8123
this state unless the home is in this state in excess of an 8124
accumulative period of thirty days in any calendar year. 8125

(c) The annual tax has been paid on the home in this state 8126
for the current year. 8127

(d) The tax commissioner has determined, pursuant to section 8128
5715.27 of the Revised Code, that the property is exempt from 8129
taxation, or would be exempt from taxation under Chapter 5709. of 8130
the Revised Code if it were classified as real property. 8131

(2) A travel trailer or park trailer, as these terms are 8132
defined in section 4501.01 of the Revised Code, is not subject to 8133
this section if it is unused or unoccupied and stored at the 8134
owner's normal place of residence or at a recognized storage 8135
facility. 8136

(3) A travel trailer or park trailer, as these terms are 8137
defined in section 4501.01 of the Revised Code, is subject to this 8138
section and shall be taxed as a manufactured or mobile home if it 8139
has a situs longer than thirty days in one location and is 8140
connected to existing utilities, unless either of the following 8141
applies: 8142

(a) The situs is in a state facility or a camping or park 8143
area as defined in division (C), (Q), (S), or (V) of section 8144
3729.01 of the Revised Code. 8145

(b) The situs is in a camping or park area that is a tract of 8146
land that has been limited to recreational use by deed or zoning 8147
restrictions and subdivided for sale of five or more individual 8148
lots for the express or implied purpose of occupancy by either 8149
self-contained recreational vehicles as defined in division (T) of 8150
section 3729.01 of the Revised Code or by dependent recreational 8151
vehicles as defined in division (D) of section 3729.01 of the 8152
Revised Code. 8153

(F) Except as provided in division (D)(3) of this section, 8154
the manufactured home tax is due and payable as follows: 8155

(1) When a manufactured or mobile home has a situs in this 8156
state, as provided in this section, on the first day of January, 8157
one-half of the amount of the tax is due and payable on or before 8158

the first day of March and the balance is due and payable on or 8159
before the thirty-first day of July. At the option of the owner of 8160
the home, the tax for the entire year may be paid in full on the 8161
first day of March. 8162

(2) When a manufactured or mobile home first acquires a situs 8163
in this state after the first day of January, no tax is due and 8164
payable for that year. 8165

(G)(1)(a) Except as otherwise provided in division (G)(1)(b) 8166
of this section, if one-half of the current taxes charged under 8167
this section against a manufactured or mobile home, together with 8168
the full amount of any delinquent taxes, are not paid on or before 8169
the first day of March in that year, or on or before the last day 8170
for such payment as extended pursuant to section 4503.063 of the 8171
Revised Code, a penalty of ten per cent shall be charged against 8172
the unpaid balance of such half of the current taxes. If the total 8173
amount of all such taxes is not paid on or before the thirty-first 8174
day of July, next thereafter, or on or before the last day for 8175
payment as extended pursuant to section 4503.063 of the Revised 8176
Code, a like penalty shall be charged on the balance of the total 8177
amount of the unpaid current taxes. 8178

(b) After a valid delinquent tax contract that includes 8179
unpaid current taxes from a first-half collection period described 8180
in division (F) of this section has been entered into under 8181
section 323.31 of the Revised Code, no ten per cent penalty shall 8182
be charged against such taxes after the second-half collection 8183
period while the delinquent tax contract remains in effect. On the 8184
day a delinquent tax contract becomes void, the ten per cent 8185
penalty shall be charged against such taxes and shall equal the 8186
amount of penalty that would have been charged against unpaid 8187
current taxes outstanding on the date on which the second-half 8188
penalty would have been charged thereon under division (G)(1)(a) 8189
of this section if the contract had not been in effect. 8190

(2)(a) On the first day of the month following the last day 8191
the second installment of taxes may be paid without penalty 8192
beginning in 2000, interest shall be charged against and computed 8193
on all delinquent taxes other than the current taxes that became 8194
delinquent taxes at the close of the last day such second 8195
installment could be paid without penalty. The charge shall be for 8196
interest that accrued during the period that began on the 8197
preceding first day of December and ended on the last day of the 8198
month that included the last date such second installment could be 8199
paid without penalty. The interest shall be computed at the rate 8200
per annum prescribed by section 5703.47 of the Revised Code and 8201
shall be entered as a separate item on the delinquent manufactured 8202
home tax list compiled under division (H) of this section. 8203

(b) On the first day of December beginning in 2000, the 8204
interest shall be charged against and computed on all delinquent 8205
taxes. The charge shall be for interest that accrued during the 8206
period that began on the first day of the month following the last 8207
date prescribed for the payment of the second installment of taxes 8208
in the current year and ended on the immediately preceding last 8209
day of November. The interest shall be computed at the rate per 8210
annum prescribed by section 5703.47 of the Revised Code and shall 8211
be entered as a separate item on the delinquent manufactured home 8212
tax list. 8213

(c) After a valid undertaking has been entered into for the 8214
payment of any delinquent taxes, no interest shall be charged 8215
against such delinquent taxes while the undertaking remains in 8216
effect in compliance with section 323.31 of the Revised Code. If a 8217
valid undertaking becomes void, interest shall be charged against 8218
the delinquent taxes for the periods that interest was not 8219
permitted to be charged while the undertaking was in effect. The 8220
interest shall be charged on the day the undertaking becomes void 8221
and shall equal the amount of interest that would have been 8222

charged against the unpaid delinquent taxes outstanding on the 8223
dates on which interest would have been charged thereon under 8224
divisions (G)(1) and (2) of this section had the undertaking not 8225
been in effect. 8226

(3) If the full amount of the taxes due at either of the 8227
times prescribed by division (F) of this section is paid within 8228
ten days after such time, the county treasurer shall waive the 8229
collection of and the county auditor shall remit one-half of the 8230
penalty provided for in this division for failure to make that 8231
payment by the prescribed time. 8232

(4) The treasurer shall compile and deliver to the county 8233
auditor a list of all tax payments the treasurer has received as 8234
provided in division (G)(3) of this section. The list shall 8235
include any information required by the auditor for the remission 8236
of the penalties waived by the treasurer. The taxes so collected 8237
shall be included in the settlement next succeeding the settlement 8238
then in process. 8239

(H)(1) ~~Beginning in 2000, the~~ The county auditor shall 8240
compile annually a "delinquent manufactured home tax list" 8241
consisting of homes the county treasurer's records indicate have 8242
taxes that were not paid within the time prescribed by divisions 8243
(D)(3) and (F) of this section, have taxes that remain unpaid from 8244
prior years, or have unpaid tax penalties or interest that have 8245
been assessed. 8246

(2) Within thirty days after the settlement under division 8247
(H)(2) of section 321.24 of the Revised Code ~~beginning in 2000,~~ 8248
the county auditor shall deliver a copy of the delinquent 8249
manufactured home tax list to the county treasurer. The auditor 8250
shall update and publish the delinquent manufactured home tax list 8251
annually in the same manner as delinquent real property tax lists 8252
are published. The county auditor ~~shall~~ may apportion the cost of 8253
publishing the list among taxing districts in proportion to the 8254

amount of delinquent manufactured home taxes so published that 8255
each taxing district is entitled to receive upon collection of 8256
those taxes, or may place such cost of publication upon the 8257
delinquent manufactured home tax list as a lien on each listed 8258
home, to be collected as other manufactured home taxes, in the 8259
amount of the actual costs of publication, apportioned equally 8260
among the owners of homes on the list. 8261

(3) When taxes, penalties, or interest are charged against a 8262
person on the delinquent manufactured home tax list and are not 8263
paid within sixty days after the list is delivered to the county 8264
treasurer, the county treasurer shall, in addition to any other 8265
remedy provided by law for the collection of taxes, penalties, and 8266
interest, enforce collection of such taxes, penalties, and 8267
interest by civil action in the name of the treasurer against the 8268
owner for the recovery of the unpaid taxes following the 8269
procedures for the recovery of delinquent real property taxes in 8270
sections 323.25 to 323.28 of the Revised Code. The action may be 8271
brought in municipal or county court, provided the amount charged 8272
does not exceed the monetary limitations for original jurisdiction 8273
for civil actions in those courts. 8274

It is sufficient, having made proper parties to the suit, for 8275
the county treasurer to allege in the treasurer's bill of 8276
particulars or petition that the taxes stand chargeable on the 8277
books of the county treasurer against such person, that they are 8278
due and unpaid, and that such person is indebted in the amount of 8279
taxes appearing to be due the county. The treasurer need not set 8280
forth any other matter relating thereto. If it is found on the 8281
trial of the action that the person is indebted to the state, 8282
judgment shall be rendered in favor of the county treasurer 8283
prosecuting the action. The judgment debtor is not entitled to the 8284
benefit of any law for stay of execution or exemption of property 8285
from levy or sale on execution in the enforcement of the judgment. 8286

Upon the filing of an entry of confirmation of sale or an 8287
order of forfeiture in a proceeding brought under this division, 8288
title to the manufactured or mobile home shall be in the 8289
purchaser. The clerk of courts shall issue a certificate of title 8290
to the purchaser upon presentation of proof of filing of the entry 8291
of confirmation or order and, in the case of a forfeiture, 8292
presentation of the county auditor's certificate of sale. 8293

(I) The total amount of taxes collected shall be distributed 8294
in the following manner: four per cent shall be allowed as 8295
compensation to the county auditor for the county auditor's 8296
service in assessing the taxes; two per cent shall be allowed as 8297
compensation to the county treasurer for the services the county 8298
treasurer renders as a result of the tax levied by this section. 8299
Such amounts shall be paid into the county treasury, to the credit 8300
of the county general revenue fund, on the warrant of the county 8301
auditor. Fees to be paid to the credit of the real estate 8302
assessment fund shall be collected pursuant to division (C) of 8303
section 319.54 of the Revised Code and paid into the county 8304
treasury, on the warrant of the county auditor. The balance of the 8305
taxes collected shall be distributed among the taxing subdivisions 8306
of the county in which the taxes are collected and paid in the 8307
same ratio as those taxes were collected for the benefit of the 8308
taxing subdivision. The taxes levied and revenues collected under 8309
this section shall be in lieu of any general property tax and any 8310
tax levied with respect to the privilege of using or occupying a 8311
manufactured or mobile home in this state except as provided in 8312
sections 4503.04 and 5741.02 of the Revised Code. 8313

(J) An agreement to purchase or a bill of sale for a 8314
manufactured home shall show whether or not the furnishings and 8315
equipment are included in the purchase price. 8316

(K) If the county treasurer and the county prosecuting 8317
attorney agree that an item charged on the delinquent manufactured 8318

home tax list is uncollectible, they shall certify that 8319
determination and the reasons to the county board of revision. If 8320
the board determines the amount is uncollectible, it shall certify 8321
its determination to the county auditor, who shall strike the item 8322
from the list. 8323

(L)(1) The county auditor shall appraise at its true value 8324
any manufactured or mobile home in which ownership is transferred 8325
or which first acquires situs in this state on or after January 1, 8326
2000, and any manufactured or mobile home the owner of which has 8327
elected, under division (D)(4) of this section, to have the home 8328
taxed under division (D)(2) of this section. The true value shall 8329
include the value of the home, any additions, and any fixtures, 8330
but not any furnishings in the home. In determining the true value 8331
of a manufactured or mobile home, the auditor shall consider all 8332
facts and circumstances relating to the value of the home, 8333
including its age, its capacity to function as a residence, any 8334
obsolete characteristics, and other factors that may tend to prove 8335
its true value. 8336

(2)(a) If a manufactured or mobile home has been the subject 8337
of an arm's length sale between a willing seller and a willing 8338
buyer within a reasonable length of time prior to the 8339
determination of true value, the county auditor shall consider the 8340
sale price of the home to be the true value for taxation purposes. 8341

(b) The sale price in an arm's length transaction between a 8342
willing seller and a willing buyer shall not be considered the 8343
true value of the home if either of the following occurred after 8344
the sale: 8345

(i) The home has lost value due to a casualty. 8346

(ii) An addition or fixture has been added to the home. 8347

(3) The county auditor shall have each home viewed and 8348
appraised at least once in each six-year period in the same year 8349

in which real property in the county is appraised pursuant to 8350
Chapter 5713. of the Revised Code, and shall update the appraised 8351
values in the third calendar year following the appraisal. The 8352
person viewing or appraising a home may enter the home to 8353
determine by actual view any additions or fixtures that have been 8354
added since the last appraisal. In conducting the appraisals and 8355
establishing the true value, the auditor shall follow the 8356
procedures set forth for appraising real property in sections 8357
5713.01 and 5713.03 of the Revised Code. 8358

(4) The county auditor shall place the true value of each 8359
home on the manufactured home tax list upon completion of an 8360
appraisal. 8361

(5)(a) If the county auditor changes the true value of a 8362
home, the auditor shall notify the owner of the home in writing, 8363
delivered by mail or in person. The notice shall be given at least 8364
thirty days prior to the issuance of any tax bill that reflects 8365
the change. Failure to receive the notice does not invalidate any 8366
proceeding under this section. 8367

(b) Any owner of a home or any other person or party listed 8368
in division (A)(1) of section 5715.19 of the Revised Code may file 8369
a complaint against the true value of the home as appraised under 8370
this section. The complaint shall be filed with the county auditor 8371
on or before the thirty-first day of March of the current tax year 8372
or the date of closing of the collection for the first half of 8373
manufactured home taxes for the current tax year, whichever is 8374
later. The auditor shall present to the county board of revision 8375
all complaints filed with the auditor under this section. The 8376
board shall hear and investigate the complaint and may take action 8377
on it as provided under sections 5715.11 to 5715.19 of the Revised 8378
Code. 8379

(c) If the county board of revision determines, pursuant to a 8380
complaint against the valuation of a manufactured or mobile home 8381

filed under this section, that the amount of taxes, assessments, 8382
or other charges paid was in excess of the amount due based on the 8383
valuation as finally determined, then the overpayment shall be 8384
refunded in the manner prescribed in section 5715.22 of the 8385
Revised Code. 8386

(d) Payment of all or part of a tax under this section for 8387
any year for which a complaint is pending before the county board 8388
of revision does not abate the complaint or in any way affect the 8389
hearing and determination thereof. 8390

(M) If the county auditor determines that any tax or other 8391
charge or any part thereof has been erroneously charged as a 8392
result of a clerical error as defined in section 319.35 of the 8393
Revised Code, the county auditor shall call the attention of the 8394
county board of revision to the erroneous charges. If the board 8395
finds that the taxes or other charges have been erroneously 8396
charged or collected, it shall certify the finding to the auditor. 8397
Upon receipt of the certification, the auditor shall remove the 8398
erroneous charges on the manufactured home tax list or delinquent 8399
manufactured home tax list in the same manner as is prescribed in 8400
section 319.35 of the Revised Code for erroneous charges against 8401
real property, and refund any erroneous charges that have been 8402
collected, with interest, in the same manner as is prescribed in 8403
section 319.36 of the Revised Code for erroneous charges against 8404
real property. 8405

(N) As used in this section and section 4503.061 of the 8406
Revised Code: 8407

(1) "Manufactured home taxes" includes taxes, penalties, and 8408
interest charged under division (C) or (G) of this section and any 8409
penalties charged under division (G) or (H)(5) of section 4503.061 8410
of the Revised Code. 8411

(2) "Current taxes" means all manufactured home taxes charged 8412

against a manufactured or mobile home that have not appeared on 8413
the manufactured home tax list for any prior year. Current taxes 8414
become delinquent taxes if they remain unpaid after the last day 8415
prescribed for payment of the second installment of current taxes 8416
without penalty, whether or not they have been certified 8417
delinquent. 8418

(3) "Delinquent taxes" means: 8419

(a) Any manufactured home taxes that were charged against a 8420
manufactured or mobile home for a prior year, including any 8421
penalties or interest charged for a prior year and the costs of 8422
publication under division (H)(2) of this section, and that remain 8423
unpaid; 8424

(b) Any current manufactured home taxes charged against a 8425
manufactured or mobile home that remain unpaid after the last day 8426
prescribed for payment of the second installment of current taxes 8427
without penalty, whether or not they have been certified 8428
delinquent, including any penalties or interest and the costs of 8429
publication under division (H)(2) of this section. 8430

Sec. 4504.02. For the purpose of paying the costs of 8431
enforcing and administering the tax provided for in this section; 8432
and for planning, constructing, improving, maintaining, and 8433
repairing public roads, highways, and streets; maintaining and 8434
repairing bridges and viaducts; paying the county's portion of the 8435
costs and expenses of cooperating with the department of 8436
transportation in the planning, improvement, and construction of 8437
state highways; paying the county's portion of the compensation, 8438
damages, cost, and expenses of planning, constructing, 8439
reconstructing, improving, maintaining, and repairing roads; 8440
paying any costs apportioned to the county under section 4907.47 8441
of the Revised Code; paying debt service charges on notes or bonds 8442
of the county issued for such purposes; paying all or part of the 8443

costs and expenses of municipal corporations in planning, 8444
constructing, reconstructing, improving, maintaining, and 8445
repairing highways, roads, and streets designated as necessary or 8446
conducive to the orderly and efficient flow of traffic within and 8447
through the county pursuant to section 4504.03 of the Revised 8448
Code; purchasing, erecting, and maintaining street and traffic 8449
signs and markers; purchasing, erecting, and maintaining traffic 8450
lights and signals; and to supplement revenue already available 8451
for such purposes, any county by resolution adopted by its board 8452
of county commissioners may levy an annual license tax, in 8453
addition to the tax levied by sections 4503.02, 4503.07, and 8454
4503.18 of the Revised Code, upon the operation of motor vehicles 8455
on the public roads or highways. Such tax shall be at the rate of 8456
five dollars per motor vehicle on all motor vehicles the district 8457
of registration of which, as defined in section 4503.10 of the 8458
Revised Code, is located in the county levying the tax and shall 8459
be in addition to the taxes at the rates specified in sections 8460
4503.04 and 4503.16 of the Revised Code, subject to reductions in 8461
the manner provided in section 4503.11 of the Revised Code and the 8462
exemptions provided in sections 4503.16, 4503.17, 4503.171, 8463
4503.173, 4503.41, 4503.43, and 4503.46 of the Revised Code. 8464

Prior to the adoption of any resolution under this section, 8465
the board of county commissioners shall conduct two public 8466
hearings thereon, the second hearing to be not less than three nor 8467
more than ten days after the first. Notice of the date, time, and 8468
place of such hearings shall be given by publication in a 8469
newspaper of general circulation in the county or as provided in 8470
section 7.16 of the Revised Code, once a week on the same day of 8471
the week for two consecutive weeks, the second publication being 8472
not less than ten nor more than thirty days prior to the first 8473
hearing. 8474

No resolution under this section shall become effective 8475

sooner than thirty days following its adoption, and such 8476
resolution is subject to a referendum as provided in sections 8477
305.31 to 305.41 of the Revised Code, unless such resolution is 8478
adopted as an emergency measure necessary for the immediate 8479
preservation of the public peace, health, or safety, in which case 8480
it shall go into immediate effect. Such emergency measure must 8481
receive an affirmative vote of all of the members of the board of 8482
county commissioners, and shall state the reasons for such 8483
necessity. A resolution may direct the board of elections to 8484
submit the question of levying the tax to the electors of the 8485
county at the next primary or general election in the county 8486
occurring not less than seventy-five days after such resolution is 8487
certified to the board; no such resolution shall go into effect 8488
unless approved by a majority of those voting upon it. 8489

Sec. 4504.021. The question of repeal of a county permissive 8490
tax adopted as an emergency measure pursuant to section 4504.02, 8491
4504.15, or 4504.16 of the Revised Code may be initiated by filing 8492
with the board of elections of the county not less than 8493
seventy-five days before the general election in any year a 8494
petition requesting that an election be held on such question. 8495
Such petition shall be signed by qualified electors residing in 8496
the county equal in number to ten per cent of those voting for 8497
governor at the most recent gubernatorial election. 8498

After determination by it that such petition is valid, the 8499
board of elections shall submit the question to the electors of 8500
the county at the next general election. The election shall be 8501
conducted, canvassed, and certified in the same manner as regular 8502
elections for county offices in the county. Notice of the election 8503
shall be published in a newspaper of general circulation in the 8504
district or as provided in section 7.16 of the Revised Code, once 8505
a week for two consecutive weeks prior to the election ~~and, if~~. If 8506
the board of elections operates and maintains a web site, notice 8507

of the election also shall be posted on that web site for thirty 8508
days prior to the election. The notice shall state the purpose, 8509
time, and place of the election. The form of the ballot cast at 8510
such election shall be prescribed by the secretary of state. The 8511
question covered by such petition shall be submitted as a separate 8512
proposition, but it may be printed on the same ballot with any 8513
other proposition submitted at the same election other than the 8514
election of officers. If a majority of the qualified electors 8515
voting on the question of repeal approve the repeal, the result of 8516
the election shall be certified immediately after the canvass by 8517
the board of elections to the county commissioners, who shall 8518
thereupon, after the current year, cease to levy the tax. 8519

Sec. 4504.15. For the purpose of paying the costs of 8520
enforcing and administering the tax provided for in this section; 8521
for the various purposes stated in section 4504.02 of the Revised 8522
Code; and to supplement revenue already available for those 8523
purposes, any county may, by resolution adopted by its board of 8524
county commissioners, levy an annual license tax, that shall be in 8525
addition to the tax levied by sections 4503.02, 4503.07, and 8526
4503.18 of the Revised Code, upon the operation of motor vehicles 8527
upon the public roads and highways. The tax shall be at the rate 8528
of five dollars per motor vehicle on all motor vehicles the 8529
district of registration of which, as defined in section 4503.10 8530
of the Revised Code, is located in the county levying the tax but 8531
is not located within any municipal corporation levying the tax 8532
authorized by section 4504.17 of the Revised Code, and shall be in 8533
addition to the taxes at the rates specified in sections 4503.04 8534
and 4503.16 of the Revised Code, subject to reductions in the 8535
manner provided in section 4503.11 of the Revised Code and the 8536
exemptions provided in sections 4503.16, 4503.17, 4503.171, 8537
4503.41, and 4503.43 of the Revised Code. 8538

Prior to the adoption of any resolution under this section, 8539

the board of county commissioners shall conduct two public 8540
hearings thereon, the second hearing to be not less than three nor 8541
more than ten days after the first. Notice of the date, time, and 8542
place of such hearings shall be given by publication in a 8543
newspaper of general circulation in the county or as provided in 8544
section 7.16 of the Revised Code, once a week for two consecutive 8545
weeks, the second publication being not less than ten nor more 8546
than thirty days prior to the first hearing. 8547

No resolution under this section shall become effective 8548
sooner than thirty days following its adoption, and such 8549
resolution is subject to a referendum as provided in sections 8550
305.31 to 305.41 of the Revised Code, unless the resolution is 8551
adopted as an emergency measure necessary for the immediate 8552
preservation of the public peace, health, or safety, in which case 8553
it shall go into immediate effect. The emergency measure must 8554
receive an affirmative vote of all of the members of the board of 8555
county commissioners, and shall state the reasons for the 8556
necessity. A resolution may direct the board of elections to 8557
submit the question of levying the tax to the electors of the 8558
county at the next primary or general election occurring not less 8559
than seventy-five days after the resolution is certified to the 8560
board; no such resolution shall go into effect unless approved by 8561
a majority of those voting upon it. A county is not required to 8562
enact the tax authorized by section 4504.02 of the Revised Code in 8563
order to levy the tax authorized by this section, but no county 8564
may have in effect the tax authorized by this section if it 8565
repeals the tax authorized by section 4504.02 of the Revised Code 8566
after April 1, 1987. 8567

Sec. 4504.16. For the purpose of paying the costs of 8568
enforcing and administering the tax provided for in this section; 8569
for the various purposes stated in section 4504.02 of the Revised 8570
Code; and to supplement revenue already available for those 8571

purposes, any county that currently levies the tax authorized by 8572
section 4504.15 of the Revised Code may, by resolution adopted by 8573
its board of county commissioners, levy an annual license tax, 8574
that shall be in addition to the tax levied by that section and by 8575
sections 4503.02, 4503.07, and 4503.18 of the Revised Code, upon 8576
the operation of motor vehicles upon the public roads and 8577
highways. The tax shall be at the rate of five dollars per motor 8578
vehicle on all motor vehicles the district of registration of 8579
which, as defined in section 4503.10 of the Revised Code, is 8580
located in the county levying the tax but is not located within 8581
any municipal corporation levying the tax authorized by section 8582
4504.171 of the Revised Code, and shall be in addition to the 8583
taxes at the rates specified in sections 4503.04 and 4503.16 of 8584
the Revised Code, subject to reductions in the manner provided in 8585
section 4503.11 of the Revised Code and the exemptions provided in 8586
sections 4503.16, 4503.17, 4503.171, 4503.41, and 4503.43 of the 8587
Revised Code. 8588

Prior to the adoption of any resolution under this section, 8589
the board of county commissioners shall conduct two public 8590
hearings thereon, the second hearing to be not less than three nor 8591
more than ten days after the first. Notice of the date, time, and 8592
place of such hearings shall be given by publication in a 8593
newspaper of general circulation in the county or as provided in 8594
section 7.16 of the Revised Code, once a week for two consecutive 8595
weeks, the second publication being not less than ten nor more 8596
than thirty days prior to the first hearing. 8597

No resolution under this section shall become effective 8598
sooner than thirty days following its adoption, and such 8599
resolution is subject to a referendum as provided in sections 8600
305.31 to 305.41 of the Revised Code, unless the resolution is 8601
adopted as an emergency measure necessary for the immediate 8602
preservation of the public peace, health, or safety, in which case 8603

it shall go into immediate effect. The emergency measure must 8604
receive an affirmative vote of all of the members of the board of 8605
county commissioners, and shall state the reasons for the 8606
necessity. A resolution may direct the board of elections to 8607
submit the question of levying the tax to the electors of the 8608
county at the next primary or general election occurring not less 8609
than seventy-five days after the resolution is certified to the 8610
board; no such resolution shall go into effect unless approved by 8611
a majority of those voting upon it. 8612

Nothing in this section or in section 4504.15 of the Revised 8613
Code shall be interpreted as preventing a county from levying the 8614
county motor vehicle license taxes authorized by such sections in 8615
a single resolution. 8616

Sec. 4504.18. For the purpose of paying the costs and 8617
expenses of enforcing and administering the tax provided for in 8618
this section; for the construction, reconstruction, improvement, 8619
maintenance, and repair of township roads, bridges, and culverts; 8620
for purchasing, erecting, and maintaining traffic signs, markers, 8621
lights, and signals; for purchasing road machinery and equipment, 8622
and planning, constructing, and maintaining suitable buildings to 8623
house such equipment; for paying any costs apportioned to the 8624
township under section 4907.47 of the Revised Code; and to 8625
supplement revenue already available for such purposes, the board 8626
of township trustees may levy an annual license tax, in addition 8627
to the tax levied by sections 4503.02, 4503.07, and 4503.18 of the 8628
Revised Code, upon the operation of motor vehicles on the public 8629
roads and highways in the unincorporated territory of the 8630
township. The tax shall be at the rate of five dollars per motor 8631
vehicle on all motor vehicles the owners of which reside in the 8632
unincorporated area of the township and shall be in addition to 8633
the taxes at the rates specified in sections 4503.04 and 4503.16 8634
of the Revised Code, subject to reductions in the manner provided 8635

in section 4503.11 of the Revised Code and the exemptions provided 8636
in sections 4503.16, 4503.17, 4503.171, 4503.41, and 4503.43 of 8637
the Revised Code. 8638

Prior to the adoption of any resolution under this section, 8639
the board of township trustees shall conduct two public hearings 8640
thereon, the second hearing to be not less than three nor more 8641
than ten days after the first. Notice of the date, time, and place 8642
of such hearings shall be given by publication in a newspaper of 8643
general circulation in the township or as provided in section 7.16 8644
of the Revised Code, once a week on the same day of the week for 8645
two consecutive weeks, the second publication being not less than 8646
ten nor more than thirty days prior to the first hearing. 8647

No resolution under this section shall become effective 8648
sooner than thirty days following its adoption, and such 8649
resolution is subject to a referendum in the same manner, except 8650
as to the form of the petition, as provided in division (H) of 8651
section 519.12 of the Revised Code for a proposed amendment to a 8652
township zoning resolution. In addition, a petition under this 8653
section shall be governed by the rules specified in section 8654
3501.38 of the Revised Code. No resolution levying a tax under 8655
this section for which a referendum vote has been requested shall 8656
go into effect unless approved by a majority of those voting upon 8657
it. 8658

A township license tax levied under this section shall 8659
continue in effect until repealed. 8660

Sec. 4513.62. Unclaimed motor vehicles ordered into storage 8661
pursuant to division (A)(1) of section 4513.60 or section 4513.61 8662
of the Revised Code shall be disposed of at the order of the 8663
sheriff of the county or the chief of police of the municipal 8664
corporation, township, or township police district to a motor 8665
vehicle salvage dealer or scrap metal processing facility as 8666

defined in section 4737.05 of the Revised Code, or to any other 8667
facility owned by or under contract with the county, municipal 8668
corporation, or township, for the disposal of such motor vehicles, 8669
or shall be sold by the sheriff, chief of police, or licensed 8670
auctioneer at public auction, after giving notice thereof by 8671
advertisement, published once a week for two successive weeks in a 8672
newspaper of general circulation in the county or as provided in 8673
section 7.16 of the Revised Code. Any moneys accruing from the 8674
disposition of an unclaimed motor vehicle that are in excess of 8675
the expenses resulting from the removal and storage of the vehicle 8676
shall be credited to the general fund of the county, the municipal 8677
corporation, or the township, as the case may be. 8678

Sec. 4582.31. (A) A port authority created in accordance with 8679
section 4582.22 of the Revised Code may: 8680

(1) Adopt bylaws for the regulation of its affairs and the 8681
conduct of its business; 8682

(2) Adopt an official seal; 8683

(3) Maintain a principal office within its jurisdiction, and 8684
maintain such branch offices as it may require; 8685

(4) Acquire, construct, furnish, equip, maintain, repair, 8686
sell, exchange, lease to or from, or lease with an option to 8687
purchase, convey other interests in real or personal property, or 8688
any combination thereof, related to, useful for, or in furtherance 8689
of any authorized purpose and operate any property in connection 8690
with transportation, recreational, governmental operations, or 8691
cultural activities; 8692

(5) Straighten, deepen, and improve any channel, river, 8693
stream, or other water course or way which may be necessary or 8694
proper in the development of the facilities of a port authority; 8695

(6) Make available the use or services of any port authority 8696

facility to one or more persons, one or more governmental 8697
agencies, or any combination thereof; 8698

(7) Issue bonds or notes for the acquisition, construction, 8699
furnishing, or equipping of any port authority facility or other 8700
permanent improvement that a port authority is authorized to 8701
acquire, construct, furnish, or equip, in compliance with Chapter 8702
133. of the Revised Code, except that such bonds or notes may only 8703
be issued pursuant to a vote of the electors residing within the 8704
area of jurisdiction of the port authority. The net indebtedness 8705
incurred by a port authority shall never exceed two per cent of 8706
the total value of all property within the territory comprising 8707
the port authority as listed and assessed for taxation. 8708

(8) Issue port authority revenue bonds beyond the limit of 8709
bonded indebtedness provided by law, payable solely from revenues 8710
as provided in section 4582.48 of the Revised Code, for the 8711
purpose of providing funds to pay the costs of any port authority 8712
facility or facilities or parts thereof; 8713

(9) Apply to the proper authorities of the United States 8714
pursuant to appropriate law for the right to establish, operate, 8715
and maintain foreign trade zones and establish, operate, and 8716
maintain foreign trade zones and to acquire, exchange, sell, lease 8717
to or from, lease with an option to purchase, or operate 8718
facilities, land, or property therefor in accordance with the 8719
"Foreign Trade Zones Act," 48 Stat. 998 (1934), 19 U.S.C. 81a to 8720
81u; 8721

(10) Enjoy and possess the same rights, privileges, and 8722
powers granted municipal corporations under sections 721.04 to 8723
721.11 of the Revised Code; 8724

(11) Maintain such funds as it considers necessary; 8725

(12) Direct its agents or employees, when properly identified 8726
in writing, and after at least five days' written notice, to enter 8727

upon lands within the confines of its jurisdiction in order to 8728
make surveys and examinations preliminary to location and 8729
construction of works for the purposes of the port authority, 8730
without liability of the port authority or its agents or employees 8731
except for actual damage done; 8732

(13) Promote, advertise, and publicize the port authority and 8733
its facilities; provide information to shippers and other 8734
commercial interests; and appear before rate-making authorities to 8735
represent and promote the interests of the port authority; 8736

(14) Adopt rules, not in conflict with general law, it finds 8737
necessary or incidental to the performance of its duties and the 8738
execution of its powers under sections 4582.21 to 4582.54 of the 8739
Revised Code. Any such rule shall be posted at no less than five 8740
public places in the port authority, as determined by the board of 8741
directors, for a period of not fewer than fifteen days, and shall 8742
be available for public inspection at the principal office of the 8743
port authority during regular business hours. No person shall 8744
violate any lawful rule adopted and posted as provided in this 8745
division. 8746

(15) Do any of the following, in regard to any interests in 8747
any real or personal property, or any combination thereof, 8748
including, without limitation, machinery, equipment, plants, 8749
factories, offices, and other structures and facilities related 8750
to, useful for, or in furtherance of any authorized purpose, for 8751
such consideration and in such manner, consistent with Article 8752
VIII of the Ohio Constitution, as the board in its sole discretion 8753
may determine: 8754

(a) Loan moneys to any person or governmental entity for the 8755
acquisition, construction, furnishing, and equipping of the 8756
property; 8757

(b) Acquire, construct, maintain, repair, furnish, and equip 8758

the property; 8759

(c) Sell to, exchange with, lease, convey other interests in, 8760
or lease with an option to purchase the same or any lesser 8761
interest in the property to the same or any other person or 8762
governmental entity; 8763

(d) Guarantee the obligations of any person or governmental 8764
entity. 8765

A port authority may accept and hold as consideration for the 8766
conveyance of property or any interest therein such property or 8767
interests therein as the board in its discretion may determine, 8768
notwithstanding any restrictions that apply to the investment of 8769
funds by a port authority. 8770

(16) Sell, lease, or convey other interests in real and 8771
personal property, and grant easements or rights-of-way over 8772
property of the port authority. The board of directors shall 8773
specify the consideration and any terms for the sale, lease, or 8774
conveyance of other interests in real and personal property. Any 8775
determination made by the board under this division shall be 8776
conclusive. The sale, lease, or conveyance may be made without 8777
advertising and the receipt of bids. 8778

(17) Exercise the right of eminent domain to appropriate any 8779
land, rights, rights-of-way, franchises, easements, or other 8780
property, necessary or proper for any authorized purpose, pursuant 8781
to the procedure provided in sections 163.01 to 163.22 of the 8782
Revised Code, if funds equal to the appraised value of the 8783
property to be acquired as a result of such proceedings are 8784
available for that purpose. However, nothing contained in sections 8785
4582.201 to 4582.59 of the Revised Code shall authorize a port 8786
authority to take or disturb property or facilities belonging to 8787
any agency or political subdivision of this state, public utility, 8788
or common carrier, which property or facilities are necessary and 8789

convenient in the operation of the agency or political 8790
subdivision, public utility, or common carrier, unless provision 8791
is made for the restoration, relocation, or duplication of such 8792
property or facilities, or upon the election of the agency or 8793
political subdivision, public utility, or common carrier, for the 8794
payment of compensation, if any, at the sole cost of the port 8795
authority, provided that: 8796

(a) If any restoration or duplication proposed to be made 8797
under this section involves a relocation of the property or 8798
facilities, the new facilities and location shall be of at least 8799
comparable utilitarian value and effectiveness and shall not 8800
impair the ability of the public utility or common carrier to 8801
compete in its original area of operation; 8802

(b) If any restoration or duplication made under this section 8803
involves a relocation of the property or facilities, the port 8804
authority shall acquire no interest or right in or to the 8805
appropriated property or facilities, except as provided in 8806
division (O) of this section, until the relocated property or 8807
facilities are available for use and until marketable title 8808
thereto has been transferred to the public utility or common 8809
carrier. 8810

(18)(a) Make and enter into all contracts and agreements and 8811
execute all instruments necessary or incidental to the performance 8812
of its duties and the execution of its powers under sections 8813
4582.21 to 4582.59 of the Revised Code. 8814

(b) Except as provided in division (A)(18)(c) of this 8815
section, when the cost of a contract for the construction of any 8816
building, structure, or other improvement undertaken by a port 8817
authority involves an expenditure exceeding twenty-five thousand 8818
dollars, and the port authority is the contracting entity, the 8819
port authority shall make a written contract after notice calling 8820
for bids for the award of the contract has been given by 8821

publication twice, with at least seven days between publications, 8822
in a newspaper of general circulation in the area of the port 8823
authority or as provided in section 7.16 of the Revised Code. Each 8824
such contract shall be let to the lowest responsive and 8825
responsible bidder in accordance with section 9.312 of the Revised 8826
Code. Every contract shall be accompanied by or shall refer to 8827
plans and specifications for the work to be done, prepared for and 8828
approved by the port authority, signed by an authorized officer of 8829
the port authority and by the contractor, and shall be executed in 8830
triplicate. 8831

Each bid shall be awarded in accordance with sections 153.54, 8832
153.57, and 153.571 of the Revised Code. The port authority may 8833
reject any and all bids. 8834

(c) The board of directors by rule may provide criteria for 8835
the negotiation and award without competitive bidding of any 8836
contract as to which the port authority is the contracting entity 8837
for the construction of any building or structure or other 8838
improvement under any of the following circumstances: 8839

(i) There exists a real and present emergency that threatens 8840
damage or injury to persons or property of the port authority or 8841
other persons, provided that a statement specifying the nature of 8842
the emergency that is the basis for the negotiation and award of a 8843
contract without competitive bidding shall be signed by the 8844
officer of the port authority that executes that contract at the 8845
time of the contract's execution and shall be attached to the 8846
contract. 8847

(ii) A commonly recognized industry or other standard or 8848
specification does not exist and cannot objectively be articulated 8849
for the improvement. 8850

(iii) The contract is for any energy conservation measure as 8851
defined in section 307.041 of the Revised Code. 8852

(iv) With respect to material to be incorporated into the 8853
improvement, only a single source or supplier exists for the 8854
material. 8855

(v) A single bid is received by the port authority after 8856
complying with the provisions of division (A)(18)(b) of this 8857
section. 8858

(d)(i) If a contract is to be negotiated and awarded without 8859
competitive bidding for the reason set forth in division 8860
(A)(18)(c)(ii) of this section, the port authority shall publish a 8861
notice calling for technical proposals ~~at least~~ twice, with at 8862
least seven days between publications, in a newspaper of general 8863
circulation in the area of the port authority or as provided in 8864
section 7.16 of the Revised Code. After receipt of the technical 8865
proposals, the port authority may negotiate with and award a 8866
contract for the improvement to the proposer making the proposal 8867
considered to be the most advantageous to the port authority. 8868

(ii) If a contract is to be negotiated and awarded without 8869
competitive bidding for the reason set forth in division 8870
(A)(18)(c)(iv) of this section, any construction activities 8871
related to the incorporation of the material into the improvement 8872
also may be provided without competitive bidding by the source or 8873
supplier of that material. 8874

(e)(i) Any purchase, exchange, sale, lease, lease with an 8875
option to purchase, conveyance of other interests in, or other 8876
contract with a person or governmental entity that pertains to the 8877
acquisition, construction, maintenance, repair, furnishing, 8878
equipping, or operation of any real or personal property, or any 8879
combination thereof, related to, useful for, or in furtherance of 8880
an activity contemplated by Section 13 or 16 of Article VIII, Ohio 8881
Constitution, shall be made in such manner and subject to such 8882
terms and conditions as may be determined by the board of 8883
directors in its discretion. 8884

(ii) Division (A)(18)(e)(i) of this section applies to all 8885
contracts that are subject to the division, notwithstanding any 8886
other provision of law that might otherwise apply, including, 8887
without limitation, any requirement of notice, any requirement of 8888
competitive bidding or selection, or any requirement for the 8889
provision of security. 8890

(iii) Divisions (A)(18)(e)(i) and (ii) of this section do not 8891
apply to either of the following: any contract secured by or to be 8892
paid from moneys raised by taxation or the proceeds of obligations 8893
secured by a pledge of moneys raised by taxation; or any contract 8894
secured exclusively by or to be paid exclusively from the general 8895
revenues of the port authority. For the purposes of this section, 8896
any revenues derived by the port authority under a lease or other 8897
agreement that, by its terms, contemplates the use of amounts 8898
payable under the agreement either to pay the costs of the 8899
improvement that is the subject of the contract or to secure 8900
obligations of the port authority issued to finance costs of such 8901
improvement, are excluded from general revenues. 8902

(19) Employ managers, superintendents, and other employees 8903
and retain or contract with consulting engineers, financial 8904
consultants, accounting experts, architects, attorneys, and any 8905
other consultants and independent contractors as are necessary in 8906
its judgment to carry out this chapter, and fix the compensation 8907
thereof. All expenses thereof shall be payable from any available 8908
funds of the port authority or from funds appropriated for that 8909
purpose by a political subdivision creating or participating in 8910
the creation of the port authority. 8911

(20) Receive and accept from any state or federal agency 8912
grants and loans for or in aid of the construction of any port 8913
authority facility or for research and development with respect to 8914
port authority facilities, and receive and accept aid or 8915
contributions from any source of money, property, labor, or other 8916

things of value, to be held, used, and applied only for the 8917
purposes for which the grants and contributions are made; 8918

(21) Engage in research and development with respect to port 8919
authority facilities; 8920

(22) Purchase fire and extended coverage and liability 8921
insurance for any port authority facility and for the principal 8922
office and branch offices of the port authority, insurance 8923
protecting the port authority and its officers and employees 8924
against liability for damage to property or injury to or death of 8925
persons arising from its operations, and any other insurance the 8926
port authority may agree to provide under any resolution 8927
authorizing its port authority revenue bonds or in any trust 8928
agreement securing the same; 8929

(23) Charge, alter, and collect rentals and other charges for 8930
the use or services of any port authority facility as provided in 8931
section 4582.43 of the Revised Code; 8932

(24) Provide coverage for its employees under Chapters 145., 8933
4123., and 4141. of the Revised Code; 8934

(25) Do all acts necessary or proper to carry out the powers 8935
expressly granted in sections 4582.21 to 4582.59 of the Revised 8936
Code. 8937

(B) Any instrument by which real property is acquired 8938
pursuant to this section shall identify the agency of the state 8939
that has the use and benefit of the real property as specified in 8940
section 5301.012 of the Revised Code. 8941

(C) Whoever violates division (A)(14) of this section is 8942
guilty of a minor misdemeanor. 8943

Sec. 4585.10. The officer holding a writ for the sale of a 8944
watercraft, its apparel, or furniture, before ~~he proceeds~~ 8945
proceeding to sell it, shall give public notice of the time and 8946

place of sale for at least ten days previous thereto or as 8947
provided in section 7.16 of the Revised Code, by advertisement in 8948
a newspaper ~~published~~ of general circulation in the county, and by 8949
advertisement posted in at least five public places in the county. 8950
Such sales shall be conducted, and the court shall have the same 8951
power over them as sales upon execution. 8952

Sec. 4928.20. (A) The legislative authority of a municipal 8953
corporation may adopt an ordinance, or the board of township 8954
trustees of a township or the board of county commissioners of a 8955
county may adopt a resolution, under which, on or after the 8956
starting date of competitive retail electric service, it may 8957
aggregate in accordance with this section the retail electrical 8958
loads located, respectively, within the municipal corporation, 8959
township, or unincorporated area of the county and, for that 8960
purpose, may enter into service agreements to facilitate for those 8961
loads the sale and purchase of electricity. The legislative 8962
authority or board also may exercise such authority jointly with 8963
any other such legislative authority or board. For customers that 8964
are not mercantile customers, an ordinance or resolution under 8965
this division shall specify whether the aggregation will occur 8966
only with the prior, affirmative consent of each person owning, 8967
occupying, controlling, or using an electric load center proposed 8968
to be aggregated or will occur automatically for all such persons 8969
pursuant to the opt-out requirements of division (D) of this 8970
section. The aggregation of mercantile customers shall occur only 8971
with the prior, affirmative consent of each such person owning, 8972
occupying, controlling, or using an electric load center proposed 8973
to be aggregated. Nothing in this division, however, authorizes 8974
the aggregation of the retail electric loads of an electric load 8975
center, as defined in section 4933.81 of the Revised Code, that is 8976
located in the certified territory of a nonprofit electric 8977
supplier under sections 4933.81 to 4933.90 of the Revised Code or 8978

an electric load center served by transmission or distribution facilities of a municipal electric utility. 8979
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(B) If an ordinance or resolution adopted under division (A) of this section specifies that aggregation of customers that are not mercantile customers will occur automatically as described in that division, the ordinance or resolution shall direct the board of elections to submit the question of the authority to aggregate to the electors of the respective municipal corporation, township, or unincorporated area of a county at a special election on the day of the next primary or general election in the municipal corporation, township, or county. The legislative authority or board shall certify a copy of the ordinance or resolution to the board of elections not less than seventy-five days before the day of the special election. No ordinance or resolution adopted under division (A) of this section that provides for an election under this division shall take effect unless approved by a majority of the electors voting upon the ordinance or resolution at the election held pursuant to this division. 8981
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(C) Upon the applicable requisite authority under divisions (A) and (B) of this section, the legislative authority or board shall develop a plan of operation and governance for the aggregation program so authorized. Before adopting a plan under this division, the legislative authority or board shall hold at least two public hearings on the plan. Before the first hearing, the legislative authority or board shall publish notice of the hearings once a week for two consecutive weeks in a newspaper of general circulation in the jurisdiction or as provided in section 7.16 of the Revised Code. The notice shall summarize the plan and state the date, time, and location of each hearing. 8997
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(D) No legislative authority or board, pursuant to an ordinance or resolution under divisions (A) and (B) of this section that provides for automatic aggregation of customers that 9008
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are not mercantile customers as described in division (A) of this section, shall aggregate the electrical load of any electric load center located within its jurisdiction unless it in advance clearly discloses to the person owning, occupying, controlling, or using the load center that the person will be enrolled automatically in the aggregation program and will remain so enrolled unless the person affirmatively elects by a stated procedure not to be so enrolled. The disclosure shall state prominently the rates, charges, and other terms and conditions of enrollment. The stated procedure shall allow any person enrolled in the aggregation program the opportunity to opt out of the program every three years, without paying a switching fee. Any such person that opts out before the commencement of the aggregation program pursuant to the stated procedure shall default to the standard service offer provided under section 4928.14 or division (D) of section 4928.35 of the Revised Code until the person chooses an alternative supplier.

(E)(1) With respect to a governmental aggregation for a municipal corporation that is authorized pursuant to divisions (A) to (D) of this section, resolutions may be proposed by initiative or referendum petitions in accordance with sections 731.28 to 731.41 of the Revised Code.

(2) With respect to a governmental aggregation for a township or the unincorporated area of a county, which aggregation is authorized pursuant to divisions (A) to (D) of this section, resolutions may be proposed by initiative or referendum petitions in accordance with sections 731.28 to 731.40 of the Revised Code, except that:

(a) The petitions shall be filed, respectively, with the township fiscal officer or the board of county commissioners, who shall perform those duties imposed under those sections upon the city auditor or village clerk.

(b) The petitions shall contain the signatures of not less than ten per cent of the total number of electors in, respectively, the township or the unincorporated area of the county who voted for the office of governor at the preceding general election for that office in that area.

(F) A governmental aggregator under division (A) of this section is not a public utility engaging in the wholesale purchase and resale of electricity, and provision of the aggregated service is not a wholesale utility transaction. A governmental aggregator shall be subject to supervision and regulation by the public utilities commission only to the extent of any competitive retail electric service it provides and commission authority under this chapter.

(G) This section does not apply in the case of a municipal corporation that supplies such aggregated service to electric load centers to which its municipal electric utility also supplies a noncompetitive retail electric service through transmission or distribution facilities the utility singly or jointly owns or operates.

(H) A governmental aggregator shall not include in its aggregation the accounts of any of the following:

(1) A customer that has opted out of the aggregation;

(2) A customer in contract with a certified electric services company;

(3) A customer that has a special contract with an electric distribution utility;

(4) A customer that is not located within the governmental aggregator's governmental boundaries;

(5) Subject to division (C) of section 4928.21 of the Revised Code, a customer who appears on the "do not aggregate" list

maintained under that section. 9073

(I) Customers that are part of a governmental aggregation 9074
under this section shall be responsible only for such portion of a 9075
surcharge under section 4928.144 of the Revised Code that is 9076
proportionate to the benefits, as determined by the commission, 9077
that electric load centers within the jurisdiction of the 9078
governmental aggregation as a group receive. The proportionate 9079
surcharge so established shall apply to each customer of the 9080
governmental aggregation while the customer is part of that 9081
aggregation. If a customer ceases being such a customer, the 9082
otherwise applicable surcharge shall apply. Nothing in this 9083
section shall result in less than full recovery by an electric 9084
distribution utility of any surcharge authorized under section 9085
4928.144 of the Revised Code. 9086

(J) On behalf of the customers that are part of a 9087
governmental aggregation under this section and by filing written 9088
notice with the public utilities commission, the legislative 9089
authority that formed or is forming that governmental aggregation 9090
may elect not to receive standby service within the meaning of 9091
division (B)(2)(d) of section 4928.143 of the Revised Code from an 9092
electric distribution utility in whose certified territory the 9093
governmental aggregation is located and that operates under an 9094
approved electric security plan under that section. Upon the 9095
filing of that notice, the electric distribution utility shall not 9096
charge any such customer to whom competitive retail electric 9097
generation service is provided by another supplier under the 9098
governmental aggregation for the standby service. Any such 9099
consumer that returns to the utility for competitive retail 9100
electric service shall pay the market price of power incurred by 9101
the utility to serve that consumer plus any amount attributable to 9102
the utility's cost of compliance with the alternative energy 9103
resource provisions of section 4928.64 of the Revised Code to 9104

serve the consumer. Such market price shall include, but not be 9105
limited to, capacity and energy charges; all charges associated 9106
with the provision of that power supply through the regional 9107
transmission organization, including, but not limited to, 9108
transmission, ancillary services, congestion, and settlement and 9109
administrative charges; and all other costs incurred by the 9110
utility that are associated with the procurement, provision, and 9111
administration of that power supply, as such costs may be approved 9112
by the commission. The period of time during which the market 9113
price and alternative energy resource amount shall be so assessed 9114
on the consumer shall be from the time the consumer so returns to 9115
the electric distribution utility until the expiration of the 9116
electric security plan. However, if that period of time is 9117
expected to be more than two years, the commission may reduce the 9118
time period to a period of not less than two years. 9119

(K) The commission shall adopt rules to encourage and promote 9120
large-scale governmental aggregation in this state. For that 9121
purpose, the commission shall conduct an immediate review of any 9122
rules it has adopted for the purpose of this section that are in 9123
effect on the effective date of the amendment of this section by 9124
S.B. 221 of the 127th general assembly, July 31, 2008. Further, 9125
within the context of an electric security plan under section 9126
4928.143 of the Revised Code, the commission shall consider the 9127
effect on large-scale governmental aggregation of any 9128
nonbypassable generation charges, however collected, that would be 9129
established under that plan, except any nonbypassable generation 9130
charges that relate to any cost incurred by the electric 9131
distribution utility, the deferral of which has been authorized by 9132
the commission prior to the effective date of the amendment of 9133
this section by S.B. 221 of the 127th general assembly, July 31, 9134
2008. 9135

Sec. 4929.26. (A)(1) The legislative authority of a municipal 9136

corporation may adopt an ordinance, or the board of township 9137
trustees of a township or the board of county commissioners of a 9138
county may adopt a resolution, under which, in accordance with 9139
this section and except as otherwise provided in division (A)(2) 9140
of this section, the legislative authority or board may aggregate 9141
automatically, subject to the opt-out requirements of division (D) 9142
of this section, competitive retail natural gas service for the 9143
retail natural gas loads that are located, respectively, within 9144
the municipal corporation, township, or unincorporated area of the 9145
county and for which there is a choice of supplier of that service 9146
as a result of revised schedules approved under division (C) of 9147
section 4929.29 of the Revised Code, a rule or order adopted or 9148
issued by the commission under Chapter 4905. of the Revised Code, 9149
or an exemption granted by the commission under sections 4929.04 9150
to 4929.08 of the Revised Code. An ordinance or a resolution 9151
adopted under this section shall expressly state that it is 9152
adopted pursuant to the authority conferred by this section. The 9153
legislative authority or board also may exercise its authority 9154
under this section jointly with any other such legislative 9155
authority or board. For the purpose of the aggregation, the 9156
legislative authority or board may enter into service agreements 9157
to facilitate the sale and purchase of the service for the retail 9158
natural gas loads. 9159

(2)(a) No aggregation under an ordinance or resolution 9160
adopted under division (A)(1) of this section shall include the 9161
retail natural gas load of any person that meets any of the 9162
following criteria: 9163

(i) The person is both a distribution service customer and a 9164
mercantile customer on the date of commencement of service to the 9165
aggregated load, or the person becomes a distribution service 9166
customer after that date and also is a mercantile customer. 9167

(ii) The person is supplied with commodity sales service 9168
pursuant to a contract with a retail natural gas supplier that is 9169
in effect on the effective date of the ordinance or resolution. 9170

(iii) The person is supplied with commodity sales service as 9171
part of a retail natural gas load aggregation provided for 9172
pursuant to a rule or order adopted or issued by the commission 9173
under this chapter or Chapter 4905. of the Revised Code. 9174

(b) Nothing in division (A)(2)(a) of this section precludes a 9175
governmental aggregation under this section from permitting the 9176
retail natural gas load of a person described in division 9177
(A)(2)(a) of this section from being included in the aggregation 9178
upon the expiration of any contract or aggregation as described in 9179
division (A)(2)(a)(ii) or (iii) of this section or upon the person 9180
no longer being a customer as described in division (A)(2)(a)(i) 9181
of this section or qualifying to be included in an aggregation 9182
described under division (A)(2)(a)(iii) of this section. 9183

(B) An ordinance or resolution adopted under division (A) of 9184
this section shall direct the board of elections to submit the 9185
question of the authority to aggregate to the electors of the 9186
respective municipal corporation, township, or unincorporated area 9187
of a county at a special election on the day of the next primary 9188
or general election in the municipal corporation, township, or 9189
county. The legislative authority or board shall certify a copy of 9190
the ordinance or resolution to the board of elections not less 9191
than seventy-five days before the day of the special election. No 9192
ordinance or resolution adopted under division (A) of this section 9193
that provides for an election under this division shall take 9194
effect unless approved by a majority of the electors voting upon 9195
the ordinance or resolution at the election held pursuant to this 9196
division. 9197

(C) Upon the applicable requisite authority under divisions 9198
(A) and (B) of this section, the legislative authority or board 9199

shall develop a plan of operation and governance for the 9200
aggregation program so authorized. Before adopting a plan under 9201
this division, the legislative authority or board shall hold at 9202
least two public hearings on the plan. Before the first hearing, 9203
the legislative authority or board shall publish notice of the 9204
hearings once a week for two consecutive weeks in a newspaper of 9205
general circulation in the jurisdiction or as provided in section 9206
7.16 of the Revised Code. The notice shall summarize the plan and 9207
state the date, time, and location of each hearing. 9208

(D) No legislative authority or board, pursuant to an 9209
ordinance or resolution under divisions (A) and (B) of this 9210
section, shall aggregate any retail natural gas load located 9211
within its jurisdiction unless it in advance clearly discloses to 9212
the person whose retail natural gas load is to be so aggregated 9213
that the person will be enrolled automatically in the aggregation 9214
and will remain so enrolled unless the person affirmatively elects 9215
by a stated procedure not to be so enrolled. The disclosure shall 9216
state prominently the rates, charges, and other terms and 9217
conditions of enrollment. The stated procedure shall allow any 9218
person enrolled in the aggregation the opportunity to opt out of 9219
the aggregation every two years, without paying a switching fee. 9220
Any such person that opts out of the aggregation pursuant to the 9221
stated procedure shall default to the natural gas company 9222
providing distribution service for the person's retail natural gas 9223
load, until the person chooses an alternative supplier. 9224

(E)(1) With respect to a governmental aggregation for a 9225
municipal corporation that is authorized pursuant to divisions (A) 9226
to (D) of this section, resolutions may be proposed by initiative 9227
or referendum petitions in accordance with sections 731.28 to 9228
731.41 of the Revised Code. 9229

(2) With respect to a governmental aggregation for a township 9230
or the unincorporated area of a county, which aggregation is 9231

authorized pursuant to divisions (A) to (D) of this section, 9232
resolutions may be proposed by initiative or referendum petitions 9233
in accordance with sections 731.28 to 731.40 of the Revised Code, 9234
except that: 9235

(a) The petitions shall be filed, respectively, with the 9236
township fiscal officer or the board of county commissioners, who 9237
shall perform those duties imposed under those sections upon the 9238
city auditor or village clerk. 9239

(b) The petitions shall contain the signatures of not less 9240
than ten per cent of the total number of electors in the township 9241
or the unincorporated area of the county, respectively, who voted 9242
for the office of governor at the preceding general election for 9243
that office in that area. 9244

(F) A governmental aggregator under division (A) of this 9245
section is not a public utility engaging in the wholesale purchase 9246
and resale of natural gas, and provision of the aggregated service 9247
is not a wholesale utility transaction. A governmental aggregator 9248
shall be subject to supervision and regulation by the public 9249
utilities commission only to the extent of any competitive retail 9250
natural gas service it provides and commission authority under 9251
this chapter. 9252

Sec. 4929.27. (A)(1) The legislative authority of a municipal 9253
corporation may adopt an ordinance, or the board of township 9254
trustees of a township or the board of county commissioners of a 9255
county may adopt a resolution, under which, in accordance with 9256
this section and except as otherwise provided in division (A)(2) 9257
of this section, the legislative authority or board may aggregate, 9258
with the prior consent of each person whose retail natural gas 9259
load is proposed to be aggregated, competitive retail natural gas 9260
service for any such retail natural gas load that is located, 9261
respectively, within the municipal corporation, township, or 9262

unincorporated area of the county and for which there is a choice 9263
of supplier of that service as a result of revised schedules 9264
approved under division (C) of section 4929.29 of the Revised 9265
Code, a rule or order adopted or issued by the commission under 9266
Chapter 4905. of the Revised Code, or an exemption granted by the 9267
commission under sections 4929.04 to 4929.08 of the Revised Code. 9268
An ordinance or a resolution adopted under this section shall 9269
expressly state that it is adopted pursuant to the authority 9270
conferred by this section. The legislative authority or board also 9271
may exercise such authority jointly with any other such 9272
legislative authority or board. For the purpose of the 9273
aggregation, the legislative authority or board may enter into 9274
service agreements to facilitate the sale and purchase of the 9275
service for the retail natural gas loads. 9276

(2)(a) No aggregation under an ordinance or resolution 9277
adopted under division (A)(1) of this section shall include the 9278
retail natural gas load of any person that meets either of the 9279
following criteria: 9280

(i) The person is supplied with commodity sales service 9281
pursuant to a contract with a retail natural gas supplier that is 9282
in effect on the effective date of the ordinance or resolution. 9283

(ii) The person is supplied with commodity sales service as 9284
part of a retail natural gas load aggregation provided for 9285
pursuant to a rule or order adopted or issued by the commission 9286
under this chapter or Chapter 4905. of the Revised Code. 9287

(b) Nothing in division (A)(2)(a) of this section precludes a 9288
governmental aggregation under this section from permitting the 9289
retail natural gas load of a person described in division 9290
(A)(2)(a) of this section from being included in the aggregation 9291
upon the expiration of any contract or aggregation as described in 9292
division (A)(2)(a)(i) or (ii) of this section or upon the person 9293

no longer qualifying to be included in an aggregation. 9294

(B) Upon the applicable requisite authority under division 9295
(A) of this section, the legislative authority or board shall 9296
develop a plan of operation and governance for the aggregation 9297
program so authorized. Before adopting a plan under this division, 9298
the legislative authority or board shall hold at least two public 9299
hearings on the plan. Before the first hearing, the legislative 9300
authority or board shall publish notice of the hearings once a 9301
week for two consecutive weeks in a newspaper of general 9302
circulation in the jurisdiction or as provided in section 7.16 of 9303
the Revised Code. The notice shall summarize the plan and state 9304
the date, time, and location of each hearing. 9305

(C)(1) With respect to a governmental aggregation for a 9306
municipal corporation that is authorized pursuant to division (A) 9307
of this section, resolutions may be proposed by initiative or 9308
referendum petitions in accordance with sections 731.28 to 731.41 9309
of the Revised Code. 9310

(2) With respect to a governmental aggregation for a township 9311
or the unincorporated area of a county, which aggregation is 9312
authorized pursuant to division (A) of this section, resolutions 9313
may be proposed by initiative or referendum petitions in 9314
accordance with sections 731.28 to 731.40 of the Revised Code, 9315
except that: 9316

(a) The petitions shall be filed, respectively, with the 9317
township fiscal officer or the board of county commissioners, who 9318
shall perform those duties imposed under those sections upon the 9319
city auditor or village clerk. 9320

(b) The petitions shall contain the signatures of not less 9321
than ten per cent of the total number of electors in the township 9322
or the unincorporated area of the county, respectively, who voted 9323
for the office of governor at the preceding general election for 9324

that office in that area. 9325

(D) A governmental aggregator under division (A) of this 9326
section is not a public utility engaging in the wholesale purchase 9327
and resale of natural gas, and provision of the aggregated service 9328
is not a wholesale utility transaction. A governmental aggregator 9329
shall be subject to supervision and regulation by the public 9330
utilities commission only to the extent of any competitive retail 9331
natural gas service it provides and commission authority under 9332
this chapter. 9333

Sec. 4931.51. (A)(1) For the purpose of paying the costs of 9334
establishing, equipping, and furnishing one or more public safety 9335
answering points as part of a countywide 9-1-1 system effective 9336
under division (B) of section 4931.44 of the Revised Code and 9337
paying the expense of administering and enforcing this section, 9338
the board of county commissioners of a county, in accordance with 9339
this section, may fix and impose, on each lot or parcel of real 9340
property in the county that is owned by a person, municipal 9341
corporation, township, or other political subdivision and is 9342
improved, or is in the process of being improved, reasonable 9343
charges to be paid by each such owner. The charges shall be 9344
sufficient to pay only the estimated allowed costs and shall be 9345
equal in amount for all such lots or parcels. 9346

(2) For the purpose of paying the costs of operating and 9347
maintaining the answering points and paying the expense of 9348
administering and enforcing this section, the board, in accordance 9349
with this section, may fix and impose reasonable charges to be 9350
paid by each owner, as provided in division (A)(1) of this 9351
section, that shall be sufficient to pay only the estimated 9352
allowed costs and shall be equal in amount for all such lots or 9353
parcels. The board may fix and impose charges under this division 9354
pursuant to a resolution adopted for the purposes of both 9355

divisions (A)(1) and (2) of this section or pursuant to a 9356
resolution adopted solely for the purpose of division (A)(2) of 9357
this section, and charges imposed under division (A)(2) of this 9358
section may be separately imposed or combined with charges imposed 9359
under division (A)(1) of this section. 9360

(B) Any board adopting a resolution under this section 9361
pursuant to a final plan initiating the establishment of a 9-1-1 9362
system or pursuant to an amendment to a final plan shall adopt the 9363
resolution within sixty days after the board receives the final 9364
plan for the 9-1-1 system pursuant to division (C) of section 9365
4931.43 of the Revised Code. The board by resolution may change 9366
any charge imposed under this section whenever the board considers 9367
it advisable. Any resolution adopted under this section shall 9368
declare whether securities will be issued under Chapter 133. of 9369
the Revised Code in anticipation of the collection of unpaid 9370
special assessments levied under this section. 9371

(C) The board shall adopt a resolution under this section at 9372
a public meeting held in accordance with section 121.22 of the 9373
Revised Code. Additionally, the board, before adopting any such 9374
resolution, shall hold at least two public hearings on the 9375
proposed charges. Prior to the first hearing, the board shall 9376
publish notice of the hearings once a week for two consecutive 9377
weeks in a newspaper of general circulation in the county or as 9378
provided in section 7.16 of the Revised Code. The notice shall 9379
include a listing of the charges proposed in the resolution and 9380
the date, time, and location of each of the hearings. The board 9381
shall hear any person who wishes to testify on the charges or the 9382
resolution. 9383

(D) No resolution adopted under this section shall be 9384
effective sooner than thirty days following its adoption nor shall 9385
any such resolution be adopted as an emergency measure. The 9386
resolution is subject to a referendum in accordance with sections 9387

305.31 to 305.41 of the Revised Code unless, in the resolution, 9388
the board of county commissioners directs the board of elections 9389
of the county to submit the question of imposing the charges to 9390
the electors of the county at the next primary or general election 9391
in the county occurring not less than seventy-five days after the 9392
resolution is certified to the board. No resolution shall go into 9393
effect unless approved by a majority of those voting upon it in 9394
any election allowed under this division. 9395

(E) To collect charges imposed under division (A) of this 9396
section, the board of county commissioners shall certify them to 9397
the county auditor of the county who then shall place them upon 9398
the real property duplicate against the properties to be assessed, 9399
as provided in division (A) of this section. Each assessment shall 9400
bear interest at the same rate that securities issued in 9401
anticipation of the collection of the assessments bear, is a lien 9402
on the property assessed from the date placed upon the real 9403
property duplicate by the auditor, and shall be collected in the 9404
same manner as other taxes. 9405

(F) All money collected by or on behalf of a county under 9406
this section shall be paid to the county treasurer of the county 9407
and kept in a separate and distinct fund to the credit of the 9408
county. The fund shall be used to pay the costs allowed in 9409
division (A) of this section and specified in the resolution 9410
adopted under that division. In no case shall any surplus so 9411
collected be expended for other than the use and benefit of the 9412
county. 9413

Sec. 4931.52. (A) This section applies only to a county that 9414
meets both of the following conditions: 9415

(1) A final plan for a countywide 9-1-1 system either has not 9416
been approved in the county under section 4931.44 of the Revised 9417
Code or has been approved but has not been put into operation 9418

because of a lack of funding; 9419

(2) The board of county commissioners, at least once, has 9420
submitted to the electors of the county the question of raising 9421
funds for a 9-1-1 system under section 4931.51, 5705.19, or 9422
5739.026 of the Revised Code, and a majority of the electors has 9423
disapproved the question each time it was submitted. 9424

(B) A board of county commissioners may adopt a resolution 9425
imposing a monthly charge on telephone access lines to pay for the 9426
equipment costs of establishing and maintaining no more than three 9427
public safety answering points of a countywide 9-1-1 system, which 9428
public safety answering points shall be only twenty-four-hour 9429
dispatching points already existing in the county. The resolution 9430
shall state the amount of the charge, which shall not exceed fifty 9431
cents per month, and the month the charge will first be imposed, 9432
which shall be no earlier than four months after the special 9433
election held pursuant to this section. Each residential and 9434
business telephone company customer within the area served by the 9435
9-1-1 system shall pay the monthly charge for each of its 9436
residential or business customer access lines or their equivalent. 9437

Before adopting a resolution under this division, the board 9438
of county commissioners shall hold at least two public hearings on 9439
the proposed charge. Before the first hearing, the board shall 9440
publish notice of the hearings once a week for two consecutive 9441
weeks in a newspaper of general circulation in the county or as 9442
provided in section 7.16 of the Revised Code. The notice shall 9443
state the amount of the proposed charge, an explanation of the 9444
necessity for the charge, and the date, time, and location of each 9445
of the hearings. 9446

(C) A resolution adopted under division (B) of this section 9447
shall direct the board of elections to submit the question of 9448
imposing the charge to the electors of the county at a special 9449
election on the day of the next primary or general election in the 9450

county. The board of county commissioners shall certify a copy of 9451
the resolution to the board of elections not less than 9452
seventy-five days before the day of the special election. No 9453
resolution adopted under division (B) of this section shall take 9454
effect unless approved by a majority of the electors voting upon 9455
the resolution at an election held pursuant to this section. 9456

In any year, the board of county commissioners may impose a 9457
lesser charge than the amount originally approved by the electors. 9458
The board may change the amount of the charge no more than once a 9459
year. The board may not impose a charge greater than the amount 9460
approved by the electors without first holding an election on the 9461
question of the greater charge. 9462

(D) Money raised from a monthly charge on telephone access 9463
lines under this section shall be deposited into a special fund 9464
created in the county treasury by the board of county 9465
commissioners pursuant to section 5705.12 of the Revised Code, to 9466
be used only for the necessary equipment costs of establishing and 9467
maintaining no more than three public safety answering points of a 9468
countywide 9-1-1 system pursuant to a resolution adopted under 9469
division (B) of this section. In complying with this division, any 9470
county may seek the assistance of the public utilities commission 9471
with regard to operating and maintaining a 9-1-1 system. 9472

(E) Pursuant to the voter approval required by division (C) 9473
of this section, the final plan for a countywide 9-1-1 system that 9474
will be funded through a monthly charge imposed in accordance with 9475
this section shall be amended by the existing 9-1-1 planning 9476
committee, and the amendment of such a final plan is not an 9477
amendment of a final plan for the purpose of division (A) of 9478
section 4931.45 of the Revised Code. 9479

Sec. 4931.53. (A) This section applies only to a county that 9480
has a final plan for a countywide 9-1-1 system that either has not 9481

been approved in the county under section 4931.44 of the Revised 9482
Code or has been approved but has not been put into operation 9483
because of a lack of funding. 9484

(B) A board of county commissioners may adopt a resolution 9485
imposing a monthly charge on telephone access lines to pay for the 9486
operating and equipment costs of establishing and maintaining no 9487
more than one public safety answering point of a countywide 9-1-1 9488
system. The resolution shall state the amount of the charge, which 9489
shall not exceed fifty cents per month, and the month the charge 9490
will first be imposed, which shall be no earlier than four months 9491
after the special election held pursuant to this section. Each 9492
residential and business telephone company customer within the 9493
area of the county served by the 9-1-1 system shall pay the 9494
monthly charge for each of its residential or business customer 9495
access lines or their equivalent. 9496

Before adopting a resolution under this division, the board 9497
of county commissioners shall hold at least two public hearings on 9498
the proposed charge. Before the first hearing, the board shall 9499
publish notice of the hearings once a week for two consecutive 9500
weeks in a newspaper of general circulation in the county or as 9501
provided in section 7.16 of the Revised Code. The notice shall 9502
state the amount of the proposed charge, an explanation of the 9503
necessity for the charge, and the date, time, and location of each 9504
of the hearings. 9505

(C) A resolution adopted under division (B) of this section 9506
shall direct the board of elections to submit the question of 9507
imposing the charge to the electors of the county at a special 9508
election on the day of the next primary or general election in the 9509
county. The board of county commissioners shall certify a copy of 9510
the resolution to the board of elections not less than 9511
seventy-five days before the day of the special election. No 9512
resolution adopted under division (B) of this section shall take 9513

effect unless approved by a majority of the electors voting upon 9514
the resolution at an election held pursuant to this section. 9515

In any year, the board of county commissioners may impose a 9516
lesser charge than the amount originally approved by the electors. 9517
The board may change the amount of the charge no more than once a 9518
year. The board shall not impose a charge greater than the amount 9519
approved by the electors without first holding an election on the 9520
question of the greater charge. 9521

(D) Money raised from a monthly charge on telephone access 9522
lines under this section shall be deposited into a special fund 9523
created in the county treasury by the board of county 9524
commissioners pursuant to section 5705.12 of the Revised Code, to 9525
be used only for the necessary operating and equipment costs of 9526
establishing and maintaining no more than one public safety 9527
answering point of a countywide 9-1-1 system pursuant to a 9528
resolution adopted under division (B) of this section. In 9529
complying with this division, any county may seek the assistance 9530
of the public utilities commission with regard to operating and 9531
maintaining a 9-1-1 system. 9532

(E) Nothing in sections 4931.40 to 4931.53 of the Revised 9533
Code precludes a final plan adopted in accordance with those 9534
sections from being amended to provide that, by agreement included 9535
in the plan, a public safety answering point of another countywide 9536
9-1-1 system is the public safety answering point of a countywide 9537
9-1-1 system funded through a monthly charge imposed in accordance 9538
with this section. In that event, the county for which the public 9539
safety answering point is provided shall be deemed the subdivision 9540
operating the public safety answering point for purposes of 9541
sections 4931.40 to 4931.53 of the Revised Code, except that, for 9542
the purpose of division (D) of section 4931.41 of the Revised 9543
Code, the county shall pay only so much of the costs associated 9544
with establishing, equipping, furnishing, operating, or 9545

maintaining the public safety answering point specified in the 9546
agreement included in the final plan. 9547

(F) Pursuant to the voter approval required by division (C) 9548
of this section, the final plan for a countywide 9-1-1 system that 9549
will be funded through a monthly charge imposed in accordance with 9550
this section, or that will be amended to include an agreement 9551
described in division (E) of this section, shall be amended by the 9552
existing 9-1-1 planning committee, and the amendment of such a 9553
final plan is not an amendment of a final plan for the purpose of 9554
division (A) of section 4931.45 of the Revised Code. 9555

Sec. 5126.42. (A) A county board of mental retardation and 9556
developmental disabilities shall establish an advisory council 9557
composed of board members or employees of the board, providers, 9558
individuals receiving supported living, and advocates for 9559
individuals receiving supported living to provide on-going 9560
communication among all persons concerned with supported living. 9561

(B) The board shall develop procedures for the resolution of 9562
grievances between the board and providers or between the board 9563
and an entity with which it has a shared funding agreement. 9564

(C) The board shall develop and implement a provider 9565
selection system. Each system shall enable an individual to choose 9566
to continue receiving supported living from the same providers, to 9567
select additional providers, or to choose alternative providers. 9568
Annually, the board shall review its provider selection system to 9569
determine whether it has been implemented in a manner that allows 9570
individuals fair and equitable access to providers. 9571

In developing a provider selection system, the county board 9572
shall create a pool of providers for individuals to use in 9573
choosing their providers of supported living. The pool shall be 9574
created by placing in the pool all providers on record with the 9575
board or by placing in the pool all providers approved by the 9576

board through soliciting requests for proposals for supported 9577
living contracts. In either case, only providers that are 9578
certified by the director of mental retardation and developmental 9579
disabilities may be placed in the pool. 9580

If the board places all providers on record in the pool, the 9581
board shall review the pool at least annually to determine whether 9582
each provider has continued interest in being a provider and has 9583
maintained its certification by the department. At any time, an 9584
interested and certified provider may make a request to the board 9585
that it be added to the pool, and the board shall add the provider 9586
to the pool not later than seven days after receiving the request. 9587

If the board solicits requests for proposals for inclusion of 9588
providers in the pool, the board shall develop standards for 9589
selecting the providers to be included. Requests for proposals 9590
shall be solicited at least annually. When requests are solicited, 9591
the board shall cause legal notices to be published ~~at least~~ once 9592
each week for two consecutive weeks in a newspaper ~~with~~ of general 9593
circulation within the county or as provided in section 7.16 of 9594
the Revised Code. The board's formal request for proposals shall 9595
include a description of any applicable contract terms, the 9596
standards that are used to select providers for inclusion in the 9597
pool, and the process the board uses to resolve disputes arising 9598
from the selection process. The board shall accept requests from 9599
any entity interested in being a provider of supported living for 9600
individuals served by the board. Requests shall be approved or 9601
denied according to the standards developed by the board. 9602
Providers that previously have been placed in the pool are not 9603
required to resubmit a request for proposal to be included in the 9604
pool, unless the board's standards have been changed. 9605

In assisting an individual in choosing a provider, the county 9606
board shall provide the individual with uniform and consistent 9607
information pertaining to each provider in the pool. An individual 9608

may choose to receive supported living from a provider that is not 9609
included in the pool, if the provider is certified by the director 9610
of mental retardation and developmental disabilities. 9611

Sec. 5310.35. The board of county commissioners shall conduct 9612
the public hearing required by section 5310.33 of the Revised Code 9613
in accordance with this section. 9614

(A)(1) The board shall prepare a notice of the hearing that 9615
includes each of the following: 9616

(a) A statement that the board is considering abolishing land 9617
registration in the county, that abolition would require the 9618
deregistration of all registered land in the county, and that 9619
after abolition all land in the county would have to be dealt with 9620
as nonregistered land; 9621

(b) A statement that the board seeks evidence with regard to 9622
the matters listed in section 5310.34 of the Revised Code; 9623

(c) The date, time, and place of the hearing, which shall be 9624
not earlier than two nor later than three months after the 9625
resolution to consider the merits of abolishing land registration 9626
was adopted by the board; 9627

(d) A statement that any person affected by the proposed 9628
abolition of land registration may appear at the hearing and 9629
present evidence as provided in division (B) of this section. 9630

(2) The board shall serve the notice by both of the following 9631
means: 9632

(a) Ordinary mail, evidenced by a certificate of mailing, 9633
addressed to each person from whom a receipt or signature card, 9634
giving residence and post-office address, has been taken by the 9635
county recorder under section 5309.30 or 5309.50 of the Revised 9636
Code, and to each person who has filed an affidavit with the 9637
county recorder under section 5309.72 of the Revised Code. The 9638

county recorder, within one month after the adoption of a 9639
resolution to consider the merits of abolishing land registration 9640
in the county, shall provide the board with the names and 9641
respective addresses of the persons who are entitled to notice 9642
under this division. 9643

If a notice is returned with an endorsement showing failure 9644
of delivery, the board is under no further obligation to directly 9645
serve the notice upon the addressee. The board shall preserve the 9646
returned notice in the records pertaining to its consideration of 9647
the merits of abolishing land registration in the county. 9648

(b) Publication twice a week for two consecutive weeks in a 9649
newspaper of general circulation in the county or as provided in 9650
section 7.16 of the Revised Code. Publication of the notice shall 9651
be completed at least one month prior to the date set for the 9652
hearing. 9653

(B) At the date, time, and place specified in the notice, the 9654
board shall conduct a hearing, which may be adjourned from day to 9655
day until complete, at which any person affected by the proposed 9656
abolition of land registration may appear in person, by ~~his~~ 9657
attorney, or both, and present evidence, orally or in writing, 9658
with regard to the costs and benefits of maintaining land 9659
registration in the county. Any person who presents evidence may 9660
also present evidence refuting any evidence offered in opposition 9661
to ~~his~~ the person's evidence. 9662

The board shall cause a stenographic record to be made of the 9663
hearing. The president of the board, or a member ~~he~~ the president 9664
designates, shall preside at the hearing. 9665

Sec. 5540.031. (A) The board of trustees of a transportation 9666
improvement district may provide for the construction, 9667
reconstruction, improvement, alteration, or repair of any road, 9668
highway, public place, building, or other infrastructure and levy 9669

special assessments, if the board determines that the public 9670
improvement will benefit the area where it will be constructed, 9671
reconstructed, improved, altered, or repaired. However, if the 9672
improvement is proposed for territory in a political subdivision 9673
located outside the district's territory, the legislative 9674
authority of that political subdivision shall approve the 9675
undertaking of the improvement within the political subdivision. 9676

(B) If any improvements are made under this section, 9677
contracts for the improvement may provide that the improvement may 9678
be owned by the district or by the person or corporation supplying 9679
it to the district under a lease. 9680

(C) If the board of trustees of a district proposes an 9681
improvement described in division (A) of this section, the board 9682
shall conduct a hearing on the proposed improvement. The board 9683
shall indicate by metes and bounds the area in which the public 9684
improvement will be made and the area that will benefit from the 9685
improvement. 9686

(D) The board of trustees shall fix a day for a hearing on 9687
the proposed improvement. The secretary-treasurer of the board 9688
shall deliver, to each owner of a parcel of land or a lot that the 9689
board identifies as benefiting from the proposed improvement, a 9690
notice that sets forth the substance of the proposed improvement 9691
and the time and place of the hearing on it. At least fifteen days 9692
before the date set for the hearing, a copy of the notice shall be 9693
served upon the owner or left at ~~his~~ the owner's usual place of 9694
residence, or, if the owner is a corporation, upon an officer or 9695
agent of the corporation. On or before the day of the hearing, the 9696
person serving notice of the hearing shall make return thereon, 9697
under oath, of the time and manner of service, and shall file the 9698
notice with the secretary-treasurer of the board. 9699

At least fifteen days before the day set for the hearing on 9700
the proposed improvement, the secretary-treasurer shall give 9701

notice to each nonresident owner of a lot or parcel of land in the 9702
area to be benefited by the improvement, by publication once in a 9703
newspaper ~~published and~~ of general circulation in the one or more 9704
counties in which this area is located. The publication of the 9705
notice shall be verified by affidavit of the printer or other 9706
person having knowledge of the publication and shall be filed with 9707
the secretary-treasurer of the district on or before the date of 9708
the hearing. 9709

(E) At the time and place specified in the notice for a 9710
hearing on the proposed improvement, the board of trustees of the 9711
district shall meet and hear any and all testimony provided by any 9712
of the parties affected by the proposed improvement and by any 9713
other persons competent to testify. The board or its 9714
representatives shall inspect, by an actual viewing, the area to 9715
be benefited by the proposed improvement. The board shall 9716
determine the necessity of the proposed improvement and may find 9717
that the proposed improvement will result in general as well as 9718
special benefits. The board may adjourn from time to time and to 9719
such places as it considers necessary. 9720

(F)(1) The board may award contracts or enter into a lease 9721
agreement for the construction, reconstruction, improvement, 9722
alteration, or repair of any improvement described in division (A) 9723
of this section and may issue notes, bonds, revenue anticipatory 9724
instruments, or other obligations, as authorized by this chapter, 9725
to finance the improvements. 9726

(2) All or a part of the costs and expenses of providing for 9727
the construction, reconstruction, improvement, alteration, or 9728
repair of any improvement described in division (F)(1) of this 9729
section may be paid from a fund into which may be paid special 9730
assessments levied under this section against the lots and parcels 9731
of land in the area to be benefited by the improvement, if the 9732
board finds that the improvement will result in general or special 9733

benefits to the benefited area. These special assessments shall be 9734
levied not more than one time on the same lot or parcel of land. 9735
Such costs and expenses may also be paid from the treasury of the 9736
district or from other available sources in amounts the board 9737
finds appropriate. 9738

(3) The board shall levy special assessments at an amount not 9739
to exceed ten per cent of the assessable value of the lot or 9740
parcel of land being assessed. The board shall determine the 9741
assessable value of a lot or parcel of land in the following 9742
manner: the board shall first determine the fair market value of 9743
the lot or parcel being assessed in the calendar year in which the 9744
area to be benefited by the public improvement is first designated 9745
and then multiply this amount by the average rate of appreciation 9746
in value of the lot or parcel since that calendar year. The 9747
assessable value of the lot or parcel is the current fair market 9748
value of the lot or parcel minus the amount calculated in the 9749
manner described in the immediately preceding sentence. The board 9750
may adjust the assessable value of a lot or parcel of land to 9751
reflect a sale of the lot or parcel that indicates an appreciation 9752
in its value that exceeds its average rate of appreciation in 9753
value. 9754

(4) Special assessments levied by the board may be paid in 9755
full in a lump sum or may be paid and collected in equal 9756
semiannual installments, equal in number to twice the number of 9757
years for which the lease of the improvement is made or twice the 9758
number of years that the note, bond, instrument, or obligation 9759
that the assessments are pledged to pay requires. The assessments 9760
shall be paid and collected in the same manner and at the same 9761
time as real property taxes are paid and collected, and 9762
assessments in the amount of fifty dollars or less shall be paid 9763
in full, and not in installments, at the time the first or next 9764
installment would otherwise become due and payable. Complaints 9765

regarding assessments may be made to the county board of revision 9766
in the same manner as complaints relating to the valuation and 9767
assessment of real property. 9768

Credits against assessments shall be granted equal to the 9769
value of any construction, reconstruction, improvement, 9770
alteration, or repair that an owner of a parcel of land or lot 9771
makes to an improvement pursuant to an agreement between the owner 9772
and the district. 9773

(5) After the levy of a special assessment, the board, at any 9774
time during any year in which an installment of the assessment 9775
becomes due, may pay out of other available funds of the district, 9776
including any state or federal funds available to the district, 9777
the full amount of the price of the contract that the special 9778
assessments are pledged to pay for that year or any other portion 9779
of the remaining obligation. The board shall be the sole 9780
determiner of the definition, extent, and allocation of the 9781
benefit resulting from an improvement that the board authorizes 9782
under this section. 9783

(G)(1) The board shall certify to the appropriate county 9784
auditor the boundaries of the area that is benefited by any public 9785
improvement the board authorizes under this section and, when the 9786
board so requests, the auditor shall apportion the valuation of 9787
any lot or parcel of land lying partly within and partly outside 9788
the area so benefited. 9789

(2) The board by resolution shall assess against the lots and 9790
parcels of land located in the area that is benefited by a public 9791
improvement such portion of the costs of completing the public 9792
improvement as the board determines, for the period that may be 9793
necessary to pay the note, bond, instrument, or obligation issued 9794
to pay for the improvement and the proceedings in relation to it, 9795
and shall certify these costs to the appropriate county auditor. 9796

(3) Except for assessments that have been paid in full in a lump sum, the county auditor shall annually place upon the tax duplicate, for collection in semiannual installments, the two installments of the assessment for that year, which shall be paid and collected at the same time and in the same manner as real property taxes. The collected assessments shall be paid to the treasury of the district and the board of the district shall use the assessments for any purpose authorized by this chapter.

Sec. 5540.05. The board of trustees of a district may acquire real property in fee simple in the name of the district in connection with, but in excess of that needed for, a project by any method other than appropriation and hold the property for such period of time as the board determines. All right, title, and interest of the district in the property may be sold at public auction or otherwise, as the board considers in the best interests of the district; but in no event shall the property be sold for less than two-thirds of its appraised value. Sale at public auction shall be undertaken only after the board advertises the sale in a newspaper of general circulation in the district for ~~at least~~ two weeks or as provided in section 7.16 of the Revised Code, prior to the date set for the sale.

Sec. 5543.10. (A) The county engineer, upon the order of the board of county commissioners or board of township trustees, shall construct sidewalks, curbs, or gutters of suitable materials, along or connecting the public highways, outside any municipal corporation, upon the petition of a majority of the abutting property owners. The expense of the construction of these improvements may be paid by the county or township, or by the county or township and abutting property owners in such proportion as determined by the board of county commissioners or board of township trustees. The board of county commissioners or board of

township trustees may assess part or all of the cost of these 9828
improvements against the abutting property owners, in proportion 9829
to benefits accruing to their property. 9830

The board of county commissioners or board of township 9831
trustees, by unanimous vote, may order the construction, repair, 9832
or maintenance of sidewalks, curbs, and gutters along or 9833
connecting the public highways, outside a municipal corporation, 9834
without a petition for that construction, repair, or maintenance, 9835
and may assess none, all, or any part of the cost against abutting 9836
property owners, provided that notice is given by publication for 9837
three successive weeks in a newspaper of general circulation 9838
within the county or as provided in section 7.16 of the Revised 9839
Code, stating the intention of the board of county commissioners 9840
or board of township trustees to construct, repair, or maintain 9841
the specified improvements and fixing a date for a hearing on 9842
them. As part of a sidewalk improvement, the board may include the 9843
repair or reconstruction of a driveway within the sidewalk 9844
easement. As part of a curb improvement, the board may include 9845
construction or repair of a driveway apron. 9846

Notice to all abutting property owners shall be given by two 9847
publications in a newspaper of general circulation in the county 9848
or as provided in section 7.16 of the Revised Code, at least ten 9849
days prior to the date fixed in the notice for the making of 9850
assessments. The notice shall state the time and place when 9851
abutting property owners will be given an opportunity to be heard 9852
with reference to assessments. The board of county commissioners 9853
or board of township trustees shall determine whether assessments 9854
shall be paid in one or more installments. 9855

(B) The county engineer may trim or remove any and all trees, 9856
shrubs, and other vegetation growing in or encroaching onto the 9857
right-of-way of the easement of a public sidewalk along or 9858
connecting the public highways and maintained by the county, and 9859

the board of township trustees may trim or remove any and all 9860
trees, shrubs, and other vegetation growing in or encroaching onto 9861
the right-of-way of the easement of a public sidewalk along or 9862
connecting the public highways and maintained by the township, as 9863
is necessary in the engineer's or board's judgment to facilitate 9864
the right of the public to improvement and maintenance of, and 9865
uninterrupted travel on, public sidewalks in the county or 9866
township. 9867

Sec. 5552.06. (A) A board of county commissioners or a board 9868
of township trustees may adopt access management regulations or 9869
any amendments to those regulations after holding at least two 9870
public hearings at regular or special sessions of the board. The 9871
board shall consider the county engineer's proposed regulations 9872
prepared under division (B) of section 5552.04 or 5552.05 of the 9873
Revised Code and all comments on those regulations. The board, in 9874
its discretion, may, but need not, adopt any or all of those 9875
proposed regulations. After the public hearings, the board may 9876
decide not to adopt any access management regulations. 9877

The board shall publish notice of the public hearings in a 9878
newspaper of general circulation in the county or township, as 9879
applicable, once a week for ~~at least~~ two weeks or as provided in 9880
section 7.16 of the Revised Code, immediately preceding the 9881
hearings. The notice shall include the time, date, and place of 9882
each hearing. Copies of any proposed regulations or amendments 9883
shall be made available to the public at the board's office and, 9884
if the county engineer administers or is proposed to administer a 9885
point of access permit, in the engineer's office. 9886

(B) In addition to the notice required by division (A) of 9887
this section, not less than thirty days before holding a public 9888
hearing, a board of county commissioners shall send a copy of the 9889
county engineer's proposed regulations, a copy of the advisory 9890

committee's recommendations, and a request for written comments to 9891
the board of township trustees of each township in the county, the 9892
department of transportation district deputy director for the 9893
district in which the county is located, a representative of the 9894
metropolitan planning organization, where applicable, and at least 9895
the local professional associations representing the following 9896
professions: 9897

- (1) Homebuilders; 9898
- (2) Realtors; 9899
- (3) Professional surveyors; 9900
- (4) Attorneys; 9901
- (5) Professional engineers. 9902

(C) In addition to the notice required by division (A) of 9903
this section, a board of township trustees shall send a copy of 9904
the county engineer's proposed regulations, a copy of the advisory 9905
committee's recommendations, and a request for written comments, 9906
not less than thirty days before holding a public hearing, to the 9907
department of transportation district deputy director for the 9908
district in which the township is located, a representative of the 9909
metropolitan planning organization, where applicable, and at least 9910
the local professional associations representing the professions 9911
listed in division (B) of this section. 9912

Sec. 5553.05. (A) In the resolution required by section 9913
5553.04 of the Revised Code, the board of county commissioners 9914
shall fix a date when it will view the proposed improvement, and 9915
also a date for a final hearing thereon. 9916

The board shall give notice of the time and place for both 9917
such view and hearing by publication once a week for two 9918
consecutive weeks in a newspaper ~~published and having~~ of general 9919
circulation in the county where such improvement is located, ~~but~~ 9920

~~if there is no such newspaper published in said county, then in a~~ 9921
~~newspaper having general circulation in said county or as provided~~ 9922
~~in section 7.16 of the Revised Code.~~ Such notice, in addition to 9923
the date and place of such view and place and time of the final 9924
hearing, shall state briefly the character of such improvement. 9925

(B) If the board adopts a resolution to vacate a public road 9926
as provided in section 5553.04 of the Revised Code, or if a 9927
petition to vacate a public road is filed, the board shall, in 9928
addition to the notice of the time and place for hearing 9929
prescribed in division (A) of this section, send written notice of 9930
the hearing by first class mail at least twenty days before the 9931
date of the public hearing to owners of property abutting upon 9932
that portion of the road to be vacated, and to the director of 9933
natural resources. Such notice shall be mailed to the addresses of 9934
such owners appearing on the county auditor's current tax list or 9935
the treasurer's mailing list, and such other list or lists that 9936
may be specified by the board. The failure of the delivery of such 9937
notice does not invalidate any such vacating of the road 9938
authorized in the resolution. 9939

Sec. 5553.19. The county engineer shall view and survey the 9940
road as provided in section 5553.18 of the Revised Code, and shall 9941
make a return of the survey and plat of the road to the board of 9942
county commissioners. Upon the filing of the report of the 9943
engineer, the board shall give notice of the filing of such report 9944
by publication as provided in section 7.16 of the Revised Code or 9945
once each week for three consecutive weeks in a newspaper 9946
~~published and having~~ of general circulation in the county in which 9947
such road is situated, ~~but if there is no such newspaper published~~ 9948
~~in said county, then in a newspaper having general circulation in~~ 9949
~~said county.~~ Such notice shall state the date and time of the 9950
hearing upon the report of the engineer. If exceptions or 9951
objections are made, the board shall hear them, and it may approve 9952

or reject said report. If the report of the engineer is approved, 9953
the board shall cause such report to be recorded together with the 9954
survey and plat of such road. 9955

Sec. 5553.23. If a person through whose land a public road 9956
has been established, which is under the jurisdiction of the board 9957
of county commissioners, desires to turn or change or relocate 9958
such road or any part thereof through any part of ~~his~~ the person's 9959
land, ~~he~~ the person may file a petition with the board of county 9960
commissioners setting forth briefly the particular change ~~he~~ 9961
~~desires~~ desired. Upon the receipt of such petition, the board 9962
shall give notice by publication once not later than two weeks 9963
prior to the date for the hearing on such petition in ~~some a~~ 9964
newspaper ~~published and~~ of general circulation in said county, ~~but~~ 9965
~~if there is no such newspaper published in said county, then in a~~ 9966
~~newspaper having general circulation in said county,~~ stating that 9967
such petition has been filed and setting forth the change desired 9968
in such road and the date and place for the hearing on said 9969
petition. If a public road was once established for public 9970
convenience through private lands, but has not been improved by 9971
public funds and for more than twenty-one years has not been used, 9972
the owner of such land may petition the board to vacate the road 9973
in accordance with proceedings under sections 5553.04 to 5553.11 9974
of the Revised Code. 9975

A person through whose land a trail right of way has been 9976
preserved under section 5553.044 of the Revised Code may file a 9977
petition to turn or change the route of the trail right of way in 9978
the manner provided in this section, and such petition shall be 9979
acted upon in the manner set forth in sections 5553.23 to 5553.31 9980
of the Revised Code. Notice of the hearing in such case shall also 9981
be made by first class mail to the director of natural resources. 9982
If the board turns or changes the route of the trail right of way, 9983
it shall furnish the director with a full and accurate description 9984

or map of the change. 9985

Sec. 5553.42. The board of county commissioners shall give 9986
notice to the owners of lands through which the proposed road will 9987
pass of the filing of the petition provided for in section 5553.41 9988
of the Revised Code and the date and place of the hearing thereon. 9989
Such notice shall be served on such owners personally, or by 9990
leaving a copy of such notice at the usual place of residence of 9991
such owners at least five days before the date of the hearing on 9992
said petition. Proof of service of such notice shall be made by 9993
affidavit of the person serving such notice. If any of such owners 9994
are nonresidents of the county, the board shall give notice to 9995
such nonresidents by publication once each week for two 9996
consecutive weeks in a newspaper ~~published and having~~ of general 9997
circulation ~~within in~~ in the county, ~~but if there is no such~~ 9998
~~newspaper published in said county, then in a newspaper having~~ 9999
~~general circulation in said county~~ or as provided in section 7.16 10000
of the Revised Code. A copy of the newspaper containing such 10001
notice shall be mailed by the county auditor to each nonresident 10002
whose post-office address is known to such auditor. Such notice 10003
shall state the time and place of the hearing on claims for 10004
compensation and damages. 10005

Sec. 5555.07. The county engineer shall prepare and file with 10006
the board of county commissioners, by the time fixed therefor by 10007
the board, copies of the surveys, plans, profiles, cross sections, 10008
estimates of costs, and specifications for the improvement and 10009
estimated assessments upon lands benefited thereby. Thereupon such 10010
board shall file such copies in its office for the inspection and 10011
examination of all persons interested. Except in a case involving 10012
the improvement of a public road in which no land or property is 10013
taken or assessed, the board shall publish in a newspaper 10014
~~published and~~ of general circulation in the county, ~~or if no~~ 10015

~~newspaper is published in the county then in a newspaper having~~ 10016
~~general circulation in the county,~~ for the period of two weeks or 10017
as provided in section 7.16 of the Revised Code, notice that a 10018
resolution has been adopted providing for said improvement, and 10019
that copies of the surveys, plans, profiles, cross sections, 10020
estimates, and specifications, together with estimated assessments 10021
upon the lands benefited by such improvement for the proportion of 10022
the cost thereof to be assessed therefor, are on file in the 10023
office of the board for the inspection of persons interested 10024
therein. Such notice shall state the time and place for hearing 10025
objections to said improvement and to such estimated assessments. 10026
In a case involving the improvement of a public road in which no 10027
land or property is taken or assessed, the board shall publish the 10028
notice required by this section once a week for two consecutive 10029
weeks or as provided in section 7.16 of the Revised Code. 10030

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At such hearing the board may order said surveys, plans, 10032
profiles, cross sections, estimates, and specifications to be 10033
changed or modified and shall make such adjustments of the 10034
estimated assessments as seem just to it. Thereupon the board may 10035
approve such surveys, plans, profiles, cross sections, 10036
specifications, and estimates and approve and confirm estimated 10037
assessments as made by the engineer or as modified and changed by 10038
the board. Such assessments when so approved and confirmed shall 10039
be certified to the county auditor of the county and shall 10040
thereupon become a lien upon the land charged therewith. The board 10041
may declare against said improvement. 10042

Sec. 5555.27. As soon as the county engineer has transmitted 10043
to the several boards of county commissioners copies of ~~his~~ the 10044
engineer's surveys, plans, profiles, cross sections, estimates, 10045
and specifications for the improvement, the joint board of county 10046
commissioners shall, except in cases of reconstruction or repair 10047

of roads where no lands or property are taken, fix a time and 10048
place for hearing objections to said improvement. The joint board 10049
shall thereupon, except in cases of reconstruction or repair of 10050
roads where no lands or property are taken, publish in a newspaper 10051
~~published and~~ of general circulation within each interested 10052
county, ~~or if there is no such newspaper published in such county~~ 10053
~~then in a newspaper having general circulation in such county,~~ 10054
once a week for two consecutive weeks or as provided in section 10055
7.16 of the Revised Code, a notice that such improvement is to be 10056
made and that copies of the surveys, plans, profiles, cross 10057
sections, estimates, and specifications therefor are on file in 10058
the office of the board of each interested county for the 10059
inspection and examination of all persons interested therein. Such 10060
notice shall also state the time and place for hearing objections 10061
to said improvement. Proceedings for the appropriation of land 10062
needed for such improvement shall be maintained in accordance with 10063
sections 163.01 to 163.22, ~~inclusive,~~ of the Revised Code. 10064

Sec. 5555.42. A board of county commissioners desiring to 10065
construct a county road improvement, and finding that no equitable 10066
method of apportioning the compensation, damages, and expenses 10067
thereof is provided by section 5555.41 of the Revised Code, or 10068
finding that an equitable assessment cannot be made by the use of 10069
any of the several assessment areas authorized by said section, 10070
may order the county engineer to make a tentative plan for such 10071
improvement and an approximate estimate of the cost. Such board 10072
may thereupon file an application in the court of common pleas 10073
describing the improvement in question, and a copy of the 10074
tentative plan and approximate estimate of cost shall be attached 10075
to such application. The board shall set forth in such application 10076
that the compensation, damages, and expenses of the improvement 10077
cannot be equitably apportioned under any of the several plans 10078
provided by said section or that such compensation, damages, and 10079

expenses cannot be equitably assessed by the use of any one of the 10080
several assessment areas authorized by said section, or that both 10081
such conditions exist, and it shall set forth a method of 10082
apportioning the compensation, damages, and expenses and a 10083
definite description of the area against which it desires to 10084
assess any part of such compensation, damages, and expenses. The 10085
application shall contain a prayer requesting authority from such 10086
court to construct the improvement and apportion the compensation, 10087
damages, and expenses according to the plan suggested by such 10088
board and to assess the designated portion of the cost against the 10089
real estate within the area described in the petition. 10090

Notice of the filing and pendency of such application shall 10091
be given once a week for four consecutive weeks by publication in 10092
~~two newspapers published and of general circulation in the county,~~ 10093
~~or if there are no such newspapers then in two newspapers a~~ 10094
newspaper of general circulation in such county or as provided in 10095
section 7.16 of the Revised Code. Such notice shall describe the 10096
route and termini of the improvement and set forth the estimated 10097
cost and the proposed method of apportionment and assessment area. 10098
After such notice has been given, the court or a judge thereof 10099
shall fix a time for a hearing on such application, and, at the 10100
time fixed, the court or a judge thereof shall hear such 10101
application and all evidence offered by the board or any taxpayer 10102
of the county for or against the proposed plan of apportionment 10103
and for or against the use of the suggested assessment area. If 10104
the court finds that the suggested plan of apportionment and the 10105
area against which special assessments are to be made are fair and 10106
just, that the cost of the improvement will not be excessive in 10107
view of the benefits conferred, and that all the real estate 10108
within the suggested assessment area will be benefited by the 10109
construction of the improvement upon the plan suggested and by the 10110
use of the method of apportionment set forth in said application, 10111
such court may authorize the board to proceed upon the suggested 10112

plan and to apportion the compensation, damages, and expenses in 10113
the manner set forth in the application and to assess against the 10114
real estate within the assessment area designated in the 10115
application, according to the benefits, that portion of the cost 10116
to be specially assessed; otherwise the court shall dismiss the 10117
application and the board may not proceed with the improvement. 10118
The court may modify the suggested plan of apportionment or the 10119
suggested assessment area and grant the prayer of the application 10120
subject to such modifications as it determines are just and 10121
proper. The board in its application may set up any division of 10122
cost which it thinks proper among the county, the owners of lands 10123
to be specially assessed, and any municipal corporation within 10124
which such projected improvement is situated in whole or in part, 10125
but no portion of the cost may be apportioned to a municipal 10126
corporation without the consent of such municipal corporation 10127
evidenced by an ordinance or resolution of its legislative 10128
authority. 10129

When the prayer of any such application is granted by the 10130
court or a judge thereof and the plan of apportionment and area of 10131
assessment is approved by such court, either as set forth in the 10132
application or as modified by the court, the board may proceed 10133
with the construction of the improvement and use the method of 10134
apportionment and the assessment area authorized by the court. In 10135
such event, the board may levy taxes and issue bonds in the manner 10136
provided by law with respect to improvements, the compensation, 10137
damages, and expenses of which are apportioned and paid as 10138
provided in section 5555.41 of the Revised Code, and all 10139
proceedings in connection with such improvement shall be conducted 10140
in accordance with sections 5555.01 to 5555.83 of the Revised 10141
Code, except as provided in this section. The special assessments 10142
shall be made by the board against the real estate within the 10143
assessment area authorized by the court, but no assessment against 10144
any lot or parcel of real estate shall exceed the actual benefits 10145

conferred thereon by the construction of the improvement. This 10146
section also applies to improvements of sections of a state 10147
highway within counties having a tax duplicate of real and 10148
personal property in excess of three hundred million dollars, and 10149
with respect to which the board desires to co-operate with the 10150
department of transportation. 10151

Sec. 5559.06. Upon the completion of the surveys, plans, 10152
profiles, cross sections, estimates, and specifications for an 10153
improvement under section 5559.02 of the Revised Code by the 10154
county engineer, ~~he~~ the engineer shall transmit to the board of 10155
county commissioners copies of such surveys, plans, profiles, 10156
cross sections, estimates, and specifications. The board shall 10157
then publish, in a newspaper ~~published and~~ of general circulation 10158
within the county, ~~and if there is no such newspaper published in~~ 10159
~~the county then in one having general circulation in such county,~~ 10160
once a week for two consecutive weeks or as provided in section 10161
7.16 of the Revised Code, a notice that such improvement is to be 10162
made and that copies of the surveys, plans, profiles, cross 10163
sections, estimates, and specifications for it are on file in the 10164
office of the board for the inspection and examination of all 10165
persons interested. Such notice shall also state the time and 10166
place for hearing objections to the improvement. 10167

In the event that land or property is to be taken for such 10168
improvement, such taking shall be in accordance with sections 10169
163.01 to 163.22, ~~inclusive,~~ of the Revised Code. 10170

Sec. 5559.10. As soon as all questions of compensation and 10171
damages have been determined in a road improvement case, the 10172
county engineer shall make, upon actual view, an estimated 10173
assessment upon the real estate to be charged therewith, of the 10174
compensation, damages, and costs of an improvement as provided by 10175
section 5559.02 of the Revised Code. Such estimated assessment 10176

shall be according to the benefit which will result to the real 10177
estate. In making such assessment the engineer may take into 10178
consideration any previous special assessments made upon the real 10179
estate for road improvements. The schedule of such assessments 10180
shall be filed in the office of the board of county commissioners 10181
for the inspection of the persons interested. Before adopting the 10182
assessment, the board shall publish, once each week for two 10183
consecutive weeks, in ~~some a newspaper published and~~ of general 10184
circulation in the county or as provided in section 7.16 of the 10185
Revised Code, but if there is no such newspaper then in one having 10186
general circulation in the county, notice that such assessment has 10187
been made, is on file in the office of the board, and the date 10188
when objections will be heard to such assessment. If any owner of 10189
property affected thereby desires, ~~he~~ the owner may file ~~his~~ 10190
objections to said assessments, in writing, with the board before 10191
the time for hearing. If any objections are filed the board shall 10192
hear them and act as an equalizing board. It may change such 10193
assessments if, in its opinion, any change is necessary to make 10194
them just and equitable, and the board shall approve and confirm 10195
such assessments as reported by the engineer or modified by it. 10196
Such assessments, when so approved and confirmed, shall be a lien 10197
on the land chargeable therewith. 10198

Sec. 5559.12. After the board of county commissioners has 10199
decided to proceed with an improvement as provided by section 10200
5559.02 of the Revised Code, it shall advertise for bids once, not 10201
later than two weeks prior to the date fixed for the letting of 10202
the contract, in a newspaper ~~published and~~ of general circulation 10203
in the county, ~~but if there is no such newspaper then in one~~ 10204
~~having general circulation in such county.~~ Such notice shall state 10205
that copies of the surveys, plans, profiles, cross sections, 10206
estimates, and specifications for such improvement are on file in 10207
the office of the board, and the time within which bids will be 10208

received. The board shall award the contract to the lowest responsible bidder. 10209
10210

The contract shall be let upon the basis of lump sum bids, unless the board orders that it be let upon the basis of unit price bids, in which event it shall be let upon such basis. The bids received shall be opened at the time stated in the notice. The board may reject all bids. 10211
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Sec. 5561.04. The board of county commissioners, desiring to proceed under sections 4957.06 and 5561.01 to 5561.15 of the Revised Code, shall, after receipt of the certificate of necessity and expediency from the director of transportation, as provided in section 5561.03 of the Revised Code, hold a public hearing as to the expediency of constructing such improvement, notice of which shall be given by publication in ~~two newspapers published and a newspaper~~ of general circulation in the county, ~~if such there be, otherwise in two newspapers of general circulation in such county,~~ for two weeks prior to the date set for such hearing or as provided in section 7.16 of the Revised Code, and shall be served upon the railroad or interurban railway companies in the manner for the service of summons in civil actions, not less than twenty days prior to the date of such hearing. 10216
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The board, after such hearing and for the purpose of making or causing such an improvement to be made, may, by resolution adopted by unanimous vote, require the railroad company, in co-operation with the county engineer or any engineer designated by the board, to prepare and submit to the board within six months, unless longer time is mutually agreed upon in writing, plans and specifications for such improvements, specifying the number, character, and location of all piers and supports which are to be permanently placed in any road or highway, specifying the grades to be established for the roads and the height, 10230
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character, and estimated cost of any viaduct or way above or below 10240
any railroad track, and the change of grade required to be made of 10241
such tracks including side tracks and switches. But in changing 10242
the grade of any railroad, no grade shall be required in excess of 10243
that adopted by the railroad company for its construction work on 10244
that division or part of the railroad on which the improvement is 10245
to be made, without the consent of the railroad company, nor shall 10246
the railroad company's tracks be required to be placed below 10247
high-water mark. 10248

Such resolution shall be published in the same manner as 10249
resolutions of the legislative authority of a municipal 10250
corporation declaring the necessity of a contemplated public 10251
improvement, and shall be served by the sheriff upon the railroad 10252
or interurban railway companies in the manner provided for the 10253
service of summons in civil actions. If the proposed public 10254
improvement is to be made within a municipal corporation, notice 10255
of the passage of the same shall be served upon the municipal 10256
corporation by delivering to the clerk of the village or 10257
legislative authority of a city a true copy thereof. 10258

If, at the expiration of six months from the passage of such 10259
resolution, the railroad company has refused or failed to 10260
co-operate in the preparation of such plans and specifications, or 10261
if the county engineer or engineer designated by the board and the 10262
railroad company fail to agree upon the plans and specification of 10263
such improvement, then either the railroad company or the county 10264
may submit the matter of determining the method by which the 10265
improvement shall be made to the court of common pleas of such 10266
county. Either the county or company, after the expiration of six 10267
months from the passage of the resolution, may apply to such court 10268
by petition, accompanied by the necessary plans prepared by the 10269
county or railroad company, covering the grade crossing proposed 10270
to be abolished. Such plans must show the grades to be established 10271

for such roads or highways, the changes to be made in the location 10272
of roads or highways, the height, character, and estimated cost of 10273
any viaduct or way above or below the railroad tracks, the number, 10274
character, and location of piers, abutments, or supports to be 10275
permanently located in the roads or highways, and the change of 10276
grade to be made in any railroad tracks, including sidetracks and 10277
switches. 10278

Sec. 5561.08. Notice of the passage of a resolution for a 10279
grade crossing improvement shall be served by the sheriff of the 10280
county, upon the owner of each piece of property which will be 10281
affected by any change of grade, in the manner provided for the 10282
service of summons in civil actions. If any of such owners are 10283
nonresidents of the county, or if it appears from the return that 10284
they cannot be found, the notice shall be published for at least 10285
two weeks in ~~an English language~~ a newspaper published of general 10286
circulation in such the county or as provided in section 7.16 of 10287
the Revised Code. Notice shall be completed at least twenty days 10288
before any work is done on such improvement, and the sheriff's 10289
return shall be prima-facie evidence of the facts recited therein. 10290
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Section 727.18 of the Revised Code shall apply to the notice 10292
provided for in this section, and to all claims for damages by 10293
reason of such improvement. Such claims shall be filed with the 10294
county auditor within the time, and rights thereunder shall pass 10295
to vendees, as provided in such section. After the expiration of 10296
the time provided for the filing of claims, the board of county 10297
commissioners, when claims have been filed within the time 10298
limited, shall determine, by resolution, whether such claims are 10299
to be judicially inquired into before commencing or after the 10300
completion of the proposed improvement. Thereupon, the county 10301
prosecutor shall make application for a jury, to the court of 10302
common pleas, or probate court of the county, before commencing or 10303

after the completion of the improvement, as the board determines, 10304
and all proceedings upon such application shall be governed by the 10305
laws relating to similar applications provided for in cases of 10306
city improvements. 10307

Sec. 5571.011. If a person through whose land a public road 10308
has been established which is under the jurisdiction of a board of 10309
township trustees, desires to turn or change or relocate such road 10310
or any part thereof through any part of ~~his~~ the person's land, ~~he~~ 10311
the person may file a petition with such board of township 10312
trustees setting forth briefly the particular change ~~he desires~~ 10313
desired. Upon receipt of such petition, the board of township 10314
trustees shall give notice by publication once, not later than two 10315
weeks prior to the date which such board shall fix for a hearing 10316
on such petition, in a newspaper ~~published or~~ of general 10317
circulation in said township, stating that such petition has been 10318
filed and setting forth the change desired in such road and the 10319
date and place of such hearing. 10320

Upon receipt of such a petition the board of township 10321
trustees shall cause a competent engineer to make a survey of the 10322
ground over which the road is proposed to be changed, and to make 10323
a report in writing, together with a plat and survey of the 10324
proposed change and ~~his~~ the engineer's opinion as to its advantage 10325
or disadvantage. The report of such engineer shall be filed with 10326
the board prior to the hearing of such petition. 10327

At the hearing had on the petition the board of township 10328
trustees may hear evidence for or against changing the road, and 10329
if the board is satisfied that the proposed change will not cause 10330
serious injury or disadvantage to the public, it may make a 10331
finding of such fact in its journal and authorize the petitioner 10332
to change such road in conformity with the prayer of the petition. 10333
The board may grant the change as prayed for in the petition, or 10334

it may order such change of the route of such road as will, in its judgment, be for the best interest of the public.

Upon receiving satisfactory evidence that the road has been changed as authorized by it, and opened to the legal width and improved as required by it, the board of township trustees shall declare such new road a public highway and cause a record thereof to be made and at the same time vacate so much of the old road as is rendered unnecessary by the new road. The person petitioning for such change shall in all cases pay all costs and expenses in connection with the proceeding, as found and determined by the board, and the expense of making such change, including the cost of relocation of any conduits, cables, wires, towers, poles or other equipment or appliances of any public utility, located on, over or under such road. The petitioner shall, on the filing of the petition for such change, give bond to the satisfaction of the board in such amount as it determines to secure payment of the costs of the proceeding and to cover the expense of making the change asked for by the petition.

Sec. 5573.02. Upon the completion of the surveys, plans, profiles, cross sections, estimates, and specifications for a road improvement by the county engineer, ~~he~~ the engineer shall transmit to the board of township trustees copies of the same. Except in cases of reconstruction or repair of roads, where no land or property is taken, the board shall then cause to be published in a newspaper, ~~published in the county and~~ of general circulation within the township, ~~but if no such paper is published in the county then in one having general circulation in such township,~~ once a week for two consecutive weeks or as provided in section 7.16 of the Revised Code, a notice that such improvement is to be made and that copies of the surveys, plans, profiles, cross sections, estimates, and specifications for it are on file with the board for the inspection and examination of all persons

interested. 10367

In the event that land or property is to be taken for such 10368
improvement, proceedings shall be had in accordance with sections 10369
163.01 to 163.22, ~~inclusive~~, of the Revised Code. 10370

Sec. 5573.10. As soon as all questions of compensation and 10371
damages have been determined for any road improvement, the county 10372
engineer shall make, upon actual view, an estimated assessment, 10373
upon the real estate to be charged, of such part of the 10374
compensation, damages, and costs of such improvement as is to be 10375
specially assessed. Such assessment shall be according to the 10376
benefits which will result to the real estate. In making such 10377
assessment the engineer may take into consideration any previous 10378
special assessment made upon such real estate for road 10379
improvements. 10380

The schedule for such assessments shall be filed with the 10381
board of township trustees for the inspection of the persons 10382
interested. Before adopting the estimated assessment, the board 10383
shall publish once each week for two consecutive weeks, in ~~some a~~ 10384
newspaper ~~published in the county and~~ of general circulation 10385
within such township, ~~but if there is no such paper published in~~ 10386
~~said county then in one having general circulation in such~~ 10387
~~township or as provided in section 7.16 of the Revised Code,~~ 10388
notice that such assessment has been made and is on file with the 10389
board, and the date when objections will be heard to such 10390
assessment. 10391

If any owner of property affected desires to make objections, 10392
~~he~~ the owner may file ~~his~~ objections to such assessments, in 10393
writing, with the board, before the time of such hearing. If any 10394
objections are filed the board shall hear them and act as an 10395
equalizing board, and may change assessments if, in its opinion, 10396
any changes are necessary to make them just and equitable. The 10397

board shall approve and confirm assessments as reported by the 10398
engineer or modified by the board. Such assessments, when approved 10399
and confirmed, shall be a lien on the land chargeable therewith. 10400
10401

Sec. 5575.01. (A) In the maintenance and repair of roads, the 10402
board of township trustees may proceed either by contract or force 10403
account, but, unless the exemption specified in division (C) of 10404
this section applies, if the board wishes to proceed by force 10405
account, it first shall cause the county engineer to complete the 10406
force account assessment form developed by the auditor of state 10407
under section 117.16 of the Revised Code. Except as otherwise 10408
provided in sections 505.08 and 505.101 of the Revised Code, when 10409
the board proceeds by contract, the contract shall, if the amount 10410
involved exceeds forty-five thousand dollars, be let by the board 10411
to the lowest responsible bidder after advertisement for bids 10412
once, not later than two weeks, prior to the date fixed for the 10413
letting of the contract, in a newspaper ~~published in the county~~ 10414
~~and~~ of general circulation within the township ~~or, if no newspaper~~ 10415
~~is published in the county, in a newspaper having general~~ 10416
~~circulation in the township.~~ If the amount involved is forty-five 10417
thousand dollars or less, a contract may be let without 10418
competitive bidding, or the work may be done by force account. 10419
Such a contract shall be performed under the supervision of a 10420
member of the board or the township road superintendent. 10421

(B) Before undertaking the construction or reconstruction of 10422
a township road, the board shall cause to be made by the county 10423
engineer an estimate of the cost of the work, which estimate shall 10424
include labor, material, freight, fuel, hauling, use of machinery 10425
and equipment, and all other items of cost. If the board finds it 10426
in the best interest of the public, it may, in lieu of 10427
constructing the road by contract, proceed to construct the road 10428
by force account. Except as otherwise provided under sections 10429

505.08 and 505.101 of the Revised Code, where the total ~~estimate~~ 10430
~~estimated~~ cost of the work exceeds fifteen thousand dollars per 10431
mile, the board shall invite and receive competitive bids for 10432
furnishing all the labor, materials, and equipment and doing the 10433
work, as provided in section 5575.02 of the Revised Code, and 10434
shall consider and reject them before ordering the work done by 10435
force account. When such bids are received, considered, and 10436
rejected, and the work is done by force account, the work shall be 10437
performed in compliance with the plans and specifications upon 10438
which the bids were based. 10439

(C) Force account assessment forms are not required under 10440
division (A) of this section for road maintenance or repair 10441
projects of less than fifteen thousand dollars, or under division 10442
(B) of this section for road construction or reconstruction 10443
projects of less than five thousand dollars per mile. 10444

(D) All force account work under this section shall be done 10445
under the direction of a member of the board or the township road 10446
superintendent. 10447

Sec. 5575.02. After the board of township trustees has 10448
decided to proceed with a road improvement, it shall advertise for 10449
bids once, not later than two weeks prior to the date fixed for 10450
the letting of contracts, in a newspaper ~~published in the county~~ 10451
~~and~~ of general circulation within ~~such the~~ township, ~~but if there~~ 10452
~~is no such paper published in the county then in one having~~ 10453
~~general circulation in the township.~~ Such notice shall state that 10454
copies of the surveys, plans, profiles, cross sections, estimates, 10455
and specifications for such improvement are on file with the 10456
board, and the time within which bids will be received. The board 10457
may let the work as a whole or in convenient sections, as it 10458
determines. The contract shall be awarded to the lowest and best 10459
bidder who meets the requirements of section 153.54 of the Revised 10460

Code, and shall be let upon the basis of lump sum bids, unless the board orders that it be let upon the basis of unit price bids, in which event it shall be let upon such basis.

Sec. 5591.15. All resolutions and notices provided for in sections 5591.03 to 5591.17 of the Revised Code, shall be published in a newspaper ~~published in and~~ of general circulation in the county where the improvement provided in such sections is to be made, and such publication shall be complete when published once a week, on the same day of the week, for two consecutive weeks or as provided in section 7.16 of the Revised Code.

Sec. 5593.08. The bridge commission of any county or city may:

(A) Adopt bylaws for the regulation of its affairs and the conduct of its business;

(B) Adopt an official seal, which shall not be the seal of Ohio;

(C) Maintain a principal office and suboffices at such places within the county or city as it designates;

(D) Sue and be sued in its own name, and plead and be impleaded. Any actions against a bridge commission shall be brought in the court of common pleas of the county in which the principal office of the commission is located, or in the court of common pleas of the county in which the cause of action arose, when such county is located within this state. All summonses, exceptions, and notices of every kind shall be served on the commission by leaving a copy thereof at the principal office with the secretary-treasurer or the person in charge.

(E) Construct, acquire by purchase or condemnation, improve, maintain, repair, police, and operate any bridge, and establish rules for the use of any such bridge;

(F) Issue bridge revenue bonds of the county or city, payable 10491
solely from revenues, as provided in sections 5593.10 and 5593.16 10492
of the Revised Code, for the purpose of paying any part of the 10493
cost of any bridge or bridges; 10494

(G) Fix and revise from time to time and charge and collect 10495
tolls for transit over each bridge constructed or acquired by it; 10496

(H) Acquire, hold, and dispose of real and personal property 10497
in the exercise of its powers and the performance of its duties 10498
under this chapter; 10499

(I) Acquire, in the name of the county or city, as the case 10500
may be, by purchase or otherwise, on such terms and in such manner 10501
as it determines proper, or by the exercise of the right of 10502
condemnation in the manner provided by sections 163.01 to 163.22 10503
of the Revised Code, any bridge, land, rights, easements, 10504
franchises, and other property necessary or convenient for the 10505
construction of a bridge or the improvement or efficient operation 10506
of any property acquired or constructed under this chapter, or for 10507
securing right-of-way leading to any such bridge or its approach 10508
facilities; 10509

(J) Make and enter into all contracts and agreements 10510
necessary or incidental to the performance of its duties and the 10511
execution of its powers under this chapter: 10512

(1) When the cost under any such contract or agreement, other 10513
than compensation for personal services, involves an expenditure 10514
of more than ten thousand dollars, the commission shall make a 10515
written contract with the lowest and best bidder after 10516
advertisement for not less than two consecutive weeks, or as 10517
provided in section 7.16 of the Revised Code, in a newspaper of 10518
general circulation in Franklin county, and in such other 10519
publications as the commission determines, which notice shall 10520
state the general character of the work and the general character 10521

of the materials to be furnished, the place where plans and 10522
specifications therefor may be examined, and the time and place of 10523
receiving bids. 10524

(2) Each bid for a contract for the construction, demolition, 10525
alteration, repair, or reconstruction of an improvement shall 10526
contain the full name of every person interested in it and meets 10527
the requirements of section 153.54 of the Revised Code. 10528

(3) Each bid for a contract except as provided in division 10529
(J)(2) of this section shall contain the full name of every person 10530
or company interested in it and shall be accompanied by a bond or 10531
certified check on a solvent bank, in such amount as the 10532
commission determines sufficient, that if the bid is accepted a 10533
contract will be entered into and the performance of its proposal 10534
secured. 10535

(4) The commission may reject any and all bids. 10536

(5) A bond with good and sufficient surety, approved by the 10537
commission, shall be required of every contractor awarded a 10538
contract except as provided in division (J)(2) of this section, in 10539
an amount equal to at least fifty per cent of the contract price, 10540
conditioned upon the faithful performance of the contract. 10541

(K) Employ consulting engineers, superintendents, managers, 10542
engineers, construction and accounting experts, attorneys, and 10543
other employees and agents as are necessary in its judgment, and 10544
fix their compensation. All such expenses are payable solely from 10545
the proceeds of bridge revenue bonds issued under this chapter, or 10546
from revenues. 10547

(L) Receive and accept from any federal agency, subject to 10548
the approval of the board of county commissioners or the 10549
legislative authority of the city, as the case may be, grants for 10550
or in aid of the construction, acquisition, improvement, or 10551
operation of any bridge, and receive and accept aid or 10552

contributions from any source of money, property, labor, or other 10553
things of value, to be held, used, and applied only for the 10554
purposes for which such grants and contributions are made; 10555

(M) Provide coverage for its employees under sections 4123.01 10556
to 4123.94 and 4141.01 to 4141.46 of the Revised Code; 10557

(N) Do all acts necessary or proper to carry out the powers 10558
expressly granted in this chapter. 10559

Sec. 5705.16. A resolution of the taxing authority of any 10560
political subdivision shall be passed by a majority of all the 10561
members thereof, declaring the necessity for the transfer of funds 10562
authorized by section 5705.15 of the Revised Code, and such taxing 10563
authority shall prepare a petition addressed to the court of 10564
common pleas of the county in which the funds are held. The 10565
petition shall set forth the name and amount of the fund, the fund 10566
to which it is desired to be transferred, a copy of such 10567
resolution with a full statement of the proceedings pertaining to 10568
its passage, and the reason or necessity for the transfer. A 10569
duplicate copy of said petition shall be forwarded to the tax 10570
commissioner for ~~his~~ the commissioner's examination and approval. 10571

If the petition is disapproved by the commissioner, it shall 10572
be returned within ten days of its receipt to the officers who 10573
submitted it, with a memorandum of the commissioner's objections. 10574
This disapproval shall not prejudice a later application for 10575
approval. If the petition is approved by the commissioner, it 10576
shall be forwarded within ten days of its receipt to the clerk of 10577
the court of common pleas of the county to whose court of common 10578
pleas the petition is addressed, marked with the approval of the 10579
commissioner. If the commissioner approves the petition, ~~he~~ the 10580
commissioner shall notify immediately the officers who submitted 10581
the petition, who then may file the petition in the court to which 10582
it is addressed. 10583

The petitioner shall give notice of the filing, object, and 10584
prayer of the petition, and of the time when it will be heard. The 10585
notice shall be given by one publication in ~~two newspapers having~~ 10586
a newspaper of general circulation in the territory to be affected 10587
by such transfer of funds, ~~preference being given to newspapers~~ 10588
~~published within the territory~~. If there are is no such ~~newspapers~~ 10589
newspaper, the notice shall be posted in ten conspicuous places 10590
within the territory for ~~the~~ a period of four weeks. 10591

The petition may be heard at the time stated in the notice, 10592
or as soon thereafter as convenient for the court. Any person who 10593
objects to the prayer of such petition shall file ~~his~~ the person's 10594
objections in such cause on or before the time fixed in the notice 10595
for hearing, and ~~he~~ that person shall be entitled to be heard. 10596

If, upon hearing, the court finds that the notice has been 10597
given as required by this section, that the petition states 10598
sufficient facts, that there are good reasons, or that a necessity 10599
exists, for the transfer, and that no injury will result 10600
therefrom, it shall grant the prayer of the petition and order the 10601
petitioners to make such transfer. 10602

A copy of the findings, orders, and judgments of the court 10603
shall be certified by the clerk and entered on the records of the 10604
petitioning officers or board, and thereupon the petitioners may 10605
make the transfer of funds as directed by the court. All costs of 10606
such proceedings shall be paid by the petitioners, except that if 10607
objections are filed the court may order such objectors to pay all 10608
or a portion of the costs. 10609

Sec. 5705.191. The taxing authority of any subdivision, other 10610
than the board of education of a school district or the taxing 10611
authority of a county school financing district, by a vote of 10612
two-thirds of all its members, may declare by resolution that the 10613
amount of taxes that may be raised within the ten-mill limitation 10614

by levies on the current tax duplicate will be insufficient to 10615
provide an adequate amount for the necessary requirements of the 10616
subdivision, and that it is necessary to levy a tax in excess of 10617
such limitation for any of the purposes in section 5705.19 of the 10618
Revised Code, or to supplement the general fund for the purpose of 10619
making appropriations for one or more of the following purposes: 10620
public assistance, human or social services, relief, welfare, 10621
hospitalization, health, and support of general hospitals, and 10622
that the question of such additional tax levy shall be submitted 10623
to the electors of the subdivision at a general, primary, or 10624
special election to be held at a time therein specified. Such 10625
resolution shall not include a levy on the current tax list and 10626
duplicate unless such election is to be held at or prior to the 10627
general election day of the current tax year. Such resolution 10628
shall conform to the requirements of section 5705.19 of the 10629
Revised Code, except that a levy to supplement the general fund 10630
for the purposes of public assistance, human or social services, 10631
relief, welfare, hospitalization, health, or the support of 10632
general or tuberculosis hospitals may not be for a longer period 10633
than ten years. All other levies under this section may not be for 10634
a longer period than five years unless a longer period is 10635
permitted by section 5705.19 of the Revised Code, and the 10636
resolution shall specify the date of holding such election, which 10637
shall not be earlier than seventy-five days after the adoption and 10638
certification of such resolution. The resolution shall go into 10639
immediate effect upon its passage and no publication of the same 10640
is necessary other than that provided for in the notice of 10641
election. A copy of such resolution, immediately after its 10642
passage, shall be certified to the board of elections of the 10643
proper county or counties in the manner provided by section 10644
5705.25 of the Revised Code, and such section shall govern the 10645
arrangements for the submission of such question and other matters 10646
with respect to such election, to which section 5705.25 of the 10647

Revised Code refers, excepting that such election shall be held on 10648
the date specified in the resolution, which shall be consistent 10649
with the requirements of section 3501.01 of the Revised Code, 10650
provided that only one special election for the submission of such 10651
question may be held in any one calendar year and provided that a 10652
special election may be held upon the same day a primary election 10653
is held. Publication of notice of that election shall be made in 10654
~~one or more newspapers~~ a newspaper of general circulation in the 10655
county once a week for two consecutive weeks or as provided in 10656
section 7.16 of the Revised Code, prior to the election, ~~and, if,~~ 10657
If the board of elections operates and maintains a web site, the 10658
board of elections shall post notice of the election on its web 10659
site for thirty days prior to the election. 10660

If a majority of the electors voting on the question vote in 10661
favor thereof, the taxing authority of the subdivision may make 10662
the necessary levy within such subdivision at the additional rate 10663
or at any lesser rate outside the ten-mill limitation on the tax 10664
list and duplicate for the purpose stated in the resolution. Such 10665
tax levy shall be included in the next annual tax budget that is 10666
certified to the county budget commission. 10667

After the approval of such a levy by the electors, the taxing 10668
authority of the subdivision may anticipate a fraction of the 10669
proceeds of such levy and issue anticipation notes. In the case of 10670
a continuing levy that is not levied for the purpose of current 10671
expenses, notes may be issued at any time after approval of the 10672
levy in an amount not more than fifty per cent of the total 10673
estimated proceeds of the levy for the succeeding ten years, less 10674
an amount equal to the fraction of the proceeds of the levy 10675
previously anticipated by the issuance of anticipation notes. In 10676
the case of a levy for a fixed period that is not for the purpose 10677
of current expenses, notes may be issued at any time after 10678
approval of the levy in an amount not more than fifty per cent of 10679

the total estimated proceeds of the levy throughout the remaining 10680
life of the levy, less an amount equal to the fraction of the 10681
proceeds of the levy previously anticipated by the issuance of 10682
anticipation notes. In the case of a levy for current expenses, 10683
notes may be issued after the approval of the levy by the electors 10684
and prior to the time when the first tax collection from the levy 10685
can be made. Such notes may be issued in an amount not more than 10686
fifty per cent of the total estimated proceeds of the levy 10687
throughout the term of the levy in the case of a levy for a fixed 10688
period, or fifty per cent of the total estimated proceeds for the 10689
first ten years of the levy in the case of a continuing levy. 10690

No anticipation notes that increase the net indebtedness of a 10691
county may be issued without the prior consent of the board of 10692
county commissioners of that county. The notes shall be issued as 10693
provided in section 133.24 of the Revised Code, shall have 10694
principal payments during each year after the year of their 10695
issuance over a period not exceeding the life of the levy 10696
anticipated, and may have a principal payment in the year of their 10697
issuance. 10698

"Taxing authority" and "subdivision" have the same meanings 10699
as in section 5705.01 of the Revised Code. 10700

"Human or social services" includes a county's contributions 10701
to a multicounty board of mental retardation and developmental 10702
disabilities of which the county is a member. 10703

This section is supplemental to and not in derogation of 10704
sections 5705.20, 5705.21, and 5705.22 of the Revised Code. 10705

Sec. 5705.194. The board of education of any city, local, 10706
exempted village, cooperative education, or joint vocational 10707
school district at any time may declare by resolution that the 10708
revenue that will be raised by all tax levies which the district 10709
is authorized to impose, when combined with state and federal 10710

revenues, will be insufficient to provide for the emergency 10711
requirements of the school district or to avoid an operating 10712
deficit, and that it is therefore necessary to levy an additional 10713
tax in excess of the ten-mill limitation. The resolution shall be 10714
confined to a single purpose and shall specify that purpose. If 10715
the levy is proposed to renew all or a portion of the proceeds 10716
derived from one or more existing levies imposed pursuant to this 10717
section, it shall be called a renewal levy and shall be so 10718
designated on the ballot. If two or more existing levies are to be 10719
included in a single renewal levy but are not scheduled to expire 10720
in the same year, the resolution shall specify that the existing 10721
levies to be renewed shall not be levied after the year preceding 10722
the year in which the renewal levy is first imposed. 10723
Notwithstanding the original purpose of any one or more existing 10724
levies that are to be in any single renewal levy, the purpose of 10725
the renewal levy may be either to avoid an operating deficit or to 10726
provide for the emergency requirements of the school district. The 10727
resolution shall further specify the amount of money it is 10728
necessary to raise for the specified purpose for each calendar 10729
year the millage is to be imposed; if a renewal levy, whether the 10730
levy is to renew all, or a portion of, the proceeds derived from 10731
one or more existing levies; and the number of years in which the 10732
millage is to be in effect, which may include a levy upon the 10733
current year's tax list. The number of years may be any number not 10734
exceeding ten. 10735

The question shall be submitted at a special election on a 10736
date specified in the resolution. The date shall not be earlier 10737
than eighty days after the adoption and certification of the 10738
resolution to the county auditor and shall be consistent with the 10739
requirements of section 3501.01 of the Revised Code. A resolution 10740
for a renewal levy shall not be placed on the ballot unless the 10741
question is submitted on a date on which a special election may be 10742
held under division (D) of section 3501.01 of the Revised Code, 10743

except for the first Tuesday after the first Monday in February 10744
and August, during the last year the levy to be renewed may be 10745
extended on the real and public utility property tax list and 10746
duplicate, or at any election held in the ensuing year, except 10747
that if the resolution proposes renewing two or more existing 10748
levies, the question shall be submitted on the date of the general 10749
or primary election held during the last year at least one of the 10750
levies to be renewed may be extended on that list and duplicate, 10751
or at any election held during the ensuing year. For purposes of 10752
this section, a levy shall be considered to be an "existing levy" 10753
through the year following the last year it can be placed on the 10754
real and public utility property tax list and duplicate. 10755

The submission of questions to the electors under this 10756
section is subject to the limitation on the number of election 10757
dates established by section 5705.214 of the Revised Code. 10758

The resolution shall go into immediate effect upon its 10759
passage, and no publication of the resolution shall be necessary 10760
other than that provided for in the notice of election. A copy of 10761
the resolution shall immediately after its passing be certified to 10762
the county auditor of the proper county. Section 5705.195 of the 10763
Revised Code shall govern the arrangements for the submission of 10764
questions to the electors under this section and other matters 10765
concerning the election. Publication of notice of the election 10766
shall be made in one ~~or more newspapers~~ newspaper of general 10767
circulation in the county once a week for two consecutive weeks, 10768
or as provided in section 7.16 of the Revised Code, prior to the 10769
election, ~~and, if.~~ If the board of elections operates and 10770
maintains a web site, the board of elections shall post notice of 10771
the election on its web site for thirty days prior to the 10772
election. If a majority of the electors voting on the question 10773
submitted in an election vote in favor of the levy, the board of 10774
education of the school district may make the additional levy 10775

necessary to raise the amount specified in the resolution for the 10776
purpose stated in the resolution. The tax levy shall be included 10777
in the next tax budget that is certified to the county budget 10778
commission. 10779

After the approval of the levy and prior to the time when the 10780
first tax collection from the levy can be made, the board of 10781
education may anticipate a fraction of the proceeds of the levy 10782
and issue anticipation notes in an amount not exceeding the total 10783
estimated proceeds of the levy to be collected during the first 10784
year of the levy. 10785

The notes shall be issued as provided in section 133.24 of 10786
the Revised Code, shall have principal payments during each year 10787
after the year of their issuance over a period not to exceed five 10788
years, and may have principal payment in the year of their 10789
issuance. 10790

Sec. 5705.196. The election provided for in section 5705.194 10791
of the Revised Code shall be held at the regular places for voting 10792
in the district, and shall be conducted, canvassed, and certified 10793
in the same manner as regular elections in the district for the 10794
election of county officers, provided that in any such election in 10795
which only part of the electors of a precinct are qualified to 10796
vote, the board of elections may assign voters in such part to an 10797
adjoining precinct. Such an assignment may be made to an adjoining 10798
precinct in another county with the consent and approval of the 10799
board of elections of such other county. Notice of the election 10800
shall be published in one ~~or more newspapers~~ newspaper of general 10801
circulation in the district once a week for two consecutive weeks 10802
or as provided in section 7.16 of the Revised Code, prior to the 10803
election, ~~and, if.~~ If the board of elections operates and 10804
maintains a web site, the board of elections shall post notice of 10805
the election on its web site for thirty days prior to the 10806

election. Such notice shall state the annual proceeds of the 10807
proposed levy, the purpose for which such proceeds are to be used, 10808
the number of years during which the levy shall run, and the 10809
estimated average additional tax rate expressed in dollars and 10810
cents for each one hundred dollars of valuation as well as in 10811
mills for each one dollar of valuation, outside the limitation 10812
imposed by Section 2 of Article XII, Ohio Constitution, as 10813
certified by the county auditor. 10814

Sec. 5705.21. (A) At any time, the board of education of any 10815
city, local, exempted village, cooperative education, or joint 10816
vocational school district, by a vote of two-thirds of all its 10817
members, may declare by resolution that the amount of taxes which 10818
may be raised within the ten-mill limitation by levies on the 10819
current tax duplicate will be insufficient to provide an adequate 10820
amount for the necessary requirements of the school district, that 10821
it is necessary to levy a tax in excess of such limitation for one 10822
of the purposes specified in division (A), (D), (F), (H), or (DD) 10823
of section 5705.19 of the Revised Code, for general permanent 10824
improvements, for the purpose of operating a cultural center, or 10825
for the purpose of providing education technology, and that the 10826
question of such additional tax levy shall be submitted to the 10827
electors of the school district at a special election on a day to 10828
be specified in the resolution. 10829

As used in this section, "cultural center" means a 10830
freestanding building, separate from a public school building, 10831
that is open to the public for educational, musical, artistic, and 10832
cultural purposes; "education technology" means, but is not 10833
limited to, computer hardware, equipment, materials, and 10834
accessories, equipment used for two-way audio or video, and 10835
software; and "general permanent improvements" means permanent 10836
improvements without regard to the limitation of division (F) of 10837
section 5705.19 of the Revised Code that the improvements be a 10838

specific improvement or a class of improvements that may be 10839
included in a single bond issue. 10840

The submission of questions to the electors under this 10841
section is subject to the limitation on the number of election 10842
dates established by section 5705.214 of the Revised Code. 10843

(B) Such resolution shall be confined to a single purpose and 10844
shall specify the amount of the increase in rate that it is 10845
necessary to levy, the purpose of the levy, and the number of 10846
years during which the increase in rate shall be in effect. The 10847
number of years may be any number not exceeding five or, if the 10848
levy is for current expenses of the district or for general 10849
permanent improvements, for a continuing period of time. The 10850
resolution shall specify the date of holding such election, which 10851
shall not be earlier than seventy-five days after the adoption and 10852
certification of the resolution and which shall be consistent with 10853
the requirements of section 3501.01 of the Revised Code. 10854

The resolution may propose to renew one or more existing 10855
levies imposed under this section or to increase or decrease a 10856
single levy imposed under this section. If the board of education 10857
imposes one or more existing levies for the purpose specified in 10858
division (F) of section 5705.19 of the Revised Code, the 10859
resolution may propose to renew one or more of those existing 10860
levies, or to increase or decrease a single such existing levy, 10861
for the purpose of general permanent improvements. If the 10862
resolution proposes to renew two or more existing levies, the 10863
levies shall be levied for the same purpose. The resolution shall 10864
identify those levies and the rates at which they are levied. The 10865
resolution also shall specify that the existing levies shall not 10866
be extended on the tax lists after the year preceding the year in 10867
which the renewal levy is first imposed, regardless of the years 10868
for which those levies originally were authorized to be levied. 10869

The resolution shall go into immediate effect upon its 10870

passage, and no publication of the resolution shall be necessary 10871
other than that provided for in the notice of election. A copy of 10872
the resolution shall immediately after its passing be certified to 10873
the board of elections of the proper county in the manner provided 10874
by section 5705.25 of the Revised Code, and that section shall 10875
govern the arrangements for the submission of such question and 10876
other matters concerning such election, to which that section 10877
refers, except that such election shall be held on the date 10878
specified in the resolution. Publication of notice of that 10879
election shall be made in one ~~or more newspapers~~ newspaper of 10880
general circulation in the county once a week for two consecutive 10881
weeks or as provided in section 7.16 of the Revised Code, prior to 10882
the election, ~~and, if.~~ If the board of elections operates and 10883
maintains a web site, the board of elections shall post notice of 10884
the election on its web site for thirty days prior to the 10885
election. If a majority of the electors voting on the question so 10886
submitted in an election vote in favor of the levy, the board of 10887
education may make the necessary levy within the school district 10888
at the additional rate, or at any lesser rate in excess of the 10889
ten-mill limitation on the tax list, for the purpose stated in the 10890
resolution. A levy for a continuing period of time may be reduced 10891
pursuant to section 5705.261 of the Revised Code. The tax levy 10892
shall be included in the next tax budget that is certified to the 10893
county budget commission. 10894

(C)(1) After the approval of a levy on the current tax list 10895
and duplicate for current expenses, for recreational purposes, for 10896
community centers provided for in section 755.16 of the Revised 10897
Code, or for a public library of the district and prior to the 10898
time when the first tax collection from the levy can be made, the 10899
board of education may anticipate a fraction of the proceeds of 10900
the levy and issue anticipation notes in a principal amount not 10901
exceeding fifty per cent of the total estimated proceeds of the 10902
levy to be collected during the first year of the levy. 10903

(2) After the approval of a levy for general permanent improvements for a specified number of years, or for permanent improvements having the purpose specified in division (F) of section 5705.19 of the Revised Code, the board of education may anticipate a fraction of the proceeds of the levy and issue anticipation notes in a principal amount not exceeding fifty per cent of the total estimated proceeds of the levy remaining to be collected in each year over a period of five years after the issuance of the notes.

The notes shall be issued as provided in section 133.24 of the Revised Code, shall have principal payments during each year after the year of their issuance over a period not to exceed five years, and may have a principal payment in the year of their issuance.

(3) After approval of a levy for general permanent improvements for a continuing period of time, the board of education may anticipate a fraction of the proceeds of the levy and issue anticipation notes in a principal amount not exceeding fifty per cent of the total estimated proceeds of the levy to be collected in each year over a specified period of years, not exceeding ten, after the issuance of the notes.

The notes shall be issued as provided in section 133.24 of the Revised Code, shall have principal payments during each year after the year of their issuance over a period not to exceed ten years, and may have a principal payment in the year of their issuance.

Sec. 5705.211. (A) As used in this section:

(1) "Adjusted charge-off increase" for a tax year means two and three-tenths per cent of the cumulative carryover property value increase.

(2) "Cumulative carryover property value increase" means the sum of the increases in carryover value certified under division (B)(2) of section 3317.015 of the Revised Code and included in a school district's total taxable value in the computation of recognized valuation under division (B) of that section for all fiscal years from the fiscal year that ends in the first tax year a levy under this section is extended on the tax list of real and public utility property until and including the fiscal year that ends in the current tax year.

(3) "Taxes charged and payable" means the taxes charged and payable from a tax levy extended on the real and public utility property tax list and the general list of personal property before any reduction under section 319.302, 323.152, or 323.158 of the Revised Code.

(B) The board of education of a city, local, or exempted village school district may adopt a resolution proposing the levy of a tax in excess of the ten-mill limitation for the purpose of paying the current operating expenses of the district. If the resolution is approved as provided in division (D) of this section, the tax may be levied at such a rate each tax year that the total taxes charged and payable from the levy equals the adjusted charge-off increase for the tax year or equals a lesser amount as prescribed under division (C) of this section. The tax may be levied for a continuing period of time or for a specific number of years, but not fewer than five years, as provided in the resolution. The tax may not be placed on the tax list for a tax year beginning before the first day of January following adoption of the resolution. A board of education may not adopt a resolution under this section proposing to levy a tax under this section concurrently with any other tax levied by the board under this section.

(C) After the first year a tax is levied under this section,

the rate of the tax in any year shall not exceed the rate, 10966
estimated by the county auditor, that would cause the sums levied 10967
from the tax against carryover property to exceed one hundred four 10968
per cent of the sums levied from the tax against carryover 10969
property in the preceding year. A board of education imposing a 10970
tax under this section may specify in the resolution imposing the 10971
tax that the percentage shall be less than one hundred four per 10972
cent, but the percentage shall not be less than one hundred per 10973
cent. At any time after a resolution adopted under this section is 10974
approved by a majority of electors as provided in division (D) of 10975
this section, the board of education, by resolution, may decrease 10976
the percentage specified in the resolution levying the tax. 10977

(D) A resolution adopted under this section shall state that 10978
the purpose of the tax is to pay current operating expenses of the 10979
district, and shall specify the first year in which the tax is to 10980
be levied, the number of years the tax will be levied or that it 10981
will be levied for a continuing period of time, and the election 10982
at which the question of the tax is to appear on the ballot, which 10983
shall be a general or special election consistent with the 10984
requirements of section 3501.01 of the Revised Code. If the board 10985
of education specifies a percentage less than one hundred four per 10986
cent pursuant to division (C) of this section, the percentage 10987
shall be specified in the resolution. 10988

Upon adoption of the resolution, the board of education may 10989
certify a copy of the resolution to the proper county board of 10990
elections. The copy of the resolution shall be certified to the 10991
board of elections not later than seventy-five days before the day 10992
of the election at which the question of the tax is to appear on 10993
the ballot. Upon receiving a timely certified copy of such a 10994
resolution, the board of elections shall make the necessary 10995
arrangements for the submission of the question to the electors of 10996
the school district, and the election shall be conducted, 10997

canvassed, and certified in the same manner as regular elections 10998
in the school district for the election of members of the board of 10999
education. Notice of the election shall be published in one ~~or~~ 11000
~~more newspapers~~ newspaper of general circulation in the school 11001
district once per week for four consecutive weeks or as provided 11002
in section 7.16 of the Revised Code. The notice shall state that 11003
the purpose of the tax is for the current operating expenses of 11004
the school district, the first year the tax is to be levied, the 11005
number of years the tax is to be levied or that it is to be levied 11006
for a continuing period of time, that the tax is to be levied each 11007
year in an amount estimated to offset decreases in state base cost 11008
funding caused by appreciation in real estate values, and that the 11009
estimated additional tax in any year shall not exceed the previous 11010
year's by more than four per cent, or a lesser percentage 11011
specified in the resolution levying the tax, except for increases 11012
caused by the addition of new taxable property. 11013

The question shall be submitted as a separate proposition but 11014
may be printed on the same ballot with any other proposition 11015
submitted at the same election other than the election of 11016
officers. 11017

The form of the ballot shall be substantially as follows: 11018

"An additional tax for the benefit of (name of school 11019
district) for the purpose of paying the current operating expenses 11020
of the district, for (number of years or for continuing 11021
period of time), at a rate sufficient to offset any reduction in 11022
basic state funding caused by appreciation in real estate values? 11023
This levy will permit variable annual growth in revenue up to 11024
..... (amount specified by school district) per cent for the 11025
duration of the levy. 11026

	For the tax levy
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	Against the tax levy	"
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If a majority of the electors of the school district voting on the question vote in favor of the question, the board of elections shall certify the results of the election to the board of education and to the tax commissioner immediately after the canvass.

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(E) When preparing any estimate of the contemplated receipts from a tax levied pursuant to this section for the purposes of sections 5705.28 to 5705.40 of the Revised Code, and in preparing to certify the tax under section 5705.34 of the Revised Code, a board of education authorized to levy such a tax shall use information supplied by the department of education to determine the adjusted charge-off increase for the tax year for which that certification is made. If the board levied a tax under this section in the preceding tax year, the sum to be certified for collection from the tax shall not exceed the sum that would exceed the limitation imposed under division (C) of this section. At the request of the board of education or the treasurer of the school district, the county auditor shall assist the board of education in determining the rate or sum that may be levied under this section.

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The board of education shall certify the sum authorized to be levied to the county auditor, and, for the purpose of the county auditor determining the rate at which the tax is to be levied in the tax year, the sum so certified shall be the sum to be raised by the tax unless the sum exceeds the limitation imposed by division (C) of this section. A tax levied pursuant to this section shall not be levied at a rate in excess of the rate estimated by the county auditor to produce the sum certified by the board of education before the reductions under sections 319.302, 323.152, and 323.158 of the Revised Code. Notwithstanding

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section 5705.34 of the Revised Code, a board of education 11061
authorized to levy a tax under this section shall certify the tax 11062
to the county auditor before the first day of October of the tax 11063
year in which the tax is to be levied, or at a later date as 11064
approved by the tax commissioner. 11065

Sec. 5705.218. (A) The board of education of a city, local, 11066
or exempted village school district, at any time by a vote of 11067
two-thirds of all its members, may declare by resolution that it 11068
may be necessary for the school district to issue general 11069
obligation bonds for permanent improvements. The resolution shall 11070
state all of the following: 11071

(1) The necessity and purpose of the bond issue; 11072

(2) The date of the special election at which the question 11073
shall be submitted to the electors; 11074

(3) The amount, approximate date, estimated rate of interest, 11075
and maximum number of years over which the principal of the bonds 11076
may be paid; 11077

(4) The necessity of levying a tax outside the ten-mill 11078
limitation to pay debt charges on the bonds and any anticipatory 11079
securities. 11080

On adoption of the resolution, the board shall certify a copy 11081
of it to the county auditor. The county auditor promptly shall 11082
estimate and certify to the board the average annual property tax 11083
rate required throughout the stated maturity of the bonds to pay 11084
debt charges on the bonds, in the same manner as under division 11085
(C) of section 133.18 of the Revised Code. 11086

(B) After receiving the county auditor's certification under 11087
division (A) of this section, the board of education of the city, 11088
local, or exempted village school district, by a vote of 11089
two-thirds of all its members, may declare by resolution that the 11090

amount of taxes that can be raised within the ten-mill limitation 11091
will be insufficient to provide an adequate amount for the present 11092
and future requirements of the school district; that it is 11093
necessary to issue general obligation bonds of the school district 11094
for permanent improvements and to levy an additional tax in excess 11095
of the ten-mill limitation to pay debt charges on the bonds and 11096
any anticipatory securities; that it is necessary for a specified 11097
number of years or for a continuing period of time to levy 11098
additional taxes in excess of the ten-mill limitation to provide 11099
funds for the acquisition, construction, enlargement, renovation, 11100
and financing of permanent improvements or to pay for current 11101
operating expenses, or both; and that the question of the bonds 11102
and taxes shall be submitted to the electors of the school 11103
district at a special election, which shall not be earlier than 11104
seventy-five days after certification of the resolution to the 11105
board of elections, and the date of which shall be consistent with 11106
section 3501.01 of the Revised Code. The resolution shall specify 11107
all of the following: 11108

(1) The county auditor's estimate of the average annual 11109
property tax rate required throughout the stated maturity of the 11110
bonds to pay debt charges on the bonds; 11111

(2) The proposed rate of the tax, if any, for current 11112
operating expenses, the first year the tax will be levied, and the 11113
number of years it will be levied, or that it will be levied for a 11114
continuing period of time; 11115

(3) The proposed rate of the tax, if any, for permanent 11116
improvements, the first year the tax will be levied, and the 11117
number of years it will be levied, or that it will be levied for a 11118
continuing period of time. 11119

The resolution shall apportion the annual rate of the tax 11120
between current operating expenses and permanent improvements, if 11121
both taxes are proposed. The apportionment may but need not be the 11122

same for each year of the tax, but the respective portions of the 11123
rate actually levied each year for current operating expenses and 11124
permanent improvements shall be limited by the apportionment. The 11125
resolution shall go into immediate effect upon its passage, and no 11126
publication of it is necessary other than that provided in the 11127
notice of election. The board of education shall certify a copy of 11128
the resolution, along with copies of the auditor's estimate and 11129
its resolution under division (A) of this section, to the board of 11130
elections immediately after its adoption. 11131

(C) The board of elections shall make the arrangements for 11132
the submission of the question to the electors of the school 11133
district, and the election shall be conducted, canvassed, and 11134
certified in the same manner as regular elections in the district 11135
for the election of county officers. The resolution shall be put 11136
before the electors as one ballot question, with a favorable vote 11137
indicating approval of the bond issue, the levy to pay debt 11138
charges on the bonds and any anticipatory securities, the current 11139
operating expenses levy, and the permanent improvements levy, if 11140
either or both levies are proposed. The board of elections shall 11141
publish notice of the election in one ~~or more newspapers~~ newspaper 11142
of general circulation in the school district once a week for two 11143
consecutive weeks or as provided in section 7.16 of the Revised 11144
Code, prior to the election, ~~and, if,~~ If a board of elections 11145
operates and maintains a web site, that board also shall post 11146
notice of the election on its web site for thirty days prior to 11147
the election. The notice of election shall state all of the 11148
following: 11149

(1) The principal amount of the proposed bond issue; 11150

(2) The permanent improvements for which the bonds are to be 11151
issued; 11152

(3) The maximum number of years over which the principal of 11153
the bonds may be paid; 11154

(4) The estimated additional average annual property tax rate	11155
to pay the debt charges on the bonds, as certified by the county	11156
auditor;	11157
(5) The proposed rate of the additional tax, if any, for	11158
current operating expenses;	11159
(6) The number of years the current operating expenses tax	11160
will be in effect, or that it will be in effect for a continuing	11161
period of time;	11162
(7) The proposed rate of the additional tax, if any, for	11163
permanent improvements;	11164
(8) The number of years the permanent improvements tax will	11165
be in effect, or that it will be in effect for a continuing period	11166
of time;	11167
(9) The time and place of the special election.	11168
(D) The form of the ballot for an election under this section	11169
is as follows:	11170
"Shall the school district be authorized to do the	11171
following:	11172
(1) Issue bonds for the purpose of in the	11173
principal amount of \$....., to be repaid annually over a maximum	11174
period of years, and levy a property tax outside the	11175
ten-mill limitation, estimated by the county auditor to average	11176
over the bond repayment period mills for each one dollar of	11177
tax valuation, which amounts to (rate expressed in cents or	11178
dollars and cents, such as "36 cents" or "\$1.41") for each \$100 of	11179
tax valuation, to pay the annual debt charges on the bonds, and to	11180
pay debt charges on any notes issued in anticipation of those	11181
bonds?"	11182
If either a levy for permanent improvements or a levy for	11183
current operating expenses is proposed, or both are proposed, the	11184

ballot also shall contain the following language, as appropriate: 11185

"(2) Levy an additional property tax to provide funds for the 11186
acquisition, construction, enlargement, renovation, and financing 11187
of permanent improvements at a rate not exceeding mills 11188
for each one dollar of tax valuation, which amounts to 11189
(rate expressed in cents or dollars and cents) for each \$100 of 11190
tax valuation, for (number of years of the levy, or a 11191
continuing period of time)? 11192

(3) Levy an additional property tax to pay current operating 11193
expenses at a rate not exceeding mills for each one dollar 11194
of tax valuation, which amounts to (rate expressed in 11195
cents or dollars and cents) for each \$100 of tax valuation, for 11196
..... (number of years of the levy, or a continuing period of 11197
time)? 11198

	FOR THE BOND ISSUE AND LEVY (OR LEVIES)
	AGAINST THE BOND ISSUE AND LEVY (OR LEVIES)

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" 11201
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(E) The board of elections promptly shall certify the results 11203
of the election to the tax commissioner and the county auditor of 11204
the county in which the school district is located. If a majority 11205
of the electors voting on the question vote for it, the board of 11206
education may proceed with issuance of the bonds and with the levy 11207
and collection of the property tax or taxes at the additional rate 11208
or any lesser rate in excess of the ten-mill limitation. Any 11209
securities issued by the board of education under this section are 11210
Chapter 133. securities, as that term is defined in section 133.01 11211
of the Revised Code. 11212

(F)(1) After the approval of a tax for current operating 11213
expenses under this section and prior to the time the first 11214
collection and distribution from the levy can be made, the board 11215

of education may anticipate a fraction of the proceeds of such 11216
levy and issue anticipation notes in a principal amount not 11217
exceeding fifty per cent of the total estimated proceeds of the 11218
tax to be collected during the first year of the levy. 11219

(2) After the approval of a tax under this section for 11220
permanent improvements having a specific purpose, the board of 11221
education may anticipate a fraction of the proceeds of such tax 11222
and issue anticipation notes in a principal amount not exceeding 11223
fifty per cent of the total estimated proceeds of the tax 11224
remaining to be collected in each year over a period of five years 11225
after issuance of the notes. 11226

(3) After the approval of a tax for general, on-going 11227
permanent improvements under this section, the board of education 11228
may anticipate a fraction of the proceeds of such tax and issue 11229
anticipation notes in a principal amount not exceeding fifty per 11230
cent of the total estimated proceeds of the tax to be collected in 11231
each year over a specified period of years, not exceeding ten, 11232
after issuance of the notes. 11233

Anticipation notes under this section shall be issued as 11234
provided in section 133.24 of the Revised Code. Notes issued under 11235
division (F)(1) or (2) of this section shall have principal 11236
payments during each year after the year of their issuance over a 11237
period not to exceed five years, and may have a principal payment 11238
in the year of their issuance. Notes issued under division (F)(3) 11239
of this section shall have principal payments during each year 11240
after the year of their issuance over a period not to exceed ten 11241
years, and may have a principal payment in the year of their 11242
issuance. 11243

(G) A tax for current operating expenses or for permanent 11244
improvements levied under this section for a specified number of 11245
years may be renewed or replaced in the same manner as a tax for 11246
current operating expenses or for permanent improvements levied 11247

under section 5705.21 of the Revised Code. A tax for current 11248
operating expenses or for permanent improvements levied under this 11249
section for a continuing period of time may be decreased in 11250
accordance with section 5705.261 of the Revised Code. 11251

(H) The submission of a question to the electors under this 11252
section is subject to the limitation on the number of elections 11253
that can be held in a year under section 5705.214 of the Revised 11254
Code. 11255

(I) A school district board of education proposing a ballot 11256
measure under this section to generate local resources for a 11257
project under the school building assistance expedited local 11258
partnership program under section 3318.36 of the Revised Code may 11259
combine the questions under division (D) of this section with a 11260
question for the levy of a property tax to generate moneys for 11261
maintenance of the classroom facilities acquired under that 11262
project as prescribed in section 3318.361 of the Revised Code. 11263

Sec. 5705.25. (A) A copy of any resolution adopted as 11264
provided in section 5705.19 of the Revised Code shall be certified 11265
by the taxing authority to the board of elections of the proper 11266
county not less than seventy-five days before the general election 11267
in any year, and the board shall submit the proposal to the 11268
electors of the subdivision at the succeeding November election. 11269
Except as otherwise provided in this division, a resolution to 11270
renew an existing levy, regardless of the section of the Revised 11271
Code under which the tax was imposed, shall not be placed on the 11272
ballot unless the question is submitted at the general election 11273
held during the last year the tax to be renewed or replaced may be 11274
extended on the real and public utility property tax list and 11275
duplicate, or at any election held in the ensuing year. The 11276
limitation of the foregoing sentence does not apply to a 11277
resolution to renew and increase or to renew part of an existing 11278

levy that was imposed under section 5705.191 of the Revised Code 11279
to supplement the general fund for the purpose of making 11280
appropriations for one or more of the following purposes: for 11281
public assistance, human or social services, relief, welfare, 11282
hospitalization, health, and support of general hospitals. The 11283
limitation of the second preceding sentence also does not apply to 11284
a resolution that proposes to renew two or more existing levies 11285
imposed under section 5705.21 of the Revised Code, in which case 11286
the question shall be submitted on the date of the general or 11287
primary election held during the last year at least one of the 11288
levies to be renewed may be extended on the real and public 11289
utility property tax list and duplicate, or at any election held 11290
during the ensuing year. For purposes of this section, a levy 11291
shall be considered to be an "existing levy" through the year 11292
following the last year it can be placed on that tax list and 11293
duplicate. 11294

The board shall make the necessary arrangements for the 11295
submission of such questions to the electors of such subdivision, 11296
and the election shall be conducted, canvassed, and certified in 11297
the same manner as regular elections in such subdivision for the 11298
election of county officers. Notice of the election shall be 11299
published in a newspaper of general circulation in the subdivision 11300
once a week for two consecutive weeks or as provided in section 11301
7.16 of the Revised Code, prior to the election, ~~and, if~~. If the 11302
board of elections operates and maintains a web site, the board of 11303
elections shall post notice of the election on its web site for 11304
thirty days prior to the election. The notice shall state the 11305
purpose, the proposed increase in rate expressed in dollars and 11306
cents for each one hundred dollars of valuation as well as in 11307
mills for each one dollar of valuation, the number of years during 11308
which the increase will be in effect, the first month and year in 11309
which the tax will be levied, and the time and place of the 11310
election. 11311

(B) The form of the ballots cast at an election held pursuant to division (A) of this section shall be as follows:

"An additional tax for the benefit of (name of subdivision or public library) for the purpose of (purpose stated in the resolution) at a rate not exceeding mills for each one dollar of valuation, which amounts to (rate expressed in dollars and cents) for each one hundred dollars of valuation, for (life of indebtedness or number of years the levy is to run).

	For the Tax Levy
	Against the Tax Levy

"

(C) If the levy is to be in effect for a continuing period of time, the notice of election and the form of ballot shall so state instead of setting forth a specified number of years for the levy.

If the tax is to be placed on the current tax list, the form of the ballot shall be modified by adding, after the statement of the number of years the levy is to run, the phrase ", commencing in (first year the tax is to be levied), first due in calendar year (first calendar year in which the tax shall be due)."

If the levy submitted is a proposal to renew, increase, or decrease an existing levy, the form of the ballot specified in division (B) of this section may be changed by substituting for the words "An additional" at the beginning of the form, the words "A renewal of a" in case of a proposal to renew an existing levy in the same amount; the words "A renewal of mills and an increase of mills to constitute a" in the case of an increase; or the words "A renewal of part of an existing levy, being a reduction of mills, to constitute a" in the case of

a decrease in the proposed levy. 11343

If the levy submitted is a proposal to renew two or more 11344
existing levies imposed under section 5705.21 of the Revised Code, 11345
the form of the ballot specified in division (B) of this section 11346
shall be modified by substituting for the words "an additional 11347
tax" the words "a renewal of(insert the number of levies to 11348
be renewed) existing taxes." 11349

The question covered by such resolution shall be submitted as 11350
a separate proposition but may be printed on the same ballot with 11351
any other proposition submitted at the same election, other than 11352
the election of officers. More than one such question may be 11353
submitted at the same election. 11354

(D) A levy voted in excess of the ten-mill limitation under 11355
this section shall be certified to the tax commissioner. In the 11356
first year of the levy, it shall be extended on the tax lists 11357
after the February settlement succeeding the election. If the 11358
additional tax is to be placed upon the tax list of the current 11359
year, as specified in the resolution providing for its submission, 11360
the result of the election shall be certified immediately after 11361
the canvass by the board of elections to the taxing authority, who 11362
shall make the necessary levy and certify it to the county 11363
auditor, who shall extend it on the tax lists for collection. 11364
After the first year, the tax levy shall be included in the annual 11365
tax budget that is certified to the county budget commission. 11366

Sec. 5705.251. (A) A copy of a resolution adopted under 11367
section 5705.212 or 5705.213 of the Revised Code shall be 11368
certified by the board of education to the board of elections of 11369
the proper county not less than seventy-five days before the date 11370
of the election specified in the resolution, and the board of 11371
elections shall submit the proposal to the electors of the school 11372
district at a special election to be held on that date. The board 11373

of elections shall make the necessary arrangements for the 11374
submission of the question or questions to the electors of the 11375
school district, and the election shall be conducted, canvassed, 11376
and certified in the same manner as regular elections in the 11377
school district for the election of county officers. Notice of the 11378
election shall be published in a newspaper of general circulation 11379
in the subdivision once a week for two consecutive weeks or as 11380
provided in section 7.16 of the Revised Code, prior to the 11381
election, ~~and, if.~~ If the board of elections operates and 11382
maintains a web site, the board of elections shall post notice of 11383
the election on its web site for thirty days prior to the 11384
election. 11385

(1) In the case of a resolution adopted under section 11386
5705.212 of the Revised Code, the notice shall state separately, 11387
for each tax being proposed, the purpose; the proposed increase in 11388
rate, expressed in dollars and cents for each one hundred dollars 11389
of valuation as well as in mills for each one dollar of valuation; 11390
the number of years during which the increase will be in effect; 11391
and the first calendar year in which the tax will be due. For an 11392
election on the question of a renewal levy, the notice shall state 11393
the purpose; the proposed rate, expressed in dollars and cents for 11394
each one hundred dollars of valuation as well as in mills for each 11395
one dollar of valuation; and the number of years the tax will be 11396
in effect. 11397

(2) In the case of a resolution adopted under section 11398
5705.213 of the Revised Code, the notice shall state the purpose; 11399
the amount proposed to be raised by the tax in the first year it 11400
is levied; the estimated average additional tax rate for the first 11401
year it is proposed to be levied, expressed in mills for each one 11402
dollar of valuation and in dollars and cents for each one hundred 11403
dollars of valuation; the number of years during which the 11404
increase will be in effect; and the first calendar year in which 11405

the tax will be due. The notice also shall state the amount by 11406
which the amount to be raised by the tax may be increased in each 11407
year after the first year. The amount of the allowable increase 11408
may be expressed in terms of a dollar increase over, or a 11409
percentage of, the amount raised by the tax in the immediately 11410
preceding year. For an election on the question of a renewal levy, 11411
the notice shall state the purpose; the amount proposed to be 11412
raised by the tax; the estimated tax rate, expressed in mills for 11413
each one dollar of valuation and in dollars and cents for each one 11414
hundred dollars of valuation; and the number of years the tax will 11415
be in effect. 11416

In any case, the notice also shall state the time and place 11417
of the election. 11418

(B) The form of the ballot in an election on taxes proposed 11419
under section 5705.212 of the Revised Code shall be as follows: 11420

"Shall the school district be authorized to levy 11421
taxes for current expenses, the aggregate rate of which may 11422
increase in (number) increment(s) of not more than 11423
mill(s) for each dollar of valuation, from an original rate of 11424
..... mill(s) for each dollar of valuation, which amounts to 11425
..... (rate expressed in dollars and cents) for each one hundred 11426
dollars of valuation, to a maximum rate of mill(s) for each 11427
dollar of valuation, which amounts to (rate expressed in 11428
dollars and cents) for each one hundred dollars of valuation? The 11429
original tax is first proposed to be levied in (the first 11430
year of the tax), and the incremental tax in (the first 11431
year of the increment) (if more than one incremental tax is 11432
proposed in the resolution, the first year that each incremental 11433
tax is proposed to be levied shall be stated in the preceding 11434
format, and the increments shall be referred to as the first, 11435
second, third, or fourth increment, depending on their number). 11436
The aggregate rate of tax so authorized will (insert 11437

either, "expire with the original rate of tax which shall be in effect for years" or "be in effect for a continuing period of time").

	FOR THE TAX LEVIES
	AGAINST THE TAX LEVIES

"

The form of the ballot in an election on the question of a renewal levy under section 5705.212 of the Revised Code shall be as follows:

"Shall the school district be authorized to renew a tax for current expenses at a rate not exceeding mills for each dollar of valuation, which amounts to (rate expressed in dollars and cents) for each one hundred dollars of valuation, for (number of years the levy shall be in effect, or a continuing period of time)?

	FOR THE TAX LEVY
	AGAINST THE TAX LEVY

"

If the tax is to be placed on the current tax list, the form of the ballot shall be modified by adding, after the statement of the number of years the levy is to be in effect, the phrase ", commencing in (first year the tax is to be levied), first due in calendar year (first calendar year in which the tax shall be due)."

(C) The form of the ballot in an election on a tax proposed under section 5705.213 of the Revised Code shall be as follows:

"Shall the school district be authorized to levy the following tax for current expenses? The tax will first be levied

in (year) to raise (dollars). In the (number 11468
of years) following years, the tax will increase by not more than 11469
..... (per cent or dollar amount of increase) each year, so that, 11470
during (last year of the tax), the tax will raise 11471
approximately (dollars). The county auditor estimates that 11472
the rate of the tax per dollar of valuation will be 11473
mill(s), which amounts to \$. per one hundred dollars of 11474
valuation, both during (first year of the tax) and 11475
mill(s), which amounts to \$. per one hundred dollars of 11476
valuation, during (last year of the tax). The tax will not 11477
be levied after (year). 11478

	FOR THE TAX LEVY	
	AGAINST THE TAX LEVY	"

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The form of the ballot in an election on the question of a 11483
renewal levy under section 5705.213 of the Revised Code shall be 11484
as follows: 11485

"Shall the school district be authorized to renew a 11486
tax for current expenses which will raise (dollars), 11487
estimated by the county auditor to be mills for each 11488
dollar of valuation, which amounts to (rate expressed in 11489
dollars and cents) for each one hundred dollars of valuation? The 11490
tax shall be in effect for (the number of years the levy 11491
shall be in effect, or a continuing period of time). 11492

	FOR THE TAX LEVY	
	AGAINST THE TAX LEVY	"

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If the tax is to be placed on the current tax list, the form 11497
of the ballot shall be modified by adding, after the statement of 11498

the number of years the levy is to be in effect, the phrase ", 11499
commencing in (first year the tax is to be levied), 11500
first due in calendar year (first calendar year in 11501
which the tax shall be due)." 11502

(D) The question covered by a resolution adopted under 11503
section 5705.212 or 5705.213 of the Revised Code shall be 11504
submitted as a separate question, but may be printed on the same 11505
ballot with any other question submitted at the same election, 11506
other than the election of officers. More than one question may be 11507
submitted at the same election. 11508

(E) Taxes voted in excess of the ten-mill limitation under 11509
division (B) or (C) of this section shall be certified to the tax 11510
commissioner. If an additional tax is to be placed upon the tax 11511
list of the current year, as specified in the resolution providing 11512
for its submission, the result of the election shall be certified 11513
immediately after the canvass by the board of elections to the 11514
board of education. The board of education immediately shall make 11515
the necessary levy and certify it to the county auditor, who shall 11516
extend it on the tax list for collection. After the first year, 11517
the levy shall be included in the annual tax budget that is 11518
certified to the county budget commission. 11519

Sec. 5705.261. The question of decrease of an increased rate 11520
of levy approved for a continuing period of time by the voters of 11521
a subdivision may be initiated by the filing of a petition with 11522
the board of elections of the proper county not less than 11523
seventy-five days before the general election in any year 11524
requesting that an election be held on such question. Such 11525
petition shall state the amount of the proposed decrease in the 11526
rate of levy and shall be signed by qualified electors residing in 11527
the subdivision equal in number to at least ten per cent of the 11528
total number of votes cast in the subdivision for the office of 11529

governor at the most recent general election for that office. Only 11530
one such petition may be filed during each five-year period 11531
following the election at which the voters approved the increased 11532
rate for a continuing period of time. 11533

After determination by it that such petition is valid, the 11534
board of elections shall submit the question to the electors of 11535
the district at the succeeding general election. The election 11536
shall be conducted, canvassed, and certified in the same manner as 11537
regular elections in such subdivision for county offices. Notice 11538
of the election shall be published in a newspaper of general 11539
circulation in the district once a week for two consecutive weeks 11540
or as provided in section 7.16 of the Revised Code, prior to the 11541
election, ~~and, if.~~ If the board of elections operates and 11542
maintains a web site, the board of elections shall post notice of 11543
the election on its web site for thirty days prior to the 11544
election. The notice shall state the purpose, the amount of the 11545
proposed decrease in rate, and the time and place of the election. 11546
The form of the ballot cast at such election shall be prescribed 11547
by the secretary of state. The question covered by such petition 11548
shall be submitted as a separate proposition but it may be printed 11549
on the same ballot with any other propositions submitted at the 11550
same election other than the election of officers. If a majority 11551
of the qualified electors voting on the question of a decrease at 11552
such election approve the proposed decrease in rate, the result of 11553
the election shall be certified immediately after the canvass by 11554
the board of elections to the subdivision's taxing authority, 11555
which shall thereupon, after the current year, cease to levy such 11556
increased rate or levy such tax at such reduced rate upon the 11557
duplicate of the subdivision. If notes have been issued in 11558
anticipation of the collection of such levy, the taxing authority 11559
shall continue to levy and collect under authority of the election 11560
authorizing the original levy such amounts as will be sufficient 11561
to pay the principal of and interest on such anticipation notes as 11562

the same fall due. 11563

Sec. 5705.314. If the board of education of a city, local, or 11564
exempted village school district proposes to change its levy 11565
within the ten-mill limitation in a manner that will result in an 11566
increase in the amount of real property taxes levied by the board 11567
in the tax year the change takes effect, the board shall hold a 11568
public hearing solely on the proposal before adopting a resolution 11569
to implement the proposal. The board shall publish notice of the 11570
hearing in a newspaper of general circulation in the school 11571
district once a week for two consecutive weeks or as provided in 11572
section 7.16 of the Revised Code. The second publication shall be 11573
not less than ten nor more than thirty days before the date of the 11574
hearing. ~~The, and the~~ notice shall include the date, time, place, 11575
and subject of the hearing, and a statement that the change 11576
proposed by the board may result in an increase in the amount of 11577
real property taxes levied by the board. At the time the board 11578
submits the notice for publication, the board shall send a copy of 11579
the notice to the auditor of the county where the school district 11580
is located or, if the school district is located in more than one 11581
county, to the auditor of each of those counties. 11582

Sec. 5705.71. (A) The electors of a county may initiate the 11583
question of a tax levy for support of senior citizens services or 11584
facilities by the filing of a petition with the board of elections 11585
of that county not less than seventy-five days before the date of 11586
any primary or general election requesting that an election be 11587
held on such question. The petition shall be signed by at least 11588
ten per cent of the qualified electors residing in the county and 11589
voting for the office of governor at the last general election. 11590

(B) The petition shall state the purpose for which the senior 11591
citizens tax levy is being proposed, shall specify the amount of 11592
the proposed increase in rate, the period of time during which the 11593

increase is to be in effect, and whether the levy is to be imposed 11594
in the current year. The number of years may be any number not 11595
exceeding five, except that when the additional rate is for the 11596
payment of debt charges the increased rate shall be for the life 11597
of the indebtedness. 11598

(C) After determination by it that such petition is valid, 11599
the board of elections shall submit the question to the electors 11600
of the county at the succeeding primary or general election. 11601

(D) The election shall be conducted, canvassed, and certified 11602
in the same manner as regular elections in such county for county 11603
offices. Notice of the election shall be published in a newspaper 11604
of general circulation in the county once a week for two 11605
consecutive weeks or as provided in section 7.16 of the Revised 11606
Code, prior to the election, ~~and, if~~. If the board of elections 11607
operates and maintains a web site, the board of elections shall 11608
post notice of the election on its web site for thirty days prior 11609
to the election. The notice shall state the purpose, the amount of 11610
the proposed increase in rate, and the time and place of the 11611
election. 11612

(E) The form of the ballot cast at such election shall be 11613
prescribed by the secretary of state. If the tax is to be placed 11614
on the tax list of the current tax year, the form of the ballot 11615
shall include a statement to that effect and shall indicate the 11616
first calendar year the tax will be due. The question covered by 11617
such petition shall be submitted as a separate proposition but it 11618
may be printed on the same ballot with any other propositions 11619
submitted at the same election other than the election of 11620
officers. 11621

(F) If a majority of electors voting on the question vote in 11622
favor of the levy, the board of county commissioners shall levy a 11623
tax, for the period and the purpose stated within the petition. If 11624
the tax is to be placed upon the tax list of the current year, as 11625

specified in the petition, the result of the election shall be 11626
certified immediately after the canvass by the board of elections 11627
to the board of county commissioners, which shall forthwith make 11628
the necessary levy and certify it to the county auditor, who shall 11629
extend it on the tax list for collection. After the first year, 11630
the tax levy shall be included in the annual tax budget that is 11631
certified to the county budget commission. 11632

Sec. 5713.01. (A) Each county shall be the unit for assessing 11633
real estate for taxation purposes. The county auditor shall be the 11634
assessor of all the real estate in the auditor's county for 11635
purposes of taxation, but this section does not affect the power 11636
conferred by Chapter 5727. of the Revised Code upon the tax 11637
commissioner regarding the valuation and assessment of real 11638
property used in railroad operations. 11639

(B) The auditor shall assess all the real estate situated in 11640
the county at its taxable value in accordance with sections 11641
5713.03, 5713.31, and 5715.01 of the Revised Code and with the 11642
rules and methods applicable to the auditor's county adopted, 11643
prescribed, and promulgated by the tax commissioner. The auditor 11644
shall view and appraise or cause to be viewed and appraised at its 11645
true value in money, each lot or parcel of real estate, including 11646
land devoted exclusively to agricultural use, and the improvements 11647
located thereon at least once in each six-year period and the 11648
taxable values required to be derived therefrom shall be placed on 11649
the auditor's tax list and the county treasurer's duplicate for 11650
the tax year ordered by the commissioner pursuant to section 11651
5715.34 of the Revised Code. The commissioner may grant an 11652
extension of one year or less if the commissioner finds that good 11653
cause exists for the extension. When the auditor so views and 11654
appraises, the auditor may enter each structure located thereon to 11655
determine by actual view what improvements have been made therein 11656
or additions made thereto since the next preceding valuation. The 11657

auditor shall revalue and assess at any time all or any part of 11658
the real estate in such county, including land devoted exclusively 11659
to agricultural use, where the auditor finds that the true or 11660
taxable values thereof have changed, and when a conservation 11661
easement is created under sections 5301.67 to 5301.70 of the 11662
Revised Code. The auditor may increase or decrease the true or 11663
taxable value of any lot or parcel of real estate in any township, 11664
municipal corporation, or other taxing district by an amount which 11665
will cause all real property on the tax list to be valued as 11666
required by law, or the auditor may increase or decrease the 11667
aggregate value of all real property, or any class of real 11668
property, in the county, township, municipal corporation, or other 11669
taxing district, or in any ward or other division of a municipal 11670
corporation by a per cent or amount which will cause all property 11671
to be properly valued and assessed for taxation in accordance with 11672
Section 36, Article II, Section 2, Article XII, Ohio Constitution, 11673
this section, and sections 5713.03, 5713.31, and 5715.01 of the 11674
Revised Code. 11675

(C) When the auditor determines to reappraise all the real 11676
estate in the county or any class thereof, when the tax 11677
commissioner orders an increase in the aggregate true or taxable 11678
value of the real estate in any taxing subdivision, or when the 11679
taxable value of real estate is increased by the application of a 11680
uniform taxable value per cent of true value pursuant to the order 11681
of the commissioner, the auditor shall advertise the completion of 11682
the reappraisal or equalization action in a newspaper of general 11683
circulation in the county once a week for the three consecutive 11684
weeks next preceding the issuance of the tax bills, or as provided 11685
in section 7.16 of the Revised Code for the two consecutive weeks 11686
next preceding the issuance of the tax bills. When the auditor 11687
changes the true or taxable value of any individual parcels of 11688
real estate, the auditor shall notify the owner of the real 11689
estate, or the person in whose name the same stands charged on the 11690

duplicate, by mail or in person, of the changes the auditor has 11691
made in the assessments of such property. Such notice shall be 11692
given at least thirty days prior to the issuance of the tax bills. 11693
Failure to receive notice shall not invalidate any proceeding 11694
under this section. 11695

(D) The auditor shall make the necessary abstracts from books 11696
of the auditor's office containing descriptions of real estate in 11697
such county, together with such platbooks and lists of transfers 11698
of title to land as the auditor deems necessary in the performance 11699
of the auditor's duties in valuing such property for taxation. 11700
Such abstracts, platbooks, and lists shall be in such form and 11701
detail as the tax commissioner prescribes. 11702

(E) The auditor, with the approval of the tax commissioner, 11703
may appoint and employ such experts, deputies, clerks, or other 11704
employees as the auditor deems necessary to the performance of the 11705
auditor's duties as assessor, or, with the approval of the tax 11706
commissioner, the auditor may enter into a contract with an 11707
individual, partnership, firm, company, or corporation to do all 11708
or any part of the work; the amount to be expended in the payment 11709
of the compensation of such employees shall be fixed by the board 11710
of county commissioners. If, in the opinion of the auditor, the 11711
board of county commissioners fails to provide a sufficient amount 11712
for the compensation of such employees, the auditor may apply to 11713
the tax commissioner for an additional allowance, and the 11714
additional amount of compensation allowed by the commissioner 11715
shall be certified to the board of county commissioners, and the 11716
same shall be final. The salaries and compensation of such 11717
experts, deputies, clerks, and employees shall be paid upon the 11718
warrant of the auditor out of the general fund or the real estate 11719
assessment fund of the county, or both. If the salaries and 11720
compensation are in whole or in part fixed by the commissioner, 11721
they shall constitute a charge against the county regardless of 11722

the amount of money in the county treasury levied or appropriated 11723
for such purposes. 11724

(F) Any contract for goods or services related to the 11725
auditor's duties as assessor, including contracts for mapping, 11726
computers, and reproduction on any medium of any documents, 11727
records, photographs, microfiche, or magnetic tapes, but not 11728
including contracts for the professional services of an appraiser, 11729
shall be awarded pursuant to the competitive bidding procedures 11730
set forth in sections 307.86 to 307.92 of the Revised Code and 11731
shall be paid for, upon the warrant of the auditor, from the real 11732
estate assessment fund. 11733

(G) Experts, deputies, clerks, and other employees, in 11734
addition to their other duties, shall perform such services as the 11735
auditor directs in ascertaining such facts, description, location, 11736
character, dimensions of buildings and improvements, and other 11737
circumstances reflecting upon the value of real estate as will aid 11738
the auditor in fixing its true and taxable value and, in the case 11739
of land valued in accordance with section 5713.31 of the Revised 11740
Code, its current agricultural use value. The auditor may also 11741
summon and examine any person under oath in respect to any matter 11742
pertaining to the value of any real property within the county. 11743

Sec. 5715.17. When the county board of revision has completed 11744
its work of equalization and transmitted the returns to ~~him~~ the 11745
county auditor, the ~~county~~ auditor shall give notice by 11746
advertising in ~~two newspapers of opposite politics published in~~ 11747
~~and~~ a newspaper of general circulation throughout the county that 11748
the tax returns for the current year have been revised and the 11749
valuations have been completed and are open for public inspection 11750
in ~~his~~ the auditor's office, and that complaints against any 11751
valuation or assessment, except the valuations fixed and 11752
assessments made by the department of taxation, will be heard by 11753

the board, stating in the notice the time and place of the meeting 11754
of such board. Such advertisement shall be inserted in a 11755
conspicuous place in ~~each~~ such newspaper and be published daily 11756
for ten days, ~~unless there is no daily newspaper published in and~~ 11757
~~of general circulation throughout such county, in which event such~~ 11758
~~advertisement shall be so published once each week for two weeks~~ 11759
or as provided in section 7.16 of the Revised Code. 11760

The auditor shall, upon request, furnish to any person a 11761
certificate setting forth the assessment and valuation of any 11762
tract, lot, or parcel of real estate or any specific personal 11763
property, and mail the same when requested to do so upon receipt 11764
of sufficient postage. 11765

The auditor shall furnish notice to boards of education of 11766
school districts within the county of all hearings, and the 11767
results of such hearings, held in regard to the reduction or 11768
increasing of tax valuations in excess of one hundred thousand 11769
dollars directly affecting the revenue of such district. 11770

Sec. 5715.23. Annually, immediately after the county board of 11771
revision has acted upon the assessments for the current year as 11772
required under section 5715.16 of the Revised Code and the county 11773
auditor has given notice by advertisement in ~~two newspapers a~~ 11774
newspaper of general circulation in the county that the valuations 11775
have been revised and are open for public inspection as provided 11776
in section 5715.17 of the Revised Code, each auditor shall make 11777
out and transmit to the tax commissioner an abstract of the real 11778
property of each taxing district in ~~his~~ the auditor's county, in 11779
which ~~he~~ the auditor shall set forth the aggregate amount and 11780
valuation of each class of real property in such county and in 11781
each taxing district therein as it appears on ~~his~~ the auditor's 11782
tax list or the statements and returns on file in ~~his~~ the 11783
auditor's office and an abstract of the current year's true value 11784

of land valued for such year under section 5713.31 of the Revised Code as it appears in the current year's agricultural land tax list. 11785
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Sec. 5719.04. (A) Immediately after each settlement required by division (D) of section 321.24 of the Revised Code the county auditor shall make a tax list and duplicates thereof of all general personal and classified property taxes remaining unpaid, as shown by the county treasurer's books and the list of taxes returned as delinquent by the treasurer to the auditor at such settlement. The county auditor shall also include in such list all taxes assessed by the tax commissioner pursuant to law which were not charged upon the tax lists and duplicates on which such settlements were made nor previously charged upon a delinquent tax list and duplicates pursuant to this section, but the auditor shall not include taxes specifically excepted from collection pursuant to section 5711.32 of the Revised Code. Such tax list and duplicates shall contain the name of the person charged and the amount of such taxes, and the penalty, due and unpaid, and shall set forth separately the amount charged or chargeable on the general and on the classified list and duplicate. The auditor shall deliver one such duplicate to the treasurer on the first day of December, annually. Upon receipt of the duplicate the treasurer may prepare and mail tax bills to all persons charged with such delinquent taxes. Each bill shall include a notice that the interest charge prescribed by section 5719.041 of the Revised Code has begun to accrue. 11788
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The auditor shall cause a copy of the delinquent personal and classified property tax list and duplicate provided for in this division to be published twice, or as provided in section 7.16 of the Revised Code, within sixty days after delivery of such duplicate to the treasurer in a newspaper ~~published in the English language in the county and~~ of general circulation ~~therein in the~~ 11811
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county; provided that, before such publication, the auditor shall 11817
cause a display notice of the forthcoming publication of such 11818
delinquent personal and classified property tax list to be 11819
inserted once a week for two consecutive weeks in a newspaper 11820
~~published in the English language in the county and~~ of general 11821
circulation ~~therein~~ in the county or as provided in section 7.16 11822
of the Revised Code. Copy for such display notice shall be 11823
furnished by the auditor to the newspaper selected to publish such 11824
delinquent tax lists simultaneously with the delivery of the 11825
duplicate to the treasurer. ~~If there is only one newspaper~~ 11826
~~published in the county, such display notice and delinquent~~ 11827
~~personal and classified property tax lists shall be published in~~ 11828
~~it.~~ Publication of the delinquent lists may be made by a newspaper 11829
in installments, provided that complete publication thereof is 11830
made twice, or as provided in section 7.16 of the Revised Code, 11831
during said sixty-day period. 11832

The office of the county treasurer shall be kept open to 11833
receive the payment of delinquent general and classified property 11834
taxes from the day of delivery of the duplicate thereof until the 11835
final publication of the delinquent tax list. The name of any 11836
taxpayer who prior to seven days before either the first or second 11837
publication of said list pays such taxes in full or enters into a 11838
delinquent tax contract to pay such taxes in installments pursuant 11839
to section 5719.05 of the Revised Code shall be stricken from such 11840
list, and the taxpayer's name shall not be included in the list 11841
for that publication. 11842

The other such duplicate, from which shall first be 11843
eliminated the names of persons whose total liability for taxes 11844
and penalty is less than one hundred dollars, shall be filed by 11845
the auditor on the first day of December, annually, in the office 11846
of the county recorder, and the same shall constitute a notice of 11847
lien and operate as of the date of delivery as a lien on the lands 11848

and tenements, vested legal interests therein, and permanent 11849
leasehold estates of each person named therein having such real 11850
estate in such county. Such notice of lien and such lien shall not 11851
be valid as against any mortgagee, pledgee, purchaser, or judgment 11852
creditor whose rights have attached prior to the date of such 11853
delivery. Such duplicate shall be kept by the recorder, designated 11854
as the personal tax lien record, and indexed under the name of the 11855
person charged with such tax. No fee shall be charged by the 11856
recorder for the services required under this section. 11857

The auditor shall add to the tax list made pursuant to this 11858
section all such taxes omitted in a previous year when assessed by 11859
the auditor or finally assessed by the tax commissioner pursuant 11860
to law, and by proper certificates cause the same to be added to 11861
the treasurer's delinquent tax duplicate provided for in this 11862
section, and, in proper cases, file notice of the lien with the 11863
recorder, as provided in this section. 11864

If the authority making any assessment believes that the 11865
collection of such taxes will be jeopardized by delay, such 11866
assessing authority shall so certify on the assessment certificate 11867
thereof, and the auditor shall include a certificate of such 11868
jeopardy in the certificate given by the auditor to the treasurer. 11869
In such event the treasurer shall proceed immediately to collect 11870
such taxes, and to enforce the collection thereof by any means 11871
provided by law, and the treasurer may not accept a tender of any 11872
part of such taxes; but the person or the representatives of the 11873
person against whom such assessment is made may, in the event of 11874
an appeal to the tax commissioner therefrom, obtain a stay of 11875
collection of the whole or any part of the amount of such 11876
assessment by filing with the treasurer a bond in an amount not 11877
exceeding double the amount as to which the stay is desired, with 11878
such surety as the treasurer deems necessary, conditioned upon the 11879
payment of the amount determined to be due by the decision of the 11880

commissioner which has become final, and further conditioned that 11881
if an appeal is not filed within the period provided by law, the 11882
amount of collection which is stayed by the bond will be paid on 11883
notice and demand of the treasurer at any time after the 11884
expiration of such period. The taxpayer may waive such stay as to 11885
the whole or any part of the amount covered by the bond, and if as 11886
the result of such waiver any part of the amount covered by the 11887
bond is paid, then the bond shall be proportionately reduced on 11888
the request of the taxpayer. 11889

(B) Immediately after each settlement required by division 11890
(D) of section 321.24 of the Revised Code the auditor shall make a 11891
separate list and duplicate, prepared as prescribed in division 11892
(A) of this section, of all general personal and classified 11893
property taxes that remain unpaid but are excepted from collection 11894
pursuant to section 5711.32 of the Revised Code. The duplicate of 11895
such list shall be delivered to the treasurer at the time of 11896
delivery of the delinquent personal and classified property tax 11897
duplicate. 11898

Sec. 5721.01. (A) As used in this chapter: 11899

(1) "Delinquent lands" means all lands upon which delinquent 11900
taxes, as defined in section 323.01 of the Revised Code, remain 11901
unpaid at the time a settlement is made between the county 11902
treasurer and auditor pursuant to division (C) of section 321.24 11903
of the Revised Code. 11904

(2) "Delinquent vacant lands" means all lands that have been 11905
delinquent lands for at least one year and that are unimproved by 11906
any dwelling. 11907

(3) "County land reutilization corporation" means a county 11908
land reutilization corporation organized under Chapter 1724. of 11909
the Revised Code. 11910

(B) As used in sections 5719.04, 5721.03, and 5721.31 of the Revised Code and in any other sections of the Revised Code to which those sections are applicable, a "newspaper" or "newspaper of general circulation ~~shall be a publication bearing a title or name, regularly issued as frequently as once a week for a definite price or consideration paid for by not less than fifty per cent of those to whom distribution is made, having a second class mailing privilege, being not less than four pages, published continuously during the immediately preceding one year period, and circulated generally in the political subdivision in which it is published.~~ Such publication shall be of a type to which the general public resorts for passing events of a political, religious, commercial, and social nature, current happenings, announcements, ~~miscellaneous reading matter, advertisements, and other notices~~" has the same meaning as in section 7.12 of the Revised Code.

Sec. 5721.03. (A) At the time of making the delinquent land list, as provided in section 5721.011 of the Revised Code, the county auditor shall compile a delinquent tax list consisting of all lands on the delinquent land list on which taxes have become delinquent at the close of the collection period immediately preceding the making of the delinquent land list. The auditor shall also compile a delinquent vacant land tax list of all delinquent vacant lands prior to the institution of any foreclosure and forfeiture actions against delinquent vacant lands under section 5721.14 of the Revised Code or any foreclosure actions against delinquent vacant lands under section 5721.18 of the Revised Code.

The delinquent tax list, and the delinquent vacant land tax list if one is compiled, shall contain all of the information included on the delinquent land list, except that, if the auditor's records show that the name of the person in whose name the property currently is listed is not the name that appears on

the delinquent land list, the name used in the delinquent tax list 11943
or the delinquent vacant land tax list shall be the name of the 11944
person the auditor's records show as the person in whose name the 11945
property currently is listed. 11946

Lands that have been included in a previously published 11947
delinquent tax list shall not be included in the delinquent tax 11948
list so long as taxes have remained delinquent on such lands for 11949
the entire intervening time. 11950

In either list, there may be included lands that have been 11951
omitted in error from a prior list and lands with respect to which 11952
the auditor has received a certification that a delinquent tax 11953
contract has become void since the publication of the last 11954
previously published list, provided the name of the owner was 11955
stricken from a prior list under section 5721.02 of the Revised 11956
Code. 11957

(B)(1) The auditor shall cause the delinquent tax list and 11958
the delinquent vacant land tax list, if one is compiled, to be 11959
published twice, or as provided in section 7.16 of the Revised 11960
Code, within sixty days after the delivery of the delinquent land 11961
duplicate to the county treasurer, in a newspaper of general 11962
circulation in the county. ~~The publication shall be printed in the~~ 11963
~~English language.~~ 11964

The auditor shall insert display notices of the forthcoming 11965
publication of the delinquent tax list and, if it is to be 11966
published, the delinquent vacant land tax list once a week for two 11967
consecutive weeks in a newspaper of general circulation in the 11968
county or as provided in section 7.16 of the Revised Code. The 11969
display notices shall contain the times and methods of payment of 11970
taxes provided by law, including information concerning 11971
installment payments made in accordance with a written delinquent 11972
tax contract. The display notice for the delinquent tax list also 11973
shall include a notice that an interest charge will accrue on 11974

accounts remaining unpaid after the last day of November unless 11975
the taxpayer enters into a written delinquent tax contract to pay 11976
such taxes in installments. The display notice for the delinquent 11977
vacant land tax list if it is to be published also shall include a 11978
notice that delinquent vacant lands in the list are lands on which 11979
taxes have remained unpaid for one year after being certified 11980
delinquent, and that they are subject to foreclosure proceedings 11981
as provided in section 323.25, sections 323.65 to 323.79, or 11982
section 5721.18 of the Revised Code, or foreclosure and forfeiture 11983
proceedings as provided in section 5721.14 of the Revised Code. 11984
Each display notice also shall state that the lands are subject to 11985
a tax certificate sale under section 5721.32 or 5721.33 of the 11986
Revised Code or assignment to a county land reutilization 11987
corporation, as the case may be, and shall include any other 11988
information that the auditor considers pertinent to the purpose of 11989
the notice. The display notices shall be furnished by the auditor 11990
to the ~~newspapers~~ newspaper selected to publish the lists at least 11991
ten days before their first publication. 11992

(2) Publication of the list or lists may be made by a 11993
newspaper in installments, provided the complete publication of 11994
each list is made twice, or as provided in section 7.16 of the 11995
Revised Code, during the sixty-day period. 11996
11997

(3) There shall be attached to the delinquent tax list a 11998
notice that the delinquent lands will be certified for foreclosure 11999
by the auditor unless the taxes, assessments, interest, and 12000
penalties due and owing on them are paid. There shall be attached 12001
to the delinquent vacant land tax list, if it is to be published, 12002
a notice that delinquent vacant lands will be certified for 12003
foreclosure or foreclosure and forfeiture by the auditor unless 12004
the taxes, assessments, interest, and penalties due and owing on 12005
them are paid within twenty-eight days after the final publication 12006

of the notice. 12007

(4) The auditor shall review the first publication of each 12008
list for accuracy and completeness and may correct any errors 12009
appearing in the list in the second publication. 12010

(C) For the purposes of section 5721.18 of the Revised Code, 12011
land is first certified delinquent on the date of the 12012
certification of the delinquent land list containing that land. 12013

Sec. 5721.04. The proper and necessary expenses of publishing 12014
the delinquent tax lists, delinquent vacant land tax lists, and 12015
display notices provided for by sections 5719.04 and 5721.03 of 12016
the Revised Code shall be paid from the county treasury as county 12017
expenses are paid, and the board of county commissioners shall 12018
make provision for them in the annual budget of the county 12019
submitted to the budget commission, and shall make the necessary 12020
appropriations. If the board fails to make such appropriations, or 12021
if an appropriation is insufficient to meet such an expense, any 12022
person interested may apply to the court of common pleas of the 12023
county for an allowance to cover the expense, and the court shall 12024
issue an order instructing the county auditor to issue ~~his~~ a 12025
warrant upon the county treasurer for the amount necessary. The 12026
order by the court shall be final and shall be complied with 12027
immediately. 12028

The aggregate amount paid ~~shall~~ for publication may be 12029
apportioned by the county auditor among the taxing districts in 12030
which the lands on each list are located in proportion to the 12031
amount of delinquent taxes so advertised in such subdivision, or 12032
the auditor may place the aggregate amount paid upon the tax 12033
duplicate as a lien on the lands on each list, to be collected as 12034
other taxes, in the amount of the actual expenses of publication, 12035
apportioned equally among the property owners on each list. 12036
Thereafter, the auditor, in making ~~his~~ the auditor's semiannual 12037

apportionment of funds, shall retain at each semiannual 12038
apportionment one half the amount apportioned to each such taxing 12039
district. The amounts retained shall be credited to the general 12040
fund of the county until the aggregate of all amounts paid in the 12041
first instance out of the treasury have been fully reimbursed. 12042

Sec. 5721.31. (A)(1) After receipt of a duplicate of the 12043
delinquent land list compiled under section 5721.011 of the 12044
Revised Code, or a delinquent land list compiled previously under 12045
that section, the county treasurer may select from the list 12046
parcels of delinquent land the lien against which the county 12047
treasurer may attempt to transfer by the sale of tax certificates 12048
under sections 5721.30 to 5721.43 of the Revised Code. None of the 12049
following parcels may be selected for a tax certificate sale: 12050

(a) A parcel for which the full amount of taxes, assessments, 12051
penalties, interest, and charges have been paid; 12052

(b) A parcel for which a valid contract under section 12053
323.122, 323.31, or 5713.20 of the Revised Code is in force; 12054

(c) A parcel the owner of which has filed a petition in 12055
bankruptcy, so long as the parcel is property of the bankruptcy 12056
estate. 12057

(2) The county treasurer shall compile a separate list of 12058
parcels selected for tax certificate sales, including the same 12059
information as is required to be included in the delinquent land 12060
list. 12061

Upon compiling the list of parcels selected for tax 12062
certificate sales, the county treasurer may conduct a title search 12063
for any parcel on the list. 12064

(B)(1) Except as otherwise provided in division (B)(3) of 12065
this section, when tax certificates are to be sold under section 12066
5721.32 of the Revised Code with respect to parcels, the county 12067

treasurer shall send written notice by certified mail to either 12068
the owner of record or all interested parties discoverable through 12069
a title search, or both, of each parcel on the list. A notice to 12070
an owner shall be sent to the owner's last known tax-mailing 12071
address. The notice shall inform the owner or interested parties 12072
that a tax certificate will be offered for sale on the parcel, and 12073
that the owner or interested parties may incur additional expenses 12074
as a result of the sale. 12075

(2) Except as otherwise provided in division (B)(3) of this 12076
section, when tax certificates are to be sold or transferred under 12077
section 5721.33 of the Revised Code with respect to parcels, the 12078
county treasurer, at least thirty days prior to the date of sale 12079
or transfer of such tax certificates, shall send written notice of 12080
the sale or transfer by certified mail to the last known 12081
tax-mailing address of the record owner of the property or parcel 12082
and may send such notice to all parties with an interest in the 12083
property that has been recorded in the property records of the 12084
county pursuant to section 317.08 of the Revised Code. The notice 12085
shall state that a tax certificate will be offered for sale or 12086
transfer on the parcel, and that the owner or interested parties 12087
may incur additional expenses as a result of the sale or transfer. 12088

(3) The county treasurer is not required to send a notice 12090
under division (B)(1) or (B)(2) of this section if the treasurer 12091
previously has attempted to send such notice to the owner of the 12092
parcel and the notice has been returned by the post office as 12093
undeliverable. The absence of a valid tax-mailing address for the 12094
owner of a parcel does not preclude the county treasurer from 12095
selling or transferring a tax certificate for the parcel. 12096

(C) The county treasurer shall advertise the sale of tax 12097
certificates under section 5721.32 of the Revised Code in a 12098
newspaper of general circulation in the county, once a week for 12099

two consecutive weeks or as provided in section 7.16 of the 12100
Revised Code. The advertisement shall include the date, the time, 12101
and the place of the public auction, abbreviated legal 12102
descriptions of the parcels, and the names of the owners of record 12103
of the parcels. The advertisement also shall include the 12104
certificate purchase prices of the parcels or the total purchase 12105
price of tax certificates for sale in blocks of tax certificates. 12106

(D) After the county treasurer has compiled the list of 12107
parcels selected for tax certificate sales but before a tax 12108
certificate respecting a parcel is sold or transferred, if the 12109
owner of record of the parcel pays to the county treasurer in cash 12110
the delinquent taxes respecting the parcel or otherwise acts so 12111
that any condition in division (A)(1)(a), (b), or (c) of this 12112
section applies to the parcel, the owner of record of the parcel 12113
also shall pay a fee in an amount prescribed by the treasurer to 12114
cover the administrative costs of the treasurer under this section 12115
respecting the parcel. The fee shall be deposited in the county 12116
treasury to the credit of the tax certificate administration fund. 12117
12118

(E) A tax certificate administration fund shall be created in 12119
the county treasury of each county selling tax certificates under 12120
sections 5721.30 to 5721.43 of the Revised Code. The fund shall be 12121
administered by the county treasurer, and used solely for the 12122
purposes of sections 5721.30 to 5721.43 of the Revised Code or as 12123
otherwise permitted in this division. Any fee received by the 12124
treasurer under sections 5721.30 to 5721.43 of the Revised Code 12125
shall be credited to the fund, except the bidder registration fee 12126
under division (B) of section 5721.32 of the Revised Code and the 12127
county prosecuting attorney's fee under division (B)(3) of section 12128
5721.37 of the Revised Code. To the extent there is a surplus in 12129
the fund from time to time, the surplus may, with the approval of 12130
the county treasurer, be utilized for the purposes of a county 12131

land reutilization corporation operating in the county. 12132

(F) The county treasurers of more than one county may jointly 12133
conduct a regional sale of tax certificates under section 5721.32 12134
of the Revised Code. A regional sale shall be held at a single 12135
location in one county, where the tax certificates from each of 12136
the participating counties shall be offered for sale at public 12137
auction. Before the regional sale, each county treasurer shall 12138
advertise the sale for the parcels in the treasurer's county as 12139
required by division (C) of this section. At the regional sale, 12140
tax certificates shall be sold on parcels from one county at a 12141
time, with all of the certificates for one county offered for sale 12142
before any certificates for the next county are offered for sale. 12143

(G) The tax commissioner shall prescribe the form of the tax 12144
certificate under this section, and county treasurers shall use 12145
the form so prescribed. 12146

Sec. 5722.13. Real property acquired and held by an electing 12147
subdivision pursuant to this chapter that is not sold or otherwise 12148
transferred within fifteen years after such acquisition shall be 12149
offered for sale at public auction during the sixteenth year after 12150
acquisition. If the real property is not sold at that time, it may 12151
be disposed of or retained for any lawful purpose without further 12152
application of this chapter. 12153

Notice of the sale shall contain a description of each 12154
parcel, the permanent parcel number, and the full street address 12155
when available. The notice shall be published as provided in 12156
section 7.16 of the Revised Code, or once a week for three 12157
consecutive weeks ~~prior to the sale~~ in a newspaper of general 12158
circulation within the electing subdivision, prior to the sale. 12159

Each parcel subsequent to the fifteenth year after its 12160
acquisition as part of a land reutilization program shall be sold 12161
for an amount equal to not less than the greater of: 12162

(A) Two-thirds of its fair market value;	12163
(B) The total amount of accrued taxes, assessments,	12164
penalties, interest, charges, and costs incurred by the electing	12165
subdivision in the acquisition, maintenance, and disposal of each	12166
parcel and the parcel's share of the costs and expenses of the	12167
land reutilization program.	12168
The sale requirements of this section do not apply to real	12169
property acquired and held by a county land reutilization	12170
corporation.	12171
Sec. 5723.05. If the taxes, assessments, charges, penalties,	12172
interest, and costs due on the forfeited lands have not been paid	12173
when the county auditor fixes the date for the sale of forfeited	12174
lands, the auditor shall give notice of them once a week for two	12175
consecutive weeks prior to the date fixed by the auditor for the	12176
sale, in two newspapers as provided in section 5721.03 of the	12177
Revised Code. The notice shall state that if the taxes,	12178
assessments, charges, penalties, interest, and costs charged	12179
against the lands forfeited to the state for nonpayment of taxes	12180
are not paid into the county treasury, and the county treasurer's	12181
receipt produced for the payment before the time specified in the	12182
notice for the sale of the lands, which day shall be named in the	12183
notice, each forfeited tract on which the taxes, assessments,	12184
charges, penalties, interest, and costs remain unpaid will be	12185
offered for sale beginning on the date set by the auditor, at the	12186
courthouse in the county, in order to satisfy the unpaid taxes,	12187
assessments, charges, penalties, interest, and costs, and that the	12188
sale will continue from day to day until each of the tracts is	12189
sold or offered for sale.	12190
The notice also shall state that, if the forfeited land is	12191
sold for an amount that is less than the amount of the delinquent	12192
taxes, assessments, charges, penalties, and interest against it,	12193

and, if division (B)(2) of section 5721.17 of the Revised Code is 12194
applicable, any notes issued by a receiver pursuant to division 12195
(F) of section 3767.41 of the Revised Code and any receiver's lien 12196
as defined in division (C)(4) of section 5721.18 of the Revised 12197
Code, the court, in a separate order, may enter a deficiency 12198
judgment against the last owner of record of the land before its 12199
forfeiture to the state, for the amount of the difference; and 12200
that, if that owner of record is a corporation, the court may 12201
enter the deficiency judgment against the stockholder holding a 12202
majority of that corporation's stock. 12203

Sec. 5727.57. In addition to all other remedies for the 12204
collection of any taxes or penalties due under law, whenever any 12205
taxes, fees, or penalties due from any public utility have 12206
remained unpaid for a period of ninety days, or whenever any 12207
public utility has failed for a period of ninety days to make any 12208
report or return required by law, or to pay any penalty for 12209
failure to make or file such report or return, the attorney 12210
general, upon the request of the tax commissioner, shall file a 12211
petition in the court of common pleas in the county of the state 12212
in which such public utility has its principal place of business 12213
for a judgment for the amount of the taxes and penalties appearing 12214
to be due, the enforcement of any lien in favor of the state, and 12215
an injunction to restrain such public utility and its officers, 12216
directors, and managing agents from the transaction of any 12217
business within this state, other than such acts as are incidental 12218
to liquidation or winding up, until the payment of such taxes, 12219
fees, penalties, and the costs of the proceeding, which shall be 12220
fixed by the court, or the making and filing of such report or 12221
return. 12222

Such petition shall be in the name of the state. All or any 12223
of the public utilities having their principal places of business 12224
in the county may be joined in one suit. On the motion of the 12225

attorney general, the court of common pleas shall enter an order 12226
requiring all defendants to answer by a day certain, and may 12227
appoint a special master commissioner to take testimony, with such 12228
other power and authority as the court confers, and permit process 12229
to be served by certified mail and by publication in a newspaper 12230
of general circulation ~~published~~ in the county, which publication 12231
need not be made more than once, setting forth the name of each 12232
delinquent public utility, the matter in which such public utility 12233
is delinquent, the names of its officers, directors, and managing 12234
agents, if set forth in the petition, and the amount of any taxes, 12235
fees, or penalties claimed to be owing by said public utility. 12236

All of the officers, directors, shareholders, or managing 12237
agents of any public utility may be joined as defendants with such 12238
public utility. 12239

If it appears to the court upon hearing that any public 12240
utility which is a party to such proceeding is indebted to the 12241
state for taxes, fees, or penalties, judgment shall be entered 12242
therefor with interest, which shall be computed at the rate per 12243
annum prescribed by section 5703.47 of the Revised Code; and if it 12244
appears that any public utility has failed to make or file any 12245
report or return, a mandatory injunction may be issued against 12246
such public utility, its officers, directors, and managing agents, 12247
as such enjoining them from the transaction of any business within 12248
this state, other than acts incidental to liquidation or winding 12249
up, until the making and filing of all proper reports or returns 12250
and the payment in full of all taxes, fees, and penalties. 12251

If the officers, directors, shareholders, or managing agents 12252
of a public utility are not made parties in the first instance, 12253
and a judgment or an injunction is rendered or issued against such 12254
public utility, such officers, directors, shareholders, or 12255
managing agents, or any of them, may be made parties to such 12256
proceedings upon the motion of the attorney general, and, upon 12257

notice to them of the form and terms of such injunction, they 12258
shall be bound thereby as fully as if they had been made parties 12259
in the first instance. 12260

In any action authorized by this section, a statement of the 12261
commissioner or the secretary of state, when duly certified shall 12262
be prima-facie evidence of the amount of taxes, fees, or penalties 12263
due from any public utility, or of the failure of any public 12264
utility to file with the commissioner or the secretary of state 12265
any report required by law, and any such certificate of the 12266
commissioner or the secretary of state may be required in evidence 12267
in any such proceeding. 12268

On the application of any defendant and for good cause shown, 12269
the court may order a separate hearing of the issues as to any 12270
defendant. 12271

The costs of the proceeding shall be apportioned among the 12272
parties as the court deems proper. 12273

The court in such proceeding may make, enter, and enforce 12274
such other judgments and orders and grant such other relief as is 12275
necessary or incidental to the enforcement of the claims and lien 12276
of the state. 12277

In the performance of the duties enjoined ~~upon him~~ by this 12278
section the attorney general may direct any prosecuting attorney 12279
to bring an action, as authorized by this section, in the name of 12280
the state with respect to any delinquent public utilities within 12281
~~his~~ the prosecuting attorney's county, and like proceedings and 12282
orders shall be had as if such action were instituted by the 12283
attorney general. 12284

Sec. 5733.23. In addition to all other remedies for the 12285
collection of any taxes or penalties due under law, whenever any 12286
taxes, fees, or penalties due from any corporation have remained 12287

unpaid for a period of ninety days, or whenever any corporation 12288
has failed for a period of ninety days to make any report or 12289
return required by law, or to pay any penalty for failure to make 12290
or file such report or return, the attorney general, upon the 12291
request of the tax commissioner, shall file a petition in the 12292
court of common pleas in the county of the state in which such 12293
corporation has its principal place of business for a judgment for 12294
the amount of the taxes or penalties appearing to be due, the 12295
enforcement of any lien in favor of the state, and an injunction 12296
to restrain such corporation and its officers, directors, and 12297
managing agents from the transaction of any business within this 12298
state, other than such acts as are incidental to liquidation or 12299
winding up, until the payment of such taxes, fees, and penalties, 12300
and the costs of the proceeding which shall be fixed by the court, 12301
or the making and filing of such report or return. 12302

Such petition shall be in the name of the state. All or any 12303
of the corporations having their principal places of business in 12304
the county may be joined in one suit. On the motion of the 12305
attorney general, the court of common pleas shall enter an order 12306
requiring all defendants to answer by a day certain, and may 12307
appoint a special master commissioner to take testimony, with such 12308
other power and authority as the court confers, and permitting 12309
process to be served by registered mail and by publication in a 12310
newspaper of general circulation ~~published~~ in the county, which 12311
publication need not be made more than once, setting forth the 12312
name of each delinquent corporation, the matter in which such 12313
corporation is delinquent, the names of its officers, directors, 12314
and managing agents, if set forth in the petition, and the amount 12315
of any taxes, fees, or penalties claimed to be owing by said 12316
corporation. 12317

All or any of the officers, directors, shareholders, or 12318
managing agents of any corporation may be joined as defendants 12319

with such corporation. 12320

If it appears to the court upon hearing that any corporation 12321
which is a party to such proceeding is indebted to the state for 12322
taxes, fees, or penalties, judgment shall be entered therefor with 12323
interest; and if it appears that any corporation has failed to 12324
make or file any report or return, a mandatory injunction may be 12325
issued against such corporation, its officers, directors, and 12326
managing agents, enjoining them from the transaction of any 12327
business within this state, other than acts incidental to 12328
liquidation or winding up, until the making and filing of all 12329
proper reports or returns and until the payment in full of all 12330
taxes, fees, and penalties. 12331

If the officers, directors, shareholders, or managing agents 12332
of a corporation are not made parties in the first instance, and a 12333
judgment or an injunction is rendered or issued against such 12334
corporation, such officers, directors, shareholders, or managing 12335
agents may be made parties to such proceedings upon the motion of 12336
the attorney general, and, upon notice to them of the form and 12337
terms of such injunction, they shall be bound thereby as fully as 12338
if they had been made parties in the first instance. 12339

In any action authorized by this section, a statement of the 12340
commissioner, or the secretary of state, when duly certified, 12341
shall be prima-facie evidence of the amount of taxes, fees, or 12342
penalties due from any corporation, or of the failure of any 12343
corporation to file with the commissioner or the secretary of 12344
state any report required by law, and any such certificate of the 12345
commissioner or the secretary of state may be required in evidence 12346
in any such proceeding. 12347

On the application of any defendant and for good cause shown, 12348
the court may order a separate hearing of the issues as to any 12349
defendant. 12350

The costs of the proceeding shall be apportioned among the parties as the court deems proper.

The court in such proceeding may make, enter, and enforce such other judgments and orders and grant such other relief as is necessary or incidental to the enforcement of the claims and lien of the state.

In the performance of the duties enjoined upon ~~him~~ the attorney general by this section the attorney general may direct any prosecuting attorney to bring an action, as authorized by this section, in the name of the state with respect to any delinquent corporations within ~~his~~ the prosecuting attorney's county, and like proceedings and orders shall be had as if such action were instituted by the attorney general.

Sec. 5739.021. (A) For the purpose of providing additional general revenues for the county or supporting criminal and administrative justice services in the county, or both, and to pay the expenses of administering such levy, any county may levy a tax at the rate of not more than one per cent at any multiple of one-fourth of one per cent upon every retail sale made in the county, except sales of watercraft and outboard motors required to be titled pursuant to Chapter 1548. of the Revised Code and sales of motor vehicles, and may increase the rate of an existing tax to not more than one per cent at any multiple of one-fourth of one per cent.

The tax shall be levied and the rate increased pursuant to a resolution of the board of county commissioners. The resolution shall state the purpose for which the tax is to be levied and the number of years for which the tax is to be levied, or that it is for a continuing period of time. If the tax is to be levied for the purpose of providing additional general revenues and for the purpose of supporting criminal and administrative justice

services, the resolution shall state the rate or amount of the tax 12382
to be apportioned to each such purpose. The rate or amount may be 12383
different for each year the tax is to be levied, but the rates or 12384
amounts actually apportioned each year shall not be different from 12385
that stated in the resolution for that year. If the resolution is 12386
adopted as an emergency measure necessary for the immediate 12387
preservation of the public peace, health, or safety, it must 12388
receive an affirmative vote of all of the members of the board of 12389
county commissioners and shall state the reasons for such 12390
necessity. The board shall deliver a certified copy of the 12391
resolution to the tax commissioner, not later than the sixty-fifth 12392
day prior to the date on which the tax is to become effective, 12393
which shall be the first day of the calendar quarter. 12394

Prior to the adoption of any resolution under this section, 12395
the board of county commissioners shall conduct two public 12396
hearings on the resolution, the second hearing to be not less than 12397
three nor more than ten days after the first. Notice of the date, 12398
time, and place of the hearings shall be given by publication as 12399
provided in section 7.16 of the Revised Code or in a newspaper of 12400
general circulation in the county, once a week on the same day of 12401
the week for two consecutive weeks, the second publication being 12402
not less than ten nor more than thirty days prior to the first 12403
hearing. 12404

Except as provided in division (B)(3) of this section, the 12405
resolution shall be subject to a referendum as provided in 12406
sections 305.31 to 305.41 of the Revised Code. 12407

If a petition for a referendum is filed, the county auditor 12408
with whom the petition was filed shall, within five days, notify 12409
the board of county commissioners and the tax commissioner of the 12410
filing of the petition by certified mail. If the board of 12411
elections with which the petition was filed declares the petition 12412
invalid, the board of elections, within five days, shall notify 12413

the board of county commissioners and the tax commissioner of that 12414
declaration by certified mail. If the petition is declared to be 12415
invalid, the effective date of the tax or increased rate of tax 12416
levied by this section shall be the first day of a calendar 12417
quarter following the expiration of sixty-five days from the date 12418
the commissioner receives notice from the board of elections that 12419
the petition is invalid. 12420

(B)(1) A resolution that is not adopted as an emergency 12421
measure may direct the board of elections to submit the question 12422
of levying the tax or increasing the rate of tax to the electors 12423
of the county at a special election held on the date specified by 12424
the board of county commissioners in the resolution, provided that 12425
the election occurs not less than seventy-five days after a 12426
certified copy of such resolution is transmitted to the board of 12427
elections and the election is not held in February or August of 12428
any year. Upon transmission of the resolution to the board of 12429
elections, the board of county commissioners shall notify the tax 12430
commissioner in writing of the levy question to be submitted to 12431
the electors. No resolution adopted under this division shall go 12432
into effect unless approved by a majority of those voting upon it, 12433
and, except as provided in division (B)(3) of this section, shall 12434
become effective on the first day of a calendar quarter following 12435
the expiration of sixty-five days from the date the tax 12436
commissioner receives notice from the board of elections of the 12437
affirmative vote. 12438

(2) A resolution that is adopted as an emergency measure 12439
shall go into effect as provided in division (A) of this section, 12440
but may direct the board of elections to submit the question of 12441
repealing the tax or increase in the rate of the tax to the 12442
electors of the county at the next general election in the county 12443
occurring not less than seventy-five days after a certified copy 12444
of the resolution is transmitted to the board of elections. Upon 12445

transmission of the resolution to the board of elections, the 12446
board of county commissioners shall notify the tax commissioner in 12447
writing of the levy question to be submitted to the electors. The 12448
ballot question shall be the same as that prescribed in section 12449
5739.022 of the Revised Code. The board of elections shall notify 12450
the board of county commissioners and the tax commissioner of the 12451
result of the election immediately after the result has been 12452
declared. If a majority of the qualified electors voting on the 12453
question of repealing the tax or increase in the rate of the tax 12454
vote for repeal of the tax or repeal of the increase, the board of 12455
county commissioners, on the first day of a calendar quarter 12456
following the expiration of sixty-five days after the date the 12457
board and tax commissioner receive notice of the result of the 12458
election, shall, in the case of a repeal of the tax, cease to levy 12459
the tax, or, in the case of a repeal of an increase in the rate of 12460
the tax, cease to levy the increased rate and levy the tax at the 12461
rate at which it was imposed immediately prior to the increase in 12462
rate. 12463

(3) If a vendor that is registered with the central 12464
electronic registration system provided for in section 5740.05 of 12465
the Revised Code makes a sale in this state by printed catalog and 12466
the consumer computed the tax on the sale based on local rates 12467
published in the catalog, any tax levied or repealed or rate 12468
changed under this section shall not apply to such a sale until 12469
the first day of a calendar quarter following the expiration of 12470
one hundred twenty days from the date of notice by the tax 12471
commissioner pursuant to division (H) of this section. 12472

(C) If a resolution is rejected at a referendum or if a 12473
resolution adopted after January 1, 1982, as an emergency measure 12474
is repealed by the electors pursuant to division (B)(2) of this 12475
section or section 5739.022 of the Revised Code, then for one year 12476
after the date of the election at which the resolution was 12477

rejected or repealed the board of county commissioners may not 12478
adopt any resolution authorized by this section as an emergency 12479
measure. 12480

(D) The board of county commissioners, at any time while a 12481
tax levied under this section is in effect, may by resolution 12482
reduce the rate at which the tax is levied to a lower rate 12483
authorized by this section. Any reduction in the rate at which the 12484
tax is levied shall be made effective on the first day of a 12485
calendar quarter next following the sixty-fifth day after a 12486
certified copy of the resolution is delivered to the tax 12487
commissioner. 12488

(E) The tax on every retail sale subject to a tax levied 12489
pursuant to this section shall be in addition to the tax levied by 12490
section 5739.02 of the Revised Code and any tax levied pursuant to 12491
section 5739.023 or 5739.026 of the Revised Code. 12492

A county that levies a tax pursuant to this section shall 12493
levy a tax at the same rate pursuant to section 5741.021 of the 12494
Revised Code. 12495

The additional tax levied by the county shall be collected 12496
pursuant to section 5739.025 of the Revised Code. If the 12497
additional tax or some portion thereof is levied for the purpose 12498
of criminal and administrative justice services, the revenue from 12499
the tax, or the amount or rate apportioned to that purpose, shall 12500
be credited to a special fund created in the county treasury for 12501
receipt of that revenue. 12502

Any tax levied pursuant to this section is subject to the 12503
exemptions provided in section 5739.02 of the Revised Code and in 12504
addition shall not be applicable to sales not within the taxing 12505
power of a county under the Constitution of the United States or 12506
the Ohio Constitution. 12507

(F) For purposes of this section, a copy of a resolution is 12508

"certified" when it contains a written statement attesting that 12509
the copy is a true and exact reproduction of the original 12510
resolution. 12511

(G) If a board of commissioners intends to adopt a resolution 12512
to levy a tax in whole or in part for the purpose of criminal and 12513
administrative justice services, the board shall prepare and make 12514
available at the first public hearing at which the resolution is 12515
considered a statement containing the following information: 12516

(1) For each of the two preceding fiscal years, the amount of 12517
expenditures made by the county from the county general fund for 12518
the purpose of criminal and administrative justice services; 12519

(2) For the fiscal year in which the resolution is adopted, 12520
the board's estimate of the amount of expenditures to be made by 12521
the county from the county general fund for the purpose of 12522
criminal and administrative justice services; 12523

(3) For each of the two fiscal years after the fiscal year in 12524
which the resolution is adopted, the board's preliminary plan for 12525
expenditures to be made from the county general fund for the 12526
purpose of criminal and administrative justice services, both 12527
under the assumption that the tax will be imposed for that purpose 12528
and under the assumption that the tax would not be imposed for 12529
that purpose, and for expenditures to be made from the special 12530
fund created under division (E) of this section under the 12531
assumption that the tax will be imposed for that purpose. 12532

The board shall prepare the statement and the preliminary 12533
plan using the best information available to the board at the time 12534
the statement is prepared. Neither the statement nor the 12535
preliminary plan shall be used as a basis to challenge the 12536
validity of the tax in any court of competent jurisdiction, nor 12537
shall the statement or preliminary plan limit the authority of the 12538
board to appropriate, pursuant to section 5705.38 of the Revised 12539

Code, an amount different from that specified in the preliminary 12540
plan. 12541

(H) Upon receipt from a board of county commissioners of a 12542
certified copy of a resolution required by division (A) or (D) of 12543
this section, or from the board of elections of a notice of the 12544
results of an election required by division (A) or (B)(1) or (2) 12545
of this section, the tax commissioner shall provide notice of a 12546
tax rate change in a manner that is reasonably accessible to all 12547
affected vendors. The commissioner shall provide this notice at 12548
least sixty days prior to the effective date of the rate change. 12549
The commissioner, by rule, may establish the method by which 12550
notice will be provided. 12551

(I) As used in this section, "criminal and administrative 12552
justice services" means the exercise by the county sheriff of all 12553
powers and duties vested in that office by law; the exercise by 12554
the county prosecuting attorney of all powers and duties vested in 12555
that office by law; the exercise by any court in the county of all 12556
powers and duties vested in that court; the exercise by the clerk 12557
of the court of common pleas, any clerk of a municipal court 12558
having jurisdiction throughout the county, or the clerk of any 12559
county court of all powers and duties vested in the clerk by law 12560
except, in the case of the clerk of the court of common pleas, the 12561
titling of motor vehicles or watercraft pursuant to Chapter 1548. 12562
or 4505. of the Revised Code; the exercise by the county coroner 12563
of all powers and duties vested in that office by law; making 12564
payments to any other public agency or a private, nonprofit 12565
agency, the purposes of which in the county include the diversion, 12566
adjudication, detention, or rehabilitation of criminals or 12567
juvenile offenders; the operation and maintenance of any detention 12568
facility, as defined in section 2921.01 of the Revised Code; and 12569
the construction, acquisition, equipping, or repair of such a 12570
detention facility, including the payment of any debt charges 12571

incurred in the issuance of securities pursuant to Chapter 133. of 12572
the Revised Code for the purpose of constructing, acquiring, 12573
equipping, or repairing such a facility. 12574

Sec. 5739.022. (A) The question of repeal of either a county 12575
permissive tax or an increase in the rate of a county permissive 12576
tax that was adopted as an emergency measure pursuant to section 12577
5739.021 or 5739.026 of the Revised Code may be initiated by 12578
filing with the board of elections of the county not less than 12579
seventy-five days before the general election in any year a 12580
petition requesting that an election be held on the question. The 12581
question of repealing an increase in the rate of the county 12582
permissive tax shall be submitted to the electors as a separate 12583
question from the repeal of the tax in effect prior to the 12584
increase in the rate. Any petition filed under this section shall 12585
be signed by qualified electors residing in the county equal in 12586
number to ten per cent of those voting for governor at the most 12587
recent gubernatorial election. 12588

After determination by it that the petition is valid, the 12589
board of elections shall submit the question to the electors of 12590
the county at the next general election. The election shall be 12591
conducted, canvassed, and certified in the same manner as regular 12592
elections for county offices in the county. The board of elections 12593
shall notify the tax commissioner, in writing, of the election 12594
upon determining that the petition is valid. Notice of the 12595
election shall also be published in a newspaper of general 12596
circulation in the district once a week for two consecutive weeks 12597
or as provided in section 7.16 of the Revised Code, prior to the 12598
election, ~~and, if.~~ If the board of elections operates and 12599
maintains a web site, the board of elections shall post notice of 12600
the election on its web site for thirty days prior to the 12601
election. The notice shall state the purpose, time, and place of 12602
the election. The form of the ballot cast at the election shall be 12603

prescribed by the secretary of state; however, the ballot question 12604
shall read, "shall the tax (or, increase in the rate of the tax) 12605
be retained? 12606

	Yes
	No

"

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The question covered by the petition shall be submitted as a 12611
separate proposition, but it may be printed on the same ballot 12612
with any other proposition submitted at the same election other 12613
than the election of officers. 12614

(B) If a majority of the qualified electors voting on the 12615
question of repeal of either a county permissive tax or an 12616
increase in the rate of a county permissive tax approve the 12617
repeal, the board of elections shall notify the board of county 12618
commissioners and the tax commissioner of the result of the 12619
election immediately after the result has been declared. The board 12620
of county commissioners shall, on the first day of the calendar 12621
quarter following the expiration of sixty-five days after the date 12622
the board and the tax commissioner receive the notice, in the case 12623
of a repeal of a county permissive tax, cease to levy the tax, or, 12624
in the case of a repeal of an increase in the rate of a county 12625
permissive tax, levy the tax at the rate at which it was imposed 12626
immediately prior to the increase in rate and cease to levy the 12627
increased rate. 12628

(C) Upon receipt from a board of elections of a notice of the 12629
results of an election required by division (B) of this section, 12630
the tax commissioner shall provide notice of a tax repeal or rate 12631
change in a manner that is reasonably accessible to all affected 12632
vendors. The commissioner shall provide this notice at least sixty 12633
days prior to the effective date of the rate change. The 12634

commissioner, by rule, may establish the method by which notice 12635
will be provided. 12636

(D) If a vendor that is registered with the central 12637
electronic registration system provided for in section 5740.05 of 12638
the Revised Code makes a sale in this state by printed catalog and 12639
the consumer computed the tax on the sale based on local rates 12640
published in the catalog, any tax repealed or rate changed under 12641
this section shall not apply to such a sale until the first day of 12642
a calendar quarter following the expiration of one hundred twenty 12643
days from the date of notice by the tax commissioner pursuant to 12644
division (C) of this section. 12645

Sec. 5739.026. (A) A board of county commissioners may levy a 12646
tax of one-fourth or one-half of one per cent on every retail sale 12647
in the county, except sales of watercraft and outboard motors 12648
required to be titled pursuant to Chapter 1548. of the Revised 12649
Code and sales of motor vehicles, and may increase an existing 12650
rate of one-fourth of one per cent to one-half of one per cent, to 12651
pay the expenses of administering the tax and, except as provided 12652
in division (A)(6) of this section, for any one or more of the 12653
following purposes provided that the aggregate levy for all such 12654
purposes does not exceed one-half of one per cent: 12655

(1) To provide additional revenues for the payment of bonds 12656
or notes issued in anticipation of bonds issued by a convention 12657
facilities authority established by the board of county 12658
commissioners under Chapter 351. of the Revised Code and to 12659
provide additional operating revenues for the convention 12660
facilities authority; 12661

(2) To provide additional revenues for a transit authority 12662
operating in the county; 12663

(3) To provide additional revenue for the county's general 12664
fund; 12665

(4) To provide additional revenue for permanent improvements 12666
within the county to be distributed by the community improvements 12667
board in accordance with section 307.283 and to pay principal, 12668
interest, and premium on bonds issued under section 307.284 of the 12669
Revised Code; 12670

(5) To provide additional revenue for the acquisition, 12671
construction, equipping, or repair of any specific permanent 12672
improvement or any class or group of permanent improvements, which 12673
improvement or class or group of improvements shall be enumerated 12674
in the resolution required by division (D) of this section, and to 12675
pay principal, interest, premium, and other costs associated with 12676
the issuance of bonds or notes in anticipation of bonds issued 12677
pursuant to Chapter 133. of the Revised Code for the acquisition, 12678
construction, equipping, or repair of the specific permanent 12679
improvement or class or group of permanent improvements; 12680

(6) To provide revenue for the implementation and operation 12681
of a 9-1-1 system in the county. If the tax is levied or the rate 12682
increased exclusively for such purpose, the tax shall not be 12683
levied or the rate increased for more than five years. At the end 12684
of the last year the tax is levied or the rate increased, any 12685
balance remaining in the special fund established for such purpose 12686
shall remain in that fund and be used exclusively for such purpose 12687
until the fund is completely expended, and, notwithstanding 12688
section 5705.16 of the Revised Code, the board of county 12689
commissioners shall not petition for the transfer of money from 12690
such special fund, and the tax commissioner shall not approve such 12691
a petition. 12692

If the tax is levied or the rate increased for such purpose 12693
for more than five years, the board of county commissioners also 12694
shall levy the tax or increase the rate of the tax for one or more 12695
of the purposes described in divisions (A)(1) to (5) of this 12696
section and shall prescribe the method for allocating the revenues 12697

from the tax each year in the manner required by division (C) of 12698
this section. 12699

(7) To provide additional revenue for the operation or 12700
maintenance of a detention facility, as that term is defined under 12701
division (F) of section 2921.01 of the Revised Code; 12702

(8) To provide revenue to finance the construction or 12703
renovation of a sports facility, but only if the tax is levied for 12704
that purpose in the manner prescribed by section 5739.028 of the 12705
Revised Code. 12706

As used in division (A)(8) of this section: 12707

(a) "Sports facility" means a facility intended to house 12708
major league professional athletic teams. 12709

(b) "Constructing" or "construction" includes providing 12710
fixtures, furnishings, and equipment. 12711

(9) To provide additional revenue for the acquisition of 12712
agricultural easements, as defined in section 5301.67 of the 12713
Revised Code; to pay principal, interest, and premium on bonds 12714
issued under section 133.60 of the Revised Code; and for the 12715
supervision and enforcement of agricultural easements held by the 12716
county; 12717

(10) To provide revenue for the provision of ambulance, 12718
paramedic, or other emergency medical services. 12719

Pursuant to section 755.171 of the Revised Code, a board of 12720
county commissioners may pledge and contribute revenue from a tax 12721
levied for the purpose of division (A)(5) of this section to the 12722
payment of debt charges on bonds issued under section 755.17 of 12723
the Revised Code. 12724

The rate of tax shall be a multiple of one-fourth of one per 12725
cent, unless a portion of the rate of an existing tax levied under 12726
section 5739.023 of the Revised Code has been reduced, and the 12727

rate of tax levied under this section has been increased, pursuant 12728
to section 5739.028 of the Revised Code, in which case the 12729
aggregate of the rates of tax levied under this section and 12730
section 5739.023 of the Revised Code shall be a multiple of 12731
one-fourth of one per cent. The tax shall be levied and the rate 12732
increased pursuant to a resolution adopted by a majority of the 12733
members of the board. The board shall deliver a certified copy of 12734
the resolution to the tax commissioner, not later than the 12735
sixty-fifth day prior to the date on which the tax is to become 12736
effective, which shall be the first day of a calendar quarter. 12737

Prior to the adoption of any resolution to levy the tax or to 12738
increase the rate of tax exclusively for the purpose set forth in 12739
division (A)(3) of this section, the board of county commissioners 12740
shall conduct two public hearings on the resolution, the second 12741
hearing to be no fewer than three nor more than ten days after the 12742
first. Notice of the date, time, and place of the hearings shall 12743
be given by publication in a newspaper of general circulation in 12744
the county or as provided in section 7.16 of the Revised Code, 12745
once a week on the same day of the week for two consecutive weeks, 12746
the second publication being no fewer than ten nor more than 12747
thirty days prior to the first hearing. Except as provided in 12748
division (E) of this section, the resolution shall be subject to a 12749
referendum as provided in sections 305.31 to 305.41 of the Revised 12750
Code. If the resolution is adopted as an emergency measure 12751
necessary for the immediate preservation of the public peace, 12752
health, or safety, it must receive an affirmative vote of all of 12753
the members of the board of county commissioners and shall state 12754
the reasons for the necessity. 12755

If the tax is for more than one of the purposes set forth in 12756
divisions (A)(1) to (7), (9), and (10) of this section, or is 12757
exclusively for one of the purposes set forth in division (A)(1), 12758
(2), (4), (5), (6), (7), (9), or (10) of this section, the 12759

resolution shall not go into effect unless it is approved by a 12760
majority of the electors voting on the question of the tax. 12761

(B) The board of county commissioners shall adopt a 12762
resolution under section 351.02 of the Revised Code creating the 12763
convention facilities authority, or under section 307.283 of the 12764
Revised Code creating the community improvements board, before 12765
adopting a resolution levying a tax for the purpose of a 12766
convention facilities authority under division (A)(1) of this 12767
section or for the purpose of a community improvements board under 12768
division (A)(4) of this section. 12769

(C)(1) If the tax is to be used for more than one of the 12770
purposes set forth in divisions (A)(1) to (7), (9), and (10) of 12771
this section, the board of county commissioners shall establish 12772
the method that will be used to determine the amount or proportion 12773
of the tax revenue received by the county during each year that 12774
will be distributed for each of those purposes, including, if 12775
applicable, provisions governing the reallocation of a convention 12776
facilities authority's allocation if the authority is dissolved 12777
while the tax is in effect. The allocation method may provide that 12778
different proportions or amounts of the tax shall be distributed 12779
among the purposes in different years, but it shall clearly 12780
describe the method that will be used for each year. Except as 12781
otherwise provided in division (C)(2) of this section, the 12782
allocation method established by the board is not subject to 12783
amendment during the life of the tax. 12784

(2) Subsequent to holding a public hearing on the proposed 12785
amendment, the board of county commissioners may amend the 12786
allocation method established under division (C)(1) of this 12787
section for any year, if the amendment is approved by the 12788
governing board of each entity whose allocation for the year would 12789
be reduced by the proposed amendment. In the case of a tax that is 12790
levied for a continuing period of time, the board may not so amend 12791

the allocation method for any year before the sixth year that the tax is in effect. 12792
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(a) If the additional revenues provided to the convention facilities authority are pledged by the authority for the payment of convention facilities authority revenue bonds for as long as such bonds are outstanding, no reduction of the authority's allocation of the tax shall be made for any year except to the extent that the reduced authority allocation, when combined with the authority's other revenues pledged for that purpose, is sufficient to meet the debt service requirements for that year on such bonds. 12794
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(b) If the additional revenues provided to the county are pledged by the county for the payment of bonds or notes described in division (A)(4) or (5) of this section, for as long as such bonds or notes are outstanding, no reduction of the county's or the community improvements board's allocation of the tax shall be made for any year, except to the extent that the reduced county or community improvements board allocation is sufficient to meet the debt service requirements for that year on such bonds or notes. 12803
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(c) If the additional revenues provided to the transit authority are pledged by the authority for the payment of revenue bonds issued under section 306.37 of the Revised Code, for as long as such bonds are outstanding, no reduction of the authority's allocation of tax shall be made for any year, except to the extent that the authority's reduced allocation, when combined with the authority's other revenues pledged for that purpose, is sufficient to meet the debt service requirements for that year on such bonds. 12811
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(d) If the additional revenues provided to the county are pledged by the county for the payment of bonds or notes issued under section 133.60 of the Revised Code, for so long as the bonds or notes are outstanding, no reduction of the county's allocation of the tax shall be made for any year, except to the extent that 12819
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the reduced county allocation is sufficient to meet the debt 12824
service requirements for that year on the bonds or notes. 12825

(D)(1) The resolution levying the tax or increasing the rate 12826
of tax shall state the rate of the tax or the rate of the 12827
increase; the purpose or purposes for which it is to be levied; 12828
the number of years for which it is to be levied or that it is for 12829
a continuing period of time; the allocation method required by 12830
division (C) of this section; and if required to be submitted to 12831
the electors of the county under division (A) of this section, the 12832
date of the election at which the proposal shall be submitted to 12833
the electors of the county, which shall be not less than 12834
seventy-five days after the certification of a copy of the 12835
resolution to the board of elections and, if the tax is to be 12836
levied exclusively for the purpose set forth in division (A)(3) of 12837
this section, shall not occur in February or August of any year. 12838
Upon certification of the resolution to the board of elections, 12839
the board of county commissioners shall notify the tax 12840
commissioner in writing of the levy question to be submitted to 12841
the electors. If approved by a majority of the electors, the tax 12842
shall become effective on the first day of a calendar quarter next 12843
following the sixty-fifth day following the date the board of 12844
county commissioners and tax commissioner receive from the board 12845
of elections the certification of the results of the election, 12846
except as provided in division (E) of this section. 12847

(2)(a) A resolution specifying that the tax is to be used 12848
exclusively for the purpose set forth in division (A)(3) of this 12849
section that is not adopted as an emergency measure may direct the 12850
board of elections to submit the question of levying the tax or 12851
increasing the rate of the tax to the electors of the county at a 12852
special election held on the date specified by the board of county 12853
commissioners in the resolution, provided that the election occurs 12854
not less than seventy-five days after the resolution is certified 12855

to the board of elections and the election is not held in February 12856
or August of any year. Upon certification of the resolution to the 12857
board of elections, the board of county commissioners shall notify 12858
the tax commissioner in writing of the levy question to be 12859
submitted to the electors. No resolution adopted under division 12860
(D)(2)(a) of this section shall go into effect unless approved by 12861
a majority of those voting upon it and, except as provided in 12862
division (E) of this section, not until the first day of a 12863
calendar quarter following the expiration of sixty-five days from 12864
the date the tax commissioner receives notice from the board of 12865
elections of the affirmative vote. 12866

(b) A resolution specifying that the tax is to be used 12867
exclusively for the purpose set forth in division (A)(3) of this 12868
section that is adopted as an emergency measure shall become 12869
effective as provided in division (A) of this section, but may 12870
direct the board of elections to submit the question of repealing 12871
the tax or increase in the rate of the tax to the electors of the 12872
county at the next general election in the county occurring not 12873
less than seventy-five days after the resolution is certified to 12874
the board of elections. Upon certification of the resolution to 12875
the board of elections, the board of county commissioners shall 12876
notify the tax commissioner in writing of the levy question to be 12877
submitted to the electors. The ballot question shall be the same 12878
as that prescribed in section 5739.022 of the Revised Code. The 12879
board of elections shall notify the board of county commissioners 12880
and the tax commissioner of the result of the election immediately 12881
after the result has been declared. If a majority of the qualified 12882
electors voting on the question of repealing the tax or increase 12883
in the rate of the tax vote for repeal of the tax or repeal of the 12884
increase, the board of county commissioners, on the first day of a 12885
calendar quarter following the expiration of sixty-five days after 12886
the date the board and tax commissioner received notice of the 12887
result of the election, shall, in the case of a repeal of the tax, 12888

cease to levy the tax, or, in the case of a repeal of an increase 12889
in the rate of the tax, cease to levy the increased rate and levy 12890
the tax at the rate at which it was imposed immediately prior to 12891
the increase in rate. 12892

(c) A board of county commissioners, by resolution, may 12893
reduce the rate of a tax levied exclusively for the purpose set 12894
forth in division (A)(3) of this section to a lower rate 12895
authorized by this section. Any such reduction shall be made 12896
effective on the first day of the calendar quarter next following 12897
the sixty-fifth day after the tax commissioner receives a 12898
certified copy of the resolution from the board. 12899

(E) If a vendor that is registered with the central 12900
electronic registration system provided for in section 5740.05 of 12901
the Revised Code makes a sale in this state by printed catalog and 12902
the consumer computed the tax on the sale based on local rates 12903
published in the catalog, any tax levied or repealed or rate 12904
changed under this section shall not apply to such a sale until 12905
the first day of a calendar quarter following the expiration of 12906
one hundred twenty days from the date of notice by the tax 12907
commissioner pursuant to division (G) of this section. 12908

(F) The tax levied pursuant to this section shall be in 12909
addition to the tax levied by section 5739.02 of the Revised Code 12910
and any tax levied pursuant to section 5739.021 or 5739.023 of the 12911
Revised Code. 12912

A county that levies a tax pursuant to this section shall 12913
levy a tax at the same rate pursuant to section 5741.023 of the 12914
Revised Code. 12915

The additional tax levied by the county shall be collected 12916
pursuant to section 5739.025 of the Revised Code. 12917

Any tax levied pursuant to this section is subject to the 12918
exemptions provided in section 5739.02 of the Revised Code and in 12919

addition shall not be applicable to sales not within the taxing 12920
power of a county under the Constitution of the United States or 12921
the Ohio Constitution. 12922

(G) Upon receipt from a board of county commissioners of a 12923
certified copy of a resolution required by division (A) of this 12924
section, or from the board of elections a notice of the results of 12925
an election required by division (D)(1), (2)(a), (b), or (c) of 12926
this section, the tax commissioner shall provide notice of a tax 12927
rate change in a manner that is reasonably accessible to all 12928
affected vendors. The commissioner shall provide this notice at 12929
least sixty days prior to the effective date of the rate change. 12930
The commissioner, by rule, may establish the method by which 12931
notice will be provided. 12932

Sec. 5739.101. (A) The legislative authority of a municipal 12933
corporation, by ordinance, or of a township, by resolution, may 12934
declare the municipal corporation or township to be a resort area 12935
for the purposes of this section, if all of the following criteria 12936
are met: 12937

(1) According to statistics published by the federal 12938
government based on data compiled during the most recent decennial 12939
census of the United States, at least sixty-two per cent of total 12940
housing units in the municipal corporation or township are 12941
classified as "for seasonal, recreational, or occasional use"; 12942

(2) Entertainment and recreation facilities are provided 12943
within the municipal corporation or township that are primarily 12944
intended to provide seasonal leisure time activities for persons 12945
other than permanent residents of the municipal corporation or 12946
township; 12947

(3) The municipal corporation or township experiences 12948
seasonal peaks of employment and demand for government services as 12949
a direct result of the seasonal population increase. 12950

(B) For the purpose of providing revenue for its general fund, the legislative authority of a municipal corporation or township, in its ordinance or resolution declaring itself a resort area under this section, may levy a tax on the privilege of engaging in the business of either of the following:

(1) Making sales in the municipal corporation or township, whether wholesale or retail, but including sales of food only to the extent such sales are subject to the tax levied under section 5739.02 of the Revised Code;

(2) Intrastate transportation of passengers or property primarily to or from the municipal corporation or township by a railroad, watercraft, or motor vehicle subject to regulation by the public utilities commission, except not including transportation of passengers as part of a tour or cruise in which the passengers will stay in the municipal corporation or township for no more than one hour.

The tax is imposed upon and shall be paid by the person making the sales or transporting the passengers or property. The rate of the tax shall be one-half, one, or one and one-half per cent of the person's gross receipts derived from making the sales or transporting the passengers or property to or from the municipal corporation or township.

(C) The tax shall take effect on the first day of the month that begins at least sixty days after the effective date of the ordinance or resolution in which it is levied. The legislative authority shall certify copies of the ordinance or resolution to the tax commissioner and treasurer of state within five days after its adoption. In addition, one time each week during the two weeks following the adoption of the ordinance or resolution, the legislative authority shall cause to be published in a newspaper of general circulation in the municipal corporation or township or as provided in section 7.16 of the Revised Code, a notice

explaining the tax and stating the rate of the tax, the date it 12983
will take effect, and that persons subject to the tax must 12984
register with the tax commissioner under section 5739.103 of the 12985
Revised Code. 12986

(D) No more than once a year, and subject to the rates 12987
prescribed in division (B) of this section, the legislative 12988
authority of the municipal corporation or township, by ordinance 12989
or resolution, may increase or decrease the rate of a tax levied 12990
under this section. The legislative authority, by ordinance or 12991
resolution, at any time may repeal such a tax. The legislative 12992
authority shall certify to the tax commissioner and treasurer of 12993
state copies of the ordinance or resolution repealing or changing 12994
the rate of the tax within five days after its adoption. In 12995
addition, one time each week during the two weeks following the 12996
adoption of the ordinance or resolution, the legislative authority 12997
shall cause to be published in a newspaper of general circulation 12998
in the municipal corporation or township or as provided in section 12999
7.16 of the Revised Code, notice of the repeal or change. 13000

Sec. 5747.451. (A) The mere retirement from business or 13001
voluntary dissolution of a domestic or foreign qualifying entity 13002
does not exempt it from the requirements to make reports as 13003
required under sections 5747.42 to 5747.44 or to pay the taxes 13004
imposed under section 5733.41 or 5747.41 of the Revised Code. If 13005
any qualifying entity subject to the taxes imposed under section 13006
5733.41 or 5747.41 of the Revised Code sells its business or stock 13007
of merchandise or quits its business, the taxes required to be 13008
paid prior to that time, together with any interest or penalty 13009
thereon, become due and payable immediately, and the qualifying 13010
entity shall make a final return within fifteen days after the 13011
date of selling or quitting business. The successor of the 13012
qualifying entity shall withhold a sufficient amount of the 13013
purchase money to cover the amount of such taxes, interest, and 13014

penalties due and unpaid until the qualifying entity produces a receipt from the tax commissioner showing that the taxes, interest, and penalties have been paid, or a certificate indicating that no taxes are due. If the purchaser of the business or stock of goods fails to withhold purchase money, the purchaser is personally liable for the payment of the taxes, interest, and penalties accrued and unpaid during the operation of the business by the qualifying entity. If the amount of those taxes, interest, and penalty unpaid at the time of the purchase exceeds the total purchase money, the tax commissioner may adjust the qualifying entity's liability for those taxes, interest, and penalty, or adjust the responsibility of the purchaser to pay that liability, in a manner calculated to maximize the collection of those liabilities.

(B) Annually, on the last day of each qualifying taxable year of a qualifying entity, the taxes imposed under section 5733.41 or 5747.41 of the Revised Code, together with any penalties subsequently accruing thereon, become a lien on all property in this state of the qualifying entity, whether such property is employed by the qualifying entity in the prosecution of its business or is in the hands of an assignee, trustee, or receiver for the benefit of the qualifying entity's creditors and investors. The lien shall continue until those taxes, together with any penalties subsequently accruing, are paid.

Upon failure of such a qualifying entity to pay those taxes on the day fixed for payment, the treasurer of state shall thereupon notify the tax commissioner, and the commissioner may file in the office of the county recorder in each county in this state in which the qualifying entity owns or has a beneficial interest in real estate, notice of the lien containing a brief description of such real estate. No fee shall be charged for such a filing. The lien is not valid as against any mortgagee,

purchaser, or judgment creditor whose rights have attached prior 13047
to the time the notice is so filed in the county in which the real 13048
estate which is the subject of such mortgage, purchase, or 13049
judgment lien is located. The notice shall be recorded in a book 13050
kept by the recorder, called the qualifying entity tax lien 13051
record, and indexed under the name of the qualifying entity 13052
charged with the tax. When the tax, together with any penalties 13053
subsequently accruing thereon, have been paid, the tax 13054
commissioner shall furnish to the qualifying entity an 13055
acknowledgment of such payment that the qualifying entity may 13056
record with the recorder of each county in which notice of such 13057
lien has been filed, for which recording the recorder shall charge 13058
and receive a fee of two dollars. 13059

(C) In addition to all other remedies for the collection of 13060
any taxes or penalties due under law, whenever any taxes, 13061
interest, or penalties due from any qualifying entity under 13062
section 5733.41 of the Revised Code or this chapter have remained 13063
unpaid for a period of ninety days, or whenever any qualifying 13064
entity has failed for a period of ninety days to make any report 13065
or return required by law, or to pay any penalty for failure to 13066
make or file such report or return, the attorney general, upon the 13067
request of the tax commissioner, shall file a petition in the 13068
court of common pleas in the county of the state in which such 13069
qualifying entity has its principal place of business for a 13070
judgment for the amount of the taxes, interest, or penalties 13071
appearing to be due, the enforcement of any lien in favor of the 13072
state, and an injunction to restrain such qualifying entity and 13073
its officers, directors, and managing agents from the transaction 13074
of any business within this state, other than such acts as are 13075
incidental to liquidation or winding up, until the payment of such 13076
taxes, interest, and penalties, and the costs of the proceeding 13077
fixed by the court, or the making and filing of such report or 13078
return. 13079

The petition shall be in the name of the state. Any of the 13080
qualifying entities having its principal places of business in the 13081
county may be joined in one suit. On the motion of the attorney 13082
general, the court of common pleas shall enter an order requiring 13083
all defendants to answer by a day certain, and may appoint a 13084
special master commissioner to take testimony, with such other 13085
power and authority as the court confers, and permitting process 13086
to be served by registered mail and by publication in a newspaper 13087
of general circulation ~~published~~ in the county, which publication 13088
need not be made more than once, setting forth the name of each 13089
delinquent qualifying entity, the matter in which the qualifying 13090
entity is delinquent, the names of its officers, directors, and 13091
managing agents, if set forth in the petition, and the amount of 13092
any taxes, fees, or penalties claimed to be owing by the 13093
qualifying entity. 13094

All or any of the trustees or other fiduciaries, officers, 13095
directors, investors, beneficiaries, or managing agents of any 13096
qualifying entity may be joined as defendants with the qualifying 13097
entity. 13098

If it appears to the court upon hearing that any qualifying 13099
entity that is a party to the proceeding is indebted to the state 13100
for taxes imposed under section 5733.41 or 5747.41 of the Revised 13101
Code, or interest or penalties thereon, judgment shall be entered 13102
therefor with interest; and if it appears that any qualifying 13103
entity has failed to make or file any report or return, a 13104
mandatory injunction may be issued against the qualifying entity, 13105
its trustees or other fiduciaries, officers, directors, and 13106
managing agents, enjoining them from the transaction of any 13107
business within this state, other than acts incidental to 13108
liquidation or winding up, until the making and filing of all 13109
proper reports or returns and until the payment in full of all 13110
taxes, interest, and penalties. 13111

If the trustees or other fiduciaries, officers, directors, investors, beneficiaries, or managing agents of a qualifying entity are not made parties in the first instance, and a judgment or an injunction is rendered or issued against the qualifying entity, those officers, directors, investors, or managing agents may be made parties to such proceedings upon the motion of the attorney general, and, upon notice to them of the form and terms of such injunction, they shall be bound thereby as fully as if they had been made parties in the first instance.

In any action authorized by this division, a statement of the tax commissioner, or the secretary of state, when duly certified, shall be prima-facie evidence of the amount of taxes, interest, or penalties due from any qualifying entity, or of the failure of any qualifying entity to file with the commissioner or the secretary of state any report required by law, and any such certificate of the commissioner or the secretary of state may be required in evidence in any such proceeding.

On the application of any defendant and for good cause shown, the court may order a separate hearing of the issues as to any defendant.

The costs of the proceeding shall be apportioned among the parties as the court deems proper.

The court in such proceeding may make, enter, and enforce such other judgments and orders and grant such other relief as is necessary or incidental to the enforcement of the claims and lien of the state.

In the performance of the duties enjoined upon the attorney general by this division, the attorney general may direct any prosecuting attorney to bring an action, as authorized by this division, in the name of the state with respect to any delinquent qualifying entities within the prosecuting attorney's county, and

like proceedings and orders shall be had as if such action were 13143
instituted by the attorney general. 13144

(D) If any qualifying entity fails to make and file the 13145
reports or returns required under this chapter, or to pay the 13146
penalties provided by law for failure to make and file such 13147
reports or returns for a period of ninety days after the time 13148
prescribed by this chapter, the attorney general, on the request 13149
of the tax commissioner, shall commence an action in quo warranto 13150
in the court of appeals of the county in which that qualifying 13151
entity has its principal place of business to forfeit and annul 13152
its privileges and franchises. If the court is satisfied that any 13153
such qualifying entity is in default, it shall render judgment 13154
ousting such qualifying entity from the exercise of its privileges 13155
and franchises within this state, and shall otherwise proceed as 13156
provided in sections 2733.02 to 2733.39 of the Revised Code. 13157

Sec. 5748.02. (A) The board of education of any school 13158
district, except a joint vocational school district, may declare, 13159
by resolution, the necessity of raising annually a specified 13160
amount of money for school district purposes. The resolution shall 13161
specify whether the income that is to be subject to the tax is 13162
taxable income of individuals and estates as defined in divisions 13163
(E)(1)(a) and (2) of section 5748.01 of the Revised Code or 13164
taxable income of individuals as defined in division (E)(1)(b) of 13165
that section. A copy of the resolution shall be certified to the 13166
tax commissioner no later than eighty-five days prior to the date 13167
of the election at which the board intends to propose a levy under 13168
this section. Upon receipt of the copy of the resolution, the tax 13169
commissioner shall estimate both of the following: 13170

(1) The property tax rate that would have to be imposed in 13171
the current year by the district to produce an equivalent amount 13172
of money; 13173

(2) The income tax rate that would have had to have been in 13174
effect for the current year to produce an equivalent amount of 13175
money from a school district income tax. 13176

Within ten days of receiving the copy of the board's 13177
resolution, the commissioner shall prepare these estimates and 13178
certify them to the board. Upon receipt of the certification, the 13179
board may adopt a resolution proposing an income tax under 13180
division (B) of this section at the estimated rate contained in 13181
the certification rounded to the nearest one-fourth of one per 13182
cent. The commissioner's certification applies only to the board's 13183
proposal to levy an income tax at the election for which the board 13184
requested the certification. If the board intends to submit a 13185
proposal to levy an income tax at any other election, it shall 13186
request another certification for that election in the manner 13187
prescribed in this division. 13188

(B)(1) Upon the receipt of a certification from the tax 13189
commissioner under division (A) of this section, a majority of the 13190
members of a board of education may adopt a resolution proposing 13191
the levy of an annual tax for school district purposes on school 13192
district income. The proposed levy may be for a continuing period 13193
of time or for a specified number of years. The resolution shall 13194
set forth the purpose for which the tax is to be imposed, the rate 13195
of the tax, which shall be the rate set forth in the 13196
commissioner's certification rounded to the nearest one-fourth of 13197
one per cent, the number of years the tax will be levied or that 13198
it will be levied for a continuing period of time, the date on 13199
which the tax shall take effect, which shall be the first day of 13200
January of any year following the year in which the question is 13201
submitted, and the date of the election at which the proposal 13202
shall be submitted to the electors of the district, which shall be 13203
on the date of a primary, general, or special election the date of 13204
which is consistent with section 3501.01 of the Revised Code. The 13205

resolution shall specify whether the income that is to be subject 13206
to the tax is taxable income of individuals and estates as defined 13207
in divisions (E)(1)(a) and (2) of section 5748.01 of the Revised 13208
Code or taxable income of individuals as defined in division 13209
(E)(1)(b) of that section. The specification shall be the same as 13210
the specification in the resolution adopted and certified under 13211
division (A) of this section. 13212

If the tax is to be levied for current expenses and permanent 13213
improvements, the resolution shall apportion the annual rate of 13214
the tax. The apportionment may be the same or different for each 13215
year the tax is levied, but the respective portions of the rate 13216
actually levied each year for current expenses and for permanent 13217
improvements shall be limited by the apportionment. 13218

If the board of education currently imposes an income tax 13219
pursuant to this chapter that is due to expire and a question is 13220
submitted under this section for a proposed income tax to take 13221
effect upon the expiration of the existing tax, the board may 13222
specify in the resolution that the proposed tax renews the 13223
expiring tax and is not an additional income tax, provided that 13224
the tax rate being proposed is no higher than the tax rate that is 13225
currently imposed. 13226

(2) A board of education adopting a resolution under division 13227
(B)(1) of this section proposing a school district income tax for 13228
a continuing period of time and limited to the purpose of current 13229
expenses may propose in that resolution to reduce the rate or 13230
rates of one or more of the school district's property taxes 13231
levied for a continuing period of time in excess of the ten-mill 13232
limitation for the purpose of current expenses. The reduction in 13233
the rate of a property tax may be any amount, expressed in mills 13234
per one dollar in valuation, not exceeding the rate at which the 13235
tax is authorized to be levied. The reduction in the rate of a tax 13236
shall first take effect for the tax year that includes the day on 13237

which the school district income tax first takes effect, and shall 13238
continue for each tax year that both the school district income 13239
tax and the property tax levy are in effect. 13240

In addition to the matters required to be set forth in the 13241
resolution under division (B)(1) of this section, a resolution 13242
containing a proposal to reduce the rate of one or more property 13243
taxes shall state for each such tax the maximum rate at which it 13244
currently may be levied and the maximum rate at which the tax 13245
could be levied after the proposed reduction, expressed in mills 13246
per one dollar in valuation, and that the tax is levied for a 13247
continuing period of time. 13248

If a board of education proposes to reduce the rate of one or 13249
more property taxes under division (B)(2) of this section, the 13250
board, when it makes the certification required under division (A) 13251
of this section, shall designate the specific levy or levies to be 13252
reduced, the maximum rate at which each levy currently is 13253
authorized to be levied, and the rate by which each levy is 13254
proposed to be reduced. The tax commissioner, when making the 13255
certification to the board under division (A) of this section, 13256
also shall certify the reduction in the total effective tax rate 13257
for current expenses for each class of property that would have 13258
resulted if the proposed reduction in the rate or rates had been 13259
in effect the previous tax year. As used in this paragraph, 13260
"effective tax rate" has the same meaning as in section 323.08 of 13261
the Revised Code. 13262

(C) A resolution adopted under division (B) of this section 13263
shall go into immediate effect upon its passage, and no 13264
publication of the resolution shall be necessary other than that 13265
provided for in the notice of election. Immediately after its 13266
adoption and at least seventy-five days prior to the election at 13267
which the question will appear on the ballot, a copy of the 13268
resolution shall be certified to the board of elections of the 13269

proper county, which shall submit the proposal to the electors on 13270
the date specified in the resolution. The form of the ballot shall 13271
be as provided in section 5748.03 of the Revised Code. Publication 13272
of notice of the election shall be made in one ~~or more newspapers~~ 13273
newspaper of general circulation in the county once a week for two 13274
consecutive weeks, or as provided in section 7.16 of the Revised 13275
Code, prior to the election, ~~and, if.~~ If the board of elections 13276
operates and maintains a web site, the board of elections shall 13277
post notice of the election on its web site for thirty days prior 13278
to the election. The notice shall contain the time and place of 13279
the election and the question to be submitted to the electors. The 13280
question covered by the resolution shall be submitted as a 13281
separate proposition, but may be printed on the same ballot with 13282
any other proposition submitted at the same election, other than 13283
the election of officers. 13284

(D) No board of education shall submit the question of a tax 13285
on school district income to the electors of the district more 13286
than twice in any calendar year. If a board submits the question 13287
twice in any calendar year, one of the elections on the question 13288
shall be held on the date of the general election. 13289

(E)(1) No board of education may submit to the electors of 13290
the district the question of a tax on school district income on 13291
the taxable income of individuals as defined in division (E)(1)(b) 13292
of section 5748.01 of the Revised Code if that tax would be in 13293
addition to an existing tax on the taxable income of individuals 13294
and estates as defined in divisions (E)(1)(a) and (2) of that 13295
section. 13296

(2) No board of education may submit to the electors of the 13297
district the question of a tax on school district income on the 13298
taxable income of individuals and estates as defined in divisions 13299
(E)(1)(a) and (2) of section 5748.01 of the Revised Code if that 13300
tax would be in addition to an existing tax on the taxable income 13301

of individuals as defined in division (E)(1)(b) of that section. 13302

Sec. 5748.021. A board of education that levies a tax under 13303
section 5748.02 of the Revised Code on the school district income 13304
of individuals and estates as defined in divisions (G) and 13305
(E)(1)(a) and (2) of section 5748.01 of the Revised Code may 13306
declare, at any time, by a resolution adopted by a majority of its 13307
members, the necessity of raising annually a specified amount of 13308
money for school district purposes by replacing the existing tax 13309
with a tax on the school district income of individuals as defined 13310
in divisions (G)(1) and (E)(1)(b) of section 5748.01 of the 13311
Revised Code. The specified amount of money to be raised annually 13312
may be the same as, or more or less than, the amount of money 13313
raised annually by the existing tax. 13314

The board shall certify a copy of the resolution to the tax 13315
commissioner not later than the eighty-fifth day before the date 13316
of the election at which the board intends to propose the 13317
replacement to the electors of the school district. Not later than 13318
the tenth day after receiving the resolution, the tax commissioner 13319
shall estimate the tax rate that would be required in the school 13320
district annually to raise the amount of money specified in the 13321
resolution. The tax commissioner shall certify the estimate to the 13322
board. 13323

Upon receipt of the tax commissioner's estimate, the board 13324
may propose, by a resolution adopted by a majority of its members, 13325
to replace the existing tax on the school district income of 13326
individuals and estates as defined in divisions (G) and (E)(1)(a) 13327
and (2) of section 5748.01 of the Revised Code with the levy of an 13328
annual tax on the school district income of individuals as defined 13329
in divisions (G)(1) and (E)(1)(b) of section 5748.01 of the 13330
Revised Code. In the resolution, the board shall specify the rate 13331
of the replacement tax, whether the replacement tax is to be 13332

levied for a specified number of years or for a continuing time, 13333
the specific school district purposes for which the replacement 13334
tax is to be levied, the date on which the replacement tax will 13335
begin to be levied, the date of the election at which the question 13336
of the replacement is to be submitted to the electors of the 13337
school district, that the existing tax will cease to be levied and 13338
the replacement tax will begin to be levied if the replacement is 13339
approved by a majority of the electors voting on the replacement, 13340
and that if the replacement is not approved by a majority of the 13341
electors voting on the replacement the existing tax will remain in 13342
effect under its original authority for the remainder of its 13343
previously approved term. The resolution goes into immediate 13344
effect upon its adoption. Publication of the resolution is not 13345
necessary, and the information that will be provided in the notice 13346
of election is sufficient notice. At least seventy-five days 13347
before the date of the election at which the question of the 13348
replacement will be submitted to the electors of the school 13349
district, the board shall certify a copy of the resolution to the 13350
board of elections. 13351

The replacement tax shall have the same specific school 13352
district purposes as the existing tax, and its rate shall be the 13353
same as the tax commissioner's estimate rounded to the nearest 13354
one-fourth of one per cent. The replacement tax shall begin to be 13355
levied on the first day of January of the year following the year 13356
in which the question of the replacement is submitted to and 13357
approved by the electors of the school district or on the first 13358
day of January of a later year, as specified in the resolution. 13359
The date of the election shall be the date of an otherwise 13360
scheduled primary, general, or special election. 13361

The board of elections shall make arrangements to submit the 13362
question of the replacement to the electors of the school district 13363
on the date specified in the resolution. The board of elections 13364

shall publish notice of the election on the question of the replacement in one ~~or more newspapers~~ newspaper of general circulation in the school district once a week for four consecutive weeks or as provided in section 7.16 of the Revised Code. The notice shall set forth the question to be submitted to the electors and the time and place of the election thereon.

The question shall be submitted to the electors of the school district as a separate proposition, but may be printed on the same ballot with other propositions that are submitted at the same election, other than the election of officers. The form of the ballot shall be substantially as follows:

"Shall the existing tax of (state the rate) on the school district income of individuals and estates imposed by (state the name of the school district) be replaced by a tax of (state the rate) on the earned income of individuals residing in the school district for (state the number of years the tax is to be in effect or that it will be in effect for a continuing time), beginning (state the date the new tax will take effect), for the purpose of (state the specific school district purposes of the tax)? If the new tax is not approved, the existing tax will remain in effect under its original authority, for the remainder of its previously approved term.

	For replacing the existing tax with the new tax
	Against replacing the existing tax with the new tax

"

The board of elections shall conduct and canvass the election in the same manner as regular elections in the school district for the election of county officers. The board shall certify the results of the election to the board of education and to the tax commissioner. If a majority of the electors voting on the question

vote in favor of the replacement, the existing tax shall cease to 13395
be levied, and the replacement tax shall begin to be levied, on 13396
the date specified in the ballot question. If a majority of the 13397
electors voting on the question vote against the replacement, the 13398
existing tax shall continue to be levied under its original 13399
authority, for the remainder of its previously approved term. 13400

A board of education may not submit the question of replacing 13401
a tax more than twice in a calendar year. If a board submits the 13402
question more than once, one of the elections at which the 13403
question is submitted shall be on the date of a general election. 13404

If a board of education later intends to renew a replacement 13405
tax levied under this section, it shall repeat the procedure 13406
outlined in this section to do so, the replacement tax then being 13407
levied being the "existing tax" and the renewed replacement tax 13408
being the "replacement tax." 13409

Sec. 5748.04. (A) The question of the repeal of a school 13410
district income tax levied for more than five years may be 13411
initiated not more than once in any five-year period by filing 13412
with the board of elections of the appropriate counties not later 13413
than seventy-five days before the general election in any year 13414
after the year in which it is approved by the electors a petition 13415
requesting that an election be held on the question. The petition 13416
shall be signed by qualified electors residing in the school 13417
district levying the income tax equal in number to ten per cent of 13418
those voting for governor at the most recent gubernatorial 13419
election. 13420

The board of elections shall determine whether the petition 13421
is valid, and if it so determines, it shall submit the question to 13422
the electors of the district at the next general election. The 13423
election shall be conducted, canvassed, and certified in the same 13424
manner as regular elections for county offices in the county. 13425

Notice of the election shall be published in a newspaper of 13426
 general circulation in the district once a week for two 13427
 consecutive weeks or as provided in section 7.16 of the Revised 13428
Code, prior to the election, ~~and, if.~~ If the board of elections 13429
 operates and maintains a web site, the board of elections shall 13430
 post notice of the election on its web site for thirty days prior 13431
 to the election. The notice shall state the purpose, time, and 13432
 place of the election. The form of the ballot cast at the election 13433
 shall be as follows: 13434

"Shall the annual income tax of per cent, currently 13435
 levied on the school district income of individuals and estates by 13436
 (state the name of the school district) for the purpose 13437
 of (state purpose of the tax), be repealed? 13438

	For repeal of the income tax	
	Against repeal of the income tax	"

13439
 13440
 13441
 13442

(B)(1) If the tax is imposed on taxable income as defined in 13443
 division (E)(1)(b) of section 5748.01 of the Revised Code, the 13444
 form of the ballot shall be modified by stating that the tax 13445
 currently is levied on the "earned income of individuals residing 13446
 in the school district" in lieu of the "school district income of 13447
 individuals and estates." 13448

(2) If the rate of one or more property tax levies was 13449
 reduced for the duration of the income tax levy pursuant to 13450
 division (B)(2) of section 5748.02 of the Revised Code, the form 13451
 of the ballot shall be modified by adding the following language 13452
 immediately after "repealed": ", and shall the rate of an existing 13453
 tax on property for the purpose of current expenses, which rate 13454
 was reduced for the duration of the income tax, be INCREASED from 13455
 mills to mills per one dollar of valuation beginning 13456

in (state the first year for which the rate of the property tax will increase)." In lieu of "for repeal of the income tax" and "against repeal of the income tax," the phrases "for the issue" and "against the issue," respectively, shall be substituted.

(3) If the rate of more than one property tax was reduced for the duration of the income tax, the ballot language shall be modified accordingly to express the rates at which those taxes currently are levied and the rates to which the taxes would be increased.

(C) The question covered by the petition shall be submitted as a separate proposition, but it may be printed on the same ballot with any other proposition submitted at the same election other than the election of officers. If a majority of the qualified electors voting on the question vote in favor of it, the result shall be certified immediately after the canvass by the board of elections to the board of education of the school district and the tax commissioner, who shall thereupon, after the current year, cease to levy the tax, except that if notes have been issued pursuant to section 5748.05 of the Revised Code the tax commissioner shall continue to levy and collect under authority of the election authorizing the levy an annual amount, rounded upward to the nearest one-fourth of one per cent, as will be sufficient to pay the debt charges on the notes as they fall due.

(D) If a school district income tax repealed pursuant to this section was approved in conjunction with a reduction in the rate of one or more school district property taxes as provided in division (B)(2) of section 5748.02 of the Revised Code, then each such property tax may be levied after the current year at the rate at which it could be levied prior to the reduction, subject to any adjustments required by the county budget commission pursuant to Chapter 5705. of the Revised Code. Upon the repeal of a school

district income tax under this section, the board of education may 13489
resume levying a property tax, the rate of which has been reduced 13490
pursuant to a question approved under section 5748.02 of the 13491
Revised Code, at the rate the board originally was authorized to 13492
levy the tax. A reduction in the rate of a property tax under 13493
section 5748.02 of the Revised Code is a reduction in the rate at 13494
which a board of education may levy that tax only for the period 13495
during which a school district income tax is levied prior to any 13496
repeal pursuant to this section. The resumption of the authority 13497
to levy the tax upon such a repeal does not constitute a tax 13498
levied in excess of the one per cent limitation prescribed by 13499
Section 2 of Article XII, Ohio Constitution, or in excess of the 13500
ten-mill limitation. 13501

(E) This section does not apply to school district income tax 13502
levies that are levied for five or fewer years. 13503

Sec. 5748.08. (A) The board of education of a city, local, or 13504
exempted village school district, at any time by a vote of 13505
two-thirds of all its members, may declare by resolution that it 13506
may be necessary for the school district to do all of the 13507
following: 13508

(1) Raise a specified amount of money for school district 13509
purposes by levying an annual tax on school district income; 13510

(2) Issue general obligation bonds for permanent 13511
improvements, stating in the resolution the necessity and purpose 13512
of the bond issue and the amount, approximate date, estimated rate 13513
of interest, and maximum number of years over which the principal 13514
of the bonds may be paid; 13515

(3) Levy a tax outside the ten-mill limitation to pay debt 13516
charges on the bonds and any anticipatory securities; 13517

(4) Submit the question of the school district income tax and 13518

bond issue to the electors of the district at a special election. 13519

The resolution shall specify whether the income that is to be 13520
subject to the tax is taxable income of individuals and estates as 13521
defined in divisions (E)(1)(a) and (2) of section 5748.01 of the 13522
Revised Code or taxable income of individuals as defined in 13523
division (E)(1)(b) of that section. 13524

On adoption of the resolution, the board shall certify a copy 13525
of it to the tax commissioner and the county auditor no later than 13526
ninety days prior to the date of the special election at which the 13527
board intends to propose the income tax and bond issue. Not later 13528
than ten days of receipt of the resolution, the tax commissioner, 13529
in the same manner as required by division (A) of section 5748.02 13530
of the Revised Code, shall estimate the rates designated in 13531
divisions (A)(1) and (2) of that section and certify them to the 13532
board. Not later than ten days of receipt of the resolution, the 13533
county auditor shall estimate and certify to the board the average 13534
annual property tax rate required throughout the stated maturity 13535
of the bonds to pay debt charges on the bonds, in the same manner 13536
as under division (C) of section 133.18 of the Revised Code. 13537

(B) On receipt of the tax commissioner's and county auditor's 13538
certifications prepared under division (A) of this section, the 13539
board of education of the city, local, or exempted village school 13540
district, by a vote of two-thirds of all its members, may adopt a 13541
resolution proposing for a specified number of years or for a 13542
continuing period of time the levy of an annual tax for school 13543
district purposes on school district income and declaring that the 13544
amount of taxes that can be raised within the ten-mill limitation 13545
will be insufficient to provide an adequate amount for the present 13546
and future requirements of the school district; that it is 13547
necessary to issue general obligation bonds of the school district 13548
for specified permanent improvements and to levy an additional tax 13549
in excess of the ten-mill limitation to pay the debt charges on 13550

the bonds and any anticipatory securities; and that the question 13551
of the bonds and taxes shall be submitted to the electors of the 13552
school district at a special election, which shall not be earlier 13553
than seventy-five days after certification of the resolution to 13554
the board of elections, and the date of which shall be consistent 13555
with section 3501.01 of the Revised Code. The resolution shall 13556
specify all of the following: 13557

(1) The purpose for which the school district income tax is 13558
to be imposed and the rate of the tax, which shall be the rate set 13559
forth in the tax commissioner's certification rounded to the 13560
nearest one-fourth of one per cent; 13561

(2) Whether the income that is to be subject to the tax is 13562
taxable income of individuals and estates as defined in divisions 13563
(E)(1)(a) and (2) of section 5748.01 of the Revised Code or 13564
taxable income of individuals as defined in division (E)(1)(b) of 13565
that section. The specification shall be the same as the 13566
specification in the resolution adopted and certified under 13567
division (A) of this section. 13568

(3) The number of years the tax will be levied, or that it 13569
will be levied for a continuing period of time; 13570

(4) The date on which the tax shall take effect, which shall 13571
be the first day of January of any year following the year in 13572
which the question is submitted; 13573

(5) The county auditor's estimate of the average annual 13574
property tax rate required throughout the stated maturity of the 13575
bonds to pay debt charges on the bonds. 13576

(C) A resolution adopted under division (B) of this section 13577
shall go into immediate effect upon its passage, and no 13578
publication of the resolution shall be necessary other than that 13579
provided for in the notice of election. Immediately after its 13580
adoption and at least seventy-five days prior to the election at 13581

which the question will appear on the ballot, the board of 13582
education shall certify a copy of the resolution, along with 13583
copies of the auditor's estimate and its resolution under division 13584
(A) of this section, to the board of elections of the proper 13585
county. The board of education shall make the arrangements for the 13586
submission of the question to the electors of the school district, 13587
and the election shall be conducted, canvassed, and certified in 13588
the same manner as regular elections in the district for the 13589
election of county officers. 13590

The resolution shall be put before the electors as one ballot 13591
question, with a majority vote indicating approval of the school 13592
district income tax, the bond issue, and the levy to pay debt 13593
charges on the bonds and any anticipatory securities. The board of 13594
elections shall publish the notice of the election in one ~~or more~~ 13595
~~newspapers~~ newspaper of general circulation in the school district 13596
once a week for two consecutive weeks or as provided in section 13597
7.16 of the Revised Code, prior to the election ~~and, if~~. If the 13598
board of elections operates and maintains a web site, it also 13599
shall post notice of the election on its web site for thirty days 13600
prior to the election. The notice of election shall state all of 13601
the following: 13602

(1) The questions to be submitted to the electors; 13603

(2) The rate of the school district income tax; 13604

(3) The principal amount of the proposed bond issue; 13605

(4) The permanent improvements for which the bonds are to be 13606
issued; 13607

(5) The maximum number of years over which the principal of 13608
the bonds may be paid; 13609

(6) The estimated additional average annual property tax rate 13610
to pay the debt charges on the bonds, as certified by the county 13611
auditor; 13612

(7) The time and place of the special election. 13613

(D) The form of the ballot on a question submitted to the 13614
electors under this section shall be as follows: 13615

"Shall the school district be authorized to do both 13616
of the following: 13617

(1) Impose an annual income tax of (state the proposed 13618
rate of tax) on the school district income of individuals and of 13619
estates, for (state the number of years the tax would be 13620
levied, or that it would be levied for a continuing period of 13621
time), beginning (state the date the tax would first take 13622
effect), for the purpose of (state the purpose of the 13623
tax)? 13624

(2) Issue bonds for the purpose of in the principal 13625
amount of \$....., to be repaid annually over a maximum period of 13626
..... years, and levy a property tax outside the ten-mill 13627
limitation estimated by the county auditor to average over the 13628
bond repayment period mills for each one dollar of tax 13629
valuation, which amounts to (rate expressed in cents or 13630
dollars and cents, such as "36 cents" or "\$1.41") for each \$100 of 13631
tax valuation, to pay the annual debt charges on the bonds, and to 13632
pay debt charges on any notes issued in anticipation of those 13633
bonds? 13634

13635

	FOR THE INCOME TAX AND BOND ISSUE		13636
	AGAINST THE INCOME TAX AND BOND ISSUE	"	13637

13638

(E) If the question submitted to electors proposes a school 13639
district income tax only on the taxable income of individuals as 13640
defined in division (E)(1)(b) of section 5748.01 of the Revised 13641
Code, the form of the ballot shall be modified by stating that the 13642
tax is to be levied on the "earned income of individuals residing 13643

in the school district" in lieu of the "school district income of 13644
individuals and of estates." 13645

(F) The board of elections promptly shall certify the results 13646
of the election to the tax commissioner and the county auditor of 13647
the county in which the school district is located. If a majority 13648
of the electors voting on the question vote in favor of it, the 13649
income tax and the applicable provisions of Chapter 5747. of the 13650
Revised Code shall take effect on the date specified in the 13651
resolution, and the board of education may proceed with issuance 13652
of the bonds and with the levy and collection of the property 13653
taxes to pay debt charges on the bonds, at the additional rate or 13654
any lesser rate in excess of the ten-mill limitation. Any 13655
securities issued by the board of education under this section are 13656
Chapter 133. securities, as that term is defined in section 133.01 13657
of the Revised Code. 13658

(G) After approval of a question under this section, the 13659
board of education may anticipate a fraction of the proceeds of 13660
the school district income tax in accordance with section 5748.05 13661
of the Revised Code. Any anticipation notes under this division 13662
shall be issued as provided in section 133.24 of the Revised Code, 13663
shall have principal payments during each year after the year of 13664
their issuance over a period not to exceed five years, and may 13665
have a principal payment in the year of their issuance. 13666

(H) The question of repeal of a school district income tax 13667
levied for more than five years may be initiated and submitted in 13668
accordance with section 5748.04 of the Revised Code. 13669

(I) No board of education shall submit a question under this 13670
section to the electors of the school district more than twice in 13671
any calendar year. If a board submits the question twice in any 13672
calendar year, one of the elections on the question shall be held 13673
on the date of the general election. 13674

Sec. 6101.16. When it is determined to let the work relating 13675
to the improvements for which a conservancy district was 13676
established by contract, contracts in amounts to exceed 13677
twenty-five thousand dollars shall be advertised after notice 13678
calling for bids has been published once a week for two 13679
consecutive weeks or as provided in section 7.16 of the Revised 13680
Code, with the last publication to occur at least eight days prior 13681
to the date on which bids will be accepted, in a newspaper of 13682
general circulation within the conservancy district where the work 13683
is to be done. If the bids are for a contract for the 13684
construction, demolition, alteration, repair, or reconstruction of 13685
an improvement, the board of directors of the conservancy district 13686
may let the contract to the lowest responsive and most responsible 13687
bidder who meets the requirements of section 153.54 of the Revised 13688
Code. If the bids are for a contract for any other work relating 13689
to the improvements for which a conservancy district was 13690
established, the board of directors of the district may let the 13691
contract to the lowest responsive and most responsible bidder who 13692
gives a good and approved bond, with ample security, conditioned 13693
on the carrying out of the contract. The contract shall be in 13694
writing and shall be accompanied by or refer to plans and 13695
specifications for the work to be done prepared by the chief 13696
engineer. The plans and specifications shall at all times be made 13697
and considered a part of the contract. The contract shall be 13698
approved by the board and signed by the president of the board and 13699
by the contractor and shall be executed in duplicate. In case of 13700
sudden emergency when it is necessary in order to protect the 13701
district, the advertising of contracts may be waived upon the 13702
consent of the board, with the approval of the court or a judge of 13703
the court of common pleas of the county in which the office of the 13704
district is located. 13705

Sec. 6103.05. (A) After the establishment of any county sewer 13706
district, the board of county commissioners, if a water supply 13707
improvement is to be undertaken, may have the county sanitary 13708
engineer prepare, or otherwise cause to be prepared, for the 13709
district, or revise as needed, a general plan of water supply that 13710
is as complete as can be developed at the time. After the general 13711
plan, in original or revised form, has been approved by the board, 13712
it may adopt a resolution generally describing the water supply 13713
improvement that is necessary to be acquired or constructed in 13714
accordance with the plan, declaring that the improvement is 13715
necessary for the preservation and promotion of the public health 13716
and welfare, and determining whether or not special assessments 13717
are to be levied and collected to pay any part of the cost of the 13718
improvement. 13719

(B) If special assessments are not to be levied and collected 13720
to pay any part of the cost of the improvement, the board, in the 13721
resolution provided for in division (A) of this section or in a 13722
subsequent resolution, including a resolution authorizing the 13723
issuance or incurrence of public obligations for the improvement, 13724
may authorize the improvement and the expenditure of the funds 13725
required for its acquisition or construction and may proceed with 13726
the improvement without regard to the procedures otherwise 13727
required by divisions (C), (D), and (E) of this section and by 13728
sections 6103.06, 6103.07, and 6117.09 to 6117.24 of the Revised 13729
Code. Those procedures shall be required only for improvements for 13730
which special assessments are to be levied and collected. 13731

(C) If special assessments are to be levied and collected 13732
pursuant to a determination made in the resolution provided for in 13733
division (A) of this section or in a subsequent resolution, the 13734
procedures referred to in division (B) of this section as being 13735
required for that purpose shall apply, and the board may have the 13736
county sanitary engineer prepare, or otherwise cause to be 13737

prepared, detailed plans, specifications, and an estimate of cost 13738
for the improvement, together with a tentative assessment of the 13739
cost based on the estimate. The tentative assessment shall be for 13740
the information of property owners and shall not be levied or 13741
certified to the county auditor for collection. The detailed 13742
plans, specifications, estimate of cost, and tentative assessment, 13743
if approved by the board, shall be carefully preserved in the 13744
office of the board or the county sanitary engineer and shall be 13745
open to the inspection of all persons interested in the 13746
improvement. 13747

(D) After the board's approval of the detailed plans, 13748
specifications, estimate of cost, and tentative assessment, and at 13749
least twenty-four days before adopting a resolution pursuant to 13750
division (E) of this section, the board, except to the extent that 13751
appropriate waivers of notice are obtained from affected owners, 13752
shall cause to be sent a notice of its intent to adopt a 13753
resolution to each owner of property proposed to be assessed that 13754
is listed on the records of the county auditor for current 13755
agricultural use value taxation pursuant to section 5713.31 of the 13756
Revised Code and that is not located in an agricultural district 13757
established under section 929.02 of the Revised Code. The notice 13758
shall satisfy all of the following: 13759

(1) Be sent by first class or certified mail; 13760

(2) Specify the proposed date of the adoption of the 13761
resolution; 13762

(3) Contain a statement that the improvement will be financed 13763
in whole or in part by special assessments and that all properties 13764
not located in an agricultural district established pursuant to 13765
section 929.02 of the Revised Code may be subject to a special 13766
assessment; 13767

(4) Contain a statement that an agricultural district may be 13768

established by filing an application with the county auditor. 13769

If it appears, by the return of the mailed notices or by 13770
other means, that one or more of the affected owners cannot be 13771
found or are not served by the mailed notice, the board shall 13772
cause the notice to be published once in a newspaper of general 13773
circulation in the county not later than ten days before the 13774
adoption of the resolution. 13775

(E) After complying with divisions (A), (C), and (D) of this 13776
section, the board may adopt a resolution declaring that the 13777
improvement, which shall be described as to its nature and its 13778
location, route, and termini, is necessary for the preservation 13779
and promotion of the public health and welfare, referring to the 13780
plans, specifications, estimate of cost, and tentative assessment, 13781
stating the place where they are on file and may be examined, and 13782
providing that the entire cost or a lesser designated part of the 13783
cost will be specially assessed against the benefited properties 13784
within the district and that any balance will be paid by the 13785
county at large from other available funds. The resolution also 13786
shall contain a description of the boundaries of that part of the 13787
district to be assessed and shall designate a time and place for 13788
objections to the improvement, to the tentative assessment, or to 13789
the boundaries of the assessment district to be heard by the 13790
board. The date of that hearing shall be not less than twenty-four 13791
days after the date of the first publication of the notice of the 13792
hearing required by this division. 13793

The board shall cause a notice of the hearing to be published 13794
once a week for two consecutive weeks in a newspaper of general 13795
circulation in the county or as provided in section 7.16 of the 13796
Revised Code, and on or before the date of the second publication, 13797
it shall cause to be sent by first class or certified mail a copy 13798
of the notice to every owner of property to be assessed for the 13799
improvement whose address is known. 13800

The notice shall set forth the time and place of the hearing, 13801
a summary description of the proposed improvement, including its 13802
general route and termini, a summary description of the area 13803
constituting the assessment district, and the place where the 13804
plans, specifications, estimate of cost, and tentative assessment 13805
are on file and may be examined. Each mailed notice also shall 13806
include a statement that the property of the addressee will be 13807
assessed for the improvement. The notice also shall be sent by 13808
first class or certified mail, on or before the date of the second 13809
publication, to the clerk, or the official discharging the duties 13810
of a clerk, of any municipal corporation any part of which lies 13811
within the assessment district and shall state whether or not any 13812
property belonging to the municipal corporation is to be assessed 13813
and, if so, shall identify that property. 13814

At the hearing, or at any adjournment of the hearing, of 13815
which no further published or mailed notice need be given, the 13816
board shall hear all parties whose properties are proposed to be 13817
assessed. Written objections to or endorsements of the proposed 13818
improvement, its character and termini, the boundaries of the 13819
assessment district, or the tentative assessment shall be received 13820
by the board for a period of five days after the completion of the 13821
hearing, and no action shall be taken by the board in the matter 13822
until after that period has elapsed. The minutes of the hearing 13823
shall be entered on the journal of the board showing the persons 13824
who appear in person or by attorney, and all written objections 13825
shall be preserved and filed in the office of the board. 13826

Sec. 6103.06. After the expiration of the period of five days 13827
provided in section 6103.05 of the Revised Code for the filing of 13828
written objections, the board of county commissioners shall 13829
determine whether it will proceed with the construction of the 13830
proposed improvement. If it decides to proceed therewith, the 13831
board shall ratify or amend the plans for the improvement, the 13832

character and termini thereof, the boundaries of the assessment 13833
district, and the tentative assessment, and may cause such 13834
revision of plans, boundaries, or assessments as is necessary to 13835
be made by the county sanitary engineer. If the boundaries of the 13836
assessment district are amended so as to include any property not 13837
included within the boundaries as established by the resolution of 13838
necessity, provided for in section 6103.05 of the Revised Code, 13839
the owners of all such property shall be notified by mail if their 13840
addresses are known, and notice shall be published once a week for 13841
two consecutive weeks in a newspaper of general circulation within 13842
the county or as provided in section 7.16 of the Revised Code, 13843
that such amendments have been adopted and that a hearing will be 13844
given by the board at a time and place stated in such notice at 13845
which all persons interested will be heard by the board. The date 13846
of such hearing shall be not less than twenty-four days after the 13847
first publication of such notice, and the hearing shall be 13848
conducted and records kept in the same manner as the first 13849
hearing. Five days shall be allowed for the filing of written 13850
objections as provided in section 6103.05 of the Revised Code for 13851
the first hearing and after the expiration of such five day period 13852
the board shall ratify the plans for the improvement, the 13853
character and termini thereof, the boundaries of the assessment 13854
district, and the tentative assessment, or shall further amend the 13855
same. If the boundaries of the assessment district are amended so 13856
as to include any property not included in the assessment district 13857
as originally established or previously amended, further notice 13858
and hearing shall be given to the owners of such property in the 13859
same manner as for the first amendment of such boundaries, and the 13860
same procedure shall be repeated until all property owners 13861
affected have been given an opportunity to be heard. If the owners 13862
of all property added to an assessment district by amendment of 13863
the original boundaries thereof waive objection to such amendment 13864
in writing, no further notice or hearing shall be given. After the 13865

board has ratified the plans for the improvement, the character 13866
and termini thereof, the boundaries of the assessment district, 13867
and the tentative assessment, either as originally presented or as 13868
amended, and if it decides to proceed therewith, the board shall 13869
adopt a resolution, to be known as the improvement resolution. 13870
Said improvement resolution shall declare the determination of 13871
such board to proceed with the construction of the improvement 13872
provided for in the resolution of necessity, in accordance with 13873
the plans and specification provided for such improvement, as 13874
ratified or amended, and whether bonds or certificates of 13875
indebtedness shall be issued in anticipation of the collection of 13876
special assessments, or that money in the county treasury 13877
unappropriated for any other purpose shall be appropriated to pay 13878
for said improvement. 13879

Sec. 6103.081. (A) After the establishment of any county 13880
sewer district, the board of county commissioners may determine by 13881
resolution that it is necessary to provide water supply 13882
improvements and to maintain and operate the improvements within 13883
the district or a designated portion of the district, that the 13884
improvements, which shall be generally described in the 13885
resolution, shall be constructed, that funds are required to pay 13886
the preliminary costs of the improvements to be incurred prior to 13887
the commencement of the proceedings for their construction, and 13888
that those funds shall be provided in accordance with this 13889
section. 13890

(B) Prior to the adoption of the resolution, the board shall 13891
give notice of its pendency and of the proposed determination of 13892
the necessity of the improvements generally described in the 13893
resolution. The notice shall set forth a description of the 13894
properties to be benefited by the improvements and the time and 13895
place of a hearing of objections to and endorsements of the 13896
improvements. The notice shall be given either by publication in a 13897

newspaper of general circulation in the county once a week for two 13898
consecutive weeks, by publication as provided in section 7.16 of 13899
the Revised Code, or by mailing a copy of the notice by first 13900
class or certified mail to the owners of the properties proposed 13901
to be assessed at their respective tax mailing addresses, or by 13902
~~both~~ a combination of these manners, the first publication to be 13903
made or the mailing to occur at least two weeks prior to the date 13904
set for the hearing. At the hearing, or at any adjournment of the 13905
hearing, of which no further published or mailed notice need be 13906
given, the board shall hear all persons whose properties are 13907
proposed to be assessed and the evidence it considers to be 13908
necessary. The board then shall determine the necessity of the 13909
proposed improvements and whether the improvements shall be made 13910
by the board and, if they are to be made, shall direct the 13911
preparation of tentative assessments upon the benefited properties 13912
and by whom they shall be prepared. 13913

(C) In order to obtain funds for the preparation of a general 13914
or revised general plan of water supply for the district or part 13915
of the district, for the preparation of the detailed plans, 13916
specifications, estimate of cost, and tentative assessment for the 13917
proposed improvements, and for the cost of financing and legal 13918
services incident to the preparation of all of those plans and a 13919
plan of financing the proposed improvements, the board may levy 13920
upon the properties to be benefited in the district a preliminary 13921
assessment apportioned according to benefits or to tax valuation 13922
or partly by one method and partly by the other method as the 13923
board may determine. The assessments shall be in the amount 13924
determined to be necessary to obtain funds for the general and 13925
detailed plans and the cost of financing and legal services and 13926
shall be payable in the number of years that the board shall 13927
determine, not to exceed twenty years, together with interest on 13928
any public obligations that may be issued or incurred in 13929
anticipation of the collection of the assessments. 13930

(D) The board shall have power at any time to levy additional assessments according to benefits or to tax valuation or partly by one method and partly by the other method as the board may determine for the purposes described in division (C) of this section upon the benefited properties to complete the payment of the costs described in division (C) of this section or to pay the cost of any additional plans, specifications, estimate of cost, or tentative assessment and the cost of financing and legal services incident to the preparation of those plans and the plan of financing, which additional assessments shall be payable in the number of years that the board shall determine, not to exceed twenty years, together with interest on any public obligations that may be issued or incurred in anticipation of the collection of the additional assessments.

(E) Prior to the adoption of a resolution levying assessments under this section, the board shall give notice either by one publication in a newspaper of general circulation in the county, or by mailing a copy of the notice by first class or certified mail to the owners of the properties proposed to be assessed at their respective tax mailing addresses, or by both manners, the publication to be made or the mailing to occur at least ten days prior to the date of the meeting at which the resolution shall be taken up for consideration; that notice shall state the time and place of the meeting at which the resolution is to be considered. At the time and place of the meeting, or at any adjournment of the meeting, of which no further published or mailed notice need be given, the board shall hear all persons whose properties are proposed to be assessed, shall correct any errors and make any revisions that appear to be necessary or just, and then may adopt a resolution levying upon the properties determined to be benefited the assessments as so corrected and revised.

The assessments levied by the resolution shall be certified

to the county auditor for collection in the same manner as taxes 13963
in the year or years in which they are payable. 13964

(F) Upon the adoption of the resolution described in division 13965
(E) of this section, no further action shall be taken or work done 13966
until ten days have elapsed. If, at the expiration of that period, 13967
no appeal has been effected by any property owner as provided in 13968
this division, the action of the board shall be final. If, at the 13969
end of that ten days, any owner of property to be assessed for the 13970
improvements has effected an appeal, no further action shall be 13971
taken and no work done in connection with the improvements under 13972
the resolution until the matters appealed from have been disposed 13973
of in court. 13974

Any owner of property to be assessed may appeal as provided 13975
and upon the grounds stated in sections 6117.09 to 6117.24 of the 13976
Revised Code. 13977

If no appeal has been perfected or if on appeal the 13978
resolution of the board is sustained, the board may authorize and 13979
enter into contracts to carry out the purpose for which the 13980
assessments have been levied without the prior issuance of notes, 13981
provided that the payments under those contracts do not fall due 13982
prior to the time by which the assessments are to be collected. 13983
The board may issue and sell bonds with a maximum maturity of 13984
twenty years in anticipation of the collection of the assessments 13985
and may issue notes in anticipation of the issuance of the bonds, 13986
which notes and bonds, as public obligations, shall be issued and 13987
sold as provided in Chapter 133. of the Revised Code. 13988

Sec. 6103.31. (A) If the board of county commissioners 13989
determines by resolution that the best interests of the county and 13990
the users of water supply facilities of the county serving a sewer 13991
district so require, the board may sell or otherwise dispose of 13992
the facilities to another public agency or a person. The 13993

resolution declaring the necessity of that disposition shall 13994
recite the reasons for the sale or other disposition and shall 13995
establish any conditions or terms that the board may impose, 13996
including, but not limited to, a minimum sales price if a sale is 13997
proposed, a requirement for the submission by bidders of the 13998
schedule of water rates and charges initially proposed to be paid 13999
by the users of the facilities, and other pertinent conditions or 14000
terms relating to the sale or other disposition. The resolution 14001
also shall designate a time and place for the hearing of 14002
objections to the sale or other disposition by the board. Notice 14003
of the adoption of the resolution and the time and place of the 14004
hearing shall be published as provided in section 7.16 of the 14005
Revised Code, or once a week for two consecutive weeks, in a 14006
newspaper of general circulation in the sewer district and in the 14007
county. The public hearing on the sale or other disposition shall 14008
be held not less than twenty-four days following the date of first 14009
publication of the notice. A copy of the notice also shall be sent 14010
by first class or certified mail, on or before the date of the 14011
second publication, to any public agency within the area served by 14012
the facilities. At the public hearing, or at any adjournment of 14013
it, of which no further published or mailed notice need be given, 14014
the board shall hear all interested parties. A period of five days 14015
shall be given following the completion of the hearing for the 14016
filing of written objections by any interested persons or public 14017
agencies to the sale or other disposition, after which the board 14018
shall consider any objections and by resolution determine whether 14019
or not to proceed with the sale or other disposition. If the board 14020
determines to proceed with the sale or other disposition, it shall 14021
receive bids after advertising once a week for four consecutive 14022
weeks in a newspaper of general circulation in the county or as 14023
provided in section 7.16 of the Revised Code and, subject to the 14024
right of the board to reject any or all bids, may make an award to 14025

a responsible bidder whose proposal is determined by the board to be in the best interests of the county and the users of the facilities.

(B) A conveyance of water supply facilities by a county to a municipal corporation, in accordance with division (B) of section 6103.04 of the Revised Code, may be made without regard to division (A) of this section.

Sec. 6105.131. The board of directors of a watershed district may designate a specific reach in the channel of any watercourse within the territorial boundaries of the district as a restricted channel, when the construction or alteration of structures or obstructions within such channel will restrict its capacity so as to constitute an unreasonable hazard to the safety of life and property in times of flood, or designate any area outside the banks of a restricted channel as a restricted floodway when such area is reasonably necessary to the efficiency of a restricted channel as a means of carrying off flood waters. Such designation of a restricted channel or restricted floodway shall be made in the following manner:

(A) The board shall adopt a resolution stating its intent to designate a specific reach in a channel of a watercourse as a restricted channel or a specific area as a restricted floodway. Such resolution shall contain a description of the reach of the channel to be designated as a restricted channel or description of the area to be designated as a restricted floodway and the reasons of the board for making such designation.

(B) The board shall cause such resolution to be published as provided in section 7.16 of the Revised Code or once a week for two consecutive weeks in a newspaper of general circulation in the county or counties in which such restricted channel or restricted

floodway is located, together with a notice of the time and place 14056
where a hearing will be held by the board on the question of 14057
designating such channel as a restricted channel or such area as a 14058
restricted floodway ~~and~~. The board also shall give not less than 14059
ten days notice of said hearing by first class mail to all owners 14060
of property within the area proposed to be designated as a 14061
restricted floodway. The date of such hearing shall be not less 14062
than ten days after the completion of the publication provided for 14063
by this division. 14064

(C) The board shall hold a hearing at the time and place 14065
designated in the notice published under division (B) of this 14066
section at which time indorsements of and objections to the 14067
designation of such channel as a restricted channel or such area 14068
as a restricted floodway shall be heard. 14069

(D) The board may, after the completion of the hearing under 14070
division (C) of this section and after finding that the 14071
construction or alteration of structures or obstructions or 14072
relocation, alteration, restriction, deposit, or encroachment 14073
within the designated reach of such channel will restrict its 14074
capacity so as to constitute an unreasonable hazard to the safety 14075
of life and property in times of flood, adopt a resolution 14076
designating the reach of the channel described in the resolution 14077
of intent adopted under division (A) of this section or any 14078
modification thereof as a restricted channel. 14079

(E) In like manner the board may, after completion of a 14080
hearing under division (C) of this section and after finding that 14081
the construction or alteration of structures or obstructions or 14082
change of grade within a designated floodway area will restrict 14083
its capacity or efficiency as a means of carrying off flood water 14084
so as to constitute an unreasonable hazard to the safety of life 14085
and property in times of flood, adopt a resolution designating the 14086
area described in the resolution of intent adopted under division 14087

(A) of this section, or any modification thereof, as a restricted floodway. 14088
14089

Sec. 6115.01. As used in sections 6115.01 to 6115.79 of the Revised Code: 14090
14091

(A) "Publication" means once a week for three consecutive weeks in each of two newspapers of different political affiliations, if there are such newspapers, and a newspaper of general circulation in the counties wherein publication is to be made or as provided in section 7.16 of the Revised Code. 14092
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Publication need not be made on the same day of the week in each of the ~~three~~ weeks; but not less than fourteen days, excluding the day of first publication, shall intervene between the first publication and the last publication. Publication shall be complete on the date of the last publication. 14097
14098
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(B) "Person" means person, firm, partnership, association, or corporation, other than county, township, municipal corporation, or other political subdivision. 14102
14103
14104

(C) "Public corporation" means counties, townships, municipal corporations, school districts, road districts, ditch districts, park districts, levee districts, and all other governmental agencies clothed with the power of levying general or special taxes. 14105
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(D) "Court" means the court of common pleas in which the petition for the organization of a sanitary district was filed and granted. In the case of a district lying in more than one county, "court" means the court comprised of one judge of the court of common pleas from each county as provided in section 6115.04 of the Revised Code. 14110
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(E) "Land" or "property," unless otherwise specified, means real property, as "real property" is used in and defined by the 14116
14117

laws of this state, and embraces all railroads, tramroads, roads, 14118
electric railroads, street and interurban railroads, streets and 14119
street improvements, telephones, telegraph, and transmission 14120
lines, gas, sewerage, and water systems, pipelines and 14121
rights-of-way of public service corporations, and all other real 14122
property whether public or private. 14123

(F) "Board of directors" applies to the duties of one 14124
director appointed in accordance with section 6115.10 of the 14125
Revised Code in a district lying wholly within one county. 14126

(G) "Biting arthropods" include mosquitoes, ticks, biting 14127
flies, or other biting arthropods capable of transmitting disease 14128
to humans. 14129

(H) "Bond" or "bonds" means bonds, notes, certificates of 14130
indebtedness, certificates of participation, commercial paper, and 14131
other instruments in writing, including, unless the context does 14132
not admit, bonds or notes issued in anticipation of the issuance 14133
of other bonds, issued by a sanitary district to evidence its 14134
obligation to repay money borrowed, or to pay interest, by, or to 14135
pay at any future time other money obligations of, the sanitary 14136
district. 14137

(I) "Financing costs" has the same meaning as in division (K) 14138
of section 133.01 of the Revised Code. 14139

Sec. 6115.20. (A) When it is determined to let the work 14140
relating to the improvements for which a sanitary district was 14141
established by contract, contracts in amounts to exceed ten 14142
thousand dollars shall be advertised after notice calling for bids 14143
has been published once a week for five consecutive weeks 14144
completed on the date of last publication or as provided in 14145
section 7.16 of the Revised Code, in ~~at least one~~ a newspaper of 14146
general circulation within the sanitary district where the work is 14147
to be done. The board of directors of the sanitary district shall 14148

let bids as provided in this section or, if applicable, section 14149
9.312 of the Revised Code. If the bids are for a contract for the 14150
construction, demolition, alteration, repair, or reconstruction of 14151
an improvement, the board of directors of the sanitary district 14152
shall let the contract to the lowest or best bidder who meets the 14153
requirements of section 153.54 of the Revised Code. If the bids 14154
are for a contract for any other work relating to the improvements 14155
for which a sanitary district was established, the board of 14156
directors of the sanitary district shall let the contract to the 14157
lowest or best bidder who gives a good and approved bond, with 14158
ample security, conditioned on the carrying out of the contract 14159
and the payment for all labor and material. The contract shall be 14160
in writing and shall be accompanied by or shall refer to plans and 14161
specifications for the work to be done prepared by the chief 14162
engineer. The plans and specifications at all times shall be made 14163
and considered a part of the contract. The contract shall be 14164
approved by the board and signed by the president of the board and 14165
by the contractor and shall be executed in duplicate. In case of 14166
emergency the advertising of contracts may be waived upon the 14167
consent of the board with the approval of the court or judge in 14168
vacation. 14169

(B) In the case of a sanitary district organized wholly for 14170
the purpose of providing a water supply for domestic, municipal, 14171
and public use that includes two municipal corporations in two 14172
counties, any service to be purchased, including the services of 14173
an accountant, architect, attorney at law, physician, or 14174
professional engineer, at a cost in excess of ten thousand dollars 14175
shall be obtained in the manner provided in sections 153.65 to 14176
153.71 of the Revised Code. For the purposes of the application of 14177
those sections to division (B) of this section, all of the 14178
following apply: 14179

(1) "Public authority," as used in those sections, shall be 14180

deemed to mean a sanitary district organized wholly for the 14181
purpose of providing a water supply for domestic, municipal, and 14182
public use that includes two municipal corporations in two 14183
counties; 14184

(2) "Professional design firm," as used in those sections, 14185
shall be deemed to mean any person legally engaged in rendering 14186
professional design services as defined in division (B)(3) of this 14187
section; 14188

(3) "Professional design services," as used in those 14189
sections, shall be deemed to mean accounting, architectural, 14190
legal, medical, or professional engineering services; 14191

(4) The use of other terms in those sections shall be adapted 14192
accordingly, including, without limitation, for the purposes of 14193
division (D)(2) of section 153.67 of the Revised Code; 14194

(5) Divisions (A) to (C) of section 153.71 of the Revised 14195
Code do not apply. 14196

(C) The board of directors of a district organized wholly for 14197
the purpose of providing a water supply for domestic, municipal, 14198
and public use may contract for, purchase, or otherwise procure 14199
for the benefit of employees of the district and pay all or any 14200
part of the cost of group insurance policies that may provide 14201
benefits, including, but not limited to, hospitalization, surgical 14202
care, major medical care, disability, dental care, vision care, 14203
medical care, hearing aids, or prescription drugs. Any group 14204
insurance policy purchased under this division shall be purchased 14205
from the health care corporation that the board of directors 14206
determines offers the most cost-effective group insurance policy. 14207

Sec. 6117.06. (A) After the establishment of any sewer 14208
district, the board of county commissioners, if a sanitary or 14209
drainage facility or prevention or replacement facility 14210

improvement is to be undertaken, may have the county sanitary 14211
engineer prepare, or otherwise cause to be prepared, for the 14212
district, or revise as needed, a general plan of sewerage or 14213
drainage that is as complete in each case as can be developed at 14214
the time and that is devised with regard to any existing sanitary 14215
or drainage facilities or prevention or replacement facilities in 14216
the district and present as well as prospective needs for 14217
additional sanitary or drainage facilities or prevention or 14218
replacement facilities in the district. After the general plan, in 14219
original or revised form, has been approved by the board, it may 14220
adopt a resolution generally describing the improvement that is 14221
necessary to be acquired or constructed in accordance with the 14222
particular plan, declaring that the improvement is necessary for 14223
the preservation and promotion of the public health and welfare, 14224
and determining whether or not special assessments are to be 14225
levied and collected to pay any part of the cost of the 14226
improvement. 14227

(B) If special assessments are not to be levied and collected 14228
to pay any part of the cost of the improvement, the board, in the 14229
resolution provided for in division (A) of this section or in a 14230
subsequent resolution, including a resolution authorizing the 14231
issuance or incurrence of public obligations for the improvement, 14232
may authorize the improvement and the expenditure of the funds 14233
required for its acquisition or construction and may proceed with 14234
the improvement without regard to the procedures otherwise 14235
required by divisions (C), (D), and (E) of this section and by 14236
sections 6117.07 to 6117.24 of the Revised Code. Those procedures 14237
are required only for improvements for which special assessments 14238
are to be levied and collected. 14239

(C) If special assessments are to be levied and collected 14240
pursuant to a determination made in the resolution provided for in 14241
division (A) of this section or in a subsequent resolution, the 14242

procedures referred to in division (B) of this section as being 14243
required for that purpose shall apply, and the board may have the 14244
county sanitary engineer prepare, or otherwise cause to be 14245
prepared, detailed plans, specifications, and an estimate of cost 14246
for the improvement, together with a tentative assessment of the 14247
cost based on the estimate. The tentative assessment shall be for 14248
the information of property owners and shall not be levied or 14249
certified to the county auditor for collection. The detailed 14250
plans, specifications, estimate of cost, and tentative assessment, 14251
if approved by the board, shall be carefully preserved in the 14252
office of the board or the county sanitary engineer and shall be 14253
open to the inspection of all persons interested in the 14254
improvement. 14255

(D) After the board's approval of the detailed plans, 14256
specifications, estimate of cost, and tentative assessment, and at 14257
least twenty-four days before adopting a resolution pursuant to 14258
division (E) of this section, the board, except to the extent that 14259
appropriate waivers of notice are obtained from affected owners, 14260
shall cause to be sent a notice of its intent to adopt the 14261
resolution to each owner of property proposed to be assessed that 14262
is listed on the records of the county auditor for current 14263
agricultural use value taxation pursuant to section 5713.31 of the 14264
Revised Code and that is not located in an agricultural district 14265
established under section 929.02 of the Revised Code. The notice 14266
shall satisfy all of the following: 14267

(1) Be sent by first class or certified mail; 14268

(2) Specify the proposed date of the adoption of the 14269
resolution; 14270

(3) Contain a statement that the improvement will be financed 14271
in whole or in part by special assessments and that all properties 14272
not located in an agricultural district established pursuant to 14273
section 929.02 of the Revised Code may be subject to a special 14274

assessment; 14275

(4) Contain a statement that an agricultural district may be 14276
established by filing an application with the county auditor. 14277

If it appears, by the return of the mailed notices or by 14278
other means, that one or more of the affected owners cannot be 14279
found or are not served by the mailed notice, the board shall 14280
cause the notice to be published once in a newspaper of general 14281
circulation in the county not later than ten days before the 14282
adoption of the resolution. 14283

(E) After complying with divisions (A), (C), and (D) of this 14284
section, the board may adopt a resolution declaring that the 14285
improvement, which shall be described as to its nature and its 14286
location, route, and termini, is necessary for the preservation 14287
and promotion of the public health and welfare, referring to the 14288
plans, specifications, estimate of cost, and tentative assessment, 14289
stating the place where they are on file and may be examined, and 14290
providing that the entire cost or a lesser designated part of the 14291
cost will be specially assessed against the benefited properties 14292
within the district and that any balance will be paid by the 14293
county at large from other available funds. The resolution also 14294
shall contain a description of the boundaries of that part of the 14295
district to be assessed and shall designate a time and place for 14296
objections to the improvement, to the tentative assessment, or to 14297
the boundaries of the assessment district to be heard by the 14298
board. The date of that hearing shall be not less than twenty-four 14299
days after the date of the first publication of the notice of the 14300
hearing required by this division. 14301

The board shall cause a notice of the hearing to be published 14302
once a week for two consecutive weeks in a newspaper of general 14303
circulation in the county, ~~and on~~ or as provided in section 7.16 14304
of the Revised Code. On or before the date of the second 14305
publication, ~~it~~ the board shall cause to be sent by first class or 14306

certified mail a copy of the notice to every owner of property to 14307
be assessed for the improvement whose address is known. 14308

The notice shall set forth the time and place of the hearing, 14309
a summary description of the proposed improvement, including its 14310
general route and termini, a summary description of the area 14311
constituting the assessment district, and the place where the 14312
plans, specifications, estimate of cost, and tentative assessment 14313
are on file and may be examined. Each mailed notice also shall 14314
include a statement that the property of the addressee will be 14315
assessed for the improvement. The notice also shall be sent by 14316
first class or certified mail, on or before the date of the second 14317
publication, to the clerk, or to the official discharging the 14318
duties of a clerk, of any municipal corporation any part of which 14319
lies within the assessment district and shall state whether or not 14320
any property belonging to the municipal corporation is to be 14321
assessed and, if so, shall identify that property. 14322

At the hearing, or at any adjournment of the hearing, of 14323
which no further published or mailed notice need be given, the 14324
board shall hear all parties whose properties are proposed to be 14325
assessed. Written objections to or endorsements of the proposed 14326
improvement, its character and termini, the boundaries of the 14327
assessment district, or the tentative assessment shall be received 14328
by the board for a period of five days after the completion of the 14329
hearing, and no action shall be taken by the board in the matter 14330
until after that period has elapsed. The minutes of the hearing 14331
shall be entered on the journal of the board, showing the persons 14332
who appear in person or by attorney, and all written objections 14333
shall be preserved and filed in the office of the board. 14334

Sec. 6117.07. After the expiration of the period of five days 14335
provided for in section 6117.06 of the Revised Code for the filing 14336
of written objections, the board of county commissioners shall 14337

determine whether or not it will proceed with the construction of 14338
the improvement mentioned in such section. Notice of the time and 14339
place of each meeting of the board of county commissioners, at 14340
which the resolution to proceed with the construction of such 14341
improvement will be considered, shall be given in writing to all 14342
persons who filed written objections as provided in section 14343
6117.06 of the Revised Code. Such notice shall contain the 14344
following language in addition to the time and place of the 14345
meeting of the board: "any person, firm, or corporation desiring 14346
to appeal from the final order or judgment of the board upon any 14347
of the questions mentioned in section 6117.09 of the Revised Code 14348
shall, on or before the date of the passage of the improvement 14349
resolution, give notice in writing of an intention to appeal, 14350
specifying therein the matters to be appealed from." If it decides 14351
to proceed therewith, the board shall ratify or amend the plans 14352
for the improvement and the character and termini thereof, the 14353
boundaries of the assessment district, and the tentative 14354
assessment, and may cause such revision of plans, boundaries, or 14355
assessments as the board considers necessary to be made by the 14356
county sanitary engineer. If the boundaries of the assessment 14357
district are amended so as to include any property not included 14358
within the boundaries as established by the resolution of 14359
necessity provided for in section 6117.06 of the Revised Code, the 14360
owners of all such property shall be notified by mail if their 14361
addresses are known, and notice shall be published once a week for 14362
two consecutive weeks in a newspaper of general circulation within 14363
the county or as provided in section 7.16 of the Revised Code that 14364
such amendments have been adopted and that a hearing will be given 14365
by the board at a time and place stated in such notice, at which 14366
all persons interested will be heard by the board. The date of 14367
such hearing shall be not less than twenty-four days after the 14368
first publication of such notice, and the hearing shall be 14369
conducted and records kept in the same manner as the first 14370

hearing. Five days shall be allowed for the filing of written 14371
objections as provided in such section for the first hearing. 14372

After the expiration of such five day period, the board shall 14373
ratify the plans for the improvement and the character and termini 14374
thereof, the boundaries of the assessment district, and the 14375
tentative assessment, or shall further amend the same. If the 14376
boundaries of the assessment district are amended so as to include 14377
any property not included in the assessment district as originally 14378
established or previously amended, further notice and hearing 14379
shall be given to the owners of such property in the same manner 14380
as for the first amendment of such boundaries, and the same 14381
procedure shall be repeated until all property owners affected 14382
have been given an opportunity to be heard. If the owners of all 14383
property added to an assessment district by amendment of the 14384
original boundaries thereof waive objection to such amendment in 14385
writing, no further notice or hearing shall be given. 14386

After the board has ratified the plans for the improvement 14387
and the character and termini thereof, the boundaries of the 14388
assessment district, and the tentative assessment, either as 14389
originally presented or as amended, and if it decides to proceed 14390
therewith, the board shall adopt a resolution to be known as the 14391
improvement resolution. Said improvement resolution shall declare 14392
the determination of such board to proceed with the construction 14393
of the improvement provided for in the resolution of necessity, in 14394
accordance with the plans and specifications provided for such 14395
improvement as ratified or amended, and whether bonds or 14396
certificates of indebtedness shall be issued in anticipation of 14397
the collection of special assessments, as provided in section 14398
6117.08 to 6117.45, inclusive, of the Revised Code, or that money 14399
in the county treasury unappropriated for any other purpose shall 14400
be appropriated to pay for said improvement. 14401

Sec. 6117.251. (A) After the establishment of any county sewer district, the board of county commissioners may determine by resolution that it is necessary to provide sanitary or drainage facility improvements or prevention or replacement facility improvements and to maintain and operate the improvements within the district or a designated portion of the district, that the improvements, which shall be generally described in the resolution, shall be constructed, that funds are required to pay the preliminary costs of the improvements to be incurred prior to the commencement of the proceedings for their construction, and that those funds shall be provided in accordance with this section.

(B) Prior to the adoption of the resolution, the board shall give notice of its pendency and of the proposed determination of the necessity of the improvements generally described in the resolution. The notice shall set forth a description of the properties to be benefited by the improvements and the time and place of a hearing of objections to and endorsements of the improvements. The notice shall be given ~~either~~ by publication in a newspaper of general circulation in the county once a week for two consecutive weeks, ~~or~~ by publication as provided in section 7.16 of the Revised Code, by mailing a copy of the notice by first class or certified mail to the owners of the properties proposed to be assessed at their respective tax mailing addresses, or by ~~both~~ a combination of these manners, the first publication to be made or the mailing to occur at least two weeks prior to the date set for the hearing. At the hearing, or at any adjournment of the hearing, of which no further published or mailed notice need be given, the board shall hear all persons whose properties are proposed to be assessed and the evidence it considers to be necessary. The board then shall determine the necessity of the proposed improvements and whether the improvements shall be made

by the board and, if they are to be made, shall direct the 14434
preparation of tentative assessments upon the benefited properties 14435
and by whom they shall be prepared. 14436

(C) In order to obtain funds for the preparation of a general 14437
or revised general plan of sewerage or drainage for the district 14438
or part of the district, for the preparation of the detailed 14439
plans, specifications, estimate of cost, and tentative assessment 14440
for the proposed improvements, and for the cost of financing and 14441
legal services incident to the preparation of all of those plans 14442
and a plan of financing the proposed improvements, the board may 14443
levy upon the properties to be benefited in the district a 14444
preliminary assessment apportioned according to benefits or to tax 14445
valuation or partly by one method and partly by the other method 14446
as the board may determine. The assessments shall be in the amount 14447
determined to be necessary to obtain funds for the general and 14448
detailed plans and the cost of financing and legal services and 14449
shall be payable in the number of years that the board shall 14450
determine, not to exceed twenty years, together with interest on 14451
any public obligations that may be issued or incurred in 14452
anticipation of the collection of the assessments. 14453

(D) The board shall have power at any time to levy additional 14454
assessments according to benefits or to tax valuation or partly by 14455
one method and partly by the other method as the board may 14456
determine for the purposes described in division (C) of this 14457
section upon the benefited properties to complete the payment of 14458
the costs described in division (C) of this section or to pay the 14459
cost of any additional plans, specifications, estimate of cost, or 14460
tentative assessment and the cost of financing and legal services 14461
incident to the preparation of those plans and the plan of 14462
financing, which additional assessments shall be payable in the 14463
number of years that the board shall determine, not to exceed 14464
twenty years, together with interest on any public obligations 14465

that may be issued or incurred in anticipation of the collection 14466
of the additional assessments. 14467

(E) Prior to the adoption of a resolution levying assessments 14468
under this section, the board shall give notice either by one 14469
publication in a newspaper of general circulation in the county, 14470
or by mailing a copy of the notice by first class or certified 14471
mail to the owners of the properties proposed to be assessed at 14472
their respective tax mailing addresses, or by both manners, the 14473
publication to be made or the mailing to occur at least ten days 14474
prior to the date of the meeting at which the resolution shall be 14475
taken up for consideration; that notice shall state the time and 14476
place of the meeting at which the resolution is to be considered. 14477
At the time and place of the meeting, or at any adjournment of the 14478
meeting, of which no further published or mailed notice need be 14479
given, the board shall hear all persons whose properties are 14480
proposed to be assessed, shall correct any errors and make any 14481
revisions that appear to be necessary or just, and then may adopt 14482
a resolution levying upon the properties determined to be 14483
benefited the assessments as so corrected and revised. 14484

The assessments levied by the resolution shall be certified 14485
to the county auditor for collection in the same manner as taxes 14486
in the year or years in which they are payable. 14487

(F) Upon the adoption of the resolution described in division 14488
(E) of this section, no further action shall be taken or work done 14489
until ten days have elapsed. If, at the expiration of that period, 14490
no appeal has been effected by any property owner as provided in 14491
this division, the action of the board shall be final. If, at the 14492
end of that ten days, any owner of property to be assessed for the 14493
improvements has effected an appeal, no further action shall be 14494
taken and no work done in connection with the improvements under 14495
the resolution until the matters appealed from have been disposed 14496
of in court. 14497

Any owner of property to be assessed may appeal as provided 14498
and upon the grounds stated in sections 6117.09 to 6117.24 of the 14499
Revised Code. 14500

If no appeal has been perfected or if on appeal the 14501
resolution of the board is sustained, the board may authorize and 14502
enter into contracts to carry out the purposes for which the 14503
assessments have been levied without the prior issuance of notes, 14504
provided that the payments under those contracts do not fall due 14505
prior to the time by which the assessments are to be collected. 14506
The board may issue and sell bonds with a maximum maturity of 14507
twenty years in anticipation of the collection of the assessments 14508
and may issue notes in anticipation of the issuance of the bonds, 14509
which notes and bonds, as public obligations, shall be issued and 14510
sold as provided in Chapter 133. of the Revised Code. 14511

Sec. 6117.49. (A) If the board of county commissioners 14512
determines by resolution that the best interests of the county and 14513
those served by the sanitary or drainage facilities or the 14514
prevention or replacement facilities of a county sewer district so 14515
require, the board may sell or otherwise dispose of the facilities 14516
to another public agency or a person. The resolution declaring the 14517
necessity of that disposition shall recite the reasons for the 14518
sale or other disposition and shall establish any conditions or 14519
terms that the board may impose, including, but not limited to, a 14520
minimum sales price if a sale is proposed, a requirement for the 14521
submission by bidders of the schedule of rates and charges 14522
initially proposed to be paid for the services of the facilities, 14523
and other pertinent conditions or terms relating to the sale or 14524
other disposition. The resolution also shall designate a time and 14525
place for the hearing of objections to the sale or other 14526
disposition by the board. Notice of the adoption of the resolution 14527
and the time and place of the hearing shall be published as 14528
provided in section 7.16 of the Revised Code or once a week for 14529

two consecutive weeks, in a newspaper of general circulation in the sewer district and in the county. The public hearing on the sale or other disposition shall be held not less than twenty-four days following the date of first publication of the notice. A copy of the notice also shall be sent by first class or certified mail, on or before the date of the second publication, to any public agency within the area served by the facilities. At the public hearing, or at any adjournment of it, of which no further published or mailed notice need be given, the board shall hear all interested parties. A period of five days shall be given following the completion of the hearing for the filing of written objections by any interested persons or public agencies to the sale or other disposition, after which the board shall consider any objections and by resolution determine whether or not to proceed with the sale or other disposition. If the board determines to proceed with the sale or other disposition, it shall receive bids after advertising once a week for four consecutive weeks or as provided in section 7.16 of the Revised Code, in a newspaper of general circulation in the county and, subject to the right of the board to reject any or all bids, may make an award to a responsible bidder whose proposal is determined by the board to be in the best interests of the county and those served by the facilities.

(B) A conveyance of sanitary or drainage facilities or of prevention or replacement facilities by a county to a municipal corporation in accordance with division (B) of section 6117.05 of the Revised Code may be made without regard to division (A) of this section.

Sec. 6119.10. The board of trustees of a regional water and sewer district or any officer or employee designated by the board may make any contract for the purchase of supplies or material or for labor for any work, under the supervision of the board, the

cost of which shall not exceed twenty-five thousand dollars. When 14562
an expenditure, other than for the acquisition of real estate and 14563
interests in real estate, the discharge of noncontractual claims, 14564
personal services, the joint use of facilities or the exercise of 14565
powers with other political subdivisions, or the product or 14566
services of public utilities, exceeds twenty-five thousand 14567
dollars, the expenditures shall be made only after a notice 14568
calling for bids has been published ~~not less than~~ two consecutive 14569
weeks in ~~at least~~ one newspaper ~~having a~~ of general circulation 14570
within the district or as provided in section 7.16 of the Revised 14571
Code. If the bids are for a contract for the construction, 14572
demolition, alteration, repair, or reconstruction of an 14573
improvement, the board may let the contract to the lowest and best 14574
bidder who meets the requirements of section 153.54 of the Revised 14575
Code. If the bids are for a contract for any other work relating 14576
to the improvements for which a regional water and sewer district 14577
was established, the board of trustees of the regional water and 14578
sewer district may let the contract to the lowest or best bidder 14579
who gives a good and approved bond with ample security conditioned 14580
on the carrying out of the contract. The contract shall be in 14581
writing and shall be accompanied by or shall refer to plans and 14582
specifications for the work to be done, approved by the board. The 14583
plans and specifications shall at all times be made and considered 14584
part of the contract. The contract shall be approved by the board 14585
and signed by its president or other duly authorized officer and 14586
by the contractor. In case of a real and present emergency, the 14587
board of trustees of the district, by two-thirds vote of all 14588
members, may authorize the president or other duly authorized 14589
officer to enter into a contract for work to be done or for the 14590
purchase of supplies or materials without formal bidding or 14591
advertising. All contracts shall have attached the certificate 14592
required by section 5705.41 of the Revised Code duly executed by 14593
the secretary of the board of trustees of the district. The 14594

district may make improvements by force account or direct labor, 14595
provided that, if the estimated cost of supplies or material for 14596
any such improvement exceeds twenty-five thousand dollars, bids 14597
shall be received as provided in this section. For the purposes of 14598
the competitive bidding requirements of this section, the board 14599
shall not sever a contract for supplies or materials and labor 14600
into separate contracts for labor, supplies, or materials if the 14601
contracts are in fact a part of a single contract required to be 14602
bid competitively under this section. 14603

Sec. 6119.18. The board of trustees of a regional water and 14604
sewer district, by a vote of two-thirds of all its members, may 14605
declare by resolution that it is necessary to levy a tax in excess 14606
of the ten-mill limitation for the purpose of providing funds to 14607
pay current expenses of the district or for the purpose of paying 14608
any portion of the cost of one or more water resource projects or 14609
parts thereof or for both of such purposes, and that the question 14610
of such tax levy shall be submitted to the electors of the 14611
district at a general or primary election. Such resolution shall 14612
conform to the requirements of section 5705.19 of the Revised 14613
Code, except as otherwise permitted by this section and except 14614
that such levy may be for a period not longer than ten years. The 14615
resolution shall go into immediate effect upon its passage and no 14616
publication of the resolution is necessary other than that 14617
provided for in the notice of election. A copy of such resolution 14618
shall, immediately after its passage, be certified to the board of 14619
elections of the proper county or counties in the manner provided 14620
by section 5705.25 of the Revised Code, and such section shall 14621
govern the arrangements for the submission of such question and 14622
other matters with respect to such election to which such section 14623
refers. Publication of the notice of that election shall be made 14624
in one ~~or more newspapers having a~~ newspaper of general 14625
circulation in the district once a week for two consecutive weeks 14626

prior to the election, ~~and, if~~ or as provided in section 7.16 of 14627
the Revised Code. If the board of elections operates and maintains 14628
a web site, the board of elections shall post notice of the 14629
election on its web site for thirty days prior to the election. 14630

If a majority of the electors voting on the question vote in 14631
favor thereof, the board may make the necessary levy within the 14632
district at the additional rate or at any lesser rate on the tax 14633
list and duplicate for the purpose or purposes stated in the 14634
resolution. 14635

The taxes realized from such levy shall be collected at the 14636
same time and in the same manner as other taxes on such tax list 14637
and duplicate and such taxes, when collected, shall be paid to the 14638
district and deposited by it in a special fund which shall be 14639
established by the district for all revenues derived from such 14640
levy and for the proceeds of anticipation notes which shall be 14641
deposited in such fund. 14642

After the approval of such levy, the district may anticipate 14643
a fraction of the proceeds of such levy and, from time to time, 14644
during the life of such levy, issue anticipation notes in an 14645
amount not exceeding fifty per cent of the estimated proceeds of 14646
such levy to be collected in each year up to a period of five 14647
years after the date of issuance of such notes, less an amount 14648
equal to the proceeds of such levy previously obligated for each 14649
year by the issuance of anticipation notes, provided that the 14650
total amount maturing in any one year shall not exceed fifty per 14651
cent of the anticipated proceeds of such levy for that year. Each 14652
issue of notes shall be sold as provided in Chapter 133. of the 14653
Revised Code, and shall, except for such limitation that the total 14654
amount of such notes maturing in any one year shall not exceed 14655
fifty per cent of the anticipated proceeds of such levy for that 14656
year, mature serially in substantially equal installments during 14657
each year over a period not to exceed five years after their 14658

issuance. 14659

Sec. 6119.22. When a plan of sewerage devised in accordance 14660
with section 6119.19 of the Revised Code has been prepared, the 14661
board of trustees of the regional water and sewer district shall 14662
give at least ten days' notice in one newspaper of general 14663
circulation in such area or give notice as provided in section 14664
7.16 of the Revised Code, stating that such plans have been 14665
prepared and are filed in the office of the secretary of the board 14666
for examination and inspection by the parties interested. 14667

Any objection to such plan shall then be made to the board 14668
and it may amend or correct such plan, and shall thereupon file it 14669
as amended, or if no amendments are made, it shall file the 14670
original plan in the office of the secretary. 14671

Sec. 6119.25. When the board of trustees of a regional water 14672
and sewer district deems it necessary to construct all or a part 14673
of the sewers provided for in the plan devised in accordance with 14674
section 6119.19 of the Revised Code, the board shall declare by 14675
resolution the necessity thereof. Such resolution shall contain a 14676
declaration of the necessity of such improvement, a statement of 14677
the districts, areas, or parts thereof proposed to be constructed, 14678
the character of the materials to be used, a reference to the 14679
plans and specifications, where they are on file, and the mode of 14680
payment therefor, and shall publish the resolution once a week for 14681
not less than two nor more than four consecutive weeks in one 14682
newspaper of general circulation in the area or as provided in 14683
section 7.16 of the Revised Code. 14684

Sec. 6119.58. In order to obtain funds for the preparation of 14685
plans, specifications, estimates of cost, tentative assessments, 14686
and a plan of financing for any water resource project or part 14687
thereof, the board of trustees of a regional water and sewer 14688

district may levy upon the property in such district to be 14689
benefited by such project assessments apportioned in accordance 14690
with one or more of the methods set forth in section 6119.42 of 14691
the Revised Code. The aggregate of such assessments shall not 14692
exceed the amount determined by the board of trustees to be 14693
necessary for such purpose, including costs of financing, legal 14694
services, and other incidental costs, and shall be payable in such 14695
number of annual installments, not less than one, as the board of 14696
trustees prescribes, together with interest on any water resource 14697
revenue notes and bonds which may be issued in anticipation of the 14698
collection of such assessments. 14699

If the board of trustees proposes to obtain funds in 14700
accordance with this section, it shall determine by resolution 14701
that it is necessary to construct the water resource project and 14702
to maintain and operate the same on behalf of the district. 14703

Prior to the adoption of the resolution making such 14704
determination, the board of trustees shall give notice of the 14705
pendency thereof and of the proposed determination of the 14706
necessity of the construction of such project therein generally 14707
described, and such notice shall set forth a description of the 14708
properties to be benefited by such project and the time and place 14709
of a hearing of objections to, and endorsements of, such project. 14710
Such notice shall be given by publication in ~~at least~~ one 14711
newspaper ~~having a~~ of general circulation in the district once a 14712
week for two consecutive weeks or as provided in section 7.16 of 14713
the Revised Code, the first publication to be at least two weeks 14714
prior to the date set for the hearing, provided that the board of 14715
trustees may give, or cause to be given, such alternative or 14716
further notice of such hearing as it finds to be necessary or 14717
appropriate. At such hearing, or at any adjournment thereof, of 14718
which no further notice need be given, the board of trustees shall 14719
hear all owners whose properties are proposed to be assessed and 14720

such other evidence as is considered to be necessary, and may then 14721
adopt its resolution determining that the proposed project is 14722
necessary and should be undertaken by the district. In such 14723
resolution, the board of trustees shall direct the preparation of 14724
the estimated assessments upon the benefited properties and by 14725
whom they shall be prepared. 14726

After such assessments have been prepared and filed in the 14727
office of the secretary of the board of trustees and prior to the 14728
adoption of the resolution levying such assessments, the board of 14729
trustees shall give notice of the pendency of such resolution and 14730
of the proposed determination to levy such assessments, and such 14731
notice shall set forth the time and place of a hearing of 14732
objections to such assessments. Such notice shall be given by 14733
publication once in ~~at least~~ one newspaper ~~having a~~ of general 14734
circulation in the district, such publication to be made at least 14735
ten days prior to the date set for the hearing, provided that the 14736
board of trustees may give or cause to be given, such alternative 14737
of further notice of such hearing as it finds to be necessary or 14738
appropriate. At such hearing, or at any adjournment thereof, of 14739
which no further notice need be given, the board of trustees shall 14740
hear all persons whose properties are proposed to be assessed, 14741
shall correct any errors and make any revisions in the estimated 14742
assessments that appear to be necessary or just, and may then 14743
adopt a resolution levying upon the properties determined to be 14744
benefited the assessments as originally prepared or as so 14745
corrected and revised. 14746

The board of trustees shall have the power at any time to 14747
levy additional assessments upon such properties to complete the 14748
payment of the costs for which the original assessments were 14749
levied or to provide funds for any additional plans, 14750
specifications, estimates of cost, tentative assessments, and 14751
other incidental costs, provided that the board shall first have 14752

held a hearing on objections to such additional assessments in the 14753
same manner as required by this section with respect to such 14754
original assessments. Such additional assessments shall be payable 14755
in such number of annual installments, not less than one, as the 14756
board of trustees prescribes, together with interest on any water 14757
resource revenue notes and bonds which may be issued in 14758
anticipation of the collection of such assessments. 14759

The board of trustees may authorize contracts to carry out 14760
the purposes for which such assessments have been levied without 14761
the prior issuance of water resource revenue notes and bonds, 14762
provided that the payments to be made by the district do not fall 14763
due prior to the times when such assessments shall be collected. 14764

Section 2. That existing sections 7.10, 7.11, 7.12, 118.17, 14765
131.23, 133.18, 133.55, 135.05, 301.02, 301.15, 301.28, 306.35, 14766
306.43, 306.70, 307.022, 307.041, 307.10, 307.12, 307.676, 307.70, 14767
307.79, 307.791, 307.81, 307.82, 307.83, 308.13, 317.20, 319.11, 14768
321.18, 322.02, 322.021, 323.08, 324.02, 324.021, 343.08, 345.03, 14769
349.03, 501.07, 503.05, 503.162, 503.41, 504.02, 504.03, 504.12, 14770
504.21, 505.108, 505.17, 505.264, 505.28, 505.373, 505.55, 505.73, 14771
511.23, 511.25, 511.28, 511.34, 513.14, 515.04, 517.12, 517.22, 14772
521.03, 705.16, 711.35, 715.011, 715.47, 718.09, 718.10, 719.012, 14773
719.05, 721.03, 721.15, 721.20, 723.07, 727.011, 727.012, 727.08, 14774
727.14, 727.46, 729.08, 729.11, 731.141, 731.20, 731.21, 731.211, 14775
731.22, 731.23, 731.24, 731.25, 735.05, 735.20, 737.32, 745.07, 14776
747.05, 747.11, 747.12, 755.41, 755.42, 755.43, 759.47, 951.11, 14777
1515.08, 1515.24, 1545.09, 1545.12, 1547.302, 1711.05, 1711.07, 14778
1711.18, 1711.30, 1728.06, 2105.09, 2329.26, 2329.27, 3311.21, 14779
3311.213, 3311.214, 3311.50, 3311.53, 3311.73, 3313.41, 3313.533, 14780
3313.911, 3349.29, 3354.12, 3355.09, 3375.41, 3381.11, 3501.03, 14781
3505.13, 3709.21, 3735.36, 3735.66, 4301.80, 4301.81, 4503.06, 14782
4504.02, 4504.021, 4504.15, 4504.16, 4504.18, 4513.62, 4582.31, 14783
4585.10, 4928.20, 4929.26, 4929.27, 4931.51, 4931.52, 4931.53, 14784

5126.42, 5310.35, 5540.031, 5540.05, 5543.10, 5552.06, 5553.05, 14785
5553.19, 5553.23, 5553.42, 5555.07, 5555.27, 5555.42, 5559.06, 14786
5559.10, 5559.12, 5561.04, 5561.08, 5571.011, 5573.02, 5573.10, 14787
5575.01, 5575.02, 5591.15, 5593.08, 5705.16, 5705.191, 5705.194, 14788
5705.196, 5705.21, 5705.211, 5705.218, 5705.25, 5705.251, 14789
5705.261, 5705.314, 5705.71, 5713.01, 5715.17, 5715.23, 5719.04, 14790
5721.01, 5721.03, 5721.04, 5721.31, 5722.13, 5723.05, 5727.57, 14791
5733.23, 5739.021, 5739.022, 5739.026, 5739.101, 5747.451, 14792
5748.02, 5748.021, 5748.04, 5748.08, 6101.16, 6103.05, 6103.06, 14793
6103.081, 6103.31, 6105.131, 6115.01, 6115.20, 6117.06, 6117.07, 14794
6117.251, 6117.49, 6119.10, 6119.18, 6119.22, 6119.25, and 6119.58 14795
of the Revised Code are hereby repealed. 14796

Section 3. That sections 7.14 and 701.04 of the Revised Code 14797
are hereby repealed. 14798

Section 4. The General Assembly, applying the principle 14799
stated in division (B) of section 1.52 of the Revised Code that 14800
amendments are to be harmonized if reasonably capable of 14801
simultaneous operation, finds that the following sections, 14802
presented in this act as composites of the sections as amended by 14803
the acts indicated, are the resulting versions of the sections in 14804
effect prior to the effective date of the sections as presented in 14805
this act: 14806

Section 5723.05 of the Revised Code is presented in this act 14807
as a composite of the section as amended by both Am. Sub. H.B. 387 14808
and Am. Sub. H.B. 576 of the 118th General Assembly. 14809