

**As Reported by the House Local Government and Public
Administration Committee**

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

Sub. 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
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5739.022, 5739.026, 5739.101, 5747.451, 5748.02, 38
5748.021, 5748.04, 5748.08, 6101.16, 6103.05, 39
6103.06, 6103.081, 6103.31, 6105.131, 6115.01, 40
6115.20, 6117.06, 6117.07, 6117.251, 6117.49, 41
6119.10, 6119.18, 6119.22, 6119.25, and 6119.58, 42
to enact section 7.16, and to repeal sections 7.14 43
and 701.04 of the Revised Code to implement the 44
recommendations of the Local Government Public 45
Notice Task Force by generally authorizing legal 46
publication to be made by local governments in a 47
newspaper of general circulation, eliminating 48
certain publication and postal privilege 49
requirements, reducing the number of times 50
publication must be made, requiring newspapers to 51
establish a government rate for publication, 52
allowing publication of a summary of an ordinance 53
rather than publishing it in its entirety, and 54

allowing a flat fee to be charged delinquent tax 55
payers for the costs of publishing delinquent real 56
property tax lists. 57

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, 58
133.18, 133.55, 135.05, 301.02, 301.15, 301.28, 306.35, 306.43, 59
306.70, 307.022, 307.041, 307.10, 307.12, 307.676, 307.70, 307.79, 60
307.791, 307.81, 307.82, 307.83, 308.13, 317.20, 319.11, 319.54, 61
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517.22, 521.03, 705.16, 711.35, 715.011, 715.47, 718.09, 718.10, 66
719.012, 719.05, 721.03, 721.15, 721.20, 723.07, 727.011, 727.012, 67
727.08, 727.14, 727.46, 729.08, 729.11, 731.141, 731.20, 731.21, 68
731.211, 731.22, 731.23, 731.24, 731.25, 735.05, 735.20, 737.32, 69
745.07, 747.05, 747.11, 747.12, 755.41, 755.42, 755.43, 759.47, 70
951.11, 1515.08, 1515.24, 1545.09, 1545.12, 1547.302, 1711.05, 71
1711.07, 1711.18, 1711.30, 1728.06, 2105.09, 2329.26, 3311.21, 72
3311.213, 3311.214, 3311.50, 3311.53, 3311.73, 3313.41, 3313.533, 73
3313.911, 3349.29, 3354.12, 3355.09, 3375.41, 3381.11, 3501.03, 74
3505.13, 3709.21, 3735.36, 3735.66, 4301.80, 4301.81, 4503.06, 75
4504.02, 4504.021, 4504.15, 4504.16, 4504.18, 4513.62, 4582.31, 76
4585.10, 4928.20, 4929.26, 4929.27, 4931.51, 4931.52, 4931.53, 77
5126.42, 5310.35, 5540.031, 5540.05, 5543.10, 5552.06, 5553.05, 78
5553.19, 5553.23, 5553.42, 5555.07, 5555.27, 5555.42, 5559.06, 79
5559.10, 5559.12, 5561.04, 5561.08, 5571.011, 5573.02, 5573.10, 80
5575.01, 5575.02, 5591.15, 5593.08, 5705.16, 5705.191, 5705.194, 81
5705.196, 5705.21, 5705.211, 5705.218, 5705.25, 5705.251, 82
5705.261, 5705.314, 5705.71, 5713.01, 5715.17, 5715.23, 5719.04, 83
5721.01, 5721.03, 5721.04, 5721.18, 5721.31, 5722.13, 5723.05, 84

5727.57, 5733.23, 5739.021, 5739.022, 5739.026, 5739.101, 85
5747.451, 5748.02, 5748.021, 5748.04, 5748.08, 6101.16, 6103.05, 86
6103.06, 6103.081, 6103.31, 6105.131, 6115.01, 6115.20, 6117.06, 87
6117.07, 6117.251, 6117.49, 6119.10, 6119.18, 6119.22, 6119.25, 88
and 6119.58 be amended and section 7.16 of the Revised Code be 89
enacted to read as follows: 90

Sec. 7.10. For the publication of advertisements, notices, 91
and proclamations, except those relating to proposed amendments to 92
the Ohio ~~constitution~~ Constitution, required to be published by a 93
public officer of the state, ~~county, municipal corporation,~~ 94
~~township, school,~~ a benevolent or other public institution, ~~or by~~ 95
a trustee, assignee, executor, or administrator, or by or in any 96
court of record, except when the rate is otherwise fixed by law, 97
publishers of newspapers may charge and receive for such 98
advertisements, notices, and proclamations rates charged on annual 99
contracts by them for a like amount of space to other advertisers 100
who advertise in its general display advertising columns. ~~Legal~~ 101

For the publication of advertisements, notices, or 102
proclamations required to be published by a public officer of a 103
county, municipal corporation, township, school, or other 104
political subdivision, publishers of newspapers shall establish a 105
government rate, which shall include free publication of 106
advertisements, notices, or proclamations on the newspaper's 107
internet web site, if the newspaper has one. The government rate 108
shall not exceed the lowest classified advertising rate and lowest 109
insert rate paid by other advertisers. 110

Legal advertising, except that relating to proposed 111
amendments to the Ohio ~~constitution~~ Constitution, shall be set up 112
in a compact form, without unnecessary spaces, blanks, or 113
headlines, and printed in not smaller than six-point type. The 114
type used must be of such proportions that the body of the capital 115

letter M is no wider than it is high and all other letters and 116
characters are in proportion. 117

Except as provided in section 2701.09 of the Revised Code, 118
all legal advertisements or notices shall be printed in newspapers 119
~~published in the English language only of general circulation and~~ 120
~~also shall be posted on a newspaper's internet web site, if the~~ 121
~~newspaper has one.~~ 122

Sec. 7.11. A proclamation for an election, an order fixing 123
the time of holding court, notice of the rates of taxation, bridge 124
and pike notices, notice to contractors, and such other 125
advertisements of general interest to the taxpayers as the county 126
auditor, county treasurer, probate judge, or board of county 127
commissioners deems proper shall be published in ~~two newspapers a~~ 128
newspaper of ~~opposite politics of~~ general circulation, as defined 129
in section ~~5721.01~~ 7.12 of the Revised Code at the county seat ~~if~~ 130
~~there are such newspapers published thereat. If there are not two~~ 131
~~newspapers of opposite politics and of general circulation~~ 132
~~published in said county seat, such publication shall be made in~~ 133
~~one newspaper published in said county seat and in any other~~ 134
~~newspaper of general circulation in said county as defined in~~ 135
~~section 5721.01 of the Revised Code, wherever published, without~~ 136
~~regard to the politics of such other newspaper.~~ In counties having 137
cities of eight thousand inhabitants or more, not the county seat 138
of such counties, additional publication of such notice shall be 139
made in ~~two newspapers a~~ newspaper of ~~opposite politics and of~~ 140
general circulation ~~in such city,~~ as defined in such section, in 141
such city. For purposes of this section, a newspaper independent 142
~~in politics is a newspaper of opposite politics to a newspaper of~~ 143
~~designated political affiliation. Sections 7.10 to 7.13,~~ 144
~~inclusive, of the Revised Code, do not apply to the publication of~~ 145
~~notices of delinquent and forfeited land sales.~~ 146

The cost of any publication authorized by this section, which 147
~~is shall be~~ printed in display form, shall be the ~~commercial~~ 148
government rate ~~charged~~ established by such newspaper under 149
section 7.10 of the Revised Code. 150

Sec. 7.12. (A) ~~Whenever any legal publication a political~~ 151
subdivision is required by law to ~~be made~~ make any legal 152
publication in a newspaper ~~published in a municipal corporation,~~ 153
~~county, or other political subdivision,~~ the newspaper shall also 154
be a newspaper of general circulation in the ~~municipal~~ 155
~~corporation, county, or other political subdivision,~~ without 156
~~further restriction or limitation upon a selection of the~~ 157
~~newspaper to be used. If no newspaper is published in such~~ 158
~~municipal corporation, county, or other political subdivision,~~ 159
~~such legal publication shall be made in any newspaper of general~~ 160
~~circulation therein. If there are less than two newspapers~~ 161
~~published in any municipal corporation, county, or other political~~ 162
~~subdivision in the manner defined by this section, then any legal~~ 163
~~publication required by law to be made in a newspaper published in~~ 164
~~a municipal corporation, county, or other political subdivision~~ 165
~~may be made in any newspaper regularly issued at stated intervals~~ 166
~~from a known office of publication located within the municipal~~ 167
~~corporation, county, or other political subdivision. As used in~~ 168
~~this section, a known office of publication is a public office~~ 169
~~where the business of the newspaper is transacted during the usual~~ 170
~~business hours, and such office shall be shown by the publication~~ 171
itself. A 172

~~In addition to all other requirements, a "newspaper" or~~ 173
"newspaper of general circulation," except those publications 174
performing the functions described in section 2701.09 of the 175
Revised Code for a period of ~~one year~~ three years immediately 176
preceding any such publication required to be made, shall be a 177
publication bearing a title or name, that is regularly issued ~~as~~ 178

~~frequently as at least once a week for a definite price or 179
consideration paid for by not less than fifty per cent of those to 180
whom distribution is made, having a second class mailing 181
privilege, being not less than four pages, published continuously 182
during the immediately preceding one year period, and circulated 183
generally in the political subdivision in which it is published. 184
Such publication must be of a type to which the general public 185
resorts for passing events of a political, religious, commercial, 186
and social nature, current happenings, announcements, 187
miscellaneous reading matter, advertisements, and other notices, 188
and that meets all of the following requirements: 189~~

(1) It is printed in the English language using standard 190
printing methods, being not less than eight pages in the 191
broadsheet format or sixteen pages in the tabloid format. 192

(2) It contains at least twenty-five per cent editorial 193
content, which includes, but is not limited to, local news, 194
political information, and local sports. 195

(3) It has been published continuously for at least three 196
years immediately preceding legal publication by the political 197
subdivision. 198

(4) The publication has the ability to add to its 199
distribution list subscribers in the political subdivision. 200

(5) The publication is circulated generally by United States 201
mail or carrier delivery in the political subdivision responsible 202
for legal publication, by proof of the filing of a United States 203
postal service "Statement of Ownership, Management, and 204
Circulation" (PS form 3526) with the local postmaster, or by proof 205
of an independent audit of the publication performed, within the 206
twelve months immediately preceding legal publication. 207

(B) A person who disagrees that a publication is a "newspaper 208
of general circulation" in which legal publication may be made 209

under this section may deliver a written request for mediation to 210
the publisher of the publication and to the court of common pleas 211
of the county in which is located the political subdivision in 212
which the publication is circulated. The court of common pleas 213
shall appoint a mediator, and the parties shall follow the 214
procedures of the mediation program operated by the court. 215

Sec. 7.16. (A) If a section of the Revised Code requires a 216
political subdivision to publish a notice or advertisement two or 217
more times in a newspaper of general circulation, the section 218
refers to this section, and the political subdivision operates and 219
maintains an internet web site, the first publication of the 220
notice or advertisement shall be made in its entirety in a 221
newspaper of general circulation and may be made in a pre-printed 222
insert in the newspaper, but the second publication otherwise 223
required by that section may be made in abbreviated form in a 224
newspaper of general circulation in the political subdivision 225
designated in that section and on the newspaper's internet web 226
site, if the newspaper has one. The political subdivision may 227
eliminate any further newspaper publications required by that 228
section, provided that the second, abbreviated notice or 229
advertisement meets all of the following requirements: 230

(1) It is published in the newspaper of general circulation 231
in which the first publication of the notice or advertisement was 232
made and is published on that newspaper's internet web site, if 233
the newspaper has one. 234

(2) It includes a statement that the notice or advertisement 235
is posted in its entirety on the political subdivision's internet 236
web site. 237

(3) It includes the political subdivision's and the 238
newspaper's internet addresses on the world wide web. 239

(4) It includes instructions for accessing the notice or 240

advertisement on the subdivision's and newspaper's internet web 241
sites. 242

(5) It is of sufficient size that it is at least one-half of 243
the size of the first publication in the newspaper. 244

(B) A notice or advertisement published under this section on 245
a political subdivision's internet web site shall be published in 246
its entirety in accordance with the section of the Revised Code 247
that requires the publication. 248

(C) If a political subdivision does not operate and maintain, 249
or ceases to operate and maintain, an internet web site, the 250
political subdivision shall not publish a notice or advertisement 251
under this section, but instead shall comply with the publication 252
requirements of the section of the Revised Code that refers to 253
this section. 254

Sec. 118.17. (A) During a fiscal emergency period and with 255
the approval of the financial planning and supervision commission, 256
a municipal corporation, county, or township may issue local 257
government fund notes, in anticipation of amounts to be allocated 258
to it pursuant to division (B) of section 5747.50 of the Revised 259
Code or to be apportioned to it under section 5747.51 or 5747.53 260
of the Revised Code in a future year or years, for a period of no 261
more than eight calendar years. The principal amount of the notes 262
and interest on the notes due and payable in any year shall not 263
exceed fifty per cent of the total amount of local government fund 264
moneys so allocated or apportioned to the municipal corporation, 265
county, or township for the year preceding the year in which the 266
notes are issued. The notes may mature in semiannual or annual 267
installments in such amounts as may be fixed by the commission, 268
and need not mature in substantially equal semiannual or annual 269
installments. The notes of a municipal corporation may be 270
authorized and issued, subject to the approval of the commission, 271

in the manner provided in sections 717.15 and 717.16 of the 272
Revised Code, except that, notwithstanding division (A)(2) of 273
section 717.16 of the Revised Code, the rate or rates of interest 274
payable on the notes shall be the prevailing market rate or rates 275
as determined and approved by the commission, and except that they 276
shall not be issued in anticipation of bonds, shall not constitute 277
general obligations of the municipal corporation, and shall not 278
pledge the full faith and credit of the municipal corporation. 279

(B) The principal and interest on the notes provided for in 280
this section shall be payable, as provided in this section, solely 281
from the portion of the local government fund that would otherwise 282
be apportioned to the municipal corporation, county, or township 283
and shall not be payable from or constitute a pledge of or claim 284
upon, or require the levy, collection, or application of, any 285
unvoted ad valorem property taxes or other taxes, or in any manner 286
occupy any portion of the indirect debt limit. 287

(C) Local government fund notes may be issued only to the 288
extent needed to achieve one or more of the following objectives 289
of the financial plan: 290

(1) Satisfying any contractual or noncontractual judgments, 291
past due accounts payable, and all past due and payable payroll 292
and fringe benefits to be taken into account under section 118.03 293
of the Revised Code; 294

(2) Restoring to construction funds or other restricted funds 295
any money applied from such funds to uses not within the purposes 296
of such funds and which could not be transferred to such use under 297
section 5705.14 of the Revised Code; 298

(3) Eliminating deficit balances in all deficit funds, 299
including funds that may be used to pay operating expenses. 300

In addition to the objectives set forth in divisions (C)(1) 301
to (3) of this section, local government fund notes may be issued 302

and the proceeds of those notes may be used for the purpose of 303
retiring or replacing other moneys used to retire current revenue 304
notes issued pursuant to section 118.23 of the Revised Code to the 305
extent that the proceeds of the current revenue notes have been or 306
are to be used directly or to replace other moneys used to achieve 307
one or more of the objectives of the financial plan specified in 308
divisions (C)(1) to (3) of this section. Upon authorization of the 309
local government fund notes by the legislative authority of the 310
municipal corporation, county, or township, the proceeds of the 311
local government fund notes and the proceeds of any such current 312
revenue notes shall be deemed to be appropriated, to the extent 313
that the proceeds have been or are to be so used, for the purposes 314
for which the revenues anticipated by any such current revenue 315
notes are collected and appropriated within the meaning of section 316
133.10 of the Revised Code. 317

(D) The need for an issue of local government fund notes for 318
such purposes shall be determined by taking into consideration 319
other money and sources of moneys available therefor under this 320
chapter or other provisions of law, and calculating the respective 321
amounts needed therefor in accordance with section 118.03 of the 322
Revised Code, including the deductions or offsets therein 323
provided, for determining that a fiscal emergency condition 324
exists, and by eliminating any duplication of amounts thereunder. 325
The respective amounts needed to achieve such objectives and the 326
resulting aggregate net amount shall be determined initially by a 327
certification of the fiscal officer as and to the extent approved 328
by the financial supervisor. The principal amount of such notes 329
shall not exceed the aggregate net amount needed for such 330
purposes. The aggregate amount of all issues of such notes shall 331
not exceed three times the average of the allocation or 332
apportionment to the municipal corporation, county, or township of 333
moneys from the local government fund in each of the three fiscal 334
years preceding the fiscal year in which the notes are issued. 335

(E) The proceeds of the sale of local government fund notes 336
shall be appropriated by the municipal corporation, county, or 337
township for and shall be applied only to the purposes, and in the 338
respective amounts for those purposes, set forth in the 339
certification given pursuant to division (D) of this section, as 340
the purposes and amounts may be modified in the approval by the 341
commission provided for in this section. The proceeds shall be 342
deposited in separate accounts with a fiscal agent designated in 343
the resolution referred to in division (F) of this section and 344
released only for such respective purposes in accordance with the 345
procedures set forth in division (D) of section 118.20 of the 346
Revised Code. Any amounts not needed for such purposes shall be 347
deposited with the fiscal agent designated to receive deposits for 348
payment of the principal of and interest due on the notes. 349

(F) An application for approval by the financial planning and 350
supervision commission of an issue of local government fund notes 351
shall be authorized by a preliminary resolution adopted by the 352
legislative authority. The resolution may authorize the 353
application as a part of the initial submission of the financial 354
plan for approval or as a part of any proposed amendment to an 355
approved financial plan or at any time after the approval of a 356
financial plan, or amendment to a financial plan, that proposes 357
the issue of such notes. The preliminary resolution shall 358
designate a fiscal agent for the deposit of the proceeds of the 359
sale of the notes, and shall contain a covenant of the municipal 360
corporation, county, or township to comply with this chapter and 361
the financial plan. 362

The commission shall review and evaluate the application and 363
supporting certification and financial supervisor action, and 364
shall thereupon certify its approval or disapproval, or 365
modification and approval, of the application. 366

The commission shall certify the amounts, maturities, 367

interest rates, and terms of issue of the local government fund 368
notes approved by the commission and the purposes to which the 369
proceeds of the sale of the notes will be applied in respective 370
amounts. 371

The commission shall certify a copy of its approval, of the 372
preliminary resolution, and of the related certification and 373
action of the financial supervisor to the fiscal officer, the 374
financial supervisor, the county budget commission, the county 375
auditor, the county treasurer, and the fiscal agent designated to 376
receive and disburse the proceeds of the sale of the notes. 377

(G) Upon the sale of any local government fund notes issued 378
under this section, the commission shall determine a schedule for 379
the deposit of local government fund distributions that are 380
pledged for the payment of the principal of and interest on the 381
notes with the fiscal agent or trustee designated in the agreement 382
between the municipal corporation, county, or township and the 383
holders of the notes to receive and disburse the distributions. 384
The amounts to be deposited shall be adequate to provide for the 385
payment of principal and interest on the notes when due and to pay 386
all other proper charges, costs, or expenses pertaining thereto. 387

The amount of the local government fund moneys apportioned to 388
the municipal corporation, county, or township that is to be so 389
deposited in each year shall not be included in the tax budget and 390
appropriation measures of the municipal corporation, county, or 391
township, or in certificates of estimated revenues, for that year. 392

The commission shall certify the schedule to the officers 393
designated in division (F) of this section. 394

(H) Deposit of amounts with the fiscal agent or trustee 395
pursuant to the schedule determined by the commission shall be 396
made from local government fund distributions to or apportioned to 397
the municipal corporation, county, or township as provided in this 398

division. The apportionment of local government fund moneys to the 399
municipal corporation, county, or township for any year from the 400
undivided local government fund shall be determined as to the 401
municipal corporation, county, or township without regard to the 402
amounts to be deposited with the fiscal agent or trustee in that 403
year in accordance with division (G) of this section. After the 404
amount of the undivided local government fund apportioned to the 405
municipal corporation, county, or township for a calendar year is 406
determined, the county auditor and the county treasurer shall 407
withhold from each monthly amount to be distributed to the 408
municipal corporation, county, or township from the undivided 409
local government fund, and transmit to the fiscal agent or trustee 410
for deposit, one-twelfth of the amount scheduled for deposit in 411
that year pursuant to division (G) of this section. 412

(I) If the commission approves the application, the municipal 413
corporation, county, or township may proceed with the issuance of 414
the notes as approved by the commission. 415

All notes issued under authority of this section are lawful 416
investments for the entities enumerated in division (A)(1) of 417
section 133.03 of the Revised Code and are eligible as security 418
for the repayment of the deposit of public moneys. 419

Upon the issuance of any notes under this section, the fiscal 420
officer of the municipal corporation, county, or township shall 421
certify the fact of the issuance to the county auditor and shall 422
also certify to the county auditor the last calendar year in which 423
any of the notes are scheduled to mature. 424

(J) After the legislative authority of the municipal 425
corporation, county, or township has passed an ordinance or 426
resolution authorizing the issuance of local government fund notes 427
and subsequent to the commission's preliminary or final approval 428
of the ordinance or resolution, the director of law, prosecuting 429
attorney, or other chief legal officer of the municipal 430

corporation, county, or township shall certify a sample of the 431
form and content of a note to be used to issue the local 432
government fund notes to the commission. The commission shall 433
determine whether the sample note is consistent with this section 434
and the ordinance or resolution authorizing the issuance of the 435
local government fund notes, and if the sample note is found to be 436
consistent with this section and the ordinance, the commission 437
shall approve the sample note for use by the municipal 438
corporation, county, or township. The form and content of the 439
notes to be used by the municipal corporation, county, or township 440
in issuing the local government fund notes may be modified at any 441
time subsequent to the commission's approval of the sample note 442
upon the approval of the commission and the director of law, 443
prosecuting attorney, or other chief legal officer of the 444
municipal corporation, county, or township. The failure of the 445
director of law, prosecuting attorney, or other chief legal 446
officer of the municipal corporation, county, or township to make 447
the certification required by this division shall not subject that 448
legal officer to removal pursuant to the Revised Code or the 449
charter of a municipal corporation. If the director of law, 450
prosecuting attorney, or other chief legal officer fails or 451
refuses to make the certification required by this division, or if 452
any officer of the municipal corporation, county, or township 453
fails or refuses to take any action required by this section or 454
the ordinance or resolution authorizing the issuance or sale of 455
local government fund notes, the mayor of the municipal 456
corporation or the board of county commissioners or board of 457
township trustees may cause the commencement of a mandamus action 458
in the supreme court against the director of law, prosecuting 459
attorney, or other chief legal officer to secure the certification 460
required by this division or other action required by this section 461
or the ordinance or resolution. If an adjudication of the matters 462
that could be adjudicated in validation proceedings under section 463

133.70 of the Revised Code is necessary to a determination of the mandamus action, the mayor, the board of county commissioners, or the board of township trustees or the mayor's or board's legal counsel shall name and cause to be served as defendants to the mandamus action all of the following:

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

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

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

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

(5) The auditor of state;

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

Service upon all defendants described in division (J)(6) of this section shall be either by publication three times, with at least six days between each publication, in a newspaper of general circulation in Franklin county and a newspaper of general circulation in the county or counties where the municipal corporation, county, or township is located, or by publication in both such newspapers as provided in section 7.16 of the Revised Code. The publication and the notice shall indicate that the

nature of the action is in mandamus, the name of the parties to 495
the action, and that the action may result in the validation of 496
the subject local government fund notes. Authorization to commence 497
such an action by the legislative authority of the municipal 498
corporation, county, or township is not required. 499

A copy of the complaint in the mandamus action shall be 500
served personally or by certified mail upon the attorney general. 501
If the attorney general has reason to believe that the complaint 502
is defective, insufficient, or untrue, or if in the attorney 503
general's opinion the issuance of the local government fund notes 504
is not lawful or has not been duly authorized, defense shall be 505
made to the complaint as the attorney general considers proper. 506

(K) The action in mandamus authorized by division (J) of this 507
section shall take priority over all other civil cases pending in 508
the court, except habeas corpus, and shall be determined with the 509
least possible delay. The supreme court may determine that the 510
local government fund notes will be consistent with the purpose 511
and effects, including not occupying the indirect debt limit, 512
provided for in this section and will be validly issued and 513
acquired. Such a determination shall include a finding of 514
validation of the subject local government fund notes if the court 515
specifically finds that: 516

(1) The complaint in mandamus, or subsequent pleadings, 517
include appropriate allegations required by division (C) of 518
section 133.70 of the Revised Code, and that the proceeding is in 519
lieu of an action to validate under section 133.70 of the Revised 520
Code; 521

(2) All parties described in divisions (J)(1) to (6) of this 522
section have been duly served with notice or are otherwise 523
properly before the court; 524

(3) Notice of the action has been published as required by 525

division (J) of this section; 526

(4) The effect of validation is required to provide a 527
complete review and determination of the controversy in mandamus, 528
and to avoid duplication of litigation, danger of inconsistent 529
results, or inordinate delay in light of the fiscal emergency, or 530
that a disposition in the mandamus action would, as a practical 531
matter, be dispositive of any subsequent validation proceedings 532
under section 133.70 of the Revised Code. 533

(L) Any decision that includes a finding of validation has 534
the same effect as a validation order established by an action 535
under section 133.70 of the Revised Code. 536

(M) Divisions (J) and (K) of this section do not prevent a 537
municipal corporation, county, or township from using section 538
133.70 of the Revised Code to validate local government fund notes 539
by the filing of a petition for validation in the court of common 540
pleas of the county in which the municipal corporation, county, or 541
township is located, in whole or in part. 542

(N) It is hereby determined by the general assembly that a 543
validation action authorized by section 133.70 of the Revised Code 544
is not an adequate remedy at law with respect to a municipal 545
corporation, county, or township that is a party to a mandamus 546
action pursuant to divisions (J) and (K) of this section and in 547
which a fiscal emergency condition has been determined to exist 548
pursuant to section 118.04 of the Revised Code because of, but not 549
limited to, the following reasons: 550

(1) It is urgently necessary for such a municipal 551
corporation, county, or township to take prompt action to issue 552
local government fund notes for the purposes provided in division 553
(C) of this section; 554

(2) The potentially ruinous effect upon the fiscal condition 555
of a municipal corporation, county, or township by the passage of 556

the time required to adjudicate such a separate validation action 557
and any appeals thereof; 558

(3) The reasons stated in division (K)(4) of this section. 559

Sec. 131.23. The various political subdivisions of this state 560
may issue bonds, and any indebtedness created by that issuance 561
shall not be subject to the limitations or included in the 562
calculation of indebtedness prescribed by sections 133.05, 133.06, 563
133.07, and 133.09 of the Revised Code, but the bonds may be 564
issued only under the following conditions: 565

(A) The subdivision desiring to issue the bonds shall obtain 566
from the county auditor a certificate showing the total amount of 567
delinquent taxes due and unpayable to the subdivision at the last 568
semiannual tax settlement. 569

(B) The fiscal officer of that subdivision shall prepare a 570
statement, from the books of the subdivision, verified by the 571
fiscal officer under oath, which shall contain the following facts 572
of the subdivision: 573

(1) The total bonded indebtedness; 574

(2) The aggregate amount of notes payable or outstanding 575
accounts of the subdivision, incurred prior to the commencement of 576
the current fiscal year, which shall include all evidences of 577
indebtedness issued by the subdivision except notes issued in 578
anticipation of bond issues and the indebtedness of any 579
nontax-supported public utility; 580

(3) Except in the case of school districts, the aggregate 581
current year's requirement for disability financial assistance 582
provided under Chapter 5115. of the Revised Code that the 583
subdivision is unable to finance except by the issue of bonds; 584

(4) The indebtedness outstanding through the issuance of any 585
bonds or notes pledged or obligated to be paid by any delinquent 586

taxes;	587
(5) The total of any other indebtedness;	588
(6) The net amount of delinquent taxes unpledged to pay any bonds, notes, or certificates, including delinquent assessments on improvements on which the bonds have been paid;	589 590 591
(7) The budget requirements for the fiscal year for bond and note retirement;	592 593
(8) The estimated revenue for the fiscal year.	594
(C) The certificate and statement provided for in divisions (A) and (B) of this section shall be forwarded to the tax commissioner together with a request for authority to issue bonds of the subdivision in an amount not to exceed seventy per cent of the net unobligated delinquent taxes and assessments due and owing to the subdivision, as set forth in division (B)(6) of this section.	595 596 597 598 599 600 601
(D) No subdivision may issue bonds under this section in excess of a sufficient amount to pay the indebtedness of the subdivision as shown by division (B)(2) of this section and, except in the case of school districts, to provide funds for disability financial assistance as shown by division (B)(3) of this section.	602 603 604 605 606 607
(E) The tax commissioner shall grant to the subdivision authority requested by the subdivision as restricted by divisions (C) and (D) of this section and shall make a record of the certificate, statement, and grant in a record book devoted solely to such recording and which shall be open to inspection by the public.	608 609 610 611 612 613
(F) The commissioner shall immediately upon issuing the authority provided in division (E) of this section notify the proper authority having charge of the retirement of bonds of the	614 615 616

subdivision by forwarding a copy of the grant of authority and of 617
the statement provided for in division (B) of this section. 618

(G) Upon receipt of authority, the subdivision shall proceed 619
according to law to issue the amount of bonds authorized by the 620
commissioner, and authorized by the taxing authority, provided the 621
taxing authority of that subdivision may submit, by resolution, to 622
the electors of that subdivision the question of issuing the 623
bonds. The resolution shall make the declarations and statements 624
required by section 133.18 of the Revised Code. The county auditor 625
and taxing authority shall thereupon proceed as set forth in 626
divisions (C) and (D) of that section. The election on the 627
question of issuing the bonds shall be held under divisions (E), 628
(F), and (G) of that section, except that publication of the 629
notice of the election shall be made on two separate days prior to 630
the election in ~~one or more newspapers~~ a newspaper of general 631
circulation in the subdivision, ~~and, if~~ or as provided in section 632
7.16 of the Revised Code. If the board of elections operates and 633
maintains a web site, notice of the election also shall be posted 634
on that web site for thirty days prior to the election. The bonds 635
may be exchanged at their face value with creditors of the 636
subdivision in liquidating the indebtedness described and 637
enumerated in division (B)(2) of this section or may be sold as 638
provided in Chapter 133. of the Revised Code, and in either event 639
shall be uncontestable. 640

(H) The per cent of delinquent taxes and assessments 641
collected for and to the credit of the subdivision after the 642
exchange or sale of bonds as certified by the commissioner shall 643
be paid to the authority having charge of the sinking fund of the 644
subdivision, which money shall be placed in a separate fund for 645
the purpose of retiring the bonds so issued. The proper authority 646
of the subdivisions shall provide for the levying of a tax 647
sufficient in amount to pay the debt charges on all such bonds 648

issued under this section. 649

(I) This section is for the sole purpose of assisting the 650
various subdivisions in paying their unsecured indebtedness, and 651
providing funds for disability financial assistance. The bonds 652
issued under authority of this section shall not be used for any 653
other purpose, and any exchange for other purposes, or the use of 654
the money derived from the sale of the bonds by the subdivision 655
for any other purpose, is misapplication of funds. 656

(J) The bonds authorized by this section shall be redeemable 657
or payable in not to exceed ten years from date of issue and shall 658
not be subject to or considered in calculating the net 659
indebtedness of the subdivision. The budget commission of the 660
county in which the subdivision is located shall annually allocate 661
such portion of the then delinquent levy due the subdivision which 662
is unpledged for other purposes to the payment of debt charges on 663
the bonds issued under authority of this section. 664

(K) The issue of bonds under this section shall be governed 665
by Chapter 133. of the Revised Code, respecting the terms used, 666
forms, manner of sale, and redemption except as otherwise provided 667
in this section. 668

The board of county commissioners of any county may issue 669
bonds authorized by this section and distribute the proceeds of 670
the bond issues to any or all of the cities and townships of the 671
county, according to their relative needs for disability financial 672
assistance as determined by the county. 673

All sections of the Revised Code inconsistent with or 674
prohibiting the exercise of the authority conferred by this 675
section are inoperative respecting bonds issued under this 676
section. 677

Sec. 133.18. (A) The taxing authority of a subdivision may by 678

legislation submit to the electors of the subdivision the question 679
of issuing any general obligation bonds, for one purpose, that the 680
subdivision has power or authority to issue. 681

(B) When the taxing authority of a subdivision desires or is 682
required by law to submit the question of a bond issue to the 683
electors, it shall pass legislation that does all of the 684
following: 685

(1) Declares the necessity and purpose of the bond issue; 686

(2) States the date of the authorized election at which the 687
question shall be submitted to the electors; 688

(3) States the amount, approximate date, estimated net 689
average rate of interest, and maximum number of years over which 690
the principal of the bonds may be paid; 691

(4) Declares the necessity of levying a tax outside the tax 692
limitation to pay the debt charges on the bonds and any 693
anticipatory securities. 694

The estimated net average interest rate shall be determined 695
by the taxing authority based on, among other factors, then 696
existing market conditions, and may reflect adjustments for any 697
anticipated direct payments expected to be received by the taxing 698
authority from the government of the United States relating to the 699
bonds and the effect of any federal tax credits anticipated to be 700
available to owners of all or a portion of the bonds. The 701
estimated net average rate of interest, and any statutory or 702
charter limit on interest rates that may then be in effect and 703
that is subsequently amended, shall not be a limitation on the 704
actual interest rate or rates on the securities when issued. 705

(C)(1) The taxing authority shall certify a copy of the 706
legislation passed under division (B) of this section to the 707
county auditor. The county auditor shall promptly calculate and 708
advise and, not later than seventy-five days before the election, 709

confirm that advice by certification to, the taxing authority the 710
estimated average annual property tax levy, expressed in cents or 711
dollars and cents for each one hundred dollars of tax valuation 712
and in mills for each one dollar of tax valuation, that the county 713
auditor estimates to be required throughout the stated maturity of 714
the bonds to pay the debt charges on the bonds. In calculating the 715
estimated average annual property tax levy for this purpose, the 716
county auditor shall assume that the bonds are issued in one 717
series bearing interest and maturing in substantially equal 718
principal amounts in each year over the maximum number of years 719
over which the principal of the bonds may be paid as stated in 720
that legislation, and that the amount of the tax valuation of the 721
subdivision for the current year remains the same throughout the 722
maturity of the bonds, except as otherwise provided in division 723
(C)(2) of this section. If the tax valuation for the current year 724
is not determined, the county auditor shall base the calculation 725
on the estimated amount of the tax valuation submitted by the 726
county auditor to the county budget commission. If the subdivision 727
is located in more than one county, the county auditor shall 728
obtain the assistance of the county auditors of the other 729
counties, and those county auditors shall provide assistance, in 730
establishing the tax valuation of the subdivision for purposes of 731
certifying the estimated average annual property tax levy. 732

(2) When considering the tangible personal property component 733
of the tax valuation of the subdivision, the county auditor shall 734
take into account the assessment percentages prescribed in section 735
5711.22 of the Revised Code. The tax commissioner may issue rules, 736
orders, or instructions directing how the assessment percentages 737
must be utilized. 738

(D) After receiving the county auditor's advice under 739
division (C) of this section, the taxing authority by legislation 740
may determine to proceed with submitting the question of the issue 741

of securities, and shall, not later than the seventy-fifth day 742
before the day of the election, file the following with the board 743
of elections: 744

(1) Copies of the legislation provided for in divisions (B) 745
and (D) of this section; 746

(2) The amount of the estimated average annual property tax 747
levy, expressed in cents or dollars and cents for each one hundred 748
dollars of tax valuation and in mills for each one dollar of tax 749
valuation, as estimated and certified to the taxing authority by 750
the county auditor. 751

(E)(1) The board of elections shall prepare the ballots and 752
make other necessary arrangements for the submission of the 753
question to the electors of the subdivision. If the subdivision is 754
located in more than one county, the board shall inform the boards 755
of elections of the other counties of the filings with it, and 756
those other boards shall if appropriate make the other necessary 757
arrangements for the election in their counties. The election 758
shall be conducted, canvassed, and certified in the manner 759
provided in Title XXXV of the Revised Code. 760

(2) The election shall be held at the regular places for 761
voting in the subdivision. If the electors of only a part of a 762
precinct are qualified to vote at the election the board of 763
elections may assign the electors in that part to an adjoining 764
precinct, including an adjoining precinct in another county if the 765
board of elections of the other county consents to and approves 766
the assignment. Each elector so assigned shall be notified of that 767
fact prior to the election by notice mailed by the board of 768
elections, in such manner as it determines, prior to the election. 769

(3) The board of elections shall publish a notice of the 770
election, ~~once in one or more newspapers~~ a newspaper of general 771
circulation in the subdivision, ~~at least once~~ no later than ten 772

days prior to the election. The notice shall state all of the	773
following:	774
(a) The principal amount of the proposed bond issue;	775
(b) The stated purpose for which the bonds are to be issued;	776
(c) The maximum number of years over which the principal of	777
the bonds may be paid;	778
(d) The estimated additional average annual property tax	779
levy, expressed in cents or dollars and cents for each one hundred	780
dollars of tax valuation and in mills for each one dollar of tax	781
valuation, to be levied outside the tax limitation, as estimated	782
and certified to the taxing authority by the county auditor;	783
(e) The first calendar year in which the tax is expected to	784
be due.	785
(F)(1) The form of the ballot to be used at the election	786
shall be substantially either of the following, as applicable:	787
(a) "Shall bonds be issued by the (name of	788
subdivision) for the purpose of (purpose of the bond	789
issue) in the principal amount of (principal amount of	790
the bond issue), to be repaid annually over a maximum period of	791
..... (the maximum number of years over which the principal	792
of the bonds may be paid) years, and an annual levy of property	793
taxes be made outside the (as applicable, "ten-mill" or	794
"...charter tax") limitation, estimated by the county auditor to	795
average over the repayment period of the bond issue	796
(number of mills) mills for each one dollar of tax valuation,	797
which amounts to (rate expressed in cents or dollars	798
and cents, such as "36 cents" or "\$1.41") for each one hundred	799
dollars of tax valuation, commencing in (first year the	800
tax will be levied), first due in calendar year (first	801
calendar year in which the tax shall be due), to pay the annual	802
debt charges on the bonds, and to pay debt charges on any notes	803

issued in anticipation of those bonds? 804

805

	For the bond issue
	Against the bond issue

806

"

807

808

(b) In the case of an election held pursuant to legislation 809
 adopted under section 3375.43 or 3375.431 of the Revised Code: 810

"Shall bonds be issued for (name of library) for 811
 the purpose of (purpose of the bond issue), in the 812
 principal amount of (amount of the bond issue) by 813
 (the name of the subdivision that is to issue the bonds 814
 and levy the tax) as the issuer of the bonds, to be repaid 815
 annually over a maximum period of (the maximum number 816
 of years over which the principal of the bonds may be paid) years, 817
 and an annual levy of property taxes be made outside the ten-mill 818
 limitation, estimated by the county auditor to average over the 819
 repayment period of the bond issue (number of mills) 820
 mills for each one dollar of tax valuation, which amounts to 821
 (rate expressed in cents or dollars and cents, such as 822
 "36 cents" or "\$1.41") for each one hundred dollars of tax 823
 valuation, commencing in (first year the tax will be 824
 levied), first due in calendar year (first calendar 825
 year in which the tax shall be due), to pay the annual debt 826
 charges on the bonds, and to pay debt charges on any notes issued 827
 in anticipation of those bonds? 828

829

	For the bond issue
	Against the bond issue

830

"

831

832

(2) The purpose for which the bonds are to be issued shall be 833
 printed in the space indicated, in boldface type. 834

(G) The board of elections shall promptly certify the results 835
of the election to the tax commissioner, the county auditor of 836
each county in which any part of the subdivision is located, and 837
the fiscal officer of the subdivision. The election, including the 838
proceedings for and result of the election, is incontestable other 839
than in a contest filed under section 3515.09 of the Revised Code 840
in which the plaintiff prevails. 841

(H) If a majority of the electors voting upon the question 842
vote for it, the taxing authority of the subdivision may proceed 843
under sections 133.21 to 133.33 of the Revised Code with the 844
issuance of the securities and with the levy and collection of a 845
property tax outside the tax limitation during the period the 846
securities are outstanding sufficient in amount to pay the debt 847
charges on the securities, including debt charges on any 848
anticipatory securities required to be paid from that tax. If 849
legislation passed under section 133.22 or 133.23 of the Revised 850
Code authorizing those securities is filed with the county auditor 851
on or before the last day of November, the amount of the voted 852
property tax levy required to pay debt charges or estimated debt 853
charges on the securities payable in the following year shall if 854
requested by the taxing authority be included in the taxes levied 855
for collection in the following year under section 319.30 of the 856
Revised Code. 857

(I)(1) If, before any securities authorized at an election 858
under this section are issued, the net indebtedness of the 859
subdivision exceeds that applicable to that subdivision or those 860
securities, then and so long as that is the case none of the 861
securities may be issued. 862

(2) No securities authorized at an election under this 863
section may be initially issued after the first day of the sixth 864
January following the election, but this period of limitation 865
shall not run for any time during which any part of the permanent 866

improvement for which the securities have been authorized, or the 867
issuing or validity of any part of the securities issued or to be 868
issued, or the related proceedings, is involved or questioned 869
before a court or a commission or other tribunal, administrative 870
agency, or board. 871

(3) Securities representing a portion of the amount 872
authorized at an election that are issued within the applicable 873
limitation on net indebtedness are valid and in no manner affected 874
by the fact that the balance of the securities authorized cannot 875
be issued by reason of the net indebtedness limitation or lapse of 876
time. 877

(4) Nothing in this division (I) shall be interpreted or 878
applied to prevent the issuance of securities in an amount to fund 879
or refund anticipatory securities lawfully issued. 880

(5) The limitations of divisions (I)(1) and (2) of this 881
section do not apply to any securities authorized at an election 882
under this section if at least ten per cent of the principal 883
amount of the securities, including anticipatory securities, 884
authorized has theretofore been issued, or if the securities are 885
to be issued for the purpose of participating in any federally or 886
state-assisted program. 887

(6) The certificate of the fiscal officer of the subdivision 888
is conclusive proof of the facts referred to in this division. 889

Sec. 133.55. Before adopting any reassessment provided for in 890
section 133.54 of the Revised Code, the fiscal officer shall 891
prepare and file for public inspection a list containing the names 892
of the owners, a tax duplicate description of each parcel of land 893
on which the reassessment will be levied, and the total amount to 894
be reassessed, separately stated as to each parcel, and the taxing 895
authority shall publish notice for two consecutive weeks in a 896
newspaper of general circulation in the political subdivision, or 897

as provided in section 7.16 of the Revised Code, that such 898
reassessment has been prepared by the fiscal officer and that it 899
is on file in ~~his~~ the fiscal officer's office for the inspection 900
and examination of the persons interested therein. Sections 901
727.13, 727.15, and 727.16 of the Revised Code do not apply to any 902
such assessments, but any person may file objections in writing 903
with the fiscal officer within one week after the expiration of 904
such notice and the taxing authority shall hear and determine any 905
such objections at its next meeting. Such objections shall be 906
limited solely to matters of description of parcels and owners and 907
of computations of amounts, and no matters concluded by any 908
proceedings on the original assessments shall form the basis for 909
any such objections. When the reassessment list is confirmed by 910
the taxing authority, it shall be complete and final and shall be 911
recorded in the office of the fiscal officer. 912

Sec. 135.05. Each governing board shall, at least three weeks 913
prior to the date when it is required by section 135.12 of the 914
Revised Code to designate public depositories, by resolution, 915
estimate the aggregate maximum amount of public moneys subject to 916
its control to be awarded and be on deposit as inactive deposits. 917
The state board of deposit shall cause a copy of such resolution, 918
together with a notice of the date on which the meeting of the 919
board for the designation of such depositories will be held and 920
the period for which such inactive deposits will be awarded, to be 921
published once a week for two consecutive weeks in two newspapers 922
of general circulation in each of the three most populous 923
counties. The governing board of each subdivision shall cause a 924
copy of such resolution, together with a notice of the date on 925
which the meeting of the board for the designation of such 926
depositories will be held and the period for which such inactive 927
deposits will be awarded, to be published once a week for two 928
consecutive weeks in ~~two newspapers~~ a newspaper of ~~opposite~~ 929

~~politics and of~~ general circulation in the county or as provided 930
in section 7.16 of the Revised Code. If a subdivision is located 931
in more than one county, such publication shall be made in 932
~~newspapers published~~ a newspaper of general circulation in the 933
county in which the major part of such subdivision is located, and 934
of general circulation in the subdivision. A written notice 935
stating the aggregate maximum amount to be awarded as inactive 936
deposits of the subdivision shall be given to each eligible 937
depository by the governing board at the time the first 938
publication is made in the ~~newspapers~~ newspaper. 939

All deposits of the public moneys of the state or any 940
subdivision made during the period covered by the designation in 941
excess of the aggregate amount so estimated shall be active 942
deposits or interim deposits. Inactive, interim, and active 943
deposits shall be separately awarded, made, and administered as 944
provided by sections 135.01 to 135.21, ~~inclusive~~, of the Revised 945
Code. 946

Sec. 301.02. Previous to the presentation of a petition to 947
the general assembly praying that a new county be erected, or for 948
the location or relocation of a county seat, notice of the 949
intention to present such petition shall be given, at least thirty 950
days before the ensuing session of the general assembly, by 951
advertisement in a newspaper ~~published~~ of general circulation in 952
each county from which such new county is intended to be taken. If 953
no ~~paper~~ newspaper is ~~printed~~ of general circulation within the 954
county, notice shall be given by advertisement affixed to the door 955
of the house where courts are held for such county, for such 956
period of thirty days. The notice shall set forth the boundary 957
lines of the new county, or the place where it is proposed to 958
locate such county seat. 959

Sec. 301.15. Within sixty days after their appointment, the 960

commissioners provided for by section 301.14 of the Revised Code, 961
or any two of them, shall assemble at some convenient place in the 962
new county. Twenty days' notice of the time, place, and purpose of 963
such meeting shall be given by publication in a newspaper 964
~~published in and circulated of general circulation in such the~~ 965
county, or by being posted in three of the most public places in 966
such county. When assembled, after having taken the oath of office 967
prescribed by sections 3.22 and 3.23 of the Revised Code, such 968
commissioners shall proceed to examine and select the most proper 969
place as a seat of justice, as near the center of the county as 970
possible, having regard to the situation, extent of population, 971
quality of land, and the convenience and interest of the 972
inhabitants. 973

Sec. 301.28. (A) As used in this section: 974

(1) "Financial transaction device" includes a credit card, 975
debit card, charge card, or prepaid or stored value card, or 976
automated clearinghouse network credit, debit, or e-check entry 977
that includes, but is not limited to, accounts receivable and 978
internet-initiated, point of purchase, and telephone-initiated 979
applications or any other device or method for making an 980
electronic payment or transfer of funds. 981

(2) "County expenses" includes fees, costs, taxes, 982
assessments, fines, penalties, payments, or any other expense a 983
person owes to a county office under the authority of a county 984
official other than dog registration and kennel fees required to 985
be paid under Chapter 955. of the Revised Code. 986

(3) "County official" includes the county auditor, county 987
treasurer, county engineer, county recorder, county prosecuting 988
attorney, county sheriff, county coroner, county park district and 989
board of county commissioners, the clerk of the probate court, the 990
clerk of the juvenile court, the clerks of court for all divisions 991

of the courts of common pleas, and the clerk of the court of 992
common pleas, the clerk of a county-operated municipal court, and 993
the clerk of a county court. 994

The term "county expenses" includes county expenses owed to 995
the board of health of the general health district or a combined 996
health district in the county. If the board of county 997
commissioners authorizes county expenses to be paid by financial 998
transaction devices under this section, then the board of health 999
and the general health district and the combined health district 1000
may accept payments by financial transaction devices under this 1001
section as if the board were a "county official" and the district 1002
were a county office. However, in the case of a general health 1003
district formed by unification of general health districts under 1004
section 3709.10 of the Revised Code, this entitlement applies only 1005
if all the boards of county commissioners of all counties in the 1006
district have authorized payments to be accepted by financial 1007
transaction devices. 1008

(B) Notwithstanding any other section of the Revised Code and 1009
except as provided in division (D) of this section, a board of 1010
county commissioners may adopt a resolution authorizing the 1011
acceptance of payments by financial transaction devices for county 1012
expenses. The resolution shall include the following: 1013

(1) A specification of those county officials who, and of the 1014
county offices under those county officials that, are authorized 1015
to accept payments by financial transaction devices; 1016

(2) A list of county expenses that may be paid for through 1017
the use of a financial transaction device; 1018

(3) Specific identification of financial transaction devices 1019
that the board authorizes as acceptable means of payment for 1020
county expenses. Uniform acceptance of financial transaction 1021
devices among different types of county expenses is not required. 1022

(4) The amount, if any, authorized as a surcharge or 1023
convenience fee under division (E) of this section for persons 1024
using a financial transaction device. Uniform application of 1025
surcharges or convenience fees among different types of county 1026
expenses is not required. 1027

(5) A specific provision as provided in division (G) of this 1028
section requiring the payment of a penalty if a payment made by 1029
means of a financial transaction device is returned or dishonored 1030
for any reason. 1031

The board's resolution shall also designate the county 1032
treasurer as an administrative agent to solicit proposals, within 1033
guidelines established by the board in the resolution and in 1034
compliance with the procedures provided in division (C) of this 1035
section, from financial institutions, issuers of financial 1036
transaction devices, and processors of financial transaction 1037
devices, to make recommendations about those proposals to the 1038
board, and to assist county offices in implementing the county's 1039
financial transaction devices program. The county treasurer may 1040
decline this responsibility within thirty days after receiving a 1041
copy of the board's resolution by notifying the board in writing 1042
within that period. If the treasurer so notifies the board, the 1043
board shall perform the duties of the administrative agent. 1044

If the county treasurer is the administrative agent and fails 1045
to administer the county financial transaction devices program in 1046
accordance with the guidelines in the board's resolution, the 1047
board shall notify the treasurer in writing of the board's 1048
findings, explain the failures, and give the treasurer six months 1049
to correct the failures. If the treasurer fails to make the 1050
appropriate corrections within that six-month period, the board 1051
may pass a resolution declaring the board to be the administrative 1052
agent. The board may later rescind that resolution at its 1053
discretion. 1054

(C) The county shall follow the procedures provided in this 1055
division whenever it plans to contract with financial 1056
institutions, issuers of financial transaction devices, or 1057
processors of financial transaction devices for the purposes of 1058
this section. The administrative agent shall request proposals 1059
from at least three financial institutions, issuers of financial 1060
transaction devices, or processors of financial transaction 1061
devices, as appropriate in accordance with the resolution adopted 1062
under division (B) of this section. Prior to sending any financial 1063
institution, issuer, or processor a copy of any such request, the 1064
county shall advertise its intent to request proposals in a 1065
newspaper of general circulation in the county once a week for two 1066
consecutive weeks or as provided in section 7.16 of the Revised 1067
Code. The notice shall state that the county intends to request 1068
proposals; specify the purpose of the request; indicate the date, 1069
which shall be at least ten days after the second publication, on 1070
which the request for proposals will be mailed to financial 1071
institutions, issuers, or processors; and require that any 1072
financial institution, issuer, or processor, whichever is 1073
appropriate, interested in receiving the request for proposals 1074
submit written notice of this interest to the county not later 1075
than noon of the day on which the request for proposals will be 1076
mailed. 1077

Upon receiving the proposals, the administrative agent shall 1078
review them and make a recommendation to the board of county 1079
commissioners on which proposals to accept. The board of county 1080
commissioners shall consider the agent's recommendation and review 1081
all proposals submitted, and then may choose to contract with any 1082
or all of the entities submitting proposals, as appropriate. The 1083
board shall provide any financial institution, issuer, or 1084
processor that submitted a proposal, but with which the board does 1085
not enter into a contract, notice that its proposal is rejected. 1086
The notice shall state the reasons for the rejection, indicate 1087

whose proposals were accepted, and provide a copy of the terms and 1088
conditions of the successful bids. 1089

(D) A board of county commissioners adopting a resolution 1090
under this section shall send a copy of the resolution to each 1091
county official in the county who is authorized by the resolution 1092
to accept payments by financial transaction devices. After 1093
receiving the resolution and before accepting payments by 1094
financial transaction devices, a county official shall provide 1095
written notification to the board of county commissioners of the 1096
official's intent to implement the resolution within the 1097
official's office. Each county office subject to the board's 1098
resolution adopted under division (B) of this section may use only 1099
the financial institutions, issuers of financial transaction 1100
devices, and processors of financial transaction devices with 1101
which the board of county commissioners contracts, and each such 1102
office is subject to the terms of those contracts. 1103

If a county office under the authority of a county official 1104
is directly responsible for collecting one or more county expenses 1105
and the county official determines not to accept payments by 1106
financial transaction devices for one or more of those expenses, 1107
the office shall not be required to accept payments by financial 1108
transaction devices, notwithstanding the adoption of a resolution 1109
by the board of county commissioners under this section. 1110

Any office of a clerk of the court of common pleas that 1111
accepts financial transaction devices on or before July 1, 1999, 1112
and any other county office that accepted such devices before 1113
January 1, 1998, may continue to accept such devices without being 1114
subject to any resolution passed by the board of county 1115
commissioners under division (B) of this section, or any other 1116
oversight by the board of the office's financial transaction 1117
devices program. Any such office may use surcharges or convenience 1118
fees in any manner the county official in charge of the office 1119

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

(E) A board of county commissioners may establish a surcharge 1134
or convenience fee that may be imposed upon a person making 1135
payment by a financial transaction device. The surcharge or 1136
convenience fee shall not be imposed unless authorized or 1137
otherwise permitted by the rules prescribed by an agreement 1138
governing the use and acceptance of the financial transaction 1139
device. 1140

If a surcharge or convenience fee is imposed, every county 1141
office accepting payment by a financial transaction device, 1142
regardless of whether that office is subject to a resolution 1143
adopted by a board of county commissioners, shall clearly post a 1144
notice in that office and shall notify each person making a 1145
payment by such a device about the surcharge or fee. Notice to 1146
each person making a payment shall be provided regardless of the 1147
medium used to make the payment and in a manner appropriate to 1148
that medium. Each notice shall include all of the following: 1149

(1) A statement that there is a surcharge or convenience fee 1150
for using a financial transaction device; 1151

(2) The total amount of the charge or fee expressed in 1152
dollars and cents for each transaction, or the rate of the charge 1153
or fee expressed as a percentage of the total amount of the 1154
transaction, whichever is applicable; 1155

(3) A clear statement that the surcharge or convenience fee 1156
is nonrefundable. 1157

(F) If a person elects to make a payment to the county by a 1158
financial transaction device and a surcharge or convenience fee is 1159
imposed, the payment of the surcharge or fee shall be considered 1160
voluntary and the surcharge or fee is not refundable. 1161

(G) If a person makes payment by financial transaction device 1162
and the payment is returned or dishonored for any reason, the 1163
person is liable to the county for payment of a penalty over and 1164
above the amount of the expense due. The board of county 1165
commissioners shall determine the amount of the penalty, which may 1166
be either a fee not to exceed twenty dollars or payment of the 1167
amount necessary to reimburse the county for banking charges, 1168
legal fees, or other expenses incurred by the county in collecting 1169
the returned or dishonored payment. The remedies and procedures 1170
provided in this section are in addition to any other available 1171
civil or criminal remedies provided by law. 1172

(H) No person making any payment by financial transaction 1173
device to a county office shall be relieved from liability for the 1174
underlying obligation except to the extent that the county 1175
realizes final payment of the underlying obligation in cash or its 1176
equivalent. If final payment is not made by the financial 1177
transaction device issuer or other guarantor of payment in the 1178
transaction, the underlying obligation shall survive and the 1179
county shall retain all remedies for enforcement that would have 1180
applied if the transaction had not occurred. 1181

(I) A county official or employee who accepts a financial 1182

transaction device payment in accordance with this section and any 1183
applicable state or local policies or rules is immune from 1184
personal liability for the final collection of such payments. 1185

Sec. 306.35. Upon the creation of a regional transit 1186
authority as provided by section 306.32 of the Revised Code, and 1187
upon the qualifying of its board of trustees and the election of a 1188
president and a vice-president, the authority shall exercise in 1189
its own name all the rights, powers, and duties vested in and 1190
conferred upon it by sections 306.30 to 306.53 of the Revised 1191
Code. Subject to any reservations, limitations, and qualifications 1192
that are set forth in those sections, the regional transit 1193
authority: 1194

(A) May sue or be sued in its corporate name; 1195

(B) May make contracts in the exercise of the rights, powers, 1196
and duties conferred upon it; 1197

(C) May adopt and at will alter a seal and use such seal by 1198
causing it to be impressed, affixed, reproduced, or otherwise 1199
used, but failure to affix the seal shall not affect the validity 1200
of any instrument; 1201

(D)(1) May adopt, amend, and repeal bylaws for the 1202
administration of its affairs and rules for the control of the 1203
administration and operation of transit facilities under its 1204
jurisdiction, and for the exercise of all of its rights of 1205
ownership in those transit facilities; 1206

(2) The regional transit authority also may adopt bylaws and 1207
rules for the following purposes: 1208

(a) To prohibit selling, giving away, or using any beer or 1209
intoxicating liquor on transit vehicles or transit property; 1210

(b) For the preservation of good order within or on transit 1211
vehicles or transit property; 1212

(c) To provide for the protection and preservation of all	1213
property and life within or on transit vehicles or transit	1214
property;	1215
(d) To regulate and enforce the collection of fares.	1216
(3) Before a bylaw or rule adopted under division (D)(2) of	1217
this section takes effect, the regional transit authority shall	1218
provide for a notice of its adoption to be published once a week	1219
for two consecutive weeks in a newspaper of general circulation	1220
within the territorial boundaries of the regional transit	1221
authority, <u>or as provided in section 7.16 of the Revised Code.</u>	1222
(4) No person shall violate any bylaw or rule of a regional	1223
transit authority adopted under division (D)(2) of this section.	1224
(E) May fix, alter, and collect fares, rates, and rentals and	1225
other charges for the use of transit facilities under its	1226
jurisdiction to be determined exclusively by it for the purpose of	1227
providing for the payment of the expenses of the regional transit	1228
authority, the acquisition, construction, improvement, extension,	1229
repair, maintenance, and operation of transit facilities under its	1230
jurisdiction, the payment of principal and interest on its	1231
obligations, and to fulfill the terms of any agreements made with	1232
purchasers or holders of any such obligations, or with any person	1233
or political subdivision;	1234
(F) Shall have jurisdiction, control, possession, and	1235
supervision of all property, rights, easements, licenses, moneys,	1236
contracts, accounts, liens, books, records, maps, or other	1237
property rights and interests conveyed, delivered, transferred, or	1238
assigned to it;	1239
(G) May acquire, construct, improve, extend, repair, lease,	1240
operate, maintain, or manage transit facilities within or without	1241
its territorial boundaries, considered necessary to accomplish the	1242
purposes of its organization and make charges for the use of	1243

transit facilities;	1244
(H) May levy and collect taxes as provided in sections 306.40 and 306.49 of the Revised Code;	1245 1246
(I) May issue bonds secured by its general credit as provided in section 306.40 of the Revised Code;	1247 1248
(J) May hold, encumber, control, acquire by donation, by purchase for cash or by installment payments, by lease-purchase agreement, by lease with option to purchase, or by condemnation, and may construct, own, lease as lessee or lessor, use, and sell, real and personal property, or any interest or right in real and personal property, within or without its territorial boundaries, for the location or protection of transit facilities and improvements and access to transit facilities and improvements, the relocation of buildings, structures, and improvements situated on lands acquired by the regional transit authority, or for any other necessary purpose, or for obtaining or storing materials to be used in constructing, maintaining, and improving transit facilities under its jurisdiction;	1249 1250 1251 1252 1253 1254 1255 1256 1257 1258 1259 1260 1261
(K) May exercise the power of eminent domain to acquire property or any interest in property, within or without its territorial boundaries, that is necessary or proper for the construction or efficient operation of any transit facility or access to any transit facility under its jurisdiction in accordance with section 306.36 of the Revised Code;	1262 1263 1264 1265 1266 1267
(L) May provide by agreement with any county, including the counties within its territorial boundaries, or any municipal corporation or any combination of counties or municipal corporations for the making of necessary surveys, appraisals, and examinations preliminary to the acquisition or construction of any transit facility and the amount of the expense for the surveys, appraisals, and examinations to be paid by each such county or	1268 1269 1270 1271 1272 1273 1274

municipal corporation;	1275
(M) May provide by agreement with any county, including the	1276
counties within its territorial boundaries, or any municipal	1277
corporation or any combination of those counties or municipal	1278
corporations for the acquisition, construction, improvement,	1279
extension, maintenance, or operation of any transit facility owned	1280
or to be owned and operated by it or owned or to be owned and	1281
operated by any such county or municipal corporation and the terms	1282
on which it shall be acquired, leased, constructed, maintained, or	1283
operated, and the amount of the cost and expense of the	1284
acquisition, lease, construction, maintenance, or operation to be	1285
paid by each such county or municipal corporation;	1286
(N) May issue revenue bonds for the purpose of acquiring,	1287
replacing, improving, extending, enlarging, or constructing any	1288
facility or permanent improvement that it is authorized to	1289
acquire, replace, improve, extend, enlarge, or construct,	1290
including all costs in connection with and incidental to the	1291
acquisition, replacement, improvement, extension, enlargement, or	1292
construction, and their financing, as provided by section 306.37	1293
of the Revised Code;	1294
(O) May enter into and supervise franchise agreements for the	1295
operation of a transit system;	1296
(P) May accept the assignment of and supervise an existing	1297
franchise agreement for the operation of a transit system;	1298
(Q) May exercise a right to purchase a transit system in	1299
accordance with the acquisition terms of an existing franchise	1300
agreement; and in connection with the purchase the regional	1301
transit authority may issue revenue bonds as provided by section	1302
306.37 of the Revised Code or issue bonds secured by its general	1303
credit as provided in section 306.40 of the Revised Code;	1304
(R) May apply for and accept grants or loans from the United	1305

States, the state, or any other public body for the purpose of 1306
providing for the development or improvement of transit 1307
facilities, mass transportation facilities, equipment, techniques, 1308
methods, or services, and grants or loans needed to exercise a 1309
right to purchase a transit system pursuant to agreement with the 1310
owner of those transit facilities, or for providing lawful 1311
financial assistance to existing transit systems; and may provide 1312
any consideration that may be required in order to obtain those 1313
grants or loans from the United States, the state, or other public 1314
body, either of which grants or loans may be evidenced by the 1315
issuance of revenue bonds as provided by section 306.37 of the 1316
Revised Code or general obligation bonds as provided by section 1317
306.40 of the Revised Code; 1318

(S) May employ and fix the compensation of consulting 1319
engineers, superintendents, managers, and such other engineering, 1320
construction, accounting and financial experts, attorneys, and 1321
other employees and agents necessary for the accomplishment of its 1322
purposes; 1323

(T) May procure insurance against loss to it by reason of 1324
damages to its properties resulting from fire, theft, accident, or 1325
other casualties or by reason of its liability for any damages to 1326
persons or property occurring in the construction or operation of 1327
transit facilities under its jurisdiction or the conduct of its 1328
activities; 1329

(U) May maintain funds that it considers necessary for the 1330
efficient performance of its duties; 1331

(V) May direct its agents or employees, when properly 1332
identified in writing, after at least five days' written notice, 1333
to enter upon lands within or without its territorial boundaries 1334
in order to make surveys and examinations preliminary to the 1335
location and construction of transit facilities, without liability 1336
to it or its agents or employees except for actual damage done; 1337

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

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

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

(2) The continuation of collective bargaining rights;

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

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

(5) Paid training or retraining programs;

(6) Signed written labor agreements.

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

(Y) May provide for and maintain security operations,

including a transit police department, subject to section 306.352 1368
of the Revised Code. Regional transit authority police officers 1369
shall have the power and duty to act as peace officers within 1370
transit facilities owned, operated, or leased by the transit 1371
authority to protect the transit authority's property and the 1372
person and property of passengers, to preserve the peace, and to 1373
enforce all laws of the state and ordinances and regulations of 1374
political subdivisions in which the transit authority operates. 1375
Regional transit authority police officers also shall have the 1376
power and duty to act as peace officers when they render emergency 1377
assistance outside their jurisdiction to any other peace officer 1378
who is not a regional transit authority police officer and who has 1379
arrest authority under section 2935.03 of the Revised Code. 1380
Regional transit authority police officers may render emergency 1381
assistance if there is a threat of imminent physical danger to the 1382
peace officer, a threat of physical harm to another person, or any 1383
other serious emergency situation and if either the peace officer 1384
who is assisted requests emergency assistance or it appears that 1385
the peace officer who is assisted is unable to request emergency 1386
assistance and the circumstances observed by the regional transit 1387
authority police officer reasonably indicate that emergency 1388
assistance is appropriate. 1389

Before exercising powers of arrest and the other powers and 1390
duties of a peace officer, each regional transit authority police 1391
officer shall take an oath and give bond to the state in a sum 1392
that the board of trustees prescribes for the proper performance 1393
of the officer's duties. 1394

Persons employed as regional transit authority police 1395
officers shall complete training for the position to which they 1396
have been appointed as required by the Ohio peace officer training 1397
commission as authorized in section 109.77 of the Revised Code, or 1398
be otherwise qualified. The cost of the training shall be provided 1399

by the regional transit authority. 1400

(Z) May procure a policy or policies insuring members of its 1401
board of trustees against liability on account of damages or 1402
injury to persons and property resulting from any act or omission 1403
of a member in the member's official capacity as a member of the 1404
board or resulting solely out of the member's membership on the 1405
board; 1406

(AA) May enter into any agreement for the sale and leaseback 1407
or lease and leaseback of transit facilities, which agreement may 1408
contain all necessary covenants for the security and protection of 1409
any lessor or the regional transit authority including, but not 1410
limited to, indemnification of the lessor against the loss of 1411
anticipated tax benefits arising from acts, omissions, or 1412
misrepresentations of the regional transit authority. In 1413
connection with that transaction, the regional transit authority 1414
may contract for insurance and letters of credit and pay any 1415
premiums or other charges for the insurance and letters of credit. 1416
The fiscal officer shall not be required to furnish any 1417
certificate under section 5705.41 of the Revised Code in 1418
connection with the execution of any such agreement. 1419

(BB) In regard to any contract entered into on or after March 1420
19, 1993, for the rendering of services or the supplying of 1421
materials or for the construction, demolition, alteration, repair, 1422
or reconstruction of transit facilities in which a bond is 1423
required for the faithful performance of the contract, may permit 1424
the person awarded the contract to utilize a letter of credit 1425
issued by a bank or other financial institution in lieu of the 1426
bond; 1427

(CC) May enter into agreements with municipal corporations 1428
located within the territorial jurisdiction of the regional 1429
transit authority permitting regional transit authority police 1430
officers employed under division (Y) of this section to exercise 1431

full arrest powers, as provided in section 2935.03 of the Revised 1432
Code, for the purpose of preserving the peace and enforcing all 1433
laws of the state and ordinances and regulations of the municipal 1434
corporation within the areas that may be agreed to by the regional 1435
transit authority and the municipal corporation. 1436

Sec. 306.43. (A) The board of trustees of a regional transit 1437
authority or any officer or employee designated by such board may 1438
make any contract for the purchase of goods or services, the cost 1439
of which does not exceed one hundred thousand dollars. When an 1440
expenditure, other than for the acquisition of real estate, the 1441
discharge of claims, or the acquisition of goods or services under 1442
the circumstances described in division (H) of this section, is 1443
expected to exceed one hundred thousand dollars, such expenditure 1444
shall be made through full and open competition by the use of 1445
competitive procedures. The regional transit authority shall use 1446
the competitive procedure, as set forth in divisions (B), (C), 1447
(D), and (E) of this section, that is most appropriate under the 1448
circumstances of the procurement. 1449

(B) Competitive sealed bidding is the preferred method of 1450
procurement and a regional transit authority shall use that method 1451
if all of the following conditions exist: 1452

(1) A clear, complete and adequate description of the goods, 1453
services, or work is available; 1454

(2) Time permits the solicitation, submission, and evaluation 1455
of sealed bids; 1456

(3) The award will be made on the basis of price and other 1457
price-related factors; 1458

(4) It is not necessary to conduct discussions with 1459
responding offerors about their bids; 1460

(5) There is a reasonable expectation of receiving more than 1461

one sealed bid. 1462

A regional transit authority shall publish a notice calling 1463
for bids once a week for no less than two consecutive weeks in ~~at~~ 1464
~~least one~~ a newspaper of general circulation within the 1465
territorial boundaries of the regional transit authority, or as 1466
provided in section 7.16 of the Revised Code. A regional transit 1467
authority may require that a bidder for any contract other than a 1468
construction contract provide a bid guaranty in the form, quality, 1469
and amount considered appropriate by the regional transit 1470
authority. The board may let the contract to the lowest responsive 1471
and responsible bidder. Where fewer than two responsive bids are 1472
received, a regional transit authority may negotiate price with 1473
the sole responsive bidder or may rescind the solicitation and 1474
procure under division (H)(2) of this section. 1475

(C) A regional transit authority may use two-step competitive 1476
bidding, consisting of a technical proposal and a separate, 1477
subsequent sealed price bid from those submitting acceptable 1478
technical proposals, if both of the following conditions exist: 1479

(1) A clear, complete, and adequate description of the goods, 1480
services, or work is not available, but definite criteria exist 1481
for the evaluation of technical proposals; 1482

(2) It is necessary to conduct discussions with responding 1483
offerors. 1484

A regional transit authority shall publish a notice calling 1485
for technical proposals once a week for no less than two 1486
consecutive weeks in ~~at least one~~ a newspaper of general 1487
circulation within the territorial boundaries of the regional 1488
transit authority, or as provided in section 7.16 of the Revised 1489
Code. A regional transit authority may require a bid guaranty in 1490
the form, quality, and amount the regional transit authority 1491
considers appropriate. The board may let the contract to the 1492

lowest responsive and responsible bidder. Where fewer than two 1493
responsive and responsible bids are received, a regional transit 1494
authority may negotiate price with the sole responsive and 1495
responsible bidder or may rescind the solicitation and procure 1496
under division (H)(2) of this section. 1497

(D) A regional transit authority shall make a procurement by 1498
competitive proposals if competitive sealed bidding or two-step 1499
competitive bidding is not appropriate. 1500

A regional transit authority shall publish a notice calling 1501
for proposals once a week for no less than two consecutive weeks 1502
in ~~at least one~~ a newspaper of general circulation within the 1503
territorial boundaries of the regional transit authority, or as 1504
provided in section 7.16 of the Revised Code. A regional transit 1505
authority may require a proposal guaranty in the form, quality, 1506
and amount considered appropriate by the regional transit 1507
authority. The board may let the contract to the proposer making 1508
the offer considered most advantageous to the authority. Where 1509
fewer than two competent proposals are received, a regional 1510
transit authority may negotiate price and terms with the sole 1511
proposer or may rescind the solicitation and procure under 1512
division (H)(2) of this section. 1513

(E)(1) A regional transit authority shall procure the 1514
services of an architect or engineer in the manner prescribed by 1515
the "Federal Mass Transportation Act of 1987," Public Law No. 1516
100-17, section 316, 101 Stat. 227, 232-234, 49 U.S.C.A. app. 1608 1517
and the services of a construction manager in the manner 1518
prescribed by sections 9.33 to 9.332 of the Revised Code. 1519

(2) A regional transit authority may procure revenue rolling 1520
stock in the manner prescribed by division (B), (C), or (D) of 1521
this section. 1522

(3) All contracts for construction in excess of one hundred 1523

thousand dollars shall be made only after the regional transit 1524
authority has published a notice calling for bids once a week for 1525
two consecutive weeks in ~~at least one~~ a newspaper of general 1526
circulation within the territorial boundaries of the regional 1527
transit authority, or as provided in section 7.16 of the Revised 1528
Code. The board may award a contract to the lowest responsive and 1529
responsible bidder. Where only one responsive and responsible bid 1530
is received, the regional transit authority may negotiate price 1531
with the sole responsive bidder or may rescind the solicitation. 1532
The regional transit authority shall award construction contracts 1533
in accordance with sections 153.12 to 153.14 and 153.54 of the 1534
Revised Code. Divisions (B) and (C) of this section shall not 1535
apply to the award of contracts for construction. 1536

(F) All contracts involving expenditures in excess of one 1537
hundred thousand dollars shall be in writing and shall be 1538
accompanied by or shall refer to plans and specifications for the 1539
work to be done. The plans and specifications shall at all times 1540
be made and considered part of the contract. For all contracts 1541
other than construction contracts, a regional transit authority 1542
may require performance, payment, or maintenance guaranties or any 1543
combination of such guaranties in the form, quality, and amount it 1544
considers appropriate. The contract shall be approved by the board 1545
and signed on behalf of the regional transit authority and by the 1546
contractor. 1547

(G) In making a contract, a regional transit authority may 1548
give preference to goods produced in the United States in 1549
accordance with the Buy America requirements in the "Surface 1550
Transportation Assistance Act of 1982," Public Law No. 97-424, 1551
section 165, 96 Stat. 2097, 23 U.S.C.A. 101 note, as amended, and 1552
the rules adopted thereunder. The regional transit authority also 1553
may give preference to providers of goods produced in and services 1554
provided in labor surplus areas as defined by the United States 1555

department of labor in 41 U.S.C.A. 401 note, Executive Order No. 1556
12073, August 16, 1978, 43 Fed. Reg. 36873, as amended. 1557

(H) Competitive procedures under this section are not 1558
required in any of the following circumstances: 1559

(1) The board of trustees of a regional transit authority, by 1560
a two-thirds affirmative vote of its members, determines that a 1561
real and present emergency exists under any of the following 1562
conditions, and the board enters its determination and the reasons 1563
for it in its proceedings: 1564

(a) Affecting safety, welfare, or the ability to deliver 1565
transportation services; 1566

(b) Arising out of an interruption of contracts essential to 1567
the provision of daily transit services; 1568

(c) Involving actual physical damage to structures, supplies, 1569
equipment, or property. 1570

(2) The purchase consists of goods or services, or any 1571
combination thereof, and after reasonable inquiry the board or any 1572
officer or employee the board designates finds that only one 1573
source of supply is reasonably available. 1574

(3) The expenditure is for a renewal or renegotiation of a 1575
lease or license for telecommunications or electronic data 1576
processing equipment, services, or systems, or for the upgrade of 1577
such equipment, services, or systems, or for the maintenance 1578
thereof as supplied by the original source or its successors or 1579
assigns. 1580

(4) The purchase of goods or services is made from another 1581
political subdivision, public agency, public transit system, 1582
regional transit authority, the state, or the federal government, 1583
or as a third-party beneficiary under a state or federal 1584
procurement contract, or as a participant in a department of 1585

administrative services contract under division (B) of section 1586
125.04 of the Revised Code. 1587

(5) The sale and leaseback or lease and leaseback of transit 1588
facilities is made as provided in division (AA) of section 306.35 1589
of the Revised Code. 1590

(6) The purchase substantially involves services of a 1591
personal, professional, highly technical, or scientific nature, 1592
including but not limited to the services of an attorney, 1593
physician, surveyor, appraiser, investigator, court reporter, 1594
adjuster, advertising consultant, or licensed broker, or involves 1595
the special skills or proprietary knowledge required for the 1596
servicing of specialized equipment owned by the regional transit 1597
authority. 1598

(7) Services or supplies are available from a qualified 1599
nonprofit agency pursuant to sections 4115.31 to 4115.35 of the 1600
Revised Code. 1601

(8) The purchase consists of the product or services of a 1602
public utility. 1603

(9) The purchase is for the services of individuals with 1604
disabilities to work in the authority's commissaries or 1605
cafeterias, and those individuals are supplied by a nonprofit 1606
corporation or association whose purpose is to assist individuals 1607
with disabilities, whether or not that corporation or association 1608
is funded entirely or in part by the federal government, or the 1609
purchase is for services provided by a nonprofit corporation or 1610
association whose purpose is to assist individuals with 1611
disabilities, whether or not that corporation or association is 1612
funded entirely or in part by the federal government. For purposes 1613
of division (H)(9) of this section, "disability" has the same 1614
meaning as in section 4112.01 of the Revised Code. 1615

(I) A regional transit authority may enter into blanket 1616

purchase agreements for purchases of maintenance, operating, or 1617
repair goods or services where the item cost does not exceed five 1618
hundred dollars and the annual expenditure does not exceed one 1619
hundred thousand dollars. 1620

(J) Nothing contained in this section prohibits a regional 1621
transit authority from participating in intergovernmental 1622
cooperative purchasing arrangements. 1623

(K) Except as otherwise provided in this chapter, a regional 1624
transit authority shall make a sale or other disposition of 1625
property through full and open competition. Except as provided in 1626
division (L) of this section, all dispositions of personal 1627
property and all grants of real property for terms exceeding five 1628
years shall be made by public auction or competitive procedure. 1629

(L) The competitive procedures required by division (K) of 1630
this section are not required in any of the following 1631
circumstances: 1632

(1) The grant is a component of a joint development between 1633
public and private entities and is intended to enhance or benefit 1634
public transit. 1635

(2) The grant of a limited use or of a license affecting land 1636
is made to an owner of abutting real property. 1637

(3) The grant of a limited use is made to a public utility. 1638

(4) The grant or disposition is to a department of the 1639
federal or state government, to a political subdivision of the 1640
state, or to any other governmental entity. 1641

(5) Used equipment is traded on the purchase of equipment and 1642
the value of the used equipment is a price-related factor in the 1643
basis for award for the purchase. 1644

(6) The value of the personal property is such that 1645
competitive procedures are not appropriate and the property either 1646

is sold at its fair market value or is disposed of by gift to a 1647
nonprofit entity having the general welfare or education of the 1648
public as one of its principal objects. 1649

(M) The board of trustees of a regional transit authority, 1650
when making a contract funded exclusively by state or local moneys 1651
or any combination thereof, shall make a good faith effort to use 1652
disadvantaged business enterprise participation to the same extent 1653
required under Section 105(f) of the "Surface Transportation 1654
Assistance Act of 1982," Public Law No. 97-424, 96 Stat. 2100, and 1655
Section 106(c) of the "Surface Transportation and Uniform 1656
Relocation Assistance Act of 1987," Public Law No. 100-17, 101 1657
Stat. 145, and the rules adopted thereunder. 1658

(N) As used in this section: 1659

(1) "Goods" means all things, including specially 1660
manufactured goods, that are movable at the time of identification 1661
to the contract for sale other than the money in which the price 1662
is to be paid, investment securities, and things in action. 1663
"Goods" also includes other identified things attached to realty 1664
as described in section 1302.03 of the Revised Code. 1665

(2) "Services" means the furnishing of labor, time, or effort 1666
by a contractor, not involving the delivery of goods or reports 1667
other than goods or reports that are merely incidental to the 1668
required performance, including but not limited to insurance, 1669
bonding, or routine operation, routine repair, or routine 1670
maintenance of existing structures, buildings, real property, or 1671
equipment, but does not include employment agreements, collective 1672
bargaining agreements, or personal services. 1673

(3) "Construction" means the process of building, altering, 1674
repairing, improving, painting, decorating, or demolishing any 1675
structure or building, or other improvements of any kind to any 1676
real property owned or leased by a regional transit authority. 1677

(4) "Full and open competition" has the same meaning as in 1678
the "Office of Federal Procurement Policy Act," Public Law No. 1679
98-369, section 2731, 98 Stat. 1195 (1984), 41 U.S.C.A. 403. 1680

(5) A bidder is "responsive" if, applying the criteria of 1681
division (A) of section 9.312 of the Revised Code, the bidder is 1682
"responsive" as described in that section. 1683

(6) A bidder is "responsible" if, applying the criteria of 1684
division (A) of section 9.312 of the Revised Code and of the 1685
"Office of Federal Procurement Policy Act," Public Law No. 98-369, 1686
section 2731, 98 Stat. 1195 (1984), 41 U.S.C.A. 403, the bidder is 1687
"responsible" as described in those sections. 1688

Sec. 306.70. A tax proposed to be levied by a board of county 1689
commissioners or by the board of trustees of a regional transit 1690
authority pursuant to sections 5739.023 and 5741.022 of the 1691
Revised Code shall not become effective until it is submitted to 1692
the electors residing within the county or within the territorial 1693
boundaries of the regional transit authority and approved by a 1694
majority of the electors voting on it. Such question shall be 1695
submitted at a general election or at a special election on a day 1696
specified in the resolution levying the tax and occurring not less 1697
than seventy-five days after such resolution is certified to the 1698
board of elections, in accordance with section 3505.071 of the 1699
Revised Code. 1700

The board of elections of the county or of each county in 1701
which any territory of the regional transit authority is located 1702
shall make the necessary arrangements for the submission of such 1703
question to the electors of the county or regional transit 1704
authority, and the election shall be held, canvassed, and 1705
certified in the same manner as regular elections for the election 1706
of county officers. Notice of the election shall be published in 1707
~~one or more newspapers which in the aggregate are a newspaper of~~ 1708

general circulation in the territory of the county or of the 1709
regional transit authority once a week for two consecutive weeks 1710
prior to the election ~~and, if, or as provided in section 7.16 of~~ 1711
the Revised Code. If the board of elections operates and maintains 1712
a web site, notice of the election also shall be posted on that 1713
web site for thirty days prior to the election. The notice shall 1714
state the type, rate, and purpose of the tax to be levied, the 1715
length of time during which the tax will be in effect, and the 1716
time and place of the election. 1717

More than one such question may be submitted at the same 1718
election. The form of the ballots cast at such election shall be: 1719

"Shall a(n) (sales and use) 1720
tax be levied for all transit purposes of the 1721
(here insert name of the county or regional transit authority) at 1722
a rate not exceeding (here insert percentage) 1723
per cent for (here insert number of years the tax 1724
is to be in effect, or that it is to be in effect for a continuing 1725
period of time)?" 1726

If the tax proposed to be levied is a continuation of an 1727
existing tax, whether at the same rate or at an increased or 1728
reduced rate, or an increase in the rate of an existing tax, the 1729
notice and ballot form shall so state. 1730

The board of elections to which the resolution was certified 1731
shall certify the results of the election to the county auditor of 1732
the county or secretary-treasurer of the regional transit 1733
authority levying the tax and to the tax commissioner of the 1734
state. 1735

Sec. 307.022. (A) The board of county commissioners of any 1736
county may do both of the following without following the 1737
competitive bidding requirements of section 307.86 of the Revised 1738
Code: 1739

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

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

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

A lease entered into pursuant to division (A)(1) of this section by a board may provide for the county to maintain and repair the correctional facility during the term of the leasehold, may provide for the county to make rental payments prior to or after occupation of the correctional facilities by the county, and may provide for the board to obtain and maintain any insurance that the lessor may require, including, but not limited to, public liability, casualty, builder's risk, and business interruption insurance. The obligations incurred under a lease entered into

pursuant to division (A)(1) of this section shall not be 1772
considered to be within the debt limitations of section 133.07 of 1773
the Revised Code. 1774

(B) The correctional facilities leased under division (A)(1) 1775
of this section may include any or all of the following: 1776

(1) Facilities in which one or more other governmental 1777
entities are participating or in which other facilities of the 1778
county are included; 1779

(2) Facilities acquired, constructed, renovated, or financed 1780
by the Ohio building authority and leased to the county pursuant 1781
to section 307.021 of the Revised Code; 1782

(3) Correctional facilities that are under construction or 1783
have been completed and for which no permanent financing has been 1784
arranged. 1785

(C) As used in this section: 1786

(1) "Correctional facilities" includes, but is not limited 1787
to, jails, detention facilities, workhouses, community-based 1788
correctional facilities, and family court centers. 1789

(2) "Construction" has the same meaning as in division (B) of 1790
section 4115.03 of the Revised Code. 1791

Sec. 307.041. (A) As used in this section, "energy 1792
conservation measure" means an installation or modification of an 1793
installation in, or remodeling of, an existing building, to reduce 1794
energy consumption. "Energy conservation measure" includes the 1795
following: 1796

(1) Insulation of the building structure and of systems 1797
within the building; 1798

(2) Storm windows and doors, multiglazed windows and doors, 1799
heat-absorbing or heat-reflective glazed and coated window and 1800

door systems, additional glazing, reductions in glass area, and	1801
other window and door system modifications that reduce energy	1802
consumption;	1803
(3) Automatic energy control systems;	1804
(4) Heating, ventilating, or air conditioning system	1805
modifications or replacements;	1806
(5) Caulking and weatherstripping;	1807
(6) Replacement or modification of lighting fixtures to	1808
increase the energy efficiency of the system without increasing	1809
the overall illumination of a facility, unless such an increase in	1810
illumination is necessary to conform to the applicable state or	1811
local building code for the proposed lighting system;	1812
(7) Energy recovery systems;	1813
(8) Cogeneration systems that produce steam or forms of	1814
energy such as heat, as well as electricity, for use primarily	1815
within a building or complex of buildings;	1816
(9) Acquiring, constructing, furnishing, equipping, improving	1817
the site of, and otherwise improving a central utility plant to	1818
provide heating and cooling services to a building or buildings	1819
together with distribution piping and ancillary distribution	1820
controls, equipment, and related facilities from the central	1821
utility plant to the building or buildings;	1822
(10) Any other modification, installation, or remodeling	1823
approved by the board of county commissioners as an energy	1824
conservation measure.	1825
(B) For the purpose of evaluating county buildings for energy	1826
conservation measures, a county may contract with an architect,	1827
professional engineer, energy services company, contractor, or	1828
other person experienced in the design and implementation of	1829
energy conservation measures for an energy conservation report.	1830

The report shall include all of the following:	1831
(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;	1832 1833 1834 1835 1836
(2) Estimates of all costs of those installations, those modifications, or that remodeling, including costs of design, engineering, installation, maintenance, and repairs;	1837 1838 1839
(3) Estimates of the amounts by which energy consumption could be reduced;	1840 1841
(4) The interest rate used to estimate the costs of any energy conservation measures that are to be financed;	1842 1843
(5) The average system life of the energy conservation measures;	1844 1845
(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;	1846 1847 1848 1849
(7) A certification under the seal of a registered professional engineer that the energy conservation report uses reasonable methods of analysis and estimation.	1850 1851 1852
(C)(1) A county desiring to implement energy conservation measures may proceed under either of the following methods:	1853 1854
(a) Using a report or any part of an energy conservation report prepared under division (B) of this section, advertise for bids and, except as otherwise provided in this section, comply with sections 307.86 to 307.92 of the Revised Code;	1855 1856 1857 1858
(b) Notwithstanding sections 307.86 to 307.92 of the Revised Code, request proposals from at least three vendors for the	1859 1860

implementation of energy conservation measures. A request for 1861
proposals shall require the installer that is awarded a contract 1862
under division (C)(2)(b) of this section to prepare an energy 1863
conservation report in accordance with division (B) of this 1864
section. Prior to sending any installer of energy conservation 1865
measures a copy of any request for proposals, the county shall 1866
advertise its intent to request proposals for the installation of 1867
energy conservation measures in a newspaper of general circulation 1868
in the county once a week for two consecutive weeks or as provided 1869
in section 7.16 of the Revised Code. The notice shall state that 1870
the county intends to request proposals for the installation of 1871
energy conservation measures; indicate the date, which shall be at 1872
least ten days after the second publication, on which the request 1873
for proposals will be mailed to installers of energy conservation 1874
measures; and state that any installer of energy conservation 1875
measures interested in receiving the request for proposals shall 1876
submit written notice to the county not later than noon of the day 1877
on which the request for proposals will be mailed. 1878

1879
(2)(a) Upon receiving bids under division (C)(1)(a) of this 1880
section, the county shall analyze them and select the lowest and 1881
best bid or bids most likely to result in the greatest energy 1882
savings considering the cost of the project and the county's 1883
ability to pay for the improvements with current revenues or by 1884
financing the improvements. 1885

(b) Upon receiving proposals under division (C)(1)(b) of this 1886
section, the county shall analyze the proposals and the 1887
installers' qualifications and select the most qualified installer 1888
to prepare an energy conservation report in accordance with 1889
division (B) of this section. After receipt and review of the 1890
energy conservation report, the county may award a contract to the 1891
selected installer to install the energy conservation measures 1892

that are most likely to result in the greatest energy savings 1893
considering the cost of the project and the county's ability to 1894
pay for the improvements with current revenues or by financing the 1895
improvements. 1896

(c) The awarding of a contract to install energy conservation 1897
measures under division (C)(2)(a) or (b) of this section shall be 1898
conditioned upon a finding by the contracting authority that the 1899
amount of money spent on the energy conservation measures is not 1900
likely to exceed the amount of money the county would save in 1901
energy, operating, maintenance, and avoided capital costs over the 1902
average system life of the energy conservation measures as 1903
specified in the energy conservation report. In making such a 1904
finding, the contracting authority may take into account increased 1905
costs due to inflation as shown in the energy conservation report. 1906
Nothing in this division prohibits a county from rejecting all 1907
bids or proposals under division (C)(1)(a) or (b) of this section 1908
or from selecting more than one bid or proposal. 1909

(D) A board of county commissioners may enter into an 1910
installment payment contract for the purchase and installation of 1911
energy conservation measures. Provisions of installment payment 1912
contracts that deal with interest charges and financing terms 1913
shall not be subject to the competitive bidding requirements of 1914
section 307.86 of the Revised Code, and shall be on the following 1915
terms: 1916

(1) Not less than a specified percentage, as determined and 1917
approved by the board of county commissioners, of the costs of the 1918
contract shall be paid within two years from the date of purchase. 1919

(2) The remaining balance of the costs of the contract shall 1920
be paid within the lesser of the average system life of the energy 1921
conservation measures as specified in the energy conservation 1922
report or thirty years. 1923

(E) The board of county commissioners may issue the notes of 1924
the county specifying the terms of a purchase of energy 1925
conservation measures under this section and securing any deferred 1926
payments provided for in division (D) of this section. The notes 1927
shall be payable at the times provided and bear interest at a rate 1928
not exceeding the rate determined as provided in section 9.95 of 1929
the Revised Code. The notes may contain an option for prepayment 1930
and shall not be subject to Chapter 133. of the Revised Code. 1931
Revenues derived from local taxes or otherwise for the purpose of 1932
conserving energy or for defraying the current operating expenses 1933
of the county may be pledged and applied to the payment of 1934
interest and the retirement of the notes. The notes may be sold at 1935
private sale or given to the contractor under an installment 1936
payment contract authorized by division (D) of this section. 1937

(F) Debt incurred under this section shall not be included in 1938
the calculation of the net indebtedness of a county under section 1939
133.07 of the Revised Code. 1940

Sec. 307.10. (A) No sale of real property, or lease of real 1941
property used or to be used for the purpose of airports, landing 1942
fields, or air navigational facilities, or parts thereof, as 1943
provided by section 307.09 of the Revised Code shall be made 1944
unless it is authorized by a resolution adopted by a majority of 1945
the board of county commissioners. When a sale of real property as 1946
provided by section 307.09 of the Revised Code is authorized, the 1947
board may either deed the property to the highest responsible 1948
bidder, after advertisement once a week for four consecutive weeks 1949
in a newspaper of general circulation in the county or as provided 1950
in section 7.16 of the Revised Code, or offer the real property 1951
for sale at a public auction, after giving at least thirty days' 1952
notice of the auction by publication in a newspaper of general 1953
circulation in the county. The board may reject any and all bids. 1954
The board may, as it considers best, sell real property pursuant 1955

to this section as an entire tract or in parcels. The board, by 1956
resolution adopted by a majority of the board, may lease real 1957
property, in accordance with division (A) of section 307.09 of the 1958
Revised Code, without advertising for bids. 1959

(B) The board, by resolution, may transfer real property in 1960
fee simple belonging to the county and not needed for public use 1961
to the United States government, to the state or any department or 1962
agency thereof, to municipal corporations or other political 1963
subdivisions of the state, to the county board of developmental 1964
disabilities, or to a county land reutilization corporation 1965
organized under Chapter 1724. of the Revised Code for public 1966
purposes upon the terms and in the manner that it may determine to 1967
be in the best interests of the county, without advertising for 1968
bids. The board shall execute a deed or other proper instrument 1969
when such a transfer is approved. 1970

(C) The board, by resolution adopted by a majority of the 1971
board, may grant leases, rights, or easements to the United States 1972
government, to the state or any department or agency thereof, or 1973
to municipal corporations and other political subdivisions of the 1974
state, or to privately owned electric light and power companies, 1975
natural gas companies, or telephone or telegraph companies for 1976
purposes of rendering their several public utilities services, in 1977
accordance with division (B) of section 307.09 of the Revised 1978
Code, without advertising for bids. When such grant of lease, 1979
right, or easement is authorized, a deed or other proper 1980
instrument therefor shall be executed by the board. 1981

Sec. 307.12. (A) Except as otherwise provided in divisions 1982
(D), (E), and (G) of this section, when the board of county 1983
commissioners finds, by resolution, that the county has personal 1984
property, including motor vehicles acquired for the use of county 1985
officers and departments, and road machinery, equipment, tools, or 1986

supplies, that is not needed for public use, is obsolete, or is 1987
unfit for the use for which it was acquired, and when the fair 1988
market value of the property to be sold or donated under this 1989
division is, in the opinion of the board, in excess of two 1990
thousand five hundred dollars, the board may do either of the 1991
following: 1992

(1) Sell the property at public auction or by sealed bid to 1993
the highest bidder. Notice of the time, place, and manner of the 1994
sale shall be published in a newspaper of general circulation in 1995
the county at least ten days prior to the sale, and a typewritten 1996
or printed notice of the time, place, and manner of the sale shall 1997
be posted at least ten days before the sale in the offices of the 1998
county auditor and the board of county commissioners. 1999

If a board conducts a sale of property by sealed bid, the 2000
form of the bid shall be as prescribed by the board, and each bid 2001
shall contain the name of the person submitting it. Bids received 2002
shall be opened and tabulated at the time stated in the notice. 2003
The property shall be sold to the highest bidder, except that the 2004
board may reject all bids and hold another sale, by public auction 2005
or sealed bid, in the manner prescribed by this section. 2006

(2) Donate any motor vehicle that does not exceed four 2007
thousand five hundred dollars in value to a nonprofit organization 2008
exempt from federal income taxation pursuant to 26 U.S.C. 501(a) 2009
and (c)(3) for the purpose of meeting the transportation needs of 2010
participants in the Ohio works first program established under 2011
Chapter 5107. of the Revised Code and participants in the 2012
prevention, retention, and contingency program established under 2013
Chapter 5108. of the Revised Code. 2014

(B) When the board of county commissioners finds, by 2015
resolution, that the county has personal property, including motor 2016
vehicles acquired for the use of county officers and departments, 2017
and road machinery, equipment, tools, or supplies, that is not 2018

needed for public use, is obsolete, or is unfit for the use for 2019
which it was acquired, and when the fair market value of the 2020
property to be sold or donated under this division is, in the 2021
opinion of the board, two thousand five hundred dollars or less, 2022
the board may do either of the following: 2023

(1) Sell the property by private sale, without advertisement 2024
or public notification; 2025

(2) Donate the property to an eligible nonprofit organization 2026
that is located in this state and is exempt from federal income 2027
taxation pursuant to 26 U.S.C. 501(a) and (c)(3). Before donating 2028
any property under this division, the board shall adopt a 2029
resolution expressing its intent to make unneeded, obsolete, or 2030
unfit-for-use county personal property available to these 2031
organizations. The resolution shall include guidelines and 2032
procedures the board considers necessary to implement a donation 2033
program under this division and shall indicate whether the county 2034
will conduct the donation program or the board will contract with 2035
a representative to conduct it. If a representative is known when 2036
the resolution is adopted, the resolution shall provide contact 2037
information such as the representative's name, address, and 2038
telephone number. 2039

The resolution shall include within its procedures a 2040
requirement that any nonprofit organization desiring to obtain 2041
donated property under this division shall submit a written notice 2042
to the board or its representative. The written notice shall 2043
include evidence that the organization is a nonprofit organization 2044
that is located in this state and is exempt from federal income 2045
taxation pursuant to 26 U.S.C. 501(a) and (c)(3); a description of 2046
the organization's primary purpose; a description of the type or 2047
types of property the organization needs; and the name, address, 2048
and telephone number of a person designated by the organization's 2049
governing board to receive donated property and to serve as its 2050

agent. 2051

After adoption of the resolution, the board shall publish, in 2052
a newspaper of general circulation in the county, notice of its 2053
intent to donate unneeded, obsolete, or unfit-for-use county 2054
personal property to eligible nonprofit organizations. The notice 2055
shall include a summary of the information provided in the 2056
resolution and shall be published ~~at least~~ twice or as provided in 2057
section 7.16 of the Revised Code. The second and any subsequent 2058
notice shall be published not less than ten nor more than twenty 2059
days after the previous notice. A similar notice also shall be 2060
posted continually in a conspicuous place in the offices of the 2061
county auditor and the board of county commissioners, ~~and, if.~~ If 2062
the county maintains a web site on the internet, the notice shall 2063
be posted continually at that web site. 2064

The board or its representative shall maintain a list of all 2065
nonprofit organizations that notify the board or its 2066
representative of their desire to obtain donated property under 2067
this division and that the board or its representative determines 2068
to be eligible, in accordance with the requirements set forth in 2069
this section and in the donation program's guidelines and 2070
procedures, to receive donated property. 2071

The board or its representatives also shall maintain a list 2072
of all county personal property the board finds to be unneeded, 2073
obsolete, or unfit for use and to be available for donation under 2074
this division. The list shall be posted continually in a 2075
conspicuous location in the offices of the county auditor and the 2076
board of county commissioners, and, if the county maintains a web 2077
site on the internet, the list shall be posted continually at that 2078
web site. An item of property on the list shall be donated to the 2079
eligible nonprofit organization that first declares to the board 2080
or its representative its desire to obtain the item unless the 2081
board previously has established, by resolution, a list of 2082

eligible nonprofit organizations that shall be given priority with 2083
respect to the item's donation. Priority may be given on the basis 2084
that the purposes of a nonprofit organization have a direct 2085
relationship to specific public purposes of programs provided or 2086
administered by the board. A resolution giving priority to certain 2087
nonprofit organizations with respect to the donation of an item of 2088
property shall specify the reasons why the organizations are given 2089
that priority. 2090

(C) Members of the board of county commissioners shall 2091
consult with the Ohio ethics commission, and comply with the 2092
provisions of Chapters 102. and 2921. of the Revised Code, with 2093
respect to any sale or donation under division (A) or (B) of this 2094
section to a nonprofit organization of which a county 2095
commissioner, any member of the county commissioner's family, or 2096
any business associate of the county commissioner is a trustee, 2097
officer, board member, or employee. 2098

(D) Notwithstanding anything to the contrary in division (A), 2099
(B), or (E) of this section and regardless of the property's 2100
value, the board of county commissioners may sell or donate county 2101
personal property, including motor vehicles, to the federal 2102
government, the state, any political subdivision of the state, or 2103
a county land reutilization corporation without advertisement or 2104
public notification. 2105

(E) Notwithstanding anything to the contrary in division (A), 2106
(B), or (G) of this section and regardless of the property's 2107
value, the board of county commissioners may sell personal 2108
property, including motor vehicles acquired for the use of county 2109
officers and departments, and road machinery, equipment, tools, or 2110
supplies, that is not needed for public use, is obsolete, or is 2111
unfit for the use for which it was acquired, by internet auction. 2112
The board shall adopt, during each calendar year, a resolution 2113
expressing its intent to sell that property by internet auction. 2114

The resolution shall include a description of how the auctions 2115
will be conducted and shall specify the number of days for bidding 2116
on the property, which shall be no less than ten days, including 2117
Saturdays, Sundays, and legal holidays. The resolution shall 2118
indicate whether the county will conduct the auction or the board 2119
will contract with a representative to conduct the auction and 2120
shall establish the general terms and conditions of sale. If a 2121
representative is known when the resolution is adopted, the 2122
resolution shall provide contact information such as the 2123
representative's name, address, and telephone number. 2124

After adoption of the resolution, the board shall publish, in 2125
a newspaper of general circulation in the county, notice of its 2126
intent to sell unneeded, obsolete, or unfit-for-use county 2127
personal property by internet auction. The notice shall include a 2128
summary of the information provided in the resolution and shall be 2129
published ~~at least~~ twice or as provided in section 7.16 of the 2130
Revised Code. The second and any subsequent notice shall be 2131
published not less than ten nor more than twenty days after the 2132
previous notice. A similar notice also shall be posted continually 2133
throughout the calendar year in a conspicuous place in the offices 2134
of the county auditor and the board of county commissioners, ~~and,~~ 2135
~~if.~~ If the county maintains a web site on the internet, the notice 2136
shall be posted continually throughout the calendar year at that 2137
web site. 2138

When property is to be sold by internet auction, the board or 2139
its representative may establish a minimum price that will be 2140
accepted for specific items and may establish any other terms and 2141
conditions for the particular sale, including requirements for 2142
pick-up or delivery, method of payment, and sales tax. This type 2143
of information shall be provided on the internet at the time of 2144
the auction and may be provided before that time upon request 2145
after the terms and conditions have been determined by the board 2146

or its representative. 2147

(F) When a county officer or department head determines that 2148
county-owned personal property under the jurisdiction of the 2149
officer or department head, including motor vehicles, road 2150
machinery, equipment, tools, or supplies, is not of immediate 2151
need, the county officer or department head may notify the board 2152
of county commissioners, and the board may lease that personal 2153
property to any municipal corporation, township, other political 2154
subdivision of the state, or to a county land reutilization 2155
corporation. The lease shall require the county to be reimbursed 2156
under terms, conditions, and fees established by the board, or 2157
under contracts executed by the board. 2158

(G) If the board of county commissioners finds, by 2159
resolution, that the county has vehicles, equipment, or machinery 2160
that is not needed, or is unfit for public use, and the board 2161
desires to sell the vehicles, equipment, or machinery to the 2162
person or firm from which it proposes to purchase other vehicles, 2163
equipment, or machinery, the board may offer to sell the vehicles, 2164
equipment, or machinery to that person or firm, and to have the 2165
selling price credited to the person or firm against the purchase 2166
price of other vehicles, equipment, or machinery. 2167

(H) If the board of county commissioners advertises for bids 2168
for the sale of new vehicles, equipment, or machinery to the 2169
county, it may include in the same advertisement a notice of the 2170
willingness of the board to accept bids for the purchase of 2171
county-owned vehicles, equipment, or machinery that is obsolete or 2172
not needed for public use, and to have the amount of those bids 2173
subtracted from the selling price of the other vehicles, 2174
equipment, or machinery as a means of determining the lowest 2175
responsible bidder. 2176

(I) If a board of county commissioners determines that county 2177
personal property is not needed for public use, or is obsolete or 2178

unfit for the use for which it was acquired, and that the property 2179
has no value, the board may discard or salvage that property. 2180

(J) A county engineer, in the engineer's discretion, may 2181
dispose of scrap construction materials on such terms as the 2182
engineer determines reasonable, including disposal without 2183
recovery of costs, if the total value of the materials does not 2184
exceed twenty-five thousand dollars. The engineer shall maintain 2185
records of all dispositions made under this division, including 2186
identification of the origin of the materials, the final 2187
disposition, and copies of all receipts resulting from the 2188
dispositions. 2189

As used in division (I) of this section, "scrap construction 2190
materials" means construction materials that result from a road or 2191
bridge improvement, remain after the improvement is completed, and 2192
are not reusable. Construction material that is metal and that 2193
results from a road or bridge improvement and remains after the 2194
improvement is completed is scrap construction material only if it 2195
cannot be used in any other road or bridge improvement or other 2196
project in its current state. 2197

Sec. 307.676. (A) As used in this section: 2198

(1) "Food and beverages" means any raw, cooked, or processed 2199
edible substance used or intended for use in whole or in part for 2200
human consumption, including ice, water, spirituous liquors, wine, 2201
mixed beverages, beer, soft drinks, soda, and other beverages. 2202

(2) "Convention facilities authority" has the same meaning as 2203
in section 351.01 of the Revised Code. 2204

(3) "Convention center" has the same meaning as in section 2205
307.695 of the Revised Code. 2206

(B) The legislative authority of a county with a population 2207
of one million or more according to the most recent federal 2208

decennial census may, by resolution adopted on or before August 2209
30, 2004, by a majority of the members of the legislative 2210
authority and with the subsequent approval of a majority of the 2211
electors of the county voting upon it, levy a tax of not more than 2212
two per cent on every retail sale in the county of food and 2213
beverages to be consumed on the premises where sold to pay the 2214
expenses of administering the tax and to provide revenues for the 2215
county general fund. Such resolution shall direct the board of 2216
elections to submit the question of levying the tax to the 2217
electors of the county at the next primary or general election in 2218
the county occurring not less than seventy-five days after the 2219
resolution is certified to the board of elections, and such 2220
resolution may further direct the board of elections to include 2221
upon the ballot submitted to the electors any specific purposes 2222
for which the tax will be used. The legislative authority shall 2223
establish all regulations necessary to provide for the 2224
administration and allocation of the tax. The regulations may 2225
prescribe the time for payment of the tax and may provide for 2226
imposition of a penalty, interest, or both for late payments, 2227
provided that any such penalty may not exceed ten per cent of the 2228
amount of tax due and the rate at which interest accrues may not 2229
exceed the rate per annum required under section 5703.47 of the 2230
Revised Code. 2231

(C) A tax levied under this section shall remain in effect 2232
for the period of time specified in the resolution or ordinance 2233
levying the tax, but in no case for a longer period than forty 2234
years. 2235

(D) A tax levied under this section is in addition to any 2236
other tax levied under Chapter 307., 4301., 4305., 5739., 5741., 2237
or any other chapter of the Revised Code. "Price," as defined in 2238
sections 5739.01 and 5741.01 of the Revised Code, does not include 2239
any tax levied under this section and any tax levied under this 2240

section does not include any tax imposed under Chapter 5739. or 2241
5741. of the Revised Code. 2242

(E)(1) No amount collected from a tax levied under this 2243
section shall be contributed to a convention facilities authority, 2244
corporation, or other entity created after July 1, 2003, for the 2245
principal purpose of constructing, improving, expanding, 2246
equipping, financing, or operating a convention center unless the 2247
mayor of the municipal corporation in which the convention center 2248
is to be operated by that convention facilities authority, 2249
corporation, or other entity has consented to the creation of that 2250
convention facilities authority, corporation, or entity. 2251
Notwithstanding any contrary provision of section 351.04 of the 2252
Revised Code, if a tax is levied by a county under this section, 2253
the board of county commissioners of that county may determine the 2254
manner of selection, the qualifications, the number, and terms of 2255
office of the members of the board of directors of any convention 2256
facilities authority, corporation, or other entity described in 2257
division (E)(1) of this section. 2258

(2)(a) No amount collected from a tax levied under this 2259
section may be used for any purpose other than paying the direct 2260
and indirect costs of constructing, improving, expanding, 2261
equipping, financing, or operating a convention center and for the 2262
real and actual costs of administering the tax, unless, prior to 2263
the adoption of the resolution of the legislative authority of the 2264
county directing the board of elections to submit the question of 2265
the levy, extension, or increase to the electors of the county, 2266
the county and the mayor of the most populous municipal 2267
corporation in that county have entered into an agreement as to 2268
the use of such amounts, provided that such agreement has been 2269
approved by a majority of the mayors of the other municipal 2270
corporations in that county. The agreement shall provide that the 2271
amounts to be used for purposes other than paying the convention 2272

center or administrative costs described in division (E)(2)(a) of 2273
this section be used only for the direct and indirect costs of 2274
capital improvements in accordance with the agreement, including 2275
the financing of capital improvements. Immediately following the 2276
execution of the agreement, the county shall: 2277

(i) In accordance with section 7.12 of the Revised Code, 2278
cause the agreement to be published ~~at least~~ once in a newspaper 2279
of general circulation in that county; or 2280

(ii) Post the agreement in at least five public places in the 2281
county, as determined by the legislative authority, for a period 2282
not less than fifteen days. 2283

(b) If the county in which the tax is levied has an 2284
association of mayors and city managers, the approval of that 2285
association of an agreement described in division (E)(2)(a) of 2286
this section shall be considered to be the approval of the 2287
majority of the mayors of the other municipal corporations for 2288
purposes of that division. 2289

(F) Each year, the auditor of state shall conduct an audit of 2290
the uses of any amounts collected from taxes levied under this 2291
section and shall prepare a report of the auditor of state's 2292
findings. The auditor of state shall submit the report to the 2293
legislative authority of the county that has levied the tax, the 2294
speaker of the house of representatives, the president of the 2295
senate, and the leaders of the minority parties of the house of 2296
representatives and the senate. 2297

(G) The levy of any taxes under Chapter 5739. of the Revised 2298
Code on the same transactions subject to a tax under this section 2299
does not prevent the levy of a tax under this section. 2300

Sec. 307.70. In any county electing a county charter 2301
commission, the board of county commissioners shall appropriate 2302

money for the expenses of such commission in the preparation of a 2303
county charter, or charter amendment, and the study of problems 2304
involved. No appropriation shall be made for the compensation of 2305
members of the commission for their services. The board shall 2306
appropriate money for the printing and mailing or otherwise 2307
distributing to each elector in the county, as far as may be 2308
reasonably possible, a copy of a charter submitted to the electors 2309
of the county by a charter commission or by the board pursuant to 2310
petition as provided by Section 4 of Article X, Ohio Constitution. 2311
The copy of the charter shall be mailed or otherwise distributed 2312
at least thirty days prior to the election. The board shall 2313
appropriate money for the printing and distribution or publication 2314
of proposed amendments to a charter submitted by a charter 2315
commission pursuant to Section 4 of Article X, Ohio Constitution. 2316
Notice of amendments to a county charter shall be given by mailing 2317
or otherwise distributing a copy of each proposed amendment to 2318
each elector in the county, as far as may be reasonably possible, 2319
at least thirty days prior to the election or, if the board so 2320
determines, by publishing the full text of the proposed amendments 2321
once a week for at least two consecutive weeks in a newspaper 2322
~~published in the county. If no newspaper is published in the~~ 2323
~~county or the board is unable to obtain publication in a newspaper~~ 2324
~~published in the county, the proposed amendments may be published~~ 2325
~~in a newspaper~~ of general circulation within the county, or as 2326
provided in section 7.16 of the Revised Code. No public officer is 2327
precluded, because of being a public officer, from also holding 2328
office as a member of a county charter commission, except that not 2329
more than four officeholders may be elected to a county charter 2330
commission at the same time. No member of a county charter 2331
commission, because of charter commission membership, is precluded 2332
from seeking or holding other public office. 2333

Sec. 307.79. (A) The board of county commissioners may adopt, 2334

amend, and rescind rules establishing technically feasible and 2335
economically reasonable standards to achieve a level of management 2336
and conservation practices that will abate wind or water erosion 2337
of the soil or abate the degradation of the waters of the state by 2338
soil sediment in conjunction with land grading, excavating, 2339
filling, or other soil disturbing activities on land used or being 2340
developed for nonfarm commercial, industrial, residential, or 2341
other nonfarm purposes, and establish criteria for determination 2342
of the acceptability of those management and conservation 2343
practices. The rules shall be designed to implement the applicable 2344
areawide waste treatment management plan prepared under section 2345
208 of the "Federal Water Pollution Control Act," 86 Stat. 816 2346
(1972), 33 U.S.C.A. 1228, as amended, and to implement phase II of 2347
the storm water program of the national pollutant discharge 2348
elimination system established in 40 C.F.R. Part 122. The rules to 2349
implement phase II of the storm water program of the national 2350
pollutant discharge elimination system shall not be inconsistent 2351
with, more stringent than, or broader in scope than the rules or 2352
regulations adopted by the environmental protection agency under 2353
40 C.F.R. Part 122. The rules adopted under this section shall not 2354
apply inside the limits of municipal corporations or the limits of 2355
townships with a limited home rule government that have adopted 2356
rules under section 504.21 of the Revised Code, to lands being 2357
used in a strip mine operation as defined in section 1513.01 of 2358
the Revised Code, or to land being used in a surface mine 2359
operation as defined in section 1514.01 of the Revised Code. 2360

2361
The rules adopted under this section may require persons to 2362
file plans governing erosion control, sediment control, and water 2363
management before clearing, grading, excavating, filling, or 2364
otherwise wholly or partially disturbing one or more contiguous 2365
acres of land owned by one person or operated as one development 2366
unit for the construction of nonfarm buildings, structures, 2367

utilities, recreational areas, or other similar nonfarm uses. If 2368
the rules require plans to be filed, the rules shall do all of the 2369
following: 2370

(1) Designate the board itself, its employees, or another 2371
agency or official to review and approve or disapprove the plans; 2372

(2) Establish procedures and criteria for the review and 2373
approval or disapproval of the plans; 2374

(3) Require the designated entity to issue a permit to a 2375
person for the clearing, grading, excavating, filling, or other 2376
project for which plans are approved and to deny a permit to a 2377
person whose plans have been disapproved; 2378

(4) Establish procedures for the issuance of the permits; 2379

(5) Establish procedures under which a person may appeal the 2380
denial of a permit. 2381

Areas of less than one contiguous acre shall not be exempt 2382
from compliance with other provisions of this section or rules 2383
adopted under this section. The rules adopted under this section 2384
may impose reasonable filing fees for plan review, permit 2385
processing, and field inspections. 2386

No permit or plan shall be required for a public highway, 2387
transportation, or drainage improvement or maintenance project 2388
undertaken by a government agency or political subdivision in 2389
accordance with a statement of its standard sediment control 2390
policies that is approved by the board or the chief of the 2391
division of soil and water resources in the department of natural 2392
resources. 2393

(B) Rules or amendments may be adopted under this section 2394
only after public hearings at not fewer than two regular sessions 2395
of the board. The board of county commissioners shall cause to be 2396
published, in a newspaper of general circulation in the county, 2397

notice of the public hearings, including time, date, and place, 2398
once a week for two weeks immediately preceding the hearings, or 2399
as provided in section 7.16 of the Revised Code. The proposed 2400
rules or amendments shall be made available by the board to the 2401
public at the board office or other location indicated in the 2402
notice. The rules or amendments shall take effect on the 2403
thirty-first day following the date of their adoption. 2404

(C) The board of county commissioners may employ personnel to 2405
assist in the administration of this section and the rules adopted 2406
under it. The board also, if the action does not conflict with the 2407
rules, may delegate duties to review sediment control and water 2408
management plans to its employees, and may enter into agreements 2409
with one or more political subdivisions, other county officials, 2410
or other government agencies, in any combination, in order to 2411
obtain reviews and comments on plans governing erosion control, 2412
sediment control, and water management or to obtain other services 2413
for the administration of the rules adopted under this section. 2414

(D) The board of county commissioners or any duly authorized 2415
representative of the board may, upon identification to the owner 2416
or person in charge, enter any land upon obtaining agreement with 2417
the owner, tenant, or manager of the land in order to determine 2418
whether there is compliance with the rules adopted under this 2419
section. If the board or its duly authorized representative is 2420
unable to obtain such an agreement, the board or representative 2421
may apply for, and a judge of the court of common pleas for the 2422
county where the land is located may issue, an appropriate 2423
inspection warrant as necessary to achieve the purposes of this 2424
chapter. 2425

(E)(1) If the board of county commissioners or its duly 2426
authorized representative determines that a violation of the rules 2427
adopted under this section exists, the board or representative may 2428
issue an immediate stop work order if the violator failed to 2429

obtain any federal, state, or local permit necessary for sediment 2430
and erosion control, earth movement, clearing, or cut and fill 2431
activity. In addition, if the board or representative determines 2432
such a rule violation exists, regardless of whether or not the 2433
violator has obtained the proper permits, the board or 2434
representative may authorize the issuance of a notice of 2435
violation. If, after a period of not less than thirty days has 2436
elapsed following the issuance of the notice of violation, the 2437
violation continues, the board or its duly authorized 2438
representative shall issue a second notice of violation. Except as 2439
provided in division (E)(3) of this section, if, after a period of 2440
not less than fifteen days has elapsed following the issuance of 2441
the second notice of violation, the violation continues, the board 2442
or its duly authorized representative may issue a stop work order 2443
after first obtaining the written approval of the prosecuting 2444
attorney of the county if, in the opinion of the prosecuting 2445
attorney, the violation is egregious. 2446

Once a stop work order is issued, the board or its duly 2447
authorize representative shall request, in writing, the 2448
prosecuting attorney of the county to seek an injunction or other 2449
appropriate relief in the court of common pleas to abate excessive 2450
erosion or sedimentation and secure compliance with the rules 2451
adopted under this section. If the prosecuting attorney seeks an 2452
injunction or other appropriate relief, then, in granting relief, 2453
the court of common pleas may order the construction of sediment 2454
control improvements or implementation of other control measures 2455
and may assess a civil fine of not less than one hundred or more 2456
than five hundred dollars. Each day of violation of a rule or stop 2457
work order issued under this section shall be considered a 2458
separate violation subject to a civil fine. 2459

(2) The person to whom a stop work order is issued under this 2460
section may appeal the order to the court of common pleas of the 2461

county in which it was issued, seeking any equitable or other 2462
appropriate relief from that order. 2463

(3) No stop work order shall be issued under this section 2464
against any public highway, transportation, or drainage 2465
improvement or maintenance project undertaken by a government 2466
agency or political subdivision in accordance with a statement of 2467
its standard sediment control policies that is approved by the 2468
board or the chief of the division of soil and water resources in 2469
the department of natural resources. 2470

(F) No person shall violate any rule adopted or order issued 2471
under this section. Notwithstanding division (E) of this section, 2472
if the board of county commissioners determines that a violation 2473
of any rule adopted or administrative order issued under this 2474
section exists, the board may request, in writing, the prosecuting 2475
attorney of the county to seek an injunction or other appropriate 2476
relief in the court of common pleas to abate excessive erosion or 2477
sedimentation and secure compliance with the rules or order. In 2478
granting relief, the court of common pleas may order the 2479
construction of sediment control improvements or implementation of 2480
other control measures and may assess a civil fine of not less 2481
than one hundred or more than five hundred dollars. Each day of 2482
violation of a rule adopted or administrative order issued under 2483
this section shall be considered a separate violation subject to a 2484
civil fine. 2485

Sec. 307.791. The question of repeal of a county sediment 2486
control rule adopted under section 307.79 of the Revised Code may 2487
be initiated by filing with the board of elections of the county 2488
not less than seventy-five days before the general or primary 2489
election in any year a petition requesting that an election be 2490
held on such question. Such petition shall be signed by qualified 2491
electors residing in the county equal in number to ten per cent of 2492

those voting for governor at the most recent gubernatorial 2493
election in the county. 2494

After determination by it that such petition is valid, the 2495
board of elections shall submit the question to the electors of 2496
the county at the next general or primary election. The election 2497
shall be conducted, canvassed, and certified in the same manner as 2498
regular elections for county offices in the county. Notice of the 2499
election shall be published in a newspaper of general circulation 2500
in the county once a week for two consecutive weeks prior to the 2501
election ~~and, if~~ or as provided in section 7.16 of the Revised 2502
Code. If the board of elections operates and maintains a web site, 2503
notice of the election also shall be posted on that web site for 2504
thirty days prior to the election. The notice shall state the 2505
purpose, time, and place of the election and ~~the complete text a~~ 2506
succinct summary of each rule sought to be repealed. The form of 2507
the ballot cast at such election shall be prescribed by the 2508
secretary of state. The question covered by such petition shall be 2509
submitted as a separate proposition, but it may be printed on the 2510
same ballot with any other proposition submitted at the same 2511
election other than the election of officers. If a majority of the 2512
qualified electors voting on the question of repeal approve the 2513
repeal, the result of the election shall be certified immediately 2514
after the canvass by the board of elections to the board of county 2515
commissioners, who shall thereupon rescind the rule. 2516

Sec. 307.81. (A) Where lands have been dedicated to or for 2517
the use of the public for parks or park lands, and where such 2518
lands have remained unimproved and unused by the public and there 2519
appears to be little or no possibility that such lands will be 2520
improved and used by the public, the board of county commissioners 2521
of the county in which the lands are located may, by resolution, 2522
declare such parks or park lands vacated upon the petition of a 2523
majority of the abutting freeholders. No such parks or park lands 2524

shall be vacated unless notice of the pendency and prayer of the 2525
petition is given in a newspaper of general circulation in the 2526
county in which such lands are situated for three consecutive 2527
weeks preceding action on such petition or as provided in section 2528
7.16 of the Revised Code. No such lands shall be vacated prior to 2529
a public hearing had thereon. 2530

(B) Before the board of county commissioners may act on a 2531
petition to vacate unimproved and unused parks or park lands under 2532
division (A) of this section, the board shall offer such parks or 2533
park lands to all political subdivisions described in division (C) 2534
of this section. The board shall give notice to those political 2535
subdivisions by first class mail that the parks or park lands may 2536
be declared vacated unless the board of county commissioners 2537
accepts an offer from another political subdivision to buy or 2538
lease the lands. The failure of delivery of any such notice does 2539
not invalidate any proceedings for the disposition of parks or 2540
park lands under this division. Any such political subdivision 2541
that wishes to buy or lease the parks or park lands shall make an 2542
offer for the lands to the board in writing not later than ninety 2543
days after receiving the notice. The board may reject any offer, 2544
except that if it receives an offer in which the political 2545
subdivision agrees to use the lands for park purposes and in which 2546
the board finds all of the other terms acceptable, the board shall 2547
accept that offer. No offer shall be accepted until notice of the 2548
offer is published for three consecutive weeks in a newspaper of 2549
general circulation in the county in which the lands are situated 2550
or as provided in section 7.16 of the Revised Code, and a public 2551
hearing is held. Proceeds from the sale or lease of the lands 2552
shall be placed in the general fund of the county and be disbursed 2553
as prescribed in section 307.82 of the Revised Code. Any deed 2554
conveying the lands shall be executed as provided in that section. 2555

(C) In order to receive a notice or to make an offer 2556

regarding parks or park lands under division (B) of this section, 2557
a political subdivision must meet both of the following 2558
conditions: 2559

(1) Have the authority to acquire, develop, and maintain 2560
public parks or recreation areas; 2561

(2) Contain the parks or park lands in question within its 2562
boundaries, or adjoin a political subdivision that contains those 2563
parks or park lands within its boundaries. 2564

Sec. 307.82. Upon the vacation of parks or park lands, the 2565
board of county commissioners shall offer such lands for sale at a 2566
public auction at the courthouse of the county in which such lands 2567
are situated. No lands shall be sold until the board gives notice 2568
of intention to sell such lands. Such notice shall be published 2569
once a week for four consecutive weeks in a newspaper of general 2570
circulation in the county in which sale is to be had or as 2571
provided in section 7.16 of the Revised Code. The board shall sell 2572
such lands to the highest and best bidder, provided, the board may 2573
reject any and all bids made hereunder. 2574

When such sale is made, the auditor of the county in which 2575
sale is had and in which such lands are located, shall enter into 2576
a deed, conveying said lands to the purchaser thereof. At the time 2577
of sale, the auditor shall place the lands sold hereunder on the 2578
tax duplicate of the county at a value to be established by ~~him~~ 2579
the auditor as in cases where ~~he~~ the auditor re-enters property 2580
which has been tax exempt on the taxable list of the county. 2581

The proceeds from the sale of lands sold pursuant to this 2582
section shall be placed in the general fund of the county in which 2583
such lands are located and may be disbursed as other general fund 2584
moneys. 2585

Sec. 307.83. When real estate which has been dedicated to or 2586

for the use of the public for parks or park lands is vacated by 2587
the board of county commissioners pursuant to division (A) of 2588
section 307.81 of the Revised Code or is to be sold or leased for 2589
nonpark use under division (B) of that section, and where 2590
reversionary interests have been set up in the event of the 2591
non-use of such lands for the dedicated purpose, such reversionary 2592
interests shall accelerate and vest in the holders thereof upon 2593
such vacation, or prior to the acceptance of an offer to buy or 2594
lease the land. Thereupon the auditor of the county shall place 2595
the lands on the tax duplicate of the county in the names of such 2596
reversioners as are known to the board of county commissioners. If 2597
the board is unable to establish the names of such reversioners, 2598
it shall fix a date on or before which claims to such real estate 2599
may be asserted and after which such real estate shall be sold or 2600
leased. The board shall give notice of such date and of the sale 2601
or lease to be held thereafter, once each week for four 2602
consecutive weeks in a newspaper of general circulation in the 2603
county wherein such lands are located or as provided in section 2604
7.16 of the Revised Code. In the event that no claims to such 2605
lands are asserted or found to be valid, the lands shall be sold 2606
pursuant to section 307.82 of the Revised Code in the case of a 2607
vacation of the lands pursuant to division (A) of section 307.81 2608
of the Revised Code, or be sold or leased pursuant to division (B) 2609
of section 307.81 of the Revised Code if an agreement with a 2610
political subdivision is entered into under that division, and the 2611
title of any holders of reversionary interests shall be 2612
extinguished. 2613

Sec. 308.13. (A) The board of trustees of a regional airport 2614
authority or any officer or employee designated by such board may 2615
make any contract for the purchase of supplies or material or for 2616
labor for any work, under the supervision of the board, the cost 2617
of which shall not exceed fifteen thousand dollars. Except where 2618

the contract is for equipment, materials, or supplies available 2619
from a qualified nonprofit agency pursuant to sections 4115.31 to 2620
4115.35 of the Revised Code, when an expenditure, other than for 2621
the acquisition of real estate, the discharge of noncontractual 2622
claims, personal services, or for the product or services of 2623
public utilities, exceeds fifteen thousand dollars, such 2624
expenditure shall be made only after a notice calling for bids has 2625
been published once a week for three consecutive weeks in ~~at least~~ 2626
~~one~~ a newspaper of general circulation within the territorial 2627
boundaries of the regional airport authority, or as provided in 2628
section 7.16 of the Revised Code. If the bid is for a contract for 2629
the construction, demolition, alteration, repair, or 2630
reconstruction of an improvement, it shall meet the requirements 2631
of section 153.54 of the Revised Code. If the bid is for any other 2632
contract authorized by this section, it shall be accompanied by a 2633
good and approved bond with ample security conditioned on the 2634
carrying out of the contract. The board may let the contract to 2635
the lowest and best bidder. Such contract shall be in writing and 2636
shall be accompanied by or shall refer to plans and specifications 2637
for the work to be done, approved by the board. The plans and 2638
specifications shall at all times be made and considered part of 2639
the contract. Said contract shall be approved by the board and 2640
signed by its chief executive officer and by the contractor, and 2641
shall be executed in duplicate. 2642

(B) Whenever a board of trustees of a regional airport 2643
authority or any officer or employee designated by the board makes 2644
a contract for the purchase of supplies or material or for labor 2645
for any work, the cost of which is greater than one thousand 2646
dollars but no more than fifteen thousand dollars, the board or 2647
designated officer or employee shall solicit informal estimates 2648
from no fewer than three potential suppliers before awarding the 2649
contract. With regard to each such contract, the board shall 2650
maintain a record of such estimates, including the name of each 2651

person from whom an estimate is solicited, for no less than one 2652
year after the contract is awarded. 2653

Sec. 317.20. (A) When, in the opinion of the board of county 2654
commissioners, sectional indexes are needed and it so directs, in 2655
addition to the alphabetical indexes provided for in section 2656
317.18 of the Revised Code, the board may provide for making, in 2657
books prepared for that purpose, sectional indexes to the records 2658
of all real estate in the county beginning with some designated 2659
year and continuing through the period of years that the board 2660
specifies. The sectional indexes shall place under the heads of 2661
the original surveyed sections or surveys, parts of a section or 2662
survey, squares, subdivisions, permanent parcel numbers provided 2663
for under section 319.28 of the Revised Code, or lots, on the 2664
left-hand page or on the upper portion of that page of the index 2665
book, the name of the grantor, then the name of the grantee, then 2666
the number and page of the record in which the instrument is found 2667
recorded, then the character of the instrument, and then a 2668
pertinent description of the interest in property conveyed by the 2669
deed, lease, or assignment of lease and shall place under similar 2670
headings on the right-hand page or on the lower portion of that 2671
page of the index book, beginning at the bottom, all the 2672
mortgages, liens, notices provided for in sections 5301.51, 2673
5301.52, and 5301.56 of the Revised Code, or other encumbrances 2674
affecting the real estate. 2675

(B) The compensation for the services rendered under this 2676
section shall be paid from the general revenue fund of the county, 2677
and no additional levy shall be made in consequence of the 2678
services. 2679

(C) If the board of county commissioners decides to have 2680
sectional indexes made, it shall advertise for three consecutive 2681
weeks in one newspaper of general circulation in the county or as 2682

provided in section 7.16 of the Revised Code for sealed proposals 2683
to do the work provided for in this section, shall contract with 2684
the lowest and best bidder, and shall require the successful 2685
bidder to give a bond for the faithful performance of the contract 2686
in the sum that the board fixes. The work shall be done to the 2687
acceptance of the auditor of state upon allowance by the board. 2688
The board may reject any and all bids for the work, provided that 2689
no more than five cents shall be paid for each entry of each tract 2690
or lot of land. 2691

(D) When the sectional indexes are brought up and completed, 2692
the county recorder shall maintain the indexes and comply with 2693
division (E) of this section in connection with registered land. 2694

(E)(1) As used in division (E) of this section, "housing 2695
accommodations" and "restrictive covenant" have the same meanings 2696
as in section 4112.01 of the Revised Code. 2697

(2) In connection with any transfer of registered land that 2698
occurs on and after ~~the effective date of this amendment~~ March 30, 2699
1999, in accordance with Chapters 5309. and 5310. of the Revised 2700
Code, the county recorder shall delete from the sectional indexes 2701
maintained under this section all references to any restrictive 2702
covenant that appears to apply to the transferred registered land, 2703
if any inclusion of the restrictive covenant in a transfer, 2704
rental, or lease of housing accommodations, any honoring or 2705
exercising of the restrictive covenant, or any attempt to honor or 2706
exercise the restrictive covenant constitutes an unlawful 2707
discriminatory practice under division (H)(9) of section 4112.02 2708
of the Revised Code. 2709

Sec. 319.11. The county auditor shall, on or before ninety 2710
days after the close of the fiscal year, prepare a financial 2711
report of the county for the preceding fiscal year in such form as 2712
prescribed by the auditor of state. Upon completing the report, 2713

the county auditor shall publish notice that the report has been 2714
completed and is available for public inspection at the office of 2715
the county auditor. The notice shall be published once in ~~two~~ 2716
~~newspapers~~ a newspaper of general circulation ~~published~~ in the 2717
county, ~~except that if only one newspaper is published in the~~ 2718
~~county, then publication in only one newspaper is required, and~~ 2719
~~if.~~ If there are is no newspapers newspaper of general circulation 2720
in the county, then publication is required in the newspaper of 2721
general circulation in an adjoining county that has the largest 2722
circulation in ~~the~~ that adjoining county. The report shall contain 2723
at least the information required by section 117.38 of the Revised 2724
Code, and a copy shall be filed with the auditor of state. 2725

No county auditor shall fail or neglect to prepare the report 2726
or publish notice of completion of the report as required by this 2727
section. 2728

Sec. 319.54. (A) On all moneys collected by the county 2729
treasurer on any tax duplicate of the county, other than estate 2730
tax duplicates, and on all moneys received as advance payments of 2731
personal property and classified property taxes, the county 2732
auditor, on settlement with the treasurer and tax commissioner, on 2733
or before the date prescribed by law for such settlement or any 2734
lawful extension of such date, shall be allowed as compensation 2735
for the county auditor's services the following percentages: 2736

(1) On the first one hundred thousand dollars, two and 2737
one-half per cent; 2738

(2) On the next two million dollars, eight thousand three 2739
hundred eighteen ten-thousandths of one per cent; 2740

(3) On the next two million dollars, six thousand six hundred 2741
fifty-five ten-thousandths of one per cent; 2742

(4) On all further sums, one thousand six hundred sixty-three 2743

ten-thousandths of one per cent. 2744

If any settlement is not made on or before the date 2745
prescribed by law for such settlement or any lawful extension of 2746
such date, the aggregate compensation allowed to the auditor shall 2747
be reduced one per cent for each day such settlement is delayed 2748
after the prescribed date. No penalty shall apply if the auditor 2749
and treasurer grant all requests for advances up to ninety per 2750
cent of the settlement pursuant to section 321.34 of the Revised 2751
Code. The compensation allowed in accordance with this section on 2752
settlements made before the dates prescribed by law, or the 2753
reduced compensation allowed in accordance with this section on 2754
settlements made after the date prescribed by law or any lawful 2755
extension of such date, shall be apportioned ratably by the 2756
auditor and deducted from the shares or portions of the revenue 2757
payable to the state as well as to the county, townships, 2758
municipal corporations, and school districts. 2759

(B) For the purpose of reimbursing county auditors for the 2760
expenses associated with the increased number of applications for 2761
reductions in real property taxes under sections 323.152 and 2762
4503.065 of the Revised Code that result from the amendment of 2763
those sections by Am. Sub. H.B. 119 of the 127th general assembly, 2764
there shall be paid from the state's general revenue fund to the 2765
county treasury, to the credit of the real estate assessment fund 2766
created by section 325.31 of the Revised Code, an amount equal to 2767
one per cent of the total annual amount of property tax relief 2768
reimbursement paid to that county under sections 323.156 and 2769
4503.068 of the Revised Code for the preceding tax year. Payments 2770
made under this division shall be made at the same times and in 2771
the same manner as payments made under section 323.156 of the 2772
Revised Code. 2773

(C) From all moneys collected by the county treasurer on any 2774
tax duplicate of the county, other than estate tax duplicates, and 2775

on all moneys received as advance payments of personal property 2776
and classified property taxes, there shall be paid into the county 2777
treasury to the credit of the real estate assessment fund created 2778
by section 325.31 of the Revised Code, an amount to be determined 2779
by the county auditor, which shall not exceed the percentages 2780
prescribed in divisions (C)(1) and (2) of this section. 2781

(1) For payments made after June 30, 2007, and before 2011, 2782
the following percentages: 2783

(a) On the first five hundred thousand dollars, four per 2784
cent; 2785

(b) On the next five million dollars, two per cent; 2786

(c) On the next five million dollars, one per cent; 2787

(d) On all further sums not exceeding one hundred fifty 2788
million dollars, three-quarters of one per cent; 2789

(e) On amounts exceeding one hundred fifty million dollars, 2790
five hundred eighty-five thousandths of one per cent. 2791

(2) For payments made in or after 2011, the following 2792
percentages: 2793

(a) On the first five hundred thousand dollars, four per 2794
cent; 2795

(b) On the next ten million dollars, two per cent; 2796

(c) On amounts exceeding ten million five hundred thousand 2797
dollars, three-fourths of one per cent. 2798

Such compensation shall be apportioned ratably by the auditor 2799
and deducted from the shares or portions of the revenue payable to 2800
the state as well as to the county, townships, municipal 2801
corporations, and school districts. 2802

(D) Each county auditor shall receive four per cent of the 2803
amount of tax collected and paid into the county treasury, on 2804

property omitted and placed by the county auditor on the tax 2805
duplicate. 2806

(E) On all estate tax moneys collected by the county 2807
treasurer, the county auditor, on settlement semiannually with the 2808
tax commissioner, shall be allowed, as compensation for the 2809
auditor's services under Chapter 5731. of the Revised Code, the 2810
following percentages: 2811

(1) Four per cent on the first one hundred thousand dollars; 2812

(2) One-half of one per cent on all additional sums. 2813

Such percentages shall be computed upon the amount collected 2814
and reported at each semiannual settlement, and shall be for the 2815
use of the general fund of the county. 2816

(F) On all cigarette license moneys collected by the county 2817
treasurer, the county auditor, on settlement semiannually with the 2818
treasurer, shall be allowed as compensation for the auditor's 2819
services in the issuing of such licenses one-half of one per cent 2820
of such moneys, to be apportioned ratably and deducted from the 2821
shares of the revenue payable to the county and subdivisions, for 2822
the use of the general fund of the county. 2823

(G) The county auditor shall charge and receive fees as 2824
follows: 2825

(1) For deeds of land sold for taxes to be paid by the 2826
purchaser, five dollars; 2827

(2) For the transfer or entry of land, lot, or part of lot, 2828
or the transfer or entry on or after January 1, 2000, of a used 2829
manufactured home or mobile home as defined in section 5739.0210 2830
of the Revised Code, fifty cents for each transfer or entry, to be 2831
paid by the person requiring it; 2832

(3) For receiving statements of value and administering 2833
section 319.202 of the Revised Code, one dollar, or ten cents for 2834

each one hundred dollars or fraction of one hundred dollars, 2835
whichever is greater, of the value of the real property 2836
transferred or, for sales occurring on or after January 1, 2000, 2837
the value of the used manufactured home or used mobile home, as 2838
defined in section 5739.0210 of the Revised Code, transferred, 2839
except no fee shall be charged when the transfer is made: 2840

(a) To or from the United States, this state, or any 2841
instrumentality, agency, or political subdivision of the United 2842
States or this state; 2843

(b) Solely in order to provide or release security for a debt 2844
or obligation; 2845

(c) To confirm or correct a deed previously executed and 2846
recorded or when a current owner on any record made available to 2847
the general public on the internet or a publicly accessible 2848
database and the general tax list of real and public utility 2849
property and the general duplicate of real and public utility 2850
property is a peace officer, parole officer, prosecuting attorney, 2851
assistant prosecuting attorney, correctional employee, youth 2852
services employee, firefighter, EMT, or investigator of the bureau 2853
of criminal identification and investigation and is changing the 2854
current owner name listed on any record made available to the 2855
general public on the internet or a publicly accessible database 2856
and the general tax list of real and public utility property and 2857
the general duplicate of real and public utility property to the 2858
initials of the current owner as prescribed in division (B)(1) of 2859
section 319.28 of the Revised Code; 2860

(d) To evidence a gift, in trust or otherwise and whether 2861
revocable or irrevocable, between husband and wife, or parent and 2862
child or the spouse of either; 2863

(e) On sale for delinquent taxes or assessments; 2864

(f) Pursuant to court order, to the extent that such transfer 2865

is not the result of a sale effected or completed pursuant to such order; 2866
2867

(g) Pursuant to a reorganization of corporations or unincorporated associations or pursuant to the dissolution of a corporation, to the extent that the corporation conveys the property to a stockholder as a distribution in kind of the corporation's assets in exchange for the stockholder's shares in the dissolved corporation; 2868
2869
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(h) By a subsidiary corporation to its parent corporation for no consideration, nominal consideration, or in sole consideration of the cancellation or surrender of the subsidiary's stock; 2874
2875
2876

(i) By lease, whether or not it extends to mineral or mineral rights, unless the lease is for a term of years renewable forever; 2877
2878

(j) When the value of the real property or the manufactured or mobile home or the value of the interest that is conveyed does not exceed one hundred dollars; 2879
2880
2881

(k) Of an occupied residential property, including a manufactured or mobile home, being transferred to the builder of a new residence or to the dealer of a new manufactured or mobile home when the former residence is traded as part of the consideration for the new residence or new manufactured or mobile home; 2882
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2887

(l) To a grantee other than a dealer in real property or in manufactured or mobile homes, solely for the purpose of, and as a step in, the prompt sale of the real property or manufactured or mobile home to others; 2888
2889
2890
2891

(m) To or from a person when no money or other valuable and tangible consideration readily convertible into money is paid or to be paid for the real estate or manufactured or mobile home and the transaction is not a gift; 2892
2893
2894
2895

(n) Pursuant to division (B) of section 317.22 of the Revised Code, or section 2113.61 of the Revised Code, between spouses or to a surviving spouse pursuant to section 5302.17 of the Revised Code as it existed prior to April 4, 1985, between persons pursuant to section 5302.17 or 5302.18 of the Revised Code on or after April 4, 1985, to a person who is a surviving, survivorship tenant pursuant to section 5302.17 of the Revised Code on or after April 4, 1985, or pursuant to section 5309.45 of the Revised Code;	2896 2897 2898 2899 2900 2901 2902 2903
(o) To a trustee acting on behalf of minor children of the deceased;	2904 2905
(p) Of an easement or right-of-way when the value of the interest conveyed does not exceed one thousand dollars;	2906 2907
(q) Of property sold to a surviving spouse pursuant to section 2106.16 of the Revised Code;	2908 2909
(r) To or from an organization exempt from federal income taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended, provided such transfer is without consideration and is in furtherance of the charitable or public purposes of such organization;	2910 2911 2912 2913 2914
(s) Among the heirs at law or devisees, including a surviving spouse, of a common decedent, when no consideration in money is paid or to be paid for the real property or manufactured or mobile home;	2915 2916 2917 2918
(t) To a trustee of a trust, when the grantor of the trust has reserved an unlimited power to revoke the trust;	2919 2920
(u) To the grantor of a trust by a trustee of the trust, when the transfer is made to the grantor pursuant to the exercise of the grantor's power to revoke the trust or to withdraw trust assets;	2921 2922 2923 2924
(v) To the beneficiaries of a trust if the fee was paid on	2925

the transfer from the grantor of the trust to the trustee or if 2926
the transfer is made pursuant to trust provisions which became 2927
irrevocable at the death of the grantor; 2928

(w) To a corporation for incorporation into a sports facility 2929
constructed pursuant to section 307.696 of the Revised Code; 2930

(x) Between persons pursuant to section 5302.18 of the 2931
Revised Code; 2932

(y) From a county land reutilization corporation organized 2933
under Chapter 1724. of the Revised Code to a third party. 2934

(4) For the cost of publishing the delinquent manufactured 2935
home tax list, the delinquent tax list, and the delinquent vacant 2936
land tax list, a flat fee, as determined by the county auditor, to 2937
be charged to the owner of a home on the delinquent manufactured 2938
home tax list or the property owner of land on the delinquent tax 2939
list or the delinquent vacant land tax list. 2940

The auditor shall compute and collect the fee. The auditor 2941
shall maintain a numbered receipt system, as prescribed by the tax 2942
commissioner, and use such receipt system to provide a receipt to 2943
each person paying a fee. The auditor shall deposit the receipts 2944
of the fees on conveyances in the county treasury daily to the 2945
credit of the general fund of the county, except that fees charged 2946
and received under division (G)(3) of this section for a transfer 2947
of real property to a county land reutilization corporation shall 2948
be credited to the county land reutilization corporation fund 2949
established under section 321.263 of the Revised Code. 2950

The real property transfer fee provided for in division 2951
(G)(3) of this section shall be applicable to any conveyance of 2952
real property presented to the auditor on or after January 1, 2953
1968, regardless of its time of execution or delivery. 2954

The transfer fee for a used manufactured home or used mobile 2955
home shall be computed by and paid to the county auditor of the 2956

county in which the home is located immediately prior to the 2957
transfer. 2958

Sec. 321.18. As soon as sufficient funds are in the county 2959
treasury to redeem the warrants drawn on the treasury, and on 2960
which interest is accruing, the county treasurer shall give notice 2961
in a newspaper ~~published in and circulating~~ of general circulation 2962
in ~~his~~ the county that ~~he~~ the treasurer is ready to redeem such 2963
warrants, and from the date of the notice the interest on such 2964
warrants shall cease. 2965

Sec. 322.02. (A) For the purpose of paying the costs of 2966
enforcing and administering the tax and providing additional 2967
general revenue for the county, any county may levy and collect a 2968
tax to be known as the real property transfer tax on each deed 2969
conveying real property or any interest in real property located 2970
wholly or partially within the boundaries of the county at a rate 2971
not to exceed thirty cents per hundred dollars for each one 2972
hundred dollars or fraction thereof of the value of the real 2973
property or interest in real property located within the 2974
boundaries of the county granted, assigned, transferred, or 2975
otherwise conveyed by the deed. The tax shall be levied pursuant 2976
to a resolution adopted by the board of county commissioners of 2977
the county and, except as provided in division (A) of section 2978
322.07 of the Revised Code, shall be levied at a uniform rate upon 2979
all deeds as defined in ~~division~~ division (D) of section 322.01 of 2980
the Revised Code. Prior to the adoption of any such resolution, 2981
the board of county commissioners shall conduct two public 2982
hearings thereon, the second hearing to be not less than three nor 2983
more than ten days after the first. Notice of the date, time, and 2984
place of the hearings shall be given by publication in a newspaper 2985
of general circulation in the county once a week on the same day 2986
of the week for two consecutive weeks, ~~the~~ or as provided in 2987

section 7.16 of the Revised Code. The second publication being 2988
shall be not less than ten nor more than thirty days prior to the 2989
first hearing. The tax shall be levied upon the grantor named in 2990
the deed and shall be paid by the grantor for the use of the 2991
county to the county auditor at the time of the delivery of the 2992
deed as provided in section 319.202 of the Revised Code and prior 2993
to the presentation of the deed to the recorder of the county for 2994
recording. 2995

(B) No resolution levying a real property transfer tax 2996
pursuant to this section or a manufactured home transfer tax 2997
pursuant to section 322.06 of the Revised Code shall be effective 2998
sooner than thirty days following its adoption. Such a resolution 2999
is subject to a referendum as provided in sections 305.31 to 3000
305.41 of the Revised Code, unless the resolution is adopted as an 3001
emergency measure necessary for the immediate preservation of the 3002
public peace, health, or safety, in which case it shall go into 3003
immediate effect. An emergency measure must receive an affirmative 3004
vote of all of the members of the board of commissioners, and 3005
shall state the reasons for the necessity. A resolution may direct 3006
the board of elections to submit the question of levying the tax 3007
to the electors of the county at the next primary or general 3008
election in the county occurring not less than seventy-five days 3009
after the resolution is certified to the board. No such resolution 3010
shall go into effect unless approved by a majority of those voting 3011
upon it. 3012

Sec. 322.021. The question of a repeal of a county permissive 3013
tax adopted as an emergency measure pursuant to division (B) of 3014
section 322.02 of the Revised Code may be initiated by filing with 3015
the board of elections of the county not less than seventy-five 3016
days before the general election in any year a petition requesting 3017
that an election be held on such question. Such petition shall be 3018
signed by qualified electors residing in the county equal in 3019

number to ten per cent of those voting for governor at the most 3020
recent gubernatorial election. 3021

After determination by it that such petition is valid, the 3022
board of elections shall submit the question to the electors of 3023
the county at the next general election. The election shall be 3024
conducted, canvassed, and certified in the same manner as regular 3025
elections for county offices in the county. Notice of the election 3026
shall be published in a newspaper of general circulation in the 3027
district once a week for two consecutive weeks prior to the 3028
election ~~and, if or as provided in section 7.16 of the Revised~~ 3029
Code. If the board of elections operates and maintains a web site, 3030
notice of the election also shall be posted on that web site for 3031
thirty days prior to the election. The notice shall state the 3032
purpose, time, and place of the election. The form of the ballot 3033
cast at such election shall be prescribed by the secretary of 3034
state. The question covered by such petition shall be submitted as 3035
a separate proposition, but it may be printed on the same ballot 3036
with any other proposition submitted at the same election other 3037
than the election of officers. If a majority of the qualified 3038
electors voting on the question of repeal approve the repeal, the 3039
result of the election shall be certified immediately after the 3040
canvass by the board of elections to the board of county 3041
commissioners, who shall thereupon, after the current year, cease 3042
to levy the tax. 3043

Sec. 323.08. After certifying the tax list and duplicate 3044
pursuant to section 319.28 of the Revised Code, the county auditor 3045
shall deliver a list of the tax rates, tax reduction factors, and 3046
effective tax rates assessed and applied against each of the two 3047
classes of property of the county to the county treasurer, who 3048
shall immediately cause a schedule of such tax rates and effective 3049
rates to be published in a newspaper of ~~the type described in~~ 3050
~~section 5721.01 of the Revised Code having~~ general circulation in 3051

the county or, in lieu of such publication, the county treasurer 3052
may insert a copy of such schedule with each tax bill mailed. Such 3053
schedule shall specify particularly the rates and effective rates 3054
of taxation levied for all purposes on the tax list and duplicate 3055
for the support of the various taxing units within the county, 3056
expressed in dollars and cents for each one thousand dollars of 3057
valuation. The effective tax rates shall be printed in boldface 3058
type. 3059

The county treasurer shall publish notice of the date of the 3060
last date for payment of each installment of taxes once a week for 3061
two successive weeks prior to such date in ~~two newspapers~~ a 3062
newspaper of general circulation within the county or as provided 3063
in section 7.16 of the Revised Code. ~~If only one such newspaper~~ 3064
~~exists, the notice shall be published in it.~~ The notice shall be 3065
inserted in a conspicuous place in ~~each~~ the newspaper and shall 3066
also contain notice that any taxes paid after such date will 3067
accrue a penalty and interest and that failure to receive a tax 3068
bill will not avoid such penalty and interest. The notice shall 3069
contain a telephone number that may be called by taxpayers who 3070
have not received tax bills. 3071

As used in this section and section 323.131 of the Revised 3072
Code, "effective tax rate" means the effective rate after making 3073
the reduction required by section 319.301, but before making the 3074
reduction required by section 319.302 of the Revised Code. 3075

Sec. 323.73. (A) Except as provided in division (G) of this 3076
section or section 323.78 of the Revised Code, a parcel of 3077
abandoned land that is to be disposed of under this section shall 3078
be disposed of at a public auction scheduled and conducted as 3079
described in this section. At least twenty-one days prior to the 3080
date of the public auction, the clerk of court or sheriff of the 3081
county shall advertise the public auction in a newspaper of 3082

general circulation that meets the requirements of divisions 3083
(A)(1) to (5) of section 7.12 of the Revised Code in the county in 3084
which the land is located. Section 2701.09 of the Revised Code 3085
does not apply to publication of such an advertisement. The 3086
advertisement shall include the date, time, and place of the 3087
auction, the permanent parcel number of the land if a permanent 3088
parcel number system is in effect in the county as provided in 3089
section 319.28 of the Revised Code or, if a permanent parcel 3090
number system is not in effect, any other means of identifying the 3091
parcel, and a notice stating that the abandoned land is to be sold 3092
subject to the terms of sections 323.65 to 323.79 of the Revised 3093
Code. 3094

(B) The sheriff of the county or a designee of the sheriff 3095
shall conduct the public auction at which the abandoned land will 3096
be offered for sale. To qualify as a bidder, a person shall file 3097
with the sheriff on a form provided by the sheriff a written 3098
acknowledgment that the abandoned land being offered for sale is 3099
to be conveyed in fee simple to the successful bidder. At the 3100
auction, the sheriff of the county or a designee of the sheriff 3101
shall begin the bidding at an amount equal to the total of the 3102
impositions against the abandoned land, plus the costs apportioned 3103
to the land under section 323.75 of the Revised Code. The 3104
abandoned land shall be sold to the highest bidder. The county 3105
sheriff or designee may reject any and all bids not meeting the 3106
minimum bid requirements specified in this division. 3107

(C) Except as otherwise permitted under section 323.74 of the 3108
Revised Code, the successful bidder at a public auction conducted 3109
under this section shall pay the sheriff of the county or a 3110
designee of the sheriff a deposit of at least ten per cent of the 3111
purchase price in cash, or by bank draft or official bank check, 3112
at the time of the public auction, and shall pay the balance of 3113
the purchase price within thirty days after the day on which the 3114

auction was held. Notwithstanding section 321.261 of the Revised Code, with respect to any proceedings initiated pursuant to sections 323.65 to 323.79 of the Revised Code, from the total proceeds arising from the sale, transfer, or redemption of abandoned land, twenty per cent of such proceeds shall be deposited to the credit of the delinquent tax and assessment collection fund to reimburse the fund for costs paid from the fund for the transfer, redemption, or sale of abandoned land at public auction. Not more than one-half of the twenty per cent may be used by the treasurer for community development, nuisance abatement, foreclosure prevention, demolition, and related services or distributed by the treasurer to a land reutilization corporation. The balance of the proceeds, if any, shall be distributed to the appropriate political subdivisions and other taxing units in proportion to their respective claims for taxes, assessments, interest, and penalties on the land. Upon the sale of foreclosed lands, the clerk of court shall hold any surplus proceeds in excess of the impositions until the clerk receives an order of priority and amount of distribution of the surplus that are adjudicated by a court of competent jurisdiction or receives a certified copy of an agreement between the parties entitled to a share of the surplus providing for the priority and distribution of the surplus. Any party to the action claiming a right to distribution of surplus shall have a separate cause of action in the county or municipal court of the jurisdiction in which the land reposes, provided the board confirms the transfer or regularity of the sale. Any dispute over the distribution of the surplus shall not affect or revive the equity of redemption after the board confirms the transfer or sale.

(D) Upon the sale or transfer of abandoned land pursuant to this section, the owner's fee simple interest in the land shall be conveyed to the purchaser. A conveyance under this division is free and clear of any liens and encumbrances of the parties named

in the complaint for foreclosure attaching before the sale or 3148
transfer, and free and clear of any liens for taxes, except for 3149
federal tax liens and covenants and easements of record attaching 3150
before the sale. 3151

(E) The county board of revision shall reject the sale of 3152
abandoned land to any person if it is shown by a preponderance of 3153
the evidence that the person is delinquent in the payment of taxes 3154
levied by or pursuant to Chapter 307., 322., 324., 5737., 5739., 3155
5741., or 5743. of the Revised Code or any real property taxing 3156
provision of the Revised Code. The board also shall reject the 3157
sale of abandoned land to any person if it is shown by a 3158
preponderance of the evidence that the person is delinquent in the 3159
payment of property taxes on any parcel in the county, or to a 3160
member of any of the following classes of parties connected to 3161
that person: 3162

(1) A member of that person's immediate family; 3163

(2) Any other person with a power of attorney appointed by 3164
that person; 3165

(3) A sole proprietorship owned by that person or a member of 3166
that person's immediate family; 3167

(4) A partnership, trust, business trust, corporation, 3168
association, or other entity in which that person or a member of 3169
that person's immediate family owns or controls directly or 3170
indirectly any beneficial or legal interest. 3171

(F) If the purchase of abandoned land sold pursuant to this 3172
section or section 323.74 of the Revised Code is for less than the 3173
sum of the impositions against the abandoned land and the costs 3174
apportioned to the land under division (A) of section 323.75 of 3175
the Revised Code, then, upon the sale or transfer, all liens for 3176
taxes due at the time the deed of the property is conveyed to the 3177
purchaser following the sale or transfer, and liens subordinate to 3178

liens for taxes, shall be deemed satisfied and discharged. 3179

(G) If the county board of revision finds that the total of 3180
the impositions against the abandoned land are greater than the 3181
fair market value of the abandoned land as determined by the 3182
auditor's then-current valuation of that land, the board, at any 3183
final hearing under section 323.70 of the Revised Code, may order 3184
the property foreclosed and, without an appraisal or public 3185
auction, order the sheriff to execute a deed to the certificate 3186
holder or county land reutilization corporation that filed a 3187
complaint under section 323.69 of the Revised Code, or to a 3188
community development organization, school district, municipal 3189
corporation, county, or township, whichever is applicable, as 3190
provided in section 323.74 of the Revised Code. Upon a transfer 3191
under this division, all liens for taxes due at the time the deed 3192
of the property is transferred to the certificate holder, 3193
community development organization, school district, municipal 3194
corporation, county, or township following the conveyance, and 3195
liens subordinate to liens for taxes, shall be deemed satisfied 3196
and discharged. 3197

Sec. 324.02. For the purpose of providing additional general 3198
revenues for the county and paying the expense of administering 3199
such levy, any county may levy a county excise tax to be known as 3200
the utilities service tax on the charge for every utility service 3201
to customers within the county at a rate not to exceed two per 3202
cent of such charge. On utility service to customers engaged in 3203
business, the tax shall be imposed at a rate of one hundred fifty 3204
per cent of the rate imposed upon all other consumers within the 3205
county. The tax shall be levied pursuant to a resolution adopted 3206
by the board of county commissioners of the county and shall be 3207
levied at uniform rates required by this section upon all charges 3208
for utility service except as provided in section 324.03 of the 3209
Revised Code. The tax shall be levied upon the customer and shall 3210

be paid by the customer to the utility supplying the service at 3211
the time the customer pays the utility for the service. If the 3212
charge for utility service is billed to a person other than the 3213
customer at the request of such person, the tax commissioner of 3214
the state may, in accordance with section 324.04 of the Revised 3215
Code, provide for the levy of the tax against and the payment of 3216
the tax by such other person. Each utility furnishing a utility 3217
service the charge for which is subject to the tax shall set forth 3218
the tax as a separate item on each bill or statement rendered to 3219
the customer. 3220

Prior to the adoption of any resolution levying a utilities 3221
service tax the board of county commissioners shall conduct two 3222
public hearings thereon, the second hearing to be not less than 3223
three nor more than ten days after the first. Notice of the date, 3224
time, and place of such hearings shall be given by publication in 3225
a newspaper of general circulation in the county once a week on 3226
the same day of the week for two consecutive weeks, ~~the~~ or as 3227
provided in section 7.16 of the Revised Code. The second 3228
publication ~~being~~ shall be not less than ten nor more than thirty 3229
days prior to the first hearing. No resolution levying a utilities 3230
service tax pursuant to this section of the Revised Code shall be 3231
effective sooner than thirty days following its adoption and such 3232
resolution is subject to a referendum as provided in sections 3233
305.31 to 305.41 of the Revised Code, unless such resolution is 3234
adopted as an emergency measure necessary for the immediate 3235
preservation of the public peace, health, or safety, in which case 3236
it shall go into immediate effect. Such emergency measure must 3237
receive an affirmative vote of all of the members of the board of 3238
commissioners, and shall state the reasons for such necessity. A 3239
resolution may direct the board of elections to submit the 3240
question of levying the tax to the electors of the county at the 3241
next primary or general election in the county occurring not less 3242
than seventy-five days after such resolution is certified to the 3243

board. No such resolution shall go into effect unless approved by 3244
a majority of those voting upon it. The tax levied by such 3245
resolution shall apply to all bills rendered subsequent to the 3246
sixtieth day after the effective date of the resolution. No bills 3247
shall be rendered out of the ordinary course of business to avoid 3248
payment of the tax. 3249

Sec. 324.021. The question of repeal of a county permissive 3250
tax adopted as an emergency measure pursuant to section 324.02 of 3251
the Revised Code may be initiated by filing with the board of 3252
elections of the county not less than seventy-five days before the 3253
general election in any year a petition requesting that an 3254
election be held on such question. Such petition shall be signed 3255
by qualified electors residing in the county equal in number to 3256
ten per cent of those voting for governor at the most recent 3257
gubernatorial election. 3258

After determination by it that such petition is valid, the 3259
board of elections shall submit the question to the electors of 3260
the county at the next general election. The election shall be 3261
conducted, canvassed, and certified in the same manner as regular 3262
elections for county offices in the county. Notice of the election 3263
shall be published in a newspaper of general circulation in the 3264
district once a week for two consecutive weeks prior to the 3265
election ~~and, if or as provided in section 7.16 of the Revised~~ 3266
Code. If the board of elections operates and maintains a web site, 3267
notice of the election also shall be posted on that web site for 3268
thirty days prior to the election. The notice shall state the 3269
purpose, time, and place of the election. The form of the ballot 3270
cast at such election shall be prescribed by the secretary of 3271
state. The question covered by such petition shall be submitted as 3272
a separate proposition, but it may be printed on the same ballot 3273
with any other proposition submitted at the same election other 3274
than the election of officers. If a majority of the qualified 3275

electors voting on the question of repeal approve the repeal, the 3276
result of the election shall be certified immediately after the 3277
canvass by the board of elections to the board of county 3278
commissioners, who shall thereupon, after the current year, cease 3279
to levy the tax. 3280

Sec. 343.08. (A) The board of county commissioners of a 3281
county solid waste management district and the board of directors 3282
of a joint solid waste management district may fix reasonable 3283
rates or charges to be paid by every person, municipal 3284
corporation, township, or other political subdivision that owns 3285
premises to which solid waste collection, storage, transfer, 3286
disposal, recycling, processing, or resource recovery service is 3287
provided by the district and may change the rates or charges 3288
whenever it considers it advisable. Charges for collection, 3289
storage, transfer, disposal, recycling, processing, or resource 3290
recovery service shall be made only against lots or parcels that 3291
are improved, or in the process of being improved, with at least 3292
one permanent, portable, or temporary building. The rates or 3293
charges may be collected by either of the following means: 3294

(1) Periodic billings made by the district directly or in 3295
conjunction with billings for public utility rates or charges by a 3296
county water district established under section 6103.02 of the 3297
Revised Code, a county sewer district established under section 3298
6117.02 of the Revised Code, or a municipal corporation or other 3299
political subdivision authorized by law to provide public utility 3300
service. When any such charges that are so billed are not paid, 3301
the board shall certify them to the county auditor of the county 3302
where the lots or parcels are located, who shall place them upon 3303
the real property duplicate against the property served by the 3304
collection, storage, transfer, disposal, recycling, processing, or 3305
resource recovery service. The charges shall be a lien on the 3306
property from the date they are placed upon the real property 3307

duplicate by the auditor and shall be collected in the same manner 3308
as other taxes. 3309

(2) Certifying the rates or charges to the county auditor of 3310
the county where the lots or parcels are located, who shall place 3311
them on the real property duplicate against the lots or parcels. 3312
The rates or charges are a lien on the property from the date they 3313
are placed upon the real property duplicate by the auditor and 3314
shall be collected in the same manner as other taxes. 3315

The county or joint district need not fix a rate or charge 3316
against property if the district does not operate a collection 3317
system. 3318

Where a county or joint district owns or operates a solid 3319
waste facility, either without a collection system or in 3320
conjunction therewith, the board of county commissioners or board 3321
of directors may fix reasonable rates or charges for the use of 3322
the facility by persons, municipal corporations, townships, and 3323
other political subdivisions, may contract with any public 3324
authority or person for the collection of solid wastes in any part 3325
of any district for collection, storage, disposal, transfer, 3326
recycling, processing, or resource recovery in any solid waste 3327
facility, or may lease the facility to any public authority or 3328
person. The cost of collection, storage, transfer, disposal, 3329
recycling, processing, or resource recovery under such contracts 3330
may be paid by rates or charges fixed and collected under this 3331
section or by rates and charges fixed under those contracts and 3332
collected by the contractors. 3333

All moneys collected by or on behalf of a county or joint 3334
district as rates or charges for solid waste collection, storage, 3335
transfer, disposal, recycling, processing, or resource recovery 3336
service in any district shall be paid to the county treasurer in a 3337
county district or to the county treasurer or other official 3338
designated by the board of directors in a joint district and kept 3339

in a separate and distinct fund to the credit of the district. The 3340
fund shall be used for the payment of the cost of the management, 3341
maintenance, and operation of the solid waste collection or other 3342
solid waste facilities of the district and, if applicable, the 3343
payment of the cost of collecting the rates or charges of the 3344
district pursuant to division (A)(1) or (2) of this section. Prior 3345
to the approval of the district's initial solid waste management 3346
plan under section 3734.55 of the Revised Code or the issuance of 3347
an order under that section requiring the district to implement an 3348
initial plan prepared by the director, as appropriate, the fund 3349
also may be used for the purposes of division (G)(1) or (3) of 3350
section 3734.57 of the Revised Code. On and after the approval of 3351
the district's initial plan under section 3734.521 or 3734.55 of 3352
the Revised Code or the issuance of an order under either of those 3353
sections, as appropriate, requiring the district to implement an 3354
initial plan prepared by the director, the fund also may be used 3355
for the purposes of divisions (G)(1) to (10) of section 3734.57 of 3356
the Revised Code. Those uses may include, in accordance with a 3357
cost allocation plan adopted under division (B) of this section, 3358
the payment of all allowable direct and indirect costs of the 3359
district, the sanitary engineer or sanitary engineering 3360
department, or a federal or state grant program, incurred for the 3361
purposes of this chapter and sections 3734.52 to 3734.572 of the 3362
Revised Code. Any surplus remaining after those uses of the fund 3363
may be used for the enlargement, modification, or replacement of 3364
such facilities and for the payment of the interest and principal 3365
on bonds and bond anticipation notes issued pursuant to section 3366
343.07 of the Revised Code. In no case shall money so collected be 3367
expended otherwise than for the use and benefit of the district. 3368

A board of county commissioners or directors, instead of 3369
operating and maintaining solid waste collection or other solid 3370
waste facilities of the district with county or joint district 3371
personnel, may enter into a contract with a municipal corporation 3372

having territory within the district pursuant to which the 3373
operation and maintenance of the facilities will be performed by 3374
the municipal corporation. 3375

The products of any solid waste collection or other solid 3376
waste facility owned under this chapter shall be sold through 3377
competitive bidding in accordance with section 307.12 of the 3378
Revised Code, except when a board of county commissioners or 3379
directors determines by resolution that it is in the public 3380
interest to sell those products in a commercially reasonable 3381
manner without competitive bidding. 3382

(B) A board of county commissioners or directors may adopt a 3383
cost allocation plan that identifies, accumulates, and distributes 3384
allowable direct and indirect costs that may be paid from the fund 3385
of the district created in division (A) of this section and 3386
prescribes methods for allocating those costs. The plan shall 3387
authorize payment from the fund for only those costs incurred by 3388
the district, the sanitary engineer or sanitary engineering 3389
department, or a federal or state grant program, and those costs 3390
incurred by the general and other funds of the county for a common 3391
or joint purpose, that are necessary and reasonable for the proper 3392
and efficient administration of the district under this chapter 3393
and sections 3734.52 to 3734.572 of the Revised Code. The plan 3394
shall not authorize payment from the fund of any general 3395
government expense required to carry out the overall governmental 3396
responsibilities of a county. The plan shall conform to United 3397
States office of management and budget Circular A-87 "Cost 3398
Principles for State and Local Governments," published January 15, 3399
1983. 3400

(C) A board of county commissioners or directors shall fix 3401
rates or charges, or enter into contracts fixing the rates or 3402
charges to be collected by the contractor, for solid waste 3403
collection, storage, transfer, disposal, recycling, processing, or 3404

resource recovery services at a public meeting held in accordance 3405
with section 121.22 of the Revised Code. In addition to fulfilling 3406
the requirements of section 121.22 of the Revised Code, the board, 3407
before fixing or changing rates or charges for solid waste 3408
collection, storage, transfer, disposal, recycling, processing, or 3409
resource recovery services, or before entering into a contract 3410
that fixes rates or charges to be collected by the contractor 3411
providing the services, shall hold at least three public hearings 3412
on the proposed rates, charges, or contract. Prior to the first 3413
public hearing, the board shall publish notice of the public 3414
hearings as provided in section 7.16 of the Revised Code or once a 3415
week for three consecutive weeks in a newspaper of general 3416
circulation in the county or counties that would be affected by 3417
the proposed rates, charges, or contract. The notice shall include 3418
a listing of the proposed rates or charges to be fixed and 3419
collected by the board or fixed pursuant to the contract and 3420
collected by the contractor, and the dates, time, and place of 3421
each of the three hearings thereon. The board shall hear any 3422
person who wishes to testify on the proposed rates, charges, or 3423
contract. 3424

Sec. 345.03. A copy of any resolution adopted under section 3425
345.01 of the Revised Code shall be certified within five days by 3426
the taxing authority and not later than four p. m. of the 3427
seventy-fifth day before the day of the election, to the county 3428
board of elections, and such board shall submit the proposal to 3429
the electors of the subdivision at the succeeding general 3430
election. The board shall make the necessary arrangements for the 3431
submission of such question to the electors of the subdivision, 3432
and the election shall be conducted, canvassed, and certified in 3433
like manner as regular elections in such subdivision. 3434

Notice of the election shall be published once in a newspaper 3435
of general circulation in the subdivision, ~~at least once~~, not less 3436

than two weeks prior to such election. The notice shall set out 3437
the purpose of the proposed increase in rate, the amount of the 3438
increase expressed in dollars and cents for each one hundred 3439
dollars of valuation as well as in mills for each one dollar of 3440
property valuation, the number of years during which such increase 3441
will be in effect, and the time and place of holding such 3442
election. 3443

Sec. 349.03. (A) Proceedings for the organization of a new 3444
community authority shall be initiated by a petition filed by the 3445
developer in the office of the clerk of the board of county 3446
commissioners of one of the counties in which all or part of the 3447
proposed new community district is located. Such petition shall be 3448
signed by the developer and may be signed by each proximate city. 3449
The legislative authorities of each such proximate city shall act 3450
in behalf of such city. Such petition shall contain: 3451

(1) The name of the proposed new community authority; 3452

(2) The address where the principal office of the authority 3453
will be located or the manner in which the location will be 3454
selected; 3455

(3) A map and a full and accurate description of the 3456
boundaries of the new community district together with a 3457
description of the properties within such boundaries, if any, 3458
which will not be included in the new community district. Unless 3459
the district is wholly contained within municipalities, the total 3460
acreage included in such district shall not be less than one 3461
thousand acres, all of which acreage shall be owned by, or under 3462
the control through leases of at least seventy-five years' 3463
duration, options, or contracts to purchase, of the developer, if 3464
the developer is a private entity. Such acreage shall be 3465
developable as one functionally interrelated community. 3466

(4) A statement setting forth the zoning regulations proposed 3467

for zoning the area within the boundaries of the new community 3468
district for comprehensive development as a new community, and if 3469
the area has been zoned for such development, a certified copy of 3470
the applicable zoning regulations therefor; 3471

(5) A current plan indicating the proposed development 3472
program for the new community district, the land acquisition and 3473
land development activities, community facilities, and services 3474
which it is proposed the new community authority will undertake 3475
under such program and the proposed method of financing such 3476
activities and services and the projected total population of the 3477
new community; 3478

(6) A suggested number of members, consistent with section 3479
349.04 of the Revised Code, for the board of trustees; 3480

(7) A preliminary economic feasibility analysis, including 3481
the area development pattern and demand, location and proposed new 3482
community district size, present and future socio-economic 3483
conditions, public services provision, financial plan, and the 3484
developer's management capability; 3485

(8) A statement that the development will comply with all 3486
applicable environmental laws and regulations. 3487

Upon the filing of such petition, the organizational board of 3488
commissioners shall determine whether such petition complies with 3489
the requirements of this section as to form and substance. The 3490
board in subsequent proceedings may at any time permit the 3491
petition to be amended in form and substance to conform to the 3492
facts by correcting any errors in the description of the proposed 3493
new community district or in any other particular. 3494

Upon the determination of the organizational board of 3495
commissioners that a sufficient petition has been filed in 3496
accordance with this section, the board shall fix the time and 3497
place of a hearing on the petition for the establishment of the 3498

proposed new community authority. Such hearing shall be held not 3499
less than ninety-five nor more than one hundred fifteen days after 3500
the petition filing date, except that if the petition has been 3501
signed by all proximate cities, such hearing shall be held not 3502
less than thirty nor more than forty-five days after the petition 3503
filing date. The clerk of the board of county commissioners with 3504
which the petition was filed shall give notice thereof by 3505
publication as provided in section 7.16 of the Revised Code or 3506
once each week for three consecutive weeks in a newspaper of 3507
general circulation in any county of which a portion is within the 3508
proposed new community district. Such clerk shall also give 3509
written notice of the date, time, and place of the hearing and 3510
furnish a certified copy of the petition to the clerk of the 3511
legislative authority of each proximate city which has not signed 3512
such petition. In the event that the legislative authority of a 3513
proximate city which did not sign the petition does not approve by 3514
ordinance, resolution, or motion the establishment of the proposed 3515
new community authority and does not deliver such ordinance, 3516
resolution, or motion to the clerk of the board of county 3517
commissioners with which the petition was filed within ninety days 3518
following the date of the first publication of the notice of the 3519
public hearing, the organizational board of commissioners shall 3520
cancel such public hearing and terminate the proceedings for the 3521
establishment of the new community authority. 3522

Upon the hearing, if the organizational board of 3523
commissioners determines by resolution that the proposed new 3524
community district will be conducive to the public health, safety, 3525
convenience, and welfare, and is intended to result in the 3526
development of a new community, the board shall by its resolution, 3527
entered of record in its journal and the journal of the board of 3528
county commissioners with which the petition was filed, declare 3529
the new community authority to be organized and a body politic and 3530
corporate with the corporate name designated in the resolution, 3531

and define the boundary of the new community district. In 3532
addition, the resolution shall provide the method of selecting the 3533
board of trustees of the new community authority and fix the 3534
surety for their bonds in accordance with section 349.04 of the 3535
Revised Code. 3536

If the organizational board of commissioners finds that the 3537
establishment of the district will not be conducive to the public 3538
health, safety, convenience, or welfare, or is not intended to 3539
result in the development of a new community, it shall reject the 3540
petition thereby terminating the proceedings for the establishment 3541
of the new community authority. 3542

(B) At any time after the creation of a new community 3543
authority, the developer may file an application with the clerk of 3544
the board of county commissioners of the county in which the 3545
original petition was filed, setting forth a general description 3546
of territory it desires to add or to delete from such district, 3547
that such change will be conducive to the public health, safety, 3548
convenience, and welfare, and will be consistent with the 3549
development of a new community and will not jeopardize the plan of 3550
the new community. If the developer is not a municipal corporation 3551
or county, all of such an addition to such a district shall be 3552
owned by, or under the control through leases of at least 3553
seventy-five years' duration, options, or contracts to purchase, 3554
of the developer. Upon the filing of the application, the 3555
organizational board of commissioners shall follow the same 3556
procedure as required by this section in relation to the petition 3557
for the establishment of the proposed new community. 3558

(C) If all or any part of the new community district is 3559
annexed to one or more existing municipal corporations, their 3560
legislative authorities may appoint persons to replace any 3561
appointed citizen member of the board of trustees. The number of 3562
such trustees to be replaced by the municipal corporation shall be 3563

the number, rounded to the lowest integer, bearing the 3564
proportionate relationship to the number of existing appointed 3565
citizen members as the acreage of the new community district 3566
within such municipal corporation bears to the total acreage of 3567
the new community district. If any such municipal corporation 3568
chooses to replace an appointed citizen member, it shall do so by 3569
ordinance, the term of the trustee being replaced shall terminate 3570
thirty days from the date of passage of such ordinance, and the 3571
trustee to be replaced shall be determined by lot. Each newly 3572
appointed member shall assume the term of ~~his~~ the member's 3573
predecessor. 3574

Sec. 501.07. Lands described in division (A) of section 3575
501.06 of the Revised Code shall continue to be leased under the 3576
terms granted until such time as the lease may expire. At the time 3577
of expiration, subject to section 501.04 of the Revised Code, the 3578
land may be leased again by the board of education of the school 3579
district for whose benefit the land has been allocated or be 3580
offered for sale by public auction or by the receipt of sealed 3581
bids with the sale awarded by the school board to the highest 3582
bidder. Prior to the offering of these lands for sale, the school 3583
board shall have an appraisal made of these lands by at least two 3584
disinterested appraisers. Notification of the sale of these lands, 3585
including the minerals in or on these or other lands, shall be 3586
advertised ~~at least~~ once a week for two consecutive weeks, or as 3587
provided in section 7.16 of the Revised Code, in a newspaper of 3588
general circulation in the county in which the land is located. No 3589
bids shall be accepted for less than the appraised value of the 3590
land. 3591

Sec. 503.05. When a boundary line between townships is in 3592
dispute, the board of county commissioners, upon application of 3593
the board of township trustees of one of such townships, and upon 3594

notice in writing to the board of township trustees of such civil township, and on thirty days' public notice printed in a newspaper ~~published~~ of general circulation within the county, shall establish such boundary line and make a record thereof as provided by section 503.04 of the Revised Code.

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

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

..... For name change

..... Against name change"

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

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

(C) If a majority of the votes cast on the proposition of changing the township's name is in the affirmative, the name change is adopted and becomes effective ninety days after the

board of elections certifies the election results to the fiscal 3625
officer of the township. Upon receipt of the certification of the 3626
election results from the board of elections, the fiscal officer 3627
of the township shall send a copy of that certification to the 3628
secretary of state. 3629

(D) A change in the name of a township shall not alter the 3630
rights or liabilities of the township as previously named. 3631

Sec. 503.41. (A) A board of township trustees, by resolution, 3632
may regulate and require the registration of massage 3633
establishments and their employees within the unincorporated 3634
territory of the township. In accordance with sections 503.40 to 3635
503.49 of the Revised Code, for that purpose, the board, by a 3636
majority vote of all members, may adopt, amend, administer, and 3637
enforce regulations within the unincorporated territory of the 3638
township. 3639

(B) A board may adopt regulations and amendments under this 3640
section only after public hearing at not fewer than two regular 3641
sessions of the board. The board shall cause to be published in ~~at~~ 3642
~~least one~~ a newspaper of general circulation in the township, or 3643
as provided in section 7.16 of the Revised Code, notice of the 3644
public hearings, including the time, date, and place, once a week 3645
for two weeks immediately preceding the hearings. The board shall 3646
make available proposed regulations or amendments to the public at 3647
the office of the board. 3648

(C) Regulations or amendments adopted by the board are 3649
effective thirty days after the date of adoption unless, within 3650
thirty days after the adoption of the regulations or amendments, 3651
the township fiscal officer receives a petition, signed by a 3652
number of qualified electors residing in the unincorporated area 3653
of the township equal to not less than ten per cent of the total 3654
vote cast for all candidates for governor in the area at the most 3655

recent general election at which a governor was elected, 3656
requesting the board to submit the regulations or amendments to 3657
the electors of the area for approval or rejection at the next 3658
primary or general election occurring at least seventy-five days 3659
after the board receives the petition. 3660

No regulation or amendment for which the referendum vote has 3661
been requested is effective unless a majority of the ~~vote~~ votes 3662
cast on the issue is in favor of the regulation or amendment. Upon 3663
certification by the board of elections that a majority of the 3664
votes cast on the issue was in favor of the regulation or 3665
amendment, the regulation or amendment takes immediate effect. 3666

(D) The board shall make available regulations it adopts or 3667
amends to the public at the office of the board and shall cause to 3668
be published once a notice of the availability of the regulations 3669
in ~~at least one~~ a newspaper of general circulation in the township 3670
within ten days after their adoption or amendment. 3671

(E) Nothing in sections 503.40 to 503.49 of the Revised Code 3672
shall be construed to allow a board of township trustees to 3673
regulate the practice of any limited branch of medicine specified 3674
in section 4731.15 of the Revised Code or the practice of 3675
providing therapeutic massage by a licensed physician, a licensed 3676
chiropractor, a licensed podiatrist, a licensed nurse, or any 3677
other licensed health professional. As used in this division, 3678
"licensed" means licensed, certified, or registered to practice in 3679
this state. 3680

Sec. 504.02. (A) After certification of a resolution as 3681
provided in division (A) of section 504.01 of the Revised Code, 3682
the board of elections shall submit the question of whether to 3683
adopt a limited home rule government to the electors of the 3684
unincorporated area of the township, and the ballot language shall 3685
be substantially as follows: 3686

"Shall the township of (name) adopt a limited home rule government, under which government the board of township trustees, by resolution, may exercise limited powers of local self-government and limited police powers?
..... For adoption of a limited home rule government
..... Against adoption of a limited home rule government"

(B)(1) At least forty-five days before the election on this question, the board of township trustees shall have notice of the election and a description of the proposed limited home rule government 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, and shall have the notice and description posted in five conspicuous places in the unincorporated area of the township.

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

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

Sec. 504.03. (A)(1) If a limited home rule government is adopted pursuant to section 504.02 of the Revised Code, it shall remain in effect for at least three years except as otherwise provided in division (B) of this section. At the end of that period, if the board of township trustees determines that that government is not in the best interests of the township, it may adopt a resolution causing the board of elections to submit to the electors of the unincorporated area of the township the question

of whether the township should continue the limited home rule 3718
government. The question shall be voted upon at the next general 3719
election occurring at least seventy-five days after the 3720
certification of the resolution to the board of elections. After 3721
certification of the resolution, the board of elections shall 3722
submit the question to the electors of the unincorporated area of 3723
the township, and the ballot language shall be substantially as 3724
follows: 3725

"Shall the township of (name) continue the 3726
limited home rule government under which it is operating? 3727
..... For continuation of the limited home rule government 3728
..... Against continuation of the limited home rule government" 3729

(2)(a) At least forty-five days before the election on the 3730
question of continuing the limited home rule government, the board 3731
of township trustees shall have notice of the election published 3732
in a newspaper of general circulation in the township once a week 3733
for two consecutive weeks or as provided in section 7.16 of the 3734
Revised Code, and shall have the notice posted in five conspicuous 3735
places in the unincorporated area of the township. 3736

(b) If a board of elections operates and maintains a web 3737
site, notice of the election shall be posted on that web site for 3738
at least thirty days before the election on the question of 3739
continuing the limited home rule government. 3740

(B) The electors of a township that has adopted a limited 3741
home rule government may propose at any time by initiative 3742
petition, in accordance with section 504.14 of the Revised Code, a 3743
resolution submitting to the electors in the unincorporated area 3744
of the township, in an election, the question set forth in 3745
division (A)(1) of this section. 3746

(C) If a majority of the votes cast under division (A) or (B) 3747
of this section on the proposition of continuing the limited home 3748

rule government is in the negative, that government is terminated 3749
effective on the first day of January immediately following the 3750
election, and a limited home rule government shall not be adopted 3751
in the unincorporated area of the township pursuant to section 3752
504.02 of the Revised Code for at least three years after that 3753
date. 3754

(D) If a limited home rule government is terminated under 3755
this section, the board of township trustees immediately shall 3756
adopt a resolution repealing all resolutions adopted pursuant to 3757
this chapter that are not authorized by any other section of the 3758
Revised Code outside this chapter, effective on the first day of 3759
January immediately following the election described in division 3760
(A) or (B) of this section. However, no resolution adopted under 3761
this division shall affect or impair the obligations of the 3762
township under any security issued or contracts entered into by 3763
the township in connection with the financing of any water supply 3764
facility or sewer improvement under sections 504.18 to 504.20 of 3765
the Revised Code or the authority of the township to collect or 3766
enforce any assessments or other revenues constituting security 3767
for or source of payments of debt service charges of those 3768
securities. 3769

(E) Upon the termination of a limited home rule government 3770
under this section, if the township had converted its board of 3771
township trustees to a five-member board before September 26, 3772
2003, the current board member who received the lowest number of 3773
votes of the current board members who were elected at the most 3774
recent election for township trustees, and the current board 3775
member who received the lowest number of votes of the current 3776
board members who were elected at the second most recent election 3777
for township trustees, shall cease to be township trustees on the 3778
date that the limited home rule government terminates. Their 3779
offices likewise shall cease to exist at that time, and the board 3780

shall continue as a three-member board as provided in section 3781
505.01 of the Revised Code. 3782

Sec. 504.12. No resolution and no section or numbered or 3783
lettered division of a section shall be revised or amended unless 3784
the new resolution contains the entire resolution, section, or 3785
division as revised or amended, and the resolution, section, or 3786
division so amended shall be repealed. This requirement does not 3787
prevent the amendment of a resolution by the addition of a new 3788
section, or division, and in this case the full text of the former 3789
resolution need not be set forth, nor does this section prevent 3790
repeals by implication. Except in the case of a codification or 3791
recodification of resolutions, a separate vote shall be taken on 3792
each resolution proposed to be amended. Resolutions that have been 3793
introduced and have received their first reading or their first 3794
and second readings, but have not been voted on for passage, may 3795
be amended or revised by a majority vote of the members of the 3796
board of township trustees, and the amended or revised resolution 3797
need not receive additional readings. 3798

The board of township trustees of a limited home rule 3799
township may revise, codify, and publish in book form the 3800
resolutions of the township in the same manner as provided in 3801
section 731.23 of the Revised Code for municipal corporations. 3802
Resolutions adopted by the board shall be published in the same 3803
manner as provided by sections 731.21, 731.22, 731.24, 731.25, and 3804
731.26 of the Revised Code for municipal corporations, except that 3805
they shall be published in ~~newspapers circulating~~ a newspaper of 3806
general circulation within the township. The fiscal officer of the 3807
township shall perform the duties that the clerk of the 3808
legislative authority of a municipal corporation is required to 3809
perform under those sections. 3810

The procedures provided in this section apply only to 3811

resolutions adopted pursuant to a township's limited home rule 3812
powers as authorized by this chapter. 3813

Sec. 504.21. (A) The board of township trustees of a township 3814
that has adopted a limited home rule government may, for the 3815
unincorporated territory in the township, adopt, amend, and 3816
rescind rules establishing technically feasible and economically 3817
reasonable standards to achieve a level of management and 3818
conservation practices that will abate wind or water erosion of 3819
the soil or abate the degradation of the waters of the state by 3820
soil sediment in conjunction with land grading, excavating, 3821
filling, or other soil disturbing activities on land used or being 3822
developed in the township for nonfarm commercial, industrial, 3823
residential, or other nonfarm purposes, and establish criteria for 3824
determination of the acceptability of those management and 3825
conservation practices. The rules shall be designed to implement 3826
the applicable areawide waste treatment management plan prepared 3827
under section 208 of the "Federal Water Pollution Control Act," 86 3828
Stat. 816 (1972), 33 U.S.C.A. 1228, as amended, and to implement 3829
phase II of the storm water program of the national pollutant 3830
discharge elimination system established in 40 C.F.R. Part 122. 3831
The rules to implement phase II of the storm water program of the 3832
national pollutant discharge elimination system shall not be 3833
inconsistent with, more stringent than, or broader in scope than 3834
the rules or regulations adopted by the environmental protection 3835
agency under 40 C.F.R. Part 122. The rules adopted under this 3836
section shall not apply inside the limits of municipal 3837
corporations, to lands being used in a strip mine operation as 3838
defined in section 1513.01 of the Revised Code, or to land being 3839
used in a surface mine operation as defined in section 1514.01 of 3840
the Revised Code. 3841

The rules adopted under this section may require persons to 3842
file plans governing erosion control, sediment control, and water 3843

management before clearing, grading, excavating, filling, or 3844
otherwise wholly or partially disturbing one or more contiguous 3845
acres of land owned by one person or operated as one development 3846
unit for the construction of nonfarm buildings, structures, 3847
utilities, recreational areas, or other similar nonfarm uses. If 3848
the rules require plans to be filed, the rules shall do all of the 3849
following: 3850

(1) Designate the board itself, its employees, or another 3851
agency or official to review and approve or disapprove the plans; 3852

(2) Establish procedures and criteria for the review and 3853
approval or disapproval of the plans; 3854

(3) Require the designated entity to issue a permit to a 3855
person for the clearing, grading, excavating, filling, or other 3856
project for which plans are approved and to deny a permit to a 3857
person whose plans have been disapproved; 3858

(4) Establish procedures for the issuance of the permits; 3859

(5) Establish procedures under which a person may appeal the 3860
denial of a permit. 3861

Areas of less than one contiguous acre shall not be exempt 3862
from compliance with other provisions of this section or rules 3863
adopted under this section. The rules adopted under this section 3864
may impose reasonable filing fees for plan review, permit 3865
processing, and field inspections. 3866

No permit or plan shall be required for a public highway, 3867
transportation, or drainage improvement or maintenance project 3868
undertaken by a government agency or political subdivision in 3869
accordance with a statement of its standard sediment control 3870
policies that is approved by the board or the chief of the 3871
division of soil and water resources in the department of natural 3872
resources. 3873

(B) Rules or amendments may be adopted under this section 3874
only after public hearings at not fewer than two regular sessions 3875
of the board of township trustees. The board shall cause to be 3876
published, in a newspaper of general circulation in the township, 3877
notice of the public hearings, including time, date, and place, 3878
once a week for two weeks immediately preceding the hearings, or 3879
as provided in section 7.16 of the Revised Code. The proposed 3880
rules or amendments shall be made available by the board to the 3881
public at the board office or other location indicated in the 3882
notice. The rules or amendments shall take effect on the 3883
thirty-first day following the date of their adoption. 3884

(C) The board of township trustees may employ personnel to 3885
assist in the administration of this section and the rules adopted 3886
under it. The board also, if the action does not conflict with the 3887
rules, may delegate duties to review sediment control and water 3888
management plans to its employees, and may enter into agreements 3889
with one or more political subdivisions, other township officials, 3890
or other government agencies, in any combination, in order to 3891
obtain reviews and comments on plans governing erosion control, 3892
sediment control, and water management or to obtain other services 3893
for the administration of the rules adopted under this section. 3894

(D) The board of township trustees or any duly authorized 3895
representative of the board may, upon identification to the owner 3896
or person in charge, enter any land upon obtaining agreement with 3897
the owner, tenant, or manager of the land in order to determine 3898
whether there is compliance with the rules adopted under this 3899
section. If the board or its duly authorized representative is 3900
unable to obtain such an agreement, the board or representative 3901
may apply for, and a judge of the court of common pleas for the 3902
county where the land is located may issue, an appropriate 3903
inspection warrant as necessary to achieve the purposes of this 3904
section. 3905

(E)(1) If the board of township trustees or its duly authorized representative determines that a violation of the rules adopted under this section exists, the board or representative may issue an immediate stop work order if the violator failed to obtain any federal, state, or local permit necessary for sediment and erosion control, earth movement, clearing, or cut and fill activity. In addition, if the board or representative determines such a rule violation exists, regardless of whether or not the violator has obtained the proper permits, the board or representative may authorize the issuance of a notice of violation. If, after a period of not less than thirty days has elapsed following the issuance of the notice of violation, the violation continues, the board or its duly authorized representative shall issue a second notice of violation. Except as provided in division (E)(3) of this section, if, after a period of not less than fifteen days has elapsed following the issuance of the second notice of violation, the violation continues, the board or its duly authorized representative may issue a stop work order after first obtaining the written approval of the prosecuting attorney of the county in which the township is located if, in the opinion of the prosecuting attorney, the violation is egregious.

Once a stop work order is issued, the board or its duly authorized representative shall request, in writing, the prosecuting attorney 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 adopted under this section. If the prosecuting attorney seeks an injunction or other appropriate relief, then, 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 or stop work order issued under this section shall be considered a separate

violation subject to a civil fine. 3939

(2) The person to whom a stop work order is issued under this 3940
section may appeal the order to the court of common pleas of the 3941
county in which it was issued, seeking any equitable or other 3942
appropriate relief from that order. 3943

(3) No stop work order shall be issued under this section 3944
against any public highway, transportation, or drainage 3945
improvement or maintenance project undertaken by a government 3946
agency or political subdivision in accordance with a statement of 3947
its standard sediment control policies that is approved by the 3948
board or the chief of the division of soil and water resources in 3949
the department of natural resources. 3950

(F) No person shall violate any rule adopted or order issued 3951
under this section. Notwithstanding division (E) of this section, 3952
if the board of township trustees determines that a violation of 3953
any rule adopted or administrative order issued under this section 3954
exists, the board may request, in writing, the prosecuting 3955
attorney of the county in which the township is located, to seek 3956
an injunction or other appropriate relief in the court of common 3957
pleas to abate excessive erosion or sedimentation and secure 3958
compliance with the rules or order. In granting relief, the court 3959
of common pleas may order the construction of sediment control 3960
improvements or implementation of other control measures and may 3961
assess a civil fine of not less than one hundred or more than five 3962
hundred dollars. Each day of violation of a rule adopted or 3963
administrative order issued under this section shall be considered 3964
a separate violation subject to a civil fine. 3965

Sec. 505.108. Except as otherwise provided in this section 3966
and unless the property involved is required to be disposed of 3967
pursuant to another section of the Revised Code, property that is 3968
unclaimed for ninety days or more shall be sold by the chief of 3969

police or other head of the organized police department of the 3970
township, township police district, joint township police 3971
district, or office of a township constable at public auction, 3972
after notice of the sale has been provided by publication once a 3973
week for three successive weeks in a newspaper of general 3974
circulation, or as provided in section 7.16 of the Revised Code, 3975
in the county, or counties, if appropriate, in the case of a joint 3976
township police district. The proceeds of the sale shall be paid 3977
to the fiscal officer of the township and credited to the township 3978
general fund, except that, in the case of a joint township police 3979
district, the proceeds of a sale shall be paid to the fiscal 3980
officer of the most populous participating township and credited 3981
to the appropriate township general fund or funds according to 3982
agreement of the participating townships. 3983

If authorized to do so by a resolution adopted by the board 3984
of township trustees or, in the case of a joint township police 3985
district, each participating board of township trustees, and if 3986
the property involved is not required to be disposed of pursuant 3987
to another section of the Revised Code, the head of the 3988
department, district, or office may contribute property that is 3989
unclaimed for ninety days or more to one or more public agencies, 3990
to one or more nonprofit organizations no part of the net income 3991
of which inures to the benefit of any private shareholder or 3992
individual and no substantial part of the activities of which 3993
consists of carrying on propaganda or otherwise attempting to 3994
influence legislation, or to one or more organizations satisfying 3995
section 501(c)(3) or (c)(19) of the Internal Revenue Code of 1986. 3996

Sec. 505.17. (A) Except in a township or portion of a 3997
township that is within the limits of a municipal corporation, the 3998
board of township trustees may make regulations and orders as are 3999
necessary to control passenger car, motorcycle, and internal 4000
combustion engine noise, as permitted under section 4513.221 of 4001

the Revised Code, and all vehicle parking in the township. This 4002
authorization includes, among other powers, the power to regulate 4003
parking on established roadways proximate to buildings on private 4004
property as necessary to provide access to the property by public 4005
safety vehicles and equipment, if the property is used for 4006
commercial purposes, the public is permitted to use the parking 4007
area, and accommodation for more than ten motor vehicles is 4008
provided, and the power to authorize the issuance of orders 4009
limiting or prohibiting parking on any township street or highway 4010
during a snow emergency declared pursuant to a snow-emergency 4011
authorization adopted under this division. All such regulations 4012
and orders shall be subject to the limitations, restrictions, and 4013
exceptions in sections 4511.01 to 4511.76 and 4513.02 to 4513.37 4014
of the Revised Code. 4015

A board of township trustees may adopt a general 4016
snow-emergency authorization, which becomes effective under 4017
division (B)(1) of this section, allowing the president of the 4018
board or some other person specified in the authorization to issue 4019
an order declaring a snow emergency and limiting or prohibiting 4020
parking on any township street or highway during the snow 4021
emergency. Any such order becomes effective under division (B)(2) 4022
of this section. Each general snow-emergency authorization adopted 4023
under this division shall specify the weather conditions under 4024
which a snow emergency may be declared in that township. 4025

(B)(1) All regulations and orders, including any 4026
snow-emergency authorization established by the board under this 4027
section, except for an order declaring a snow emergency as 4028
provided in division (B)(2) of this section, shall be posted by 4029
the township fiscal officer in five conspicuous public places in 4030
the township for thirty days before becoming effective, and shall 4031
be published in a newspaper of general circulation in the township 4032
for three consecutive weeks or as provided in section 7.16 of the 4033

Revised Code. In addition to these requirements, no general 4034
snow-emergency authorization shall become effective until 4035
permanent signs giving notice that parking is limited or 4036
prohibited during a snow emergency are properly posted, in 4037
accordance with any applicable standards adopted by the department 4038
of transportation, along streets or highways specified in the 4039
authorization. 4040

(2) Pursuant to the adoption of a snow-emergency 4041
authorization under this section, an order declaring a snow 4042
emergency becomes effective two hours after the president of the 4043
board or the other person specified in the general snow-emergency 4044
authorization makes an announcement of a snow emergency to the 4045
local news media. The president or other specified person shall 4046
request the local news media to announce that a snow emergency has 4047
been declared, the time the declaration will go into effect, and 4048
whether the snow emergency will remain in effect for a specified 4049
period of time or indefinitely until canceled by a subsequent 4050
announcement to the local news media by the president or other 4051
specified person. 4052

(C) Such regulations and orders may be enforced where traffic 4053
control devices conforming to section 4511.09 of the Revised Code 4054
are prominently displayed. Parking regulations authorized by this 4055
section do not apply to any state highway unless the parking 4056
regulations are approved by the director of transportation. 4057

(D) A board of township trustees or its designated agent may 4058
order into storage any vehicle parked in violation of a township 4059
parking regulation or order, if the violation is not one that is 4060
required to be handled pursuant to Chapter 4521. of the Revised 4061
Code. The owner or any lienholder of a vehicle ordered into 4062
storage may claim the vehicle upon presentation of proof of 4063
ownership, which may be evidenced by a certificate of title to the 4064
vehicle, and payment of all expenses, charges, and fines incurred 4065

as a result of the parking violation and removal and storage of 4066
the vehicle. 4067

(E) Whoever violates any regulation or order adopted pursuant 4068
to this section is guilty of a minor misdemeanor, unless the 4069
township has enacted a regulation pursuant to division (A) of 4070
section 4521.02 of the Revised Code, that specifies that the 4071
violation shall not be considered a criminal offense and shall be 4072
handled pursuant to Chapter 4521. of the Revised Code. Fines 4073
levied and collected under this section shall be paid into the 4074
township general revenue fund. 4075

Sec. 505.264. (A) As used in this section, "energy 4076
conservation measure" means an installation or modification of an 4077
installation in, or remodeling of, an existing building, to reduce 4078
energy consumption. It includes the following: 4079

(1) Insulation of the building structure and of systems 4080
within the building; 4081

(2) Storm windows and doors, multiglazed windows and doors, 4082
heat-absorbing or heat-reflective glazed and coated window and 4083
door systems, additional glazing, reductions in glass area, and 4084
other window and door system modifications that reduce energy 4085
consumption; 4086

(3) Automatic energy control systems; 4087

(4) Heating, ventilating, or air conditioning system 4088
modifications or replacements; 4089

(5) Caulking and weatherstripping; 4090

(6) Replacement or modification of lighting fixtures to 4091
increase the energy efficiency of the system without increasing 4092
the overall illumination of a facility, unless an increase in 4093
illumination is necessary to conform to the applicable state or 4094
local building code for the proposed lighting system; 4095

(7) Energy recovery systems;	4096
(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;	4097 4098 4099
(9) Any other modification, installation, or remodeling approved by the board of township trustees as an energy conservation measure.	4100 4101 4102
(B) For the purpose of evaluating township buildings for energy conservation measures, a township 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 a report that analyzes the buildings' energy needs and presents recommendations for building installations, modifications of existing installations, or building remodeling that would significantly reduce energy consumption in the buildings owned by that township. The report shall include estimates of all costs of the installations, modifications, or remodeling, including costs of design, engineering, installation, maintenance, and repairs, and estimates of the amounts by which energy consumption could be reduced.	4103 4104 4105 4106 4107 4108 4109 4110 4111 4112 4113 4114 4115 4116
(C) A township desiring to implement energy conservation measures may proceed under either of the following methods:	4117 4118
(1) Using a report or any part of a report prepared under division (B) of this section, advertise for bids and comply with the bidding procedures set forth in sections 307.86 to 307.92 of the Revised Code;	4119 4120 4121 4122
(2) Request proposals from at least three vendors for the implementation of energy conservation measures. Prior to sending any installer of energy conservation measures a copy of any such request, the township shall advertise its intent to request	4123 4124 4125 4126

proposals for the installation of energy conservation measures in 4127
a newspaper of general circulation in the township once a week for 4128
two consecutive weeks or as provided in section 7.16 of the 4129
Revised Code. The notice shall state that the township intends to 4130
request proposals for the installation of energy conservation 4131
measures; indicate the date, which shall be at least ten days 4132
after the second publication, on which the request for proposals 4133
will be mailed to installers of energy conservation measures; and 4134
state that any installer of energy conservation measures 4135
interested in receiving the request for proposal shall submit 4136
written notice to the township not later than noon of the day on 4137
which the request for proposal will be mailed. 4138

Upon receiving the proposals, the township shall analyze them 4139
and select the proposal or proposals most likely to result in the 4140
greatest energy savings considering the cost of the project and 4141
the township's ability to pay for the improvements with current 4142
revenues or by financing the improvements. The awarding of a 4143
contract to install energy conservation measures under division 4144
(C)(2) of this section shall be conditioned upon a finding by the 4145
township that the amount of money spent on energy savings measures 4146
is not likely to exceed the amount of money the township would 4147
save in energy and operating costs over ten years or a lesser 4148
period as determined by the township or, in the case of contracts 4149
for cogeneration systems, over five years or a lesser period as 4150
determined by the township. Nothing in this section prohibits a 4151
township from rejecting all proposals or from selecting more than 4152
one proposal. 4153

(D) A board of township trustees may enter into an 4154
installment payment contract for the purchase and installation of 4155
energy conservation measures. Any provisions of those installment 4156
payment contracts that deal with interest charges and financing 4157
terms shall not be subject to the competitive bidding procedures 4158

of section 307.86 of the Revised Code. Unless otherwise approved 4159
by a resolution of the board, an installment payment contract 4160
entered into by a board of township trustees under this section 4161
shall require the board to contract in accordance with the 4162
procedures set forth in section 307.86 of the Revised Code for the 4163
installation, modification, or remodeling of energy conservation 4164
measures pursuant to this section. 4165

(E) The board may issue securities of the township specifying 4166
the terms of the purchase and securing the deferred payments, 4167
payable at the times provided and bearing interest at a rate not 4168
exceeding the rate determined as provided in section 9.95 of the 4169
Revised Code. The maximum maturity of the securities shall be as 4170
provided in division (B)(7)(g) of section 133.20 of the Revised 4171
Code. The securities may contain an option for prepayment and 4172
shall not be subject to Chapter 133. of the Revised Code. Revenues 4173
derived from local taxes or otherwise, for the purpose of 4174
conserving energy or for defraying the current operating expenses 4175
of the township, may be applied to the payment of interest and the 4176
retirement of the securities. The securities may be sold at 4177
private sale or given to the contractor under the installment 4178
payment contract authorized by division (D) of this section. 4179

(F) Debt incurred under this section shall not be included in 4180
the calculation of the net indebtedness of a township under 4181
section 133.09 of the Revised Code. 4182

Sec. 505.28. The board of township trustees may create a 4183
waste disposal district under sections 505.27 to 505.33 of the 4184
Revised Code, by a unanimous vote of the board and give notice 4185
thereof by a publication in ~~two newspapers~~ a newspaper of general 4186
circulation in the township. If, within thirty days after such 4187
publication, a protest petition is filed with the board, signed by 4188
at least fifty per cent of the electors residing in the district, 4189

the act of the board in creating such district shall be void. If a 4190
petition is filed with the board asking for the creation of such a 4191
district in the township, accompanied by a map clearly showing the 4192
boundaries of such district, and signed by at least sixty-five per 4193
cent of the electors residing therein, with addresses of such 4194
signers, the board shall, within sixty days, create such a 4195
district. 4196

Each district shall be given a name, and the entire cost of 4197
any necessary equipment and labor shall be apportioned against 4198
each district by the respective boards. 4199

Sec. 505.373. The board of township trustees may, by 4200
resolution, adopt by incorporation by reference a standard code 4201
pertaining to fire, fire hazards, and fire prevention prepared and 4202
promulgated by the state or any department, board, or other agency 4203
of the state, or any such code prepared and promulgated by a 4204
public or private organization that publishes a model or standard 4205
code. 4206

After the adoption of the code by the board, a notice clearly 4207
identifying the code, stating the purpose of the code, and stating 4208
that a complete copy of the code is on file with the township 4209
fiscal officer for inspection by the public and also on file in 4210
the law library of the county in which the township is located and 4211
that the fiscal officer has copies available for distribution to 4212
the public at cost, shall be posted by the fiscal officer in five 4213
conspicuous places in the township for thirty days before becoming 4214
effective. The notice required by this section shall also be 4215
published in a newspaper of general circulation in the township 4216
once a week for three consecutive weeks or as provided in section 4217
7.16 of the Revised Code. If the adopting township amends or 4218
deletes any provision of the code, the notice shall contain a 4219
brief summary of the deletion or amendment. 4220

If the agency that originally promulgated or published the 4221
code thereafter amends the code, any township that has adopted the 4222
code pursuant to this section may adopt the amendment or change by 4223
incorporation by reference in the same manner as provided for 4224
adoption of the original code. 4225

Sec. 505.55. In the event that need for a township police 4226
district ceases to exist, the township trustees by a two-thirds 4227
vote of the board shall adopt a resolution specifying the date 4228
that the township police district shall cease to exist and provide 4229
for the disposal of all property belonging to the district by 4230
public sale. Such sale must be by public auction and upon notice 4231
thereof being published once a week for three weeks in a newspaper 4232
~~published, or~~ of general circulation in such township, the or as 4233
provided in section 7.16 of the Revised Code. The last of such 4234
publications ~~to~~ shall be made at least five days before the date 4235
of the sale. Any moneys remaining after the dissolution of the 4236
district or received from the public sale of property shall be 4237
paid into the treasury of the township and may be expended for any 4238
public purpose when duly authorized by the township board of 4239
trustees. 4240

Sec. 505.73. (A) The board of township trustees may, by 4241
resolution, adopt by incorporation by reference, administer, and 4242
enforce within the unincorporated area of the township an existing 4243
structures code pertaining to the repair and continued maintenance 4244
of structures and the premises of those structures. For that 4245
purpose, the board shall adopt any model or standard code prepared 4246
and promulgated by this state, any department, board, or agency of 4247
this state, or any public or private organization that publishes a 4248
recognized model or standard code on the subject. The board shall 4249
ensure that the code adopted governs subject matter not addressed 4250
by the state residential building code and that it is fully 4251

compatible with the state residential and nonresidential building 4252
codes the board of building standards adopts pursuant to section 4253
3781.10 of the Revised Code. 4254

(B) The board shall assign the duties of administering and 4255
enforcing the existing structures code to a township officer or 4256
employee who is trained and qualified for those duties and shall 4257
establish by resolution the minimum qualifications necessary to 4258
perform those duties. 4259

(C)(1) After the board adopts an existing structures code, 4260
the township fiscal officer shall post a notice that clearly 4261
identifies the code, states the code's purpose, and states that a 4262
complete copy of the code is on file for inspection by the public 4263
with the fiscal officer and in the county law library and that the 4264
fiscal officer has copies available for distribution to the public 4265
at cost. 4266

(2) The township fiscal officer shall post the notice in five 4267
conspicuous places in the township for thirty days before the code 4268
becomes effective and shall publish the notice in a newspaper of 4269
general circulation in the township for three consecutive weeks or 4270
as provided in section 7.16 of the Revised Code. If the adopting 4271
township amends or deletes any provision of the code, the notice 4272
shall contain a brief summary of the deletion or amendment. 4273

(D) If the agency that originally promulgated or published 4274
the existing structures code amends the code, the board may adopt 4275
the amendment or change by incorporation by reference in the 4276
manner provided for the adoption of the original code. 4277

Sec. 511.23. (A) When the vote under section 511.22 of the 4278
Revised Code is in favor of establishing one or more public parks, 4279
the board of park commissioners shall constitute a board, to be 4280
called the board of park commissioners of that township park 4281
district, and they shall be a body politic and corporate. Their 4282

office is not a township office within the meaning of section 4283
703.22 of the Revised Code but is an office of the township park 4284
district. The members of the board shall serve without 4285
compensation but shall be allowed their actual and necessary 4286
expenses incurred in the performance of their duties. 4287

(B) The board may locate, establish, improve, maintain, and 4288
operate a public park or parks in accordance with division (B) of 4289
section 511.18 of the Revised Code, with or without recreational 4290
facilities. Any township park district that contains only 4291
unincorporated territory and that operated a public park or parks 4292
outside the township immediately prior to July 18, 1990, may 4293
continue to improve, maintain, and operate these parks outside the 4294
township, but further acquisitions of land shall not affect the 4295
boundaries of the park district itself or the appointing authority 4296
for the board of park commissioners. 4297

The board may lease, accept a conveyance of, or purchase 4298
suitable lands for cash, by purchase by installment payments with 4299
or without a mortgage, by lease or lease-purchase agreements, or 4300
by lease with option to purchase, may acquire suitable lands 4301
through an exchange under section 511.241 of the Revised Code, or 4302
may appropriate suitable lands and materials for park district 4303
purposes. The board also may lease facilities from other political 4304
subdivisions or private sources. The board shall have careful 4305
surveys and plats made of the lands acquired for park district 4306
purposes and shall establish permanent monuments on the boundaries 4307
of the lands. Those plats, when executed according to sections 4308
711.01 to 711.38 of the Revised Code, shall be recorded in the 4309
office of the county recorder, and those records shall be 4310
admissible in evidence for the purpose of locating and 4311
ascertaining the true boundaries of the park or parks. 4312

(C) In furtherance of the use and enjoyment of the lands 4313
controlled by it, the board may accept donations of money or other 4314

property or act as trustees of land, money, or other property, and 4315
may use and administer the land, money, or other property as 4316
stipulated by the donor or as provided in the trust agreement. 4317

The board may receive and expend grants for park purposes 4318
from agencies and instrumentalities of the United States and this 4319
state and may enter into contracts or agreements with those 4320
agencies and instrumentalities to carry out the purposes for which 4321
the grants were furnished. 4322

(D) In exercising any powers conferred upon the board under 4323
divisions (B) and (C) of this section and for other types of 4324
assistance that the board finds necessary in carrying out its 4325
duties, the board may hire and contract for professional, 4326
technical, consulting, and other special services and may purchase 4327
goods and award contracts. The procuring of goods and awarding of 4328
contracts shall be done in accordance with the procedures 4329
established for the board of county commissioners by sections 4330
307.86 to 307.91 of the Revised Code. 4331

(E) The board may appoint an executive for the park or parks 4332
and may designate the executive or another person as the clerk of 4333
the board. It may appoint all other necessary officers and 4334
employees, fix their compensation, and prescribe their duties, or 4335
it may require the executive to appoint all other necessary 4336
officers and employees, and to fix their compensation and 4337
prescribe their duties, in accordance with guidelines and policies 4338
adopted by the board. 4339

(F) The board may adopt bylaws and rules that it considers 4340
advisable for the following purposes: 4341

(1) To prohibit selling, giving away, or using any 4342
intoxicating liquors in the park or parks; 4343

(2) For the government and control of the park or parks and 4344
the operation of motor vehicles in the park or parks; 4345

(3) To provide for the protection and preservation of all 4346
property and natural life within its jurisdiction. 4347

Before the bylaws and rules take effect, the board shall 4348
provide for a notice of their adoption to be published once a week 4349
for two consecutive weeks or as provided in section 7.16 of the 4350
Revised Code, in a newspaper of general circulation in the county 4351
within which the park district is located. 4352

No person shall violate any of the bylaws or rules. Fines 4353
levied and collected for violations shall be paid into the 4354
treasury of the township park district. The board may use moneys 4355
collected from those fines for any purpose that is not 4356
inconsistent with sections 511.18 to 511.37 of the Revised Code. 4357

(G) The board may do either of the following: 4358

(1) Establish and charge fees for the use of any facilities 4359
and services of the park or parks regardless of whether the park 4360
or parks were acquired before, on, or after ~~the effective date of~~ 4361
~~this amendment~~ September 21, 2000; 4362

(2) Enter into a lease agreement with an individual or 4363
organization that provides for the exclusive use of a specified 4364
portion of the park or parks within the township park district by 4365
that individual or organization for the duration of an event 4366
produced by the individual or organization. The board, for the 4367
specific portion of the park or parks covered by the lease 4368
agreement, may charge a fee to, or permit the individual or 4369
organization to charge a fee to, participants in and spectators at 4370
the event covered by the agreement. 4371

(H) If the board finds that real or personal property owned 4372
by the township park district is not currently needed for park 4373
purposes, the board may lease that property to other persons or 4374
organizations during any period of time the board determines the 4375
property will not be needed. If the board finds that competitive 4376

bidding on a lease is not feasible, it may lease the property 4377
without taking bids. 4378

(I) The board may exchange property owned by the township 4379
park district for property owned by the state, another political 4380
subdivision, or the federal government on terms that it considers 4381
desirable, without the necessity of competitive bidding. 4382

(J) Any rights or duties established under this section may 4383
be modified, shared, or assigned by an agreement pursuant to 4384
section 755.16 of the Revised Code. 4385

Sec. 511.25. If the board of park commissioners of a township 4386
park district finds that any lands that the board has acquired are 4387
not necessary for the purposes for which they were acquired, it 4388
may sell and dispose of those lands upon terms that the board 4389
considers advisable and may reject any purchase bid received under 4390
this section that the board determines does not meet its terms for 4391
sale. 4392

Except as otherwise provided in this section, no lands shall 4393
be sold without first giving notice of the board's intention to 4394
sell the lands by publication once a week for four consecutive 4395
weeks in a newspaper of general circulation in the township or as 4396
provided in section 7.16 of the Revised Code. The notice shall 4397
contain an accurate description of the lands being offered for 4398
sale and shall state the time and place at which sealed bids for 4399
the lands will be received. If the board rejects all of the 4400
purchase bids, it may reoffer the lands for sale in accordance 4401
with this section. 4402

The board also may sell park lands not necessary for district 4403
purposes to another political subdivision, the state, or the 4404
federal government without giving the notices or taking bids as 4405
otherwise required by this section. 4406

No lands acquired by a township park district may be sold 4407
without the approval of the court of common pleas of the county in 4408
which the park district is located, if the court appointed the 4409
board under section 511.18 of the Revised Code, or the approval of 4410
the board of township trustees, if the board of township trustees 4411
appointed the board of park commissioners under section 511.18 of 4412
the Revised Code. 4413

Sec. 511.28. A copy of any resolution for a tax levy adopted 4414
by the township board of park commissioners as provided in section 4415
511.27 of the Revised Code shall be certified by the clerk of the 4416
board of park commissioners to the board of elections of the 4417
proper county, together with a certified copy of the resolution 4418
approving the levy, passed by the board of township trustees if 4419
such a resolution is required by division (C) of section 511.27 of 4420
the Revised Code, not less than seventy-five days before a general 4421
or primary election in any year. The board of elections shall 4422
submit the proposal to the electors as provided in section 511.27 4423
of the Revised Code at the succeeding general or primary election. 4424
A resolution to renew an existing levy may not be placed on the 4425
ballot unless the question is submitted at the general election 4426
held during the last year the tax to be renewed may be extended on 4427
the real and public utility property tax list and duplicate, or at 4428
any election held in the ensuing year. The board of park 4429
commissioners shall cause notice that the vote will be taken to be 4430
published once a week for two consecutive weeks prior to the 4431
election in a newspaper of general circulation, or as provided in 4432
section 7.16 of the Revised Code, in the county within which the 4433
park district is located. Additionally, if the board of elections 4434
operates and maintains a web site, the board of elections shall 4435
post that notice on its web site for thirty days prior to the 4436
election. The notice shall state the purpose of the proposed levy, 4437
the annual rate proposed expressed in dollars and cents for each 4438

one hundred dollars of valuation as well as in mills for each one 4439
dollar of valuation, the number of consecutive years during which 4440
the levy shall be in effect, and the time and place of the 4441
election. 4442

The form of the ballots cast at the election shall be: "An 4443
additional tax for the benefit of (name of township park district) 4444
..... for the purpose of (purpose stated in the order of the 4445
board) at a rate not exceeding mills for 4446
each one dollar of valuation, which amounts to (rate expressed in 4447
dollars and cents) for each one hundred dollars of 4448
valuation, for (number of years the levy is to run)" 4449

	FOR THE TAX LEVY	
	AGAINST THE TAX LEVY	"

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If the levy submitted is a proposal to renew, increase, or 4454
decrease an existing levy, the form of the ballot specified in 4455
this section may be changed by substituting for the words "An 4456
additional" at the beginning of the form, the words "A renewal of 4457
a" in the case of a proposal to renew an existing levy in the same 4458
amount; the words "A renewal of mills and an increase 4459
of mills to constitute a" in the case of an increase; 4460
or the words "A renewal of part of an existing levy, being a 4461
reduction of mills, to constitute a" in the case of a 4462
decrease in the rate of the existing levy. 4463

If the tax is to be placed on the current tax list, the form 4464
of the ballot shall be modified by adding, after the statement of 4465
the number of years the levy is to run, the phrase ", commencing 4466
in (first year the tax is to be levied), first due in 4467
calendar year (first calendar year in which the tax 4468
shall be due)." 4469

The question covered by the order shall be submitted as a 4470
separate proposition, but may be printed on the same ballot with 4471
any other proposition submitted at the same election, other than 4472
the election of officers. More than one such question may be 4473
submitted at the same election. 4474

Sec. 511.34. In townships composed of islands, and on one of 4475
which islands lands have been conveyed in trust for the benefit of 4476
the inhabitants of the island for use as a park, and a board of 4477
park trustees has been provided for the control of the park, the 4478
board of township trustees may create a tax district of the island 4479
to raise funds by taxation as provided under divisions (A) and (B) 4480
of this section. 4481

(A) For the care and maintenance of parks on the island, the 4482
board of township trustees annually may levy a tax, not to exceed 4483
one mill, upon all the taxable property in the district. The tax 4484
shall be in addition to all other levies authorized by law, and 4485
subject to no limitation on tax rates except as provided in this 4486
division. 4487

The proceeds of the tax levy shall be expended by the board 4488
of township trustees for the purpose of the care and maintenance 4489
of the parks, and shall be paid out of the township treasury upon 4490
the orders of the board of park trustees. 4491

(B) For the purpose of acquiring additional land for use as a 4492
park, the board of township trustees may levy a tax in excess of 4493
the ten-mill limitation on all taxable property in the district. 4494
The tax shall be proposed by resolution adopted by two-thirds of 4495
the members of the board of township trustees. The resolution 4496
shall specify the purpose and rate of the tax and the number of 4497
years the tax will be levied, which shall not exceed five years, 4498
and which may include a levy on the current tax list and 4499
duplicate. The resolution shall go into immediate effect upon its 4500

passage, and no publication of the resolution is necessary other 4501
than that provided for in the notice of election. The board of 4502
township trustees shall certify a copy of the resolution to the 4503
proper board of elections not later than seventy-five days before 4504
the primary or general election in the township, and the board of 4505
elections shall submit the question of the tax to the voters of 4506
the district at the succeeding primary or general election. The 4507
board of elections shall make the necessary arrangements for the 4508
submission of the question to the electors of the district, and 4509
the election shall be conducted, canvassed, and certified in the 4510
same manner as regular elections in the township for the election 4511
of officers. Notice of the election shall be published in a 4512
newspaper of general circulation in the township once a week for 4513
two consecutive weeks, or as provided in section 7.16 of the 4514
Revised Code, prior to the election ~~and, if,~~ If the board of 4515
elections operates and maintains a web site, notice of the 4516
election also shall be posted on that web site for thirty days 4517
prior to the election. The notice shall state the purpose of the 4518
tax, the proposed rate of the tax expressed in dollars and cents 4519
for each one hundred dollars of valuation and mills for each one 4520
dollar of valuation, the number of years the tax will be in 4521
effect, the first year the tax will be levied, and the time and 4522
place of the election. 4523

The form of the ballots cast at an election held under this 4524
division shall be as follows: 4525

"An additional tax for the benefit of (name of the 4526
township) for the purpose of acquiring additional park land at a 4527
rate of mills for each one dollar of valuation, which 4528
amounts to (rate expressed in dollars and cents) for each 4529
one hundred dollars of valuation, for (number of years 4530
the levy is to run) beginning in (first year the tax 4531
will be levied). 4532

	FOR THE TAX LEVY	
	AGAINST THE TAX LEVY	"

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The question 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.

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

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Sec. 513.14. The board of elections shall advertise the
 proposed tax levy question mentioned in section 513.13 of the
 Revised Code in ~~two newspapers of opposite political faith, if two~~
~~such newspapers are published in the joint township hospital~~
~~district, or otherwise in one a newspaper, published or of general~~
 circulation in the proposed township hospital district, 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
 operates and maintains a web site, the board also shall advertise

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that proposed tax levy question on its web site for thirty days 4564
prior to the election. 4565

Sec. 515.04. The township fiscal officer shall fix a day, not 4566
more than thirty days from the date of notice to the board of 4567
township trustees, for the hearing of the petition authorized by 4568
section 515.02 or 515.16 of the Revised Code. The township fiscal 4569
officer or the fiscal officer's designee shall prepare and deliver 4570
to any of the petitioners a notice in writing directed to the lot 4571
and land owners and to the corporations, either public or private, 4572
affected by the improvement. The notice shall set forth the 4573
substance, pendency, and prayer of the petition and the time and 4574
place of the hearing on it. 4575

A copy of the notice shall be served upon each lot or land 4576
owner or left at the lot or land owner's usual place of residence, 4577
and upon an officer or agent of each corporation having its place 4578
of business in the district or area, at least fifteen days before 4579
the date set for the hearing. On or before the day of the hearing, 4580
the person serving the notice shall make return on it, under oath, 4581
of the time and manner of service and shall file the return with 4582
the township fiscal officer. 4583

The township fiscal officer or the fiscal officer's designee 4584
shall give the notice to each nonresident lot or land owner, by 4585
publication once, in a newspaper ~~published in and~~ of general 4586
circulation in the county in which the district or area is 4587
situated, at least two weeks before the day set for hearing. The 4588
notice shall be verified by affidavit of the printer or other 4589
person knowing the fact and shall be filed with the township 4590
fiscal officer or the fiscal officer's designee on or before the 4591
day of hearing. No further notice of the petition or the 4592
proceedings under it shall thereafter be required. 4593

Sec. 517.12. The board of township trustees may make rules 4594
specifying the times when cemeteries under its control shall be 4595
closed to the public. The board shall cause the rules to be 4596
published once a week for two consecutive weeks in a newspaper of 4597
general circulation within the township or as provided in section 4598
7.16 of the Revised Code, and may post appropriate notice in the 4599
township as considered necessary. 4600

The purposes of such rules shall be to assure a reasonable 4601
time of access to the cemeteries in view of the differences in 4602
attendance anticipated from past experience as to each, to exclude 4603
attendance at times when no proper purposes could normally be 4604
expected, to permit exceptions to the normal hours of access on 4605
reasonable request with adequate reason provided, and to 4606
facilitate the task of protecting the premises from vandalism, 4607
desecration, and other improper usage. 4608

Whoever violates these rules is guilty of a minor 4609
misdemeanor. 4610

Sec. 517.22. The board of township trustees or the trustees 4611
or directors of a cemetery association, after notice has first 4612
been given in ~~two newspapers~~ a newspaper of general circulation in 4613
the county, may dispose of, at public sale, and convey any 4614
cemetery under their control that they have determined to 4615
discontinue as burial grounds, but possession of the cemetery 4616
shall not be given to a grantee until after the remains buried in 4617
that cemetery, together with stones and monuments, have been 4618
removed as provided by section 517.21 of the Revised Code. 4619

Sec. 521.03. On receiving a petition filed under section 4620
521.02 of the Revised Code, or at the request of the board of 4621
township trustees, the township fiscal officer shall fix a time, 4622
not more than thirty days after the date of giving notice of the 4623

filing to the board or the date of receiving the request from the 4624
board, and place for a hearing on the issue of repair or 4625
maintenance of the tiles. The township fiscal officer shall 4626
prepare a notice in writing directed to the lot and land owners 4627
and to the corporations, either public or private, affected by the 4628
improvement. The notice shall set forth the substance of the 4629
petition or board request, and the time and place of the hearing 4630
on it. 4631

If the hearing is to be held in response to a petition, the 4632
township fiscal officer shall deliver a copy of the notice to any 4633
of the petitioners, who shall see that the notice is served on 4634
each lot or land owner or left at the lot or land owner's usual 4635
place of residence, and served on an officer or agent of each 4636
corporation affected by the improvement, at least fifteen days 4637
before the date set for the hearing. If the hearing is to be held 4638
at the request of the board, the board shall see that the notice 4639
is so served. On or before the day of the hearing, the person 4640
serving the notice shall certify, under oath, the time and manner 4641
of service, and shall file this certification with the township 4642
fiscal officer. 4643

The township fiscal officer shall give notice of the hearing 4644
to each nonresident lot or land owner, by publication once, in a 4645
newspaper ~~published in and~~ of general circulation in the county in 4646
which the township is situated, at least two weeks before the day 4647
set for the hearing. This notice shall be verified by affidavit of 4648
the printer or other person knowing the fact, and shall be filed 4649
with the township fiscal officer on or before the day of the 4650
hearing. No further notice of the petition or the proceedings 4651
under it shall thereafter be required. 4652

Sec. 705.16. (A) All ordinances or resolutions shall be in 4653
effect after thirty days from the date of their passage, except as 4654

provided in section 705.75 of the Revised Code. 4655

(B) ~~Notwithstanding any conflicting provision of section 7.12~~ 4656
~~of the Revised Code,~~ A succinct summary of each ordinance and 4657
resolution of a general nature, or providing for public 4658
improvements, or assessing property, ~~or a succinct summary of each~~ 4659
~~such ordinance or resolution,~~ shall, upon passage of the ordinance 4660
or resolution, be promptly published one time in ~~not more than two~~ 4661
~~newspapers~~ a newspaper of general circulation in the municipal 4662
corporation. Such publication shall be made in the body type of 4663
the paper under headlines in eighteen point type, which headlines 4664
shall specify the nature of such legislation. ~~If a summary of an~~ 4665
~~ordinance or resolution is published,~~ the The publication shall 4666
contain notice that the complete text of each such ordinance or 4667
resolution may be obtained or viewed at the office of the clerk of 4668
the legislative authority of the municipal corporation and may be 4669
viewed at any other location designated by the legislative 4670
authority of the municipal corporation. The city director of law, 4671
village solicitor, or other chief legal officer of the municipal 4672
corporation shall review ~~any~~ the summary of an ordinance or 4673
resolution published under this section prior to forwarding it to 4674
the clerk for publication, to ensure that the summary is legally 4675
accurate and sufficient. 4676

(C) Upon publication of a summary of an ordinance or 4677
resolution in accordance with this section, the clerk of the 4678
legislative authority shall supply a copy of the complete text of 4679
each such ordinance or resolution to any person, upon request, and 4680
may charge a reasonable fee, set by the legislative authority, for 4681
each copy supplied. The clerk shall post a copy of the text at ~~his~~ 4682
the clerk's office and at every other location designated by the 4683
legislative authority. 4684

(D) No newspaper shall be paid a higher price for the 4685
publication of summaries of ordinances than its ~~maximum bona fide~~ 4686

~~commercial government rate established under section 7.10 of the~~ 4687
Revised Code. 4688

Sec. 711.35. Upon the filing of the application provided for 4689
in section 711.34 of the Revised Code, the county auditor shall 4690
give notice of the filing, by publication, for two consecutive 4691
weeks in a newspaper ~~published and~~ of general circulation in the 4692
county, ~~of the filing thereof, and~~ or as provided in section 7.16 4693
of the Revised Code. The county auditor shall also notify the 4694
board of county commissioners of such filing. 4695

Sec. 715.011. Each municipal corporation may lease for a 4696
period not to exceed forty years, pursuant to a contract providing 4697
for the construction thereof under a lease-purchase plan, 4698
buildings, structures, and other improvements for any authorized 4699
municipal purpose, and in conjunction therewith, may grant leases, 4700
easements, or licenses for lands under the control of the 4701
municipal corporation for a period not to exceed forty years. The 4702
lease shall provide that at the end of the lease period the 4703
buildings, structures, and related improvements together with the 4704
land on which they are situate shall become the property of the 4705
municipal corporation without cost. 4706

Whenever any building, structure, or other improvement is to 4707
be so leased by a municipal corporation, the appropriate 4708
contracting officer of the municipal corporation shall file with 4709
the clerk of the council such basic plans, specifications, bills 4710
of materials, and estimates of cost with sufficient detail to 4711
afford bidders all needed information, or alternatively, shall 4712
file the following plans, details, bills of materials, and 4713
specifications: 4714

(A) Full and accurate plans, suitable for the use of 4715
mechanics and other builders in such construction, improvement, 4716

addition, alteration, or installation; 4717

(B) Details to scale and full sized, so drawn and represented 4718
as to be easily understood; 4719

(C) Accurate bills showing the exact quantity of different 4720
kinds of material necessary to the construction; 4721

(D) Definite and complete specifications of the work to be 4722
performed, together with such directions as will enable a 4723
competent mechanic or other builder to carry them out and afford 4724
bidders all needed information; 4725

(E) A full and accurate estimate of each item of expense and 4726
of the aggregate cost thereof. 4727

The council of the municipal corporation shall give public 4728
notice, in the a newspaper of general circulation in the municipal 4729
corporation, and in the form and with the phraseology as the 4730
council orders, published once each week for four consecutive 4731
weeks or as provided in section 7.16 of the Revised Code, of the 4732
time and place, when and where bids will be received for entering 4733
into an agreement to lease to the municipal corporation a 4734
building, structure, or other improvement, the last publication to 4735
be at least eight days preceding the day for opening the bids. The 4736
bids shall contain the terms upon which the builder would propose 4737
to lease the building, structure, or other improvement to the 4738
municipal corporation. The form of the bid approved by the council 4739
of the municipal corporation shall be used and a bid shall be 4740
invalid and not considered unless such form is used without 4741
change, alteration, or addition. Before submitting bids pursuant 4742
to this section, any builder shall have complied with sections 4743
153.50 to 153.52 of the Revised Code. 4744

On the day and at the place named for receiving bids for 4745
entering into lease agreements with the municipal corporation, the 4746
appropriate contracting officer of the municipal corporation shall 4747

open the bids, and shall publicly proceed immediately to tabulate 4748
the bids upon triplicate sheets, one of each of which sheets shall 4749
be filed with the clerk of the council. No lease agreement shall 4750
be entered into until the bureau of workers' compensation has 4751
certified that the corporation, partnership, or person to be 4752
awarded the lease agreement has complied with Chapter 4123. of the 4753
Revised Code, and until, if the builder submitting the lowest and 4754
best bid is a foreign corporation, the secretary of state has 4755
certified that the corporation is authorized to do business in 4756
this state, and until, if the builder submitting the lowest and 4757
best bid is a person or partnership nonresident of this state, the 4758
person or partnership has filed with the secretary of state a 4759
power of attorney designating the secretary of state as its agent 4760
for the purpose of accepting service of summons in any action 4761
brought under Chapter 4123. of the Revised Code, and until the 4762
agreement is submitted to the village solicitor or city director 4763
of law of the municipal corporation and ~~his~~ the solicitor's or 4764
director's approval is certified thereon. Within thirty days after 4765
the day on which the bids are received, the council shall 4766
investigate the bids received and shall determine that the bureau 4767
and the secretary of state have made the certifications required 4768
by this section of the builder who has submitted the lowest and 4769
best bid. Within ten days of the completion of the investigation 4770
of the bids the council may award the lease agreement to the 4771
builder who has submitted the lowest and best bid and who has been 4772
certified by the bureau and secretary of state as required by this 4773
section. If bidding for the lease agreement has been conducted 4774
upon the basis of basic plans, specifications, bills of materials, 4775
and estimates of costs, upon the award to the builder, the 4776
council, or the builder with the approval of the council, shall 4777
appoint an architect or engineer licensed in this state to prepare 4778
such further detailed plans, specifications, and bills of 4779
materials as are required to construct the building, structure, or 4780

improvement. 4781

The council may reject any bid. Where there is reason to 4782
believe there is collusion or combination among bidders, the bids 4783
of those concerned therein shall be rejected. 4784

Sec. 715.47. A municipal corporation may fill or drain any 4785
lot or land within its limits on which water at any time becomes 4786
stagnant, remove all putrid substances from any lot, and remove 4787
all obstructions from culverts, covered drains, or private 4788
property, laid in any natural watercourse, creek, brook, or 4789
branch, which obstruct the water naturally flowing therein, 4790
causing it to flow back or become stagnant, in a way prejudicial 4791
to the health, comfort, or convenience of any of the citizens of 4792
the neighborhood. If such culverts or drains are of insufficient 4793
capacity, the municipal corporation may make them of such capacity 4794
as reasonably to accommodate the flow of such water at all times. 4795
The legislative authority of such municipal corporation may, by 4796
resolution, direct the owner to fill or drain such lot, remove 4797
such putrid substance or such obstructions, and if necessary, 4798
enlarge such culverts or covered drains to meet the requirements 4799
thereof. 4800

After service of a copy of such resolution, or after a 4801
publication thereof, in a newspaper of general circulation in such 4802
municipal corporation or as provided in section 7.16 of the 4803
Revised Code, for two consecutive weeks, such owner, or ~~his~~ such 4804
owner's agent or attorney, shall comply with the directions of the 4805
resolution within the time therein specified. 4806

In case of the failure or refusal of such owner to comply 4807
with the resolution, the work required thereby may be done at the 4808
expense of the municipal corporation, and the amount of money so 4809
expended shall be recovered from the owner before any court of 4810
competent jurisdiction. Such expense from the time of the adoption 4811

of the resolution shall be a lien on such lot, which may be 4812
enforced by suit in the court of common pleas, and like 4813
proceedings may be had as directed in relation to the improvement 4814
of streets. 4815

The officers connected with the health department of every 4816
such municipal corporation shall see that this section is strictly 4817
and promptly enforced. 4818

Sec. 718.09. (A) This section applies to either of the 4819
following: 4820

(1) A municipal corporation that shares the same territory as 4821
a city, local, or exempted village school district, to the extent 4822
that not more than five per cent of the territory of the municipal 4823
corporation is located outside the school district and not more 4824
than five per cent of the territory of the school district is 4825
located outside the municipal corporation; 4826

(2) A municipal corporation that shares the same territory as 4827
a city, local, or exempted village school district, to the extent 4828
that not more than five per cent of the territory of the municipal 4829
corporation is located outside the school district, more than five 4830
per cent but not more than ten per cent of the territory of the 4831
school district is located outside the municipal corporation, and 4832
that portion of the territory of the school district that is 4833
located outside the municipal corporation is located entirely 4834
within another municipal corporation having a population of four 4835
hundred thousand or more according to the federal decennial census 4836
most recently completed before the agreement is entered into under 4837
division (B) of this section. 4838

(B) The legislative authority of a municipal corporation to 4839
which this section applies may propose to the electors an income 4840
tax, one of the purposes of which shall be to provide financial 4841
assistance to the school district through payment to the district 4842

of not less than twenty-five per cent of the revenue generated by 4843
the tax, except that the legislative authority may not propose to 4844
levy the income tax on the incomes of nonresident individuals. 4845
Prior to proposing the tax, the legislative authority shall 4846
negotiate and enter into a written agreement with the board of 4847
education of the school district specifying the tax rate, the 4848
percentage of tax revenue to be paid to the school district, the 4849
purpose for which the school district will use the money, the 4850
first year the tax will be levied, the date of the special 4851
election on the question of the tax, and the method and schedule 4852
by which the municipal corporation will make payments to the 4853
school district. The special election shall be held on a day 4854
specified in division (D) of section 3501.01 of the Revised Code, 4855
except that the special election may not be held on the day for 4856
holding a primary election as authorized by the municipal 4857
corporation's charter unless the municipal corporation is to have 4858
a primary election on that day. 4859

After the legislative authority and board of education have 4860
entered into the agreement, the legislative authority shall 4861
provide for levying the tax by ordinance. The ordinance shall 4862
state the tax rate, the percentage of tax revenue to be paid to 4863
the school district, the purpose for which the municipal 4864
corporation will use its share of the tax revenue, the first year 4865
the tax will be levied, and that the question of the income tax 4866
will be submitted to the electors of the municipal corporation. 4867
The legislative authority also shall adopt a resolution specifying 4868
the regular or special election date the election will be held and 4869
directing the board of elections to conduct the election. At least 4870
seventy-five days before the date of the election, the legislative 4871
authority shall file certified copies of the ordinance and 4872
resolution with the board of elections. 4873

(C) The board of elections shall make the necessary 4874

arrangements for the submission of the question to the electors of 4875
the municipal corporation, and shall conduct the election in the 4876
same manner as any other municipal income tax election. Notice of 4877
the election shall be published in a newspaper of general 4878
circulation in the municipal corporation once a week for four 4879
consecutive weeks, or as provided in section 7.16 of the Revised 4880
Code, prior to the election, and shall include statements of the 4881
rate and municipal corporation and school district purposes of the 4882
income tax, the percentage of tax revenue that will be paid to the 4883
school district, and the first year the tax will be levied. The 4884
ballot shall be in the following form: 4885

"Shall the ordinance providing for a per cent levy on 4886
income for (brief description of the municipal corporation and 4887
school district purposes of the levy, including a statement of the 4888
percentage of tax revenue that will be paid to the school 4889
district) be passed? The income tax, if approved, will not be 4890
levied on the incomes of individuals who do not reside in (the 4891
name of the municipal corporation). 4892

	For the income tax	
	Against the income tax	"

(D) If the question is approved by a majority of the 4897
electors, the municipal corporation shall impose the income tax 4898
beginning in the year specified in the ordinance. The proceeds of 4899
the levy may be used only for the specified purposes, including 4900
payment of the specified percentage to the school district. 4901

Sec. 718.10. (A) This section applies to a group of two or 4902
more municipal corporations that, taken together, share the same 4903
territory as a single city, local, or exempted village school 4904
district, to the extent that not more than five per cent of the 4905

territory of the municipal corporations as a group is located 4906
outside the school district and not more than five per cent of the 4907
territory of the school district is located outside the municipal 4908
corporations as a group. 4909

(B) The legislative authorities of the municipal corporations 4910
in a group of municipal corporations to which this section applies 4911
each may propose to the electors an income tax, to be levied in 4912
concert with income taxes in the other municipal corporations of 4913
the group, except that a legislative authority may not propose to 4914
levy the income tax on the incomes of individuals who do not 4915
reside in the municipal corporation. One of the purposes of such a 4916
tax shall be to provide financial assistance to the school 4917
district through payment to the district of not less than 4918
twenty-five per cent of the revenue generated by the tax. Prior to 4919
proposing the taxes, the legislative authorities shall negotiate 4920
and enter into a written agreement with each other and with the 4921
board of education of the school district specifying the tax rate, 4922
the percentage of the tax revenue to be paid to the school 4923
district, the first year the tax will be levied, and the date of 4924
the election on the question of the tax, all of which shall be the 4925
same for each municipal corporation. The agreement also shall 4926
state the purpose for which the school district will use the 4927
money, and specify the method and schedule by which each municipal 4928
corporation will make payments to the school district. The special 4929
election shall be held on a day specified in division (D) of 4930
section 3501.01 of the Revised Code, including a day on which all 4931
of the municipal corporations are to have a primary election. 4932

After the legislative authorities and board of education have 4933
entered into the agreement, each legislative authority shall 4934
provide for levying its tax by ordinance. Each ordinance shall 4935
state the rate of the tax, the percentage of tax revenue to be 4936
paid to the school district, the purpose for which the municipal 4937

corporation will use its share of the tax revenue, and the first 4938
year the tax will be levied. Each ordinance also shall state that 4939
the question of the income tax will be submitted to the electors 4940
of the municipal corporation on the same date as the submission of 4941
questions of an identical tax to the electors of each of the other 4942
municipal corporations in the group, and that unless the electors 4943
of all of the municipal corporations in the group approve the tax 4944
in their respective municipal corporations, none of the municipal 4945
corporations in the group shall levy the tax. Each legislative 4946
authority also shall adopt a resolution specifying the regular or 4947
special election date the election will be held and directing the 4948
board of elections to conduct the election. At least seventy-five 4949
days before the date of the election, each legislative authority 4950
shall file certified copies of the ordinance and resolution with 4951
the board of elections. 4952

(C) For each of the municipal corporations, the board of 4953
elections shall make the necessary arrangements for the submission 4954
of the question to the electors, and shall conduct the election in 4955
the same manner as any other municipal income tax election. For 4956
each of the municipal corporations, notice of the election shall 4957
be published in a newspaper of general circulation in the 4958
municipal corporation once a week for four consecutive weeks prior 4959
to the election or as provided in section 7.16 of the Revised 4960
Code. The notice shall include a statement of the rate and 4961
municipal corporation and school district purposes of the income 4962
tax, the percentage of tax revenue that will be paid to the school 4963
district, and the first year the tax will be levied, and an 4964
explanation that the tax will not be levied unless an identical 4965
tax is approved by the electors of each of the other municipal 4966
corporations in the group. The ballot shall be in the following 4967
form: 4968

"Shall the ordinance providing for a ... per cent levy on 4969

income for (brief description of the municipal corporation and 4970
school district purposes of the levy, including a statement of the 4971
percentage of income tax revenue that will be paid to the school 4972
district) be passed? The income tax, if approved, will not be 4973
levied on the incomes of individuals who do not reside in (the 4974
name of the municipal corporation). In order for the income tax to 4975
be levied, the voters of (the other municipal corporations in the 4976
group), which are also in the (name of the school district) school 4977
district, must approve an identical income tax and agree to pay 4978
the same percentage of the tax revenue to the school district. 4979

	For the income tax	
	Against the income tax	"

(D) If the question is approved by a majority of the electors 4984
and identical taxes are approved by a majority of the electors in 4985
each of the other municipal corporations in the group, the 4986
municipal corporation shall impose the tax beginning in the year 4987
specified in the ordinance. The proceeds of the levy may be used 4988
only for the specified purposes, including payment of the 4989
specified percentage to the school district. 4990

Sec. 719.012. In order to rehabilitate a building or 4991
structure that a municipal corporation determines to be a blighted 4992
property as defined in section 1.08 of the Revised Code, a 4993
municipal corporation may appropriate, in the manner provided in 4994
sections 163.01 to 163.22 of the Revised Code, any such building 4995
or structure and the real property of which it is a part. The 4996
municipal corporation shall rehabilitate the building or structure 4997
or cause it to be rehabilitated within two years after the 4998
appropriation, so that the building or structure is no longer a 4999
public nuisance, insecure, unsafe, structurally defective, 5000

unhealthful, or unsanitary, or a threat to the public health, 5001
safety, or welfare, or in violation of a building code or 5002
ordinance adopted under section 731.231 of the Revised Code. Any 5003
building or structure appropriated pursuant to this section which 5004
is not rehabilitated within two years shall be demolished. 5005

If during the rehabilitation process the municipal 5006
corporation retains title to the building or structure and the 5007
real property of which it is a part, then within one hundred 5008
eighty days after the rehabilitation is complete, the municipal 5009
corporation shall appraise the rehabilitated building or structure 5010
and the real property of which it is a part, and shall sell the 5011
building or structure and property at public auction. The 5012
municipal corporation shall advertise the public auction in a 5013
newspaper of general circulation in the municipal corporation once 5014
a week for three consecutive weeks, or as provided in section 7.16 5015
of the Revised Code, prior to the date of sale. The municipal 5016
corporation shall sell the building or structure and real property 5017
to the highest and best bidder. No property that a municipal 5018
corporation acquires pursuant to this section shall be leased. 5019

Sec. 719.05. The mayor of a municipal corporation shall, 5020
immediately upon the passage of a resolution under section 719.04 5021
of the Revised Code, declaring an intent to appropriate property, 5022
for which but one reading is necessary, cause written notice to be 5023
given to the owner of, person in possession of, or person having 5024
an interest of record in, every piece of property sought to be 5025
appropriated, or to ~~his~~ the authorized agent of the owner or other 5026
such person. Such notice shall be served by a person designated 5027
for the purpose and return made in the manner provided for the 5028
service and return of summons in civil actions. If such owner, 5029
person, or agent cannot be found, notice shall be given by 5030
publication once a week for three consecutive weeks in a newspaper 5031
of general circulation in the municipal corporation or as provided 5032

in section 7.16 of the Revised Code, and the legislative authority 5033
may thereupon pass an ordinance by a two-thirds vote of all 5034
members elected thereto, directing such appropriation to proceed. 5035

Sec. 721.03. No contract, except as provided in section 5036
721.28 of the Revised Code, for the sale or lease of real estate 5037
belonging to a municipal corporation shall be made unless 5038
authorized by an ordinance, approved by a two-thirds vote of the 5039
members of the legislative authority of such municipal 5040
corporation, and by the board or officer having supervision or 5041
management of such real estate. When the contract is so 5042
authorized, it shall be made in writing by such board or officer, 5043
and, except as provided in section 721.27 of the Revised Code, 5044
only with the highest bidder, after advertisement once a week for 5045
five consecutive weeks in a newspaper of general circulation 5046
within the municipal corporation or as provided in section 7.16 of 5047
the Revised Code. Such board or officer may reject any bids and 5048
readvertise until all such real estate is sold or leased. 5049

Sec. 721.15. (A) Personal property not needed for municipal 5050
purposes, the estimated value of which is less than one thousand 5051
dollars, may be sold by the board or officer having supervision or 5052
management of that property. If the estimated value of that 5053
property is one thousand dollars or more, it shall be sold only 5054
when authorized by an ordinance of the legislative authority of 5055
the municipal corporation and approved by the board, officer, or 5056
director having supervision or management of that property. When 5057
so authorized, the board, officer, or director shall make a 5058
written contract with the highest and best bidder after 5059
advertisement for not less than two ~~or~~ nor more than four 5060
consecutive weeks in a newspaper of general circulation within the 5061
municipal corporation or as provided in section 7.16 of the 5062
Revised Code, or with a board of county commissioners upon such 5063

lawful terms as are agreed upon, as provided by division (B)(1) of 5064
section 721.27 of the Revised Code. 5065

(B) When the legislative authority finds, by resolution, that 5066
the municipal corporation has vehicles, equipment, or machinery 5067
which is obsolete, or is not needed or is unfit for public use, 5068
that the municipal corporation has need of other vehicles, 5069
equipment, or machinery of the same type, and that it will be in 5070
the best interest of the municipal corporation that the sale of 5071
obsolete, unneeded, or unfit vehicles, equipment, or machinery be 5072
made simultaneously with the purchase of the new vehicles, 5073
equipment, or machinery of the same type, the legislative 5074
authority may offer to sell, or authorize a board, officer, or 5075
director of the municipal corporation having supervision or 5076
management of the property to offer to sell, those vehicles, 5077
equipment, or machinery and to have the selling price credited 5078
against the purchase price of other vehicles, equipment, or 5079
machinery and to consummate the sale and purchase by a single 5080
contract with the lowest and best bidder to be determined by 5081
subtracting from the selling price of the vehicles, equipment, or 5082
machinery to be purchased by the municipal corporation the 5083
purchase price offered for the municipally-owned vehicles, 5084
equipment, or machinery. When the legislative authority or the 5085
authorized board, officer, or director of a municipal corporation 5086
advertises for bids for the sale of new vehicles, equipment, or 5087
machinery to the municipal corporation, they may include in the 5088
same advertisement a notice of willingness to accept bids for the 5089
purchase of municipally-owned vehicles, equipment, or machinery 5090
which is obsolete, or is not needed or is unfit for public use, 5091
and to have the amount of those bids subtracted from the selling 5092
price as a means of determining the lowest and best bidder. 5093

(C) If the legislative authority of the municipal corporation 5094
determines that municipal personal property is not needed for 5095

public use, or is obsolete or unfit for the use for which it was 5096
acquired, and that the property has no value, the legislative 5097
authority may discard or salvage that property. 5098

(D) Notwithstanding anything to the contrary in division (A) 5099
or (B) of this section and regardless of the property's value, the 5100
legislative authority of a municipal corporation may sell personal 5101
property, including motor vehicles acquired for the use of 5102
municipal officers and departments, and road machinery, equipment, 5103
tools, or supplies, which is not needed for public use, or is 5104
obsolete or unfit for the use for which it was acquired, by 5105
internet auction. The legislative authority shall adopt, during 5106
each calendar year, a resolution expressing its intent to sell 5107
that property by internet auction. The resolution shall include a 5108
description of how the auctions will be conducted and shall 5109
specify the number of days for bidding on the property, which 5110
shall be no less than ten days, including Saturdays, Sundays, and 5111
legal holidays. The resolution shall indicate whether the 5112
municipal corporation will conduct the auction or the legislative 5113
authority will contract with a representative to conduct the 5114
auction and shall establish the general terms and conditions of 5115
sale. If a representative is known when the resolution is adopted, 5116
the resolution shall provide contact information such as the 5117
representative's name, address, and telephone number. 5118

After adoption of the resolution, the legislative authority 5119
shall publish, in a newspaper of general circulation in the 5120
municipal corporation or as provided in section 7.16 of the 5121
Revised Code, notice of its intent to sell unneeded, obsolete, or 5122
unfit municipal personal property by internet auction. The notice 5123
shall include a summary of the information provided in the 5124
resolution and shall be published ~~at least~~ twice. The second ~~and~~ 5125
~~any subsequent~~ notice shall be published not less than ten nor 5126
more than twenty days after the previous notice. A similar notice 5127

also shall be posted continually throughout the calendar year in a 5128
conspicuous place in the offices of the village clerk or city 5129
auditor, and the legislative authority, ~~and, if.~~ If the municipal 5130
corporation maintains a ~~website~~ web site on the internet, the 5131
notice shall be posted continually throughout the calendar year at 5132
that ~~website~~ web site. 5133

When the property is to be sold by internet auction, the 5134
legislative authority or its representative may establish a 5135
minimum price that will be accepted for specific items and may 5136
establish any other terms and conditions for the particular sale, 5137
including requirements for pick-up or delivery, method of payment, 5138
and sales tax. This type of information shall be provided on the 5139
internet at the time of the auction and may be provided before 5140
that time upon request after the terms and conditions have been 5141
determined by the legislative authority or its representative. 5142

Sec. 721.20. Notice of the filing, pendency, and prayer of 5143
the petition provided for by section 721.19 of the Revised Code 5144
shall be published for four consecutive weeks or as provided in 5145
section 7.16 of the Revised Code, prior to the day of hearing, in 5146
a newspaper ~~published in the municipal corporation, or if there is~~ 5147
~~none, then in a newspaper published in the county, and~~ of general 5148
circulation in such municipal corporation. 5149

Sec. 723.07. No street or alley shall be vacated or narrowed 5150
unless notice of the pendency and prayer of the petition under 5151
section 723.04 of the Revised Code is given by publishing, in a 5152
newspaper ~~published or~~ of general circulation in such municipal 5153
corporation, for six consecutive weeks preceding action on such 5154
petition, ~~or, where~~ as provided in section 7.16 of the Revised 5155
Code preceding action on the petition. Where no newspaper is 5156
~~published of general circulation~~ in the municipal corporation, 5157
notice shall be given by posting the notice in three public places 5158

therein six weeks preceding such action. Action thereon shall take 5159
place within three months after the completion of the notice. 5160

Sec. 727.011. For the purpose of controlling the blight and 5161
disease of shade trees within public rights-of-way, and for 5162
planting, maintaining, trimming, and removing shade trees in and 5163
along the streets of a municipality, the legislative authority of 5164
such municipal corporation may establish one or more districts in 5165
the municipality designating the boundaries thereof, and may each 5166
year thereafter, by ordinance, designate the district in which 5167
such control, planting, care, and maintenance shall be effected, 5168
setting forth an estimate of the cost and providing for the levy 5169
of a special assessment upon all the real property in the 5170
district, in the amount and in the manner provided in section 5171
727.01 of the Revised Code, for planting, maintaining, trimming, 5172
and removing shade trees. The ordinance shall be adopted ~~and~~ 5173
~~published~~ as other ordinances and a succinct summary of the 5174
ordinance shall be published in the manner provided in section 5175
731.21 of the Revised Code. Bonds and anticipatory notes may be 5176
issued in anticipation of the collection of such special 5177
assessments, under section 133.17 of the Revised Code. 5178

Sec. 727.012. For the purpose of constructing, maintaining, 5179
repairing, cleaning, and enclosing ditches, the legislative 5180
authority of such municipal corporation may establish one or more 5181
districts in the municipality designating the boundaries thereof, 5182
and may each year thereafter, by ordinance, designate the district 5183
in which such constructing, maintaining, repairing, cleaning, and 5184
enclosing of ditches shall be effected, setting forth an estimate 5185
of the cost and providing for the levying of a special assessment 5186
upon all the real property in the district, in the amount and in 5187
the manner provided in section 727.01 of the Revised Code, for 5188
constructing, maintaining, repairing, cleaning, and enclosing 5189

ditches. The ordinance shall be adopted ~~and published~~ as other 5190
ordinances and a succinct summary of the ordinance shall be 5191
published in the manner provided in section 731.21 of the Revised 5192
Code. Bonds and anticipatory notes may be issued in anticipation 5193
of the collection of such special assessments, under section 5194
133.17 of the Revised Code. 5195

Sec. 727.08. The cost of any public improvement to be paid 5196
for directly or indirectly, in whole or in part, by funds derived 5197
from special assessments may include but not be limited to: 5198

(A) The purchase price of real estate or any interest therein 5199
when acquired by purchase, or not more than fifty per cent of the 5200
cost of acquiring such real estate or any interest therein when 5201
acquired by appropriation; 5202

(B) The cost of preliminary and other surveys; 5203

(C) The cost of preparing plans, specifications, profiles, 5204
and estimates except, to the extent that costs of plans, 5205
specifications, and estimates of cost have been paid for by the 5206
levy of assessments under section 729.11 of the Revised Code, such 5207
costs shall not be included in determining the cost of the 5208
improvement under this section; 5209

(D) The cost of printing, serving, and publishing notices~~7~~ 5210
and summaries of resolutions~~7~~ and ordinances; 5211

(E) The cost of all special proceedings; 5212

(F) The cost of labor and material, whether furnished by 5213
contract or otherwise; 5214

(G) Interest on securities issued in anticipation of the levy 5215
and collection of the special assessments or, if securities in 5216
anticipation of the levy of the special assessments are not 5217
issued, interest, at a rate to be determined by the legislative 5218
authority in the resolution of necessity adopted pursuant to 5219

section 727.12 of the Revised Code, on moneys advanced by the 5220
municipal corporation for the cost of the public improvement in 5221
anticipation of the levy of the special assessments; 5222

(H) The total amount of damages, resulting from the 5223
improvement, assessed in favor of any owner of lands affected by 5224
the improvement, and interest thereon; 5225

(I) The cost incurred in connection with the preparation, 5226
levy, and collection of the special assessments, including legal 5227
expenses incurred by reason of the improvement; 5228

(J) Incidental costs directly connected with the improvement. 5229

Sec. 727.14. In lieu of the procedure provided in section 5230
727.13 of the Revised Code, the legislative authority may provide 5231
for notice of the passage of a resolution of necessity providing 5232
for the lighting, sprinkling, sweeping, or cleaning of any street, 5233
alley, public road, or place, or parts thereof or for treating the 5234
surface of the same with dust-laying or preservative substances, 5235
or for the planting, maintaining, and removing of shade trees, or 5236
for the constructing, maintaining, repairing, cleaning, and 5237
enclosing of ditches, and the filing of the estimated assessment 5238
under section 727.12 of the Revised Code, to be given by 5239
publication of such notice once a week for two consecutive weeks 5240
in a newspaper of general circulation in the municipal corporation 5241
or as provided in section 7.16 of the Revised Code. When it 5242
appears from the estimated assessment filed as provided by section 5243
727.12 of the Revised Code, that the assessment against the owner 5244
of any lot or parcel of land will exceed two hundred fifty 5245
dollars, such owner shall be notified of the assessment in the 5246
manner provided in section 727.13 of the Revised Code. 5247

Sec. 727.46. When a general plan has been prepared under 5248
section 727.44 of the Revised Code and reported to the legislative 5249

authority, it shall be filed with the clerk of the legislative 5250
authority and the legislative authority shall cause its clerk to 5251
publish, once a week for two consecutive weeks in a newspaper of 5252
general circulation in the municipal corporation or as provided in 5253
section 7.16 of the Revised Code, a notice stating that such 5254
general plan has been prepared and is on file in the office of the 5255
clerk of the legislative authority for examination by interested 5256
persons and that written objections to such plan may be filed in 5257
the office of such clerk before the date specified in the notice, 5258
which shall not be earlier than the seventeenth day following the 5259
date of the first publication in said newspaper. Any person having 5260
an objection to the general plan shall file such objection in 5261
writing, with the clerk of the legislative authority within the 5262
time specified. 5263

Sec. 729.08. The legislative authority of the municipal 5264
corporation shall cause a notice to be published for three 5265
consecutive weeks in a newspaper of general circulation in the 5266
municipal corporation or as provided in section 7.16 of the 5267
Revised Code, stating that such list of estimated assessments has 5268
been made and is on file in the office of the clerk of the 5269
legislative authority for the inspection and examination of 5270
persons interested therein. 5271

If any person objects to an assessment on such list, ~~he~~ the 5272
person shall file ~~his~~ the objection in writing with the clerk of 5273
the legislative authority within two weeks after the expiration of 5274
the notice provided in this section. 5275

Sec. 729.11. In addition to the power conferred upon 5276
municipal corporations under section 727.01 of the Revised Code to 5277
levy and collect special assessments, the legislative authority of 5278
a municipal corporation may, whenever it has determined by 5279
ordinance that it is necessary to construct, enlarge, or improve a 5280

system of storm or sanitary sewerage for the municipal corporation 5281
or any part thereof, including sewage disposal works, treatment 5282
plants, and sewage pumping stations, or a water supply system for 5283
the municipal corporation or any part thereof including mains, 5284
dams, reservoirs, wells, intakes, purification works, and pumping 5285
stations, and that any such improvement shall be constructed, 5286
enlarged, or improved, may levy upon property to be benefited in 5287
the municipal corporation or any designated part thereof, which 5288
property shall be described in the ordinance, a preliminary 5289
assessment upon the benefited lots and lands within the 5290
corporation or such part thereof, apportioned according to 5291
benefits or to the tax valuation or partly by one method and 5292
partly by the other, as the legislative authority determines for 5293
the purpose of paying the costs of general and detailed plans, 5294
specifications, estimates, preparation of the tentative 5295
assessment, financing, and legal services incident to the 5296
preparation of such plans, and a plan for financing the proposed 5297
improvements. 5298

Prior to the adoption of such ordinance, the legislative 5299
authority of such municipal corporation shall give notice of the 5300
pendency thereof and of the proposed determination of the 5301
necessity of the improvement therein generally described, which 5302
notice shall set forth the description of the benefited property 5303
as designated in the ordinance and the time and place of hearing 5304
of objections to and endorsements of the improvement. Such notice 5305
shall be given by publication in a newspaper of general 5306
circulation in the municipal corporation once a week for two 5307
consecutive weeks or as provided in section 7.16 of the Revised 5308
Code, the first publication to be at least two weeks prior to the 5309
date set for the hearing. At such hearing, or at any adjournment 5310
thereof, of which no further published notice need be given, the 5311
legislative authority shall hear all persons whose properties are 5312
proposed to be assessed, and such evidence as is deemed to be 5313

necessary, and shall then determine the necessity of the proposed 5314
improvement and in addition shall determine whether the 5315
improvement shall be made by the municipal corporation, and shall 5316
direct the preparation of tentative assessments upon the benefited 5317
properties and by whom they shall be prepared. 5318

Such assessments shall be in the amount determined to be 5319
necessary by the legislative authority to pay the costs of general 5320
and detailed plans, specifications, estimates of cost, preparation 5321
of the tentative assessment, financing and legal services incident 5322
to the preparation of such plans, and a plan of financing the 5323
proposed improvements, and shall be payable in such number of 5324
years as the legislative authority determines, not to exceed 5325
twenty, together with interest on any notes which may be issued in 5326
anticipation of the collection of such assessments. 5327

The legislative authority may at any time levy additional 5328
assessments according to benefits or to tax valuation or partly by 5329
one method and partly by the other as the legislative authority 5330
determines for such purposes upon such properties to complete the 5331
payment of such costs or to pay the cost of any additional plans, 5332
specifications, estimates of cost, tentative assessments, and the 5333
cost of financing and legal services incident to the preparation 5334
of such plans and such plan of financing, which additional 5335
assessments shall be payable in such number of years as the 5336
legislative authority determines, not to exceed twenty years, 5337
together with interest on any notes and bonds which may be issued 5338
in anticipation of the collection thereof. 5339

Upon completion of the tentative assessments or any 5340
additional assessments, they shall be filed with the clerk of the 5341
legislative authority and shall be and remain open to public 5342
inspection, and thereupon, the legislative authority shall give at 5343
least ten days' notice of the filing thereof in one newspaper of 5344
general circulation in the municipal corporation, or shall give 5345

notice as provided in section 7.16 of the Revised Code, which 5346
notice shall state the time and place when and where such 5347
tentative assessments shall be taken up for consideration. At such 5348
time and place or at any adjournment thereof, of which no further 5349
published notice need be given, the legislative authority shall 5350
hear all persons whose properties are proposed to be assessed, 5351
shall correct any errors and make any revisions that appear to be 5352
necessary or just, and may then pass an ordinance levying upon the 5353
properties determined to be benefited such assessments as so 5354
corrected and revised. 5355

The assessments levied by such ordinance shall be certified 5356
to the county auditor for collection as other taxes in the year or 5357
years in which they are payable; provided any such assessment in 5358
the amount of five dollars or less, or any unpaid balance of any 5359
such assessment which is five dollars or less, shall be paid in 5360
full, and not in installments, at the time the first or next 5361
installment would otherwise become due and payable. 5362

Upon the adoption of such ordinance levying assessments the 5363
legislative authority may authorize contracts to carry out the 5364
purposes for which such assessments have been levied without the 5365
prior issuance of notes and bonds; provided that the payments due 5366
by the municipal corporation do not fall due prior to the times in 5367
which such assessments shall be collected. The municipal 5368
corporation may also issue and sell its bonds with a maximum 5369
maturity of twenty years in anticipation of the collection of such 5370
assessments and may issue its notes in anticipation of the 5371
issuance of such bonds, which notes and bonds shall be issued and 5372
sold as provided in Chapter 133. of the Revised Code. 5373

Sec. 731.141. In those villages that have established the 5374
position of village administrator, as provided by section 735.271 5375
of the Revised Code, the village administrator shall make 5376

contracts, purchase supplies and materials, and provide labor for 5377
any work under the administrator's supervision involving not more 5378
than twenty-five thousand dollars. When an expenditure, other than 5379
the compensation of persons employed by the village, exceeds 5380
twenty-five thousand dollars, the expenditure shall first be 5381
authorized and directed by ordinance of the legislative authority 5382
of the village. When so authorized and directed, except where the 5383
contract is for equipment, services, materials, or supplies to be 5384
purchased under division (D) of section 713.23 or section 125.04 5385
or 5513.01 of the Revised Code, available from a qualified 5386
nonprofit agency pursuant to sections 4115.31 to 4115.35 of the 5387
Revised Code, or required to be purchased from a qualified 5388
nonprofit agency under sections 125.60 to 125.6012 of the Revised 5389
Code, the village administrator shall make a written contract with 5390
the lowest and best bidder after advertisement for not less than 5391
two nor more than four consecutive weeks in a newspaper of general 5392
circulation within the village or as provided in section 7.16 of 5393
the Revised Code. The bids shall be opened and shall be publicly 5394
read by the village administrator or a person designated by the 5395
village administrator at the time, date, and place as specified in 5396
the advertisement to bidders or specifications. The time, date, 5397
and place of bid openings may be extended to a later date by the 5398
village administrator, provided that written or oral notice of the 5399
change shall be given to all persons who have received or 5400
requested specifications no later than ninety-six hours prior to 5401
the original time and date fixed for the opening. All contracts 5402
shall be executed in the name of the village and signed on its 5403
behalf by the village administrator and the clerk. 5404

The legislative authority of a village may provide, by 5405
ordinance, for central purchasing for all offices, departments, 5406
divisions, boards, and commissions of the village, under the 5407
direction of the village administrator, who shall make contracts, 5408
purchase supplies or materials, and provide labor for any work of 5409

the village in the manner provided by this section. 5410

Sec. 731.20. Ordinances, resolutions, and bylaws shall be 5411
authenticated by the signature of the presiding officer and clerk 5412
of the legislative authority of the municipal corporation. 5413
~~Ordinances~~ A succinct summary of ordinances of a general nature or 5414
providing for improvements shall be published as provided by 5415
sections 731.21 and 731.22 of the Revised Code before going into 5416
operation. No ordinance shall take effect until the expiration of 5417
ten days after the first publication of such notice. As soon as a 5418
bylaw, resolution, or ordinance is passed and signed, it shall be 5419
recorded by the clerk in a book furnished by the legislative 5420
authority for that purpose. 5421

Sec. 731.21. (A) ~~Notwithstanding any conflicting provision of~~ 5422
~~section 7.12 of the Revised Code,~~ A succinct summary of each 5423
municipal ordinance or resolution, ~~or a succinct summary of each~~ 5424
~~municipal ordinance and resolution,~~ and all statements, orders, 5425
proclamations, notices, and reports required by law or ordinance 5426
to be published shall be published ~~as follows:~~ 5427

~~(1) In two English language newspapers of opposite politics,~~ 5428
~~published and in a newspaper~~ of general circulation in the 5429
municipal corporation, ~~if there are any such newspapers;~~ 5430

~~(2) If two English language newspapers of opposite politics~~ 5431
~~are not published and of general circulation in the municipal~~ 5432
~~corporation, then in one such political newspaper and one other~~ 5433
~~English language newspaper published and of general circulation~~ 5434
~~therein;~~ 5435

~~(3) If only one english language newspaper is published and~~ 5436
~~of general circulation in the municipal corporation, then in that~~ 5437
~~newspaper;~~ 5438

~~(4) If no english language newspaper is published and of~~ 5439

~~general circulation in the municipal corporation, then in any~~ 5440
~~English language newspaper of general circulation therein or by~~ 5441
~~posting as provided in section 731.25 of the Revised Code, at the~~ 5442
~~option of the legislative authority of such municipal corporation.~~ 5443
Proof of the publication and required circulation of any newspaper 5444
used as a medium of publication as provided by this section shall 5445
be made by affidavit of the proprietor of ~~either of such~~ 5446
~~newspapers~~ the newspaper, and shall be filed with the clerk of the 5447
legislative authority. 5448

(B) ~~If a summary of an ordinance or resolution is published~~ 5449
~~under division (A) of this section, the~~ The publication shall 5450
contain notice that the complete text of each such ordinance or 5451
resolution may be obtained or viewed at the office of the clerk of 5452
the legislative authority of the municipal corporation and may be 5453
viewed at any other location designated by the legislative 5454
authority of the municipal corporation. The city director of law, 5455
village solicitor, or other chief legal officer of the municipal 5456
corporation shall review ~~any~~ the summary of an ordinance or 5457
resolution published under this section prior to forwarding it to 5458
the clerk for publication, to ensure that the summary is legally 5459
accurate and sufficient. 5460

(C) Upon publication of a summary of an ordinance or 5461
resolution in accordance with this section, the clerk of the 5462
legislative authority shall supply a copy of the complete text of 5463
each such ordinance or resolution to any person, upon request, and 5464
may charge a reasonable fee, set by the legislative authority, for 5465
each copy supplied. The clerk shall post a copy of the text at ~~his~~ 5466
the clerk's office and at every other location designated by the 5467
legislative authority. 5468

Sec. 731.211. In accordance with Section 9 of Article XVIII, 5469
Ohio Constitution, notice of proposed amendments to municipal 5470

charters shall be given in one of the following ways: 5471

(A) Not less than thirty days prior to the election at which 5472
the amendment is to be submitted to the electors, the clerk of the 5473
municipality shall mail a copy of the proposed charter amendment 5474
to each elector whose name appears upon the poll or registration 5475
books of the last regular or general election held therein. 5476

(B) The full text of the proposed charter amendment shall be 5477
published once a week for not less than two consecutive weeks in a 5478
newspaper ~~published~~ of general circulation in the municipal 5479
corporation or as provided in section 7.16 of the Revised Code, 5480
with the first publication being at least fifteen days prior to 5481
the election at which the amendment is to be submitted to the 5482
electors. ~~If no newspaper is published in the municipal~~ 5483
~~corporation, then such publication shall be made in a newspaper of~~ 5484
~~general circulation within the municipal corporation.~~ 5485

Sec. 731.22. The publication required in section 731.21 of 5486
the Revised Code shall be for the following times: 5487

(A) ~~Ordinances and resolutions, or summaries~~ Summaries of 5488
ordinances or resolutions, and proclamations of elections, once a 5489
week for two consecutive weeks or as provided in section 7.16 of 5490
the Revised Code; 5491

(B) Notices, not less than two nor more than four consecutive 5492
weeks or as provided in section 7.16 of the Revised Code; 5493

(C) All other matters shall be published once. 5494

Sec. 731.23. When ordinances are revised, codified, 5495
rearranged, published in book form, and certified as correct by 5496
the clerk of the legislative authority of a municipal corporation 5497
and the mayor, such publication shall be a sufficient publication, 5498
and the ordinances so published, under appropriate titles, 5499
chapters, and sections, shall be held the same in law as though 5500

they had been published in a newspaper. A new ordinance so 5501
published in book form, a summary of which has not been published 5502
as required by sections 731.21 and 731.22 of the Revised Code, and 5503
which contains entirely new matter, shall be published as required 5504
by such sections. If such revision or codification is made by a 5505
municipal corporation and contains new matter, it shall be a 5506
sufficient publication of such codification, including the new 5507
matter, to publish, in the manner required by such sections, a 5508
notice of the enactment of such codifying ordinance, containing 5509
the title of the ordinance and a summary of the new matters 5510
covered by it. Such revision and codification may be made under 5511
appropriate titles, chapters, and sections and in one ordinance 5512
containing one or more subjects. 5513

Except as provided by this section, a succinct summary of all 5514
ordinances, including emergency ordinances, shall be published in 5515
accordance with section 731.21 of the Revised Code. 5516

Sec. 731.24. Immediately after the expiration of the period 5517
of publication ~~for ordinances or~~ of summaries of ordinances 5518
required by section 731.22 of the Revised Code, the clerk of the 5519
legislative authority of a municipal corporation shall enter on 5520
the record of ordinances, in a blank to be left for such purpose 5521
under the recorded ordinance, a certificate stating in which 5522
newspaper and on what dates such publication was made, and shall 5523
sign ~~his~~ the clerk's name thereto officially. Such certificate 5524
shall be prima-facie evidence that legal publication of the 5525
~~ordinance or~~ summary of the ordinance was made. 5526

Sec. 731.25. ~~Notwithstanding any conflicting provision of~~ 5527
~~section 7.12 of the Revised Code, in~~ In municipal corporations in 5528
which no newspaper is published generally circulated, publication 5529
of ~~ordinances and resolutions, or~~ summaries of ordinances and 5530
resolutions, and publication of all statements, orders, 5531

proclamations, notices, and reports, required by law or ordinance 5532
to be published, shall be accomplished ~~in either of the following~~ 5533
~~methods, as determined by the legislative authority:~~ 5534

~~(A) By~~ by posting copies in not less than five of the most 5535
public places in the municipal corporation, as determined by the 5536
legislative authority, for a period of not less than fifteen days 5537
prior to the effective date thereof: 5538

~~(B) By publication in any newspaper printed in this state and~~ 5539
~~of general circulation in such municipal corporation.~~ 5540

Notices to bidders for the construction of public 5541
improvements and notices of the sale of bonds shall be published 5542
~~in not more than two newspapers, printed in this state and a~~ 5543
newspaper of general circulation in such municipal corporation, 5544
for the time prescribed in section 731.22 of the Revised Code. 5545

Where such publication is by posting, the clerk shall make a 5546
certificate as to such posting, and as to the times when and the 5547
places where such posting is done, in the manner provided in 5548
section 731.24 of the Revised Code, and such certificate shall be 5549
prima-facie evidence that the copies were posted as required. 5550

Sec. 735.05. The director of public service may make any 5551
contract, purchase supplies or material, or provide labor for any 5552
work under the supervision of the department of public service 5553
involving not more than twenty-five thousand dollars. When an 5554
expenditure within the department, other than the compensation of 5555
persons employed in the department, exceeds twenty-five thousand 5556
dollars, the expenditure shall first be authorized and directed by 5557
ordinance of the city legislative authority. When so authorized 5558
and directed, except where the contract is for equipment, 5559
services, materials, or supplies to be purchased under division 5560
(D) of section 713.23 or section 125.04 or 5513.01 of the Revised 5561
Code or available from a qualified nonprofit agency pursuant to 5562

sections 4115.31 to 4115.35 of the Revised Code, the director 5563
shall make a written contract with the lowest and best bidder 5564
after advertisement for not less than two nor more than four 5565
consecutive weeks in a newspaper of general circulation within the 5566
city or as provided in section 7.16 of the Revised Code. 5567

Sec. 735.20. When a whole plan, or any portion thereof, as 5568
provided in section 735.19 of the Revised Code is completed, or 5569
when the location of any avenue, street, roadway, or alley has 5570
been finally determined by the platting commissioner of a city, a 5571
plat of the plan, avenue, street, roadway, or alley shall be 5572
placed in the office of the city engineer for the inspection of 5573
persons interested, and notice that it is ready for inspection 5574
shall be published in ~~one or more newspapers,~~ a newspaper of 5575
general circulation within the city, for six consecutive weeks, or 5576
as provided in section 7.16 of the Revised Code. 5577

Sec. 737.32. Except as otherwise provided in this section and 5578
unless the property involved is required to be disposed of 5579
pursuant to another section of the Revised Code, property that is 5580
unclaimed for ninety days or more shall be sold by the chief of 5581
police of the municipal corporation, marshal of the village, or 5582
licensed auctioneer at public auction, after notice of the sale 5583
has been provided by publication once a week for three successive 5584
weeks in a newspaper of general circulation in the county or as 5585
provided in section 7.16 of the Revised Code. The proceeds of the 5586
sale shall be paid to the treasurer of the municipal corporation 5587
and shall be credited to the general fund of the municipal 5588
corporation. 5589

If authorized to do so by an ordinance adopted by the 5590
legislative authority of the municipal corporation and if the 5591
property involved is not required to be disposed of pursuant to 5592
another section of the Revised Code, the chief of police or 5593

marshal may contribute property that is unclaimed for ninety days 5594
or more to one or more public agencies, to one or more nonprofit 5595
organizations no part of the net income of which inures to the 5596
benefit of any private shareholder or individual and no 5597
substantial part of the activities of which consists of carrying 5598
on propaganda or otherwise attempting to influence legislation, or 5599
to one or more organizations satisfying section 501(c)(3) or 5600
(c)(19) of the Internal Revenue Code of 1986. 5601

Sec. 745.07. An ordinance passed pursuant to section 745.06 5602
of the Revised Code shall not take effect until submitted to the 5603
electors of the municipal corporation, at a special or general 5604
election held in the municipal corporation at such time as the 5605
legislative authority determines, and approved by a majority of 5606
the electors voting on it. The ordinance shall be passed by an 5607
affirmative vote of not less than a majority of the members of the 5608
legislative authority and shall be subject to the approval of the 5609
mayor as provided by law. The ordinance shall specify the form or 5610
phrasing of the question to be placed upon the ballot. Thirty 5611
days' notice of the election shall be given by publication once a 5612
week for two consecutive weeks in ~~two daily or weekly newspapers~~ 5613
~~published or circulated~~ a newspaper of general circulation in the 5614
municipal corporation ~~and, if~~ or as provided in section 7.16 of 5615
the Revised Code. If the board of elections operates and maintains 5616
a web site, notice of the election also shall be posted on that 5617
web site for thirty days prior to the election. The notice shall 5618
contain the full form or phrasing of the question to be submitted. 5619
The clerk of the legislative authority shall certify the passage 5620
of the ordinance to the officers having control of elections in 5621
the municipal corporation, who shall cause the question to be 5622
voted on at the general or special election as specified in the 5623
ordinance. 5624

Sec. 747.05. The board of rapid transit commissioners shall 5625
have control of the expenditure of all moneys appropriated by the 5626
legislative authority of the city, received from the sale of bonds 5627
provided for in sections 747.01 to 747.13, ~~inclusive,~~ of the 5628
Revised Code, or from any other source, for the purchase, 5629
construction, improvement, maintenance, equipment, or enjoyment of 5630
all such rapid transit property, but no liability shall be 5631
incurred or expenditure made unless the money required therefor is 5632
in the city treasury to the credit of the board of rapid transit 5633
commissioners' fund and not appropriated for any other purpose. 5634
Moneys to be derived from the sale of bonds, the issue of which 5635
has been authorized, shall be deemed to be in the treasury to the 5636
credit of such fund. 5637

All moneys expended for the construction and acquisition of 5638
parkways or boulevards, as authorized by such sections, shall be 5639
provided for partly by special appropriation or bond issue and 5640
partly by assessments, as specified in section 747.06 of the 5641
Revised Code, and such funds shall be separately accounted for, 5642
and such expenditure shall not be considered a part of the rapid 5643
transit expenditure authorized by this section. The board may let 5644
contracts for any part of the work to the lowest and best bidder 5645
after three weeks' advertisement in ~~two newspapers~~ a newspaper of 5646
general circulation in the city or as provided in section 7.16 of 5647
the Revised Code. 5648

The board may reject any bid, and the proceedings for such 5649
contracts and payment therefor shall be the same as provided for 5650
the director of public service except the requirement of the 5651
approval of the board of control. 5652

Sec. 747.11. The board of rapid transit commissioners may 5653
grant to any corporation organized for street or interurban 5654
railway purposes the right to operate, by lease or otherwise, the 5655

depots, terminals, and railways mentioned in section 747.08 of the Revised Code upon such terms as the board is authorized by ordinance to agree upon with such corporation, subject to the approval of a majority of the electors of the city voting on the question.

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

Sec. 747.12. Whenever the board of rapid transit commissioners of a city declares by resolution that real estate of the city acquired for rapid transit purposes is not needed for the proper conduct and maintenance of such rapid transit system, such real estate may be sold or leased by the board to the highest bidder after advertisement once a week for three consecutive weeks in a newspaper of general circulation within the city or as provided in section 7.16 of the Revised Code. The board may reject

any bid and readvertise until all such property is sold or leased. 5688
When the board has twice so offered to sell or lease such 5689
property, and it is not sold or leased, the board may privately 5690
sell or lease it. 5691

Moneys arising from such sales or leases shall be deposited 5692
in the treasury of the city to the credit of the board of rapid 5693
transit commissioners' fund, and may be expended for the purchase, 5694
construction, improvement, maintenance, equipment, and enjoyment 5695
of the city's rapid transit property, as such board directs. 5696

Contracts, leases, deeds, bills of sale, or other instruments 5697
in writing pertaining to such sales or leases shall be executed on 5698
behalf of the city by the board, by its president and secretary. 5699

Sec. 755.41. When lands lying within the limits of a 5700
municipal corporation have been dedicated to or for the use of the 5701
public for parks or park lands, and where such lands have remained 5702
unimproved and unused by the public for a period of twenty-one 5703
years and there appears to be little or no possibility that such 5704
lands will be improved and used by the public, the legislative 5705
authority of a municipal corporation in which said lands are 5706
located may, by ordinance, declare such parks or park lands 5707
vacated upon the petition of a majority of the abutting 5708
freeholders. No such parks or park lands shall be vacated unless 5709
notice of the pendency and prayer of the petition is given, in a 5710
newspaper of general circulation in the municipal corporation in 5711
which such lands are situated for three consecutive weeks, or as 5712
provided in section 7.16 of the Revised Code, preceding action on 5713
such petition. No such lands shall be vacated prior to a public 5714
hearing had thereon. 5715

Sec. 755.42. Upon the vacation of parks or park lands as 5716
provided by section 755.41 of the Revised Code, the legislative 5717

authority of a municipal corporation shall offer such lands for 5718
sale at a public auction. No lands shall be sold until the 5719
legislative authority of such municipal corporation gives notice 5720
of intention to sell such lands. Such notice shall be published as 5721
provided in section 7.16 of the Revised Code or once a week for 5722
four consecutive weeks in a newspaper of general circulation in a 5723
municipal corporation in which the sale is to be had. The 5724
legislative authority of such municipal corporation or the board 5725
or officer having supervision or management of such real estate 5726
shall sell such lands to the highest and best bidder, provided 5727
that any and all bids made hereunder may be rejected. 5728

When such sale is made, the mayor or other officer of a 5729
municipal corporation in which sale is had and in which such lands 5730
are located, shall enter into a deed, conveying said lands to the 5731
purchaser thereof. At or after the time of sale, the auditor of 5732
the county shall place the lands sold hereunder on the tax 5733
duplicate of the county at a value to be established by ~~him~~ the 5734
auditor as in cases where ~~he~~ the auditor re-enters property which 5735
has been tax exempt on the taxable list of the county. 5736

The proceeds from the sale of lands sold pursuant to this 5737
section shall be placed in the general fund of the treasury of the 5738
municipal corporation in which such lands are located and may be 5739
disbursed as other general fund moneys. 5740

Sec. 755.43. When real estate ~~which~~ that has been dedicated 5741
to or for the use of the public for parks or park lands is vacated 5742
by the legislative authority of a municipal corporation pursuant 5743
to section 755.41 of the Revised Code, and where reversionary 5744
interests have been set up in the event of the non-use of such 5745
lands for the dedicated purpose, such reversionary interests shall 5746
accelerate and vest in the holders thereof upon such vacation. 5747
Thereupon, the auditor of the county shall place the lands on the 5748

tax duplicate of the county in the names of such reversionaries as 5749
are known to and supplied by the legislative authority of the 5750
municipal corporation or the board or officer having supervision 5751
or management of such real estate. If the legislative authority of 5752
such board or officer is unable to furnish the names of such 5753
reversioners, the legislative authority of a municipal corporation 5754
shall fix a date on or before which claims to such real estate may 5755
be asserted and after which such real estate shall be sold. Notice 5756
shall be given of such date and of the sale to be held thereafter, 5757
as provided in section 7.16 of the Revised Code or once each week 5758
for four consecutive weeks in a newspaper of general circulation 5759
in the municipal corporation wherein such lands are located. In 5760
the event that no claims to such lands are asserted or found to be 5761
valid, the lands shall be sold pursuant to section 755.42 of the 5762
Revised Code, and the title of any holders of reversionary 5763
interests shall be extinguished. 5764

Nothing contained in sections 755.41, 755.42, or 755.43 of 5765
the Revised Code shall be construed as limiting any of the home 5766
rule powers conferred upon municipalities by Article XVIII of the 5767
Constitution of the State of Ohio. 5768

Sec. 759.47. Land belonging to a public cemetery and used for 5769
an approach thereto, and which is, in the judgment of a majority 5770
of the officers having control or management thereof, unnecessary 5771
for cemetery purposes, may be sold by them at public sale to the 5772
highest bidder after advertisement as provided in section 7.16 of 5773
the Revised Code or once a week for five consecutive weeks in a 5774
newspaper of general circulation within the county in which the 5775
cemetery is situated. The board of township trustees or board of 5776
cemetery trustees of a municipal corporation making such sale 5777
shall execute in the name of the township or municipal corporation 5778
owning such cemetery proper conveyances for the land so sold. 5779

Sec. 951.11. A person finding an animal at large in violation of section 951.01 or 951.02 of the Revised Code, may, and a law enforcement officer of a county, township, city, or village, on view or information, shall, take and confine such animal, forthwith giving notice thereof to the owner or keeper, if known, and, if not known, by publishing a notice describing such animal ~~at least~~ once in a newspaper of general circulation in the county, township, city, or village wherein the animal was found. If the owner or keeper does not appear and claim the animal and pay the compensation prescribed in section 951.13 of the Revised Code for so taking, advertising, and keeping it within ten days from the date of such notice, such person or the county shall have a lien therefor and the animal may be sold at public auction as provided in section 1311.49 of the Revised Code, and the residue of the proceeds of sale shall be paid and deposited by the treasurer in the general fund of the county.

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

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

(B) To develop plans for the conservation of soil resources, for the control and prevention of soil erosion, and for works of improvement for flood prevention and the conservation,

development, utilization, and disposal of water within the 5812
district, and to publish those plans and information; 5813

(C) To implement, construct, repair, maintain, and operate 5814
preventive and control measures and other works of improvement for 5815
natural resource conservation and development and flood 5816
prevention, and the conservation, development, utilization, and 5817
disposal of water within the district on lands owned or controlled 5818
by this state or any of its agencies and on any other lands within 5819
the district, which works may include any facilities authorized 5820
under state or federal programs, and to acquire, by purchase or 5821
gift, to hold, encumber, or dispose of, and to lease real and 5822
personal property or interests in such property for those 5823
purposes; 5824

(D) To cooperate or enter into agreements with any occupier 5825
of lands within the district in the carrying on of natural 5826
resource conservation operations and works of improvement for 5827
flood prevention and the conservation, development, utilization, 5828
and management of natural resources within the district, subject 5829
to such conditions as the supervisors consider necessary; 5830

(E) To accept donations, gifts, grants, and contributions in 5831
money, service, materials, or otherwise, and to use or expend them 5832
according to their terms; 5833

(F) To adopt, amend, and rescind rules to carry into effect 5834
the purposes and powers of the district; 5835

(G) To sue and plead in the name of the district, and be sued 5836
and impleaded in the name of the district, with respect to its 5837
contracts and, as indicated in section 1515.081 of the Revised 5838
Code, certain torts of its officers, employees, or agents acting 5839
within the scope of their employment or official responsibilities, 5840
or with respect to the enforcement of its obligations and 5841
covenants made under this chapter; 5842

(H) To make and enter into all contracts, leases, and 5843
agreements and execute all instruments necessary or incidental to 5844
the performance of the duties and the execution of the powers of 5845
the district under this chapter, provided that all of the 5846
following apply: 5847

(1) Except as provided in section 307.86 of the Revised Code 5848
regarding expenditures by boards of county commissioners, when the 5849
cost under any such contract, lease, or agreement, other than 5850
compensation for personal services or rental of office space, 5851
involves an expenditure of more than the amount established in 5852
that section regarding expenditures by boards of county 5853
commissioners, the supervisors shall make a written contract with 5854
the lowest and best bidder after advertisement, for not less than 5855
two nor more than four consecutive weeks preceding the day of the 5856
opening of bids, in a newspaper of general circulation within the 5857
district or as provided in section 7.16 of the Revised Code and in 5858
such other publications as the supervisors determine. The notice 5859
shall state the general character of the work and materials to be 5860
furnished, the place where plans and specifications may be 5861
examined, and the time and place of receiving bids. 5862

(2) Each bid for a contract shall contain the full name of 5863
every person interested in it. 5864

(3) Each bid for a contract for the construction, demolition, 5865
alteration, repair, or reconstruction of an improvement shall meet 5866
the requirements of section 153.54 of the Revised Code. 5867

(4) Each bid for a contract, other than a contract for the 5868
construction, demolition, alteration, repair, or reconstruction of 5869
an improvement, at the discretion of the supervisors, may be 5870
accompanied by a bond or certified check on a solvent bank in an 5871
amount not to exceed five per cent of the bid, conditioned that, 5872
if the bid is accepted, a contract shall be entered into. 5873

(5) The supervisors may reject any and all bids.	5874
(I) To make agreements with the department of natural resources giving it control over lands of the district for the purpose of construction of improvements by the department under section 1501.011 of the Revised Code;	5875 5876 5877 5878
(J) To charge, alter, and collect rentals and other charges for the use or services of any works of the district;	5879 5880
(K) To enter, either in person or by designated representatives, upon lands, private or public, in the necessary discharge of their duties;	5881 5882 5883
(L) To enter into agreements or contracts with the department for the determination, implementation, inspection, and funding of agricultural pollution abatement and urban sediment pollution abatement measures whereby landowners, operators, managers, and developers may meet adopted state standards for a quality environment, except that failure of a district board of supervisors to negotiate an agreement or contract with the department shall authorize the division of soil and water resources to implement the required program;	5884 5885 5886 5887 5888 5889 5890 5891 5892
(M) To conduct demonstrations and provide information to the public regarding practices and methods for natural resource conservation, development, and utilization;	5893 5894 5895
(N) To enter into contracts or agreements with the chief of the division of soil and water resources to implement and administer a program for urban sediment pollution abatement and to receive and expend moneys provided by the chief for that purpose;	5896 5897 5898 5899
(O) To develop operation and management plans, as defined in section 1511.01 of the Revised Code, as necessary;	5900 5901
(P) To determine whether operation and management plans developed under division (A) of section 1511.021 of the Revised	5902 5903

Code comply with the standards established under division (E)(1) 5904
of section 1511.02 of the Revised Code and to approve or 5905
disapprove the plans, based on such compliance. If an operation 5906
and management plan is disapproved, the board shall provide a 5907
written explanation to the person who submitted the plan. The 5908
person may appeal the plan disapproval to the chief, who shall 5909
afford the person a hearing. Following the hearing, the chief 5910
shall uphold the plan disapproval or reverse it. If the chief 5911
reverses the plan disapproval, the plan shall be deemed approved 5912
under this division. In the event that any person operating or 5913
owning agricultural land or a concentrated animal feeding 5914
operation in accordance with an approved operation and management 5915
plan who, in good faith, is following that plan, causes 5916
agricultural pollution, the plan shall be revised in a fashion 5917
necessary to mitigate the agricultural pollution, as determined 5918
and approved by the board of supervisors of the soil and water 5919
conservation district. 5920

(Q) With regard to composting conducted in conjunction with 5921
agricultural operations, to do all of the following: 5922

(1) Upon request or upon their own initiative, inspect 5923
composting at any such operation to determine whether the 5924
composting is being conducted in accordance with section 1511.022 5925
of the Revised Code; 5926

(2) If the board determines that composting is not being so 5927
conducted, request the chief to issue an order under division (G) 5928
of section 1511.02 of the Revised Code requiring the person who is 5929
conducting the composting to prepare a composting plan in 5930
accordance with rules adopted under division (E)(8)(c) of that 5931
section and to operate in accordance with that plan or to operate 5932
in accordance with a previously prepared plan, as applicable; 5933

(3) In accordance with rules adopted under division (E)(8)(c) 5934
of section 1511.02 of the Revised Code, review and approve or 5935

disapprove any such composting plan. If a plan is disapproved, the board shall provide a written explanation to the person who submitted the plan.

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

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

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

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

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

Any instrument by which real property is acquired pursuant to this section shall identify the agency of the state that has the use and benefit of the real property as specified in section

5301.012 of the Revised Code. 5967

Sec. 1515.24. (A) Following receipt of a certification made 5968
by the supervisors of a soil and water conservation district 5969
pursuant to section 1515.19 of the Revised Code together with 5970
receipt of all plans, specifications, and estimates submitted 5971
under that section and upon completion of a schedule of estimated 5972
assessments in accordance with section 1515.211 of the Revised 5973
Code, the board of county commissioners may adopt a resolution 5974
levying upon the property within the project area an assessment at 5975
a uniform or varied rate based upon the benefit to the area 5976
certified by the supervisors, as necessary to pay the cost of 5977
construction of the improvement not otherwise funded and to repay 5978
advances made for purposes of the improvement from the fund 5979
created by section 1515.15 of the Revised Code. The board of 5980
county commissioners shall direct the person or authority 5981
preparing assessments to give primary consideration, in 5982
determining a parcel's estimated assessments relating to the 5983
disposal of water, to the potential increase in productivity that 5984
the parcel may experience as a result of the improvement and also 5985
to give consideration to the amount of water disposed of, the 5986
location of the property relative to the project, the value of the 5987
project to the watershed, and benefits. The part of the assessment 5988
that is found to benefit state, county, or township roads or 5989
highways or municipal streets shall be assessed against the state, 5990
county, township, or municipal corporation, respectively, payable 5991
from motor vehicle revenues. The part of the assessment that is 5992
found to benefit property owned by any public corporation, any 5993
political subdivision of the state, or the state shall be assessed 5994
against the public corporation, the political subdivision, or the 5995
state and shall be paid out of the general funds or motor vehicle 5996
revenues of the public corporation, the political subdivision of 5997
the state, or the state, except as otherwise provided by law. 5998

(B) The assessment shall be certified to the county auditor 5999
and by the county auditor to the county treasurer. The collection 6000
of the assessment shall conform in all matters to Chapter 323. of 6001
the Revised Code. 6002

(C) Any land owned and managed by the department of natural 6003
resources for wildlife, recreation, nature preserve, or forestry 6004
purposes is exempt from assessments if the director of natural 6005
resources determines that the land derives no benefit from the 6006
improvement. In making such a determination, the director shall 6007
consider the purposes for which the land is owned and managed and 6008
any relevant articles of dedication or existing management plans 6009
for the land. If the director determines that the land derives no 6010
benefit from the improvement, the director shall notify the board 6011
of county commissioners, within thirty days after receiving the 6012
assessment notification required by this section, indicating that 6013
the director has determined that the land is to be exempt and 6014
explaining the specific reason for making this determination. The 6015
board of county commissioners, within thirty days after receiving 6016
the director's exemption notification, may appeal the 6017
determination to the court of common pleas. If the court of common 6018
pleas finds in favor of the board of county commissioners, the 6019
department of natural resources shall pay all court costs and 6020
legal fees. 6021

(D)(1) The board shall give notice by first class mail to 6022
every public and private property owner whose property is subject 6023
to assessment, at the tax mailing or other known address of the 6024
owner. The notice shall contain a statement of the amount to be 6025
assessed against the property of the addressee, a description of 6026
the method used to determine the necessity for and the amount of 6027
the proposed assessment, a description of any easement on the 6028
property that is necessary for purposes of the improvement, and a 6029
statement that the addressee may file an objection in writing at 6030

the office of the board of county commissioners within thirty days 6031
after the mailing of notice. If the residence of any owner cannot 6032
be ascertained, or if any mailed notice is returned undelivered, 6033
the board shall publish the notice to all such owners in a 6034
newspaper of general circulation within the project area, ~~at least~~ 6035
once each week for three weeks, ~~which~~ or as provided in section 6036
7.16 of the Revised Code. The notice shall include the information 6037
contained in the mailed notice, but shall state that the owner may 6038
file an objection in writing at the office of the board of county 6039
commissioners within thirty days after the last publication of the 6040
notice. 6041

(2) Upon receipt of objections as provided in this section, 6042
the board shall proceed within thirty days to hold a final hearing 6043
on the objections by fixing a date and giving notice by first 6044
class mail to the objectors at the address provided in filing the 6045
objection. If any mailed notice is returned undelivered, the board 6046
shall give due notice to the objectors in a newspaper of general 6047
circulation in the project area or as provided in section 7.16 of 6048
the Revised Code, stating the time, place, and purpose of the 6049
hearing. Upon hearing the objectors, the board may adopt a 6050
resolution amending and approving the final schedule of 6051
assessments and shall enter it in the journal. 6052

(3) Any owner whose objection is not allowed may appeal 6053
within thirty days to the court of common pleas of the county in 6054
which the property is located. 6055

(4) The board of county commissioners shall make an order 6056
approving the levying of the assessment and shall proceed under 6057
section 6131.23 of the Revised Code after one of the following has 6058
occurred, as applicable: 6059

(a) Final notice is provided by mail or publication. 6060

(b) The imposition of assessments is upheld in the final 6061

disposition of an appeal that is filed pursuant to division (D)(3) 6062
of this section. 6063

(c) The resolution levying the assessments is approved in a 6064
referendum that is held pursuant to section 305.31 of the Revised 6065
Code. 6066

(5) The county treasurer shall deposit the proceeds of the 6067
assessment in the fund designated by the board and shall report to 6068
the county auditor the amount of money from the assessment that is 6069
collected by the treasurer. Moneys shall be expended from the fund 6070
for purposes of the improvement. 6071

(E) Any moneys collected in excess of the amount needed for 6072
construction of the improvement and the subsequent first year's 6073
maintenance may be maintained in a fund to be used for maintenance 6074
of the improvement. In any year subsequent to a year in which an 6075
assessment for construction of an improvement levied under this 6076
section has been collected, and upon determination by the board of 6077
county commissioners that funds are not otherwise available for 6078
maintenance or repair of the improvement, the board shall levy on 6079
the property within the project area an assessment for maintenance 6080
at a uniform percentage of all construction costs based upon the 6081
assessment schedule used in determining the construction 6082
assessment. The assessment is not subject to the provisions 6083
concerning notice and petition contained in this section. An 6084
assessment for maintenance shall not be levied in any year in 6085
which the unencumbered balance of funds available for maintenance 6086
of the improvement exceeds twenty per cent of the cost of 6087
construction of the improvement, except that the board may adjust 6088
the level of assessment within the twenty per cent limitation, or 6089
suspend temporarily the levying of an assessment, for maintenance 6090
purposes as maintenance funds are needed. 6091

For the purpose of levying an assessment for maintenance of 6092
an improvement, a board may use the procedures established in 6093

Chapter 6137. of the Revised Code regarding maintenance of 6094
improvements as defined in section 6131.01 of the Revised Code in 6095
lieu of using the procedures established under this section. 6096

(F) The board of county commissioners may issue bonds and 6097
notes as authorized by section 131.23 or 133.17 of the Revised 6098
Code. 6099

Sec. 1545.09. (A) The board of park commissioners shall adopt 6100
such bylaws and rules as the board considers advisable for the 6101
preservation of good order within and adjacent to parks and 6102
reservations of land, and for the protection and preservation of 6103
the parks, parkways, and other reservations of land under its 6104
jurisdiction and control and of property and natural life therein. 6105
The board shall also adopt bylaws or rules establishing a 6106
procedure for contracting for professional, technical, consulting, 6107
and other special services. Any competitive bidding procedures of 6108
the board do not apply to the purchase of benefits for park 6109
district officers or employees when such benefits are provided 6110
through a health and welfare trust fund administered through or in 6111
conjunction with a collective bargaining representative of the 6112
park district employees, as authorized in section 1545.071 of the 6113
Revised Code. The Summaries of the bylaws and rules shall be 6114
published as provided in the case of ordinances of municipal 6115
corporations under section 731.21 of the Revised Code before 6116
taking effect. 6117

(B)(1) As used in division (B)(2) of this section, "similar 6118
violation under state law" means a violation of any section of the 6119
Revised Code, other than division (C) of this section, that is 6120
similar to a violation of a bylaw or rule adopted under division 6121
(A) of this section. 6122

(2) The board of park commissioners may adopt by bylaw a 6123
penalty for a violation of any bylaw or rule adopted under 6124

division (A) of this section, and any penalty so adopted shall not exceed in severity whichever of the following is applicable:

(a) The penalty designated under the Revised Code for a violation of the state law that is similar to the bylaw or rule for which the board adopted the penalty;

(b) For a violation of a bylaw or rule adopted under division (A) of this section for which the similar violation under state law does not bear a penalty or for which there is no similar violation under state law, a fine of not more than one hundred fifty dollars for a first offense and not more than one thousand dollars for each subsequent offense.

(3) ~~Any~~ A summary of any bylaw adopted under division (B)(2) of this section shall be published as provided in the case of ordinances of municipal corporations under section 731.21 of the Revised Code before taking effect.

(C) No person shall violate any bylaws or rules adopted under division (A) of this section. All fines collected for any violation of this section shall be paid into the treasury of such park board.

Sec. 1545.12. (A) Except as provided in division (B) of this section, if the board of park commissioners finds that any lands that it has acquired are not necessary for the purposes for which they were acquired by the board, it may sell and dispose of the lands upon terms the board considers advisable. The board also may lease or permit the use of any lands for purposes not inconsistent with the purposes for which the lands were acquired, and upon terms the board considers advisable. No lands shall be sold pursuant to this division without first giving notice of the board's intention to sell the lands by publication once a week for four consecutive weeks in ~~not less than two English newspapers a newspaper~~ of general circulation in the district or as provided in

section 7.16 of the Revised Code. The notice shall contain an 6156
accurate description of the lands and shall state the time and 6157
place at which sealed bids will be received for the purchase of 6158
the lands, and the lands shall not thereafter be sold at private 6159
sale for less than the best and highest bid received without 6160
giving further notice as specified in this division. 6161

(B)(1) After compliance with division (B)(2) of this section, 6162
the board of park commissioners may sell land upon terms the board 6163
considers advisable to any park district established under section 6164
511.18 or Chapter 1545. of the Revised Code, any political 6165
subdivision of the state, the state or any department or agency of 6166
the state, or any department or agency of the federal government 6167
for conservation uses or for park or recreation purposes without 6168
the necessity of having to comply with division (A) of this 6169
section. 6170

(2) Before the board of park commissioners may sell land 6171
under division (B)(1) of this section, the board shall offer the 6172
land for sale to each of the following public agencies that is 6173
authorized to acquire, develop, and maintain land for conservation 6174
uses or for park or recreation purposes: each park district 6175
established under section 511.18 or Chapter 1545. of the Revised 6176
Code or political subdivision in which the land is located, each 6177
park district that is so established and that adjoins or each 6178
political subdivision that adjoins a park district so established 6179
or political subdivision in which the land is located, and each 6180
agency or department of the state or of the federal government 6181
that operates parks or conservation or recreation areas near the 6182
land. The board shall make the offer by giving a written notice 6183
that the land is available for sale, by first class mail, to these 6184
public agencies. A failure of delivery of the written notice to 6185
any of these public agencies does not invalidate any proceedings 6186
for the sale of land under this division. Any public agency that 6187

is so notified and that wishes to purchase the land shall make an 6188
offer to the board in writing not later than sixty days after 6189
receiving the written notice. 6190

If there is only one offer to purchase the land made in that 6191
sixty-day period, the board need not hold a public hearing on the 6192
offer. The board shall accept the offer only if it determines that 6193
acceptance of the offer will result in the best public use of the 6194
land. 6195

If there is more than one offer to purchase the land made in 6196
that sixty-day period, the board shall not accept any offer until 6197
the board holds a public hearing on the offers. If, after the 6198
hearing, the board decides to accept an offer, it shall accept the 6199
offer that it determines will result in the best public use of the 6200
land. 6201

(C) No lands shall be sold under this section at either 6202
public or private sale without the approval of the probate court 6203
of the county in which the lands are situated. 6204

Sec. 1547.302. (A) Unclaimed vessels or outboard motors 6205
ordered into storage under division (B) of section 1547.30 or 6206
section 1547.301 of the Revised Code shall be disposed of at the 6207
order of the sheriff of the county, the chief of police of the 6208
municipal corporation, township, or township police district, or 6209
another chief of a law enforcement agency in any of the following 6210
ways: 6211

(1) To a marine salvage dealer; 6212

(2) To any other facility owned, operated, or under contract 6213
with the state or the county, municipal corporation, township, or 6214
other political subdivision; 6215

(3) To a charitable organization, religious organization, or 6216
similar organization not used and operated for profit; 6217

(4) By sale at public auction by the sheriff, the chief, or 6218
an auctioneer licensed under Chapter 4707. of the Revised Code, 6219
after giving notice of the auction by advertisement, published 6220
once a week for two consecutive weeks in a newspaper of general 6221
circulation in the county or as provided in section 7.16 of the 6222
Revised Code. 6223

(B) Any moneys accruing from the disposition of an unclaimed 6224
vessel or motor that are in excess of the expenses resulting from 6225
the removal and storage of the vessel or motor shall be credited 6226
to the general revenue fund or to the general fund of the county, 6227
municipal corporation, township, or other political subdivision, 6228
as appropriate. 6229

(C) As used in this section, "charitable organization" has 6230
the same meaning as in section 1716.01 of the Revised Code. 6231

Sec. 1711.05. Every county agricultural society annually 6232
shall publish an abstract of its treasurer's account in a 6233
newspaper of general circulation in the county and make a report 6234
of its proceedings during the year. It shall also make, in 6235
accordance with the rules of the department of agriculture, a 6236
synopsis of its awards for improvement in agriculture and in 6237
household manufactures and forward such synopsis to the director 6238
of agriculture at or before the annual meeting of the directors of 6239
the society with the director of agriculture, as provided for in 6240
section 901.06 of the Revised Code. No payment after such date 6241
shall be made from the county treasury to such society unless a 6242
certificate from the director is presented to the county auditor 6243
showing that such reports have been made. 6244

Sec. 1711.07. The board of directors of a county or 6245
independent agricultural society shall consist of at least eight 6246
members. An employee of the Ohio state university extension 6247

service and the county school superintendent shall be members ex 6248
officio. Their terms of office shall be determined by the rules of 6249
the department of agriculture. Any vacancy in the board caused by 6250
death, resignation, refusal to qualify, removal from county, or 6251
other cause may be filled by the board until the society's next 6252
annual election, when a director shall be elected for the 6253
unexpired term. There shall be an annual election of directors by 6254
ballot at a time and a place fixed by the board, but this election 6255
shall not be held later than the first Saturday in December 1994, 6256
and not later than the fifteenth day of November each year 6257
thereafter, beginning in 1995. The secretary of the society shall 6258
give notice of such election, for three weeks prior to the holding 6259
thereof, in ~~at least two newspapers~~ a newspaper of ~~opposite~~ 6260
~~politics and of~~ general circulation in the county or as provided 6261
in section 7.16 of the Revised Code, or by letter mailed to each 6262
member of the society. Only persons holding membership 6263
certificates at the close of the annual county fair, or at least 6264
fifteen calendar days before the date of election, as may be fixed 6265
by the board, may vote, unless such election is held on the 6266
fairground during the fair, in which case all persons holding 6267
membership certificates on the date and hour of the election may 6268
vote. When the election is to be held during the fair, notice of 6269
such election must be prominently mentioned in the premium list, 6270
in addition to the notice required in ~~newspapers~~ a newspaper. The 6271
terms of office of the retiring directors shall expire, and those 6272
of the directors-elect shall begin, not later than the first 6273
Saturday in January 1995, and not later than the thirtieth day of 6274
November each year thereafter, beginning in 1995. 6275

The secretary of such society shall send the name and address 6276
of each member of its board to the director of agriculture within 6277
ten days after the election. 6278

Sec. 1711.18. In a county in which there is a county 6279

agricultural society indebted fifteen thousand dollars or more, 6280
and such society has purchased a fairground or title to such 6281
fairground is vested in fee in the county, the board of county 6282
commissioners, upon the presentation of a petition signed by not 6283
less than five hundred resident electors of the county praying for 6284
the submission to the electors of the county of the question 6285
whether or not county bonds shall be issued and sold to liquidate 6286
such indebtedness, shall, by resolution within ten days 6287
thereafter, fix a date, which shall be within thirty days, upon 6288
which the question of issuing and selling such bonds, in the 6289
necessary amount and denomination, shall be submitted to the 6290
electors of the county. The board also shall cause a copy of such 6291
resolution to be certified to the county board of elections and 6292
such board of elections, within ten days after such certification, 6293
shall proceed to make the necessary arrangements for the 6294
submission of such question to such electors at the time fixed by 6295
such resolution. 6296

Such election shall be held at the regular places of voting 6297
in the county and shall be conducted, canvassed, and certified, 6298
except as otherwise provided by law, as are elections of county 6299
officers. The county board of elections must give fifteen days' 6300
notice of such submission by publication in ~~one or more newspapers~~ 6301
published a newspaper of general circulation in the county once a 6302
week for two consecutive weeks or as provided in section 7.16 of 6303
the Revised Code, stating the amount of bonds to be issued, the 6304
purpose for which they are to be issued, and the time and places 6305
of holding such election. Those who vote in favor of the 6306
proposition shall have written or printed on their ballots "for 6307
the issue of bonds" and those who vote against it shall have 6308
written or printed on their ballots "against the issue of bonds." 6309
If a majority of those voting upon the question of issuing the 6310
bonds vote in favor thereof, then and only then shall they be 6311
issued and the tax provided for in section 1711.20 of the Revised 6312

Code be levied. 6313

Sec. 1711.30. Before issuing bonds under section 1711.28 of 6314
the Revised Code, the board of county commissioners, by 6315
resolution, shall submit to the qualified electors of the county 6316
at the next general election for county officers, held not less 6317
than thirty days after receiving from the county agricultural 6318
society the notice provided for in section 1711.25 of the Revised 6319
Code, the question of issuing and selling such bonds in such 6320
amount and denomination as are necessary for the purpose in view, 6321
and shall certify a copy of such resolution to the county board of 6322
elections. 6323

The county board of elections shall place the question of 6324
issuing and selling such bonds upon the ballot and make all other 6325
necessary arrangements for the submission, at the time fixed by 6326
such resolution, of such question to such electors. The votes cast 6327
at such election upon such question must be counted, canvassed, 6328
and certified in the same manner, except as provided by law, as 6329
votes cast for county officers. Fifteen days' notice of such 6330
submission shall be given by the county board of elections, by 6331
publication once a week for two consecutive weeks in ~~two or more~~ 6332
~~newspapers published~~ a newspaper of general circulation in the 6333
county or as provided in section 7.16 of the Revised Code, stating 6334
the amount of bonds to be issued, the purpose for which they are 6335
to be issued, and the time and places of holding such election. 6336
Such question must be stated on the ballot as follows: "For the 6337
issue of county fair bonds, yes"; "For the issue of county fair 6338
bonds, no." If the majority of those voting upon the question of 6339
issuing the bonds vote in favor thereof, then and only then shall 6340
they be issued and the tax provided for in section 1711.29 of the 6341
Revised Code be levied. 6342

Sec. 1728.06. Every community urban redevelopment corporation 6343

qualifying under this chapter, before proceeding with any project 6344
authorized in this chapter, shall make written application to the 6345
municipal corporation for approval thereof. The application shall 6346
be in such form and shall certify to such facts and data as shall 6347
be required by the municipal corporation, and may include but not 6348
be limited to: 6349

(A) A general statement of the nature of the proposed 6350
project, that the undertaking conforms to all applicable municipal 6351
ordinances, that its completion will meet an existing need, and 6352
that the project accords with the master plan or official map, if 6353
any, of the municipal corporation; 6354

(B) A description of the proposed project outlining the area 6355
included and a description of each unit thereof if the project is 6356
to be undertaken in units and setting out such architectural and 6357
site plans as may be required; 6358

(C) A statement of the estimated cost of the proposed project 6359
in such detail as may be required, including the estimated cost of 6360
each unit if it is to be so undertaken; 6361

(D) The source, method, and amount of money to be subscribed 6362
through the investment of private capital, setting forth the 6363
amount of stock or other securities to be issued therefor; 6364

(E) A fiscal plan for the project outlining a schedule of 6365
rents, the estimated expenditures for operation and maintenance, 6366
payments for interest, amortization of debt and reserves, and 6367
payments to the municipal corporation to be made pursuant to a 6368
financial agreement to be entered into with the municipal 6369
corporation; 6370

(F) A relocation plan providing for the relocation of 6371
persons, including families, business concerns, and others, 6372
displaced by the project, which relocation plan shall include, but 6373
not be limited to, the proposed method for the relocation of 6374

residents who will be displaced from their dwelling accommodations 6375
in decent, safe, and sanitary dwelling accommodations within their 6376
means, or with provision for adjustment payments to bring such 6377
accommodations within their means, and without undue hardship, and 6378
reasonable moving costs; 6379

(G) The names and tax mailing addresses, as determined from 6380
the records of the county auditor not more than five days prior to 6381
the submission of the application to the mayor of the municipal 6382
corporation, of the owners of all property which the corporation 6383
proposes in its application to acquire. 6384

Such application shall be addressed and submitted to the 6385
mayor of the municipal corporation, who shall, within sixty days 6386
after receipt thereof, submit it with ~~his~~ the mayor's 6387
recommendations to the governing body. The application shall be a 6388
matter of public record upon receipt by the mayor. 6389

The governing body shall by notice published once a week for 6390
two consecutive weeks in a newspaper of general circulation in the 6391
municipal corporation or as provided in section 7.16 of the 6392
Revised Code, by written notice, by certified mail or personal 6393
service, to the owners of property which the corporation proposes 6394
in its application to purchase at the tax mailing address as set 6395
forth in the corporation's application, by the putting up of signs 6396
in at least five places within the area covered by the 6397
application, and by giving written notice, by certified mail or 6398
personal service, to community organizations known by the clerk of 6399
the governing body to represent a substantial number of the 6400
residents of the area covered by the application, advise that the 6401
application is on file in the office of the clerk of the governing 6402
body of the municipal corporation and is available for inspection 6403
by the general public during business hours and advise that a 6404
public hearing shall be held thereon, stating the place and time 6405
of the public hearing, which time shall be not less than fourteen 6406

days after the first publication, or after sending the mailed 6407
notice, or after the putting up of the signs, whichever is later. 6408

Following the public hearing and after complying with section 6409
5709.83 of the Revised Code, the governing body, taking into 6410
consideration the financial impact on the community, shall by 6411
resolution approve or disapprove the application, approval to be 6412
by an affirmative vote of not less than three-fifths of the 6413
governing body, but in the event of disapproval, changes may be 6414
suggested to secure its approval. 6415

An application may be revised or resubmitted in the same 6416
manner and subject to the same procedures as an original 6417
application. The clerk of the governing body shall diligently 6418
discharge the duties imposed on the clerk by this division, 6419
provided failure of the clerk to send written notices to all 6420
community organizations, in a good faith effort by the clerk to 6421
give the required notice, shall not invalidate any proceedings 6422
under this chapter. The failure of delivery of notice given by 6423
certified mail under this division shall not invalidate any 6424
proceedings under this chapter. 6425

Sec. 2105.09. (A) The county auditor, unless ~~he~~ the auditor 6426
acts pursuant to division (C) of this section, shall take 6427
possession of real property escheated to the state that is located 6428
in ~~his~~ the auditor's county and outside the incorporated area of a 6429
city. The auditor shall take possession in the name of the state 6430
and sell the property at public auction, at the county seat of the 6431
county, to the highest bidder, after having given thirty days' 6432
notice of the intended sale in a newspaper ~~published within of~~ 6433
general circulation in the county or as provided in section 7.16 6434
of the Revised Code. 6435

On the application of the auditor, the court of common pleas 6436
shall appoint three disinterested freeholders of the county to 6437

appraise the real property. The freeholders shall be governed by 6438
the same rule as appraisers in sheriffs' or administrators' sales. 6439
The auditor shall sell the property at not less than two thirds of 6440
its appraised value and may sell it for cash, or for one-third 6441
cash and the balance in equal annual payments, the deferred 6442
payments to be amply secured. Upon payment of the whole 6443
consideration, the auditor shall execute a deed to the purchaser, 6444
in the name and on behalf of the state. The proceeds of the sale 6445
shall be paid by the auditor to the county treasurer. 6446

If there is a regularly organized agricultural society within 6447
the county, the treasurer shall pay the greater of six hundred 6448
dollars or five per cent of the proceeds, in any case, to the 6449
society. The excess of the proceeds, or the whole thereof if there 6450
is no regularly organized agricultural society within the county, 6451
shall be distributed as follows: 6452

(1) Twenty-five per cent shall be paid equally to the 6453
townships of the county; 6454

(2) Seventy per cent shall be paid into the state treasury to 6455
the credit of the agro Ohio fund created under section 901.04 of 6456
the Revised Code; 6457

(3) Five per cent shall be credited to the county general 6458
fund for such lawful purposes as the board of county commissioners 6459
provides. 6460

(B) The legislative authority of a city within which are 6461
lands escheated to the state, unless it acts pursuant to division 6462
(C) of this section, shall take possession of the lands for the 6463
city, and the title to the lands shall vest in the city. The city 6464
shall use the premises primarily for health, welfare, or 6465
recreational purposes, or may lease them at such prices and for 6466
such purposes as it considers proper. With the approval of the tax 6467
commissioner, the city may sell the lands or any undivided 6468

interest in the lands, in the same manner as is provided in the 6469
sale of land not needed for any municipal purposes; provided, that 6470
the net proceeds from the rent or sale of the premises shall be 6471
devoted to health, welfare, or recreational purposes. 6472

(C) As an alternative to the procedure prescribed in 6473
divisions (A) and (B) of this section, the county auditor, or if 6474
the real property is located within the incorporated area of a 6475
city, the legislative authority of that city by an affirmative 6476
vote of at least a majority of its members, may request the 6477
probate court to direct the administrator or executor of the 6478
estate that contains the escheated property to commence an action 6479
in the probate court for authority to sell the real property in 6480
the manner provided in Chapter 2127. of the Revised Code. The 6481
proceeds from the sale of real property that is located outside 6482
the incorporated area of a city shall be distributed by the court 6483
in the same manner as the proceeds are distributed under division 6484
(A) of this section. The proceeds from the sale of real property 6485
that is located within the incorporated area of a city shall be 6486
distributed by the court in the same manner as the proceeds are 6487
distributed under division (B) of this section. 6488

Sec. 2329.26. (A) Lands and tenements taken in execution 6489
shall not be sold until all of the following occur: 6490

(1)(a) Except as otherwise provided in division (A)(1)(b) of 6491
this section, the judgment creditor who seeks the sale of the 6492
lands and tenements or the judgment creditor's attorney does both 6493
of the following: 6494

(i) Causes a written notice of the date, time, and place of 6495
the sale to be served in accordance with divisions (A) and (B) of 6496
Civil Rule 5 upon the judgment debtor and upon each other party to 6497
the action in which the judgment giving rise to the execution was 6498
rendered; 6499

(ii) At least seven calendar days prior to the date of the sale, files with the clerk of the court that rendered the judgment giving rise to the execution a copy of the written notice described in division (A)(1)(a)(i) of this section with proof of service endorsed on the copy in the form described in division (D) of Civil Rule 5.

(b) Service of the written notice described in division (A)(1)(a)(i) of this section is not required to be made upon any party who is in default for failure to appear in the action in which the judgment giving rise to the execution was rendered.

(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 newspaper shall meet the requirements of divisions (A)(1) to (5) of section 7.12 of the Revised Code. Section 2701.09 of the Revised Code does not apply to publication of such an advertisement. 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. 3311.21. (A) In addition to the resolutions authorized by sections 5705.194, 5705.199, 5705.21, 5705.212, and 5705.213 of the Revised Code, the board of education of a joint vocational or cooperative education school district by a vote of two-thirds of

its full membership may at any time adopt a resolution declaring 6531
the necessity to levy a tax in excess of the ten-mill limitation 6532
for a period not to exceed ten years to provide funds for any one 6533
or more of the following purposes, which may be stated in the 6534
following manner in such resolution, the ballot, and the notice of 6535
election: purchasing a site or enlargement thereof and for the 6536
erection and equipment of buildings; for the purpose of enlarging, 6537
improving, or rebuilding thereof; for the purpose of providing for 6538
the current expenses of the joint vocational or cooperative school 6539
district; or for a continuing period for the purpose of providing 6540
for the current expenses of the joint vocational or cooperative 6541
education school district. The resolution shall specify the amount 6542
of the proposed rate and, if a renewal, whether the levy is to 6543
renew all, or a portion of, the existing levy, and shall specify 6544
the first year in which the levy will be imposed. If the levy 6545
provides for but is not limited to current expenses, the 6546
resolution shall apportion the annual rate of the levy between 6547
current expenses and the other purpose or purposes. Such 6548
apportionment may but need not be the same for each year of the 6549
levy, but the respective portions of the rate actually levied each 6550
year for current expenses and the other purpose or purposes shall 6551
be limited by such apportionment. The portion of any such rate 6552
actually levied for current expenses of a joint vocational or 6553
cooperative education school district shall be used in applying 6554
division (A)(1) of section 3306.01 and division (A) of section 6555
3317.01 of the Revised Code. The portion of any such rate not 6556
apportioned to the current expenses of a joint vocational or 6557
cooperative education school district shall be used in applying 6558
division (B) of this section. On the adoption of such resolution, 6559
the joint vocational or cooperative education school district 6560
board of education shall certify the resolution to the board of 6561
elections of the county containing the most populous portion of 6562
the district, which board shall receive resolutions for filing and 6563

send them to the boards of elections of each county in which 6564
territory of the district is located, furnish all ballots for the 6565
election as provided in section 3505.071 of the Revised Code, and 6566
prepare the election notice; and the board of elections of each 6567
county in which the territory of such district is located shall 6568
make the other necessary arrangements for the submission of the 6569
question to the electors of the joint vocational or cooperative 6570
education school district at the next primary or general election 6571
occurring not less than seventy-five days after the resolution was 6572
received from the joint vocational or cooperative education school 6573
district board of education, or at a special election to be held 6574
at a time designated by the district board of education consistent 6575
with the requirements of section 3501.01 of the Revised Code, 6576
which date shall not be earlier than seventy-five days after the 6577
adoption and certification of the resolution. 6578

The board of elections of the county or counties in which 6579
territory of the joint vocational or cooperative education school 6580
district is located shall cause to be published in ~~one or more~~ 6581
~~newspapers~~ a newspaper of general circulation in that district an 6582
advertisement of the proposed tax levy question, together with a 6583
statement of the amount of the proposed levy, once a week for two 6584
consecutive weeks or as provided in section 7.16 of the Revised 6585
Code, prior to the election at which the question is to appear on 6586
the ballot, ~~and, if.~~ If the board of elections operates and 6587
maintains a web site, the board also shall post ~~a similar~~ the 6588
advertisement on its web site for thirty days prior to that 6589
election. 6590

If a majority of the electors voting on the question of 6591
levying such tax vote in favor of the levy, the joint vocational 6592
or cooperative education school district board of education shall 6593
annually make the levy within the district at the rate specified 6594
in the resolution and ballot or at any lesser rate, and the county 6595

auditor of each affected county shall annually place the levy on 6596
the tax list and duplicate of each school district in the county 6597
having territory in the joint vocational or cooperative education 6598
school district. The taxes realized from the levy shall be 6599
collected at the same time and in the same manner as other taxes 6600
on the duplicate, and the taxes, when collected, shall be paid to 6601
the treasurer of the joint vocational or cooperative education 6602
school district and deposited to a special fund, which shall be 6603
established by the joint vocational or cooperative education 6604
school district board of education for all revenue derived from 6605
any tax levied pursuant to this section and for the proceeds of 6606
anticipation notes which shall be deposited in such fund. After 6607
the approval of the levy, the joint vocational or cooperative 6608
education school district board of education may anticipate a 6609
fraction of the proceeds of the levy and from time to time, during 6610
the life of the levy, but in any year prior to the time when the 6611
tax collection from the levy so anticipated can be made for that 6612
year, issue anticipation notes in an amount not exceeding fifty 6613
per cent of the estimated proceeds of the levy to be collected in 6614
each year up to a period of five years after the date of the 6615
issuance of the notes, less an amount equal to the proceeds of the 6616
levy obligated for each year by the issuance of anticipation 6617
notes, provided that the total amount maturing in any one year 6618
shall not exceed fifty per cent of the anticipated proceeds of the 6619
levy for that year. Each issue of notes shall be sold as provided 6620
in Chapter 133. of the Revised Code, and shall, except for such 6621
limitation that the total amount of such notes maturing in any one 6622
year shall not exceed fifty per cent of the anticipated proceeds 6623
of the levy for that year, mature serially in substantially equal 6624
installments, during each year over a period not to exceed five 6625
years after their issuance. 6626

(B) Prior to the application of section 319.301 of the 6627
Revised Code, the rate of a levy that is limited to, or to the 6628

extent that it is apportioned to, purposes other than current 6629
expenses shall be reduced in the same proportion in which the 6630
district's total valuation increases during the life of the levy 6631
because of additions to such valuation that have resulted from 6632
improvements added to the tax list and duplicate. 6633

(C) The form of ballot cast at an election under division (A) 6634
of this section shall be as prescribed by section 5705.25 of the 6635
Revised Code. 6636

Sec. 3311.213. (A) With the approval of the board of 6637
education of a joint vocational school district ~~which~~ that is in 6638
existence, any school district in the county or counties 6639
comprising the joint vocational school district or any school 6640
district in a county adjacent to a county comprising part of a 6641
joint vocational school district may become a part of the joint 6642
vocational school district. On the adoption of a resolution of 6643
approval by the board of education of the joint vocational school 6644
district, it shall advertise a copy of such resolution in a 6645
newspaper of general circulation in the school district proposing 6646
to become a part of such joint vocational school district once 6647
each week for ~~at least~~ two weeks immediately following the date of 6648
the adoption of such resolution or as provided in section 7.16 of 6649
the Revised Code. Such resolution shall not become effective until 6650
the later of the sixty-first day after its adoption or until the 6651
board of elections certifies the results of an election in favor 6652
of joining of the school district to the joint vocational school 6653
district if such an election is held under division (B) of this 6654
section. 6655

(B) During the sixty-day period following the date of the 6656
adoption of a resolution to join a school district to a joint 6657
vocational school district under division (A) of this section, the 6658
electors of the school district that proposes joining the joint 6659

vocational school district may petition for a referendum vote on 6660
the resolution. The question whether to approve or disapprove the 6661
resolution shall be submitted to the electors of such school 6662
district if a number of qualified electors equal to twenty per 6663
cent of the number of electors in the school district who voted 6664
for the office of governor at the most recent general election for 6665
that office sign a petition asking that the question of whether 6666
the resolution shall be disapproved be submitted to the electors. 6667
The petition shall be filed with the board of elections of the 6668
county in which the school district is located. If the school 6669
district is located in more than one county, the petition shall be 6670
filed with the board of elections of the county in which the 6671
majority of the territory of the school district is located. The 6672
board shall certify the validity and sufficiency of the signatures 6673
on the petition. 6674

The board of elections shall immediately notify the board of 6675
education of the joint vocational school district and the board of 6676
education of the school district that proposes joining the joint 6677
vocational school district that the petition has been filed. 6678

The effect of the resolution shall be stayed until the board 6679
of elections certifies the validity and sufficiency of the 6680
signatures on the petition. If the board of elections determines 6681
that the petition does not contain a sufficient number of valid 6682
signatures and sixty days have passed since the adoption of the 6683
resolution, the resolution shall become effective. 6684

If the board of elections certifies that the petition 6685
contains a sufficient number of valid signatures, the board shall 6686
submit the question to the qualified electors of the school 6687
district on the day of the next general or primary election held 6688
at least seventy-five days after but no later than six months 6689
after the board of elections certifies the validity and 6690
sufficiency of signatures on the petition. If there is no general 6691

or primary election held at least seventy-five days after but no 6692
later than six months after the board of elections certifies the 6693
validity and sufficiency of signatures on the petition, the board 6694
shall submit the question to the electors at a special election to 6695
be held on the next day specified for special elections in 6696
division (D) of section 3501.01 of the Revised Code that occurs at 6697
least seventy-five days after the board certifies the validity and 6698
sufficiency of signatures on the petition. The election shall be 6699
conducted and canvassed and the results shall be certified in the 6700
same manner as in regular elections for the election of members of 6701
a board of education. 6702

If a majority of the electors voting on the question 6703
disapprove the resolution, the resolution shall not become 6704
effective. 6705

(C) If the resolution becomes effective, the board of 6706
education of the joint vocational school district shall notify the 6707
county auditor of the county in which the school district becoming 6708
a part of the joint vocational school district is located, who 6709
shall thereupon have any outstanding levy for building purposes, 6710
bond retirement, or current expenses in force in the joint 6711
vocational school district spread over the territory of the school 6712
district becoming a part of the joint vocational school district. 6713
On the addition of a city or exempted village school district or 6714
an educational service center to the joint vocational school 6715
district, pursuant to this section, the board of education of such 6716
joint vocational school district shall submit to the state board 6717
of education a proposal to enlarge the membership of such board by 6718
the addition of one or more persons at least one of whom shall be 6719
a member of the board of education or governing board of such 6720
additional school district or educational service center, and the 6721
term of each such additional member. On the addition of a local 6722
school district to the joint vocational school district, pursuant 6723

to this section, the board of education of such joint vocational 6724
school district may submit to the state board of education a 6725
proposal to enlarge the membership of such board by the addition 6726
of one or more persons who are members of the educational service 6727
center governing board of such additional local school district. 6728
On approval by the state board of education additional members 6729
shall be added to such joint vocational school district board of 6730
education. 6731

Sec. 3311.214. (A) With the approval of the state board of 6732
education, the boards of education of any two or more joint 6733
vocational school districts may, by the adoption of identical 6734
resolutions by a majority of the members of each such board, 6735
propose that one new joint vocational school district be created 6736
by adding together all of the territory of each of the districts 6737
and dissolving such districts. A copy of each resolution shall be 6738
filed with the state board of education for its approval or 6739
disapproval. The resolutions shall include a provision that the 6740
board of education of the new district shall be composed of the 6741
members from the same boards of education that composed the 6742
membership of the board of each of the districts to be dissolved, 6743
except that, if an even number of districts are to be dissolved, 6744
one additional member shall be added, who may be from any school 6745
district included in the territory of any of the districts to be 6746
dissolved as designated in the resolutions. The members of the new 6747
board shall have the same terms of office as they had under the 6748
respective plans of the districts adopting the resolutions, except 6749
that, if the new board has an additional member, ~~he~~ the additional 6750
member shall have a term as specified in the resolutions. 6751

If the state board approves the resolutions, the board of 6752
education of each district to be dissolved shall advertise a copy 6753
of the resolution in a newspaper of general circulation in its 6754
district once each week for ~~at least~~ two weeks, or as provided in 6755

section 7.16 of the Revised Code, immediately following the date 6756
the resolutions are approved by the state board. The resolutions 6757
shall become effective on the first day of July next succeeding 6758
the sixtieth day following approval by the state board unless 6759
prior to the expiration of such sixty-day period, qualified 6760
electors residing in one of the districts to be dissolved equal in 6761
number to a majority of the qualified electors of that district 6762
voting at the last general election file with the state board a 6763
petition of remonstrance against creation of the proposed new 6764
district. 6765

(B) When a resolution becomes effective under division (A) of 6766
this section, each district in which a resolution was adopted and 6767
the board of each such district are dissolved. The territory of 6768
each dissolved district becomes a part of the new joint vocational 6769
school district. The net indebtedness of each dissolved district 6770
shall be assumed in full by the new district and the funds and 6771
property of each dissolved district shall become in full the funds 6772
and property of the new district. All existing contracts of each 6773
dissolved board shall be honored by the board of the new district 6774
until their expiration dates. The board of the new district shall 6775
notify the county auditor of each county in which each dissolved 6776
district was located that a resolution has become effective and a 6777
new district has been created and shall certify to each auditor 6778
any changes that might be required in the tax rate as a result of 6779
the creation of the new district. 6780

(C) As used in this section, "net indebtedness" means the 6781
difference between the par value of the outstanding and unpaid 6782
bonds and notes of the school district and the amount held in the 6783
sinking fund and other indebtedness retirement funds for their 6784
redemption. 6785

Sec. 3311.50. (A) As used in this section, "county school 6786

financing district" means a taxing district consisting of the 6787
following territory: 6788

(1) The territory that constitutes the educational service 6789
center on the date that the governing board of that educational 6790
service center adopts a resolution under division (B) of this 6791
section declaring that the territory of the educational service 6792
center is a county school financing district, exclusive of any 6793
territory subsequently withdrawn from the district under division 6794
(D) of this section; 6795

(2) Any territory that has been added to the county school 6796
financing district under this section. 6797

A county school financing district may include the territory 6798
of a city, local, or exempted village school district whose 6799
territory also is included in the territory of one or more other 6800
county school financing districts. 6801

(B) The governing board of any educational service center 6802
may, by resolution, declare that the territory of the educational 6803
service center is a county school financing district. The 6804
resolution shall state the purpose for which the county school 6805
financing district is created which may be for any one or more of 6806
the following purposes: 6807

(1) To levy taxes for the provision of special education by 6808
the school districts that are a part of the district, including 6809
taxes for permanent improvements for special education; 6810

(2) To levy taxes for the provision of specified educational 6811
programs and services by the school districts that are a part of 6812
the district, as identified in the resolution creating the 6813
district, including the levying of taxes for permanent 6814
improvements for those programs and services; 6815

(3) To levy taxes for permanent improvements of school 6816
districts that are a part of the district. 6817

The governing board of the educational service center that 6818
creates a county school financing district shall serve as the 6819
taxing authority of the district and may use educational service 6820
center governing board employees to perform any of the functions 6821
necessary in the performance of its duties as a taxing authority. 6822
A county school financing district shall not employ any personnel. 6823

With the approval of a majority of the members of the board 6824
of education of each school district within the territory of the 6825
county school financing district, the taxing authority of the 6826
financing district may amend the resolution creating the district 6827
to broaden or narrow the purposes for which it was created. 6828

A governing board of an educational service center may create 6829
more than one county school financing district. If a governing 6830
board of an educational service center creates more than one such 6831
district, it shall clearly distinguish among the districts it 6832
creates by including a designation of each district's purpose in 6833
the district's name. 6834

(C) A majority of the members of a board of education of a 6835
city, local, or exempted village school district may adopt a 6836
resolution requesting that its territory be joined with the 6837
territory of any county school financing district. Copies of the 6838
resolution shall be filed with the state board of education and 6839
the taxing authority of the county school financing district. 6840
Within sixty days of its receipt of such a resolution, the county 6841
school financing district's taxing authority shall vote on the 6842
question of whether to accept the school district's territory as 6843
part of the county school financing district. If a majority of the 6844
members of the taxing authority vote to accept the territory, the 6845
school district's territory shall thereupon become a part of the 6846
county school financing district unless the county school 6847
financing district has in effect a tax imposed under section 6848
5705.211 of the Revised Code. If the county school financing 6849

district has such a tax in effect, the taxing authority shall 6850
certify a copy of its resolution accepting the school district's 6851
territory to the school district's board of education, which may 6852
then adopt a resolution, with the affirmative vote of a majority 6853
of its members, proposing the submission to the electors of the 6854
question of whether the district's territory shall become a part 6855
of the county school financing district and subject to the taxes 6856
imposed by the financing district. The resolution shall set forth 6857
the date on which the question shall be submitted to the electors, 6858
which shall be at a special election held on a date specified in 6859
the resolution, which shall not be earlier than seventy-five days 6860
after the adoption and certification of the resolution. A copy of 6861
the resolution shall immediately be certified to the board of 6862
elections of the proper county, which shall make arrangements for 6863
the submission of the proposal to the electors of the school 6864
district. The board of the joining district shall publish notice 6865
of the election in ~~one or more newspapers~~ a newspaper of general 6866
circulation in the county once a week for two consecutive weeks, 6867
or as provided in section 7.16 of the Revised Code, prior to the 6868
election. Additionally, if the board of elections operates and 6869
maintains a web site, the board of elections shall post notice of 6870
the election on its web site for thirty days prior to the 6871
election. The question appearing on the ballot shall read: 6872

"Shall the territory within (name of the school 6873
district proposing to join the county school financing district) 6874
..... be added to (name) county school 6875
financing district, and a property tax for the purposes of 6876
..... (here insert purposes) at a rate of taxation 6877
not exceeding (here insert the outstanding tax rate) 6878
..... be in effect for (here insert the number of 6879
years the tax is to be in effect or "a continuing period of time," 6880
as applicable)?" 6881

If the proposal is approved by a majority of the electors voting on it, the joinder shall take effect on the first day of July following the date of the election, and the county board of elections shall notify the county auditor of each county in which the school district joining its territory to the county school financing district is located.

(D) The board of any city, local, or exempted village school district whose territory is part of a county school financing district may withdraw its territory from the county school financing district thirty days after submitting to the governing board that is the taxing authority of the district and the state board a resolution proclaiming such withdrawal, adopted by a majority vote of its members, but any county school financing district tax levied in such territory on the effective date of the withdrawal shall remain in effect in such territory until such tax expires or is renewed. No board may adopt a resolution withdrawing from a county school financing district that would take effect during the forty-five days preceding the date of an election at which a levy proposed under section 5705.215 of the Revised Code is to be voted upon.

(E) A city, local, or exempted village school district does not lose its separate identity or legal existence by reason of joining its territory to a county school financing district under this section and an educational service center does not lose its separate identity or legal existence by reason of creating a county school financing district that accepts or loses territory under this section.

Sec. 3311.53. (A)(1) The board of education of any city, local, or exempted village school district that wishes to become part of a cooperative education school district established pursuant to divisions (A) to (C) of section 3311.52 of the Revised

Code may adopt a resolution proposing to become a part of the 6913
cooperative education school district. 6914

(2) The board of education of any city, local, or exempted 6915
village school district that is contiguous to a cooperative 6916
education school district established pursuant to section 3311.521 6917
of the Revised Code and that wishes to become part of that 6918
cooperative district may adopt a resolution proposing to become 6919
part of that cooperative district. 6920

(B) If, after the adoption of a resolution in accordance with 6921
division (A) of this section, the board of education of the 6922
cooperative education school district named in that resolution 6923
also adopts a resolution accepting the new district, the board of 6924
the district wishing to become part of the cooperative district 6925
shall advertise a copy of the cooperative district board's 6926
resolution in a newspaper of general circulation in the school 6927
district proposing to become a part of the cooperative education 6928
school district once each week for ~~at least~~ two weeks, or as 6929
provided in section 7.16 of the Revised Code, immediately 6930
following the date of the adoption of the resolution. The 6931
resolution shall become legally effective on the sixtieth day 6932
after its adoption, unless prior to the expiration of that 6933
sixty-day period qualified electors residing in the school 6934
district proposed to become a part of the cooperative education 6935
school district equal in number to a majority of the qualified 6936
electors voting at the last general election file with the board 6937
of education a petition of remonstrance against the transfer. If 6938
the resolution becomes legally effective, both of the following 6939
shall apply: 6940

(1) The resolution that established the cooperative education 6941
school district pursuant to divisions (A) to (C) of section 6942
3311.52 or section 3311.521 of the Revised Code shall be amended 6943
to reflect the addition of the new district to the cooperative 6944

district. 6945

(2) The board of education of the cooperative education 6946
school district shall give written notice of this fact to the 6947
county auditor and the board of elections of each county in which 6948
the school district becoming a part of the cooperative education 6949
school district has territory. Any such county auditor shall 6950
thereupon have any outstanding levy for building purposes, bond 6951
retirement, or current expenses in force in the cooperative 6952
education school district spread over the territory of the school 6953
district becoming a part of the cooperative education school 6954
district. 6955

(C) If the board of education of the cooperative education 6956
school district is not the governing board of an educational 6957
service center, the board of education of the cooperative 6958
education school district shall, on the addition of a city, local, 6959
or exempted village school district to the district pursuant to 6960
this section, submit to the state board of education a proposal to 6961
enlarge the membership of the board. In the case of a cooperative 6962
district established pursuant to divisions (A) to (C) of section 6963
3311.52 of the Revised Code, the proposal shall add one or more 6964
persons to the district's board, at least one of whom shall be a 6965
member of or selected by the board of education of the additional 6966
school district, and shall specify the term of each such 6967
additional member. In the case of a cooperative district 6968
established pursuant to section 3311.521 of the Revised Code, the 6969
proposal shall add two or more persons to the district's board, at 6970
least two of whom shall be a member of or selected by the board of 6971
education of the additional school district, and shall specify the 6972
term of each such additional member. On approval by the state 6973
board of education, the additional members shall be added to the 6974
cooperative education school district board of education. 6975

Sec. 3311.73. (A) No later than seventy-five days before the 6976
general election held in the first even-numbered year occurring at 6977
least four years after the date it assumed control of the 6978
municipal school district pursuant to division (B) of section 6979
3311.71 of the Revised Code, the board of education appointed 6980
under that division shall notify the board of elections of each 6981
county containing territory of the municipal school district of 6982
the referendum election required by division (B) of this section. 6983

(B) At the general election held in the first even-numbered 6984
year occurring at least four years after the date the new board 6985
assumed control of a municipal school district pursuant to 6986
division (B) of section 3311.71 of the Revised Code, the following 6987
question shall be submitted to the electors residing in the school 6988
district: 6989

"Shall the mayor of (here insert the name of the 6990
applicable municipal corporation) continue to appoint the members 6991
of the board of education of the (here insert the name of 6992
the municipal school district)?" 6993

The board of elections of the county in which the majority of 6994
the school district's territory is located shall make all 6995
necessary arrangements for the submission of the question to the 6996
electors, and the election shall be conducted, canvassed, and 6997
certified in the same manner as regular elections in the district 6998
for the election of county officers, provided that in any such 6999
election in which only part of the electors of a precinct are 7000
qualified to vote, the board of elections may assign voters in 7001
such part to an adjoining precinct. Such an assignment may be made 7002
to an adjoining precinct in another county with the consent and 7003
approval of the board of elections of such other county. Notice of 7004
the election shall be published in a newspaper of general 7005
circulation in the school district once a week for two consecutive 7006

weeks, ~~or as provided in section 7.16 of the Revised Code,~~ prior 7007
to the election, ~~and, if,~~ If the board of elections operates and 7008
maintains a web site, the board of elections shall post notice of 7009
the election on its web site for thirty days prior to the 7010
election. The notice shall state the question on which the 7011
election is being held. The ballot shall be in the form prescribed 7012
by the secretary of state. Costs of submitting the question to the 7013
electors shall be charged to the municipal school district in 7014
accordance with section 3501.17 of the Revised Code. 7015

(C) If a majority of electors voting on the issue proposed in 7016
division (B) of this section approve the question, the mayor shall 7017
appoint a new board on the immediately following first day of July 7018
pursuant to division (F) of section 3311.71 of the Revised Code. 7019

(D) If a majority of electors voting on the issue proposed in 7020
division (B) of this section disapprove the question, a new 7021
seven-member board of education shall be elected at the next 7022
regular election occurring in November of an odd-numbered year. At 7023
such election, four members shall be elected for terms of four 7024
years and three members shall be elected for terms of two years. 7025
Thereafter, their successors shall be elected in the same manner 7026
and for the same terms as members of boards of education of a city 7027
school district. All members of the board of education of a 7028
municipal school district appointed pursuant to division (B) of 7029
section 3311.71 of the Revised Code shall continue to serve after 7030
the end of the terms to which they were appointed until their 7031
successors are qualified and assume office in accordance with 7032
section 3313.09 of the Revised Code. 7033

Sec. 3313.41. (A) Except as provided in divisions (C), (D), 7034
(F), and (G) of this section, when a board of education decides to 7035
dispose of real or personal property that it owns in its corporate 7036
capacity and that exceeds in value ten thousand dollars, it shall 7037

sell the property at public auction, after giving at least thirty 7038
days' notice of the auction by publication in a newspaper of 7039
general circulation in the school district, by publication as 7040
provided in section 7.16 of the Revised Code, or by posting 7041
notices in five of the most public places in the school district 7042
in which the property, if it is real property, is situated, or, if 7043
it is personal property, in the school district of the board of 7044
education that owns the property. The board may offer real 7045
property for sale as an entire tract or in parcels. 7046

(B) When the board of education has offered real or personal 7047
property for sale at public auction at least once pursuant to 7048
division (A) of this section, and the property has not been sold, 7049
the board may sell it at a private sale. Regardless of how it was 7050
offered at public auction, at a private sale, the board shall, as 7051
it considers best, sell real property as an entire tract or in 7052
parcels, and personal property in a single lot or in several lots. 7053

(C) If a board of education decides to dispose of real or 7054
personal property that it owns in its corporate capacity and that 7055
exceeds in value ten thousand dollars, it may sell the property to 7056
the adjutant general; to any subdivision or taxing authority as 7057
respectively defined in divisions (A) and (C) of section 5705.01 7058
of the Revised Code, township park district, board of park 7059
commissioners established under Chapter 755. of the Revised Code, 7060
or park district established under Chapter 1545. of the Revised 7061
Code; to a wholly or partially tax-supported university, 7062
university branch, or college; or to the board of trustees of a 7063
school district library, upon such terms as are agreed upon. The 7064
sale of real or personal property to the board of trustees of a 7065
school district library is limited, in the case of real property, 7066
to a school district library within whose boundaries the real 7067
property is situated, or, in the case of personal property, to a 7068
school district library whose boundaries lie in whole or in part 7069

within the school district of the selling board of education. 7070

(D) When a board of education decides to trade as a part or 7071
an entire consideration, an item of personal property on the 7072
purchase price of an item of similar personal property, it may 7073
trade the same upon such terms as are agreed upon by the parties 7074
to the trade. 7075

(E) The president and the treasurer of the board of education 7076
shall execute and deliver deeds or other necessary instruments of 7077
conveyance to complete any sale or trade under this section. 7078

(F) When a board of education has identified a parcel of real 7079
property that it determines is needed for school purposes, the 7080
board may, upon a majority vote of the members of the board, 7081
acquire that property by exchanging real property that the board 7082
owns in its corporate capacity for the identified real property or 7083
by using real property that the board owns in its corporate 7084
capacity as part or an entire consideration for the purchase price 7085
of the identified real property. Any exchange or acquisition made 7086
pursuant to this division shall be made by a conveyance executed 7087
by the president and the treasurer of the board. 7088

(G)(1) When a school district board of education decides to 7089
dispose of real property suitable for use as classroom space, 7090
prior to disposing of that property under divisions (A) to (F) of 7091
this section, it shall first offer that property for sale to the 7092
governing authorities of the start-up community schools 7093
established under Chapter 3314. of the Revised Code located within 7094
the territory of the school district, at a price that is not 7095
higher than the appraised fair market value of that property. If 7096
more than one community school governing authority accepts the 7097
offer made by the school district board, the board shall sell the 7098
property to the governing authority that accepted the offer first 7099
in time. If no community school governing authority accepts the 7100
offer within sixty days after the offer is made by the school 7101

district board, the board may dispose of the property in the 7102
applicable manner prescribed under divisions (A) to (F) of this 7103
section. 7104

(2) When a school district board of education has not used 7105
real property suitable for classroom space for academic 7106
instruction, administration, storage, or any other educational 7107
purpose for one full school year and has not adopted a resolution 7108
outlining a plan for using that property for any of those purposes 7109
within the next three school years, it shall offer that property 7110
for sale to the governing authorities of the start-up community 7111
schools established under Chapter 3314. of the Revised Code 7112
located within the territory of the school district, at a price 7113
that is not higher than the appraised fair market value of that 7114
property. If more than one community school governing authority 7115
accepts the offer made by the school district board, the board 7116
shall sell the property to the governing authority that accepted 7117
the offer first in time. 7118

(H) When a school district board of education has property 7119
that the board, by resolution, finds is not needed for school 7120
district use, is obsolete, or is unfit for the use for which it 7121
was acquired, the board may donate that property in accordance 7122
with this division if the fair market value of the property is, in 7123
the opinion of the board, two thousand five hundred dollars or 7124
less. 7125

The property may be donated to an eligible nonprofit 7126
organization that is located in this state and is exempt from 7127
federal income taxation pursuant to 26 U.S.C. 501(a) and (c)(3). 7128
Before donating any property under this division, the board shall 7129
adopt a resolution expressing its intent to make unneeded, 7130
obsolete, or unfit-for-use school district property available to 7131
these organizations. The resolution shall include guidelines and 7132
procedures the board considers to be necessary to implement the 7133

donation program and shall indicate whether the school district 7134
will conduct the donation program or the board will contract with 7135
a representative to conduct it. If a representative is known when 7136
the resolution is adopted, the resolution shall provide contact 7137
information such as the representative's name, address, and 7138
telephone number. 7139

The resolution shall include within its procedures a 7140
requirement that any nonprofit organization desiring to obtain 7141
donated property under this division shall submit a written notice 7142
to the board or its representative. The written notice shall 7143
include evidence that the organization is a nonprofit organization 7144
that is located in this state and is exempt from federal income 7145
taxation pursuant to 26 U.S.C. 501(a) and (c)(3); a description of 7146
the organization's primary purpose; a description of the type or 7147
types of property the organization needs; and the name, address, 7148
and telephone number of a person designated by the organization's 7149
governing board to receive donated property and to serve as its 7150
agent. 7151

After adoption of the resolution, the board shall publish, in 7152
a newspaper of general circulation in the school district or as 7153
provided in section 7.16 of the Revised Code, notice of its intent 7154
to donate unneeded, obsolete, or unfit-for-use school district 7155
property to eligible nonprofit organizations. The notice shall 7156
include a summary of the information provided in the resolution 7157
and shall be published ~~at least~~ twice. The second ~~and any~~ 7158
~~subsequent~~ notice shall be published not less than ten nor more 7159
than twenty days after the previous notice. A similar notice also 7160
shall be posted continually in the board's office, ~~and, if.~~ If the 7161
school district maintains a web site on the internet, the notice 7162
shall be posted continually at that web site. 7163

The board or its representatives shall maintain a list of all 7164
nonprofit organizations that notify the board or its 7165

representative of their desire to obtain donated property under 7166
this division and that the board or its representative determines 7167
to be eligible, in accordance with the requirements set forth in 7168
this section and in the donation program's guidelines and 7169
procedures, to receive donated property. 7170

The board or its representative also shall maintain a list of 7171
all school district property the board finds to be unneeded, 7172
obsolete, or unfit for use and to be available for donation under 7173
this division. The list shall be posted continually in a 7174
conspicuous location in the board's office, and, if the school 7175
district maintains a web site on the internet, the list shall be 7176
posted continually at that web site. An item of property on the 7177
list shall be donated to the eligible nonprofit organization that 7178
first declares to the board or its representative its desire to 7179
obtain the item unless the board previously has established, by 7180
resolution, a list of eligible nonprofit organizations that shall 7181
be given priority with respect to the item's donation. Priority 7182
may be given on the basis that the purposes of a nonprofit 7183
organization have a direct relationship to specific school 7184
district purposes of programs provided or administered by the 7185
board. A resolution giving priority to certain nonprofit 7186
organizations with respect to the donation of an item of property 7187
shall specify the reasons why the organizations are given that 7188
priority. 7189

Members of the board shall consult with the Ohio ethics 7190
commission, and comply with Chapters 102. and 2921. of the Revised 7191
Code, with respect to any donation under this division to a 7192
nonprofit organization of which a board member, any member of a 7193
board member's family, or any business associate of a board member 7194
is a trustee, officer, board member, or employee. 7195

Sec. 3313.533. (A) The board of education of a city, exempted 7196

village, or local school district may adopt a resolution to 7197
establish and maintain an alternative school in accordance with 7198
this section. The resolution shall specify, but not necessarily be 7199
limited to, all of the following: 7200

(1) The purpose of the school, which purpose shall be to 7201
serve students who are on suspension, who are having truancy 7202
problems, who are experiencing academic failure, who have a 7203
history of class disruption, who are exhibiting other academic or 7204
behavioral problems specified in the resolution, or who have been 7205
discharged or released from the custody of the department of youth 7206
services under section 5139.51 of the Revised Code; 7207

(2) The grades served by the school, which may include any of 7208
grades kindergarten through twelve; 7209

(3) A requirement that the school be operated in accordance 7210
with this section. The board of education adopting the resolution 7211
under division (A) of this section shall be the governing board of 7212
the alternative school. The board shall develop and implement a 7213
plan for the school in accordance with the resolution establishing 7214
the school and in accordance with this section. Each plan shall 7215
include, but not necessarily be limited to, all of the following: 7216

(a) Specification of the reasons for which students will be 7217
accepted for assignment to the school and any criteria for 7218
admission that are to be used by the board to approve or 7219
disapprove the assignment of students to the school; 7220

(b) Specification of the criteria and procedures that will be 7221
used for returning students who have been assigned to the school 7222
back to the regular education program of the district; 7223

(c) An evaluation plan for assessing the effectiveness of the 7224
school and its educational program and reporting the results of 7225
the evaluation to the public. 7226

(B) Notwithstanding any provision of Title XXXIII of the 7227

Revised Code to the contrary, the alternative school plan may 7228
include any of the following: 7229

(1) A requirement that on each school day students must 7230
attend school or participate in other programs specified in the 7231
plan or by the chief administrative officer of the school for a 7232
period equal to the minimum school day set by the state board of 7233
education under section 3313.48 of the Revised Code plus any 7234
additional time required in the plan or by the chief 7235
administrative officer; 7236

(2) Restrictions on student participation in extracurricular 7237
or interscholastic activities; 7238

(3) A requirement that students wear uniforms prescribed by 7239
the district board of education. 7240

(C) In accordance with the alternative school plan, the 7241
district board of education may employ teachers and nonteaching 7242
employees necessary to carry out its duties and fulfill its 7243
responsibilities or may contract with a nonprofit or for profit 7244
entity to operate the alternative school, including the provision 7245
of personnel, supplies, equipment, or facilities. 7246

(D) An alternative school may be established in all or part 7247
of a school building. 7248

(E) If a district board of education elects under this 7249
section, or is required by section 3313.534 of the Revised Code, 7250
to establish an alternative school, the district board may join 7251
with the board of education of one or more other districts to form 7252
a joint alternative school by forming a cooperative education 7253
school district under section 3311.52 or 3311.521 of the Revised 7254
Code, or a joint educational program under section 3313.842 of the 7255
Revised Code. The authority to employ personnel or to contract 7256
with a nonprofit or for profit entity under division (C) of this 7257
section applies to any alternative school program established 7258

under this division. 7259

(F) Any individual employed as a teacher at an alternative 7260
school operated by a nonprofit or for profit entity under this 7261
section shall be licensed and shall be subject to background 7262
checks, as described in section 3319.39 of the Revised Code, in 7263
the same manner as an individual employed by a school district. 7264

(G) Division (G) of this section applies only to any 7265
alternative school that is operated by a nonprofit or for profit 7266
entity under contract with the school district. 7267

(1) In addition to the specifications authorized under 7268
division (B) of this section, any plan adopted under that division 7269
for an alternative school to which division (G) of this section 7270
also applies shall include the following: 7271

(a) A description of the educational program provided at the 7272
alternative school, which shall include: 7273

(i) Provisions for the school to be configured in clusters or 7274
small learning communities; 7275

(ii) Provisions for the incorporation of education technology 7276
into the curriculum; 7277

(iii) Provisions for accelerated learning programs in reading 7278
and mathematics. 7279

(b) A method to determine the reading and mathematics level 7280
of each student assigned to the alternative school and a method to 7281
continuously monitor each student's progress in those areas. The 7282
methods employed under this division shall be aligned with the 7283
curriculum adopted by the school district board of education under 7284
section 3313.60 of the Revised Code. 7285

(c) A plan for social services to be provided at the 7286
alternative school, such as, but not limited to, counseling 7287
services, psychological support services, and enrichment programs; 7288

(d) A plan for a student's transition from the alternative school back to a school operated by the school district;	7289 7290
(e) A requirement that the alternative school maintain financial records in a manner that is compatible with the form prescribed for school districts by the auditor of state to enable the district to comply with any rules adopted by the auditor of state.	7291 7292 7293 7294 7295
(2) Notwithstanding division (A)(2) of this section, any alternative school to which division (G) of this section applies shall include only grades six through twelve.	7296 7297 7298
(3) Notwithstanding anything in division (A)(3)(a) of this section to the contrary, the characteristics of students who may be assigned to an alternative school to which division (G) of this section applies shall include only disruptive and low-performing students.	7299 7300 7301 7302 7303
(H) When any district board of education determines to contract with a nonprofit or for profit entity to operate an alternative school under this section, the board shall use the procedure set forth in this division.	7304 7305 7306 7307
(1) The board shall publish notice of a request for proposals in a newspaper of general circulation in the district once each week for a period of at least <u>two consecutive weeks, or as provided in section 7.16 of the Revised Code</u> , prior to the date specified by the board for receiving proposals. Notices of requests for proposals shall contain a general description of the subject of the proposed contract and the location where the request for proposals may be obtained. The request for proposals shall include all of the following information:	7308 7309 7310 7311 7312 7313 7314 7315 7316
(a) Instructions and information to respondents concerning the submission of proposals, including the name and address of the office where proposals are to be submitted;	7317 7318 7319

(b) Instructions regarding communications, including at least 7320
the names, titles, and telephone numbers of persons to whom 7321
questions concerning a proposal may be directed; 7322

(c) A description of the performance criteria that will be 7323
used to evaluate whether a respondent to which a contract is 7324
awarded is meeting the district's educational standards or the 7325
method by which such performance criteria will be determined; 7326

(d) Factors and criteria to be considered in evaluating 7327
proposals, the relative importance of each factor or criterion, 7328
and a description of the evaluation procedures to be followed; 7329

(e) Any terms or conditions of the proposed contract, 7330
including any requirement for a bond and the amount of such bond; 7331

(f) Documents that may be incorporated by reference into the 7332
request for proposals, provided that the request for proposals 7333
specifies where such documents may be obtained and that such 7334
documents are readily available to all interested parties. 7335

(2) After the date specified for receiving proposals, the 7336
board shall evaluate the submitted proposals and may hold 7337
discussions with any respondent to ensure a complete understanding 7338
of the proposal and the qualifications of such respondent to 7339
execute the proposed contract. Such qualifications shall include, 7340
but are not limited to, all of the following: 7341

(a) Demonstrated competence in performance of the required 7342
services as indicated by effective implementation of educational 7343
programs in reading and mathematics and at least three years of 7344
experience successfully serving a student population similar to 7345
the student population assigned to the alternative school; 7346

(b) Demonstrated performance in the areas of cost 7347
containment, the provision of educational services of a high 7348
quality, and any other areas determined by the board; 7349

(c) Whether the respondent has the resources to undertake the 7350
operation of the alternative school and to provide qualified 7351
personnel to staff the school; 7352

(d) Financial responsibility. 7353

(3) The board shall select for further review at least three 7354
proposals from respondents the board considers qualified to 7355
operate the alternative school in the best interests of the 7356
students and the district. If fewer than three proposals are 7357
submitted, the board shall select each proposal submitted. The 7358
board may cancel a request for proposals or reject all proposals 7359
at any time prior to the execution of a contract. 7360

The board may hold discussions with any of the three selected 7361
respondents to clarify or revise the provisions of a proposal or 7362
the proposed contract to ensure complete understanding between the 7363
board and the respondent of the terms under which a contract will 7364
be entered. Respondents shall be accorded fair and equal treatment 7365
with respect to any opportunity for discussion regarding 7366
clarifications or revisions. The board may terminate or 7367
discontinue any further discussion with a respondent upon written 7368
notice. 7369

(4) Upon further review of the three proposals selected by 7370
the board, the board shall award a contract to the respondent the 7371
board considers to have the most merit, taking into consideration 7372
the scope, complexity, and nature of the services to be performed 7373
by the respondent under the contract. 7374

(5) Except as provided in division (H)(6) of this section, 7375
the request for proposals, submitted proposals, and related 7376
documents shall become public records under section 149.43 of the 7377
Revised Code after the award of the contract. 7378

(6) Any respondent may request in writing that the board not 7379
disclose confidential or proprietary information or trade secrets 7380

contained in the proposal submitted by the respondent to the 7381
board. Any such request shall be accompanied by an offer of 7382
indemnification from the respondent to the board. The board shall 7383
determine whether to agree to the request and shall inform the 7384
respondent in writing of its decision. If the board agrees to 7385
nondisclosure of specified information in a proposal, such 7386
information shall not become a public record under section 149.43 7387
of the Revised Code. If the respondent withdraws its proposal at 7388
any time prior to the execution of a contract, the proposal shall 7389
not be a public record under section 149.43 of the Revised Code. 7390

(I) Upon a recommendation from the department and in 7391
accordance with section 3301.16 of the Revised Code, the state 7392
board of education may revoke the charter of any alternative 7393
school operated by a school district that violates this section. 7394

Sec. 3313.911. The state board of education may adopt a 7395
resolution assigning a city, exempted village, or local school 7396
district that is not a part of a joint vocational school district 7397
to membership in a joint vocational school district. A copy of the 7398
resolution shall be certified to the board of education of the 7399
joint vocational school district and the board of education of the 7400
district proposed to be assigned. The board of education of the 7401
joint vocational school district shall advertise a copy of the 7402
resolution in a newspaper of general circulation in the district 7403
proposed to be assigned once each week for ~~at least~~ two weeks, or 7404
as provided in section 7.16 of the Revised Code, immediately 7405
following the certification of the resolution to the board. The 7406
assignment shall take effect on the ninety-first day after the 7407
state board adopts the resolution, unless prior to that date 7408
qualified electors residing in the school district proposed for 7409
assignment, equal in number to ten per cent of the qualified 7410
electors of that district voting at the last general election, 7411
file a petition against the assignment. 7412

The petition of referendum shall be filed with the treasurer 7413
of the board of education of the district proposed to be assigned 7414
to the joint vocational school district. The treasurer shall give 7415
the person presenting the petition a receipt showing the time of 7416
day, date, and purpose of the petition. The treasurer shall cause 7417
the board of elections to determine the sufficiency of signatures 7418
on the petition and if the signatures are found to be sufficient, 7419
shall present the petition to the board of education of the 7420
district. The board of education shall promptly certify the 7421
question to the board of elections for the purpose of having the 7422
question placed on the ballot at the next general, primary, or 7423
special election not earlier than sixty days after the date of the 7424
certification. 7425

Only those qualified electors residing in the district 7426
proposed for assignment to the joint vocational school district 7427
are qualified to vote on the question. If a majority of the 7428
electors voting on the question vote against the assignment, it 7429
shall not take place, and the state board of education shall 7430
require the district to contract with the joint vocational school 7431
district or another school district as authorized by section 7432
3313.91 of the Revised Code. 7433

If a majority of the electors voting on the question do not 7434
vote against the assignment, the assignment shall take immediate 7435
effect, and the board of education of the joint vocational school 7436
district shall notify the county auditor of the county in which 7437
the school district becoming a part of the joint vocational school 7438
district is located to have any outstanding levy of the joint 7439
vocational school district spread over the territory of the school 7440
district that has become a part of the joint vocational school 7441
district. 7442

The assignment of a school district to a joint vocational 7443
school district pursuant to this section is subject to any 7444

agreements made between the board of education of the assigned 7445
school district and the board of education of the joint vocational 7446
school district. Such an agreement may include provisions for a 7447
payment by the assigned school district to the joint vocational 7448
school district of an amount to be contributed toward the cost of 7449
the existing facilities of the joint vocational school district. 7450

On the assignment of a school district to a joint vocational 7451
school district pursuant to this section, the joint vocational 7452
school district's board of education shall submit a proposal to 7453
the state board of education to enlarge or reorganize the 7454
membership of the joint vocational school district's board of 7455
education if expansion or reorganization of the board is necessary 7456
in order to comply with section 3311.19 of the Revised Code. 7457

Sec. 3349.29. An agreement made pursuant to sections 3349.27 7458
and 3349.28 of the Revised Code is not effective unless it has 7459
been approved by the legislative authority of the municipal 7460
corporation with which the municipal university is identified, 7461
upon such legislative authority's determination that such 7462
agreement will be beneficial to the municipal corporation, and 7463
also approved by the Ohio board of regents, and, if required by 7464
any applicable appropriation measure, by the state controlling 7465
board, and any payment from state tax moneys provided for in the 7466
agreement will be subject to appropriations made by the general 7467
assembly. If provision is to be made under such agreement for the 7468
transfer of, or grant of the right to use, all or a substantial 7469
part of the assets of the municipal university to the state 7470
university and assumption by the state university of educational 7471
functions of the municipal university, such agreement shall not 7472
become effective, under sections 3349.27 to 3349.30 of the Revised 7473
Code until the electors of the municipal corporation have approved 7474
such transfer or grant. 7475

The legislative authority of the municipal corporation shall, 7476
by ordinance, submit the question to the electors at a general, 7477
primary, or a special election to be held on the date specified in 7478
the ordinance. The ordinance shall be certified to the board of 7479
elections not later than the forty-fifth day preceding the date of 7480
the election. Notice of the election shall be published in one ~~or~~ 7481
~~more newspapers~~ newspaper of general circulation in the municipal 7482
corporation once a week for two consecutive weeks or as provided 7483
in section 7.16 of the Revised Code, prior to the election ~~and,~~ 7484
~~if.~~ If the board of elections operates and maintains a web site, 7485
notice of the election also shall be posted on that web site for 7486
thirty days prior to the election. The form of the ballot to be 7487
used at the election shall be substantially as follows, with such 7488
variations as may be appropriate to reflect the general nature of 7489
the transfer or grant of use of assets and the transfer of 7490
educational functions contemplated: 7491

"Shall assets of the municipal university known as 7492
..... be transferred to (make available for 7493
use by) a state university known as 7494
and the state university assume educational functions of the 7495
municipal university and provide higher education in (or in close 7496
proximity to) the city of to the 7497
residents of the city of and of the state 7498
of Ohio and such others as shall be admitted?" 7499

The favorable vote of a majority of those voting on the 7500
proposition constitutes such approval as is required by this 7501
section. 7502

Sec. 3354.12. (A) Upon the request by resolution approved by 7503
the board of trustees of a community college district, and upon 7504
certification to the board of elections not less than seventy-five 7505
days prior to the election, the boards of elections of the county 7506

or counties comprising such district shall place upon the ballot 7507
in their respective counties the question of levying a tax on all 7508
the taxable property in the community college district outside the 7509
ten-mill limitation, for a specified period of years or for a 7510
continuing period of time, to provide funds for any one or more of 7511
the following purposes: the acquisition of sites, the erection, 7512
furnishing, and equipment of buildings, the acquisition, 7513
construction, or improvement of any property which the board of 7514
trustees of a community college district is authorized to acquire, 7515
construct, or improve and which has an estimated life of 7516
usefulness of five years or more as certified by the fiscal 7517
officer, and the payment of operating costs. Not more than two 7518
special elections shall be held in any one calendar year. Levies 7519
for a continuing period of time adopted under this section may be 7520
reduced in accordance with section 5705.261 of the Revised Code. 7521

If such proposal is to be or include the renewal of an 7522
existing levy at the expiration thereof, the ballot for such 7523
election shall state whether it is a renewal of a tax; a renewal 7524
of a stated number of mills and an increase of a stated number of 7525
mills, or a renewal of a part of an existing levy with a reduction 7526
of a stated number of mills; the year of the tax duplicate on 7527
which such renewal will first be made; and if earlier, the year of 7528
the tax duplicate on which such additional levy will first be 7529
made, which may include the tax duplicate for the current year 7530
unless the election is to be held after the first Tuesday after 7531
the first Monday in November of the current tax year. The ballot 7532
shall also state the period of years for such levy or that it is 7533
for a continuing period of time. If a levy for a continuing period 7534
of time provides for but is not limited to current expenses, the 7535
resolution of the board of trustees providing for the election on 7536
such levy shall apportion the annual rate of the levy between 7537
current expenses and the other purpose or purposes. Such 7538
apportionment need not be the same for each year of the levy, but 7539

the respective portions of the rate actually levied each year for 7540
current expenses and the other purpose or purposes shall be 7541
limited by such apportionment. The portion of the rate apportioned 7542
to the other purpose or purposes shall be reduced as provided in 7543
division (B) of this section. 7544

If a majority of the electors in such district voting on such 7545
question approve thereof, the county auditor or auditors of the 7546
county or counties comprising such district shall annually, for 7547
the applicable years, place such levy on the tax duplicate in such 7548
district, in an amount determined by the board of trustees, but 7549
not to exceed the amount set forth in the proposition approved by 7550
the electors. 7551

The boards of trustees of a community college district shall 7552
establish a special fund for all revenue derived from any tax 7553
levied pursuant to this section. 7554

The boards of elections of the county or counties comprising 7555
the district shall cause to be published in a newspaper of general 7556
circulation in each such county an advertisement of the proposed 7557
tax levy question once a week for two consecutive weeks or as 7558
provided in section 7.16 of the Revised Code, prior to the 7559
election at which the question is to appear on the ballot, ~~and,~~ 7560
~~if.~~ If a board of elections operates and maintains a web site, 7561
that board also shall post ~~a similar~~ the advertisement on its web 7562
site for thirty days prior to that election. 7563

After the approval of such levy by vote, the board of 7564
trustees of a community college district may anticipate a fraction 7565
of the proceeds of such levy and from time to time issue 7566
anticipation notes having such maturity or maturities that the 7567
aggregate principal amount of all such notes maturing in any 7568
calendar year shall not exceed seventy-five per cent of the 7569
anticipated proceeds from such levy for such year, and that no 7570
note shall mature later than the thirty-first day of December of 7571

the tenth calendar year following the calendar year in which such 7572
note is issued. Each issue of notes shall be sold as provided in 7573
Chapter 133. of the Revised Code. 7574

The amount of bonds or anticipatory notes authorized pursuant 7575
to Chapter 3354. of the Revised Code, may include sums to repay 7576
moneys previously borrowed, advanced, or granted and expended for 7577
the purposes of such bond or anticipatory note issues, whether 7578
such moneys were advanced from the available funds of the 7579
community college district or by other persons, and the community 7580
college district may restore and repay to such funds or persons 7581
from the proceeds of such issues the moneys so borrowed, advanced 7582
or granted. 7583

All operating costs of such community college may be paid out 7584
of any gift or grant from the state, pursuant to division (K) of 7585
section 3354.09 of the Revised Code; out of student fees and 7586
tuition collected pursuant to division (G) of section 3354.09 of 7587
the Revised Code; or out of unencumbered funds from any other 7588
source of the community college income not prohibited by law. 7589

(B) Prior to the application of section 319.301 of the 7590
Revised Code, the rate of a levy that is limited to, or to the 7591
extent that it is apportioned to, purposes other than current 7592
expenses shall be reduced in the same proportion in which the 7593
district's total valuation increases during the life of the levy 7594
because of additions to such valuation that have resulted from 7595
improvements added to the tax list and duplicate. 7596

Sec. 3355.09. Upon receipt of a request from the university 7597
branch district managing authority, the boards of elections of the 7598
county or counties comprising such district shall place upon the 7599
ballot in the district at the next primary or general election 7600
occurring not less than seventy-five days after submission of such 7601
request by such managing authority, the question of levying a tax 7602

outside the ten-mill limitation, for a specified period of years, 7603
to provide funds for any of the following purposes: 7604

(A) Purchasing a site or enlargement thereof; 7605

(B) The erection and equipment of buildings; 7606

(C) Enlarging, improving, or rebuilding buildings; 7607

(D) The acquisition, construction, or improvement of any 7608
property which the university branch district managing authority 7609
is authorized to acquire, construct, or improve and which has been 7610
certified by the fiscal officer to have an estimated useful life 7611
of five or more years. 7612

If a majority of the electors in such district voting on such 7613
question approve, the county auditor of the county or counties 7614
comprising such district shall annually place such levy on the tax 7615
duplicate in such district, in the amount set forth in the 7616
proposition approved by the electors. 7617

The managing authority of the university branch district 7618
shall establish a special fund pursuant to section 3355.07 of the 7619
Revised Code for all revenue derived from any tax levied pursuant 7620
to provisions of this section. 7621

The boards of election of the county or counties comprising 7622
the district shall cause to be published in a newspaper of general 7623
circulation in each such county an advertisement of the proposed 7624
tax levy question once a week for two consecutive weeks, or as 7625
provided in section 7.16 of the Revised Code, prior to the 7626
election at which the question is to appear on the ballot, ~~and,~~ 7627
~~if.~~ If a board of elections operates and maintains a web site, 7628
that board also shall post ~~a similar~~ the advertisement on its web 7629
site for thirty days prior to the election. 7630

After the approval of such levy by vote, the managing 7631
authority of the university branch district may anticipate a 7632

fraction of the proceeds of such levy and from time to time, 7633
during the life of such levy, issue anticipation notes in an 7634
amount not to exceed seventy-five per cent of the estimated 7635
proceeds of such levy to be collected in each year over a period 7636
of five years after the date of the issuance of such notes, less 7637
an amount equal to the proceeds of such levy previously obligated 7638
for such year by the issuance of anticipation notes, provided, 7639
that the total amount maturing in any one year shall not exceed 7640
seventy-five per cent of the anticipated proceeds of such levy for 7641
that year. 7642

Each issue of notes shall be sold as provided in Chapter 133. 7643
of the Revised Code and shall mature serially in substantially 7644
equal amounts, during each remaining year of the levy, not to 7645
exceed five, after their issuance. 7646

Sec. 3375.41. When a board of library trustees appointed 7647
pursuant to section 3375.06, 3375.10, 3375.12, 3375.15, 3375.22, 7648
or 3375.30 of the Revised Code determines to construct, demolish, 7649
alter, repair, or reconstruct a library or make any improvements 7650
or repairs, the cost of which will exceed twenty-five thousand 7651
dollars, except in cases of urgent necessity or for the security 7652
and protection of library property, it shall proceed as follows: 7653

(A) The board shall advertise for a period of two weeks for 7654
sealed bids in ~~some a~~ a newspaper of general circulation in the 7655
district, ~~and, if there are two such newspapers, the board shall~~ 7656
~~advertise in both of them~~ or as provided in section 7.16 of the 7657
Revised Code. If no newspaper has a general circulation in the 7658
district, the board shall post the advertisement in three public 7659
places in the district. The advertisement shall be entered in full 7660
by the fiscal officer on the record of proceedings of the board. 7661

(B) The sealed bids shall be filed with the fiscal officer by 7662
twelve noon of the last day stated in the advertisement. 7663

(C) The sealed bids shall be opened at the next meeting of 7664
the board, shall be publicly read by the fiscal officer, and shall 7665
be entered in full on the records of the board; provided that the 7666
board, by resolution, may provide for the public opening and 7667
reading of the bids by the fiscal officer, immediately after the 7668
time for their filing has expired, at the usual place of meeting 7669
of the board, and for the tabulation of the bids and a report of 7670
the tabulation to the board at its next meeting. 7671

(D) Each sealed bid shall contain the name of every person 7672
interested in it and shall meet the requirements of section 153.54 7673
of the Revised Code. 7674

(E) When both labor and materials are embraced in the work 7675
bid for, the board may require that each be separately stated in 7676
the sealed bid, with their price, or may require that bids be 7677
submitted without the separation. 7678

(F) None but the lowest responsible bid shall be accepted. 7679
The board may reject all the bids or accept any bid for both labor 7680
and material for the improvement or repair which is the lowest in 7681
the aggregate. 7682

(G) The contract shall be between the board and the bidders. 7683
The board shall pay the contract price for the work in cash at the 7684
times and in the amounts as provided by sections 153.12, 153.13, 7685
and 153.14 of the Revised Code. 7686

(H) When two or more bids are equal, in whole or in part, and 7687
are lower than any others, either may be accepted, but in no case 7688
shall the work be divided between these bidders. 7689

(I) When there is reason to believe there is collusion or 7690
combination among the bidders, the bids of those concerned in the 7691
collusion or combination shall be rejected. 7692

Sec. 3381.11. The board of trustees of a regional arts and 7693

cultural district or any officer or employee designated by such 7694
board may make any contract for the purchase of supplies or 7695
material or for labor for any work, under the supervision of the 7696
board, the cost of which shall not exceed ten thousand dollars. 7697
When an expenditure, other than for the acquisition of real 7698
estate, the discharge of noncontractual claims, personal services, 7699
or for the product or services of public utilities, exceeds ten 7700
thousand dollars, such expenditure shall be made only after a 7701
notice calling for bids has been published once a week for two 7702
consecutive weeks in ~~at least~~ one newspaper of general circulation 7703
within the territory of the district or as provided in section 7704
7.16 of the Revised Code. The board may then let said contract to 7705
the lowest and best bidder, who shall give a good and approved 7706
bond with ample security conditioned on the carrying out of the 7707
contract. Such contract shall be in writing and shall be 7708
accompanied by or shall refer to plans and specifications for the 7709
work to be done, approved by the board. The plans and 7710
specifications shall at all times be made and considered part of 7711
the contract. The contract shall be approved by the board and 7712
signed on behalf of the district and by the contractor. No sale of 7713
any real or personal property or a lease thereof having a term 7714
thereof in excess of five years shall be made except with the 7715
highest and best bidder after publication of notice for bids in 7716
the manner above provided. 7717

Competitive bidding under this section is not required when: 7718

(A) The board, by a two-thirds affirmative vote of its 7719
members, determines that a real and present emergency exists and 7720
such determination and the reasons therefor are entered in the 7721
proceedings of the board, when: 7722

(1) The estimated cost is less than fifteen thousand dollars; 7723
or 7724

(2) There is actual physical damage to structures or 7725

equipment. 7726

(B) Such purchase consists of supplies or a replacement or 7727
supplemental part or parts for a product or equipment owned or 7728
leased by the district and the only source of supply for such 7729
supplies, part, or parts is limited to a single supplier; 7730

(C) The lease is a renewal of a lease for electronic data 7731
processing equipment, services, or systems; 7732

(D) Services or supplies are available from a qualified 7733
nonprofit agency pursuant to sections 4115.31 to 4115.35 of the 7734
Revised Code; 7735

(E) With respect to any contract, agreement, or lease by a 7736
district with any arts or cultural organization or any 7737
governmental body or agency. 7738

Sec. 3501.03. At least ten days before the time for holding 7739
an election the board of elections shall give public notice by a 7740
proclamation, posted in a conspicuous place in the courthouse and 7741
city hall, or by one insertion in a newspaper published of general 7742
circulation in the county, ~~but if no newspaper is published in~~ 7743
~~such county, then in a newspaper of general circulation therein.~~ 7744

The board shall have authority to publicize information 7745
relative to registration or elections. 7746

Sec. 3505.13. A contract for the printing of ballots 7747
involving a cost in excess of ten thousand dollars shall not be 7748
let until after five days' notice published once in a ~~leading~~ 7749
newspaper published of general circulation in the county or upon 7750
notice given by mail by the board of elections, addressed to the 7751
responsible printing offices within the state. Except as otherwise 7752
provided in this section, each bid for such printing must be 7753
accompanied by a bond with at least two sureties, or a surety 7754
company, satisfactory to the board, in a sum double the amount of 7755

the bid, conditioned upon the faithful performance of the contract 7756
for such printing as is awarded and for the payment as damages by 7757
such bidder to the board of any excess of cost over the bid which 7758
it may be obliged to pay for such work by reason of the failure of 7759
the bidder to complete the contract. No bid unaccompanied by such 7760
bond shall be considered by the board. The board may, however, 7761
waive the requirement that each bid be accompanied by a bond if 7762
the cost of the contract is ten thousand dollars or less. The 7763
contract shall be let to the lowest responsible bidder in the 7764
state. All ballots shall be printed within the state. 7765

Sec. 3709.21. The board of health of a general health 7766
district may make such orders and regulations as are necessary for 7767
its own government, for the public health, the prevention or 7768
restriction of disease, and the prevention, abatement, or 7769
suppression of nuisances. Such board may require that no human, 7770
animal, or household wastes from sanitary installations within the 7771
district be discharged into a storm sewer, open ditch, or 7772
watercourse without a permit therefor having been secured from the 7773
board under such terms as the board requires. All orders and 7774
regulations not for the government of the board, but intended for 7775
the general public, shall be adopted, recorded, and certified as 7776
are ordinances of municipal corporations and the record thereof 7777
shall be given in all courts the same effect as is given such 7778
ordinances, but the advertisements of such orders and regulations 7779
shall be by publication in ~~one a~~ newspaper ~~published and~~ of 7780
general circulation within the district. Publication shall be made 7781
once a week for two consecutive weeks or as provided in section 7782
7.16 of the Revised Code, and such orders and regulations shall 7783
take effect and be in force ten days from the date of the first 7784
publication. In cases of emergency caused by epidemics of 7785
contagious or infectious diseases, or conditions or events 7786
endangering the public health, the board may declare such orders 7787

and regulations to be emergency measures, and such orders and 7788
regulations shall become effective immediately without such 7789
advertising, recording, and certifying. 7790

Sec. 3735.36. When a metropolitan housing authority has 7791
acquired the property necessary for any project, it shall proceed 7792
to make plans and specifications for carrying out such project, 7793
and shall advertise for bids for all work ~~which~~ that it desires to 7794
have done by contract, such advertisements to be published as 7795
provided in section 7.16 of the Revised Code or once a week for 7796
two consecutive weeks in a newspaper of general circulation in the 7797
political subdivision in which the project is to be developed. The 7798
contract shall be awarded to the lowest and best bidder. 7799

Sec. 3735.66. The legislative authorities of municipal 7800
corporations and counties may survey the housing within their 7801
jurisdictions and, after the survey, may adopt resolutions 7802
describing the boundaries of community reinvestment areas which 7803
contain the conditions required for the finding under division (B) 7804
of section 3735.65 of the Revised Code. The findings resulting 7805
from the survey shall be incorporated in the resolution describing 7806
the boundaries of an area. The legislative authority may stipulate 7807
in the resolution that only new structures or remodeling 7808
classified as to use as commercial, industrial, or residential, or 7809
some combination thereof, and otherwise satisfying the 7810
requirements of section 3735.67 of the Revised Code are eligible 7811
for exemption from taxation under that section. If the resolution 7812
does not include such a stipulation, all new structures and 7813
remodeling satisfying the requirements of section 3735.67 of the 7814
Revised Code are eligible for exemption from taxation regardless 7815
of classification. Whether or not the resolution includes such a 7816
stipulation, the classification of the structures or remodeling 7817
eligible for exemption in the area shall at all times be 7818

consistent with zoning restrictions applicable to the area. For 7819
the purposes of sections 3735.65 to 3735.70 of the Revised Code, 7820
whether a structure or remodeling composed of multiple units is 7821
classified as commercial or residential shall be determined by 7822
resolution or ordinance of the legislative authority or, in the 7823
absence of such a determination, by the classification of the use 7824
of the structure or remodeling under the applicable zoning 7825
regulations. 7826

If construction or remodeling classified as residential is 7827
eligible for exemption from taxation, the resolution shall specify 7828
a percentage, not to exceed one hundred per cent, of the assessed 7829
valuation of such property to be exempted. The percentage 7830
specified shall apply to all residential construction or 7831
remodeling for which exemption is granted. 7832

The resolution adopted pursuant to this section shall be 7833
published in a newspaper of general circulation in the municipal 7834
corporation, if the resolution is adopted by the legislative 7835
authority of a municipal corporation, or in a newspaper of general 7836
circulation in the county, if the resolution is adopted by the 7837
legislative authority of the county, once a week for two 7838
consecutive weeks or as provided in section 7.16 of the Revised 7839
Code, immediately following its adoption. 7840

Each legislative authority adopting a resolution pursuant to 7841
this section shall designate a housing officer. In addition, each 7842
such legislative authority, not later than fifteen days after the 7843
adoption of the resolution, shall petition the director of 7844
development for the director to confirm the findings described in 7845
the resolution. The petition shall be accompanied by a copy of the 7846
resolution and by a map of the community reinvestment area in 7847
sufficient detail to denote the specific boundaries of the area 7848
and to indicate zoning restrictions applicable to the area. The 7849
director shall determine whether the findings contained in the 7850

resolution are valid, and whether the classification of structures 7851
or remodeling eligible for exemption under the resolution is 7852
consistent with zoning restrictions applicable to the area as 7853
indicated on the map. Within thirty days of receiving the 7854
petition, the director shall forward the director's determination 7855
to the legislative authority. The legislative authority or housing 7856
officer shall not grant any exemption from taxation under section 7857
3735.67 of the Revised Code until the director forwards the 7858
director's determination to the legislative authority. The 7859
director shall assign to each community reinvestment area a unique 7860
designation by which the area shall be identified for purposes of 7861
sections 3735.65 to 3735.70 of the Revised Code. 7862

If zoning restrictions in any part of a community 7863
reinvestment area are changed at any time after the legislative 7864
authority petitions the director under this section, the 7865
legislative authority shall notify the director and shall submit a 7866
map of the area indicating the new zoning restrictions in the 7867
area. 7868

Sec. 4301.80. (A) As used in this section, "community 7869
entertainment district" means a bounded area that includes or will 7870
include a combination of entertainment, retail, educational, 7871
sporting, social, cultural, or arts establishments within close 7872
proximity to some or all of the following types of establishments 7873
within the district, or other types of establishments similar to 7874
these: 7875

- (1) Hotels; 7876
- (2) Restaurants; 7877
- (3) Retail sales establishments; 7878
- (4) Enclosed shopping centers; 7879
- (5) Museums; 7880

(6) Performing arts theaters;	7881
(7) Motion picture theaters;	7882
(8) Night clubs;	7883
(9) Convention facilities;	7884
(10) Sports facilities;	7885
(11) Entertainment facilities or complexes;	7886
(12) Any combination of the establishments described in division (A)(1) to (11) of this section that provide similar services to the community.	7887 7888 7889
(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 whose unincorporated area that property is located. An application to designate an area as a community entertainment district shall contain all of the following:	7890 7891 7892 7893 7894 7895 7896 7897 7898 7899 7900 7901 7902
(1) The applicant's name and address;	7903
(2) A map or survey of the proposed community entertainment district in sufficient detail to identify the boundaries of the district and the property owned by the applicant;	7904 7905 7906
(3) A general statement of the nature and types of establishments described in division (A) of this section that are or will be located within the proposed community improvement district and any other establishments located in the proposed	7907 7908 7909 7910

community entertainment district that are not described in 7911
division (A) of this section; 7912

(4) If some or all of the establishments within the proposed 7913
community entertainment district have not yet been developed, the 7914
proposed time frame for completing the development of these 7915
establishments; 7916

(5) Evidence that the uses of land within the proposed 7917
community entertainment district are in accord with the municipal 7918
corporation's or township's master zoning plan or map; 7919

(6) A certificate from a surveyor or engineer licensed under 7920
Chapter 4733. of the Revised Code indicating that the area 7921
encompassed by the proposed community entertainment district 7922
contains no less than twenty contiguous acres; 7923

(7) A handling and processing fee to accompany the 7924
application, payable to the applicable municipal corporation or 7925
township, in an amount determined by that municipal corporation or 7926
township. 7927

(C) An application described in division (B) of this section 7928
relating to an area located in a municipal corporation shall be 7929
addressed and submitted to the mayor of the municipal corporation 7930
in which the area described in the application is located. The 7931
mayor, within thirty days after receiving the application, shall 7932
submit the application with the mayor's recommendation to the 7933
legislative authority of the municipal corporation. An application 7934
described in division (B) of this section relating to an area 7935
located in the unincorporated area of a township shall be 7936
addressed and submitted to the board of township trustees of the 7937
township in whose unincorporated area the area described in the 7938
application is located. The application is a public record for 7939
purposes of section 149.43 of the Revised Code upon its receipt by 7940
the mayor or board of township trustees. 7941

Within thirty days after it receives the application and the 7942
mayor's recommendations relating to the application, the 7943
legislative authority of the municipal corporation, by notice 7944
published once a week for two consecutive weeks in ~~at least~~ one 7945
newspaper of general circulation in the municipal corporation or 7946
as provided in section 7.16 of the Revised Code, shall notify the 7947
public that the application is on file in the office of the clerk 7948
of the municipal corporation and is available for inspection by 7949
the public during regular business hours. Within thirty days after 7950
it receives the application, the board of township trustees, by 7951
notice published once a week for two consecutive weeks in ~~at least~~ 7952
one newspaper of general circulation in the township or as 7953
provided in section 7.16 of the Revised Code, shall notify the 7954
public that the application is on file in the office of the 7955
township fiscal officer and is available for inspection by the 7956
public during regular business hours. The notice shall also 7957
indicate the date and time of any public hearing by the 7958
legislative authority or board of township trustees on the 7959
application. 7960

Within seventy-five days after the date the application is 7961
filed with the mayor of a municipal corporation, the legislative 7962
authority of the municipal corporation by ordinance or resolution 7963
shall approve or disapprove the application based on whether the 7964
proposed community entertainment district does or will 7965
substantially contribute to entertainment, retail, educational, 7966
sporting, social, cultural, or arts opportunities for the 7967
community. The community considered shall at a minimum include the 7968
municipal corporation in which the community is located. Any 7969
approval of an application shall be by an affirmative majority 7970
vote of the legislative authority. 7971

Within seventy-five days after the date the application is 7972
filed with a board of township trustees, the board by resolution 7973

shall approve or disapprove the application based on whether the 7974
proposed community entertainment district does or will 7975
substantially contribute to entertainment, retail, educational, 7976
sporting, social, cultural, or arts opportunities for the 7977
community. The community considered shall at a minimum include the 7978
township in which the community is located. Any approval of an 7979
application shall be by an affirmative majority vote of the board 7980
of township trustees. 7981

If the legislative authority or board of township trustees 7982
disapproves the application, the applicant may make changes in the 7983
application to secure its approval by the legislative authority or 7984
board of township trustees. Any area approved by the legislative 7985
authority or board of township trustees constitutes a community 7986
entertainment district, and a local option election may be 7987
conducted in the district, as a type of community facility, under 7988
section 4301.356 of the Revised Code. 7989

(D) All or part of an area designated as a community 7990
entertainment district may lose this designation as provided in 7991
this division. The legislative authority of a municipal 7992
corporation in which a community entertainment district is 7993
located, or the board of township trustees of the township in 7994
whose unincorporated area a community entertainment district is 7995
located, after giving notice of its proposed action by publication 7996
once a week for two consecutive weeks in ~~at least~~ one newspaper of 7997
general circulation in the municipal corporation or township or as 7998
provided in section 7.16 of the Revised Code, may determine by 7999
ordinance or resolution in the case of the legislative authority 8000
of a municipal corporation, or by resolution in the case of a 8001
board of township trustees of a township, that all or part of the 8002
area fails to meet the standards described in this section for 8003
designation of an area as a community entertainment district. If 8004
the legislative authority or board so determines, the area 8005

designated in the ordinance or resolution no longer constitutes a 8006
community entertainment district. 8007

Sec. 4301.81. (A) As used in this section: 8008

(1) "Revitalization district" means a bounded area that 8009
includes or will include a combination of entertainment, retail, 8010
educational, sporting, social, cultural, or arts establishments 8011
within close proximity to some or all of the following types of 8012
establishments within the district, or other types of 8013
establishments similar to these: 8014

(a) Hotels; 8015

(b) Restaurants; 8016

(c) Retail sales establishments; 8017

(d) Enclosed shopping centers; 8018

(e) Museums; 8019

(f) Performing arts theaters; 8020

(g) Motion picture theaters; 8021

(h) Night clubs; 8022

(i) Convention facilities; 8023

(j) Sports facilities; 8024

(k) Entertainment facilities or complexes; 8025

(1) Any combination of the establishments described in 8026
divisions (A)(1)(a) to (k) of this section that provide similar 8027
services to the community. 8028

(2) "Municipal corporation" means a municipal corporation 8029
with a population of less than one hundred thousand. 8030

(3) "Township" means a township with a population in its 8031
unincorporated area of less than one hundred thousand. 8032

(B) Any owner of property located in a municipal corporation 8033
seeking to have that property, or that property and other 8034
surrounding property, designated as a revitalization district 8035
shall file an application seeking this designation with the mayor 8036
of the municipal corporation in which that property is located. 8037
Any owner of property located in the unincorporated area of a 8038
township seeking to have that property, or that property and other 8039
surrounding property, designated as a revitalization district 8040
shall file an application seeking this designation with the board 8041
of township trustees of the township in whose unincorporated area 8042
that property is located. An application to designate an area as a 8043
revitalization district shall contain all of the following: 8044

(1) The applicant's name and address; 8045

(2) A map or survey of the proposed revitalization district 8046
in sufficient detail to identify the boundaries of the district 8047
and the property owned by the applicant; 8048

(3) A general statement of the nature and types of 8049
establishments described in division (A) of this section that are 8050
or will be located within the proposed revitalization district and 8051
any other establishments located in the proposed revitalization 8052
district that are not described in division (A) of this section; 8053

(4) If some or all of the establishments within the proposed 8054
revitalization district have not yet been developed, the proposed 8055
time frame for completing the development of these establishments; 8056

(5) Evidence that the uses of land within the proposed 8057
revitalization district are in accord with the municipal 8058
corporation's or township's master zoning plan or map; and 8059

(6) A handling and processing fee to accompany the 8060
application, payable to the applicable municipal corporation or 8061
township, in an amount determined by that municipal corporation or 8062
township. 8063

(C) An application relating to an area located in a municipal corporation shall be addressed and submitted to the mayor of the municipal corporation in which the area described in the application is located. The mayor, within thirty days after receiving the application, shall submit the application with the mayor's recommendation to the legislative authority of the municipal corporation. An application relating to an area located in the unincorporated area of a township shall be addressed and submitted to the board of township trustees of the township in whose unincorporated area the area described in the application is located. The application is a public record for purposes of section 149.43 of the Revised Code upon its receipt by the mayor or board of township trustees.

Within thirty days after it receives the application and the mayor's recommendations relating to the application, the legislative authority of the municipal corporation, by notice published once a week for two consecutive weeks in ~~at least~~ one newspaper of general circulation in the municipal corporation or as provided in section 7.16 of the Revised Code, shall notify the public that the application is on file in the office of the clerk of the municipal corporation and is available for inspection by the public during regular business hours. Within thirty days after it receives the application, the board of township trustees, by notice published once a week for two consecutive weeks in ~~at least~~ one newspaper of general circulation in the township or as provided in section 7.16 of the Revised Code, shall notify the public that the application is on file in the office of the township fiscal officer and is available for inspection by the public during regular business hours. The notice shall also indicate the date and time of any public hearing by the municipal legislative authority or board of township trustees on the application.

Within seventy-five days after the date the application is 8096
filed with the mayor of a municipal corporation, the legislative 8097
authority of the municipal corporation by ordinance or resolution 8098
shall approve or disapprove the application based on whether the 8099
proposed revitalization district does or will substantially 8100
contribute to entertainment, retail, educational, sporting, 8101
social, cultural, or arts opportunities for the community. The 8102
community considered shall at a minimum include the municipal 8103
corporation in which the community is located. Any approval of an 8104
application shall be by an affirmative majority vote of the 8105
legislative authority. Not more than one revitalization district 8106
shall be designated within the municipal corporation. 8107

Within seventy-five days after the date the application is 8108
filed with a board of township trustees, the board by resolution 8109
shall approve or disapprove the application based on whether the 8110
proposed revitalization district does or will substantially 8111
contribute to entertainment, retail, educational, sporting, 8112
social, cultural, or arts opportunities for the community. The 8113
community considered shall at a minimum include the township in 8114
which the community is located. Any approval of an application 8115
shall be by an affirmative majority vote of the board of township 8116
trustees. Not more than one revitalization district shall be 8117
designated within the unincorporated area of the township. 8118

If the municipal legislative authority or board of township 8119
trustees disapproves the application, the applicant may make 8120
changes in the application to secure its approval by the 8121
legislative authority or board of township trustees. Any area 8122
approved by the legislative authority or board of township 8123
trustees constitutes a revitalization district, and a local option 8124
election may be conducted in the district, as a type of community 8125
facility, under section 4301.356 of the Revised Code. 8126

(D) All or part of an area designated as a revitalization 8127

district may lose this designation as provided in this division. 8128
The legislative authority of a municipal corporation in which a 8129
revitalization district is located, or the board of township 8130
trustees of the township in whose unincorporated area a 8131
revitalization district is located, after giving notice of its 8132
proposed action by publication once a week for two consecutive 8133
weeks in ~~at least~~ one newspaper of general circulation in the 8134
municipal corporation or township or as provided in section 7.16 8135
of the Revised Code, may determine by ordinance or resolution in 8136
the case of the legislative authority of a municipal corporation, 8137
or by resolution in the case of a board of township trustees of a 8138
township, that all or part of the area fails to meet the standards 8139
described in this section for designation of an area as a 8140
revitalization district. If the legislative authority or board so 8141
determines, the area designated in the ordinance or resolution no 8142
longer constitutes a revitalization district. 8143

Sec. 4503.06. (A) The owner of each manufactured or mobile 8144
home that has acquired situs in this state shall pay either a real 8145
property tax pursuant to Title LVII of the Revised Code or a 8146
manufactured home tax pursuant to division (C) of this section. 8147

(B) The owner of a manufactured or mobile home shall pay real 8148
property taxes if either of the following applies: 8149

(1) The manufactured or mobile home acquired situs in the 8150
state or ownership in the home was transferred on or after January 8151
1, 2000, and all of the following apply: 8152

(a) The home is affixed to a permanent foundation as defined 8153
in division (C)(5) of section 3781.06 of the Revised Code. 8154

(b) The home is located on land that is owned by the owner of 8155
the home. 8156

(c) The certificate of title has been inactivated by the 8157

clerk of the court of common pleas that issued it, pursuant to 8158
division (H) of section 4505.11 of the Revised Code. 8159

(2) The manufactured or mobile home acquired situs in the 8160
state or ownership in the home was transferred before January 1, 8161
2000, and all of the following apply: 8162

(a) The home is affixed to a permanent foundation as defined 8163
in division (C)(5) of section 3781.06 of the Revised Code. 8164

(b) The home is located on land that is owned by the owner of 8165
the home. 8166

(c) The owner of the home has elected to have the home taxed 8167
as real property and, pursuant to section 4505.11 of the Revised 8168
Code, has surrendered the certificate of title to the auditor of 8169
the county containing the taxing district in which the home has 8170
its situs, together with proof that all taxes have been paid. 8171

(d) The county auditor has placed the home on the real 8172
property tax list and delivered the certificate of title to the 8173
clerk of the court of common pleas that issued it and the clerk 8174
has inactivated the certificate. 8175

(C)(1) Any mobile or manufactured home that is not taxed as 8176
real property as provided in division (B) of this section is 8177
subject to an annual manufactured home tax, payable by the owner, 8178
for locating the home in this state. The tax as levied in this 8179
section is for the purpose of supplementing the general revenue 8180
funds of the local subdivisions in which the home has its situs 8181
pursuant to this section. 8182

(2) The year for which the manufactured home tax is levied 8183
commences on the first day of January and ends on the following 8184
thirty-first day of December. The state shall have the first lien 8185
on any manufactured or mobile home on the list for the amount of 8186
taxes, penalties, and interest charged against the owner of the 8187
home under this section. The lien of the state for the tax for a 8188

year shall attach on the first day of January to a home that has 8189
acquired situs on that date. The lien for a home that has not 8190
acquired situs on the first day of January, but that acquires 8191
situs during the year, shall attach on the next first day of 8192
January. The lien shall continue until the tax, including any 8193
penalty or interest, is paid. 8194

(3)(a) The situs of a manufactured or mobile home located in 8195
this state on the first day of January is the local taxing 8196
district in which the home is located on that date. 8197

(b) The situs of a manufactured or mobile home not located in 8198
this state on the first day of January, but located in this state 8199
subsequent to that date, is the local taxing district in which the 8200
home is located thirty days after it is acquired or first enters 8201
this state. 8202

(4) The tax is collected by and paid to the county treasurer 8203
of the county containing the taxing district in which the home has 8204
its situs. 8205

(D) The manufactured home tax shall be computed and assessed 8206
by the county auditor of the county containing the taxing district 8207
in which the home has its situs as follows: 8208

(1) On a home that acquired situs in this state prior to 8209
January 1, 2000: 8210

(a) By multiplying the assessable value of the home by the 8211
tax rate of the taxing district in which the home has its situs, 8212
and deducting from the product thus obtained any reduction 8213
authorized under section 4503.065 of the Revised Code. The tax 8214
levied under this formula shall not be less than thirty-six 8215
dollars, unless the home qualifies for a reduction in assessable 8216
value under section 4503.065 of the Revised Code, in which case 8217
there shall be no minimum tax and the tax shall be the amount 8218
calculated under this division. 8219

(b) The assessable value of the home shall be forty per cent 8220
of the amount arrived at by the following computation: 8221

(i) If the cost to the owner, or market value at time of 8222
purchase, whichever is greater, of the home includes the 8223
furnishings and equipment, such cost or market value shall be 8224
multiplied according to the following schedule: 8225

For the first calendar year			8226
in which the			8227
home is owned by the			8228
current owner	x	80%	8229
2nd calendar year	x	75%	8230
3rd "	x	70%	8231
4th "	x	65%	8232
5th "	x	60%	8233
6th "	x	55%	8234
7th "	x	50%	8235
8th "	x	45%	8236
9th "	x	40%	8237
10th and each year thereafter	x	35%	8238

The first calendar year means any period between the first 8239
day of January and the thirty-first day of December of the first 8240
year. 8241

(ii) If the cost to the owner, or market value at the time of 8242
purchase, whichever is greater, of the home does not include the 8243
furnishings and equipment, such cost or market value shall be 8244
multiplied according to the following schedule: 8245

For the first calendar year			8246
in which the			8247
home is owned by the			8248
current owner	x	95%	8249
2nd calendar year	x	90%	8250
3rd "	x	85%	8251

4th "	x	80%	8252
5th "	x	75%	8253
6th "	x	70%	8254
7th "	x	65%	8255
8th "	x	60%	8256
9th "	x	55%	8257
10th and each year thereafter	x	50%	8258

The first calendar year means any period between the first 8259
day of January and the thirty-first day of December of the first 8260
year. 8261

(2) On a home in which ownership was transferred or that 8262
first acquired situs in this state on or after January 1, 2000: 8263

(a) By multiplying the assessable value of the home by the 8264
effective tax rate, as defined in section 323.08 of the Revised 8265
Code, for residential real property of the taxing district in 8266
which the home has its situs, and deducting from the product thus 8267
obtained the reductions required or authorized under section 8268
319.302, division (B) of section 323.152, or section 4503.065 of 8269
the Revised Code. 8270

(b) The assessable value of the home shall be thirty-five per 8271
cent of its true value as determined under division (L) of this 8272
section. 8273

(3) On or before the fifteenth day of January each year, the 8274
county auditor shall record the assessable value and the amount of 8275
tax on the manufactured or mobile home on the tax list and deliver 8276
a duplicate of the list to the county treasurer. In the case of an 8277
emergency as defined in section 323.17 of the Revised Code, the 8278
tax commissioner, by journal entry, may extend the times for 8279
delivery of the duplicate for an additional fifteen days upon 8280
receiving a written application from the county auditor regarding 8281
an extension for the delivery of the duplicate, or from the county 8282
treasurer regarding an extension of the time for the billing and 8283

collection of taxes. The application shall contain a statement 8284
describing the emergency that will cause the unavoidable delay and 8285
must be received by the tax commissioner on or before the last day 8286
of the month preceding the day delivery of the duplicate is 8287
otherwise required. When an extension is granted for delivery of 8288
the duplicate, the time period for payment of taxes shall be 8289
extended for a like period of time. When a delay in the closing of 8290
a tax collection period becomes unavoidable, the tax commissioner, 8291
upon application by the county auditor and county treasurer, may 8292
order the time for payment of taxes to be extended if the tax 8293
commissioner determines that penalties have accrued or would 8294
otherwise accrue for reasons beyond the control of the taxpayers 8295
of the county. The order shall prescribe the final extended date 8296
for payment of taxes for that collection period. 8297

(4) After January 1, 1999, the owner of a manufactured or 8298
mobile home taxed pursuant to division (D)(1) of this section may 8299
elect to have the home taxed pursuant to division (D)(2) of this 8300
section by filing a written request with the county auditor of the 8301
taxing district in which the home is located on or before the 8302
first day of December of any year. Upon the filing of the request, 8303
the county auditor shall determine whether all taxes levied under 8304
division (D)(1) of this section have been paid, and if those taxes 8305
have been paid, the county auditor shall tax the manufactured or 8306
mobile home pursuant to division (D)(2) of this section commencing 8307
in the next tax year. 8308

(5) A manufactured or mobile home that acquired situs in this 8309
state prior to January 1, 2000, shall be taxed pursuant to 8310
division (D)(2) of this section if no manufactured home tax had 8311
been paid for the home and the home was not exempted from taxation 8312
pursuant to division (E) of this section for the year for which 8313
the taxes were not paid. 8314

(6)(a) Immediately upon receipt of any manufactured home tax 8315

duplicate from the county auditor, but not less than twenty days 8316
prior to the last date on which the first one-half taxes may be 8317
paid without penalty as prescribed in division (F) of this 8318
section, the county treasurer shall cause to be prepared and 8319
mailed or delivered to each person charged on that duplicate with 8320
taxes, or to an agent designated by such person, the tax bill 8321
prescribed by the tax commissioner under division (D)(7) of this 8322
section. When taxes are paid by installments, the county treasurer 8323
shall mail or deliver to each person charged on such duplicate or 8324
the agent designated by that person a second tax bill showing the 8325
amount due at the time of the second tax collection. The second 8326
half tax bill shall be mailed or delivered at least twenty days 8327
prior to the close of the second half tax collection period. A 8328
change in the mailing address of any tax bill shall be made in 8329
writing to the county treasurer. Failure to receive a bill 8330
required by this section does not excuse failure or delay to pay 8331
any taxes shown on the bill or, except as provided in division 8332
(B)(1) of section 5715.39 of the Revised Code, avoid any penalty, 8333
interest, or charge for such delay. 8334

(b) After delivery of the copy of the delinquent manufactured 8335
home tax list under division (H) of this section, the county 8336
treasurer may prepare and mail to each person in whose name a home 8337
is listed an additional tax bill showing the total amount of 8338
delinquent taxes charged against the home as shown on the list. 8339
The tax bill shall include a notice that the interest charge 8340
prescribed by division (G) of this section has begun to accrue. 8341

(7) Each tax bill prepared and mailed or delivered under 8342
division (D)(6) of this section shall be in the form and contain 8343
the information required by the tax commissioner. The commissioner 8344
may prescribe different forms for each county and may authorize 8345
the county auditor to make up tax bills and tax receipts to be 8346
used by the county treasurer. The tax bill shall not contain or be 8347

mailed or delivered with any information or material that is not 8348
required by this section or that is not authorized by section 8349
321.45 of the Revised Code or by the tax commissioner. In addition 8350
to the information required by the commissioner, each tax bill 8351
shall contain the following information: 8352

(a) The taxes levied and the taxes charged and payable 8353
against the manufactured or mobile home; 8354

(b) The following notice: "Notice: If the taxes are not paid 8355
within sixty days after the county auditor delivers the delinquent 8356
manufactured home tax list to the county treasurer, you and your 8357
home may be subject to collection proceedings for tax 8358
delinquency." Failure to provide such notice has no effect upon 8359
the validity of any tax judgment to which a home may be subjected. 8360

(c) In the case of manufactured or mobile homes taxed under 8361
division (D)(2) of this section, the following additional 8362
information: 8363

(i) The effective tax rate. The words "effective tax rate" 8364
shall appear in boldface type. 8365

(ii) The following notice: "Notice: If the taxes charged 8366
against this home have been reduced by the 2-1/2 per cent tax 8367
reduction for residences occupied by the owner but the home is not 8368
a residence occupied by the owner, the owner must notify the 8369
county auditor's office not later than March 31 of the year for 8370
which the taxes are due. Failure to do so may result in the owner 8371
being convicted of a fourth degree misdemeanor, which is 8372
punishable by imprisonment up to 30 days, a fine up to \$250, or 8373
both, and in the owner having to repay the amount by which the 8374
taxes were erroneously or illegally reduced, plus any interest 8375
that may apply. 8376

If the taxes charged against this home have not been reduced 8377
by the 2-1/2 per cent tax reduction and the home is a residence 8378

occupied by the owner, the home may qualify for the tax reduction. 8379
To obtain an application for the tax reduction or further 8380
information, the owner may contact the county auditor's office at 8381
..... (insert the address and telephone number of the county 8382
auditor's office)." 8383

(E)(1) A manufactured or mobile home is not subject to this 8384
section when any of the following applies: 8385

(a) It is taxable as personal property pursuant to section 8386
5709.01 of the Revised Code. Any manufactured or mobile home that 8387
is used as a residence shall be subject to this section and shall 8388
not be taxable as personal property pursuant to section 5709.01 of 8389
the Revised Code. 8390

(b) It bears a license plate issued by any state other than 8391
this state unless the home is in this state in excess of an 8392
accumulative period of thirty days in any calendar year. 8393

(c) The annual tax has been paid on the home in this state 8394
for the current year. 8395

(d) The tax commissioner has determined, pursuant to section 8396
5715.27 of the Revised Code, that the property is exempt from 8397
taxation, or would be exempt from taxation under Chapter 5709. of 8398
the Revised Code if it were classified as real property. 8399

(2) A travel trailer or park trailer, as these terms are 8400
defined in section 4501.01 of the Revised Code, is not subject to 8401
this section if it is unused or unoccupied and stored at the 8402
owner's normal place of residence or at a recognized storage 8403
facility. 8404

(3) A travel trailer or park trailer, as these terms are 8405
defined in section 4501.01 of the Revised Code, is subject to this 8406
section and shall be taxed as a manufactured or mobile home if it 8407
has a situs longer than thirty days in one location and is 8408
connected to existing utilities, unless either of the following 8409

applies: 8410

(a) The situs is in a state facility or a camping or park 8411
area as defined in division (C), (Q), (S), or (V) of section 8412
3729.01 of the Revised Code. 8413

(b) The situs is in a camping or park area that is a tract of 8414
land that has been limited to recreational use by deed or zoning 8415
restrictions and subdivided for sale of five or more individual 8416
lots for the express or implied purpose of occupancy by either 8417
self-contained recreational vehicles as defined in division (T) of 8418
section 3729.01 of the Revised Code or by dependent recreational 8419
vehicles as defined in division (D) of section 3729.01 of the 8420
Revised Code. 8421

(F) Except as provided in division (D)(3) of this section, 8422
the manufactured home tax is due and payable as follows: 8423

(1) When a manufactured or mobile home has a situs in this 8424
state, as provided in this section, on the first day of January, 8425
one-half of the amount of the tax is due and payable on or before 8426
the first day of March and the balance is due and payable on or 8427
before the thirty-first day of July. At the option of the owner of 8428
the home, the tax for the entire year may be paid in full on the 8429
first day of March. 8430

(2) When a manufactured or mobile home first acquires a situs 8431
in this state after the first day of January, no tax is due and 8432
payable for that year. 8433

(G)(1)(a) Except as otherwise provided in division (G)(1)(b) 8434
of this section, if one-half of the current taxes charged under 8435
this section against a manufactured or mobile home, together with 8436
the full amount of any delinquent taxes, are not paid on or before 8437
the first day of March in that year, or on or before the last day 8438
for such payment as extended pursuant to section 4503.063 of the 8439
Revised Code, a penalty of ten per cent shall be charged against 8440

the unpaid balance of such half of the current taxes. If the total 8441
amount of all such taxes is not paid on or before the thirty-first 8442
day of July, next thereafter, or on or before the last day for 8443
payment as extended pursuant to section 4503.063 of the Revised 8444
Code, a like penalty shall be charged on the balance of the total 8445
amount of the unpaid current taxes. 8446

(b) After a valid delinquent tax contract that includes 8447
unpaid current taxes from a first-half collection period described 8448
in division (F) of this section has been entered into under 8449
section 323.31 of the Revised Code, no ten per cent penalty shall 8450
be charged against such taxes after the second-half collection 8451
period while the delinquent tax contract remains in effect. On the 8452
day a delinquent tax contract becomes void, the ten per cent 8453
penalty shall be charged against such taxes and shall equal the 8454
amount of penalty that would have been charged against unpaid 8455
current taxes outstanding on the date on which the second-half 8456
penalty would have been charged thereon under division (G)(1)(a) 8457
of this section if the contract had not been in effect. 8458

(2)(a) On the first day of the month following the last day 8459
the second installment of taxes may be paid without penalty 8460
beginning in 2000, interest shall be charged against and computed 8461
on all delinquent taxes other than the current taxes that became 8462
delinquent taxes at the close of the last day such second 8463
installment could be paid without penalty. The charge shall be for 8464
interest that accrued during the period that began on the 8465
preceding first day of December and ended on the last day of the 8466
month that included the last date such second installment could be 8467
paid without penalty. The interest shall be computed at the rate 8468
per annum prescribed by section 5703.47 of the Revised Code and 8469
shall be entered as a separate item on the delinquent manufactured 8470
home tax list compiled under division (H) of this section. 8471

(b) On the first day of December beginning in 2000, the 8472

interest shall be charged against and computed on all delinquent 8473
taxes. The charge shall be for interest that accrued during the 8474
period that began on the first day of the month following the last 8475
date prescribed for the payment of the second installment of taxes 8476
in the current year and ended on the immediately preceding last 8477
day of November. The interest shall be computed at the rate per 8478
annum prescribed by section 5703.47 of the Revised Code and shall 8479
be entered as a separate item on the delinquent manufactured home 8480
tax list. 8481

(c) After a valid undertaking has been entered into for the 8482
payment of any delinquent taxes, no interest shall be charged 8483
against such delinquent taxes while the undertaking remains in 8484
effect in compliance with section 323.31 of the Revised Code. If a 8485
valid undertaking becomes void, interest shall be charged against 8486
the delinquent taxes for the periods that interest was not 8487
permitted to be charged while the undertaking was in effect. The 8488
interest shall be charged on the day the undertaking becomes void 8489
and shall equal the amount of interest that would have been 8490
charged against the unpaid delinquent taxes outstanding on the 8491
dates on which interest would have been charged thereon under 8492
divisions (G)(1) and (2) of this section had the undertaking not 8493
been in effect. 8494

(3) If the full amount of the taxes due at either of the 8495
times prescribed by division (F) of this section is paid within 8496
ten days after such time, the county treasurer shall waive the 8497
collection of and the county auditor shall remit one-half of the 8498
penalty provided for in this division for failure to make that 8499
payment by the prescribed time. 8500

(4) The treasurer shall compile and deliver to the county 8501
auditor a list of all tax payments the treasurer has received as 8502
provided in division (G)(3) of this section. The list shall 8503
include any information required by the auditor for the remission 8504

of the penalties waived by the treasurer. The taxes so collected 8505
shall be included in the settlement next succeeding the settlement 8506
then in process. 8507

(H)(1) ~~Beginning in 2000, the~~ The county auditor shall 8508
compile annually a "delinquent manufactured home tax list" 8509
consisting of homes the county treasurer's records indicate have 8510
taxes that were not paid within the time prescribed by divisions 8511
(D)(3) and (F) of this section, have taxes that remain unpaid from 8512
prior years, or have unpaid tax penalties or interest that have 8513
been assessed. 8514

(2) Within thirty days after the settlement under division 8515
(H)(2) of section 321.24 of the Revised Code ~~beginning in 2000,~~ 8516
the county auditor shall deliver a copy of the delinquent 8517
manufactured home tax list to the county treasurer. The auditor 8518
shall update and publish the delinquent manufactured home tax list 8519
annually in the same manner as delinquent real property tax lists 8520
are published. The county auditor ~~shall~~ may apportion the cost of 8521
publishing the list among taxing districts in proportion to the 8522
amount of delinquent manufactured home taxes so published that 8523
each taxing district is entitled to receive upon collection of 8524
those taxes, or the county auditor may charge the owner of a home 8525
on the list a flat fee established under section 319.54 of the 8526
Revised Code for the cost of publishing the list and, if the fee 8527
is not paid, may place the fee upon the delinquent manufactured 8528
home tax list as a lien on the listed home, to be collected as 8529
other manufactured home taxes. 8530

(3) When taxes, penalties, or interest are charged against a 8531
person on the delinquent manufactured home tax list and are not 8532
paid within sixty days after the list is delivered to the county 8533
treasurer, the county treasurer shall, in addition to any other 8534
remedy provided by law for the collection of taxes, penalties, and 8535
interest, enforce collection of such taxes, penalties, and 8536

interest by civil action in the name of the treasurer against the 8537
owner for the recovery of the unpaid taxes following the 8538
procedures for the recovery of delinquent real property taxes in 8539
sections 323.25 to 323.28 of the Revised Code. The action may be 8540
brought in municipal or county court, provided the amount charged 8541
does not exceed the monetary limitations for original jurisdiction 8542
for civil actions in those courts. 8543

It is sufficient, having made proper parties to the suit, for 8544
the county treasurer to allege in the treasurer's bill of 8545
particulars or petition that the taxes stand chargeable on the 8546
books of the county treasurer against such person, that they are 8547
due and unpaid, and that such person is indebted in the amount of 8548
taxes appearing to be due the county. The treasurer need not set 8549
forth any other matter relating thereto. If it is found on the 8550
trial of the action that the person is indebted to the state, 8551
judgment shall be rendered in favor of the county treasurer 8552
prosecuting the action. The judgment debtor is not entitled to the 8553
benefit of any law for stay of execution or exemption of property 8554
from levy or sale on execution in the enforcement of the judgment. 8555

Upon the filing of an entry of confirmation of sale or an 8556
order of forfeiture in a proceeding brought under this division, 8557
title to the manufactured or mobile home shall be in the 8558
purchaser. The clerk of courts shall issue a certificate of title 8559
to the purchaser upon presentation of proof of filing of the entry 8560
of confirmation or order and, in the case of a forfeiture, 8561
presentation of the county auditor's certificate of sale. 8562

(I) The total amount of taxes collected shall be distributed 8563
in the following manner: four per cent shall be allowed as 8564
compensation to the county auditor for the county auditor's 8565
service in assessing the taxes; two per cent shall be allowed as 8566
compensation to the county treasurer for the services the county 8567
treasurer renders as a result of the tax levied by this section. 8568

Such amounts shall be paid into the county treasury, to the credit 8569
of the county general revenue fund, on the warrant of the county 8570
auditor. Fees to be paid to the credit of the real estate 8571
assessment fund shall be collected pursuant to division (C) of 8572
section 319.54 of the Revised Code and paid into the county 8573
treasury, on the warrant of the county auditor. The balance of the 8574
taxes collected shall be distributed among the taxing subdivisions 8575
of the county in which the taxes are collected and paid in the 8576
same ratio as those taxes were collected for the benefit of the 8577
taxing subdivision. The taxes levied and revenues collected under 8578
this section shall be in lieu of any general property tax and any 8579
tax levied with respect to the privilege of using or occupying a 8580
manufactured or mobile home in this state except as provided in 8581
sections 4503.04 and 5741.02 of the Revised Code. 8582

(J) An agreement to purchase or a bill of sale for a 8583
manufactured home shall show whether or not the furnishings and 8584
equipment are included in the purchase price. 8585

(K) If the county treasurer and the county prosecuting 8586
attorney agree that an item charged on the delinquent manufactured 8587
home tax list is uncollectible, they shall certify that 8588
determination and the reasons to the county board of revision. If 8589
the board determines the amount is uncollectible, it shall certify 8590
its determination to the county auditor, who shall strike the item 8591
from the list. 8592

(L)(1) The county auditor shall appraise at its true value 8593
any manufactured or mobile home in which ownership is transferred 8594
or which first acquires situs in this state on or after January 1, 8595
2000, and any manufactured or mobile home the owner of which has 8596
elected, under division (D)(4) of this section, to have the home 8597
taxed under division (D)(2) of this section. The true value shall 8598
include the value of the home, any additions, and any fixtures, 8599
but not any furnishings in the home. In determining the true value 8600

of a manufactured or mobile home, the auditor shall consider all 8601
facts and circumstances relating to the value of the home, 8602
including its age, its capacity to function as a residence, any 8603
obsolete characteristics, and other factors that may tend to prove 8604
its true value. 8605

(2)(a) If a manufactured or mobile home has been the subject 8606
of an arm's length sale between a willing seller and a willing 8607
buyer within a reasonable length of time prior to the 8608
determination of true value, the county auditor shall consider the 8609
sale price of the home to be the true value for taxation purposes. 8610

(b) The sale price in an arm's length transaction between a 8611
willing seller and a willing buyer shall not be considered the 8612
true value of the home if either of the following occurred after 8613
the sale: 8614

(i) The home has lost value due to a casualty. 8615

(ii) An addition or fixture has been added to the home. 8616

(3) The county auditor shall have each home viewed and 8617
appraised at least once in each six-year period in the same year 8618
in which real property in the county is appraised pursuant to 8619
Chapter 5713. of the Revised Code, and shall update the appraised 8620
values in the third calendar year following the appraisal. The 8621
person viewing or appraising a home may enter the home to 8622
determine by actual view any additions or fixtures that have been 8623
added since the last appraisal. In conducting the appraisals and 8624
establishing the true value, the auditor shall follow the 8625
procedures set forth for appraising real property in sections 8626
5713.01 and 5713.03 of the Revised Code. 8627

(4) The county auditor shall place the true value of each 8628
home on the manufactured home tax list upon completion of an 8629
appraisal. 8630

(5)(a) If the county auditor changes the true value of a 8631

home, the auditor shall notify the owner of the home in writing, 8632
delivered by mail or in person. The notice shall be given at least 8633
thirty days prior to the issuance of any tax bill that reflects 8634
the change. Failure to receive the notice does not invalidate any 8635
proceeding under this section. 8636

(b) Any owner of a home or any other person or party listed 8637
in division (A)(1) of section 5715.19 of the Revised Code may file 8638
a complaint against the true value of the home as appraised under 8639
this section. The complaint shall be filed with the county auditor 8640
on or before the thirty-first day of March of the current tax year 8641
or the date of closing of the collection for the first half of 8642
manufactured home taxes for the current tax year, whichever is 8643
later. The auditor shall present to the county board of revision 8644
all complaints filed with the auditor under this section. The 8645
board shall hear and investigate the complaint and may take action 8646
on it as provided under sections 5715.11 to 5715.19 of the Revised 8647
Code. 8648

(c) If the county board of revision determines, pursuant to a 8649
complaint against the valuation of a manufactured or mobile home 8650
filed under this section, that the amount of taxes, assessments, 8651
or other charges paid was in excess of the amount due based on the 8652
valuation as finally determined, then the overpayment shall be 8653
refunded in the manner prescribed in section 5715.22 of the 8654
Revised Code. 8655

(d) Payment of all or part of a tax under this section for 8656
any year for which a complaint is pending before the county board 8657
of revision does not abate the complaint or in any way affect the 8658
hearing and determination thereof. 8659

(M) If the county auditor determines that any tax or other 8660
charge or any part thereof has been erroneously charged as a 8661
result of a clerical error as defined in section 319.35 of the 8662
Revised Code, the county auditor shall call the attention of the 8663

county board of revision to the erroneous charges. If the board 8664
finds that the taxes or other charges have been erroneously 8665
charged or collected, it shall certify the finding to the auditor. 8666
Upon receipt of the certification, the auditor shall remove the 8667
erroneous charges on the manufactured home tax list or delinquent 8668
manufactured home tax list in the same manner as is prescribed in 8669
section 319.35 of the Revised Code for erroneous charges against 8670
real property, and refund any erroneous charges that have been 8671
collected, with interest, in the same manner as is prescribed in 8672
section 319.36 of the Revised Code for erroneous charges against 8673
real property. 8674

(N) As used in this section and section 4503.061 of the 8675
Revised Code: 8676

(1) "Manufactured home taxes" includes taxes, penalties, and 8677
interest charged under division (C) or (G) of this section and any 8678
penalties charged under division (G) or (H)(5) of section 4503.061 8679
of the Revised Code. 8680

(2) "Current taxes" means all manufactured home taxes charged 8681
against a manufactured or mobile home that have not appeared on 8682
the manufactured home tax list for any prior year. Current taxes 8683
become delinquent taxes if they remain unpaid after the last day 8684
prescribed for payment of the second installment of current taxes 8685
without penalty, whether or not they have been certified 8686
delinquent. 8687

(3) "Delinquent taxes" means: 8688

(a) Any manufactured home taxes that were charged against a 8689
manufactured or mobile home for a prior year, including any 8690
penalties or interest charged for a prior year and the costs of 8691
publication under division (H)(2) of this section, and that remain 8692
unpaid; 8693

(b) Any current manufactured home taxes charged against a 8694

manufactured or mobile home that remain unpaid after the last day 8695
prescribed for payment of the second installment of current taxes 8696
without penalty, whether or not they have been certified 8697
delinquent, including any penalties or interest and the costs of 8698
publication under division (H)(2) of this section. 8699

Sec. 4504.02. For the purpose of paying the costs of 8700
enforcing and administering the tax provided for in this section; 8701
and for planning, constructing, improving, maintaining, and 8702
repairing public roads, highways, and streets; maintaining and 8703
repairing bridges and viaducts; paying the county's portion of the 8704
costs and expenses of cooperating with the department of 8705
transportation in the planning, improvement, and construction of 8706
state highways; paying the county's portion of the compensation, 8707
damages, cost, and expenses of planning, constructing, 8708
reconstructing, improving, maintaining, and repairing roads; 8709
paying any costs apportioned to the county under section 4907.47 8710
of the Revised Code; paying debt service charges on notes or bonds 8711
of the county issued for such purposes; paying all or part of the 8712
costs and expenses of municipal corporations in planning, 8713
constructing, reconstructing, improving, maintaining, and 8714
repairing highways, roads, and streets designated as necessary or 8715
conducive to the orderly and efficient flow of traffic within and 8716
through the county pursuant to section 4504.03 of the Revised 8717
Code; purchasing, erecting, and maintaining street and traffic 8718
signs and markers; purchasing, erecting, and maintaining traffic 8719
lights and signals; and to supplement revenue already available 8720
for such purposes, any county by resolution adopted by its board 8721
of county commissioners may levy an annual license tax, in 8722
addition to the tax levied by sections 4503.02, 4503.07, and 8723
4503.18 of the Revised Code, upon the operation of motor vehicles 8724
on the public roads or highways. Such tax shall be at the rate of 8725
five dollars per motor vehicle on all motor vehicles the district 8726

of registration of which, as defined in section 4503.10 of the Revised Code, is located in the county levying the tax and shall be in addition to the taxes at the rates specified in sections 4503.04 and 4503.16 of the Revised Code, subject to reductions in the manner provided in section 4503.11 of the Revised Code and the exemptions provided in sections 4503.16, 4503.17, 4503.171, 4503.173, 4503.41, 4503.43, and 4503.46 of the Revised Code.

Prior to the adoption of any resolution under this section, the board of county commissioners shall conduct two public hearings thereon, the second hearing to be not less than three nor more than ten days after the first. Notice of the date, time, and place of such hearings shall be given by publication in a newspaper of general circulation in the county or as provided in section 7.16 of the Revised Code, once a week on the same day of the week for two consecutive weeks, the second publication being not less than ten nor more than thirty days prior to the first hearing.

No resolution under this section shall become effective sooner than thirty days following its adoption, and such resolution is subject to a referendum as provided in sections 305.31 to 305.41 of the Revised Code, unless such resolution is adopted as an emergency measure necessary for the immediate preservation of the public peace, health, or safety, in which case it shall go into immediate effect. Such emergency measure must receive an affirmative vote of all of the members of the board of county commissioners, and shall state the reasons for such necessity. A resolution may direct the board of elections to submit the question of levying the tax to the electors of the county at the next primary or general election in the county occurring not less than seventy-five days after such resolution is certified to the board; no such resolution shall go into effect unless approved by a majority of those voting upon it.

Sec. 4504.021. The question of repeal of a county permissive tax adopted as an emergency measure pursuant to section 4504.02, 4504.15, or 4504.16 of the Revised Code may be initiated by filing with the board of elections of the county not less than seventy-five days before the general election in any year a petition requesting that an election be held on such question. Such petition shall be signed by qualified electors residing in the county equal in number to ten per cent of those voting for governor at the most recent gubernatorial election.

After determination by it that such petition is valid, the board of elections shall submit the question to the electors of the county at the next general election. The election shall be conducted, canvassed, and certified in the same manner as regular elections for county offices in the county. Notice of the election shall be published in a newspaper of general circulation in the district or as provided in section 7.16 of the Revised Code, once a week for two consecutive weeks 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, time, and place of the election. The form of the ballot cast at such election shall be prescribed by the secretary of state. The question covered by such 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 of repeal approve the repeal, the result of the election shall be certified immediately after the canvass by the board of elections to the county commissioners, who shall thereupon, after the current year, cease to levy the tax.

Sec. 4504.15. For the purpose of paying the costs of

enforcing and administering the tax provided for in this section; 8790
for the various purposes stated in section 4504.02 of the Revised 8791
Code; and to supplement revenue already available for those 8792
purposes, any county may, by resolution adopted by its board of 8793
county commissioners, levy an annual license tax, that shall be in 8794
addition to the tax levied by sections 4503.02, 4503.07, and 8795
4503.18 of the Revised Code, upon the operation of motor vehicles 8796
upon the public roads and highways. The tax shall be at the rate 8797
of five dollars per motor vehicle on all motor vehicles the 8798
district of registration of which, as defined in section 4503.10 8799
of the Revised Code, is located in the county levying the tax but 8800
is not located within any municipal corporation levying the tax 8801
authorized by section 4504.17 of the Revised Code, and shall be in 8802
addition to the taxes at the rates specified in sections 4503.04 8803
and 4503.16 of the Revised Code, subject to reductions in the 8804
manner provided in section 4503.11 of the Revised Code and the 8805
exemptions provided in sections 4503.16, 4503.17, 4503.171, 8806
4503.41, and 4503.43 of the Revised Code. 8807

Prior to the adoption of any resolution under this section, 8808
the board of county commissioners shall conduct two public 8809
hearings thereon, the second hearing to be not less than three nor 8810
more than ten days after the first. Notice of the date, time, and 8811
place of such hearings shall be given by publication in a 8812
newspaper of general circulation in the county or as provided in 8813
section 7.16 of the Revised Code, once a week for two consecutive 8814
weeks, the second publication being not less than ten nor more 8815
than thirty days prior to the first hearing. 8816

No resolution under this section shall become effective 8817
sooner than thirty days following its adoption, and such 8818
resolution is subject to a referendum as provided in sections 8819
305.31 to 305.41 of the Revised Code, unless the resolution is 8820
adopted as an emergency measure necessary for the immediate 8821

preservation of the public peace, health, or safety, in which case 8822
it shall go into immediate effect. The emergency measure must 8823
receive an affirmative vote of all of the members of the board of 8824
county commissioners, and shall state the reasons for the 8825
necessity. A resolution may direct the board of elections to 8826
submit the question of levying the tax to the electors of the 8827
county at the next primary or general election occurring not less 8828
than seventy-five days after the resolution is certified to the 8829
board; no such resolution shall go into effect unless approved by 8830
a majority of those voting upon it. A county is not required to 8831
enact the tax authorized by section 4504.02 of the Revised Code in 8832
order to levy the tax authorized by this section, but no county 8833
may have in effect the tax authorized by this section if it 8834
repeals the tax authorized by section 4504.02 of the Revised Code 8835
after April 1, 1987. 8836

Sec. 4504.16. For the purpose of paying the costs of 8837
enforcing and administering the tax provided for in this section; 8838
for the various purposes stated in section 4504.02 of the Revised 8839
Code; and to supplement revenue already available for those 8840
purposes, any county that currently levies the tax authorized by 8841
section 4504.15 of the Revised Code may, by resolution adopted by 8842
its board of county commissioners, levy an annual license tax, 8843
that shall be in addition to the tax levied by that section and by 8844
sections 4503.02, 4503.07, and 4503.18 of the Revised Code, upon 8845
the operation of motor vehicles upon the public roads and 8846
highways. The tax shall be at the rate of five dollars per motor 8847
vehicle on all motor vehicles the district of registration of 8848
which, as defined in section 4503.10 of the Revised Code, is 8849
located in the county levying the tax but is not located within 8850
any municipal corporation levying the tax authorized by section 8851
4504.171 of the Revised Code, and shall be in addition to the 8852
taxes at the rates specified in sections 4503.04 and 4503.16 of 8853

the Revised Code, subject to reductions in the manner provided in 8854
section 4503.11 of the Revised Code and the exemptions provided in 8855
sections 4503.16, 4503.17, 4503.171, 4503.41, and 4503.43 of the 8856
Revised Code. 8857

Prior to the adoption of any resolution under this section, 8858
the board of county commissioners shall conduct two public 8859
hearings thereon, the second hearing to be not less than three nor 8860
more than ten days after the first. Notice of the date, time, and 8861
place of such hearings shall be given by publication in a 8862
newspaper of general circulation in the county or as provided in 8863
section 7.16 of the Revised Code, once a week for two consecutive 8864
weeks, the second publication being not less than ten nor more 8865
than thirty days prior to the first hearing. 8866

No resolution under this section shall become effective 8867
sooner than thirty days following its adoption, and such 8868
resolution is subject to a referendum as provided in sections 8869
305.31 to 305.41 of the Revised Code, unless the resolution is 8870
adopted as an emergency measure necessary for the immediate 8871
preservation of the public peace, health, or safety, in which case 8872
it shall go into immediate effect. The emergency measure must 8873
receive an affirmative vote of all of the members of the board of 8874
county commissioners, and shall state the reasons for the 8875
necessity. A resolution may direct the board of elections to 8876
submit the question of levying the tax to the electors of the 8877
county at the next primary or general election occurring not less 8878
than seventy-five days after the resolution is certified to the 8879
board; no such resolution shall go into effect unless approved by 8880
a majority of those voting upon it. 8881

Nothing in this section or in section 4504.15 of the Revised 8882
Code shall be interpreted as preventing a county from levying the 8883
county motor vehicle license taxes authorized by such sections in 8884
a single resolution. 8885

Sec. 4504.18. For the purpose of paying the costs and 8886
expenses of enforcing and administering the tax provided for in 8887
this section; for the construction, reconstruction, improvement, 8888
maintenance, and repair of township roads, bridges, and culverts; 8889
for purchasing, erecting, and maintaining traffic signs, markers, 8890
lights, and signals; for purchasing road machinery and equipment, 8891
and planning, constructing, and maintaining suitable buildings to 8892
house such equipment; for paying any costs apportioned to the 8893
township under section 4907.47 of the Revised Code; and to 8894
supplement revenue already available for such purposes, the board 8895
of township trustees may levy an annual license tax, in addition 8896
to the tax levied by sections 4503.02, 4503.07, and 4503.18 of the 8897
Revised Code, upon the operation of motor vehicles on the public 8898
roads and highways in the unincorporated territory of the 8899
township. The tax shall be at the rate of five dollars per motor 8900
vehicle on all motor vehicles the owners of which reside in the 8901
unincorporated area of the township and shall be in addition to 8902
the taxes at the rates specified in sections 4503.04 and 4503.16 8903
of the Revised Code, subject to reductions in the manner provided 8904
in section 4503.11 of the Revised Code and the exemptions provided 8905
in sections 4503.16, 4503.17, 4503.171, 4503.41, and 4503.43 of 8906
the Revised Code. 8907

Prior to the adoption of any resolution under this section, 8908
the board of township trustees shall conduct two public hearings 8909
thereon, the second hearing to be not less than three nor more 8910
than ten days after the first. Notice of the date, time, and place 8911
of such hearings shall be given by publication in a newspaper of 8912
general circulation in the township or as provided in section 7.16 8913
of the Revised Code, once a week on the same day of the week for 8914
two consecutive weeks, the second publication being not less than 8915
ten nor more than thirty days prior to the first hearing. 8916

No resolution under this section shall become effective 8917

sooner than thirty days following its adoption, and such 8918
resolution is subject to a referendum in the same manner, except 8919
as to the form of the petition, as provided in division (H) of 8920
section 519.12 of the Revised Code for a proposed amendment to a 8921
township zoning resolution. In addition, a petition under this 8922
section shall be governed by the rules specified in section 8923
3501.38 of the Revised Code. No resolution levying a tax under 8924
this section for which a referendum vote has been requested shall 8925
go into effect unless approved by a majority of those voting upon 8926
it. 8927

A township license tax levied under this section shall 8928
continue in effect until repealed. 8929

Sec. 4513.62. Unclaimed motor vehicles ordered into storage 8930
pursuant to division (A)(1) of section 4513.60 or section 4513.61 8931
of the Revised Code shall be disposed of at the order of the 8932
sheriff of the county or the chief of police of the municipal 8933
corporation, township, or township police district to a motor 8934
vehicle salvage dealer or scrap metal processing facility as 8935
defined in section 4737.05 of the Revised Code, or to any other 8936
facility owned by or under contract with the county, municipal 8937
corporation, or township, for the disposal of such motor vehicles, 8938
or shall be sold by the sheriff, chief of police, or licensed 8939
auctioneer at public auction, after giving notice thereof by 8940
advertisement, published once a week for two successive weeks in a 8941
newspaper of general circulation in the county or as provided in 8942
section 7.16 of the Revised Code. Any moneys accruing from the 8943
disposition of an unclaimed motor vehicle that are in excess of 8944
the expenses resulting from the removal and storage of the vehicle 8945
shall be credited to the general fund of the county, the municipal 8946
corporation, or the township, as the case may be. 8947

Sec. 4582.31. (A) A port authority created in accordance with 8948

section 4582.22 of the Revised Code may:	8949
(1) Adopt bylaws for the regulation of its affairs and the conduct of its business;	8950 8951
(2) Adopt an official seal;	8952
(3) Maintain a principal office within its jurisdiction, and maintain such branch offices as it may require;	8953 8954
(4) Acquire, construct, furnish, equip, maintain, repair, sell, exchange, lease to or from, or lease with an option to purchase, convey other interests in real or personal property, or any combination thereof, related to, useful for, or in furtherance of any authorized purpose and operate any property in connection with transportation, recreational, governmental operations, or cultural activities;	8955 8956 8957 8958 8959 8960 8961
(5) Straighten, deepen, and improve any channel, river, stream, or other water course or way which may be necessary or proper in the development of the facilities of a port authority;	8962 8963 8964
(6) Make available the use or services of any port authority facility to one or more persons, one or more governmental agencies, or any combination thereof;	8965 8966 8967
(7) Issue bonds or notes for the acquisition, construction, furnishing, or equipping of any port authority facility or other permanent improvement that a port authority is authorized to acquire, construct, furnish, or equip, in compliance with Chapter 133. of the Revised Code, except that such bonds or notes may only be issued pursuant to a vote of the electors residing within the area of jurisdiction of the port authority. The net indebtedness incurred by a port authority shall never exceed two per cent of the total value of all property within the territory comprising the port authority as listed and assessed for taxation.	8968 8969 8970 8971 8972 8973 8974 8975 8976 8977
(8) Issue port authority revenue bonds beyond the limit of	8978

bonded indebtedness provided by law, payable solely from revenues 8979
as provided in section 4582.48 of the Revised Code, for the 8980
purpose of providing funds to pay the costs of any port authority 8981
facility or facilities or parts thereof; 8982

(9) Apply to the proper authorities of the United States 8983
pursuant to appropriate law for the right to establish, operate, 8984
and maintain foreign trade zones and establish, operate, and 8985
maintain foreign trade zones and to acquire, exchange, sell, lease 8986
to or from, lease with an option to purchase, or operate 8987
facilities, land, or property therefor in accordance with the 8988
"Foreign Trade Zones Act," 48 Stat. 998 (1934), 19 U.S.C. 81a to 8989
81u; 8990

(10) Enjoy and possess the same rights, privileges, and 8991
powers granted municipal corporations under sections 721.04 to 8992
721.11 of the Revised Code; 8993

(11) Maintain such funds as it considers necessary; 8994

(12) Direct its agents or employees, when properly identified 8995
in writing, and after at least five days' written notice, to enter 8996
upon lands within the confines of its jurisdiction in order to 8997
make surveys and examinations preliminary to location and 8998
construction of works for the purposes of the port authority, 8999
without liability of the port authority or its agents or employees 9000
except for actual damage done; 9001

(13) Promote, advertise, and publicize the port authority and 9002
its facilities; provide information to shippers and other 9003
commercial interests; and appear before rate-making authorities to 9004
represent and promote the interests of the port authority; 9005

(14) Adopt rules, not in conflict with general law, it finds 9006
necessary or incidental to the performance of its duties and the 9007
execution of its powers under sections 4582.21 to 4582.54 of the 9008
Revised Code. Any such rule shall be posted at no less than five 9009

public places in the port authority, as determined by the board of 9010
directors, for a period of not fewer than fifteen days, and shall 9011
be available for public inspection at the principal office of the 9012
port authority during regular business hours. No person shall 9013
violate any lawful rule adopted and posted as provided in this 9014
division. 9015

(15) Do any of the following, in regard to any interests in 9016
any real or personal property, or any combination thereof, 9017
including, without limitation, machinery, equipment, plants, 9018
factories, offices, and other structures and facilities related 9019
to, useful for, or in furtherance of any authorized purpose, for 9020
such consideration and in such manner, consistent with Article 9021
VIII of the Ohio Constitution, as the board in its sole discretion 9022
may determine: 9023

(a) Loan moneys to any person or governmental entity for the 9024
acquisition, construction, furnishing, and equipping of the 9025
property; 9026

(b) Acquire, construct, maintain, repair, furnish, and equip 9027
the property; 9028

(c) Sell to, exchange with, lease, convey other interests in, 9029
or lease with an option to purchase the same or any lesser 9030
interest in the property to the same or any other person or 9031
governmental entity; 9032

(d) Guarantee the obligations of any person or governmental 9033
entity. 9034

A port authority may accept and hold as consideration for the 9035
conveyance of property or any interest therein such property or 9036
interests therein as the board in its discretion may determine, 9037
notwithstanding any restrictions that apply to the investment of 9038
funds by a port authority. 9039

(16) Sell, lease, or convey other interests in real and 9040

personal property, and grant easements or rights-of-way over 9041
property of the port authority. The board of directors shall 9042
specify the consideration and any terms for the sale, lease, or 9043
conveyance of other interests in real and personal property. Any 9044
determination made by the board under this division shall be 9045
conclusive. The sale, lease, or conveyance may be made without 9046
advertising and the receipt of bids. 9047

(17) Exercise the right of eminent domain to appropriate any 9048
land, rights, rights-of-way, franchises, easements, or other 9049
property, necessary or proper for any authorized purpose, pursuant 9050
to the procedure provided in sections 163.01 to 163.22 of the 9051
Revised Code, if funds equal to the appraised value of the 9052
property to be acquired as a result of such proceedings are 9053
available for that purpose. However, nothing contained in sections 9054
4582.201 to 4582.59 of the Revised Code shall authorize a port 9055
authority to take or disturb property or facilities belonging to 9056
any agency or political subdivision of this state, public utility, 9057
or common carrier, which property or facilities are necessary and 9058
convenient in the operation of the agency or political 9059
subdivision, public utility, or common carrier, unless provision 9060
is made for the restoration, relocation, or duplication of such 9061
property or facilities, or upon the election of the agency or 9062
political subdivision, public utility, or common carrier, for the 9063
payment of compensation, if any, at the sole cost of the port 9064
authority, provided that: 9065

(a) If any restoration or duplication proposed to be made 9066
under this section involves a relocation of the property or 9067
facilities, the new facilities and location shall be of at least 9068
comparable utilitarian value and effectiveness and shall not 9069
impair the ability of the public utility or common carrier to 9070
compete in its original area of operation; 9071

(b) If any restoration or duplication made under this section 9072

involves a relocation of the property or facilities, the port 9073
authority shall acquire no interest or right in or to the 9074
appropriated property or facilities, except as provided in 9075
division (O) of this section, until the relocated property or 9076
facilities are available for use and until marketable title 9077
thereto has been transferred to the public utility or common 9078
carrier. 9079

(18)(a) Make and enter into all contracts and agreements and 9080
execute all instruments necessary or incidental to the performance 9081
of its duties and the execution of its powers under sections 9082
4582.21 to 4582.59 of the Revised Code. 9083

(b) Except as provided in division (A)(18)(c) of this 9084
section, when the cost of a contract for the construction of any 9085
building, structure, or other improvement undertaken by a port 9086
authority involves an expenditure exceeding twenty-five thousand 9087
dollars, and the port authority is the contracting entity, the 9088
port authority shall make a written contract after notice calling 9089
for bids for the award of the contract has been given by 9090
publication twice, with at least seven days between publications, 9091
in a newspaper of general circulation in the area of the port 9092
authority or as provided in section 7.16 of the Revised Code. Each 9093
such contract shall be let to the lowest responsive and 9094
responsible bidder in accordance with section 9.312 of the Revised 9095
Code. Every contract shall be accompanied by or shall refer to 9096
plans and specifications for the work to be done, prepared for and 9097
approved by the port authority, signed by an authorized officer of 9098
the port authority and by the contractor, and shall be executed in 9099
triplicate. 9100

Each bid shall be awarded in accordance with sections 153.54, 9101
153.57, and 153.571 of the Revised Code. The port authority may 9102
reject any and all bids. 9103

(c) The board of directors by rule may provide criteria for 9104

the negotiation and award without competitive bidding of any 9105
contract as to which the port authority is the contracting entity 9106
for the construction of any building or structure or other 9107
improvement under any of the following circumstances: 9108

(i) There exists a real and present emergency that threatens 9109
damage or injury to persons or property of the port authority or 9110
other persons, provided that a statement specifying the nature of 9111
the emergency that is the basis for the negotiation and award of a 9112
contract without competitive bidding shall be signed by the 9113
officer of the port authority that executes that contract at the 9114
time of the contract's execution and shall be attached to the 9115
contract. 9116

(ii) A commonly recognized industry or other standard or 9117
specification does not exist and cannot objectively be articulated 9118
for the improvement. 9119

(iii) The contract is for any energy conservation measure as 9120
defined in section 307.041 of the Revised Code. 9121

(iv) With respect to material to be incorporated into the 9122
improvement, only a single source or supplier exists for the 9123
material. 9124

(v) A single bid is received by the port authority after 9125
complying with the provisions of division (A)(18)(b) of this 9126
section. 9127

(d)(i) If a contract is to be negotiated and awarded without 9128
competitive bidding for the reason set forth in division 9129
(A)(18)(c)(ii) of this section, the port authority shall publish a 9130
notice calling for technical proposals ~~at least~~ twice, with at 9131
least seven days between publications, in a newspaper of general 9132
circulation in the area of the port authority or as provided in 9133
section 7.16 of the Revised Code. After receipt of the technical 9134
proposals, the port authority may negotiate with and award a 9135

contract for the improvement to the proposer making the proposal 9136
considered to be the most advantageous to the port authority. 9137

(ii) If a contract is to be negotiated and awarded without 9138
competitive bidding for the reason set forth in division 9139
(A)(18)(c)(iv) of this section, any construction activities 9140
related to the incorporation of the material into the improvement 9141
also may be provided without competitive bidding by the source or 9142
supplier of that material. 9143

(e)(i) Any purchase, exchange, sale, lease, lease with an 9144
option to purchase, conveyance of other interests in, or other 9145
contract with a person or governmental entity that pertains to the 9146
acquisition, construction, maintenance, repair, furnishing, 9147
equipping, or operation of any real or personal property, or any 9148
combination thereof, related to, useful for, or in furtherance of 9149
an activity contemplated by Section 13 or 16 of Article VIII, Ohio 9150
Constitution, shall be made in such manner and subject to such 9151
terms and conditions as may be determined by the board of 9152
directors in its discretion. 9153

(ii) Division (A)(18)(e)(i) of this section applies to all 9154
contracts that are subject to the division, notwithstanding any 9155
other provision of law that might otherwise apply, including, 9156
without limitation, any requirement of notice, any requirement of 9157
competitive bidding or selection, or any requirement for the 9158
provision of security. 9159

(iii) Divisions (A)(18)(e)(i) and (ii) of this section do not 9160
apply to either of the following: any contract secured by or to be 9161
paid from moneys raised by taxation or the proceeds of obligations 9162
secured by a pledge of moneys raised by taxation; or any contract 9163
secured exclusively by or to be paid exclusively from the general 9164
revenues of the port authority. For the purposes of this section, 9165
any revenues derived by the port authority under a lease or other 9166
agreement that, by its terms, contemplates the use of amounts 9167

payable under the agreement either to pay the costs of the 9168
improvement that is the subject of the contract or to secure 9169
obligations of the port authority issued to finance costs of such 9170
improvement, are excluded from general revenues. 9171

(19) Employ managers, superintendents, and other employees 9172
and retain or contract with consulting engineers, financial 9173
consultants, accounting experts, architects, attorneys, and any 9174
other consultants and independent contractors as are necessary in 9175
its judgment to carry out this chapter, and fix the compensation 9176
thereof. All expenses thereof shall be payable from any available 9177
funds of the port authority or from funds appropriated for that 9178
purpose by a political subdivision creating or participating in 9179
the creation of the port authority. 9180

(20) Receive and accept from any state or federal agency 9181
grants and loans for or in aid of the construction of any port 9182
authority facility or for research and development with respect to 9183
port authority facilities, and receive and accept aid or 9184
contributions from any source of money, property, labor, or other 9185
things of value, to be held, used, and applied only for the 9186
purposes for which the grants and contributions are made; 9187

(21) Engage in research and development with respect to port 9188
authority facilities; 9189

(22) Purchase fire and extended coverage and liability 9190
insurance for any port authority facility and for the principal 9191
office and branch offices of the port authority, insurance 9192
protecting the port authority and its officers and employees 9193
against liability for damage to property or injury to or death of 9194
persons arising from its operations, and any other insurance the 9195
port authority may agree to provide under any resolution 9196
authorizing its port authority revenue bonds or in any trust 9197
agreement securing the same; 9198

(23) Charge, alter, and collect rentals and other charges for 9199
the use or services of any port authority facility as provided in 9200
section 4582.43 of the Revised Code; 9201

(24) Provide coverage for its employees under Chapters 145., 9202
4123., and 4141. of the Revised Code; 9203

(25) Do all acts necessary or proper to carry out the powers 9204
expressly granted in sections 4582.21 to 4582.59 of the Revised 9205
Code. 9206

(B) Any instrument by which real property is acquired 9207
pursuant to this section shall identify the agency of the state 9208
that has the use and benefit of the real property as specified in 9209
section 5301.012 of the Revised Code. 9210

(C) Whoever violates division (A)(14) of this section is 9211
guilty of a minor misdemeanor. 9212

Sec. 4585.10. The officer holding a writ for the sale of a 9213
watercraft, its apparel, or furniture, before ~~he proceeds~~ 9214
proceeding to sell it, shall give public notice of the time and 9215
place of sale for at least ten days previous thereto or as 9216
provided in section 7.16 of the Revised Code, by advertisement in 9217
a newspaper published of general circulation in the county, and by 9218
advertisement posted in at least five public places in the county. 9219
Such sales shall be conducted, and the court shall have the same 9220
power over them as sales upon execution. 9221

Sec. 4928.20. (A) The legislative authority of a municipal 9222
corporation may adopt an ordinance, or the board of township 9223
trustees of a township or the board of county commissioners of a 9224
county may adopt a resolution, under which, on or after the 9225
starting date of competitive retail electric service, it may 9226
aggregate in accordance with this section the retail electrical 9227
loads located, respectively, within the municipal corporation, 9228

township, or unincorporated area of the county and, for that 9229
purpose, may enter into service agreements to facilitate for those 9230
loads the sale and purchase of electricity. The legislative 9231
authority or board also may exercise such authority jointly with 9232
any other such legislative authority or board. For customers that 9233
are not mercantile customers, an ordinance or resolution under 9234
this division shall specify whether the aggregation will occur 9235
only with the prior, affirmative consent of each person owning, 9236
occupying, controlling, or using an electric load center proposed 9237
to be aggregated or will occur automatically for all such persons 9238
pursuant to the opt-out requirements of division (D) of this 9239
section. The aggregation of mercantile customers shall occur only 9240
with the prior, affirmative consent of each such person owning, 9241
occupying, controlling, or using an electric load center proposed 9242
to be aggregated. Nothing in this division, however, authorizes 9243
the aggregation of the retail electric loads of an electric load 9244
center, as defined in section 4933.81 of the Revised Code, that is 9245
located in the certified territory of a nonprofit electric 9246
supplier under sections 4933.81 to 4933.90 of the Revised Code or 9247
an electric load center served by transmission or distribution 9248
facilities of a municipal electric utility. 9249

(B) If an ordinance or resolution adopted under division (A) 9250
of this section specifies that aggregation of customers that are 9251
not mercantile customers will occur automatically as described in 9252
that division, the ordinance or resolution shall direct the board 9253
of elections to submit the question of the authority to aggregate 9254
to the electors of the respective municipal corporation, township, 9255
or unincorporated area of a county at a special election on the 9256
day of the next primary or general election in the municipal 9257
corporation, township, or county. The legislative authority or 9258
board shall certify a copy of the ordinance or resolution to the 9259
board of elections not less than seventy-five days before the day 9260
of the special election. No ordinance or resolution adopted under 9261

division (A) of this section that provides for an election under 9262
this division shall take effect unless approved by a majority of 9263
the electors voting upon the ordinance or resolution at the 9264
election held pursuant to this division. 9265

(C) Upon the applicable requisite authority under divisions 9266
(A) and (B) of this section, the legislative authority or board 9267
shall develop a plan of operation and governance for the 9268
aggregation program so authorized. Before adopting a plan under 9269
this division, the legislative authority or board shall hold at 9270
least two public hearings on the plan. Before the first hearing, 9271
the legislative authority or board shall publish notice of the 9272
hearings once a week for two consecutive weeks in a newspaper of 9273
general circulation in the jurisdiction or as provided in section 9274
7.16 of the Revised Code. The notice shall summarize the plan and 9275
state the date, time, and location of each hearing. 9276

(D) No legislative authority or board, pursuant to an 9277
ordinance or resolution under divisions (A) and (B) of this 9278
section that provides for automatic aggregation of customers that 9279
are not mercantile customers as described in division (A) of this 9280
section, shall aggregate the electrical load of any electric load 9281
center located within its jurisdiction unless it in advance 9282
clearly discloses to the person owning, occupying, controlling, or 9283
using the load center that the person will be enrolled 9284
automatically in the aggregation program and will remain so 9285
enrolled unless the person affirmatively elects by a stated 9286
procedure not to be so enrolled. The disclosure shall state 9287
prominently the rates, charges, and other terms and conditions of 9288
enrollment. The stated procedure shall allow any person enrolled 9289
in the aggregation program the opportunity to opt out of the 9290
program every three years, without paying a switching fee. Any 9291
such person that opts out before the commencement of the 9292
aggregation program pursuant to the stated procedure shall default 9293

to the standard service offer provided under section 4928.14 or 9294
division (D) of section 4928.35 of the Revised Code until the 9295
person chooses an alternative supplier. 9296

(E)(1) With respect to a governmental aggregation for a 9297
municipal corporation that is authorized pursuant to divisions (A) 9298
to (D) of this section, resolutions may be proposed by initiative 9299
or referendum petitions in accordance with sections 731.28 to 9300
731.41 of the Revised Code. 9301

(2) With respect to a governmental aggregation for a township 9302
or the unincorporated area of a county, which aggregation is 9303
authorized pursuant to divisions (A) to (D) of this section, 9304
resolutions may be proposed by initiative or referendum petitions 9305
in accordance with sections 731.28 to 731.40 of the Revised Code, 9306
except that: 9307

(a) The petitions shall be filed, respectively, with the 9308
township fiscal officer or the board of county commissioners, who 9309
shall perform those duties imposed under those sections upon the 9310
city auditor or village clerk. 9311

(b) The petitions shall contain the signatures of not less 9312
than ten per cent of the total number of electors in, 9313
respectively, the township or the unincorporated area of the 9314
county who voted for the office of governor at the preceding 9315
general election for that office in that area. 9316

(F) A governmental aggregator under division (A) of this 9317
section is not a public utility engaging in the wholesale purchase 9318
and resale of electricity, and provision of the aggregated service 9319
is not a wholesale utility transaction. A governmental aggregator 9320
shall be subject to supervision and regulation by the public 9321
utilities commission only to the extent of any competitive retail 9322
electric service it provides and commission authority under this 9323
chapter. 9324

(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.

(I) Customers that are part of a governmental aggregation under this section shall be responsible only for such portion of a surcharge under section 4928.144 of the Revised Code that is proportionate to the benefits, as determined by the commission, that electric load centers within the jurisdiction of the governmental aggregation as a group receive. The proportionate surcharge so established shall apply to each customer of the governmental aggregation while the customer is part of that aggregation. If a customer ceases being such a customer, the otherwise applicable surcharge shall apply. Nothing in this section shall result in less than full recovery by an electric distribution utility of any surcharge authorized under section 4928.144 of the Revised Code.

(J) On behalf of the customers that are part of a 9356
governmental aggregation under this section and by filing written 9357
notice with the public utilities commission, the legislative 9358
authority that formed or is forming that governmental aggregation 9359
may elect not to receive standby service within the meaning of 9360
division (B)(2)(d) of section 4928.143 of the Revised Code from an 9361
electric distribution utility in whose certified territory the 9362
governmental aggregation is located and that operates under an 9363
approved electric security plan under that section. Upon the 9364
filing of that notice, the electric distribution utility shall not 9365
charge any such customer to whom competitive retail electric 9366
generation service is provided by another supplier under the 9367
governmental aggregation for the standby service. Any such 9368
consumer that returns to the utility for competitive retail 9369
electric service shall pay the market price of power incurred by 9370
the utility to serve that consumer plus any amount attributable to 9371
the utility's cost of compliance with the alternative energy 9372
resource provisions of section 4928.64 of the Revised Code to 9373
serve the consumer. Such market price shall include, but not be 9374
limited to, capacity and energy charges; all charges associated 9375
with the provision of that power supply through the regional 9376
transmission organization, including, but not limited to, 9377
transmission, ancillary services, congestion, and settlement and 9378
administrative charges; and all other costs incurred by the 9379
utility that are associated with the procurement, provision, and 9380
administration of that power supply, as such costs may be approved 9381
by the commission. The period of time during which the market 9382
price and alternative energy resource amount shall be so assessed 9383
on the consumer shall be from the time the consumer so returns to 9384
the electric distribution utility until the expiration of the 9385
electric security plan. However, if that period of time is 9386
expected to be more than two years, the commission may reduce the 9387
time period to a period of not less than two years. 9388

(K) The commission shall adopt rules to encourage and promote large-scale governmental aggregation in this state. For that purpose, the commission shall conduct an immediate review of any rules it has adopted for the purpose of this section that are in effect on the effective date of the amendment of this section by S.B. 221 of the 127th general assembly, July 31, 2008. Further, within the context of an electric security plan under section 4928.143 of the Revised Code, the commission shall consider the effect on large-scale governmental aggregation of any nonbypassable generation charges, however collected, that would be established under that plan, except any nonbypassable generation charges that relate to any cost incurred by the electric distribution utility, the deferral of which has been authorized by the commission prior to the effective date of the amendment of this section by S.B. 221 of the 127th general assembly, July 31, 2008.

Sec. 4929.26. (A)(1) The legislative authority of a municipal corporation may adopt an ordinance, or the board of township trustees of a township or the board of county commissioners of a county may adopt a resolution, under which, in accordance with this section and except as otherwise provided in division (A)(2) of this section, the legislative authority or board may aggregate automatically, subject to the opt-out requirements of division (D) of this section, competitive retail natural gas service for the retail natural gas loads that are located, respectively, within the municipal corporation, township, or unincorporated area of the county and for which there is a choice of supplier of that service as a result of revised schedules approved under division (C) of section 4929.29 of the Revised Code, a rule or order adopted or issued by the commission under Chapter 4905. of the Revised Code, or an exemption granted by the commission under sections 4929.04 to 4929.08 of the Revised Code. An ordinance or a resolution

adopted under this section shall expressly state that it is 9421
adopted pursuant to the authority conferred by this section. The 9422
legislative authority or board also may exercise its authority 9423
under this section jointly with any other such legislative 9424
authority or board. For the purpose of the aggregation, the 9425
legislative authority or board may enter into service agreements 9426
to facilitate the sale and purchase of the service for the retail 9427
natural gas loads. 9428

(2)(a) No aggregation under an ordinance or resolution 9429
adopted under division (A)(1) of this section shall include the 9430
retail natural gas load of any person that meets any of the 9431
following criteria: 9432

(i) The person is both a distribution service customer and a 9433
mercantile customer on the date of commencement of service to the 9434
aggregated load, or the person becomes a distribution service 9435
customer after that date and also is a mercantile customer. 9436

(ii) The person is supplied with commodity sales service 9437
pursuant to a contract with a retail natural gas supplier that is 9438
in effect on the effective date of the ordinance or resolution. 9439

(iii) The person is supplied with commodity sales service as 9440
part of a retail natural gas load aggregation provided for 9441
pursuant to a rule or order adopted or issued by the commission 9442
under this chapter or Chapter 4905. of the Revised Code. 9443

(b) Nothing in division (A)(2)(a) of this section precludes a 9444
governmental aggregation under this section from permitting the 9445
retail natural gas load of a person described in division 9446
(A)(2)(a) of this section from being included in the aggregation 9447
upon the expiration of any contract or aggregation as described in 9448
division (A)(2)(a)(ii) or (iii) of this section or upon the person 9449
no longer being a customer as described in division (A)(2)(a)(i) 9450
of this section or qualifying to be included in an aggregation 9451

described under division (A)(2)(a)(iii) of this section. 9452

(B) An ordinance or resolution adopted under division (A) of 9453
this section shall direct the board of elections to submit the 9454
question of the authority to aggregate to the electors of the 9455
respective municipal corporation, township, or unincorporated area 9456
of a county at a special election on the day of the next primary 9457
or general election in the municipal corporation, township, or 9458
county. The legislative authority or board shall certify a copy of 9459
the ordinance or resolution to the board of elections not less 9460
than seventy-five days before the day of the special election. No 9461
ordinance or resolution adopted under division (A) of this section 9462
that provides for an election under this division shall take 9463
effect unless approved by a majority of the electors voting upon 9464
the ordinance or resolution at the election held pursuant to this 9465
division. 9466

(C) Upon the applicable requisite authority under divisions 9467
(A) and (B) of this section, the legislative authority or board 9468
shall develop a plan of operation and governance for the 9469
aggregation program so authorized. Before adopting a plan under 9470
this division, the legislative authority or board shall hold at 9471
least two public hearings on the plan. Before the first hearing, 9472
the legislative authority or board shall publish notice of the 9473
hearings once a week for two consecutive weeks in a newspaper of 9474
general circulation in the jurisdiction or as provided in section 9475
7.16 of the Revised Code. The notice shall summarize the plan and 9476
state the date, time, and location of each hearing. 9477

(D) No legislative authority or board, pursuant to an 9478
ordinance or resolution under divisions (A) and (B) of this 9479
section, shall aggregate any retail natural gas load located 9480
within its jurisdiction unless it in advance clearly discloses to 9481
the person whose retail natural gas load is to be so aggregated 9482
that the person will be enrolled automatically in the aggregation 9483

and will remain so enrolled unless the person affirmatively elects 9484
by a stated procedure not to be so enrolled. The disclosure shall 9485
state prominently the rates, charges, and other terms and 9486
conditions of enrollment. The stated procedure shall allow any 9487
person enrolled in the aggregation the opportunity to opt out of 9488
the aggregation every two years, without paying a switching fee. 9489
Any such person that opts out of the aggregation pursuant to the 9490
stated procedure shall default to the natural gas company 9491
providing distribution service for the person's retail natural gas 9492
load, until the person chooses an alternative supplier. 9493

(E)(1) With respect to a governmental aggregation for a 9494
municipal corporation that is authorized pursuant to divisions (A) 9495
to (D) of this section, resolutions may be proposed by initiative 9496
or referendum petitions in accordance with sections 731.28 to 9497
731.41 of the Revised Code. 9498

(2) With respect to a governmental aggregation for a township 9499
or the unincorporated area of a county, which aggregation is 9500
authorized pursuant to divisions (A) to (D) of this section, 9501
resolutions may be proposed by initiative or referendum petitions 9502
in accordance with sections 731.28 to 731.40 of the Revised Code, 9503
except that: 9504

(a) The petitions shall be filed, respectively, with the 9505
township fiscal officer or the board of county commissioners, who 9506
shall perform those duties imposed under those sections upon the 9507
city auditor or village clerk. 9508

(b) The petitions shall contain the signatures of not less 9509
than ten per cent of the total number of electors in the township 9510
or the unincorporated area of the county, respectively, who voted 9511
for the office of governor at the preceding general election for 9512
that office in that area. 9513

(F) A governmental aggregator under division (A) of this 9514

section is not a public utility engaging in the wholesale purchase 9515
and resale of natural gas, and provision of the aggregated service 9516
is not a wholesale utility transaction. A governmental aggregator 9517
shall be subject to supervision and regulation by the public 9518
utilities commission only to the extent of any competitive retail 9519
natural gas service it provides and commission authority under 9520
this chapter. 9521

Sec. 4929.27. (A)(1) The legislative authority of a municipal 9522
corporation may adopt an ordinance, or the board of township 9523
trustees of a township or the board of county commissioners of a 9524
county may adopt a resolution, under which, in accordance with 9525
this section and except as otherwise provided in division (A)(2) 9526
of this section, the legislative authority or board may aggregate, 9527
with the prior consent of each person whose retail natural gas 9528
load is proposed to be aggregated, competitive retail natural gas 9529
service for any such retail natural gas load that is located, 9530
respectively, within the municipal corporation, township, or 9531
unincorporated area of the county and for which there is a choice 9532
of supplier of that service as a result of revised schedules 9533
approved under division (C) of section 4929.29 of the Revised 9534
Code, a rule or order adopted or issued by the commission under 9535
Chapter 4905. of the Revised Code, or an exemption granted by the 9536
commission under sections 4929.04 to 4929.08 of the Revised Code. 9537
An ordinance or a resolution adopted under this section shall 9538
expressly state that it is adopted pursuant to the authority 9539
conferred by this section. The legislative authority or board also 9540
may exercise such authority jointly with any other such 9541
legislative authority or board. For the purpose of the 9542
aggregation, the legislative authority or board may enter into 9543
service agreements to facilitate the sale and purchase of the 9544
service for the retail natural gas loads. 9545

(2)(a) No aggregation under an ordinance or resolution 9546

adopted under division (A)(1) of this section shall include the 9547
retail natural gas load of any person that meets either of the 9548
following criteria: 9549

(i) The person is supplied with commodity sales service 9550
pursuant to a contract with a retail natural gas supplier that is 9551
in effect on the effective date of the ordinance or resolution. 9552

(ii) The person is supplied with commodity sales service as 9553
part of a retail natural gas load aggregation provided for 9554
pursuant to a rule or order adopted or issued by the commission 9555
under this chapter or Chapter 4905. of the Revised Code. 9556

(b) Nothing in division (A)(2)(a) of this section precludes a 9557
governmental aggregation under this section from permitting the 9558
retail natural gas load of a person described in division 9559
(A)(2)(a) of this section from being included in the aggregation 9560
upon the expiration of any contract or aggregation as described in 9561
division (A)(2)(a)(i) or (ii) of this section or upon the person 9562
no longer qualifying to be included in an aggregation. 9563

(B) Upon the applicable requisite authority under division 9564
(A) of this section, the legislative authority or board shall 9565
develop a plan of operation and governance for the aggregation 9566
program so authorized. Before adopting a plan under this division, 9567
the legislative authority or board shall hold at least two public 9568
hearings on the plan. Before the first hearing, the legislative 9569
authority or board shall publish notice of the hearings once a 9570
week for two consecutive weeks in a newspaper of general 9571
circulation in the jurisdiction or as provided in section 7.16 of 9572
the Revised Code. The notice shall summarize the plan and state 9573
the date, time, and location of each hearing. 9574

(C)(1) With respect to a governmental aggregation for a 9575
municipal corporation that is authorized pursuant to division (A) 9576
of this section, resolutions may be proposed by initiative or 9577

referendum petitions in accordance with sections 731.28 to 731.41 9578
of the Revised Code. 9579

(2) With respect to a governmental aggregation for a township 9580
or the unincorporated area of a county, which aggregation is 9581
authorized pursuant to division (A) of this section, resolutions 9582
may be proposed by initiative or referendum petitions in 9583
accordance with sections 731.28 to 731.40 of the Revised Code, 9584
except that: 9585

(a) The petitions shall be filed, respectively, with the 9586
township fiscal officer or the board of county commissioners, who 9587
shall perform those duties imposed under those sections upon the 9588
city auditor or village clerk. 9589

(b) The petitions shall contain the signatures of not less 9590
than ten per cent of the total number of electors in the township 9591
or the unincorporated area of the county, respectively, who voted 9592
for the office of governor at the preceding general election for 9593
that office in that area. 9594

(D) A governmental aggregator under division (A) of this 9595
section is not a public utility engaging in the wholesale purchase 9596
and resale of natural gas, and provision of the aggregated service 9597
is not a wholesale utility transaction. A governmental aggregator 9598
shall be subject to supervision and regulation by the public 9599
utilities commission only to the extent of any competitive retail 9600
natural gas service it provides and commission authority under 9601
this chapter. 9602

Sec. 4931.51. (A)(1) For the purpose of paying the costs of 9603
establishing, equipping, and furnishing one or more public safety 9604
answering points as part of a countywide 9-1-1 system effective 9605
under division (B) of section 4931.44 of the Revised Code and 9606
paying the expense of administering and enforcing this section, 9607
the board of county commissioners of a county, in accordance with 9608

this section, may fix and impose, on each lot or parcel of real 9609
property in the county that is owned by a person, municipal 9610
corporation, township, or other political subdivision and is 9611
improved, or is in the process of being improved, reasonable 9612
charges to be paid by each such owner. The charges shall be 9613
sufficient to pay only the estimated allowed costs and shall be 9614
equal in amount for all such lots or parcels. 9615

(2) For the purpose of paying the costs of operating and 9616
maintaining the answering points and paying the expense of 9617
administering and enforcing this section, the board, in accordance 9618
with this section, may fix and impose reasonable charges to be 9619
paid by each owner, as provided in division (A)(1) of this 9620
section, that shall be sufficient to pay only the estimated 9621
allowed costs and shall be equal in amount for all such lots or 9622
parcels. The board may fix and impose charges under this division 9623
pursuant to a resolution adopted for the purposes of both 9624
divisions (A)(1) and (2) of this section or pursuant to a 9625
resolution adopted solely for the purpose of division (A)(2) of 9626
this section, and charges imposed under division (A)(2) of this 9627
section may be separately imposed or combined with charges imposed 9628
under division (A)(1) of this section. 9629

(B) Any board adopting a resolution under this section 9630
pursuant to a final plan initiating the establishment of a 9-1-1 9631
system or pursuant to an amendment to a final plan shall adopt the 9632
resolution within sixty days after the board receives the final 9633
plan for the 9-1-1 system pursuant to division (C) of section 9634
4931.43 of the Revised Code. The board by resolution may change 9635
any charge imposed under this section whenever the board considers 9636
it advisable. Any resolution adopted under this section shall 9637
declare whether securities will be issued under Chapter 133. of 9638
the Revised Code in anticipation of the collection of unpaid 9639
special assessments levied under this section. 9640

(C) The board shall adopt a resolution under this section at 9641
a public meeting held in accordance with section 121.22 of the 9642
Revised Code. Additionally, the board, before adopting any such 9643
resolution, shall hold at least two public hearings on the 9644
proposed charges. Prior to the first hearing, the board shall 9645
publish notice of the hearings once a week for two consecutive 9646
weeks in a newspaper of general circulation in the county or as 9647
provided in section 7.16 of the Revised Code. The notice shall 9648
include a listing of the charges proposed in the resolution and 9649
the date, time, and location of each of the hearings. The board 9650
shall hear any person who wishes to testify on the charges or the 9651
resolution. 9652

(D) No resolution adopted under this section shall be 9653
effective sooner than thirty days following its adoption nor shall 9654
any such resolution be adopted as an emergency measure. The 9655
resolution is subject to a referendum in accordance with sections 9656
305.31 to 305.41 of the Revised Code unless, in the resolution, 9657
the board of county commissioners directs the board of elections 9658
of the county to submit the question of imposing the charges to 9659
the electors of the county at the next primary or general election 9660
in the county occurring not less than seventy-five days after the 9661
resolution is certified to the board. No resolution shall go into 9662
effect unless approved by a majority of those voting upon it in 9663
any election allowed under this division. 9664

(E) To collect charges imposed under division (A) of this 9665
section, the board of county commissioners shall certify them to 9666
the county auditor of the county who then shall place them upon 9667
the real property duplicate against the properties to be assessed, 9668
as provided in division (A) of this section. Each assessment shall 9669
bear interest at the same rate that securities issued in 9670
anticipation of the collection of the assessments bear, is a lien 9671
on the property assessed from the date placed upon the real 9672

property duplicate by the auditor, and shall be collected in the same manner as other taxes.

(F) All money collected by or on behalf of a county under this section shall be paid to the county treasurer of the county and kept in a separate and distinct fund to the credit of the county. The fund shall be used to pay the costs allowed in division (A) of this section and specified in the resolution adopted under that division. In no case shall any surplus so collected be expended for other than the use and benefit of the county.

Sec. 4931.52. (A) This section applies only to a county that meets both of the following conditions:

(1) A final plan for a countywide 9-1-1 system either has not been approved in the county under section 4931.44 of the Revised Code or has been approved but has not been put into operation because of a lack of funding;

(2) The board of county commissioners, at least once, has submitted to the electors of the county the question of raising funds for a 9-1-1 system under section 4931.51, 5705.19, or 5739.026 of the Revised Code, and a majority of the electors has disapproved the question eachtime it was submitted.

(B) A board of county commissioners may adopt a resolution imposing a monthly charge on telephone access lines to pay for the equipment costs of establishing and maintaining no more than three public safety answering points of a countywide 9-1-1 system, which public safety answering points shall be only twenty-four-hour dispatching points already existing in the county. The resolution shall state the amount of the charge, which shall not exceed fifty cents per month, and the month the charge will first be imposed, which shall be no earlier than four months after the special election held pursuant to this section. Each residential and

business telephone company customer within the area served by the 9704
9-1-1 system shall pay the monthly charge for each of its 9705
residential or business customer access lines or their equivalent. 9706

Before adopting a resolution under this division, the board 9707
of county commissioners shall hold at least two public hearings on 9708
the proposed charge. Before the first hearing, the board shall 9709
publish notice of the hearings once a week for two consecutive 9710
weeks in a newspaper of general circulation in the county or as 9711
provided in section 7.16 of the Revised Code. The notice shall 9712
state the amount of the proposed charge, an explanation of the 9713
necessity for the charge, and the date, time, and location of each 9714
of the hearings. 9715

(C) A resolution adopted under division (B) of this section 9716
shall direct the board of elections to submit the question of 9717
imposing the charge to the electors of the county at a special 9718
election on the day of the next primary or general election in the 9719
county. The board of county commissioners shall certify a copy of 9720
the resolution to the board of elections not less than 9721
seventy-five days before the day of the special election. No 9722
resolution adopted under division (B) of this section shall take 9723
effect unless approved by a majority of the electors voting upon 9724
the resolution at an election held pursuant to this section. 9725

In any year, the board of county commissioners may impose a 9726
lesser charge than the amount originally approved by the electors. 9727
The board may change the amount of the charge no more than once a 9728
year. The board may not impose a charge greater than the amount 9729
approved by the electors without first holding an election on the 9730
question of the greater charge. 9731

(D) Money raised from a monthly charge on telephone access 9732
lines under this section shall be deposited into a special fund 9733
created in the county treasury by the board of county 9734
commissioners pursuant to section 5705.12 of the Revised Code, to 9735

be used only for the necessary equipment costs of establishing and 9736
maintaining no more than three public safety answering points of a 9737
countywide 9-1-1 system pursuant to a resolution adopted under 9738
division (B) of this section. In complying with this division, any 9739
county may seek the assistance of the public utilities commission 9740
with regard to operating and maintaining a 9-1-1 system. 9741

(E) Pursuant to the voter approval required by division (C) 9742
of this section, the final plan for a countywide 9-1-1 system that 9743
will be funded through a monthly charge imposed in accordance with 9744
this section shall be amended by the existing 9-1-1 planning 9745
committee, and the amendment of such a final plan is not an 9746
amendment of a final plan for the purpose of division (A) of 9747
section 4931.45 of the Revised Code. 9748

Sec. 4931.53. (A) This section applies only to a county that 9749
has a final plan for a countywide 9-1-1 system that either has not 9750
been approved in the county under section 4931.44 of the Revised 9751
Code or has been approved but has not been put into operation 9752
because of a lack of funding. 9753

(B) A board of county commissioners may adopt a resolution 9754
imposing a monthly charge on telephone access lines to pay for the 9755
operating and equipment costs of establishing and maintaining no 9756
more than one public safety answering point of a countywide 9-1-1 9757
system. The resolution shall state the amount of the charge, which 9758
shall not exceed fifty cents per month, and the month the charge 9759
will first be imposed, which shall be no earlier than four months 9760
after the special election held pursuant to this section. Each 9761
residential and business telephone company customer within the 9762
area of the county served by the 9-1-1 system shall pay the 9763
monthly charge for each of its residential or business customer 9764
access lines or their equivalent. 9765

Before adopting a resolution under this division, the board 9766

of county commissioners shall hold at least two public hearings on 9767
the proposed charge. Before the first hearing, the board shall 9768
publish notice of the hearings once a week for two consecutive 9769
weeks in a newspaper of general circulation in the county or as 9770
provided in section 7.16 of the Revised Code. The notice shall 9771
state the amount of the proposed charge, an explanation of the 9772
necessity for the charge, and the date, time, and location of each 9773
of the hearings. 9774

(C) A resolution adopted under division (B) of this section 9775
shall direct the board of elections to submit the question of 9776
imposing the charge to the electors of the county at a special 9777
election on the day of the next primary or general election in the 9778
county. The board of county commissioners shall certify a copy of 9779
the resolution to the board of elections not less than 9780
seventy-five days before the day of the special election. No 9781
resolution adopted under division (B) of this section shall take 9782
effect unless approved by a majority of the electors voting upon 9783
the resolution at an election held pursuant to this section. 9784

In any year, the board of county commissioners may impose a 9785
lesser charge than the amount originally approved by the electors. 9786
The board may change the amount of the charge no more than once a 9787
year. The board shall not impose a charge greater than the amount 9788
approved by the electors without first holding an election on the 9789
question of the greater charge. 9790

(D) Money raised from a monthly charge on telephone access 9791
lines under this section shall be deposited into a special fund 9792
created in the county treasury by the board of county 9793
commissioners pursuant to section 5705.12 of the Revised Code, to 9794
be used only for the necessary operating and equipment costs of 9795
establishing and maintaining no more than one public safety 9796
answering point of a countywide 9-1-1 system pursuant to a 9797
resolution adopted under division (B) of this section. In 9798

complying with this division, any county may seek the assistance 9799
of the public utilities commission with regard to operating and 9800
maintaining a 9-1-1 system. 9801

(E) Nothing in sections 4931.40 to 4931.53 of the Revised 9802
Code precludes a final plan adopted in accordance with those 9803
sections from being amended to provide that, by agreement included 9804
in the plan, a public safety answering point of another countywide 9805
9-1-1 system is the public safety answering point of a countywide 9806
9-1-1 system funded through a monthly charge imposed in accordance 9807
with this section. In that event, the county for which the public 9808
safety answering point is provided shall be deemed the subdivision 9809
operating the public safety answering point for purposes of 9810
sections 4931.40 to 4931.53 of the Revised Code, except that, for 9811
the purpose of division (D) of section 4931.41 of the Revised 9812
Code, the county shall pay only so much of the costs associated 9813
with establishing, equipping, furnishing, operating, or 9814
maintaining the public safety answering point specified in the 9815
agreement included in the final plan. 9816

(F) Pursuant to the voter approval required by division (C) 9817
of this section, the final plan for a countywide 9-1-1 system that 9818
will be funded through a monthly charge imposed in accordance with 9819
this section, or that will be amended to include an agreement 9820
described in division (E) of this section, shall be amended by the 9821
existing 9-1-1 planning committee, and the amendment of such a 9822
final plan is not an amendment of a final plan for the purpose of 9823
division (A) of section 4931.45 of the Revised Code. 9824

Sec. 5126.42. (A) A county board of developmental 9825
disabilities shall establish an advisory council composed of board 9826
members or employees of the board, providers, individuals 9827
receiving supported living, and advocates for individuals 9828
receiving supported living to provide on-going communication among 9829

all persons concerned with supported living. 9830

(B) The board shall develop procedures for the resolution of 9831
grievances between the board and providers or between the board 9832
and an entity with which it has a shared funding agreement. 9833

(C) The board shall develop and implement a provider 9834
selection system. Each system shall enable an individual to choose 9835
to continue receiving supported living from the same providers, to 9836
select additional providers, or to choose alternative providers. 9837
Annually, the board shall review its provider selection system to 9838
determine whether it has been implemented in a manner that allows 9839
individuals fair and equitable access to providers. 9840

In developing a provider selection system, the county board 9841
shall create a pool of providers for individuals to use in 9842
choosing their providers of supported living. The pool shall be 9843
created by placing in the pool all providers on record with the 9844
board or by placing in the pool all providers approved by the 9845
board through soliciting requests for proposals for supported 9846
living contracts. In either case, only providers that are 9847
certified by the director of developmental disabilities may be 9848
placed in the pool. 9849

If the board places all providers on record in the pool, the 9850
board shall review the pool at least annually to determine whether 9851
each provider has continued interest in being a provider and has 9852
maintained its certification by the department. At any time, an 9853
interested and certified provider may make a request to the board 9854
that it be added to the pool, and the board shall add the provider 9855
to the pool not later than seven days after receiving the request. 9856

If the board solicits requests for proposals for inclusion of 9857
providers in the pool, the board shall develop standards for 9858
selecting the providers to be included. Requests for proposals 9859
shall be solicited at least annually. When requests are solicited, 9860

the board shall cause legal notices to be published ~~at least~~ once 9861
each week for two consecutive weeks in a newspaper ~~with~~ of general 9862
circulation within the county or as provided in section 7.16 of 9863
the Revised Code. The board's formal request for proposals shall 9864
include a description of any applicable contract terms, the 9865
standards that are used to select providers for inclusion in the 9866
pool, and the process the board uses to resolve disputes arising 9867
from the selection process. The board shall accept requests from 9868
any entity interested in being a provider of supported living for 9869
individuals served by the board. Requests shall be approved or 9870
denied according to the standards developed by the board. 9871
Providers that previously have been placed in the pool are not 9872
required to resubmit a request for proposal to be included in the 9873
pool, unless the board's standards have been changed. 9874

In assisting an individual in choosing a provider, the county 9875
board shall provide the individual with uniform and consistent 9876
information pertaining to each provider in the pool. An individual 9877
may choose to receive supported living from a provider that is not 9878
included in the pool, if the provider is certified by the director 9879
of developmental disabilities. 9880

Sec. 5310.35. The board of county commissioners shall conduct 9881
the public hearing required by section 5310.33 of the Revised Code 9882
in accordance with this section. 9883

(A)(1) The board shall prepare a notice of the hearing that 9884
includes each of the following: 9885

(a) A statement that the board is considering abolishing land 9886
registration in the county, that abolition would require the 9887
deregistration of all registered land in the county, and that 9888
after abolition all land in the county would have to be dealt with 9889
as nonregistered land; 9890

(b) A statement that the board seeks evidence with regard to 9891

the matters listed in section 5310.34 of the Revised Code; 9892

(c) The date, time, and place of the hearing, which shall be 9893
not earlier than two nor later than three months after the 9894
resolution to consider the merits of abolishing land registration 9895
was adopted by the board; 9896

(d) A statement that any person affected by the proposed 9897
abolition of land registration may appear at the hearing and 9898
present evidence as provided in division (B) of this section. 9899

(2) The board shall serve the notice by both of the following 9900
means: 9901

(a) Ordinary mail, evidenced by a certificate of mailing, 9902
addressed to each person from whom a receipt or signature card, 9903
giving residence and post-office address, has been taken by the 9904
county recorder under section 5309.30 or 5309.50 of the Revised 9905
Code, and to each person who has filed an affidavit with the 9906
county recorder under section 5309.72 of the Revised Code. The 9907
county recorder, within one month after the adoption of a 9908
resolution to consider the merits of abolishing land registration 9909
in the county, shall provide the board with the names and 9910
respective addresses of the persons who are entitled to notice 9911
under this division. 9912

If a notice is returned with an endorsement showing failure 9913
of delivery, the board is under no further obligation to directly 9914
serve the notice upon the addressee. The board shall preserve the 9915
returned notice in the records pertaining to its consideration of 9916
the merits of abolishing land registration in the county. 9917

(b) Publication twice a week for two consecutive weeks in a 9918
newspaper of general circulation in the county or as provided in 9919
section 7.16 of the Revised Code. Publication of the notice shall 9920
be completed at least one month prior to the date set for the 9921
hearing. 9922

(B) At the date, time, and place specified in the notice, the board shall conduct a hearing, which may be adjourned from day to day until complete, at which any person affected by the proposed abolition of land registration may appear in person, by ~~his~~ attorney, or both, and present evidence, orally or in writing, with regard to the costs and benefits of maintaining land registration in the county. Any person who presents evidence may also present evidence refuting any evidence offered in opposition to ~~his~~ the person's evidence.

The board shall cause a stenographic record to be made of the hearing. The president of the board, or a member ~~he~~ the president designates, shall preside at the hearing.

Sec. 5540.031. (A) The board of trustees of a transportation improvement district may provide for the construction, reconstruction, improvement, alteration, or repair of any road, highway, public place, building, or other infrastructure and levy special assessments, if the board determines that the public improvement will benefit the area where it will be constructed, reconstructed, improved, altered, or repaired. However, if the improvement is proposed for territory in a political subdivision located outside the district's territory, the legislative authority of that political subdivision shall approve the undertaking of the improvement within the political subdivision.

(B) If any improvements are made under this section, contracts for the improvement may provide that the improvement may be owned by the district or by the person or corporation supplying it to the district under a lease.

(C) If the board of trustees of a district proposes an improvement described in division (A) of this section, the board shall conduct a hearing on the proposed improvement. The board shall indicate by metes and bounds the area in which the public

improvement will be made and the area that will benefit from the 9954
improvement. 9955

(D) The board of trustees shall fix a day for a hearing on 9956
the proposed improvement. The secretary-treasurer of the board 9957
shall deliver, to each owner of a parcel of land or a lot that the 9958
board identifies as benefiting from the proposed improvement, a 9959
notice that sets forth the substance of the proposed improvement 9960
and the time and place of the hearing on it. At least fifteen days 9961
before the date set for the hearing, a copy of the notice shall be 9962
served upon the owner or left at ~~his~~ the owner's usual place of 9963
residence, or, if the owner is a corporation, upon an officer or 9964
agent of the corporation. On or before the day of the hearing, the 9965
person serving notice of the hearing shall make return thereon, 9966
under oath, of the time and manner of service, and shall file the 9967
notice with the secretary-treasurer of the board. 9968

At least fifteen days before the day set for the hearing on 9969
the proposed improvement, the secretary-treasurer shall give 9970
notice to each nonresident owner of a lot or parcel of land in the 9971
area to be benefited by the improvement, by publication once in a 9972
newspaper ~~published and~~ of general circulation in the one or more 9973
counties in which this area is located. The publication of the 9974
notice shall be verified by affidavit of the printer or other 9975
person having knowledge of the publication and shall be filed with 9976
the secretary-treasurer of the district on or before the date of 9977
the hearing. 9978

(E) At the time and place specified in the notice for a 9979
hearing on the proposed improvement, the board of trustees of the 9980
district shall meet and hear any and all testimony provided by any 9981
of the parties affected by the proposed improvement and by any 9982
other persons competent to testify. The board or its 9983
representatives shall inspect, by an actual viewing, the area to 9984
be benefited by the proposed improvement. The board shall 9985

determine the necessity of the proposed improvement and may find 9986
that the proposed improvement will result in general as well as 9987
special benefits. The board may adjourn from time to time and to 9988
such places as it considers necessary. 9989

(F)(1) The board may award contracts or enter into a lease 9990
agreement for the construction, reconstruction, improvement, 9991
alteration, or repair of any improvement described in division (A) 9992
of this section and may issue notes, bonds, revenue anticipatory 9993
instruments, or other obligations, as authorized by this chapter, 9994
to finance the improvements. 9995

(2) All or a part of the costs and expenses of providing for 9996
the construction, reconstruction, improvement, alteration, or 9997
repair of any improvement described in division (F)(1) of this 9998
section may be paid from a fund into which may be paid special 9999
assessments levied under this section against the lots and parcels 10000
of land in the area to be benefited by the improvement, if the 10001
board finds that the improvement will result in general or special 10002
benefits to the benefited area. These special assessments shall be 10003
levied not more than one time on the same lot or parcel of land. 10004
Such costs and expenses may also be paid from the treasury of the 10005
district or from other available sources in amounts the board 10006
finds appropriate. 10007

(3) The board shall levy special assessments at an amount not 10008
to exceed ten per cent of the assessable value of the lot or 10009
parcel of land being assessed. The board shall determine the 10010
assessable value of a lot or parcel of land in the following 10011
manner: the board shall first determine the fair market value of 10012
the lot or parcel being assessed in the calendar year in which the 10013
area to be benefited by the public improvement is first designated 10014
and then multiply this amount by the average rate of appreciation 10015
in value of the lot or parcel since that calendar year. The 10016
assessable value of the lot or parcel is the current fair market 10017

value of the lot or parcel minus the amount calculated in the 10018
manner described in the immediately preceding sentence. The board 10019
may adjust the assessable value of a lot or parcel of land to 10020
reflect a sale of the lot or parcel that indicates an appreciation 10021
in its value that exceeds its average rate of appreciation in 10022
value. 10023

(4) Special assessments levied by the board may be paid in 10024
full in a lump sum or may be paid and collected in equal 10025
semiannual installments, equal in number to twice the number of 10026
years for which the lease of the improvement is made or twice the 10027
number of years that the note, bond, instrument, or obligation 10028
that the assessments are pledged to pay requires. The assessments 10029
shall be paid and collected in the same manner and at the same 10030
time as real property taxes are paid and collected, and 10031
assessments in the amount of fifty dollars or less shall be paid 10032
in full, and not in installments, at the time the first or next 10033
installment would otherwise become due and payable. Complaints 10034
regarding assessments may be made to the county board of revision 10035
in the same manner as complaints relating to the valuation and 10036
assessment of real property. 10037

Credits against assessments shall be granted equal to the 10038
value of any construction, reconstruction, improvement, 10039
alteration, or repair that an owner of a parcel of land or lot 10040
makes to an improvement pursuant to an agreement between the owner 10041
and the district. 10042

(5) After the levy of a special assessment, the board, at any 10043
time during any year in which an installment of the assessment 10044
becomes due, may pay out of other available funds of the district, 10045
including any state or federal funds available to the district, 10046
the full amount of the price of the contract that the special 10047
assessments are pledged to pay for that year or any other portion 10048
of the remaining obligation. The board shall be the sole 10049

determiner of the definition, extent, and allocation of the 10050
benefit resulting from an improvement that the board authorizes 10051
under this section. 10052

(G)(1) The board shall certify to the appropriate county 10053
auditor the boundaries of the area that is benefited by any public 10054
improvement the board authorizes under this section and, when the 10055
board so requests, the auditor shall apportion the valuation of 10056
any lot or parcel of land lying partly within and partly outside 10057
the area so benefited. 10058

(2) The board by resolution shall assess against the lots and 10059
parcels of land located in the area that is benefited by a public 10060
improvement such portion of the costs of completing the public 10061
improvement as the board determines, for the period that may be 10062
necessary to pay the note, bond, instrument, or obligation issued 10063
to pay for the improvement and the proceedings in relation to it, 10064
and shall certify these costs to the appropriate county auditor. 10065

(3) Except for assessments that have been paid in full in a 10066
lump sum, the county auditor shall annually place upon the tax 10067
duplicate, for collection in semiannual installments, the two 10068
installments of the assessment for that year, which shall be paid 10069
and collected at the same time and in the same manner as real 10070
property taxes. The collected assessments shall be paid to the 10071
treasury of the district and the board of the district shall use 10072
the assessments for any purpose authorized by this chapter. 10073

Sec. 5540.05. The board of trustees of a district may acquire 10074
real property in fee simple in the name of the district in 10075
connection with, but in excess of that needed for, a project by 10076
any method other than appropriation and hold the property for such 10077
period of time as the board determines. All right, title, and 10078
interest of the district in the property may be sold at public 10079
auction or otherwise, as the board considers in the best interests 10080

of the district; but in no event shall the property be sold for 10081
less than two-thirds of its appraised value. Sale at public 10082
auction shall be undertaken only after the board advertises the 10083
sale in a newspaper of general circulation in the district for ~~at~~ 10084
~~least~~ two weeks or as provided in section 7.16 of the Revised 10085
Code, prior to the date set for the sale. 10086

Sec. 5543.10. (A) The county engineer, upon the order of the 10087
board of county commissioners or board of township trustees, shall 10088
construct sidewalks, curbs, or gutters of suitable materials, 10089
along or connecting the public highways, outside any municipal 10090
corporation, upon the petition of a majority of the abutting 10091
property owners. The expense of the construction of these 10092
improvements may be paid by the county or township, or by the 10093
county or township and abutting property owners in such proportion 10094
as determined by the board of county commissioners or board of 10095
township trustees. The board of county commissioners or board of 10096
township trustees may assess part or all of the cost of these 10097
improvements against the abutting property owners, in proportion 10098
to benefits accruing to their property. 10099

The board of county commissioners or board of township 10100
trustees, by unanimous vote, may order the construction, repair, 10101
or maintenance of sidewalks, curbs, and gutters along or 10102
connecting the public highways, outside a municipal corporation, 10103
without a petition for that construction, repair, or maintenance, 10104
and may assess none, all, or any part of the cost against abutting 10105
property owners, provided that notice is given by publication for 10106
three successive weeks in a newspaper of general circulation 10107
within the county or as provided in section 7.16 of the Revised 10108
Code, stating the intention of the board of county commissioners 10109
or board of township trustees to construct, repair, or maintain 10110
the specified improvements and fixing a date for a hearing on 10111
them. As part of a sidewalk improvement, the board may include the 10112

repair or reconstruction of a driveway within the sidewalk 10113
easement. As part of a curb improvement, the board may include 10114
construction or repair of a driveway apron. 10115

Notice to all abutting property owners shall be given by two 10116
publications in a newspaper of general circulation in the county 10117
or as provided in section 7.16 of the Revised Code, at least ten 10118
days prior to the date fixed in the notice for the making of 10119
assessments. The notice shall state the time and place when 10120
abutting property owners will be given an opportunity to be heard 10121
with reference to assessments. The board of county commissioners 10122
or board of township trustees shall determine whether assessments 10123
shall be paid in one or more installments. 10124

(B) The county engineer may trim or remove any and all trees, 10125
shrubs, and other vegetation growing in or encroaching onto the 10126
right-of-way of the easement of a public sidewalk along or 10127
connecting the public highways and maintained by the county, and 10128
the board of township trustees may trim or remove any and all 10129
trees, shrubs, and other vegetation growing in or encroaching onto 10130
the right-of-way of the easement of a public sidewalk along or 10131
connecting the public highways and maintained by the township, as 10132
is necessary in the engineer's or board's judgment to facilitate 10133
the right of the public to improvement and maintenance of, and 10134
uninterrupted travel on, public sidewalks in the county or 10135
township. 10136

Sec. 5552.06. (A) A board of county commissioners or a board 10137
of township trustees may adopt access management regulations or 10138
any amendments to those regulations after holding at least two 10139
public hearings at regular or special sessions of the board. The 10140
board shall consider the county engineer's proposed regulations 10141
prepared under division (B) of section 5552.04 or 5552.05 of the 10142
Revised Code and all comments on those regulations. The board, in 10143

its discretion, may, but need not, adopt any or all of those 10144
proposed regulations. After the public hearings, the board may 10145
decide not to adopt any access management regulations. 10146

The board shall publish notice of the public hearings in a 10147
newspaper of general circulation in the county or township, as 10148
applicable, once a week for ~~at least~~ two weeks or as provided in 10149
section 7.16 of the Revised Code, immediately preceding the 10150
hearings. The notice shall include the time, date, and place of 10151
each hearing. Copies of any proposed regulations or amendments 10152
shall be made available to the public at the board's office and, 10153
if the county engineer administers or is proposed to administer a 10154
point of access permit, in the engineer's office. 10155

(B) In addition to the notice required by division (A) of 10156
this section, not less than thirty days before holding a public 10157
hearing, a board of county commissioners shall send a copy of the 10158
county engineer's proposed regulations, a copy of the advisory 10159
committee's recommendations, and a request for written comments to 10160
the board of township trustees of each township in the county, the 10161
department of transportation district deputy director for the 10162
district in which the county is located, a representative of the 10163
metropolitan planning organization, where applicable, and at least 10164
the local professional associations representing the following 10165
professions: 10166

- (1) Homebuilders; 10167
- (2) Realtors; 10168
- (3) Professional surveyors; 10169
- (4) Attorneys; 10170
- (5) Professional engineers. 10171

(C) In addition to the notice required by division (A) of 10172
this section, a board of township trustees shall send a copy of 10173

the county engineer's proposed regulations, a copy of the advisory committee's recommendations, and a request for written comments, not less than thirty days before holding a public hearing, to the department of transportation district deputy director for the district in which the township is located, a representative of the metropolitan planning organization, where applicable, and at least the local professional associations representing the professions listed in division (B) of this section.

Sec. 5553.05. (A) In the resolution required by section 5553.04 of the Revised Code, the board of county commissioners shall fix a date when it will view the proposed improvement, and also a date for a final hearing thereon.

The board shall give notice of the time and place for both such view and hearing by publication once a week for two consecutive weeks in a newspaper ~~published and having~~ of general circulation in the county where such improvement is located, ~~but if there is no such newspaper published in said county, then in a newspaper having general circulation in said county or as provided in section 7.16 of the Revised Code.~~ Such notice, in addition to the date and place of such view and place and time of the final hearing, shall state briefly the character of such improvement.

(B) If the board adopts a resolution to vacate a public road as provided in section 5553.04 of the Revised Code, or if a petition to vacate a public road is filed, the board shall, in addition to the notice of the time and place for hearing prescribed in division (A) of this section, send written notice of the hearing by first class mail at least twenty days before the date of the public hearing to owners of property abutting upon that portion of the road to be vacated, and to the director of natural resources. Such notice shall be mailed to the addresses of such owners appearing on the county auditor's current tax list or

the treasurer's mailing list, and such other list or lists that 10205
may be specified by the board. The failure of the delivery of such 10206
notice does not invalidate any such vacating of the road 10207
authorized in the resolution. 10208

Sec. 5553.19. The county engineer shall view and survey the 10209
road as provided in section 5553.18 of the Revised Code, and shall 10210
make a return of the survey and plat of the road to the board of 10211
county commissioners. Upon the filing of the report of the 10212
engineer, the board shall give notice of the filing of such report 10213
by publication as provided in section 7.16 of the Revised Code or 10214
once each week for three consecutive weeks in a newspaper 10215
~~published and having~~ of general circulation in the county in which 10216
such road is situated, ~~but if there is no such newspaper published~~
~~in said county, then in a newspaper having general circulation in~~ 10217
~~said county.~~ Such notice shall state the date and time of the 10218
hearing upon the report of the engineer. If exceptions or 10219
objections are made, the board shall hear them, and it may approve 10220
or reject said report. If the report of the engineer is approved, 10221
the board shall cause such report to be recorded together with the 10222
survey and plat of such road. 10223
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Sec. 5553.23. If a person through whose land a public road 10225
has been established, which is under the jurisdiction of the board 10226
of county commissioners, desires to turn or change or relocate 10227
such road or any part thereof through any part of ~~his~~ the person's 10228
land, ~~he~~ the person may file a petition with the board of county 10229
commissioners setting forth briefly the particular change ~~he~~ 10230
~~desires~~ desired. Upon the receipt of such petition, the board 10231
shall give notice by publication once not later than two weeks 10232
prior to the date for the hearing on such petition in ~~some a~~ 10233
newspaper ~~published and~~ of general circulation in said county, ~~but~~ 10234
~~if there is no such newspaper published in said county, then in a~~ 10235

~~newspaper having general circulation in said county,~~ stating that 10236
such petition has been filed and setting forth the change desired 10237
in such road and the date and place for the hearing on said 10238
petition. If a public road was once established for public 10239
convenience through private lands, but has not been improved by 10240
public funds and for more than twenty-one years has not been used, 10241
the owner of such land may petition the board to vacate the road 10242
in accordance with proceedings under sections 5553.04 to 5553.11 10243
of the Revised Code. 10244

A person through whose land a trail right of way has been 10245
preserved under section 5553.044 of the Revised Code may file a 10246
petition to turn or change the route of the trail right of way in 10247
the manner provided in this section, and such petition shall be 10248
acted upon in the manner set forth in sections 5553.23 to 5553.31 10249
of the Revised Code. Notice of the hearing in such case shall also 10250
be made by first class mail to the director of natural resources. 10251
If the board turns or changes the route of the trail right of way, 10252
it shall furnish the director with a full and accurate description 10253
or map of the change. 10254

Sec. 5553.42. The board of county commissioners shall give 10255
notice to the owners of lands through which the proposed road will 10256
pass of the filing of the petition provided for in section 5553.41 10257
of the Revised Code and the date and place of the hearing thereon. 10258
Such notice shall be served on such owners personally, or by 10259
leaving a copy of such notice at the usual place of residence of 10260
such owners at least five days before the date of the hearing on 10261
said petition. Proof of service of such notice shall be made by 10262
affidavit of the person serving such notice. If any of such owners 10263
are nonresidents of the county, the board shall give notice to 10264
such nonresidents by publication once each week for two 10265
consecutive weeks in a newspaper ~~published and having~~ of general 10266
circulation ~~within in~~ in the county, ~~but if there is no such~~ 10267

~~newspaper published in said county, then in a newspaper having~~ 10268
~~general circulation in said county or as provided in section 7.16~~ 10269
~~of the Revised Code.~~ A copy of the newspaper containing such 10270
notice shall be mailed by the county auditor to each nonresident 10271
whose post-office address is known to such auditor. Such notice 10272
shall state the time and place of the hearing on claims for 10273
compensation and damages. 10274

Sec. 5555.07. The county engineer shall prepare and file with 10275
the board of county commissioners, by the time fixed therefor by 10276
the board, copies of the surveys, plans, profiles, cross sections, 10277
estimates of costs, and specifications for the improvement and 10278
estimated assessments upon lands benefited thereby. Thereupon such 10279
board shall file such copies in its office for the inspection and 10280
examination of all persons interested. Except in a case involving 10281
the improvement of a public road in which no land or property is 10282
taken or assessed, the board shall publish in a newspaper 10283
~~published and~~ of general circulation in the county, ~~or if no~~ 10284
~~newspaper is published in the county then in a newspaper having~~ 10285
~~general circulation in the county,~~ for the period of two weeks or 10286
as provided in section 7.16 of the Revised Code, notice that a 10287
resolution has been adopted providing for said improvement, and 10288
that copies of the surveys, plans, profiles, cross sections, 10289
estimates, and specifications, together with estimated assessments 10290
upon the lands benefited by such improvement for the proportion of 10291
the cost thereof to be assessed therefor, are on file in the 10292
office of the board for the inspection of persons interested 10293
therein. Such notice shall state the time and place for hearing 10294
objections to said improvement and to such estimated assessments. 10295
In a case involving the improvement of a public road in which no 10296
land or property is taken or assessed, the board shall publish the 10297
notice required by this section once a week for two consecutive 10298
weeks or as provided in section 7.16 of the Revised Code. 10299

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At such hearing the board may order said surveys, plans, profiles, cross sections, estimates, and specifications to be changed or modified and shall make such adjustments of the estimated assessments as seem just to it. Thereupon the board may approve such surveys, plans, profiles, cross sections, specifications, and estimates and approve and confirm estimated assessments as made by the engineer or as modified and changed by the board. Such assessments when so approved and confirmed shall be certified to the county auditor of the county and shall thereupon become a lien upon the land charged therewith. The board may declare against said improvement.

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Sec. 5555.27. As soon as the county engineer has transmitted to the several boards of county commissioners copies of ~~his~~ the engineer's surveys, plans, profiles, cross sections, estimates, and specifications for the improvement, the joint board of county commissioners shall, except in cases of reconstruction or repair of roads where no lands or property are taken, fix a time and place for hearing objections to said improvement. The joint board shall thereupon, except in cases of reconstruction or repair of roads where no lands or property are taken, publish in a newspaper ~~published and~~ of general circulation within each interested county, ~~or if there is no such newspaper published in such county then in a newspaper having general circulation in such county,~~ 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 therefor are on file in the office of the board of each interested county for the inspection and examination of all persons interested therein. Such notice shall also state the time and place for hearing objections to said improvement. Proceedings for the appropriation of land

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needed for such improvement shall be maintained in accordance with 10332
sections 163.01 to 163.22, ~~inclusive~~, of the Revised Code. 10333

Sec. 5555.42. A board of county commissioners desiring to 10334
construct a county road improvement, and finding that no equitable 10335
method of apportioning the compensation, damages, and expenses 10336
thereof is provided by section 5555.41 of the Revised Code, or 10337
finding that an equitable assessment cannot be made by the use of 10338
any of the several assessment areas authorized by said section, 10339
may order the county engineer to make a tentative plan for such 10340
improvement and an approximate estimate of the cost. Such board 10341
may thereupon file an application in the court of common pleas 10342
describing the improvement in question, and a copy of the 10343
tentative plan and approximate estimate of cost shall be attached 10344
to such application. The board shall set forth in such application 10345
that the compensation, damages, and expenses of the improvement 10346
cannot be equitably apportioned under any of the several plans 10347
provided by said section or that such compensation, damages, and 10348
expenses cannot be equitably assessed by the use of any one of the 10349
several assessment areas authorized by said section, or that both 10350
such conditions exist, and it shall set forth a method of 10351
apportioning the compensation, damages, and expenses and a 10352
definite description of the area against which it desires to 10353
assess any part of such compensation, damages, and expenses. The 10354
application shall contain a prayer requesting authority from such 10355
court to construct the improvement and apportion the compensation, 10356
damages, and expenses according to the plan suggested by such 10357
board and to assess the designated portion of the cost against the 10358
real estate within the area described in the petition. 10359

Notice of the filing and pendency of such application shall 10360
be given once a week for four consecutive weeks by publication in 10361
~~two newspapers published and of general circulation in the county,~~ 10362
~~or if there are no such newspapers then in two newspapers a~~ 10363

newspaper of general circulation in such county or as provided in 10364
section 7.16 of the Revised Code. Such notice shall describe the 10365
route and termini of the improvement and set forth the estimated 10366
cost and the proposed method of apportionment and assessment area. 10367
After such notice has been given, the court or a judge thereof 10368
shall fix a time for a hearing on such application, and, at the 10369
time fixed, the court or a judge thereof shall hear such 10370
application and all evidence offered by the board or any taxpayer 10371
of the county for or against the proposed plan of apportionment 10372
and for or against the use of the suggested assessment area. If 10373
the court finds that the suggested plan of apportionment and the 10374
area against which special assessments are to be made are fair and 10375
just, that the cost of the improvement will not be excessive in 10376
view of the benefits conferred, and that all the real estate 10377
within the suggested assessment area will be benefited by the 10378
construction of the improvement upon the plan suggested and by the 10379
use of the method of apportionment set forth in said application, 10380
such court may authorize the board to proceed upon the suggested 10381
plan and to apportion the compensation, damages, and expenses in 10382
the manner set forth in the application and to assess against the 10383
real estate within the assessment area designated in the 10384
application, according to the benefits, that portion of the cost 10385
to be specially assessed; otherwise the court shall dismiss the 10386
application and the board may not proceed with the improvement. 10387
The court may modify the suggested plan of apportionment or the 10388
suggested assessment area and grant the prayer of the application 10389
subject to such modifications as it determines are just and 10390
proper. The board in its application may set up any division of 10391
cost which it thinks proper among the county, the owners of lands 10392
to be specially assessed, and any municipal corporation within 10393
which such projected improvement is situated in whole or in part, 10394
but no portion of the cost may be apportioned to a municipal 10395
corporation without the consent of such municipal corporation 10396

evidenced by an ordinance or resolution of its legislative authority. 10397
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When the prayer of any such application is granted by the court or a judge thereof and the plan of apportionment and area of assessment is approved by such court, either as set forth in the application or as modified by the court, the board may proceed with the construction of the improvement and use the method of apportionment and the assessment area authorized by the court. In such event, the board may levy taxes and issue bonds in the manner provided by law with respect to improvements, the compensation, damages, and expenses of which are apportioned and paid as provided in section 5555.41 of the Revised Code, and all proceedings in connection with such improvement shall be conducted in accordance with sections 5555.01 to 5555.83 of the Revised Code, except as provided in this section. The special assessments shall be made by the board against the real estate within the assessment area authorized by the court, but no assessment against any lot or parcel of real estate shall exceed the actual benefits conferred thereon by the construction of the improvement. This section also applies to improvements of sections of a state highway within counties having a tax duplicate of real and personal property in excess of three hundred million dollars, and with respect to which the board desires to co-operate with the department of transportation. 10399
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Sec. 5559.06. Upon the completion of the surveys, plans, profiles, cross sections, estimates, and specifications for an improvement under section 5559.02 of the Revised Code by the county engineer, ~~he~~ the engineer shall transmit to the board of county commissioners copies of such surveys, plans, profiles, cross sections, estimates, and specifications. The board shall then publish, in a newspaper ~~published and~~ of general circulation within the county, ~~and if there is no such newspaper published in~~ 10421
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~~the county then in one having general circulation in such county,~~ 10429
once a week for two consecutive weeks or as provided in section 10430
7.16 of the Revised Code, a notice that such improvement is to be 10431
made and that copies of the surveys, plans, profiles, cross 10432
sections, estimates, and specifications for it are on file in the 10433
office of the board for the inspection and examination of all 10434
persons interested. Such notice shall also state the time and 10435
place for hearing objections to the improvement. 10436

In the event that land or property is to be taken for such 10437
improvement, such taking shall be in accordance with sections 10438
163.01 to 163.22, ~~inclusive~~, of the Revised Code. 10439

Sec. 5559.10. As soon as all questions of compensation and 10440
damages have been determined in a road improvement case, the 10441
county engineer shall make, upon actual view, an estimated 10442
assessment upon the real estate to be charged therewith, of the 10443
compensation, damages, and costs of an improvement as provided by 10444
section 5559.02 of the Revised Code. Such estimated assessment 10445
shall be according to the benefit which will result to the real 10446
estate. In making such assessment the engineer may take into 10447
consideration any previous special assessments made upon the real 10448
estate for road improvements. The schedule of such assessments 10449
shall be filed in the office of the board of county commissioners 10450
for the inspection of the persons interested. Before adopting the 10451
assessment, the board shall publish, once each week for two 10452
consecutive weeks, in ~~some a newspaper published and~~ of general 10453
circulation in the county or as provided in section 7.16 of the 10454
Revised Code, ~~but if there is no such newspaper then in one having~~ 10455
~~general circulation in the county~~, notice that such assessment has 10456
been made, is on file in the office of the board, and the date 10457
when objections will be heard to such assessment. If any owner of 10458
property affected thereby desires, ~~he~~ the owner may file ~~his~~ 10459
objections to said assessments, in writing, with the board before 10460

the time for hearing. If any objections are filed the board shall 10461
hear them and act as an equalizing board. It may change such 10462
assessments if, in its opinion, any change is necessary to make 10463
them just and equitable, and the board shall approve and confirm 10464
such assessments as reported by the engineer or modified by it. 10465
Such assessments, when so approved and confirmed, shall be a lien 10466
on the land chargeable therewith. 10467

Sec. 5559.12. After the board of county commissioners has 10468
decided to proceed with an improvement as provided by section 10469
5559.02 of the Revised Code, it shall advertise for bids once, not 10470
later than two weeks prior to the date fixed for the letting of 10471
the contract, in a newspaper ~~published and~~ of general circulation 10472
in the county, ~~but if there is no such newspaper then in one~~ 10473
~~having general circulation in such county.~~ Such notice shall state 10474
that copies of the surveys, plans, profiles, cross sections, 10475
estimates, and specifications for such improvement are on file in 10476
the office of the board, and the time within which bids will be 10477
received. The board shall award the contract to the lowest 10478
responsible bidder. 10479

The contract shall be let upon the basis of lump sum bids, 10480
unless the board orders that it be let upon the basis of unit 10481
price bids, in which event it shall be let upon such basis. The 10482
bids received shall be opened at the time stated in the notice. 10483
The board may reject all bids. 10484

Sec. 5561.04. The board of county commissioners, desiring to 10485
proceed under sections 4957.06 and 5561.01 to 5561.15 of the 10486
Revised Code, shall, after receipt of the certificate of necessity 10487
and expediency from the director of transportation, as provided in 10488
section 5561.03 of the Revised Code, hold a public hearing as to 10489
the expediency of constructing such improvement, notice of which 10490
shall be given by publication in ~~two newspapers published and a~~ 10491

~~newspaper~~ of general circulation in the county, ~~if such there be,~~ 10492
~~otherwise in two newspapers of general circulation in such county,~~ 10493
for two weeks prior to the date set for such hearing or as 10494
provided in section 7.16 of the Revised Code, and shall be served 10495
upon the railroad or interurban railway companies in the manner 10496
for the service of summons in civil actions, not less than twenty 10497
days prior to the date of such hearing. 10498

The board, after such hearing and for the purpose of making 10499
or causing such an improvement to be made, may, by resolution 10500
adopted by unanimous vote, require the railroad company, in 10501
co-operation with the county engineer or any engineer designated 10502
by the board, to prepare and submit to the board within six 10503
months, unless longer time is mutually agreed upon in writing, 10504
plans and specifications for such improvements, specifying the 10505
number, character, and location of all piers and supports which 10506
are to be permanently placed in any road or highway, specifying 10507
the grades to be established for the roads and the height, 10508
character, and estimated cost of any viaduct or way above or below 10509
any railroad track, and the change of grade required to be made of 10510
such tracks including side tracks and switches. But in changing 10511
the grade of any railroad, no grade shall be required in excess of 10512
that adopted by the railroad company for its construction work on 10513
that division or part of the railroad on which the improvement is 10514
to be made, without the consent of the railroad company, nor shall 10515
the railroad company's tracks be required to be placed below 10516
high-water mark. 10517

Such resolution shall be published in the same manner as 10518
resolutions of the legislative authority of a municipal 10519
corporation declaring the necessity of a contemplated public 10520
improvement, and shall be served by the sheriff upon the railroad 10521
or interurban railway companies in the manner provided for the 10522
service of summons in civil actions. If the proposed public 10523

improvement is to be made within a municipal corporation, notice 10524
of the passage of the same shall be served upon the municipal 10525
corporation by delivering to the clerk of the village or 10526
legislative authority of a city a true copy thereof. 10527

If, at the expiration of six months from the passage of such 10528
resolution, the railroad company has refused or failed to 10529
co-operate in the preparation of such plans and specifications, or 10530
if the county engineer or engineer designated by the board and the 10531
railroad company fail to agree upon the plans and specification of 10532
such improvement, then either the railroad company or the county 10533
may submit the matter of determining the method by which the 10534
improvement shall be made to the court of common pleas of such 10535
county. Either the county or company, after the expiration of six 10536
months from the passage of the resolution, may apply to such court 10537
by petition, accompanied by the necessary plans prepared by the 10538
county or railroad company, covering the grade crossing proposed 10539
to be abolished. Such plans must show the grades to be established 10540
for such roads or highways, the changes to be made in the location 10541
of roads or highways, the height, character, and estimated cost of 10542
any viaduct or way above or below the railroad tracks, the number, 10543
character, and location of piers, abutments, or supports to be 10544
permanently located in the roads or highways, and the change of 10545
grade to be made in any railroad tracks, including sidetracks and 10546
switches. 10547

Sec. 5561.08. Notice of the passage of a resolution for a 10548
grade crossing improvement shall be served by the sheriff of the 10549
county, upon the owner of each piece of property which will be 10550
affected by any change of grade, in the manner provided for the 10551
service of summons in civil actions. If any of such owners are 10552
nonresidents of the county, or if it appears from the return that 10553
they cannot be found, the notice shall be published for at least 10554
two weeks in ~~an English language~~ a newspaper published of general 10555

circulation in such the county or as provided in section 7.16 of 10556
the Revised Code. Notice shall be completed at least twenty days 10557
before any work is done on such improvement, and the sheriff's 10558
return shall be prima-facie evidence of the facts recited therein. 10559

Section 727.18 of the Revised Code shall apply to the notice 10560
provided for in this section, and to all claims for damages by 10561
reason of such improvement. Such claims shall be filed with the 10562
county auditor within the time, and rights thereunder shall pass 10563
to vendees, as provided in such section. After the expiration of 10564
the time provided for the filing of claims, the board of county 10565
commissioners, when claims have been filed within the time 10566
limited, shall determine, by resolution, whether such claims are 10567
to be judicially inquired into before commencing or after the 10568
completion of the proposed improvement. Thereupon, the county 10569
prosecutor shall make application for a jury, to the court of 10570
common pleas, or probate court of the county, before commencing or 10571
after the completion of the improvement, as the board determines, 10572
and all proceedings upon such application shall be governed by the 10573
laws relating to similar applications provided for in cases of 10574
city improvements. 10575

Sec. 5571.011. If a person through whose land a public road 10576
has been established which is under the jurisdiction of a board of 10577
township trustees, desires to turn or change or relocate such road 10578
or any part thereof through any part of ~~his~~ the person's land, ~~he~~ 10579
the person may file a petition with such board of township 10580
trustees setting forth briefly the particular change ~~he desires~~ 10581
desired. Upon receipt of such petition, the board of township 10582
trustees shall give notice by publication once, not later than two 10583
weeks prior to the date which such board shall fix for a hearing 10584
on such petition, in a newspaper ~~published or~~ of general 10585
circulation in said township, stating that such petition has been 10586
filed and setting forth the change desired in such road and the 10587

date and place of such hearing. 10588

Upon receipt of such a petition the board of township 10589
trustees shall cause a competent engineer to make a survey of the 10590
ground over which the road is proposed to be changed, and to make 10591
a report in writing, together with a plat and survey of the 10592
proposed change and ~~his~~ the engineer's opinion as to its advantage 10593
or disadvantage. The report of such engineer shall be filed with 10594
the board prior to the hearing of such petition. 10595

At the hearing had on the petition the board of township 10596
trustees may hear evidence for or against changing the road, and 10597
if the board is satisfied that the proposed change will not cause 10598
serious injury or disadvantage to the public, it may make a 10599
finding of such fact in its journal and authorize the petitioner 10600
to change such road in conformity with the prayer of the petition. 10601
The board may grant the change as prayed for in the petition, or 10602
it may order such change of the route of such road as will, in its 10603
judgment, be for the best interest of the public. 10604

Upon receiving satisfactory evidence that the road has been 10605
changed as authorized by it, and opened to the legal width and 10606
improved as required by it, the board of township trustees shall 10607
declare such new road a public highway and cause a record thereof 10608
to be made and at the same time vacate so much of the old road as 10609
is rendered unnecessary by the new road. The person petitioning 10610
for such change shall in all cases pay all costs and expenses in 10611
connection with the proceeding, as found and determined by the 10612
board, and the expense of making such change, including the cost 10613
of relocation of any conduits, cables, wires, towers, poles or 10614
other equipment or appliances of any public utility, located on, 10615
over or under such road. The petitioner shall, on the filing of 10616
the petition for such change, give bond to the satisfaction of the 10617
board in such amount as it determines to secure payment of the 10618
costs of the proceeding and to cover the expense of making the 10619

change asked for by the petition. 10620

Sec. 5573.02. Upon the completion of the surveys, plans, 10621
profiles, cross sections, estimates, and specifications for a road 10622
improvement by the county engineer, ~~he~~ the engineer shall transmit 10623
to the board of township trustees copies of the same. Except in 10624
cases of reconstruction or repair of roads, where no land or 10625
property is taken, the board shall then cause to be published in a 10626
newspaper, ~~published in the county and~~ of general circulation 10627
within the township, ~~but if no such paper is published in the~~ 10628
~~county then in one having general circulation in such township,~~ 10629
once a week for two consecutive weeks or as provided in section 10630
7.16 of the Revised Code, a notice that such improvement is to be 10631
made and that copies of the surveys, plans, profiles, cross 10632
sections, estimates, and specifications for it are on file with 10633
the board for the inspection and examination of all persons 10634
interested. 10635

In the event that land or property is to be taken for such 10636
improvement, proceedings shall be had in accordance with sections 10637
163.01 to 163.22, ~~inclusive~~, of the Revised Code. 10638

Sec. 5573.10. As soon as all questions of compensation and 10639
damages have been determined for any road improvement, the county 10640
engineer shall make, upon actual view, an estimated assessment, 10641
upon the real estate to be charged, of such part of the 10642
compensation, damages, and costs of such improvement as is to be 10643
specially assessed. Such assessment shall be according to the 10644
benefits which will result to the real estate. In making such 10645
assessment the engineer may take into consideration any previous 10646
special assessment made upon such real estate for road 10647
improvements. 10648

The schedule for such assessments shall be filed with the 10649

board of township trustees for the inspection of the persons 10650
interested. Before adopting the estimated assessment, the board 10651
shall publish once each week for two consecutive weeks, in ~~some a~~ 10652
newspaper ~~published in the county and~~ of general circulation 10653
within such township, ~~but if there is no such paper published in~~ 10654
~~said county then in one having general circulation in such~~ 10655
~~township or as provided in section 7.16 of the Revised Code,~~ 10656
notice that such assessment has been made and is on file with the 10657
board, and the date when objections will be heard to such 10658
assessment. 10659

If any owner of property affected desires to make objections, 10660
~~he~~ the owner may file ~~his~~ objections to such assessments, in 10661
writing, with the board, before the time of such hearing. If any 10662
objections are filed the board shall hear them and act as an 10663
equalizing board, and may change assessments if, in its opinion, 10664
any changes are necessary to make them just and equitable. The 10665
board shall approve and confirm assessments as reported by the 10666
engineer or modified by the board. Such assessments, when approved 10667
and confirmed, shall be a lien on the land chargeable therewith. 10668

Sec. 5575.01. (A) In the maintenance and repair of roads, the 10669
board of township trustees may proceed either by contract or force 10670
account, but, unless the exemption specified in division (C) of 10671
this section applies, if the board wishes to proceed by force 10672
account, it first shall cause the county engineer to complete the 10673
force account assessment form developed by the auditor of state 10674
under section 117.16 of the Revised Code. Except as otherwise 10675
provided in sections 505.08 and 505.101 of the Revised Code, when 10676
the board proceeds by contract, the contract shall, if the amount 10677
involved exceeds forty-five thousand dollars, be let by the board 10678
to the lowest responsible bidder after advertisement for bids 10679
once, not later than two weeks, prior to the date fixed for the 10680
letting of the contract, in a newspaper ~~published in the county~~ 10681

~~and of general circulation within the township or, if no newspaper~~ 10682
~~is published in the county, in a newspaper having general~~ 10683
~~circulation in the township.~~ If the amount involved is forty-five 10684
thousand dollars or less, a contract may be let without 10685
competitive bidding, or the work may be done by force account. 10686
Such a contract shall be performed under the supervision of a 10687
member of the board or the township road superintendent. 10688

(B) Before undertaking the construction or reconstruction of 10689
a township road, the board shall cause to be made by the county 10690
engineer an estimate of the cost of the work, which estimate shall 10691
include labor, material, freight, fuel, hauling, use of machinery 10692
and equipment, and all other items of cost. If the board finds it 10693
in the best interest of the public, it may, in lieu of 10694
constructing the road by contract, proceed to construct the road 10695
by force account. Except as otherwise provided under sections 10696
505.08 and 505.101 of the Revised Code, where the total ~~estimate~~ 10697
estimated cost of the work exceeds fifteen thousand dollars per 10698
mile, the board shall invite and receive competitive bids for 10699
furnishing all the labor, materials, and equipment and doing the 10700
work, as provided in section 5575.02 of the Revised Code, and 10701
shall consider and reject them before ordering the work done by 10702
force account. When such bids are received, considered, and 10703
rejected, and the work is done by force account, the work shall be 10704
performed in compliance with the plans and specifications upon 10705
which the bids were based. 10706

(C) Force account assessment forms are not required under 10707
division (A) of this section for road maintenance or repair 10708
projects of less than fifteen thousand dollars, or under division 10709
(B) of this section for road construction or reconstruction 10710
projects of less than five thousand dollars per mile. 10711

(D) All force account work under this section shall be done 10712
under the direction of a member of the board or the township road 10713

superintendent. 10714

Sec. 5575.02. After the board of township trustees has 10715
decided to proceed with a road improvement, it shall advertise for 10716
bids once, not later than two weeks prior to the date fixed for 10717
the letting of contracts, in a newspaper ~~published in the county~~ 10718
~~and~~ of general circulation within ~~such the~~ township, ~~but if there~~ 10719
~~is no such paper published in the county then in one having~~ 10720
~~general circulation in the township.~~ Such notice shall state that 10721
copies of the surveys, plans, profiles, cross sections, estimates, 10722
and specifications for such improvement are on file with the 10723
board, and the time within which bids will be received. The board 10724
may let the work as a whole or in convenient sections, as it 10725
determines. The contract shall be awarded to the lowest and best 10726
bidder who meets the requirements of section 153.54 of the Revised 10727
Code, and shall be let upon the basis of lump sum bids, unless the 10728
board orders that it be let upon the basis of unit price bids, in 10729
which event it shall be let upon such basis. 10730

Sec. 5591.15. All resolutions and notices provided for in 10731
sections 5591.03 to 5591.17 of the Revised Code, shall be 10732
published in a newspaper ~~published in and~~ of general circulation 10733
in the county where the improvement provided in such sections is 10734
to be made, and such publication shall be complete when published 10735
once a week, on the same day of the week, for two consecutive 10736
weeks or as provided in section 7.16 of the Revised Code. 10737

Sec. 5593.08. The bridge commission of any county or city 10738
may: 10739

(A) Adopt bylaws for the regulation of its affairs and the 10740
conduct of its business; 10741

(B) Adopt an official seal, which shall not be the seal of 10742
Ohio; 10743

(C) Maintain a principal office and suboffices at such places	10744
within the county or city as it designates;	10745
(D) Sue and be sued in its own name, and plead and be	10746
impleaded. Any actions against a bridge commission shall be	10747
brought in the court of common pleas of the county in which the	10748
principal office of the commission is located, or in the court of	10749
common pleas of the county in which the cause of action arose,	10750
when such county is located within this state. All summonses,	10751
exceptions, and notices of every kind shall be served on the	10752
commission by leaving a copy thereof at the principal office with	10753
the secretary-treasurer or the person in charge.	10754
(E) Construct, acquire by purchase or condemnation, improve,	10755
maintain, repair, police, and operate any bridge, and establish	10756
rules for the use of any such bridge;	10757
(F) Issue bridge revenue bonds of the county or city, payable	10758
solely from revenues, as provided in sections 5593.10 and 5593.16	10759
of the Revised Code, for the purpose of paying any part of the	10760
cost of any bridge or bridges;	10761
(G) Fix and revise from time to time and charge and collect	10762
tolls for transit over each bridge constructed or acquired by it;	10763
(H) Acquire, hold, and dispose of real and personal property	10764
in the exercise of its powers and the performance of its duties	10765
under this chapter;	10766
(I) Acquire, in the name of the county or city, as the case	10767
may be, by purchase or otherwise, on such terms and in such manner	10768
as it determines proper, or by the exercise of the right of	10769
condemnation in the manner provided by sections 163.01 to 163.22	10770
of the Revised Code, any bridge, land, rights, easements,	10771
franchises, and other property necessary or convenient for the	10772
construction of a bridge or the improvement or efficient operation	10773
of any property acquired or constructed under this chapter, or for	10774

securing right-of-way leading to any such bridge or its approach 10775
facilities; 10776

(J) Make and enter into all contracts and agreements 10777
necessary or incidental to the performance of its duties and the 10778
execution of its powers under this chapter: 10779

(1) When the cost under any such contract or agreement, other 10780
than compensation for personal services, involves an expenditure 10781
of more than ten thousand dollars, the commission shall make a 10782
written contract with the lowest and best bidder after 10783
advertisement for not less than two consecutive weeks, or as 10784
provided in section 7.16 of the Revised Code, in a newspaper of 10785
general circulation in Franklin county, and in such other 10786
publications as the commission determines, which notice shall 10787
state the general character of the work and the general character 10788
of the materials to be furnished, the place where plans and 10789
specifications therefor may be examined, and the time and place of 10790
receiving bids. 10791

(2) Each bid for a contract for the construction, demolition, 10792
alteration, repair, or reconstruction of an improvement shall 10793
contain the full name of every person interested in it and meets 10794
the requirements of section 153.54 of the Revised Code. 10795

(3) Each bid for a contract except as provided in division 10796
(J)(2) of this section shall contain the full name of every person 10797
or company interested in it and shall be accompanied by a bond or 10798
certified check on a solvent bank, in such amount as the 10799
commission determines sufficient, that if the bid is accepted a 10800
contract will be entered into and the performance of its proposal 10801
secured. 10802

(4) The commission may reject any and all bids. 10803

(5) A bond with good and sufficient surety, approved by the 10804
commission, shall be required of every contractor awarded a 10805

contract except as provided in division (J)(2) of this section, in 10806
an amount equal to at least fifty per cent of the contract price, 10807
conditioned upon the faithful performance of the contract. 10808

(K) Employ consulting engineers, superintendents, managers, 10809
engineers, construction and accounting experts, attorneys, and 10810
other employees and agents as are necessary in its judgment, and 10811
fix their compensation. All such expenses are payable solely from 10812
the proceeds of bridge revenue bonds issued under this chapter, or 10813
from revenues. 10814

(L) Receive and accept from any federal agency, subject to 10815
the approval of the board of county commissioners or the 10816
legislative authority of the city, as the case may be, grants for 10817
or in aid of the construction, acquisition, improvement, or 10818
operation of any bridge, and receive and accept aid or 10819
contributions from any source of money, property, labor, or other 10820
things of value, to be held, used, and applied only for the 10821
purposes for which such grants and contributions are made; 10822

(M) Provide coverage for its employees under sections 4123.01 10823
to 4123.94 and 4141.01 to 4141.46 of the Revised Code; 10824

(N) Do all acts necessary or proper to carry out the powers 10825
expressly granted in this chapter. 10826

Sec. 5705.16. A resolution of the taxing authority of any 10827
political subdivision shall be passed by a majority of all the 10828
members thereof, declaring the necessity for the transfer of funds 10829
authorized by section 5705.15 of the Revised Code, and such taxing 10830
authority shall prepare a petition addressed to the court of 10831
common pleas of the county in which the funds are held. The 10832
petition shall set forth the name and amount of the fund, the fund 10833
to which it is desired to be transferred, a copy of such 10834
resolution with a full statement of the proceedings pertaining to 10835
its passage, and the reason or necessity for the transfer. A 10836

duplicate copy of said petition shall be forwarded to the tax 10837
commissioner for ~~his~~ the commissioner's examination and approval. 10838

If the petition is disapproved by the commissioner, it shall 10839
be returned within ten days of its receipt to the officers who 10840
submitted it, with a memorandum of the commissioner's objections. 10841
This disapproval shall not prejudice a later application for 10842
approval. If the petition is approved by the commissioner, it 10843
shall be forwarded within ten days of its receipt to the clerk of 10844
the court of common pleas of the county to whose court of common 10845
pleas the petition is addressed, marked with the approval of the 10846
commissioner. If the commissioner approves the petition, ~~he~~ the 10847
commissioner shall notify immediately the officers who submitted 10848
the petition, who then may file the petition in the court to which 10849
it is addressed. 10850

The petitioner shall give notice of the filing, object, and 10851
prayer of the petition, and of the time when it will be heard. The 10852
notice shall be given by one publication in ~~two newspapers having~~ 10853
a newspaper of general circulation in the territory to be affected 10854
by such transfer of funds, ~~preference being given to newspapers~~ 10855
~~published within the territory~~. If there are is no such ~~newspapers~~ 10856
newspaper, the notice shall be posted in ten conspicuous places 10857
within the territory for ~~the~~ a period of four weeks. 10858

The petition may be heard at the time stated in the notice, 10859
or as soon thereafter as convenient for the court. Any person who 10860
objects to the prayer of such petition shall file ~~his~~ the person's 10861
objections in such cause on or before the time fixed in the notice 10862
for hearing, and ~~he~~ that person shall be entitled to be heard. 10863

If, upon hearing, the court finds that the notice has been 10864
given as required by this section, that the petition states 10865
sufficient facts, that there are good reasons, or that a necessity 10866
exists, for the transfer, and that no injury will result 10867
therefrom, it shall grant the prayer of the petition and order the 10868

petitioners to make such transfer. 10869

A copy of the findings, orders, and judgments of the court 10870
shall be certified by the clerk and entered on the records of the 10871
petitioning officers or board, and thereupon the petitioners may 10872
make the transfer of funds as directed by the court. All costs of 10873
such proceedings shall be paid by the petitioners, except that if 10874
objections are filed the court may order such objectors to pay all 10875
or a portion of the costs. 10876

Sec. 5705.191. The taxing authority of any subdivision, other 10877
than the board of education of a school district or the taxing 10878
authority of a county school financing district, by a vote of 10879
two-thirds of all its members, may declare by resolution that the 10880
amount of taxes that may be raised within the ten-mill limitation 10881
by levies on the current tax duplicate will be insufficient to 10882
provide an adequate amount for the necessary requirements of the 10883
subdivision, and that it is necessary to levy a tax in excess of 10884
such limitation for any of the purposes in section 5705.19 of the 10885
Revised Code, or to supplement the general fund for the purpose of 10886
making appropriations for one or more of the following purposes: 10887
public assistance, human or social services, relief, welfare, 10888
hospitalization, health, and support of general hospitals, and 10889
that the question of such additional tax levy shall be submitted 10890
to the electors of the subdivision at a general, primary, or 10891
special election to be held at a time therein specified. Such 10892
resolution shall not include a levy on the current tax list and 10893
duplicate unless such election is to be held at or prior to the 10894
general election day of the current tax year. Such resolution 10895
shall conform to the requirements of section 5705.19 of the 10896
Revised Code, except that a levy to supplement the general fund 10897
for the purposes of public assistance, human or social services, 10898
relief, welfare, hospitalization, health, or the support of 10899
general or tuberculosis hospitals may not be for a longer period 10900

than ten years. All other levies under this section may not be for 10901
a longer period than five years unless a longer period is 10902
permitted by section 5705.19 of the Revised Code, and the 10903
resolution shall specify the date of holding such election, which 10904
shall not be earlier than seventy-five days after the adoption and 10905
certification of such resolution. The resolution shall go into 10906
immediate effect upon its passage and no publication of the same 10907
is necessary other than that provided for in the notice of 10908
election. A copy of such resolution, immediately after its 10909
passage, shall be certified to the board of elections of the 10910
proper county or counties in the manner provided by section 10911
5705.25 of the Revised Code, and such section shall govern the 10912
arrangements for the submission of such question and other matters 10913
with respect to such election, to which section 5705.25 of the 10914
Revised Code refers, excepting that such election shall be held on 10915
the date specified in the resolution, which shall be consistent 10916
with the requirements of section 3501.01 of the Revised Code, 10917
provided that only one special election for the submission of such 10918
question may be held in any one calendar year and provided that a 10919
special election may be held upon the same day a primary election 10920
is held. Publication of notice of that election shall be made in 10921
~~one or more newspapers~~ a newspaper of general circulation in the 10922
county once a week for two consecutive weeks or as provided in 10923
section 7.16 of the Revised Code, prior to the election, ~~and, if,~~ 10924
If the board of elections operates and maintains a web site, the 10925
board of elections shall post notice of the election on its web 10926
site for thirty days prior to the election. 10927

If a majority of the electors voting on the question vote in 10928
favor thereof, the taxing authority of the subdivision may make 10929
the necessary levy within such subdivision at the additional rate 10930
or at any lesser rate outside the ten-mill limitation on the tax 10931
list and duplicate for the purpose stated in the resolution. Such 10932
tax levy shall be included in the next annual tax budget that is 10933

certified to the county budget commission. 10934

After the approval of such a levy by the electors, the taxing 10935
authority of the subdivision may anticipate a fraction of the 10936
proceeds of such levy and issue anticipation notes. In the case of 10937
a continuing levy that is not levied for the purpose of current 10938
expenses, notes may be issued at any time after approval of the 10939
levy in an amount not more than fifty per cent of the total 10940
estimated proceeds of the levy for the succeeding ten years, less 10941
an amount equal to the fraction of the proceeds of the levy 10942
previously anticipated by the issuance of anticipation notes. In 10943
the case of a levy for a fixed period that is not for the purpose 10944
of current expenses, notes may be issued at any time after 10945
approval of the levy in an amount not more than fifty per cent of 10946
the total estimated proceeds of the levy throughout the remaining 10947
life of the levy, less an amount equal to the fraction of the 10948
proceeds of the levy previously anticipated by the issuance of 10949
anticipation notes. In the case of a levy for current expenses, 10950
notes may be issued after the approval of the levy by the electors 10951
and prior to the time when the first tax collection from the levy 10952
can be made. Such notes may be issued in an amount not more than 10953
fifty per cent of the total estimated proceeds of the levy 10954
throughout the term of the levy in the case of a levy for a fixed 10955
period, or fifty per cent of the total estimated proceeds for the 10956
first ten years of the levy in the case of a continuing levy. 10957

No anticipation notes that increase the net indebtedness of a 10958
county may be issued without the prior consent of the board of 10959
county commissioners of that county. The notes shall be issued as 10960
provided in section 133.24 of the Revised Code, shall have 10961
principal payments during each year after the year of their 10962
issuance over a period not exceeding the life of the levy 10963
anticipated, and may have a principal payment in the year of their 10964
issuance. 10965

"Taxing authority" and "subdivision" have the same meanings 10966
as in section 5705.01 of the Revised Code. 10967

This section is supplemental to and not in derogation of 10968
sections 5705.20, 5705.21, and 5705.22 of the Revised Code. 10969

Sec. 5705.194. The board of education of any city, local, 10970
exempted village, cooperative education, or joint vocational 10971
school district at any time may declare by resolution that the 10972
revenue that will be raised by all tax levies which the district 10973
is authorized to impose, when combined with state and federal 10974
revenues, will be insufficient to provide for the emergency 10975
requirements of the school district or to avoid an operating 10976
deficit, and that it is therefore necessary to levy an additional 10977
tax in excess of the ten-mill limitation. The resolution shall be 10978
confined to a single purpose and shall specify that purpose. If 10979
the levy is proposed to renew all or a portion of the proceeds 10980
derived from one or more existing levies imposed pursuant to this 10981
section, it shall be called a renewal levy and shall be so 10982
designated on the ballot. If two or more existing levies are to be 10983
included in a single renewal levy but are not scheduled to expire 10984
in the same year, the resolution shall specify that the existing 10985
levies to be renewed shall not be levied after the year preceding 10986
the year in which the renewal levy is first imposed. 10987
Notwithstanding the original purpose of any one or more existing 10988
levies that are to be in any single renewal levy, the purpose of 10989
the renewal levy may be either to avoid an operating deficit or to 10990
provide for the emergency requirements of the school district. The 10991
resolution shall further specify the amount of money it is 10992
necessary to raise for the specified purpose for each calendar 10993
year the millage is to be imposed; if a renewal levy, whether the 10994
levy is to renew all, or a portion of, the proceeds derived from 10995
one or more existing levies; and the number of years in which the 10996
millage is to be in effect, which may include a levy upon the 10997

current year's tax list. The number of years may be any number not exceeding ten. 10998
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The question shall be submitted at a special election on a date specified in the resolution. The date shall not be earlier than eighty days after the adoption and certification of the resolution to the county auditor and shall be consistent with the requirements of section 3501.01 of the Revised Code. A resolution for a renewal levy shall not be placed on the ballot unless the question is submitted on a date on which a special election may be held under division (D) of section 3501.01 of the Revised Code, except for the first Tuesday after the first Monday in February and August, during the last year the levy to be renewed may be extended on the real and public utility property tax list and duplicate, or at any election held in the ensuing year, except that if the resolution proposes renewing two or more existing levies, the question shall be submitted on the date of the general or primary election held during the last year at least one of the levies to be renewed may be extended on that list and duplicate, or at any election held during the ensuing year. For purposes of this section, a levy shall be considered to be an "existing levy" through the year following the last year it can be placed on the real and public utility property tax list and duplicate. 11000
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The submission of questions to the electors under this section is subject to the limitation on the number of election dates established by section 5705.214 of the Revised Code. 11020
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The resolution shall go into immediate effect upon its passage, and no publication of the resolution shall be necessary other than that provided for in the notice of election. A copy of the resolution shall immediately after its passing be certified to the county auditor of the proper county. Section 5705.195 of the Revised Code shall govern the arrangements for the submission of questions to the electors under this section and other matters 11023
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concerning the election. Publication of notice of the election 11030
shall be made in one ~~or more newspapers~~ newspaper of general 11031
circulation in the county once a week for two consecutive weeks, 11032
or as provided in section 7.16 of the Revised Code, prior to the 11033
election, ~~and, if.~~ If the board of elections operates and 11034
maintains a web site, the board of elections shall post notice of 11035
the election on its web site for thirty days prior to the 11036
election. If a majority of the electors voting on the question 11037
submitted in an election vote in favor of the levy, the board of 11038
education of the school district may make the additional levy 11039
necessary to raise the amount specified in the resolution for the 11040
purpose stated in the resolution. The tax levy shall be included 11041
in the next tax budget that is certified to the county budget 11042
commission. 11043

After the approval of the levy and prior to the time when the 11044
first tax collection from the levy can be made, the board of 11045
education may anticipate a fraction of the proceeds of the levy 11046
and issue anticipation notes in an amount not exceeding the total 11047
estimated proceeds of the levy to be collected during the first 11048
year of the levy. 11049

The notes shall be issued as provided in section 133.24 of 11050
the Revised Code, shall have principal payments during each year 11051
after the year of their issuance over a period not to exceed five 11052
years, and may have principal payment in the year of their 11053
issuance. 11054

Sec. 5705.196. The election provided for in section 5705.194 11055
of the Revised Code shall be held at the regular places for voting 11056
in the district, and shall be conducted, canvassed, and certified 11057
in the same manner as regular elections in the district for the 11058
election of county officers, provided that in any such election in 11059
which only part of the electors of a precinct are qualified to 11060

vote, the board of elections may assign voters in such part to an 11061
adjoining precinct. Such an assignment may be made to an adjoining 11062
precinct in another county with the consent and approval of the 11063
board of elections of such other county. Notice of the election 11064
shall be published in one ~~or more newspapers~~ newspaper of general 11065
circulation in the district once a week for two consecutive weeks 11066
or as provided in section 7.16 of the Revised Code, prior to the 11067
election, ~~and, if.~~ If the board of elections operates and 11068
maintains a web site, the board of elections shall post notice of 11069
the election on its web site for thirty days prior to the 11070
election. Such notice shall state the annual proceeds of the 11071
proposed levy, the purpose for which such proceeds are to be used, 11072
the number of years during which the levy shall run, and the 11073
estimated average additional tax rate expressed in dollars and 11074
cents for each one hundred dollars of valuation as well as in 11075
mills for each one dollar of valuation, outside the limitation 11076
imposed by Section 2 of Article XII, Ohio Constitution, as 11077
certified by the county auditor. 11078

Sec. 5705.21. (A) At any time, the board of education of any 11079
city, local, exempted village, cooperative education, or joint 11080
vocational school district, by a vote of two-thirds of all its 11081
members, may declare by resolution that the amount of taxes which 11082
may be raised within the ten-mill limitation by levies on the 11083
current tax duplicate will be insufficient to provide an adequate 11084
amount for the necessary requirements of the school district, that 11085
it is necessary to levy a tax in excess of such limitation for one 11086
of the purposes specified in division (A), (D), (F), (H), or (DD) 11087
of section 5705.19 of the Revised Code, for general permanent 11088
improvements, for the purpose of operating a cultural center, or 11089
for the purpose of providing education technology, and that the 11090
question of such additional tax levy shall be submitted to the 11091
electors of the school district at a special election on a day to 11092

be specified in the resolution. 11093

As used in this section, "cultural center" means a 11094
freestanding building, separate from a public school building, 11095
that is open to the public for educational, musical, artistic, and 11096
cultural purposes; "education technology" means, but is not 11097
limited to, computer hardware, equipment, materials, and 11098
accessories, equipment used for two-way audio or video, and 11099
software; and "general permanent improvements" means permanent 11100
improvements without regard to the limitation of division (F) of 11101
section 5705.19 of the Revised Code that the improvements be a 11102
specific improvement or a class of improvements that may be 11103
included in a single bond issue. 11104

The submission of questions to the electors under this 11105
section is subject to the limitation on the number of election 11106
dates established by section 5705.214 of the Revised Code. 11107

(B) Such resolution shall be confined to a single purpose and 11108
shall specify the amount of the increase in rate that it is 11109
necessary to levy, the purpose of the levy, and the number of 11110
years during which the increase in rate shall be in effect. The 11111
number of years may be any number not exceeding five or, if the 11112
levy is for current expenses of the district or for general 11113
permanent improvements, for a continuing period of time. The 11114
resolution shall specify the date of holding such election, which 11115
shall not be earlier than seventy-five days after the adoption and 11116
certification of the resolution and which shall be consistent with 11117
the requirements of section 3501.01 of the Revised Code. 11118

The resolution may propose to renew one or more existing 11119
levies imposed under this section or to increase or decrease a 11120
single levy imposed under this section. If the board of education 11121
imposes one or more existing levies for the purpose specified in 11122
division (F) of section 5705.19 of the Revised Code, the 11123
resolution may propose to renew one or more of those existing 11124

levies, or to increase or decrease a single such existing levy, 11125
for the purpose of general permanent improvements. If the 11126
resolution proposes to renew two or more existing levies, the 11127
levies shall be levied for the same purpose. The resolution shall 11128
identify those levies and the rates at which they are levied. The 11129
resolution also shall specify that the existing levies shall not 11130
be extended on the tax lists after the year preceding the year in 11131
which the renewal levy is first imposed, regardless of the years 11132
for which those levies originally were authorized to be levied. 11133

The resolution shall go into immediate effect upon its 11134
passage, and no publication of the resolution shall be necessary 11135
other than that provided for in the notice of election. A copy of 11136
the resolution shall immediately after its passing be certified to 11137
the board of elections of the proper county in the manner provided 11138
by section 5705.25 of the Revised Code, and that section shall 11139
govern the arrangements for the submission of such question and 11140
other matters concerning such election, to which that section 11141
refers, except that such election shall be held on the date 11142
specified in the resolution. Publication of notice of that 11143
election shall be made in one ~~or more newspapers~~ newspaper of 11144
general circulation in the county once a week for two consecutive 11145
weeks or as provided in section 7.16 of the Revised Code, prior to 11146
the election, ~~and, if.~~ If the board of elections operates and 11147
maintains a web site, the board of elections shall post notice of 11148
the election on its web site for thirty days prior to the 11149
election. If a majority of the electors voting on the question so 11150
submitted in an election vote in favor of the levy, the board of 11151
education may make the necessary levy within the school district 11152
at the additional rate, or at any lesser rate in excess of the 11153
ten-mill limitation on the tax list, for the purpose stated in the 11154
resolution. A levy for a continuing period of time may be reduced 11155
pursuant to section 5705.261 of the Revised Code. The tax levy 11156
shall be included in the next tax budget that is certified to the 11157

county budget commission. 11158

(C)(1) After the approval of a levy on the current tax list 11159
and duplicate for current expenses, for recreational purposes, for 11160
community centers provided for in section 755.16 of the Revised 11161
Code, or for a public library of the district and prior to the 11162
time when the first tax collection from the levy can be made, the 11163
board of education may anticipate a fraction of the proceeds of 11164
the levy and issue anticipation notes in a principal amount not 11165
exceeding fifty per cent of the total estimated proceeds of the 11166
levy to be collected during the first year of the levy. 11167

(2) After the approval of a levy for general permanent 11168
improvements for a specified number of years, or for permanent 11169
improvements having the purpose specified in division (F) of 11170
section 5705.19 of the Revised Code, the board of education may 11171
anticipate a fraction of the proceeds of the levy and issue 11172
anticipation notes in a principal amount not exceeding fifty per 11173
cent of the total estimated proceeds of the levy remaining to be 11174
collected in each year over a period of five years after the 11175
issuance of the notes. 11176

The notes shall be issued as provided in section 133.24 of 11177
the Revised Code, shall have principal payments during each year 11178
after the year of their issuance over a period not to exceed five 11179
years, and may have a principal payment in the year of their 11180
issuance. 11181

(3) After approval of a levy for general permanent 11182
improvements for a continuing period of time, the board of 11183
education may anticipate a fraction of the proceeds of the levy 11184
and issue anticipation notes in a principal amount not exceeding 11185
fifty per cent of the total estimated proceeds of the levy to be 11186
collected in each year over a specified period of years, not 11187
exceeding ten, after the issuance of the notes. 11188

The notes shall be issued as provided in section 133.24 of 11189
the Revised Code, shall have principal payments during each year 11190
after the year of their issuance over a period not to exceed ten 11191
years, and may have a principal payment in the year of their 11192
issuance. 11193

Sec. 5705.211. (A) As used in this section: 11194

(1) "Adjusted charge-off increase" for a tax year means two 11195
per cent of the cumulative carryover property value increase. If 11196
the cumulative carryover property value increase is computed on 11197
the basis of a school district's recognized valuation for a fiscal 11198
year before fiscal year 2014, the adjusted charge-off increase 11199
shall be adjusted to account for the greater charge-off rates 11200
prescribed for such fiscal years under sections 3317.022 and 11201
3306.13 of the Revised Code. 11202

(2) "Cumulative carryover property value increase" means the 11203
sum of the increases in carryover value certified under division 11204
(B)(2) of section 3317.015 of the Revised Code and included in a 11205
school district's total taxable value in the computation of 11206
recognized valuation under division (B) of that section for all 11207
fiscal years from the fiscal year that ends in the first tax year 11208
a levy under this section is extended on the tax list of real and 11209
public utility property until and including the fiscal year that 11210
ends in the current tax year. 11211

(3) "Taxes charged and payable" means the taxes charged and 11212
payable from a tax levy extended on the real and public utility 11213
property tax list and the general list of personal property before 11214
any reduction under section 319.302, 323.152, or 323.158 of the 11215
Revised Code. 11216

(B) The board of education of a city, local, or exempted 11217
village school district may adopt a resolution proposing the levy 11218
of a tax in excess of the ten-mill limitation for the purpose of 11219

paying the current operating expenses of the district. If the 11220
resolution is approved as provided in division (D) of this 11221
section, the tax may be levied at such a rate each tax year that 11222
the total taxes charged and payable from the levy equals the 11223
adjusted charge-off increase for the tax year or equals a lesser 11224
amount as prescribed under division (C) of this section. The tax 11225
may be levied for a continuing period of time or for a specific 11226
number of years, but not fewer than five years, as provided in the 11227
resolution. The tax may not be placed on the tax list for a tax 11228
year beginning before the first day of January following adoption 11229
of the resolution. A board of education may not adopt a resolution 11230
under this section proposing to levy a tax under this section 11231
concurrently with any other tax levied by the board under this 11232
section. 11233

(C) After the first year a tax is levied under this section, 11234
the rate of the tax in any year shall not exceed the rate, 11235
estimated by the county auditor, that would cause the sums levied 11236
from the tax against carryover property to exceed one hundred four 11237
per cent of the sums levied from the tax against carryover 11238
property in the preceding year. A board of education imposing a 11239
tax under this section may specify in the resolution imposing the 11240
tax that the percentage shall be less than one hundred four per 11241
cent, but the percentage shall not be less than one hundred per 11242
cent. At any time after a resolution adopted under this section is 11243
approved by a majority of electors as provided in division (D) of 11244
this section, the board of education, by resolution, may decrease 11245
the percentage specified in the resolution levying the tax. 11246

(D) A resolution adopted under this section shall state that 11247
the purpose of the tax is to pay current operating expenses of the 11248
district, and shall specify the first year in which the tax is to 11249
be levied, the number of years the tax will be levied or that it 11250
will be levied for a continuing period of time, and the election 11251

at which the question of the tax is to appear on the ballot, which 11252
shall be a general or special election consistent with the 11253
requirements of section 3501.01 of the Revised Code. If the board 11254
of education specifies a percentage less than one hundred four per 11255
cent pursuant to division (C) of this section, the percentage 11256
shall be specified in the resolution. 11257

Upon adoption of the resolution, the board of education may 11258
certify a copy of the resolution to the proper county board of 11259
elections. The copy of the resolution shall be certified to the 11260
board of elections not later than seventy-five days before the day 11261
of the election at which the question of the tax is to appear on 11262
the ballot. Upon receiving a timely certified copy of such a 11263
resolution, the board of elections shall make the necessary 11264
arrangements for the submission of the question to the electors of 11265
the school district, and the election shall be conducted, 11266
canvassed, and certified in the same manner as regular elections 11267
in the school district for the election of members of the board of 11268
education. Notice of the election shall be published in ~~one or~~ 11269
~~more newspapers~~ a newspaper of general circulation in the school 11270
district once per week for four consecutive weeks or as provided 11271
in section 7.16 of the Revised Code. The notice shall state that 11272
the purpose of the tax is for the current operating expenses of 11273
the school district, the first year the tax is to be levied, the 11274
number of years the tax is to be levied or that it is to be levied 11275
for a continuing period of time, that the tax is to be levied each 11276
year in an amount estimated to offset decreases in state base cost 11277
funding caused by appreciation in real estate values, and that the 11278
estimated additional tax in any year shall not exceed the previous 11279
year's by more than four per cent, or a lesser percentage 11280
specified in the resolution levying the tax, except for increases 11281
caused by the addition of new taxable property. 11282

The question shall be submitted as a separate proposition but 11283

may be printed on the same ballot with any other proposition 11284
submitted at the same election other than the election of 11285
officers. 11286

The form of the ballot shall be substantially as follows: 11287

"An additional tax for the benefit of (name of school 11288
district) for the purpose of paying the current operating expenses 11289
of the district, for (number of years or for continuing 11290
period of time), at a rate sufficient to offset any reduction in 11291
basic state funding caused by appreciation in real estate values? 11292
This levy will permit variable annual growth in revenue up to 11293
..... (amount specified by school district) per cent for the 11294
duration of the levy. 11295

	For the tax levy	"
	Against the tax levy	

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If a majority of the electors of the school district voting 11300
on the question vote in favor of the question, the board of 11301
elections shall certify the results of the election to the board 11302
of education and to the tax commissioner immediately after the 11303
canvass. 11304

(E) When preparing any estimate of the contemplated receipts 11305
from a tax levied pursuant to this section for the purposes of 11306
sections 5705.28 to 5705.40 of the Revised Code, and in preparing 11307
to certify the tax under section 5705.34 of the Revised Code, a 11308
board of education authorized to levy such a tax shall use 11309
information supplied by the department of education to determine 11310
the adjusted charge-off increase for the tax year for which that 11311
certification is made. If the board levied a tax under this 11312
section in the preceding tax year, the sum to be certified for 11313
collection from the tax shall not exceed the sum that would exceed 11314

the limitation imposed under division (C) of this section. At the 11315
request of the board of education or the treasurer of the school 11316
district, the county auditor shall assist the board of education 11317
in determining the rate or sum that may be levied under this 11318
section. 11319

The board of education shall certify the sum authorized to be 11320
levied to the county auditor, and, for the purpose of the county 11321
auditor determining the rate at which the tax is to be levied in 11322
the tax year, the sum so certified shall be the sum to be raised 11323
by the tax unless the sum exceeds the limitation imposed by 11324
division (C) of this section. A tax levied pursuant to this 11325
section shall not be levied at a rate in excess of the rate 11326
estimated by the county auditor to produce the sum certified by 11327
the board of education before the reductions under sections 11328
319.302, 323.152, and 323.158 of the Revised Code. Notwithstanding 11329
section 5705.34 of the Revised Code, a board of education 11330
authorized to levy a tax under this section shall certify the tax 11331
to the county auditor before the first day of October of the tax 11332
year in which the tax is to be levied, or at a later date as 11333
approved by the tax commissioner. 11334

Sec. 5705.218. (A) The board of education of a city, local, 11335
or exempted village school district, at any time by a vote of 11336
two-thirds of all its members, may declare by resolution that it 11337
may be necessary for the school district to issue general 11338
obligation bonds for permanent improvements. The resolution shall 11339
state all of the following: 11340

(1) The necessity and purpose of the bond issue; 11341

(2) The date of the special election at which the question 11342
shall be submitted to the electors; 11343

(3) The amount, approximate date, estimated rate of interest, 11344
and maximum number of years over which the principal of the bonds 11345

may be paid; 11346

(4) The necessity of levying a tax outside the ten-mill 11347
limitation to pay debt charges on the bonds and any anticipatory 11348
securities. 11349

On adoption of the resolution, the board shall certify a copy 11350
of it to the county auditor. The county auditor promptly shall 11351
estimate and certify to the board the average annual property tax 11352
rate required throughout the stated maturity of the bonds to pay 11353
debt charges on the bonds, in the same manner as under division 11354
(C) of section 133.18 of the Revised Code. 11355

(B) After receiving the county auditor's certification under 11356
division (A) of this section, the board of education of the city, 11357
local, or exempted village school district, by a vote of 11358
two-thirds of all its members, may declare by resolution that the 11359
amount of taxes that can be raised within the ten-mill limitation 11360
will be insufficient to provide an adequate amount for the present 11361
and future requirements of the school district; that it is 11362
necessary to issue general obligation bonds of the school district 11363
for permanent improvements and to levy an additional tax in excess 11364
of the ten-mill limitation to pay debt charges on the bonds and 11365
any anticipatory securities; that it is necessary for a specified 11366
number of years or for a continuing period of time to levy 11367
additional taxes in excess of the ten-mill limitation to provide 11368
funds for the acquisition, construction, enlargement, renovation, 11369
and financing of permanent improvements or to pay for current 11370
operating expenses, or both; and that the question of the bonds 11371
and taxes shall be submitted to the electors of the school 11372
district at a special election, which shall not be earlier than 11373
seventy-five days after certification of the resolution to the 11374
board of elections, and the date of which shall be consistent with 11375
section 3501.01 of the Revised Code. The resolution shall specify 11376
all of the following: 11377

(1) The county auditor's estimate of the average annual 11378
property tax rate required throughout the stated maturity of the 11379
bonds to pay debt charges on the bonds; 11380

(2) The proposed rate of the tax, if any, for current 11381
operating expenses, the first year the tax will be levied, and the 11382
number of years it will be levied, or that it will be levied for a 11383
continuing period of time; 11384

(3) The proposed rate of the tax, if any, for permanent 11385
improvements, the first year the tax will be levied, and the 11386
number of years it will be levied, or that it will be levied for a 11387
continuing period of time. 11388

The resolution shall apportion the annual rate of the tax 11389
between current operating expenses and permanent improvements, if 11390
both taxes are proposed. The apportionment may but need not be the 11391
same for each year of the tax, but the respective portions of the 11392
rate actually levied each year for current operating expenses and 11393
permanent improvements shall be limited by the apportionment. The 11394
resolution shall go into immediate effect upon its passage, and no 11395
publication of it is necessary other than that provided in the 11396
notice of election. The board of education shall certify a copy of 11397
the resolution, along with copies of the auditor's estimate and 11398
its resolution under division (A) of this section, to the board of 11399
elections immediately after its adoption. 11400

(C) The board of elections shall make the arrangements for 11401
the submission of the question to the electors of the school 11402
district, and the election shall be conducted, canvassed, and 11403
certified in the same manner as regular elections in the district 11404
for the election of county officers. The resolution shall be put 11405
before the electors as one ballot question, with a favorable vote 11406
indicating approval of the bond issue, the levy to pay debt 11407
charges on the bonds and any anticipatory securities, the current 11408
operating expenses levy, and the permanent improvements levy, if 11409

either or both levies are proposed. The board of elections shall 11410
publish notice of the election in one ~~or more newspapers~~ newspaper 11411
of general circulation in the school district once a week for two 11412
consecutive weeks or as provided in section 7.16 of the Revised 11413
Code, prior to the election, ~~and, if.~~ If a board of elections 11414
operates and maintains a web site, that board also shall post 11415
notice of the election on its web site for thirty days prior to 11416
the election. The notice of election shall state all of the 11417
following: 11418

(1) The principal amount of the proposed bond issue; 11419

(2) The permanent improvements for which the bonds are to be 11420
issued; 11421

(3) The maximum number of years over which the principal of 11422
the bonds may be paid; 11423

(4) The estimated additional average annual property tax rate 11424
to pay the debt charges on the bonds, as certified by the county 11425
auditor; 11426

(5) The proposed rate of the additional tax, if any, for 11427
current operating expenses; 11428

(6) The number of years the current operating expenses tax 11429
will be in effect, or that it will be in effect for a continuing 11430
period of time; 11431

(7) The proposed rate of the additional tax, if any, for 11432
permanent improvements; 11433

(8) The number of years the permanent improvements tax will 11434
be in effect, or that it will be in effect for a continuing period 11435
of time; 11436

(9) The time and place of the special election. 11437

(D) The form of the ballot for an election under this section 11438
is as follows: 11439

"Shall the school district be authorized to do the 11440
 following: 11441

(1) Issue bonds for the purpose of in the 11442
 principal amount of \$....., to be repaid annually over a maximum 11443
 period of years, and levy a property tax outside the 11444
 ten-mill limitation, estimated by the county auditor to average 11445
 over the bond repayment period mills for each one dollar of 11446
 tax valuation, which amounts to (rate expressed in cents or 11447
 dollars and cents, such as "36 cents" or "\$1.41") for each \$100 of 11448
 tax valuation, to pay the annual debt charges on the bonds, and to 11449
 pay debt charges on any notes issued in anticipation of those 11450
 bonds?" 11451

If either a levy for permanent improvements or a levy for 11452
 current operating expenses is proposed, or both are proposed, the 11453
 ballot also shall contain the following language, as appropriate: 11454

"(2) Levy an additional property tax to provide funds for the 11455
 acquisition, construction, enlargement, renovation, and financing 11456
 of permanent improvements at a rate not exceeding mills 11457
 for each one dollar of tax valuation, which amounts to 11458
 (rate expressed in cents or dollars and cents) for each \$100 of 11459
 tax valuation, for (number of years of the levy, or a 11460
 continuing period of time)? 11461

(3) Levy an additional property tax to pay current operating 11462
 expenses at a rate not exceeding mills for each one dollar 11463
 of tax valuation, which amounts to (rate expressed in 11464
 cents or dollars and cents) for each \$100 of tax valuation, for 11465
 (number of years of the levy, or a continuing period of 11466
 time)? 11467

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	FOR THE BOND ISSUE AND LEVY (OR LEVIES)
	AGAINST THE BOND ISSUE AND LEVY (OR LEVIES)

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(E) The board of elections promptly shall certify the results
of the election to the tax commissioner and the county auditor of
the county in which the school district is located. If a majority
of the electors voting on the question vote for it, the board of
education may proceed with issuance of the bonds and with the levy
and collection of the property tax or taxes at the additional rate
or any lesser rate in excess of the ten-mill limitation. Any
securities issued by the board of education under this section are
Chapter 133. securities, as that term is defined in section 133.01
of the Revised Code.

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(F)(1) After the approval of a tax for current operating
expenses under this section and prior to the time the first
collection and distribution from the levy can be made, the board
of education may anticipate a fraction of the proceeds of such
levy and issue anticipation notes in a principal amount not
exceeding fifty per cent of the total estimated proceeds of the
tax to be collected during the first year of the levy.

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(2) After the approval of a tax under this section for
permanent improvements having a specific purpose, the board of
education may anticipate a fraction of the proceeds of such tax
and issue anticipation notes in a principal amount not exceeding
fifty per cent of the total estimated proceeds of the tax
remaining to be collected in each year over a period of five years
after issuance of the notes.

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(3) After the approval of a tax for general, on-going
permanent improvements under this section, the board of education
may anticipate a fraction of the proceeds of such tax and issue
anticipation notes in a principal amount not exceeding fifty per
cent of the total estimated proceeds of the tax to be collected in
each year over a specified period of years, not exceeding ten,
after issuance of the notes.

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Anticipation notes under this section shall be issued as 11503
provided in section 133.24 of the Revised Code. Notes issued under 11504
division (F)(1) or (2) of this section shall have principal 11505
payments during each year after the year of their issuance over a 11506
period not to exceed five years, and may have a principal payment 11507
in the year of their issuance. Notes issued under division (F)(3) 11508
of this section shall have principal payments during each year 11509
after the year of their issuance over a period not to exceed ten 11510
years, and may have a principal payment in the year of their 11511
issuance. 11512

(G) A tax for current operating expenses or for permanent 11513
improvements levied under this section for a specified number of 11514
years may be renewed or replaced in the same manner as a tax for 11515
current operating expenses or for permanent improvements levied 11516
under section 5705.21 of the Revised Code. A tax for current 11517
operating expenses or for permanent improvements levied under this 11518
section for a continuing period of time may be decreased in 11519
accordance with section 5705.261 of the Revised Code. 11520

(H) The submission of a question to the electors under this 11521
section is subject to the limitation on the number of elections 11522
that can be held in a year under section 5705.214 of the Revised 11523
Code. 11524

(I) A school district board of education proposing a ballot 11525
measure under this section to generate local resources for a 11526
project under the school building assistance expedited local 11527
partnership program under section 3318.36 of the Revised Code may 11528
combine the questions under division (D) of this section with a 11529
question for the levy of a property tax to generate moneys for 11530
maintenance of the classroom facilities acquired under that 11531
project as prescribed in section 3318.361 of the Revised Code. 11532

Sec. 5705.25. (A) A copy of any resolution adopted as 11533

provided in section 5705.19 or 5705.2111 of the Revised Code shall 11534
be certified by the taxing authority to the board of elections of 11535
the proper county not less than seventy-five days before the 11536
general election in any year, and the board shall submit the 11537
proposal to the electors of the subdivision at the succeeding 11538
November election. Except as otherwise provided in this division, 11539
a resolution to renew an existing levy, regardless of the section 11540
of the Revised Code under which the tax was imposed, shall not be 11541
placed on the ballot unless the question is submitted at the 11542
general election held during the last year the tax to be renewed 11543
or replaced may be extended on the real and public utility 11544
property tax list and duplicate, or at any election held in the 11545
ensuing year. The limitation of the foregoing sentence does not 11546
apply to a resolution to renew and increase or to renew part of an 11547
existing levy that was imposed under section 5705.191 of the 11548
Revised Code to supplement the general fund for the purpose of 11549
making appropriations for one or more of the following purposes: 11550
for public assistance, human or social services, relief, welfare, 11551
hospitalization, health, and support of general hospitals. The 11552
limitation of the second preceding sentence also does not apply to 11553
a resolution that proposes to renew two or more existing levies 11554
imposed under section 5705.21 of the Revised Code, in which case 11555
the question shall be submitted on the date of the general or 11556
primary election held during the last year at least one of the 11557
levies to be renewed may be extended on the real and public 11558
utility property tax list and duplicate, or at any election held 11559
during the ensuing year. For purposes of this section, a levy 11560
shall be considered to be an "existing levy" through the year 11561
following the last year it can be placed on that tax list and 11562
duplicate. 11563

The board shall make the necessary arrangements for the 11564
submission of such questions to the electors of such subdivision, 11565
and the election shall be conducted, canvassed, and certified in 11566

the same manner as regular elections in such subdivision for the 11567
election of county officers. Notice of the election shall be 11568
published in a newspaper of general circulation in the subdivision 11569
once a week for two consecutive weeks or as provided in section 11570
7.16 of the Revised Code, prior to the election, ~~and, if~~. If the 11571
board of elections operates and maintains a web site, the board of 11572
elections shall post notice of the election on its web site for 11573
thirty days prior to the election. The notice shall state the 11574
purpose, the proposed increase in rate expressed in dollars and 11575
cents for each one hundred dollars of valuation as well as in 11576
mills for each one dollar of valuation, the number of years during 11577
which the increase will be in effect, the first month and year in 11578
which the tax will be levied, and the time and place of the 11579
election. 11580

(B) The form of the ballots cast at an election held pursuant 11581
to division (A) of this section shall be as follows: 11582

"An additional tax for the benefit of (name of subdivision or 11583
public library) for the purpose of (purpose stated in 11584
the resolution) at a rate not exceeding mills 11585
for each one dollar of valuation, which amounts to (rate expressed 11586
in dollars and cents) for each one hundred dollars of 11587
valuation, for (life of indebtedness or number of years the 11588
levy is to run). 11589

	For the Tax Levy	"
	Against the Tax Levy	

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(C) If the levy is to be in effect for a continuing period of 11594
time, the notice of election and the form of ballot shall so state 11595
instead of setting forth a specified number of years for the levy. 11596

If the tax is to be placed on the current tax list, the form 11597

of the ballot shall be modified by adding, after the statement of 11598
the number of years the levy is to run, the phrase ", commencing 11599
in (first year the tax is to be levied), first due in 11600
calendar year (first calendar year in which the tax 11601
shall be due)." 11602

If the levy submitted is a proposal to renew, increase, or 11603
decrease an existing levy, the form of the ballot specified in 11604
division (B) of this section may be changed by substituting for 11605
the words "An additional" at the beginning of the form, the words 11606
"A renewal of a" in case of a proposal to renew an existing levy 11607
in the same amount; the words "A renewal of mills and an 11608
increase of mills to constitute a" in the case of an 11609
increase; or the words "A renewal of part of an existing levy, 11610
being a reduction of mills, to constitute a" in the case of 11611
a decrease in the proposed levy. 11612

If the levy submitted is a proposal to renew two or more 11613
existing levies imposed under section 5705.21 of the Revised Code, 11614
the form of the ballot specified in division (B) of this section 11615
shall be modified by substituting for the words "an additional 11616
tax" the words "a renewal of(insert the number of levies to 11617
be renewed) existing taxes." 11618

The question covered by such resolution shall be submitted as 11619
a separate proposition but may be printed on the same ballot with 11620
any other proposition submitted at the same election, other than 11621
the election of officers. More than one such question may be 11622
submitted at the same election. 11623

(D) A levy voted in excess of the ten-mill limitation under 11624
this section shall be certified to the tax commissioner. In the 11625
first year of the levy, it shall be extended on the tax lists 11626
after the February settlement succeeding the election. If the 11627
additional tax is to be placed upon the tax list of the current 11628
year, as specified in the resolution providing for its submission, 11629

the result of the election shall be certified immediately after 11630
the canvass by the board of elections to the taxing authority, who 11631
shall make the necessary levy and certify it to the county 11632
auditor, who shall extend it on the tax lists for collection. 11633
After the first year, the tax levy shall be included in the annual 11634
tax budget that is certified to the county budget commission. 11635

Sec. 5705.251. (A) A copy of a resolution adopted under 11636
section 5705.212 or 5705.213 of the Revised Code shall be 11637
certified by the board of education to the board of elections of 11638
the proper county not less than seventy-five days before the date 11639
of the election specified in the resolution, and the board of 11640
elections shall submit the proposal to the electors of the school 11641
district at a special election to be held on that date. The board 11642
of elections shall make the necessary arrangements for the 11643
submission of the question or questions to the electors of the 11644
school district, and the election shall be conducted, canvassed, 11645
and certified in the same manner as regular elections in the 11646
school district for the election of county officers. Notice of the 11647
election shall be published in a newspaper of general circulation 11648
in the subdivision once a week for two consecutive weeks or as 11649
provided in section 7.16 of the Revised Code, prior to the 11650
election, ~~and, if.~~ If the board of elections operates and 11651
maintains a web site, the board of elections shall post notice of 11652
the election on its web site for thirty days prior to the 11653
election. 11654

(1) In the case of a resolution adopted under section 11655
5705.212 of the Revised Code, the notice shall state separately, 11656
for each tax being proposed, the purpose; the proposed increase in 11657
rate, expressed in dollars and cents for each one hundred dollars 11658
of valuation as well as in mills for each one dollar of valuation; 11659
the number of years during which the increase will be in effect; 11660
and the first calendar year in which the tax will be due. For an 11661

election on the question of a renewal levy, the notice shall state 11662
the purpose; the proposed rate, expressed in dollars and cents for 11663
each one hundred dollars of valuation as well as in mills for each 11664
one dollar of valuation; and the number of years the tax will be 11665
in effect. 11666

(2) In the case of a resolution adopted under section 11667
5705.213 of the Revised Code, the notice shall state the purpose; 11668
the amount proposed to be raised by the tax in the first year it 11669
is levied; the estimated average additional tax rate for the first 11670
year it is proposed to be levied, expressed in mills for each one 11671
dollar of valuation and in dollars and cents for each one hundred 11672
dollars of valuation; the number of years during which the 11673
increase will be in effect; and the first calendar year in which 11674
the tax will be due. The notice also shall state the amount by 11675
which the amount to be raised by the tax may be increased in each 11676
year after the first year. The amount of the allowable increase 11677
may be expressed in terms of a dollar increase over, or a 11678
percentage of, the amount raised by the tax in the immediately 11679
preceding year. For an election on the question of a renewal levy, 11680
the notice shall state the purpose; the amount proposed to be 11681
raised by the tax; the estimated tax rate, expressed in mills for 11682
each one dollar of valuation and in dollars and cents for each one 11683
hundred dollars of valuation; and the number of years the tax will 11684
be in effect. 11685

In any case, the notice also shall state the time and place 11686
of the election. 11687

(B) The form of the ballot in an election on taxes proposed 11688
under section 5705.212 of the Revised Code shall be as follows: 11689

"Shall the school district be authorized to levy 11690
taxes for current expenses, the aggregate rate of which may 11691
increase in (number) increment(s) of not more than 11692
mill(s) for each dollar of valuation, from an original rate of 11693

..... mill(s) for each dollar of valuation, which amounts to 11694
 (rate expressed in dollars and cents) for each one hundred 11695
 dollars of valuation, to a maximum rate of mill(s) for each 11696
 dollar of valuation, which amounts to (rate expressed in 11697
 dollars and cents) for each one hundred dollars of valuation? The 11698
 original tax is first proposed to be levied in (the first 11699
 year of the tax), and the incremental tax in (the first 11700
 year of the increment) (if more than one incremental tax is 11701
 proposed in the resolution, the first year that each incremental 11702
 tax is proposed to be levied shall be stated in the preceding 11703
 format, and the increments shall be referred to as the first, 11704
 second, third, or fourth increment, depending on their number). 11705
 The aggregate rate of tax so authorized will (insert 11706
 either, "expire with the original rate of tax which shall be in 11707
 effect for years" or "be in effect for a continuing period 11708
 of time"). 11709

	FOR THE TAX LEVIES
	AGAINST THE TAX LEVIES

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The form of the ballot in an election on the question of a 11714
 renewal levy under section 5705.212 of the Revised Code shall be 11715
 as follows: 11716

"Shall the school district be authorized to renew a 11717
 tax for current expenses at a rate not exceeding mills 11718
 for each dollar of valuation, which amounts to (rate 11719
 expressed in dollars and cents) for each one hundred dollars of 11720
 valuation, for (number of years the levy shall be in 11721
 effect, or a continuing period of time)? 11722

	FOR THE TAX LEVY
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	AGAINST THE TAX LEVY	"
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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)."

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(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:

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"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 of years) following years, the tax will increase by not more than (per cent or dollar amount of increase) each year, so that, during (last year of the tax), the tax will raise approximately (dollars). The county auditor estimates that the rate of the tax per dollar of valuation will be mill(s), which amounts to \$...... per one hundred dollars of valuation, both during (first year of the tax) and mill(s), which amounts to \$...... per one hundred dollars of valuation, during (last year of the tax). The tax will not be levied after (year).

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	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 renewal levy under section 5705.213 of the Revised Code shall be as follows:

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"Shall the school district be authorized to renew a

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tax for current expenses which will raise (dollars), 11756
 estimated by the county auditor to be mills for each 11757
 dollar of valuation, which amounts to (rate expressed in 11758
 dollars and cents) for each one hundred dollars of valuation? The 11759
 tax shall be in effect for (the number of years the levy 11760
 shall be in effect, or a continuing period of time). 11761

	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 11766
 of the ballot shall be modified by adding, after the statement of 11767
 the number of years the levy is to be in effect, the phrase ", 11768
 commencing in (first year the tax is to be levied), 11769
 first due in calendar year (first calendar year in 11770
 which the tax shall be due)." 11771

(D) The question covered by a resolution adopted under 11772
 section 5705.212 or 5705.213 of the Revised Code shall be 11773
 submitted as a separate question, but may be printed on the same 11774
 ballot with any other question submitted at the same election, 11775
 other than the election of officers. More than one question may be 11776
 submitted at the same election. 11777

(E) Taxes voted in excess of the ten-mill limitation under 11778
 division (B) or (C) of this section shall be certified to the tax 11779
 commissioner. If an additional tax is to be placed upon the tax 11780
 list of the current year, as specified in the resolution providing 11781
 for its submission, the result of the election shall be certified 11782
 immediately after the canvass by the board of elections to the 11783
 board of education. The board of education immediately shall make 11784
 the necessary levy and certify it to the county auditor, who shall 11785
 extend it on the tax list for collection. After the first year, 11786

the levy shall be included in the annual tax budget that is 11787
certified to the county budget commission. 11788

Sec. 5705.261. The question of decrease of an increased rate 11789
of levy approved for a continuing period of time by the voters of 11790
a subdivision may be initiated by the filing of a petition with 11791
the board of elections of the proper county not less than 11792
seventy-five days before the general election in any year 11793
requesting that an election be held on such question. Such 11794
petition shall state the amount of the proposed decrease in the 11795
rate of levy and shall be signed by qualified electors residing in 11796
the subdivision equal in number to at least ten per cent of the 11797
total number of votes cast in the subdivision for the office of 11798
governor at the most recent general election for that office. Only 11799
one such petition may be filed during each five-year period 11800
following the election at which the voters approved the increased 11801
rate for a continuing period of time. 11802

After determination by it that such petition is valid, the 11803
board of elections shall submit the question to the electors of 11804
the district at the succeeding general election. The election 11805
shall be conducted, canvassed, and certified in the same manner as 11806
regular elections in such subdivision for county offices. Notice 11807
of the election shall be published in a newspaper of general 11808
circulation in the district once a week for two consecutive weeks 11809
or as provided in section 7.16 of the Revised Code, prior to the 11810
election, ~~and, if.~~ If the board of elections operates and 11811
maintains a web site, the board of elections shall post notice of 11812
the election on its web site for thirty days prior to the 11813
election. The notice shall state the purpose, the amount of the 11814
proposed decrease in rate, and the time and place of the election. 11815
The form of the ballot cast at such election shall be prescribed 11816
by the secretary of state. The question covered by such petition 11817
shall be submitted as a separate proposition but it may be printed 11818

on the same ballot with any other propositions submitted at the 11819
same election other than the election of officers. If a majority 11820
of the qualified electors voting on the question of a decrease at 11821
such election approve the proposed decrease in rate, the result of 11822
the election shall be certified immediately after the canvass by 11823
the board of elections to the subdivision's taxing authority, 11824
which shall thereupon, after the current year, cease to levy such 11825
increased rate or levy such tax at such reduced rate upon the 11826
duplicate of the subdivision. If notes have been issued in 11827
anticipation of the collection of such levy, the taxing authority 11828
shall continue to levy and collect under authority of the election 11829
authorizing the original levy such amounts as will be sufficient 11830
to pay the principal of and interest on such anticipation notes as 11831
the same fall due. 11832

Sec. 5705.314. If the board of education of a city, local, or 11833
exempted village school district proposes to change its levy 11834
within the ten-mill limitation in a manner that will result in an 11835
increase in the amount of real property taxes levied by the board 11836
in the tax year the change takes effect, the board shall hold a 11837
public hearing solely on the proposal before adopting a resolution 11838
to implement the proposal. The board shall publish notice of the 11839
hearing in a newspaper of general circulation in the school 11840
district once a week for two consecutive weeks or as provided in 11841
section 7.16 of the Revised Code. The second publication shall be 11842
not less than ten nor more than thirty days before the date of the 11843
hearing. ~~The,~~ and the notice shall include the date, time, place, 11844
and subject of the hearing, and a statement that the change 11845
proposed by the board may result in an increase in the amount of 11846
real property taxes levied by the board. At the time the board 11847
submits the notice for publication, the board shall send a copy of 11848
the notice to the auditor of the county where the school district 11849
is located or, if the school district is located in more than one 11850

county, to the auditor of each of those counties. 11851

Sec. 5705.71. (A) The electors of a county may initiate the 11852
question of a tax levy for support of senior citizens services or 11853
facilities by the filing of a petition with the board of elections 11854
of that county not less than seventy-five days before the date of 11855
any primary or general election requesting that an election be 11856
held on such question. The petition shall be signed by at least 11857
ten per cent of the qualified electors residing in the county and 11858
voting for the office of governor at the last general election. 11859

(B) The petition shall state the purpose for which the senior 11860
citizens tax levy is being proposed, shall specify the amount of 11861
the proposed increase in rate, the period of time during which the 11862
increase is to be in effect, and whether the levy is to be imposed 11863
in the current year. The number of years may be any number not 11864
exceeding five, except that when the additional rate is for the 11865
payment of debt charges the increased rate shall be for the life 11866
of the indebtedness. 11867

(C) After determination by it that such petition is valid, 11868
the board of elections shall submit the question to the electors 11869
of the county at the succeeding primary or general election. 11870

(D) The election shall be conducted, canvassed, and certified 11871
in the same manner as regular elections in such county for county 11872
offices. Notice of the election shall be published in a newspaper 11873
of general circulation in the county once a week for two 11874
consecutive weeks or as provided in section 7.16 of the Revised 11875
Code, prior to the election, ~~and, if~~. If the board of elections 11876
operates and maintains a web site, the board of elections shall 11877
post notice of the election on its web site for thirty days prior 11878
to the election. The notice shall state the purpose, the amount of 11879
the proposed increase in rate, and the time and place of the 11880
election. 11881

(E) The form of the ballot cast at such election shall be 11882
prescribed by the secretary of state. If the tax is to be placed 11883
on the tax list of the current tax year, the form of the ballot 11884
shall include a statement to that effect and shall indicate the 11885
first calendar year the tax will be due. The question covered by 11886
such petition shall be submitted as a separate proposition but it 11887
may be printed on the same ballot with any other propositions 11888
submitted at the same election other than the election of 11889
officers. 11890

(F) If a majority of electors voting on the question vote in 11891
favor of the levy, the board of county commissioners shall levy a 11892
tax, for the period and the purpose stated within the petition. If 11893
the tax is to be placed upon the tax list of the current year, as 11894
specified in the petition, the result of the election shall be 11895
certified immediately after the canvass by the board of elections 11896
to the board of county commissioners, which shall forthwith make 11897
the necessary levy and certify it to the county auditor, who shall 11898
extend it on the tax list for collection. After the first year, 11899
the tax levy shall be included in the annual tax budget that is 11900
certified to the county budget commission. 11901

Sec. 5713.01. (A) Each county shall be the unit for assessing 11902
real estate for taxation purposes. The county auditor shall be the 11903
assessor of all the real estate in the auditor's county for 11904
purposes of taxation, but this section does not affect the power 11905
conferred by Chapter 5727. of the Revised Code upon the tax 11906
commissioner regarding the valuation and assessment of real 11907
property used in railroad operations. 11908

(B) The auditor shall assess all the real estate situated in 11909
the county at its taxable value in accordance with sections 11910
5713.03, 5713.31, and 5715.01 of the Revised Code and with the 11911
rules and methods applicable to the auditor's county adopted, 11912

prescribed, and promulgated by the tax commissioner. The auditor 11913
shall view and appraise or cause to be viewed and appraised at its 11914
true value in money, each lot or parcel of real estate, including 11915
land devoted exclusively to agricultural use, and the improvements 11916
located thereon at least once in each six-year period and the 11917
taxable values required to be derived therefrom shall be placed on 11918
the auditor's tax list and the county treasurer's duplicate for 11919
the tax year ordered by the commissioner pursuant to section 11920
5715.34 of the Revised Code. The commissioner may grant an 11921
extension of one year or less if the commissioner finds that good 11922
cause exists for the extension. When the auditor so views and 11923
appraises, the auditor may enter each structure located thereon to 11924
determine by actual view what improvements have been made therein 11925
or additions made thereto since the next preceding valuation. The 11926
auditor shall revalue and assess at any time all or any part of 11927
the real estate in such county, including land devoted exclusively 11928
to agricultural use, where the auditor finds that the true or 11929
taxable values thereof have changed, and when a conservation 11930
easement is created under sections 5301.67 to 5301.70 of the 11931
Revised Code. The auditor may increase or decrease the true or 11932
taxable value of any lot or parcel of real estate in any township, 11933
municipal corporation, or other taxing district by an amount which 11934
will cause all real property on the tax list to be valued as 11935
required by law, or the auditor may increase or decrease the 11936
aggregate value of all real property, or any class of real 11937
property, in the county, township, municipal corporation, or other 11938
taxing district, or in any ward or other division of a municipal 11939
corporation by a per cent or amount which will cause all property 11940
to be properly valued and assessed for taxation in accordance with 11941
Section 36, Article II, Section 2, Article XII, Ohio Constitution, 11942
this section, and sections 5713.03, 5713.31, and 5715.01 of the 11943
Revised Code. 11944

(C) When the auditor determines to reappraise all the real 11945

estate in the county or any class thereof, when the tax 11946
commissioner orders an increase in the aggregate true or taxable 11947
value of the real estate in any taxing subdivision, or when the 11948
taxable value of real estate is increased by the application of a 11949
uniform taxable value per cent of true value pursuant to the order 11950
of the commissioner, the auditor shall advertise the completion of 11951
the reappraisal or equalization action in a newspaper of general 11952
circulation in the county once a week for the three consecutive 11953
weeks next preceding the issuance of the tax bills, or as provided 11954
in section 7.16 of the Revised Code for the two consecutive weeks 11955
next preceding the issuance of the tax bills. When the auditor 11956
changes the true or taxable value of any individual parcels of 11957
real estate, the auditor shall notify the owner of the real 11958
estate, or the person in whose name the same stands charged on the 11959
duplicate, by mail or in person, of the changes the auditor has 11960
made in the assessments of such property. Such notice shall be 11961
given at least thirty days prior to the issuance of the tax bills. 11962
Failure to receive notice shall not invalidate any proceeding 11963
under this section. 11964

(D) The auditor shall make the necessary abstracts from books 11965
of the auditor's office containing descriptions of real estate in 11966
such county, together with such platbooks and lists of transfers 11967
of title to land as the auditor deems necessary in the performance 11968
of the auditor's duties in valuing such property for taxation. 11969
Such abstracts, platbooks, and lists shall be in such form and 11970
detail as the tax commissioner prescribes. 11971

(E) The auditor, with the approval of the tax commissioner, 11972
may appoint and employ such experts, deputies, clerks, or other 11973
employees as the auditor deems necessary to the performance of the 11974
auditor's duties as assessor, or, with the approval of the tax 11975
commissioner, the auditor may enter into a contract with an 11976
individual, partnership, firm, company, or corporation to do all 11977

or any part of the work; the amount to be expended in the payment 11978
of the compensation of such employees shall be fixed by the board 11979
of county commissioners. If, in the opinion of the auditor, the 11980
board of county commissioners fails to provide a sufficient amount 11981
for the compensation of such employees, the auditor may apply to 11982
the tax commissioner for an additional allowance, and the 11983
additional amount of compensation allowed by the commissioner 11984
shall be certified to the board of county commissioners, and the 11985
same shall be final. The salaries and compensation of such 11986
experts, deputies, clerks, and employees shall be paid upon the 11987
warrant of the auditor out of the general fund or the real estate 11988
assessment fund of the county, or both. If the salaries and 11989
compensation are in whole or in part fixed by the commissioner, 11990
they shall constitute a charge against the county regardless of 11991
the amount of money in the county treasury levied or appropriated 11992
for such purposes. 11993

(F) Any contract for goods or services related to the 11994
auditor's duties as assessor, including contracts for mapping, 11995
computers, and reproduction on any medium of any documents, 11996
records, photographs, microfiche, or magnetic tapes, but not 11997
including contracts for the professional services of an appraiser, 11998
shall be awarded pursuant to the competitive bidding procedures 11999
set forth in sections 307.86 to 307.92 of the Revised Code and 12000
shall be paid for, upon the warrant of the auditor, from the real 12001
estate assessment fund. 12002

(G) Experts, deputies, clerks, and other employees, in 12003
addition to their other duties, shall perform such services as the 12004
auditor directs in ascertaining such facts, description, location, 12005
character, dimensions of buildings and improvements, and other 12006
circumstances reflecting upon the value of real estate as will aid 12007
the auditor in fixing its true and taxable value and, in the case 12008
of land valued in accordance with section 5713.31 of the Revised 12009

Code, its current agricultural use value. The auditor may also 12010
summon and examine any person under oath in respect to any matter 12011
pertaining to the value of any real property within the county. 12012

Sec. 5715.17. When the county board of revision has completed 12013
its work of equalization and transmitted the returns to ~~him~~ the 12014
county auditor, the ~~county~~ auditor shall give notice by 12015
advertising in ~~two newspapers of opposite politics published in~~ 12016
~~and a newspaper~~ of general circulation throughout the county that 12017
the tax returns for the current year have been revised and the 12018
valuations have been completed and are open for public inspection 12019
in ~~his~~ the auditor's office, and that complaints against any 12020
valuation or assessment, except the valuations fixed and 12021
assessments made by the department of taxation, will be heard by 12022
the board, stating in the notice the time and place of the meeting 12023
of such board. Such advertisement shall be inserted in a 12024
conspicuous place in ~~each~~ such newspaper and be published daily 12025
for ten days, ~~unless there is no daily newspaper published in and~~ 12026
~~of general circulation throughout such county, in which event such~~ 12027
~~advertisement shall be so published once each week for two weeks~~ 12028
or as provided in section 7.16 of the Revised Code. 12029

The auditor shall, upon request, furnish to any person a 12030
certificate setting forth the assessment and valuation of any 12031
tract, lot, or parcel of real estate or any specific personal 12032
property, and mail the same when requested to do so upon receipt 12033
of sufficient postage. 12034

The auditor shall furnish notice to boards of education of 12035
school districts within the county of all hearings, and the 12036
results of such hearings, held in regard to the reduction or 12037
increasing of tax valuations in excess of one hundred thousand 12038
dollars directly affecting the revenue of such district. 12039

Sec. 5715.23. Annually, immediately after the county board of 12040
revision has acted upon the assessments for the current year as 12041
required under section 5715.16 of the Revised Code and the county 12042
auditor has given notice by advertisement in ~~two newspapers~~ a 12043
newspaper of general circulation in the county that the valuations 12044
have been revised and are open for public inspection as provided 12045
in section 5715.17 of the Revised Code, each auditor shall make 12046
out and transmit to the tax commissioner an abstract of the real 12047
property of each taxing district in ~~his~~ the auditor's county, in 12048
which ~~he~~ the auditor shall set forth the aggregate amount and 12049
valuation of each class of real property in such county and in 12050
each taxing district therein as it appears on ~~his~~ the auditor's 12051
tax list or the statements and returns on file in ~~his~~ the 12052
auditor's office and an abstract of the current year's true value 12053
of land valued for such year under section 5713.31 of the Revised 12054
Code as it appears in the current year's agricultural land tax 12055
list. 12056

Sec. 5719.04. (A) Immediately after each settlement required 12057
by division (D) of section 321.24 of the Revised Code the county 12058
auditor shall make a tax list and duplicates thereof of all 12059
general personal and classified property taxes remaining unpaid, 12060
as shown by the county treasurer's books and the list of taxes 12061
returned as delinquent by the treasurer to the auditor at such 12062
settlement. The county auditor shall also include in such list all 12063
taxes assessed by the tax commissioner pursuant to law which were 12064
not charged upon the tax lists and duplicates on which such 12065
settlements were made nor previously charged upon a delinquent tax 12066
list and duplicates pursuant to this section, but the auditor 12067
shall not include taxes specifically excepted from collection 12068
pursuant to section 5711.32 of the Revised Code. Such tax list and 12069
duplicates shall contain the name of the person charged and the 12070

amount of such taxes, and the penalty, due and unpaid, and shall 12071
set forth separately the amount charged or chargeable on the 12072
general and on the classified list and duplicate. The auditor 12073
shall deliver one such duplicate to the treasurer on the first day 12074
of December, annually. Upon receipt of the duplicate the treasurer 12075
may prepare and mail tax bills to all persons charged with such 12076
delinquent taxes. Each bill shall include a notice that the 12077
interest charge prescribed by section 5719.041 of the Revised Code 12078
has begun to accrue. 12079

The auditor shall cause a copy of the delinquent personal and 12080
classified property tax list and duplicate provided for in this 12081
division to be published twice within sixty days after delivery of 12082
such duplicate to the treasurer in a newspaper ~~published in the~~ 12083
~~English language in the county and~~ of general circulation ~~therein;~~ 12084
~~provided that before~~ in the county. The newspaper shall meet the 12085
requirements of divisions (A)(1) to (5) of section 7.12 of the 12086
Revised Code. Section 2701.09 of the Revised Code does not apply 12087
to publication of such a tax list. The auditor may publish the tax 12088
list on a pre-printed insert in the newspaper. The cost of the 12089
second publication of the list shall not exceed three-fourths of 12090
the cost of the first publication of the list. 12091

Before such publication, the auditor shall cause a display 12092
notice of the forthcoming publication of such delinquent personal 12093
and classified property tax list to be inserted once a week for 12094
two consecutive weeks in a newspaper ~~published in the English~~ 12095
~~language in the county and~~ of general circulation ~~therein~~ in the 12096
county. Copy for such display notice shall be furnished by the 12097
auditor to the newspaper selected to publish such delinquent tax 12098
lists simultaneously with the delivery of the duplicate to the 12099
treasurer. ~~If there is only one newspaper published in the county,~~ 12100
~~such display notice and delinquent personal and classified~~ 12101
~~property tax lists shall be published in it.~~ Publication of the 12102

delinquent lists may be made by a newspaper in installments, 12103
provided that complete publication thereof is made twice during 12104
said sixty-day period. 12105

The office of the county treasurer shall be kept open to 12106
receive the payment of delinquent general and classified property 12107
taxes from the day of delivery of the duplicate thereof until the 12108
final publication of the delinquent tax list. The name of any 12109
taxpayer who prior to seven days before either the first or second 12110
publication of said list pays such taxes in full or enters into a 12111
delinquent tax contract to pay such taxes in installments pursuant 12112
to section 5719.05 of the Revised Code shall be stricken from such 12113
list, and the taxpayer's name shall not be included in the list 12114
for that publication. 12115

The other such duplicate, from which shall first be 12116
eliminated the names of persons whose total liability for taxes 12117
and penalty is less than one hundred dollars, shall be filed by 12118
the auditor on the first day of December, annually, in the office 12119
of the county recorder, and the same shall constitute a notice of 12120
lien and operate as of the date of delivery as a lien on the lands 12121
and tenements, vested legal interests therein, and permanent 12122
leasehold estates of each person named therein having such real 12123
estate in such county. Such notice of lien and such lien shall not 12124
be valid as against any mortgagee, pledgee, purchaser, or judgment 12125
creditor whose rights have attached prior to the date of such 12126
delivery. Such duplicate shall be kept by the recorder, designated 12127
as the personal tax lien record, and indexed under the name of the 12128
person charged with such tax. No fee shall be charged by the 12129
recorder for the services required under this section. 12130

The auditor shall add to the tax list made pursuant to this 12131
section all such taxes omitted in a previous year when assessed by 12132
the auditor or finally assessed by the tax commissioner pursuant 12133
to law, and by proper certificates cause the same to be added to 12134

the treasurer's delinquent tax duplicate provided for in this 12135
section, and, in proper cases, file notice of the lien with the 12136
recorder, as provided in this section. 12137

If the authority making any assessment believes that the 12138
collection of such taxes will be jeopardized by delay, such 12139
assessing authority shall so certify on the assessment certificate 12140
thereof, and the auditor shall include a certificate of such 12141
jeopardy in the certificate given by the auditor to the treasurer. 12142
In such event the treasurer shall proceed immediately to collect 12143
such taxes, and to enforce the collection thereof by any means 12144
provided by law, and the treasurer may not accept a tender of any 12145
part of such taxes; but the person or the representatives of the 12146
person against whom such assessment is made may, in the event of 12147
an appeal to the tax commissioner therefrom, obtain a stay of 12148
collection of the whole or any part of the amount of such 12149
assessment by filing with the treasurer a bond in an amount not 12150
exceeding double the amount as to which the stay is desired, with 12151
such surety as the treasurer deems necessary, conditioned upon the 12152
payment of the amount determined to be due by the decision of the 12153
commissioner which has become final, and further conditioned that 12154
if an appeal is not filed within the period provided by law, the 12155
amount of collection which is stayed by the bond will be paid on 12156
notice and demand of the treasurer at any time after the 12157
expiration of such period. The taxpayer may waive such stay as to 12158
the whole or any part of the amount covered by the bond, and if as 12159
the result of such waiver any part of the amount covered by the 12160
bond is paid, then the bond shall be proportionately reduced on 12161
the request of the taxpayer. 12162

(B) Immediately after each settlement required by division 12163
(D) of section 321.24 of the Revised Code the auditor shall make a 12164
separate list and duplicate, prepared as prescribed in division 12165
(A) of this section, of all general personal and classified 12166

property taxes that remain unpaid but are excepted from collection 12167
pursuant to section 5711.32 of the Revised Code. The duplicate of 12168
such list shall be delivered to the treasurer at the time of 12169
delivery of the delinquent personal and classified property tax 12170
duplicate. 12171

Sec. 5721.01. (A) As used in this chapter: 12172

(1) "Delinquent lands" means all lands upon which delinquent 12173
taxes, as defined in section 323.01 of the Revised Code, remain 12174
unpaid at the time a settlement is made between the county 12175
treasurer and auditor pursuant to division (C) of section 321.24 12176
of the Revised Code. 12177

(2) "Delinquent vacant lands" means all lands that have been 12178
delinquent lands for at least one year and that are unimproved by 12179
any dwelling. 12180

(3) "County land reutilization corporation" means a county 12181
land reutilization corporation organized under Chapter 1724. of 12182
the Revised Code. 12183

(B) As used in sections 5719.04, 5721.03, and 5721.31 of the 12184
Revised Code and in any other sections of the Revised Code to 12185
which those sections are applicable, a "newspaper" or "newspaper 12186
of general circulation ~~shall be a publication bearing a title or~~ 12187
~~name, regularly issued as frequently as once a week for a definite~~ 12188
~~price or consideration paid for by not less than fifty per cent of~~ 12189
~~those to whom distribution is made, having a second class mailing~~ 12190
~~privilege, being not less than four pages, published continuously~~ 12191
~~during the immediately preceding one year period, and circulated~~ 12192
~~generally in the political subdivision in which it is published.~~ 12193
Such publication shall be of a type to which the general public 12194
resorts for passing events of a political, religious, commercial, 12195
and social nature, current happenings, announcements, 12196
miscellaneous reading matter, advertisements, and other notices" 12197

has the same meaning as in section 7.12 of the Revised Code. 12198

Sec. 5721.03. (A) At the time of making the delinquent land 12199
list, as provided in section 5721.011 of the Revised Code, the 12200
county auditor shall compile a delinquent tax list consisting of 12201
all lands on the delinquent land list on which taxes have become 12202
delinquent at the close of the collection period immediately 12203
preceding the making of the delinquent land list. The auditor 12204
shall also compile a delinquent vacant land tax list of all 12205
delinquent vacant lands prior to the institution of any 12206
foreclosure and forfeiture actions against delinquent vacant lands 12207
under section 5721.14 of the Revised Code or any foreclosure 12208
actions against delinquent vacant lands under section 5721.18 of 12209
the Revised Code. 12210

The delinquent tax list, and the delinquent vacant land tax 12211
list if one is compiled, shall contain all of the information 12212
included on the delinquent land list, except that, if the 12213
auditor's records show that the name of the person in whose name 12214
the property currently is listed is not the name that appears on 12215
the delinquent land list, the name used in the delinquent tax list 12216
or the delinquent vacant land tax list shall be the name of the 12217
person the auditor's records show as the person in whose name the 12218
property currently is listed. 12219

Lands that have been included in a previously published 12220
delinquent tax list shall not be included in the delinquent tax 12221
list so long as taxes have remained delinquent on such lands for 12222
the entire intervening time. 12223

In either list, there may be included lands that have been 12224
omitted in error from a prior list and lands with respect to which 12225
the auditor has received a certification that a delinquent tax 12226
contract has become void since the publication of the last 12227
previously published list, provided the name of the owner was 12228

stricken from a prior list under section 5721.02 of the Revised Code. 12229
Code. 12230

(B)(1) The auditor shall cause the delinquent tax list and 12231
the delinquent vacant land tax list, if one is compiled, to be 12232
published twice within sixty days after the delivery of the 12233
delinquent land duplicate to the county treasurer, in a newspaper 12234
of general circulation in the county. The newspaper shall meet the 12235
requirements of divisions (A)(1) to (5) of section 7.12 of the 12236
Revised Code. Section 2701.09 of the Revised Code does not apply 12237
to publication of such a list or lists. The publication shall be 12238
printed in the English language auditor may publish the list or 12239
lists on a pre-printed insert in the newspaper. The cost of the 12240
second publication of the list or lists shall not exceed 12241
three-fourths of the cost of the first publication of the list or 12242
lists. 12243

The auditor shall insert display notices of the forthcoming 12244
publication of the delinquent tax list and, if it is to be 12245
published, the delinquent vacant land tax list once a week for two 12246
consecutive weeks in a newspaper of general circulation in the 12247
county. The display notices shall contain the times and methods of 12248
payment of taxes provided by law, including information concerning 12249
installment payments made in accordance with a written delinquent 12250
tax contract. The display notice for the delinquent tax list also 12251
shall include a notice that an interest charge will accrue on 12252
accounts remaining unpaid after the last day of November unless 12253
the taxpayer enters into a written delinquent tax contract to pay 12254
such taxes in installments. The display notice for the delinquent 12255
vacant land tax list if it is to be published also shall include a 12256
notice that delinquent vacant lands in the list are lands on which 12257
taxes have remained unpaid for one year after being certified 12258
delinquent, and that they are subject to foreclosure proceedings 12259
as provided in section 323.25, sections 323.65 to 323.79, or 12260

section 5721.18 of the Revised Code, or foreclosure and forfeiture 12261
proceedings as provided in section 5721.14 of the Revised Code. 12262
Each display notice also shall state that the lands are subject to 12263
a tax certificate sale under section 5721.32 or 5721.33 of the 12264
Revised Code or assignment to a county land reutilization 12265
corporation, as the case may be, and shall include any other 12266
information that the auditor considers pertinent to the purpose of 12267
the notice. The display notices shall be furnished by the auditor 12268
to the ~~newspapers~~ newspaper selected to publish the lists at least 12269
ten days before their first publication. 12270

(2) Publication of the list or lists may be made by a 12271
newspaper in installments, provided the complete publication of 12272
each list is made twice during the sixty-day period. 12273

(3) There shall be attached to the delinquent tax list a 12274
notice that the delinquent lands will be certified for foreclosure 12275
by the auditor unless the taxes, assessments, interest, and 12276
penalties due and owing on them are paid. There shall be attached 12277
to the delinquent vacant land tax list, if it is to be published, 12278
a notice that delinquent vacant lands will be certified for 12279
foreclosure or foreclosure and forfeiture by the auditor unless 12280
the taxes, assessments, interest, and penalties due and owing on 12281
them are paid within twenty-eight days after the final publication 12282
of the notice. 12283

(4) The auditor shall review the first publication of each 12284
list for accuracy and completeness and may correct any errors 12285
appearing in the list in the second publication. 12286

(C) For the purposes of section 5721.18 of the Revised Code, 12287
land is first certified delinquent on the date of the 12288
certification of the delinquent land list containing that land. 12289

Sec. 5721.04. The proper and necessary expenses of publishing 12290
the delinquent tax lists, delinquent vacant land tax lists, and 12291

display notices provided for by sections 5719.04 and 5721.03 of 12292
the Revised Code shall be paid from the county treasury as county 12293
expenses are paid, and the board of county commissioners shall 12294
make provision for them in the annual budget of the county 12295
submitted to the budget commission, and shall make the necessary 12296
appropriations. If the board fails to make such appropriations, or 12297
if an appropriation is insufficient to meet such an expense, any 12298
person interested may apply to the court of common pleas of the 12299
county for an allowance to cover the expense, and the court shall 12300
issue an order instructing the county auditor to issue ~~his~~ a 12301
warrant upon the county treasurer for the amount necessary. The 12302
order by the court shall be final and shall be complied with 12303
immediately. 12304

The aggregate amount paid ~~shall for publication may~~ be 12305
apportioned by the county auditor among the taxing districts in 12306
which the lands on each list are located in proportion to the 12307
amount of delinquent taxes so advertised in such subdivision, or 12308
the county auditor may charge the property owner of land on a list 12309
a flat fee established under section 319.54 of the Revised Code 12310
for the cost of publishing the list and, if the fee is not paid, 12311
may place the fee upon the tax duplicate as a lien on the land, to 12312
be collected as other taxes. Thereafter, the auditor, in making 12313
~~his~~ the auditor's semiannual apportionment of funds, shall retain 12314
at each semiannual apportionment one half the amount apportioned 12315
to each such taxing district. The amounts retained shall be 12316
credited to the general fund of the county until the aggregate of 12317
all amounts paid in the first instance out of the treasury have 12318
been fully reimbursed. 12319

Sec. 5721.18. The county prosecuting attorney, upon the 12320
delivery to the prosecuting attorney by the county auditor of a 12321
delinquent land or delinquent vacant land tax certificate, or of a 12322
master list of delinquent or delinquent vacant tracts, shall 12323

institute a foreclosure proceeding under this section in the name 12324
of the county treasurer to foreclose the lien of the state, in any 12325
court with jurisdiction or in the county board of revision with 12326
jurisdiction pursuant to section 323.66 of the Revised Code, 12327
unless the taxes, assessments, charges, penalties, and interest 12328
are paid prior to the time a complaint is filed, or unless a 12329
foreclosure or foreclosure and forfeiture action has been or will 12330
be instituted under section 323.25, sections 323.65 to 323.79, or 12331
section 5721.14 of the Revised Code. If the delinquent land or 12332
delinquent vacant land tax certificate or the master list of 12333
delinquent or delinquent vacant tracts lists minerals or rights to 12334
minerals listed pursuant to sections 5713.04, 5713.05, and 5713.06 12335
of the Revised Code, the county prosecuting attorney may institute 12336
a foreclosure proceeding in the name of the county treasurer, in 12337
any court with jurisdiction, to foreclose the lien of the state 12338
against such minerals or rights to minerals, unless the taxes, 12339
assessments, charges, penalties, and interest are paid prior to 12340
the time the complaint is filed, or unless a foreclosure or 12341
foreclosure and forfeiture action has been or will be instituted 12342
under section 323.25, sections 323.65 to 323.79, or section 12343
5721.14 of the Revised Code. 12344

The prosecuting attorney shall prosecute the proceeding to 12345
final judgment and satisfaction. Within ten days after obtaining a 12346
judgment, the prosecuting attorney shall notify the treasurer in 12347
writing that judgment has been rendered. If there is a copy of a 12348
written delinquent tax contract attached to the certificate or an 12349
asterisk next to an entry on the master list, or if a copy of a 12350
delinquent tax contract is received from the auditor prior to the 12351
commencement of the proceeding under this section, the prosecuting 12352
attorney shall not institute the proceeding under this section, 12353
unless the prosecuting attorney receives a certification of the 12354
treasurer that the delinquent tax contract has become void. 12355

(A) This division applies to all foreclosure proceedings not 12356
instituted and prosecuted under section 323.25 of the Revised Code 12357
or division (B) or (C) of this section. The foreclosure 12358
proceedings shall be instituted and prosecuted in the same manner 12359
as is provided by law for the foreclosure of mortgages on land, 12360
except that, if service by publication is necessary, such 12361
publication shall be made once a week for three consecutive weeks 12362
instead of as provided by the Rules of Civil Procedure, and the 12363
service shall be complete at the expiration of three weeks after 12364
the date of the first publication. In any proceeding prosecuted 12365
under this section, if the prosecuting attorney determines that 12366
service upon a defendant may be obtained ultimately only by 12367
publication, the prosecuting attorney may cause service to be made 12368
simultaneously by certified mail, return receipt requested, 12369
ordinary mail, and publication. 12370

In any county that has adopted a permanent parcel number 12371
system, the parcel may be described in the notice by parcel number 12372
only, instead of also with a complete legal description, if the 12373
prosecuting attorney determines that the publication of the 12374
complete legal description is not necessary to provide reasonable 12375
notice of the foreclosure proceeding to the interested parties. If 12376
the complete legal description is not published, the notice shall 12377
indicate where the complete legal description may be obtained. 12378

It is sufficient, having been made a proper party to the 12379
foreclosure proceeding, for the treasurer to allege in the 12380
treasurer's complaint that the certificate or master list has been 12381
duly filed by the auditor, that the amount of money appearing to 12382
be due and unpaid is due and unpaid, and that there is a lien 12383
against the property described in the certificate or master list, 12384
without setting forth in the complaint any other or special matter 12385
relating to the foreclosure proceeding. The prayer of the 12386
complaint shall be that the court or the county board of revision 12387

with jurisdiction pursuant to section 323.66 of the Revised Code 12388
issue an order that the property be sold or conveyed by the 12389
sheriff or otherwise be disposed of, and the equity of redemption 12390
be extinguished, according to the alternative redemption 12391
procedures prescribed in sections 323.65 to 323.79 of the Revised 12392
Code, or if the action is in the municipal court by the bailiff, 12393
in the manner provided in section 5721.19 of the Revised Code. 12394

In the foreclosure proceeding, the treasurer may join in one 12395
action any number of lots or lands, but the decree shall be 12396
rendered separately, and any proceedings may be severed, in the 12397
discretion of the court or board of revision, for the purpose of 12398
trial or appeal, and the court or board of revision shall make 12399
such order for the payment of costs as is considered proper. The 12400
certificate or master list filed by the auditor with the 12401
prosecuting attorney is prima-facie evidence at the trial of the 12402
foreclosure action of the amount and validity of the taxes, 12403
assessments, charges, penalties, and interest appearing due and 12404
unpaid and of their nonpayment. 12405

(B) Foreclosure proceedings constituting an action in rem may 12406
be commenced by the filing of a complaint after the end of the 12407
second year from the date on which the delinquency was first 12408
certified by the auditor. Prior to filing such an action in rem, 12409
the prosecuting attorney shall cause a title search to be 12410
conducted for the purpose of identifying any lienholders or other 12411
persons with interests in the property subject to foreclosure. 12412
Following the title search, the action in rem shall be instituted 12413
by filing in the office of the clerk of a court with jurisdiction 12414
a complaint bearing a caption substantially in the form set forth 12415
in division (A) of section 5721.181 of the Revised Code. 12416

Any number of parcels may be joined in one action. Each 12417
separate parcel included in a complaint shall be given a serial 12418
number and shall be separately indexed and docketed by the clerk 12419

of the court in a book kept by the clerk for such purpose. A 12420
complaint shall contain the permanent parcel number of each parcel 12421
included in it, the full street address of the parcel when 12422
available, a description of the parcel as set forth in the 12423
certificate or master list, the name and address of the last known 12424
owner of the parcel if they appear on the general tax list, the 12425
name and address of each lienholder and other person with an 12426
interest in the parcel identified in the title search relating to 12427
the parcel that is required by this division, and the amount of 12428
taxes, assessments, charges, penalties, and interest due and 12429
unpaid with respect to the parcel. It is sufficient for the 12430
treasurer to allege in the complaint that the certificate or 12431
master list has been duly filed by the auditor with respect to 12432
each parcel listed, that the amount of money with respect to each 12433
parcel appearing to be due and unpaid is due and unpaid, and that 12434
there is a lien against each parcel, without setting forth any 12435
other or special matters. The prayer of the complaint shall be 12436
that the court issue an order that the land described in the 12437
complaint be sold in the manner provided in section 5721.19 of the 12438
Revised Code. 12439

(1) Within thirty days after the filing of a complaint, the 12440
clerk of the court in which the complaint was filed shall cause a 12441
notice of foreclosure substantially in the form of the notice set 12442
forth in division (B) of section 5721.181 of the Revised Code to 12443
be published once a week for three consecutive weeks in a 12444
newspaper of general circulation in the county. The newspaper 12445
shall meet the requirements of divisions (A)(1) to (5) of section 12446
7.12 of the Revised Code. Section 2701.09 of the Revised Code does 12447
not apply to publication of such a notice. In any county that has 12448
adopted a permanent parcel number system, the parcel may be 12449
described in the notice by parcel number only, instead of also 12450
with a complete legal description, if the prosecuting attorney 12451
determines that the publication of the complete legal description 12452

is not necessary to provide reasonable notice of the foreclosure 12453
proceeding to the interested parties. If the complete legal 12454
description is not published, the notice shall indicate where the 12455
complete legal description may be obtained. 12456

After the third publication, the publisher shall file with 12457
the clerk of the court an affidavit stating the fact of the 12458
publication and including a copy of the notice of foreclosure as 12459
published. Service of process for purposes of the action in rem 12460
shall be considered as complete on the date of the last 12461
publication. 12462

Within thirty days after the filing of a complaint and before 12463
the final date of publication of the notice of foreclosure, the 12464
clerk of the court also shall cause a copy of a notice 12465
substantially in the form of the notice set forth in division (C) 12466
of section 5721.181 of the Revised Code to be mailed by certified 12467
mail, with postage prepaid, to each person named in the complaint 12468
as being the last known owner of a parcel included in it, or as 12469
being a lienholder or other person with an interest in a parcel 12470
included in it. The notice shall be sent to the address of each 12471
such person, as set forth in the complaint, and the clerk shall 12472
enter the fact of such mailing upon the appearance docket. If the 12473
name and address of the last known owner of a parcel included in a 12474
complaint is not set forth in it, the auditor shall file an 12475
affidavit with the clerk stating that the name and address of the 12476
last known owner does not appear on the general tax list. 12477

(2)(a) An answer may be filed in an action in rem under this 12478
division by any person owning or claiming any right, title, or 12479
interest in, or lien upon, any parcel described in the complaint. 12480
The answer shall contain the caption and number of the action and 12481
the serial number of the parcel concerned. The answer shall set 12482
forth the nature and amount of interest claimed in the parcel and 12483
any defense or objection to the foreclosure of the lien of the 12484

state for delinquent taxes, assessments, charges, penalties, and 12485
interest as shown in the complaint. The answer shall be filed in 12486
the office of the clerk of the court, and a copy of the answer 12487
shall be served on the prosecuting attorney, not later than 12488
twenty-eight days after the date of final publication of the 12489
notice of foreclosure. If an answer is not filed within such time, 12490
a default judgment may be taken as to any parcel included in a 12491
complaint as to which no answer has been filed. A default judgment 12492
is valid and effective with respect to all persons owning or 12493
claiming any right, title, or interest in, or lien upon, any such 12494
parcel, notwithstanding that one or more of such persons are 12495
minors, incompetents, absentees or nonresidents of the state, or 12496
convicts in confinement. 12497

(b)(i) A receiver appointed pursuant to divisions (C)(2) and 12498
(3) of section 3767.41 of the Revised Code may file an answer 12499
pursuant to division (B)(2)(a) of this section, but is not 12500
required to do so as a condition of receiving proceeds in a 12501
distribution under division (B)(1) of section 5721.17 of the 12502
Revised Code. 12503

(ii) When a receivership under section 3767.41 of the Revised 12504
Code is associated with a parcel, the notice of foreclosure set 12505
forth in division (B) of section 5721.181 of the Revised Code and 12506
the notice set forth in division (C) of that section shall be 12507
modified to reflect the provisions of division (B)(2)(b)(i) of 12508
this section. 12509

(3) At the trial of an action in rem under this division, the 12510
certificate or master list filed by the auditor with the 12511
prosecuting attorney shall be prima-facie evidence of the amount 12512
and validity of the taxes, assessments, charges, penalties, and 12513
interest appearing due and unpaid on the parcel to which the 12514
certificate or master list relates and their nonpayment. If an 12515
answer is properly filed, the court may, in its discretion, and 12516

shall, at the request of the person filing the answer, grant a severance of the proceedings as to any parcel described in such answer for purposes of trial or appeal.

(C) In addition to the actions in rem authorized under division (B) of this section and section 5721.14 of the Revised Code, an action in rem may be commenced under this division. An action commenced under this division shall conform to all of the requirements of division (B) of this section except as follows:

(1) The prosecuting attorney shall not cause a title search to be conducted for the purpose of identifying any lienholders or other persons with interests in the property subject to foreclosure, except that the prosecuting attorney shall cause a title search to be conducted to identify any receiver's lien.

(2) The names and addresses of lienholders and persons with an interest in the parcel shall not be contained in the complaint, and notice shall not be mailed to lienholders and persons with an interest as provided in division (B)(1) of this section, except that the name and address of a receiver under section 3767.41 of the Revised Code shall be contained in the complaint and notice shall be mailed to the receiver.

(3) With respect to the forms applicable to actions commenced under division (B) of this section and contained in section 5721.181 of the Revised Code:

(a) The notice of foreclosure prescribed by division (B) of section 5721.181 of the Revised Code shall be revised to exclude any reference to the inclusion of the name and address of each lienholder and other person with an interest in the parcel identified in a statutorily required title search relating to the parcel, and to exclude any such names and addresses from the published notice, except that the revised notice shall refer to the inclusion of the name and address of a receiver under section

3767.41 of the Revised Code and the published notice shall include 12548
the receiver's name and address. The notice of foreclosure also 12549
shall include the following in boldface type: 12550

"If pursuant to the action the parcel is sold, the sale shall 12551
not affect or extinguish any lien or encumbrance with respect to 12552
the parcel other than a receiver's lien and other than the lien 12553
for land taxes, assessments, charges, interest, and penalties for 12554
which the lien is foreclosed and in satisfaction of which the 12555
property is sold. All other liens and encumbrances with respect to 12556
the parcel shall survive the sale." 12557

(b) The notice to the owner, lienholders, and other persons 12558
with an interest in a parcel shall be a notice only to the owner 12559
and to any receiver under section 3767.41 of the Revised Code, and 12560
the last two sentences of the notice shall be omitted. 12561

(4) As used in this division, a "receiver's lien" means the 12562
lien of a receiver appointed pursuant to divisions (C)(2) and (3) 12563
of section 3767.41 of the Revised Code that is acquired pursuant 12564
to division (H)(2)(b) of that section for any unreimbursed 12565
expenses and other amounts paid in accordance with division (F) of 12566
that section by the receiver and for the fees of the receiver 12567
approved pursuant to division (H)(1) of that section. 12568

(D) If the prosecuting attorney determines that an action in 12569
rem under division (B) or (C) of this section is precluded by law, 12570
then foreclosure proceedings shall be filed pursuant to division 12571
(A) of this section, and the complaint in the action in personam 12572
shall set forth the grounds upon which the action in rem is 12573
precluded. 12574

(E) The conveyance by the owner of any parcel against which a 12575
complaint has been filed pursuant to this section at any time 12576
after the date of publication of the parcel on the delinquent tax 12577
list but before the date of a judgment of foreclosure pursuant to 12578

section 5721.19 of the Revised Code shall not nullify the right of 12579
the county to proceed with the foreclosure. 12580

Sec. 5721.31. (A)(1) After receipt of a duplicate of the 12581
delinquent land list compiled under section 5721.011 of the 12582
Revised Code, or a delinquent land list compiled previously under 12583
that section, the county treasurer may select from the list 12584
parcels of delinquent land the lien against which the county 12585
treasurer may attempt to transfer by the sale of tax certificates 12586
under sections 5721.30 to 5721.43 of the Revised Code. None of the 12587
following parcels may be selected for a tax certificate sale: 12588

(a) A parcel for which the full amount of taxes, assessments, 12589
penalties, interest, and charges have been paid; 12590

(b) A parcel for which a valid contract under section 12591
323.122, 323.31, or 5713.20 of the Revised Code is in force; 12592

(c) A parcel the owner of which has filed a petition in 12593
bankruptcy, so long as the parcel is property of the bankruptcy 12594
estate. 12595

(2) The county treasurer shall compile a separate list of 12596
parcels selected for tax certificate sales, including the same 12597
information as is required to be included in the delinquent land 12598
list. 12599

Upon compiling the list of parcels selected for tax 12600
certificate sales, the county treasurer may conduct a title search 12601
for any parcel on the list. 12602

(B)(1) Except as otherwise provided in division (B)(3) of 12603
this section, when tax certificates are to be sold under section 12604
5721.32 of the Revised Code with respect to parcels, the county 12605
treasurer shall send written notice by certified mail to either 12606
the owner of record or all interested parties discoverable through 12607
a title search, or both, of each parcel on the list. A notice to 12608

an owner shall be sent to the owner's last known tax-mailing 12609
address. The notice shall inform the owner or interested parties 12610
that a tax certificate will be offered for sale on the parcel, and 12611
that the owner or interested parties may incur additional expenses 12612
as a result of the sale. 12613

(2) Except as otherwise provided in division (B)(3) of this 12614
section, when tax certificates are to be sold or transferred under 12615
section 5721.33 of the Revised Code with respect to parcels, the 12616
county treasurer, at least thirty days prior to the date of sale 12617
or transfer of such tax certificates, shall send written notice of 12618
the sale or transfer by certified mail to the last known 12619
tax-mailing address of the record owner of the property or parcel 12620
and may send such notice to all parties with an interest in the 12621
property that has been recorded in the property records of the 12622
county pursuant to section 317.08 of the Revised Code. The notice 12623
shall state that a tax certificate will be offered for sale or 12624
transfer on the parcel, and that the owner or interested parties 12625
may incur additional expenses as a result of the sale or transfer. 12626
12627

(3) The county treasurer is not required to send a notice 12628
under division (B)(1) or (B)(2) of this section if the treasurer 12629
previously has attempted to send such notice to the owner of the 12630
parcel and the notice has been returned by the post office as 12631
undeliverable. The absence of a valid tax-mailing address for the 12632
owner of a parcel does not preclude the county treasurer from 12633
selling or transferring a tax certificate for the parcel. 12634

(C) The county treasurer shall advertise the sale of tax 12635
certificates under section 5721.32 of the Revised Code in a 12636
newspaper of general circulation in the county, once a week for 12637
two consecutive weeks. The newspaper shall meet the requirements 12638
of divisions (A)(1) to (5) of section 7.12 of the Revised Code. 12639
Section 2701.09 of the Revised Code does not apply to publication 12640

of such an advertisement. The advertisement shall include the 12641
date, the time, and the place of the public auction, abbreviated 12642
legal descriptions of the parcels, and the names of the owners of 12643
record of the parcels. The advertisement also shall include the 12644
certificate purchase prices of the parcels or the total purchase 12645
price of tax certificates for sale in blocks of tax certificates. 12646

(D) After the county treasurer has compiled the list of 12647
parcels selected for tax certificate sales but before a tax 12648
certificate respecting a parcel is sold or transferred, if the 12649
owner of record of the parcel pays to the county treasurer in cash 12650
the delinquent taxes respecting the parcel or otherwise acts so 12651
that any condition in division (A)(1)(a), (b), or (c) of this 12652
section applies to the parcel, the owner of record of the parcel 12653
also shall pay a fee in an amount prescribed by the treasurer to 12654
cover the administrative costs of the treasurer under this section 12655
respecting the parcel. The fee shall be deposited in the county 12656
treasury to the credit of the tax certificate administration fund. 12657

(E) A tax certificate administration fund shall be created in 12658
the county treasury of each county selling tax certificates under 12659
sections 5721.30 to 5721.43 of the Revised Code. The fund shall be 12660
administered by the county treasurer, and used solely for the 12661
purposes of sections 5721.30 to 5721.43 of the Revised Code or as 12662
otherwise permitted in this division. Any fee received by the 12663
treasurer under sections 5721.30 to 5721.43 of the Revised Code 12664
shall be credited to the fund, except the bidder registration fee 12665
under division (B) of section 5721.32 of the Revised Code and the 12666
county prosecuting attorney's fee under division (B)(3) of section 12667
5721.37 of the Revised Code. To the extent there is a surplus in 12668
the fund from time to time, the surplus may, with the approval of 12669
the county treasurer, be utilized for the purposes of a county 12670
land reutilization corporation operating in the county. 12671

(F) The county treasurers of more than one county may jointly 12672

conduct a regional sale of tax certificates under section 5721.32 12673
of the Revised Code. A regional sale shall be held at a single 12674
location in one county, where the tax certificates from each of 12675
the participating counties shall be offered for sale at public 12676
auction. Before the regional sale, each county treasurer shall 12677
advertise the sale for the parcels in the treasurer's county as 12678
required by division (C) of this section. At the regional sale, 12679
tax certificates shall be sold on parcels from one county at a 12680
time, with all of the certificates for one county offered for sale 12681
before any certificates for the next county are offered for sale. 12682

(G) The tax commissioner shall prescribe the form of the tax 12683
certificate under this section, and county treasurers shall use 12684
the form so prescribed. 12685

Sec. 5722.13. Real property acquired and held by an electing 12686
subdivision pursuant to this chapter that is not sold or otherwise 12687
transferred within fifteen years after such acquisition shall be 12688
offered for sale at public auction during the sixteenth year after 12689
acquisition. If the real property is not sold at that time, it may 12690
be disposed of or retained for any lawful purpose without further 12691
application of this chapter. 12692

Notice of the sale shall contain a description of each 12693
parcel, the permanent parcel number, and the full street address 12694
when available. The notice shall be published once a week for 12695
three consecutive weeks prior to the sale in a newspaper of 12696
general circulation within the electing subdivision. The newspaper 12697
shall meet the requirements of divisions (A)(1) to (5) of section 12698
7.12 of the Revised Code. Section 2701.09 of the Revised Code does 12699
not apply to publication of such a notice. 12700

Each parcel subsequent to the fifteenth year after its 12701
acquisition as part of a land reutilization program shall be sold 12702
for an amount equal to not less than the greater of: 12703

(A) Two-thirds of its fair market value;	12704
(B) The total amount of accrued taxes, assessments,	12705
penalties, interest, charges, and costs incurred by the electing	12706
subdivision in the acquisition, maintenance, and disposal of each	12707
parcel and the parcel's share of the costs and expenses of the	12708
land reutilization program.	12709
The sale requirements of this section do not apply to real	12710
property acquired and held by a county land reutilization	12711
corporation.	12712
Sec. 5723.05. If the taxes, assessments, charges, penalties,	12713
interest, and costs due on the forfeited lands have not been paid	12714
when the county auditor fixes the date for the sale of forfeited	12715
lands, the auditor shall give notice of them once a week for two	12716
consecutive weeks prior to the date fixed by the auditor for the	12717
sale, in two newspapers as provided in section 5721.03 of the	12718
Revised Code. The notice shall state that if the taxes,	12719
assessments, charges, penalties, interest, and costs charged	12720
against the lands forfeited to the state for nonpayment of taxes	12721
are not paid into the county treasury, and the county treasurer's	12722
receipt produced for the payment before the time specified in the	12723
notice for the sale of the lands, which day shall be named in the	12724
notice, each forfeited tract on which the taxes, assessments,	12725
charges, penalties, interest, and costs remain unpaid will be	12726
offered for sale beginning on the date set by the auditor, at the	12727
courthouse in the county, in order to satisfy the unpaid taxes,	12728
assessments, charges, penalties, interest, and costs, and that the	12729
sale will continue from day to day until each of the tracts is	12730
sold or offered for sale.	12731
The notice also shall state that, if the forfeited land is	12732
sold for an amount that is less than the amount of the delinquent	12733
taxes, assessments, charges, penalties, and interest against it,	12734

and, if division (B)(2) of section 5721.17 of the Revised Code is 12735
applicable, any notes issued by a receiver pursuant to division 12736
(F) of section 3767.41 of the Revised Code and any receiver's lien 12737
as defined in division (C)(4) of section 5721.18 of the Revised 12738
Code, the court, in a separate order, may enter a deficiency 12739
judgment against the last owner of record of the land before its 12740
forfeiture to the state, for the amount of the difference; and 12741
that, if that owner of record is a corporation, the court may 12742
enter the deficiency judgment against the stockholder holding a 12743
majority of that corporation's stock. 12744

Sec. 5727.57. In addition to all other remedies for the 12745
collection of any taxes or penalties due under law, whenever any 12746
taxes, fees, or penalties due from any public utility have 12747
remained unpaid for a period of ninety days, or whenever any 12748
public utility has failed for a period of ninety days to make any 12749
report or return required by law, or to pay any penalty for 12750
failure to make or file such report or return, the attorney 12751
general, upon the request of the tax commissioner, shall file a 12752
petition in the court of common pleas in the county of the state 12753
in which such public utility has its principal place of business 12754
for a judgment for the amount of the taxes and penalties appearing 12755
to be due, the enforcement of any lien in favor of the state, and 12756
an injunction to restrain such public utility and its officers, 12757
directors, and managing agents from the transaction of any 12758
business within this state, other than such acts as are incidental 12759
to liquidation or winding up, until the payment of such taxes, 12760
fees, penalties, and the costs of the proceeding, which shall be 12761
fixed by the court, or the making and filing of such report or 12762
return. 12763

Such petition shall be in the name of the state. All or any 12764
of the public utilities having their principal places of business 12765
in the county may be joined in one suit. On the motion of the 12766

attorney general, the court of common pleas shall enter an order 12767
requiring all defendants to answer by a day certain, and may 12768
appoint a special master commissioner to take testimony, with such 12769
other power and authority as the court confers, and permit process 12770
to be served by certified mail and by publication in a newspaper 12771
of general circulation ~~published~~ in the county, which publication 12772
need not be made more than once, setting forth the name of each 12773
delinquent public utility, the matter in which such public utility 12774
is delinquent, the names of its officers, directors, and managing 12775
agents, if set forth in the petition, and the amount of any taxes, 12776
fees, or penalties claimed to be owing by said public utility. 12777

All of the officers, directors, shareholders, or managing 12778
agents of any public utility may be joined as defendants with such 12779
public utility. 12780

If it appears to the court upon hearing that any public 12781
utility which is a party to such proceeding is indebted to the 12782
state for taxes, fees, or penalties, judgment shall be entered 12783
therefor with interest, which shall be computed at the rate per 12784
annum prescribed by section 5703.47 of the Revised Code; and if it 12785
appears that any public utility has failed to make or file any 12786
report or return, a mandatory injunction may be issued against 12787
such public utility, its officers, directors, and managing agents, 12788
as such enjoining them from the transaction of any business within 12789
this state, other than acts incidental to liquidation or winding 12790
up, until the making and filing of all proper reports or returns 12791
and the payment in full of all taxes, fees, and penalties. 12792

If the officers, directors, shareholders, or managing agents 12793
of a public utility are not made parties in the first instance, 12794
and a judgment or an injunction is rendered or issued against such 12795
public utility, such officers, directors, shareholders, or 12796
managing agents, or any of them, may be made parties to such 12797
proceedings upon the motion of the attorney general, and, upon 12798

notice to them of the form and terms of such injunction, they 12799
shall be bound thereby as fully as if they had been made parties 12800
in the first instance. 12801

In any action authorized by this section, a statement of the 12802
commissioner or the secretary of state, when duly certified shall 12803
be prima-facie evidence of the amount of taxes, fees, or penalties 12804
due from any public utility, or of the failure of any public 12805
utility to file with the commissioner or the secretary of state 12806
any report required by law, and any such certificate of the 12807
commissioner or the secretary of state may be required in evidence 12808
in any such proceeding. 12809

On the application of any defendant and for good cause shown, 12810
the court may order a separate hearing of the issues as to any 12811
defendant. 12812

The costs of the proceeding shall be apportioned among the 12813
parties as the court deems proper. 12814

The court in such proceeding may make, enter, and enforce 12815
such other judgments and orders and grant such other relief as is 12816
necessary or incidental to the enforcement of the claims and lien 12817
of the state. 12818

In the performance of the duties enjoined ~~upon him~~ by this 12819
section the attorney general may direct any prosecuting attorney 12820
to bring an action, as authorized by this section, in the name of 12821
the state with respect to any delinquent public utilities within 12822
~~his~~ the prosecuting attorney's county, and like proceedings and 12823
orders shall be had as if such action were instituted by the 12824
attorney general. 12825

Sec. 5733.23. In addition to all other remedies for the 12826
collection of any taxes or penalties due under law, whenever any 12827
taxes, fees, or penalties due from any corporation have remained 12828

unpaid for a period of ninety days, or whenever any corporation 12829
has failed for a period of ninety days to make any report or 12830
return required by law, or to pay any penalty for failure to make 12831
or file such report or return, the attorney general, upon the 12832
request of the tax commissioner, shall file a petition in the 12833
court of common pleas in the county of the state in which such 12834
corporation has its principal place of business for a judgment for 12835
the amount of the taxes or penalties appearing to be due, the 12836
enforcement of any lien in favor of the state, and an injunction 12837
to restrain such corporation and its officers, directors, and 12838
managing agents from the transaction of any business within this 12839
state, other than such acts as are incidental to liquidation or 12840
winding up, until the payment of such taxes, fees, and penalties, 12841
and the costs of the proceeding which shall be fixed by the court, 12842
or the making and filing of such report or return. 12843

Such petition shall be in the name of the state. All or any 12844
of the corporations having their principal places of business in 12845
the county may be joined in one suit. On the motion of the 12846
attorney general, the court of common pleas shall enter an order 12847
requiring all defendants to answer by a day certain, and may 12848
appoint a special master commissioner to take testimony, with such 12849
other power and authority as the court confers, and permitting 12850
process to be served by registered mail and by publication in a 12851
newspaper of general circulation ~~published~~ in the county, which 12852
publication need not be made more than once, setting forth the 12853
name of each delinquent corporation, the matter in which such 12854
corporation is delinquent, the names of its officers, directors, 12855
and managing agents, if set forth in the petition, and the amount 12856
of any taxes, fees, or penalties claimed to be owing by said 12857
corporation. 12858

All or any of the officers, directors, shareholders, or 12859
managing agents of any corporation may be joined as defendants 12860

with such corporation. 12861

If it appears to the court upon hearing that any corporation 12862
which is a party to such proceeding is indebted to the state for 12863
taxes, fees, or penalties, judgment shall be entered therefor with 12864
interest; and if it appears that any corporation has failed to 12865
make or file any report or return, a mandatory injunction may be 12866
issued against such corporation, its officers, directors, and 12867
managing agents, enjoining them from the transaction of any 12868
business within this state, other than acts incidental to 12869
liquidation or winding up, until the making and filing of all 12870
proper reports or returns and until the payment in full of all 12871
taxes, fees, and penalties. 12872

If the officers, directors, shareholders, or managing agents 12873
of a corporation are not made parties in the first instance, and a 12874
judgment or an injunction is rendered or issued against such 12875
corporation, such officers, directors, shareholders, or managing 12876
agents may be made parties to such proceedings upon the motion of 12877
the attorney general, and, upon notice to them of the form and 12878
terms of such injunction, they shall be bound thereby as fully as 12879
if they had been made parties in the first instance. 12880

In any action authorized by this section, a statement of the 12881
commissioner, or the secretary of state, when duly certified, 12882
shall be prima-facie evidence of the amount of taxes, fees, or 12883
penalties due from any corporation, or of the failure of any 12884
corporation to file with the commissioner or the secretary of 12885
state any report required by law, and any such certificate of the 12886
commissioner or the secretary of state may be required in evidence 12887
in any such proceeding. 12888

On the application of any defendant and for good cause shown, 12889
the court may order a separate hearing of the issues as to any 12890
defendant. 12891

The costs of the proceeding shall be apportioned among the 12892
parties as the court deems proper. 12893

The court in such proceeding may make, enter, and enforce 12894
such other judgments and orders and grant such other relief as is 12895
necessary or incidental to the enforcement of the claims and lien 12896
of the state. 12897

In the performance of the duties enjoined upon ~~him~~ the 12898
attorney general by this section the attorney general may direct 12899
any prosecuting attorney to bring an action, as authorized by this 12900
section, in the name of the state with respect to any delinquent 12901
corporations within ~~his~~ the prosecuting attorney's county, and 12902
like proceedings and orders shall be had as if such action were 12903
instituted by the attorney general. 12904

Sec. 5739.021. (A) For the purpose of providing additional 12905
general revenues for the county or supporting criminal and 12906
administrative justice services in the county, or both, and to pay 12907
the expenses of administering such levy, any county may levy a tax 12908
at the rate of not more than one per cent at any multiple of 12909
one-fourth of one per cent upon every retail sale made in the 12910
county, except sales of watercraft and outboard motors required to 12911
be titled pursuant to Chapter 1548. of the Revised Code and sales 12912
of motor vehicles, and may increase the rate of an existing tax to 12913
not more than one per cent at any multiple of one-fourth of one 12914
per cent. 12915

The tax shall be levied and the rate increased pursuant to a 12916
resolution of the board of county commissioners. The resolution 12917
shall state the purpose for which the tax is to be levied and the 12918
number of years for which the tax is to be levied, or that it is 12919
for a continuing period of time. If the tax is to be levied for 12920
the purpose of providing additional general revenues and for the 12921
purpose of supporting criminal and administrative justice 12922

services, the resolution shall state the rate or amount of the tax 12923
to be apportioned to each such purpose. The rate or amount may be 12924
different for each year the tax is to be levied, but the rates or 12925
amounts actually apportioned each year shall not be different from 12926
that stated in the resolution for that year. If the resolution is 12927
adopted as an emergency measure necessary for the immediate 12928
preservation of the public peace, health, or safety, it must 12929
receive an affirmative vote of all of the members of the board of 12930
county commissioners and shall state the reasons for such 12931
necessity. The board shall deliver a certified copy of the 12932
resolution to the tax commissioner, not later than the sixty-fifth 12933
day prior to the date on which the tax is to become effective, 12934
which shall be the first day of the calendar quarter. 12935

Prior to the adoption of any resolution under this section, 12936
the board of county commissioners shall conduct two public 12937
hearings on the resolution, the second hearing to be not less than 12938
three nor more than ten days after the first. Notice of the date, 12939
time, and place of the hearings shall be given by publication as 12940
provided in section 7.16 of the Revised Code or in a newspaper of 12941
general circulation in the county, once a week on the same day of 12942
the week for two consecutive weeks, the second publication being 12943
not less than ten nor more than thirty days prior to the first 12944
hearing. 12945

Except as provided in division (B)(3) of this section, the 12946
resolution shall be subject to a referendum as provided in 12947
sections 305.31 to 305.41 of the Revised Code. 12948

If a petition for a referendum is filed, the county auditor 12949
with whom the petition was filed shall, within five days, notify 12950
the board of county commissioners and the tax commissioner of the 12951
filing of the petition by certified mail. If the board of 12952
elections with which the petition was filed declares the petition 12953
invalid, the board of elections, within five days, shall notify 12954

the board of county commissioners and the tax commissioner of that 12955
declaration by certified mail. If the petition is declared to be 12956
invalid, the effective date of the tax or increased rate of tax 12957
levied by this section shall be the first day of a calendar 12958
quarter following the expiration of sixty-five days from the date 12959
the commissioner receives notice from the board of elections that 12960
the petition is invalid. 12961

(B)(1) A resolution that is not adopted as an emergency 12962
measure may direct the board of elections to submit the question 12963
of levying the tax or increasing the rate of tax to the electors 12964
of the county at a special election held on the date specified by 12965
the board of county commissioners in the resolution, provided that 12966
the election occurs not less than seventy-five days after a 12967
certified copy of such resolution is transmitted to the board of 12968
elections and the election is not held in February or August of 12969
any year. Upon transmission of the resolution to the board of 12970
elections, the board of county commissioners shall notify the tax 12971
commissioner in writing of the levy question to be submitted to 12972
the electors. No resolution adopted under this division shall go 12973
into effect unless approved by a majority of those voting upon it, 12974
and, except as provided in division (B)(3) of this section, shall 12975
become effective on the first day of a calendar quarter following 12976
the expiration of sixty-five days from the date the tax 12977
commissioner receives notice from the board of elections of the 12978
affirmative vote. 12979

(2) A resolution that is adopted as an emergency measure 12980
shall go into effect as provided in division (A) of this section, 12981
but may direct the board of elections to submit the question of 12982
repealing the tax or increase in the rate of the tax to the 12983
electors of the county at the next general election in the county 12984
occurring not less than seventy-five days after a certified copy 12985
of the resolution is transmitted to the board of elections. Upon 12986

transmission of the resolution to the board of elections, the 12987
board of county commissioners shall notify the tax commissioner in 12988
writing of the levy question to be submitted to the electors. The 12989
ballot question shall be the same as that prescribed in section 12990
5739.022 of the Revised Code. The board of elections shall notify 12991
the board of county commissioners and the tax commissioner of the 12992
result of the election immediately after the result has been 12993
declared. If a majority of the qualified electors voting on the 12994
question of repealing the tax or increase in the rate of the tax 12995
vote for repeal of the tax or repeal of the increase, the board of 12996
county commissioners, on the first day of a calendar quarter 12997
following the expiration of sixty-five days after the date the 12998
board and tax commissioner receive notice of the result of the 12999
election, shall, in the case of a repeal of the tax, cease to levy 13000
the tax, or, in the case of a repeal of an increase in the rate of 13001
the tax, cease to levy the increased rate and levy the tax at the 13002
rate at which it was imposed immediately prior to the increase in 13003
rate. 13004

(3) If a vendor that is registered with the central 13005
electronic registration system provided for in section 5740.05 of 13006
the Revised Code makes a sale in this state by printed catalog and 13007
the consumer computed the tax on the sale based on local rates 13008
published in the catalog, any tax levied or repealed or rate 13009
changed under this section shall not apply to such a sale until 13010
the first day of a calendar quarter following the expiration of 13011
one hundred twenty days from the date of notice by the tax 13012
commissioner pursuant to division (H) of this section. 13013

(C) If a resolution is rejected at a referendum or if a 13014
resolution adopted after January 1, 1982, as an emergency measure 13015
is repealed by the electors pursuant to division (B)(2) of this 13016
section or section 5739.022 of the Revised Code, then for one year 13017
after the date of the election at which the resolution was 13018

rejected or repealed the board of county commissioners may not 13019
adopt any resolution authorized by this section as an emergency 13020
measure. 13021

(D) The board of county commissioners, at any time while a 13022
tax levied under this section is in effect, may by resolution 13023
reduce the rate at which the tax is levied to a lower rate 13024
authorized by this section. Any reduction in the rate at which the 13025
tax is levied shall be made effective on the first day of a 13026
calendar quarter next following the sixty-fifth day after a 13027
certified copy of the resolution is delivered to the tax 13028
commissioner. 13029

(E) The tax on every retail sale subject to a tax levied 13030
pursuant to this section shall be in addition to the tax levied by 13031
section 5739.02 of the Revised Code and any tax levied pursuant to 13032
section 5739.023 or 5739.026 of the Revised Code. 13033

A county that levies a tax pursuant to this section shall 13034
levy a tax at the same rate pursuant to section 5741.021 of the 13035
Revised Code. 13036

The additional tax levied by the county shall be collected 13037
pursuant to section 5739.025 of the Revised Code. If the 13038
additional tax or some portion thereof is levied for the purpose 13039
of criminal and administrative justice services, the revenue from 13040
the tax, or the amount or rate apportioned to that purpose, shall 13041
be credited to a special fund created in the county treasury for 13042
receipt of that revenue. 13043

Any tax levied pursuant to this section is subject to the 13044
exemptions provided in section 5739.02 of the Revised Code and in 13045
addition shall not be applicable to sales not within the taxing 13046
power of a county under the Constitution of the United States or 13047
the Ohio Constitution. 13048

(F) For purposes of this section, a copy of a resolution is 13049

"certified" when it contains a written statement attesting that 13050
the copy is a true and exact reproduction of the original 13051
resolution. 13052

(G) If a board of commissioners intends to adopt a resolution 13053
to levy a tax in whole or in part for the purpose of criminal and 13054
administrative justice services, the board shall prepare and make 13055
available at the first public hearing at which the resolution is 13056
considered a statement containing the following information: 13057

(1) For each of the two preceding fiscal years, the amount of 13058
expenditures made by the county from the county general fund for 13059
the purpose of criminal and administrative justice services; 13060

(2) For the fiscal year in which the resolution is adopted, 13061
the board's estimate of the amount of expenditures to be made by 13062
the county from the county general fund for the purpose of 13063
criminal and administrative justice services; 13064

(3) For each of the two fiscal years after the fiscal year in 13065
which the resolution is adopted, the board's preliminary plan for 13066
expenditures to be made from the county general fund for the 13067
purpose of criminal and administrative justice services, both 13068
under the assumption that the tax will be imposed for that purpose 13069
and under the assumption that the tax would not be imposed for 13070
that purpose, and for expenditures to be made from the special 13071
fund created under division (E) of this section under the 13072
assumption that the tax will be imposed for that purpose. 13073

The board shall prepare the statement and the preliminary 13074
plan using the best information available to the board at the time 13075
the statement is prepared. Neither the statement nor the 13076
preliminary plan shall be used as a basis to challenge the 13077
validity of the tax in any court of competent jurisdiction, nor 13078
shall the statement or preliminary plan limit the authority of the 13079
board to appropriate, pursuant to section 5705.38 of the Revised 13080

Code, an amount different from that specified in the preliminary 13081
plan. 13082

(H) Upon receipt from a board of county commissioners of a 13083
certified copy of a resolution required by division (A) or (D) of 13084
this section, or from the board of elections of a notice of the 13085
results of an election required by division (A) or (B)(1) or (2) 13086
of this section, the tax commissioner shall provide notice of a 13087
tax rate change in a manner that is reasonably accessible to all 13088
affected vendors. The commissioner shall provide this notice at 13089
least sixty days prior to the effective date of the rate change. 13090
The commissioner, by rule, may establish the method by which 13091
notice will be provided. 13092

(I) As used in this section, "criminal and administrative 13093
justice services" means the exercise by the county sheriff of all 13094
powers and duties vested in that office by law; the exercise by 13095
the county prosecuting attorney of all powers and duties vested in 13096
that office by law; the exercise by any court in the county of all 13097
powers and duties vested in that court; the exercise by the clerk 13098
of the court of common pleas, any clerk of a municipal court 13099
having jurisdiction throughout the county, or the clerk of any 13100
county court of all powers and duties vested in the clerk by law 13101
except, in the case of the clerk of the court of common pleas, the 13102
titling of motor vehicles or watercraft pursuant to Chapter 1548. 13103
or 4505. of the Revised Code; the exercise by the county coroner 13104
of all powers and duties vested in that office by law; making 13105
payments to any other public agency or a private, nonprofit 13106
agency, the purposes of which in the county include the diversion, 13107
adjudication, detention, or rehabilitation of criminals or 13108
juvenile offenders; the operation and maintenance of any detention 13109
facility, as defined in section 2921.01 of the Revised Code; and 13110
the construction, acquisition, equipping, or repair of such a 13111
detention facility, including the payment of any debt charges 13112

incurred in the issuance of securities pursuant to Chapter 133. of 13113
the Revised Code for the purpose of constructing, acquiring, 13114
equipping, or repairing such a facility. 13115

Sec. 5739.022. (A) The question of repeal of either a county 13116
permissive tax or an increase in the rate of a county permissive 13117
tax that was adopted as an emergency measure pursuant to section 13118
5739.021 or 5739.026 of the Revised Code may be initiated by 13119
filing with the board of elections of the county not less than 13120
seventy-five days before the general election in any year a 13121
petition requesting that an election be held on the question. The 13122
question of repealing an increase in the rate of the county 13123
permissive tax shall be submitted to the electors as a separate 13124
question from the repeal of the tax in effect prior to the 13125
increase in the rate. Any petition filed under this section shall 13126
be signed by qualified electors residing in the county equal in 13127
number to ten per cent of those voting for governor at the most 13128
recent gubernatorial election. 13129

After determination by it that the petition is valid, the 13130
board of elections shall submit the question to the electors of 13131
the county at the next general election. The election shall be 13132
conducted, canvassed, and certified in the same manner as regular 13133
elections for county offices in the county. The board of elections 13134
shall notify the tax commissioner, in writing, of the election 13135
upon determining that the petition is valid. Notice of the 13136
election shall also be published in a newspaper of general 13137
circulation in the district once a week for two consecutive weeks 13138
or as provided in section 7.16 of the Revised Code, prior to the 13139
election, ~~and, if.~~ If the board of elections operates and 13140
maintains a web site, the board of elections shall post notice of 13141
the election on its web site for thirty days prior to the 13142
election. The notice shall state the purpose, time, and place of 13143
the election. The form of the ballot cast at the election shall be 13144

prescribed by the secretary of state; however, the ballot question 13145
shall read, "shall the tax (or, increase in the rate of the tax) 13146
be retained? 13147

	Yes
	No

"

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The question covered by the petition shall be submitted as a 13152
separate proposition, but it may be printed on the same ballot 13153
with any other proposition submitted at the same election other 13154
than the election of officers. 13155

(B) If a majority of the qualified electors voting on the 13156
question of repeal of either a county permissive tax or an 13157
increase in the rate of a county permissive tax approve the 13158
repeal, the board of elections shall notify the board of county 13159
commissioners and the tax commissioner of the result of the 13160
election immediately after the result has been declared. The board 13161
of county commissioners shall, on the first day of the calendar 13162
quarter following the expiration of sixty-five days after the date 13163
the board and the tax commissioner receive the notice, in the case 13164
of a repeal of a county permissive tax, cease to levy the tax, or, 13165
in the case of a repeal of an increase in the rate of a county 13166
permissive tax, levy the tax at the rate at which it was imposed 13167
immediately prior to the increase in rate and cease to levy the 13168
increased rate. 13169

(C) Upon receipt from a board of elections of a notice of the 13170
results of an election required by division (B) of this section, 13171
the tax commissioner shall provide notice of a tax repeal or rate 13172
change in a manner that is reasonably accessible to all affected 13173
vendors. The commissioner shall provide this notice at least sixty 13174
days prior to the effective date of the rate change. The 13175

commissioner, by rule, may establish the method by which notice 13176
will be provided. 13177

(D) If a vendor that is registered with the central 13178
electronic registration system provided for in section 5740.05 of 13179
the Revised Code makes a sale in this state by printed catalog and 13180
the consumer computed the tax on the sale based on local rates 13181
published in the catalog, any tax repealed or rate changed under 13182
this section shall not apply to such a sale until the first day of 13183
a calendar quarter following the expiration of one hundred twenty 13184
days from the date of notice by the tax commissioner pursuant to 13185
division (C) of this section. 13186

Sec. 5739.026. (A) A board of county commissioners may levy a 13187
tax of one-fourth or one-half of one per cent on every retail sale 13188
in the county, except sales of watercraft and outboard motors 13189
required to be titled pursuant to Chapter 1548. of the Revised 13190
Code and sales of motor vehicles, and may increase an existing 13191
rate of one-fourth of one per cent to one-half of one per cent, to 13192
pay the expenses of administering the tax and, except as provided 13193
in division (A)(6) of this section, for any one or more of the 13194
following purposes provided that the aggregate levy for all such 13195
purposes does not exceed one-half of one per cent: 13196

(1) To provide additional revenues for the payment of bonds 13197
or notes issued in anticipation of bonds issued by a convention 13198
facilities authority established by the board of county 13199
commissioners under Chapter 351. of the Revised Code and to 13200
provide additional operating revenues for the convention 13201
facilities authority; 13202

(2) To provide additional revenues for a transit authority 13203
operating in the county; 13204

(3) To provide additional revenue for the county's general 13205
fund; 13206

(4) To provide additional revenue for permanent improvements 13207
within the county to be distributed by the community improvements 13208
board in accordance with section 307.283 and to pay principal, 13209
interest, and premium on bonds issued under section 307.284 of the 13210
Revised Code; 13211

(5) To provide additional revenue for the acquisition, 13212
construction, equipping, or repair of any specific permanent 13213
improvement or any class or group of permanent improvements, which 13214
improvement or class or group of improvements shall be enumerated 13215
in the resolution required by division (D) of this section, and to 13216
pay principal, interest, premium, and other costs associated with 13217
the issuance of bonds or notes in anticipation of bonds issued 13218
pursuant to Chapter 133. of the Revised Code for the acquisition, 13219
construction, equipping, or repair of the specific permanent 13220
improvement or class or group of permanent improvements; 13221

(6) To provide revenue for the implementation and operation 13222
of a 9-1-1 system in the county. If the tax is levied or the rate 13223
increased exclusively for such purpose, the tax shall not be 13224
levied or the rate increased for more than five years. At the end 13225
of the last year the tax is levied or the rate increased, any 13226
balance remaining in the special fund established for such purpose 13227
shall remain in that fund and be used exclusively for such purpose 13228
until the fund is completely expended, and, notwithstanding 13229
section 5705.16 of the Revised Code, the board of county 13230
commissioners shall not petition for the transfer of money from 13231
such special fund, and the tax commissioner shall not approve such 13232
a petition. 13233

If the tax is levied or the rate increased for such purpose 13234
for more than five years, the board of county commissioners also 13235
shall levy the tax or increase the rate of the tax for one or more 13236
of the purposes described in divisions (A)(1) to (5) of this 13237
section and shall prescribe the method for allocating the revenues 13238

from the tax each year in the manner required by division (C) of 13239
this section. 13240

(7) To provide additional revenue for the operation or 13241
maintenance of a detention facility, as that term is defined under 13242
division (F) of section 2921.01 of the Revised Code; 13243

(8) To provide revenue to finance the construction or 13244
renovation of a sports facility, but only if the tax is levied for 13245
that purpose in the manner prescribed by section 5739.028 of the 13246
Revised Code. 13247

As used in division (A)(8) of this section: 13248

(a) "Sports facility" means a facility intended to house 13249
major league professional athletic teams. 13250

(b) "Constructing" or "construction" includes providing 13251
fixtures, furnishings, and equipment. 13252

(9) To provide additional revenue for the acquisition of 13253
agricultural easements, as defined in section 5301.67 of the 13254
Revised Code; to pay principal, interest, and premium on bonds 13255
issued under section 133.60 of the Revised Code; and for the 13256
supervision and enforcement of agricultural easements held by the 13257
county; 13258

(10) To provide revenue for the provision of ambulance, 13259
paramedic, or other emergency medical services. 13260

Pursuant to section 755.171 of the Revised Code, a board of 13261
county commissioners may pledge and contribute revenue from a tax 13262
levied for the purpose of division (A)(5) of this section to the 13263
payment of debt charges on bonds issued under section 755.17 of 13264
the Revised Code. 13265

The rate of tax shall be a multiple of one-fourth of one per 13266
cent, unless a portion of the rate of an existing tax levied under 13267
section 5739.023 of the Revised Code has been reduced, and the 13268

rate of tax levied under this section has been increased, pursuant 13269
to section 5739.028 of the Revised Code, in which case the 13270
aggregate of the rates of tax levied under this section and 13271
section 5739.023 of the Revised Code shall be a multiple of 13272
one-fourth of one per cent. The tax shall be levied and the rate 13273
increased pursuant to a resolution adopted by a majority of the 13274
members of the board. The board shall deliver a certified copy of 13275
the resolution to the tax commissioner, not later than the 13276
sixty-fifth day prior to the date on which the tax is to become 13277
effective, which shall be the first day of a calendar quarter. 13278

Prior to the adoption of any resolution to levy the tax or to 13279
increase the rate of tax exclusively for the purpose set forth in 13280
division (A)(3) of this section, the board of county commissioners 13281
shall conduct two public hearings on the resolution, the second 13282
hearing to be no fewer than three nor more than ten days after the 13283
first. Notice of the date, time, and place of the hearings shall 13284
be given by publication in a newspaper of general circulation in 13285
the county or as provided in section 7.16 of the Revised Code, 13286
once a week on the same day of the week for two consecutive weeks, 13287
the second publication being no fewer than ten nor more than 13288
thirty days prior to the first hearing. Except as provided in 13289
division (E) of this section, the resolution shall be subject to a 13290
referendum as provided in sections 305.31 to 305.41 of the Revised 13291
Code. If the resolution is adopted as an emergency measure 13292
necessary for the immediate preservation of the public peace, 13293
health, or safety, it must receive an affirmative vote of all of 13294
the members of the board of county commissioners and shall state 13295
the reasons for the necessity. 13296

If the tax is for more than one of the purposes set forth in 13297
divisions (A)(1) to (7), (9), and (10) of this section, or is 13298
exclusively for one of the purposes set forth in division (A)(1), 13299
(2), (4), (5), (6), (7), (9), or (10) of this section, the 13300

resolution shall not go into effect unless it is approved by a 13301
majority of the electors voting on the question of the tax. 13302

(B) The board of county commissioners shall adopt a 13303
resolution under section 351.02 of the Revised Code creating the 13304
convention facilities authority, or under section 307.283 of the 13305
Revised Code creating the community improvements board, before 13306
adopting a resolution levying a tax for the purpose of a 13307
convention facilities authority under division (A)(1) of this 13308
section or for the purpose of a community improvements board under 13309
division (A)(4) of this section. 13310

(C)(1) If the tax is to be used for more than one of the 13311
purposes set forth in divisions (A)(1) to (7), (9), and (10) of 13312
this section, the board of county commissioners shall establish 13313
the method that will be used to determine the amount or proportion 13314
of the tax revenue received by the county during each year that 13315
will be distributed for each of those purposes, including, if 13316
applicable, provisions governing the reallocation of a convention 13317
facilities authority's allocation if the authority is dissolved 13318
while the tax is in effect. The allocation method may provide that 13319
different proportions or amounts of the tax shall be distributed 13320
among the purposes in different years, but it shall clearly 13321
describe the method that will be used for each year. Except as 13322
otherwise provided in division (C)(2) of this section, the 13323
allocation method established by the board is not subject to 13324
amendment during the life of the tax. 13325

(2) Subsequent to holding a public hearing on the proposed 13326
amendment, the board of county commissioners may amend the 13327
allocation method established under division (C)(1) of this 13328
section for any year, if the amendment is approved by the 13329
governing board of each entity whose allocation for the year would 13330
be reduced by the proposed amendment. In the case of a tax that is 13331
levied for a continuing period of time, the board may not so amend 13332

the allocation method for any year before the sixth year that the tax is in effect. 13333
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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. 13335
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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. 13344
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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. 13352
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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 13360
13361
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the reduced county allocation is sufficient to meet the debt 13365
service requirements for that year on the bonds or notes. 13366

(D)(1) The resolution levying the tax or increasing the rate 13367
of tax shall state the rate of the tax or the rate of the 13368
increase; the purpose or purposes for which it is to be levied; 13369
the number of years for which it is to be levied or that it is for 13370
a continuing period of time; the allocation method required by 13371
division (C) of this section; and if required to be submitted to 13372
the electors of the county under division (A) of this section, the 13373
date of the election at which the proposal shall be submitted to 13374
the electors of the county, which shall be not less than 13375
seventy-five days after the certification of a copy of the 13376
resolution to the board of elections and, if the tax is to be 13377
levied exclusively for the purpose set forth in division (A)(3) of 13378
this section, shall not occur in February or August of any year. 13379
Upon certification of the resolution to the board of elections, 13380
the board of county commissioners shall notify the tax 13381
commissioner in writing of the levy question to be submitted to 13382
the electors. If approved by a majority of the electors, the tax 13383
shall become effective on the first day of a calendar quarter next 13384
following the sixty-fifth day following the date the board of 13385
county commissioners and tax commissioner receive from the board 13386
of elections the certification of the results of the election, 13387
except as provided in division (E) of this section. 13388

(2)(a) A resolution specifying that the tax is to be used 13389
exclusively for the purpose set forth in division (A)(3) of this 13390
section that is not adopted as an emergency measure may direct the 13391
board of elections to submit the question of levying the tax or 13392
increasing the rate of the tax to the electors of the county at a 13393
special election held on the date specified by the board of county 13394
commissioners in the resolution, provided that the election occurs 13395
not less than seventy-five days after the resolution is certified 13396

to the board of elections and the election is not held in February 13397
or August of any year. Upon certification of the resolution to the 13398
board of elections, the board of county commissioners shall notify 13399
the tax commissioner in writing of the levy question to be 13400
submitted to the electors. No resolution adopted under division 13401
(D)(2)(a) of this section shall go into effect unless approved by 13402
a majority of those voting upon it and, except as provided in 13403
division (E) of this section, not until the first day of a 13404
calendar quarter following the expiration of sixty-five days from 13405
the date the tax commissioner receives notice from the board of 13406
elections of the affirmative vote. 13407

(b) A resolution specifying that the tax is to be used 13408
exclusively for the purpose set forth in division (A)(3) of this 13409
section that is adopted as an emergency measure shall become 13410
effective as provided in division (A) of this section, but may 13411
direct the board of elections to submit the question of repealing 13412
the tax or increase in the rate of the tax to the electors of the 13413
county at the next general election in the county occurring not 13414
less than seventy-five days after the resolution is certified to 13415
the board of elections. Upon certification of the resolution to 13416
the board of elections, the board of county commissioners shall 13417
notify the tax commissioner in writing of the levy question to be 13418
submitted to the electors. The ballot question shall be the same 13419
as that prescribed in section 5739.022 of the Revised Code. The 13420
board of elections shall notify the board of county commissioners 13421
and the tax commissioner of the result of the election immediately 13422
after the result has been declared. If a majority of the qualified 13423
electors voting on the question of repealing the tax or increase 13424
in the rate of the tax vote for repeal of the tax or repeal of the 13425
increase, the board of county commissioners, on the first day of a 13426
calendar quarter following the expiration of sixty-five days after 13427
the date the board and tax commissioner received notice of the 13428
result of the election, shall, in the case of a repeal of the tax, 13429

cease to levy the tax, or, in the case of a repeal of an increase 13430
in the rate of the tax, cease to levy the increased rate and levy 13431
the tax at the rate at which it was imposed immediately prior to 13432
the increase in rate. 13433

(c) A board of county commissioners, by resolution, may 13434
reduce the rate of a tax levied exclusively for the purpose set 13435
forth in division (A)(3) of this section to a lower rate 13436
authorized by this section. Any such reduction shall be made 13437
effective on the first day of the calendar quarter next following 13438
the sixty-fifth day after the tax commissioner receives a 13439
certified copy of the resolution from the board. 13440

(E) If a vendor that is registered with the central 13441
electronic registration system provided for in section 5740.05 of 13442
the Revised Code makes a sale in this state by printed catalog and 13443
the consumer computed the tax on the sale based on local rates 13444
published in the catalog, any tax levied or repealed or rate 13445
changed under this section shall not apply to such a sale until 13446
the first day of a calendar quarter following the expiration of 13447
one hundred twenty days from the date of notice by the tax 13448
commissioner pursuant to division (G) of this section. 13449

(F) The tax levied pursuant to this section shall be in 13450
addition to the tax levied by section 5739.02 of the Revised Code 13451
and any tax levied pursuant to section 5739.021 or 5739.023 of the 13452
Revised Code. 13453

A county that levies a tax pursuant to this section shall 13454
levy a tax at the same rate pursuant to section 5741.023 of the 13455
Revised Code. 13456

The additional tax levied by the county shall be collected 13457
pursuant to section 5739.025 of the Revised Code. 13458

Any tax levied pursuant to this section is subject to the 13459
exemptions provided in section 5739.02 of the Revised Code and in 13460

addition shall not be applicable to sales not within the taxing 13461
power of a county under the Constitution of the United States or 13462
the Ohio Constitution. 13463

(G) Upon receipt from a board of county commissioners of a 13464
certified copy of a resolution required by division (A) of this 13465
section, or from the board of elections a notice of the results of 13466
an election required by division (D)(1), (2)(a), (b), or (c) of 13467
this section, the tax commissioner shall provide notice of a tax 13468
rate change in a manner that is reasonably accessible to all 13469
affected vendors. The commissioner shall provide this notice at 13470
least sixty days prior to the effective date of the rate change. 13471
The commissioner, by rule, may establish the method by which 13472
notice will be provided. 13473

Sec. 5739.101. (A) The legislative authority of a municipal 13474
corporation, by ordinance, or of a township, by resolution, may 13475
declare the municipal corporation or township to be a resort area 13476
for the purposes of this section, if all of the following criteria 13477
are met: 13478

(1) According to statistics published by the federal 13479
government based on data compiled during the most recent decennial 13480
census of the United States, at least sixty-two per cent of total 13481
housing units in the municipal corporation or township are 13482
classified as "for seasonal, recreational, or occasional use"; 13483

(2) Entertainment and recreation facilities are provided 13484
within the municipal corporation or township that are primarily 13485
intended to provide seasonal leisure time activities for persons 13486
other than permanent residents of the municipal corporation or 13487
township; 13488

(3) The municipal corporation or township experiences 13489
seasonal peaks of employment and demand for government services as 13490
a direct result of the seasonal population increase. 13491

(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 13524
will take effect, and that persons subject to the tax must 13525
register with the tax commissioner under section 5739.103 of the 13526
Revised Code. 13527

(D) No more than once a year, and subject to the rates 13528
prescribed in division (B) of this section, the legislative 13529
authority of the municipal corporation or township, by ordinance 13530
or resolution, may increase or decrease the rate of a tax levied 13531
under this section. The legislative authority, by ordinance or 13532
resolution, at any time may repeal such a tax. The legislative 13533
authority shall certify to the tax commissioner and treasurer of 13534
state copies of the ordinance or resolution repealing or changing 13535
the rate of the tax within five days after its adoption. In 13536
addition, one time each week during the two weeks following the 13537
adoption of the ordinance or resolution, the legislative authority 13538
shall cause to be published in a newspaper of general circulation 13539
in the municipal corporation or township or as provided in section 13540
7.16 of the Revised Code, notice of the repeal or change. 13541

Sec. 5747.451. (A) The mere retirement from business or 13542
voluntary dissolution of a domestic or foreign qualifying entity 13543
does not exempt it from the requirements to make reports as 13544
required under sections 5747.42 to 5747.44 or to pay the taxes 13545
imposed under section 5733.41 or 5747.41 of the Revised Code. If 13546
any qualifying entity subject to the taxes imposed under section 13547
5733.41 or 5747.41 of the Revised Code sells its business or stock 13548
of merchandise or quits its business, the taxes required to be 13549
paid prior to that time, together with any interest or penalty 13550
thereon, become due and payable immediately, and the qualifying 13551
entity shall make a final return within fifteen days after the 13552
date of selling or quitting business. The successor of the 13553
qualifying entity shall withhold a sufficient amount of the 13554
purchase money to cover the amount of such taxes, interest, and 13555

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 13588
to the time the notice is so filed in the county in which the real 13589
estate which is the subject of such mortgage, purchase, or 13590
judgment lien is located. The notice shall be recorded in a book 13591
kept by the recorder, called the qualifying entity tax lien 13592
record, and indexed under the name of the qualifying entity 13593
charged with the tax. When the tax, together with any penalties 13594
subsequently accruing thereon, have been paid, the tax 13595
commissioner shall furnish to the qualifying entity an 13596
acknowledgment of such payment that the qualifying entity may 13597
record with the recorder of each county in which notice of such 13598
lien has been filed, for which recording the recorder shall charge 13599
and receive a fee of two dollars. 13600

(C) In addition to all other remedies for the collection of 13601
any taxes or penalties due under law, whenever any taxes, 13602
interest, or penalties due from any qualifying entity under 13603
section 5733.41 of the Revised Code or this chapter have remained 13604
unpaid for a period of ninety days, or whenever any qualifying 13605
entity has failed for a period of ninety days to make any report 13606
or return required by law, or to pay any penalty for failure to 13607
make or file such report or return, the attorney general, upon the 13608
request of the tax commissioner, shall file a petition in the 13609
court of common pleas in the county of the state in which such 13610
qualifying entity has its principal place of business for a 13611
judgment for the amount of the taxes, interest, or penalties 13612
appearing to be due, the enforcement of any lien in favor of the 13613
state, and an injunction to restrain such qualifying entity and 13614
its officers, directors, and managing agents from the transaction 13615
of any business within this state, other than such acts as are 13616
incidental to liquidation or winding up, until the payment of such 13617
taxes, interest, and penalties, and the costs of the proceeding 13618
fixed by the court, or the making and filing of such report or 13619
return. 13620

The petition shall be in the name of the state. Any of the 13621
qualifying entities having its principal places of business in the 13622
county may be joined in one suit. On the motion of the attorney 13623
general, the court of common pleas shall enter an order requiring 13624
all defendants to answer by a day certain, and may appoint a 13625
special master commissioner to take testimony, with such other 13626
power and authority as the court confers, and permitting process 13627
to be served by registered mail and by publication in a newspaper 13628
of general circulation ~~published~~ in the county, which publication 13629
need not be made more than once, setting forth the name of each 13630
delinquent qualifying entity, the matter in which the qualifying 13631
entity is delinquent, the names of its officers, directors, and 13632
managing agents, if set forth in the petition, and the amount of 13633
any taxes, fees, or penalties claimed to be owing by the 13634
qualifying entity. 13635

All or any of the trustees or other fiduciaries, officers, 13636
directors, investors, beneficiaries, or managing agents of any 13637
qualifying entity may be joined as defendants with the qualifying 13638
entity. 13639

If it appears to the court upon hearing that any qualifying 13640
entity that is a party to the proceeding is indebted to the state 13641
for taxes imposed under section 5733.41 or 5747.41 of the Revised 13642
Code, or interest or penalties thereon, judgment shall be entered 13643
therefor with interest; and if it appears that any qualifying 13644
entity has failed to make or file any report or return, a 13645
mandatory injunction may be issued against the qualifying entity, 13646
its trustees or other fiduciaries, officers, directors, and 13647
managing agents, enjoining them from the transaction of any 13648
business within this state, other than acts incidental to 13649
liquidation or winding up, until the making and filing of all 13650
proper reports or returns and until the payment in full of all 13651
taxes, interest, and penalties. 13652

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 13684
instituted by the attorney general. 13685

(D) If any qualifying entity fails to make and file the 13686
reports or returns required under this chapter, or to pay the 13687
penalties provided by law for failure to make and file such 13688
reports or returns for a period of ninety days after the time 13689
prescribed by this chapter, the attorney general, on the request 13690
of the tax commissioner, shall commence an action in quo warranto 13691
in the court of appeals of the county in which that qualifying 13692
entity has its principal place of business to forfeit and annul 13693
its privileges and franchises. If the court is satisfied that any 13694
such qualifying entity is in default, it shall render judgment 13695
ousting such qualifying entity from the exercise of its privileges 13696
and franchises within this state, and shall otherwise proceed as 13697
provided in sections 2733.02 to 2733.39 of the Revised Code. 13698

Sec. 5748.02. (A) The board of education of any school 13699
district, except a joint vocational school district, may declare, 13700
by resolution, the necessity of raising annually a specified 13701
amount of money for school district purposes. The resolution shall 13702
specify whether the income that is to be subject to the tax is 13703
taxable income of individuals and estates as defined in divisions 13704
(E)(1)(a) and (2) of section 5748.01 of the Revised Code or 13705
taxable income of individuals as defined in division (E)(1)(b) of 13706
that section. A copy of the resolution shall be certified to the 13707
tax commissioner no later than eighty-five days prior to the date 13708
of the election at which the board intends to propose a levy under 13709
this section. Upon receipt of the copy of the resolution, the tax 13710
commissioner shall estimate both of the following: 13711

(1) The property tax rate that would have to be imposed in 13712
the current year by the district to produce an equivalent amount 13713
of money; 13714

(2) The income tax rate that would have had to have been in 13715
effect for the current year to produce an equivalent amount of 13716
money from a school district income tax. 13717

Within ten days of receiving the copy of the board's 13718
resolution, the commissioner shall prepare these estimates and 13719
certify them to the board. Upon receipt of the certification, the 13720
board may adopt a resolution proposing an income tax under 13721
division (B) of this section at the estimated rate contained in 13722
the certification rounded to the nearest one-fourth of one per 13723
cent. The commissioner's certification applies only to the board's 13724
proposal to levy an income tax at the election for which the board 13725
requested the certification. If the board intends to submit a 13726
proposal to levy an income tax at any other election, it shall 13727
request another certification for that election in the manner 13728
prescribed in this division. 13729

(B)(1) Upon the receipt of a certification from the tax 13730
commissioner under division (A) of this section, a majority of the 13731
members of a board of education may adopt a resolution proposing 13732
the levy of an annual tax for school district purposes on school 13733
district income. The proposed levy may be for a continuing period 13734
of time or for a specified number of years. The resolution shall 13735
set forth the purpose for which the tax is to be imposed, the rate 13736
of the tax, which shall be the rate set forth in the 13737
commissioner's certification rounded to the nearest one-fourth of 13738
one per cent, the number of years the tax will be levied or that 13739
it will be levied for a continuing period of time, the date on 13740
which the tax shall take effect, which shall be the first day of 13741
January of any year following the year in which the question is 13742
submitted, and the date of the election at which the proposal 13743
shall be submitted to the electors of the district, which shall be 13744
on the date of a primary, general, or special election the date of 13745
which is consistent with section 3501.01 of the Revised Code. The 13746

resolution shall specify whether the income that is to be subject 13747
to the tax is taxable income of individuals and estates as defined 13748
in divisions (E)(1)(a) and (2) of section 5748.01 of the Revised 13749
Code or taxable income of individuals as defined in division 13750
(E)(1)(b) of that section. The specification shall be the same as 13751
the specification in the resolution adopted and certified under 13752
division (A) of this section. 13753

If the tax is to be levied for current expenses and permanent 13754
improvements, the resolution shall apportion the annual rate of 13755
the tax. The apportionment may be the same or different for each 13756
year the tax is levied, but the respective portions of the rate 13757
actually levied each year for current expenses and for permanent 13758
improvements shall be limited by the apportionment. 13759

If the board of education currently imposes an income tax 13760
pursuant to this chapter that is due to expire and a question is 13761
submitted under this section for a proposed income tax to take 13762
effect upon the expiration of the existing tax, the board may 13763
specify in the resolution that the proposed tax renews the 13764
expiring tax. Two or more expiring income taxes may be renewed 13765
under this paragraph if the taxes are due to expire on the same 13766
date. If the tax rate being proposed is no higher than the total 13767
tax rate imposed by the expiring tax or taxes, the resolution may 13768
state that the proposed tax is not an additional income tax. 13769

(2) A board of education adopting a resolution under division 13770
(B)(1) of this section proposing a school district income tax for 13771
a continuing period of time and limited to the purpose of current 13772
expenses may propose in that resolution to reduce the rate or 13773
rates of one or more of the school district's property taxes 13774
levied for a continuing period of time in excess of the ten-mill 13775
limitation for the purpose of current expenses. The reduction in 13776
the rate of a property tax may be any amount, expressed in mills 13777
per one dollar in valuation, not exceeding the rate at which the 13778

tax is authorized to be levied. The reduction in the rate of a tax 13779
shall first take effect for the tax year that includes the day on 13780
which the school district income tax first takes effect, and shall 13781
continue for each tax year that both the school district income 13782
tax and the property tax levy are in effect. 13783

In addition to the matters required to be set forth in the 13784
resolution under division (B)(1) of this section, a resolution 13785
containing a proposal to reduce the rate of one or more property 13786
taxes shall state for each such tax the maximum rate at which it 13787
currently may be levied and the maximum rate at which the tax 13788
could be levied after the proposed reduction, expressed in mills 13789
per one dollar in valuation, and that the tax is levied for a 13790
continuing period of time. 13791

If a board of education proposes to reduce the rate of one or 13792
more property taxes under division (B)(2) of this section, the 13793
board, when it makes the certification required under division (A) 13794
of this section, shall designate the specific levy or levies to be 13795
reduced, the maximum rate at which each levy currently is 13796
authorized to be levied, and the rate by which each levy is 13797
proposed to be reduced. The tax commissioner, when making the 13798
certification to the board under division (A) of this section, 13799
also shall certify the reduction in the total effective tax rate 13800
for current expenses for each class of property that would have 13801
resulted if the proposed reduction in the rate or rates had been 13802
in effect the previous tax year. As used in this paragraph, 13803
"effective tax rate" has the same meaning as in section 323.08 of 13804
the Revised Code. 13805

(C) A resolution adopted under division (B) of this section 13806
shall go into immediate effect upon its passage, and no 13807
publication of the resolution shall be necessary other than that 13808
provided for in the notice of election. Immediately after its 13809
adoption and at least seventy-five days prior to the election at 13810

which the question will appear on the ballot, a copy of the 13811
resolution shall be certified to the board of elections of the 13812
proper county, which shall submit the proposal to the electors on 13813
the date specified in the resolution. The form of the ballot shall 13814
be as provided in section 5748.03 of the Revised Code. Publication 13815
of notice of the election shall be made in ~~one or more newspapers~~ 13816
a newspaper of general circulation in the county once a week for 13817
two consecutive weeks, or as provided in section 7.16 of the 13818
Revised Code, prior to the election, ~~and, if.~~ If the board of 13819
elections operates and maintains a web site, the board of 13820
elections shall post notice of the election on its web site for 13821
thirty days prior to the election. The notice shall contain the 13822
time and place of the election and the question to be submitted to 13823
the electors. The question covered by the resolution shall be 13824
submitted as a separate proposition, but may be printed on the 13825
same ballot with any other proposition submitted at the same 13826
election, other than the election of officers. 13827

(D) No board of education shall submit the question of a tax 13828
on school district income to the electors of the district more 13829
than twice in any calendar year. If a board submits the question 13830
twice in any calendar year, one of the elections on the question 13831
shall be held on the date of the general election. 13832

(E)(1) No board of education may submit to the electors of 13833
the district the question of a tax on school district income on 13834
the taxable income of individuals as defined in division (E)(1)(b) 13835
of section 5748.01 of the Revised Code if that tax would be in 13836
addition to an existing tax on the taxable income of individuals 13837
and estates as defined in divisions (E)(1)(a) and (2) of that 13838
section. 13839

(2) No board of education may submit to the electors of the 13840
district the question of a tax on school district income on the 13841
taxable income of individuals and estates as defined in divisions 13842

(E)(1)(a) and (2) of section 5748.01 of the Revised Code if that 13843
tax would be in addition to an existing tax on the taxable income 13844
of individuals as defined in division (E)(1)(b) of that section. 13845

Sec. 5748.021. A board of education that levies a tax under 13846
section 5748.02 of the Revised Code on the school district income 13847
of individuals and estates as defined in divisions (G) and 13848
(E)(1)(a) and (2) of section 5748.01 of the Revised Code may 13849
declare, at any time, by a resolution adopted by a majority of its 13850
members, the necessity of raising annually a specified amount of 13851
money for school district purposes by replacing the existing tax 13852
with a tax on the school district income of individuals as defined 13853
in divisions (G)(1) and (E)(1)(b) of section 5748.01 of the 13854
Revised Code. The specified amount of money to be raised annually 13855
may be the same as, or more or less than, the amount of money 13856
raised annually by the existing tax. 13857

The board shall certify a copy of the resolution to the tax 13858
commissioner not later than the eighty-fifth day before the date 13859
of the election at which the board intends to propose the 13860
replacement to the electors of the school district. Not later than 13861
the tenth day after receiving the resolution, the tax commissioner 13862
shall estimate the tax rate that would be required in the school 13863
district annually to raise the amount of money specified in the 13864
resolution. The tax commissioner shall certify the estimate to the 13865
board. 13866

Upon receipt of the tax commissioner's estimate, the board 13867
may propose, by a resolution adopted by a majority of its members, 13868
to replace the existing tax on the school district income of 13869
individuals and estates as defined in divisions (G) and (E)(1)(a) 13870
and (2) of section 5748.01 of the Revised Code with the levy of an 13871
annual tax on the school district income of individuals as defined 13872
in divisions (G)(1) and (E)(1)(b) of section 5748.01 of the 13873

Revised Code. In the resolution, the board shall specify the rate 13874
of the replacement tax, whether the replacement tax is to be 13875
levied for a specified number of years or for a continuing time, 13876
the specific school district purposes for which the replacement 13877
tax is to be levied, the date on which the replacement tax will 13878
begin to be levied, the date of the election at which the question 13879
of the replacement is to be submitted to the electors of the 13880
school district, that the existing tax will cease to be levied and 13881
the replacement tax will begin to be levied if the replacement is 13882
approved by a majority of the electors voting on the replacement, 13883
and that if the replacement is not approved by a majority of the 13884
electors voting on the replacement the existing tax will remain in 13885
effect under its original authority for the remainder of its 13886
previously approved term. The resolution goes into immediate 13887
effect upon its adoption. Publication of the resolution is not 13888
necessary, and the information that will be provided in the notice 13889
of election is sufficient notice. At least seventy-five days 13890
before the date of the election at which the question of the 13891
replacement will be submitted to the electors of the school 13892
district, the board shall certify a copy of the resolution to the 13893
board of elections. 13894

The replacement tax shall have the same specific school 13895
district purposes as the existing tax, and its rate shall be the 13896
same as the tax commissioner's estimate rounded to the nearest 13897
one-fourth of one per cent. The replacement tax shall begin to be 13898
levied on the first day of January of the year following the year 13899
in which the question of the replacement is submitted to and 13900
approved by the electors of the school district or on the first 13901
day of January of a later year, as specified in the resolution. 13902
The date of the election shall be the date of an otherwise 13903
scheduled primary, general, or special election. 13904

The board of elections shall make arrangements to submit the 13905

question of the replacement to the electors of the school district 13906
on the date specified in the resolution. The board of elections 13907
shall publish notice of the election on the question of the 13908
replacement in one ~~or more newspapers~~ newspaper of general 13909
circulation in the school district once a week for four 13910
consecutive weeks or as provided in section 7.16 of the Revised 13911
Code. The notice shall set forth the question to be submitted to 13912
the electors and the time and place of the election thereon. 13913

The question shall be submitted to the electors of the school 13914
district as a separate proposition, but may be printed on the same 13915
ballot with other propositions that are submitted at the same 13916
election, other than the election of officers. The form of the 13917
ballot shall be substantially as follows: 13918

"Shall the existing tax of (state the rate) on the 13919
school district income of individuals and estates imposed by 13920
(state the name of the school district) be replaced by a tax of 13921
..... (state the rate) on the earned income of individuals 13922
residing in the school district for (state the number of 13923
years the tax is to be in effect or that it will be in effect for 13924
a continuing time), beginning (state the date the new tax 13925
will take effect), for the purpose of (state the specific 13926
school district purposes of the tax)? If the new tax is not 13927
approved, the existing tax will remain in effect under its 13928
original authority, for the remainder of its previously approved 13929
term. 13930

	For replacing the existing tax with the new tax	
	Against replacing the existing tax with the new tax	

13931
13932 "

The board of elections shall conduct and canvass the election 13933
in the same manner as regular elections in the school district for 13934
the election of county officers. The board shall certify the 13935

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 be levied, and the replacement tax shall begin to be levied, on the date specified in the ballot question. If a majority of the electors voting on the question vote against the replacement, the existing tax shall continue to be levied under its original authority, for the remainder of its previously approved term.

A board of education may not submit the question of replacing a tax more than twice in a calendar year. If a board submits the question more than once, one of the elections at which the question is submitted shall be on the date of a general election.

If a board of education later intends to renew a replacement tax levied under this section, it shall repeat the procedure outlined in this section to do so, the replacement tax then being levied being the "existing tax" and the renewed replacement tax being the "replacement tax."

Sec. 5748.04. (A) The question of the repeal of a school district income tax levied for more than five years may be initiated not more than once in any five-year period by filing with the board of elections of the appropriate counties not later than seventy-five days before the general election in any year after the year in which it is approved by the electors a petition requesting that an election be held on the question. The petition shall be signed by qualified electors residing in the school district levying the income tax equal in number to ten per cent of those voting for governor at the most recent gubernatorial election.

The board of elections shall determine whether the petition is valid, and if it so determines, it shall submit the question to the electors of the district at the next general election. The

election shall be conducted, canvassed, and certified in the same 13967
manner as regular elections for county offices in the county. 13968
Notice of the election shall be published in a newspaper of 13969
general circulation in the district once a week for two 13970
consecutive weeks or as provided in section 7.16 of the Revised 13971
Code, prior to the election, and, if. If the board of elections 13972
operates and maintains a web site, the board of elections shall 13973
post notice of the election on its web site for thirty days prior 13974
to the election. The notice shall state the purpose, time, and 13975
place of the election. The form of the ballot cast at the election 13976
shall be as follows: 13977

"Shall the annual income tax of per cent, currently 13978
levied on the school district income of individuals and estates by 13979
..... (state the name of the school district) for the purpose 13980
of (state purpose of the tax), be repealed? 13981

	For repeal of the income tax
	Against repeal of the income tax

"

(B)(1) If the tax is imposed on taxable income as defined in 13986
division (E)(1)(b) of section 5748.01 of the Revised Code, the 13987
form of the ballot shall be modified by stating that the tax 13988
currently is levied on the "earned income of individuals residing 13989
in the school district" in lieu of the "school district income of 13990
individuals and estates." 13991

(2) If the rate of one or more property tax levies was 13992
reduced for the duration of the income tax levy pursuant to 13993
division (B)(2) of section 5748.02 of the Revised Code, the form 13994
of the ballot shall be modified by adding the following language 13995
immediately after "repealed": ", and shall the rate of an existing 13996
tax on property for the purpose of current expenses, which rate 13997

was reduced for the duration of the income tax, be INCREASED from 13998
..... mills to mills per one dollar of valuation beginning 13999
in (state the first year for which the rate of the property 14000
tax will increase)." In lieu of "for repeal of the income tax" and 14001
"against repeal of the income tax," the phrases "for the issue" 14002
and "against the issue," respectively, shall be substituted. 14003

(3) If the rate of more than one property tax was reduced for 14004
the duration of the income tax, the ballot language shall be 14005
modified accordingly to express the rates at which those taxes 14006
currently are levied and the rates to which the taxes would be 14007
increased. 14008

(C) The question covered by the petition shall be submitted 14009
as a separate proposition, but it may be printed on the same 14010
ballot with any other proposition submitted at the same election 14011
other than the election of officers. If a majority of the 14012
qualified electors voting on the question vote in favor of it, the 14013
result shall be certified immediately after the canvass by the 14014
board of elections to the board of education of the school 14015
district and the tax commissioner, who shall thereupon, after the 14016
current year, cease to levy the tax, except that if notes have 14017
been issued pursuant to section 5748.05 of the Revised Code the 14018
tax commissioner shall continue to levy and collect under 14019
authority of the election authorizing the levy an annual amount, 14020
rounded upward to the nearest one-fourth of one per cent, as will 14021
be sufficient to pay the debt charges on the notes as they fall 14022
due. 14023

(D) If a school district income tax repealed pursuant to this 14024
section was approved in conjunction with a reduction in the rate 14025
of one or more school district property taxes as provided in 14026
division (B)(2) of section 5748.02 of the Revised Code, then each 14027
such property tax may be levied after the current year at the rate 14028
at which it could be levied prior to the reduction, subject to any 14029

adjustments required by the county budget commission pursuant to 14030
Chapter 5705. of the Revised Code. Upon the repeal of a school 14031
district income tax under this section, the board of education may 14032
resume levying a property tax, the rate of which has been reduced 14033
pursuant to a question approved under section 5748.02 of the 14034
Revised Code, at the rate the board originally was authorized to 14035
levy the tax. A reduction in the rate of a property tax under 14036
section 5748.02 of the Revised Code is a reduction in the rate at 14037
which a board of education may levy that tax only for the period 14038
during which a school district income tax is levied prior to any 14039
repeal pursuant to this section. The resumption of the authority 14040
to levy the tax upon such a repeal does not constitute a tax 14041
levied in excess of the one per cent limitation prescribed by 14042
Section 2 of Article XII, Ohio Constitution, or in excess of the 14043
ten-mill limitation. 14044

(E) This section does not apply to school district income tax 14045
levies that are levied for five or fewer years. 14046

Sec. 5748.08. (A) The board of education of a city, local, or 14047
exempted village school district, at any time by a vote of 14048
two-thirds of all its members, may declare by resolution that it 14049
may be necessary for the school district to do all of the 14050
following: 14051

(1) Raise a specified amount of money for school district 14052
purposes by levying an annual tax on school district income; 14053

(2) Issue general obligation bonds for permanent 14054
improvements, stating in the resolution the necessity and purpose 14055
of the bond issue and the amount, approximate date, estimated rate 14056
of interest, and maximum number of years over which the principal 14057
of the bonds may be paid; 14058

(3) Levy a tax outside the ten-mill limitation to pay debt 14059
charges on the bonds and any anticipatory securities; 14060

(4) Submit the question of the school district income tax and 14061
bond issue to the electors of the district at a special election. 14062

The resolution shall specify whether the income that is to be 14063
subject to the tax is taxable income of individuals and estates as 14064
defined in divisions (E)(1)(a) and (2) of section 5748.01 of the 14065
Revised Code or taxable income of individuals as defined in 14066
division (E)(1)(b) of that section. 14067

On adoption of the resolution, the board shall certify a copy 14068
of it to the tax commissioner and the county auditor no later than 14069
ninety days prior to the date of the special election at which the 14070
board intends to propose the income tax and bond issue. Not later 14071
than ten days of receipt of the resolution, the tax commissioner, 14072
in the same manner as required by division (A) of section 5748.02 14073
of the Revised Code, shall estimate the rates designated in 14074
divisions (A)(1) and (2) of that section and certify them to the 14075
board. Not later than ten days of receipt of the resolution, the 14076
county auditor shall estimate and certify to the board the average 14077
annual property tax rate required throughout the stated maturity 14078
of the bonds to pay debt charges on the bonds, in the same manner 14079
as under division (C) of section 133.18 of the Revised Code. 14080

(B) On receipt of the tax commissioner's and county auditor's 14081
certifications prepared under division (A) of this section, the 14082
board of education of the city, local, or exempted village school 14083
district, by a vote of two-thirds of all its members, may adopt a 14084
resolution proposing for a specified number of years or for a 14085
continuing period of time the levy of an annual tax for school 14086
district purposes on school district income and declaring that the 14087
amount of taxes that can be raised within the ten-mill limitation 14088
will be insufficient to provide an adequate amount for the present 14089
and future requirements of the school district; that it is 14090
necessary to issue general obligation bonds of the school district 14091
for specified permanent improvements and to levy an additional tax 14092

in excess of the ten-mill limitation to pay the debt charges on 14093
the bonds and any anticipatory securities; and that the question 14094
of the bonds and taxes shall be submitted to the electors of the 14095
school district at a special election, which shall not be earlier 14096
than seventy-five days after certification of the resolution to 14097
the board of elections, and the date of which shall be consistent 14098
with section 3501.01 of the Revised Code. The resolution shall 14099
specify all of the following: 14100

(1) The purpose for which the school district income tax is 14101
to be imposed and the rate of the tax, which shall be the rate set 14102
forth in the tax commissioner's certification rounded to the 14103
nearest one-fourth of one per cent; 14104

(2) Whether the income that is to be subject to the tax is 14105
taxable income of individuals and estates as defined in divisions 14106
(E)(1)(a) and (2) of section 5748.01 of the Revised Code or 14107
taxable income of individuals as defined in division (E)(1)(b) of 14108
that section. The specification shall be the same as the 14109
specification in the resolution adopted and certified under 14110
division (A) of this section. 14111

(3) The number of years the tax will be levied, or that it 14112
will be levied for a continuing period of time; 14113

(4) The date on which the tax shall take effect, which shall 14114
be the first day of January of any year following the year in 14115
which the question is submitted; 14116

(5) The county auditor's estimate of the average annual 14117
property tax rate required throughout the stated maturity of the 14118
bonds to pay debt charges on the bonds. 14119

(C) A resolution adopted under division (B) of this section 14120
shall go into immediate effect upon its passage, and no 14121
publication of the resolution shall be necessary other than that 14122
provided for in the notice of election. Immediately after its 14123

adoption and at least seventy-five days prior to the election at 14124
which the question will appear on the ballot, the board of 14125
education shall certify a copy of the resolution, along with 14126
copies of the auditor's estimate and its resolution under division 14127
(A) of this section, to the board of elections of the proper 14128
county. The board of education shall make the arrangements for the 14129
submission of the question to the electors of the school district, 14130
and the election shall be conducted, canvassed, and certified in 14131
the same manner as regular elections in the district for the 14132
election of county officers. 14133

The resolution shall be put before the electors as one ballot 14134
question, with a majority vote indicating approval of the school 14135
district income tax, the bond issue, and the levy to pay debt 14136
charges on the bonds and any anticipatory securities. The board of 14137
elections shall publish the notice of the election in one ~~or more~~ 14138
~~newspapers~~ newspaper of general circulation in the school district 14139
once a week for two consecutive weeks or as provided in section 14140
7.16 of the Revised Code, prior to the election ~~and, if~~. If the 14141
board of elections operates and maintains a web site, it also 14142
shall post notice of the election on its web site for thirty days 14143
prior to the election. The notice of election shall state all of 14144
the following: 14145

(1) The questions to be submitted to the electors; 14146

(2) The rate of the school district income tax; 14147

(3) The principal amount of the proposed bond issue; 14148

(4) The permanent improvements for which the bonds are to be 14149
issued; 14150

(5) The maximum number of years over which the principal of 14151
the bonds may be paid; 14152

(6) The estimated additional average annual property tax rate 14153
to pay the debt charges on the bonds, as certified by the county 14154

auditor;	14155
(7) The time and place of the special election.	14156
(D) The form of the ballot on a question submitted to the	14157
electors under this section shall be as follows:	14158
"Shall the school district be authorized to do both	14159
of the following:	14160
(1) Impose an annual income tax of (state the proposed	14161
rate of tax) on the school district income of individuals and of	14162
estates, for (state the number of years the tax would be	14163
levied, or that it would be levied for a continuing period of	14164
time), beginning (state the date the tax would first take	14165
effect), for the purpose of (state the purpose of the	14166
tax)?	14167
(2) Issue bonds for the purpose of in the principal	14168
amount of \$....., to be repaid annually over a maximum period of	14169
..... years, and levy a property tax outside the ten-mill	14170
limitation estimated by the county auditor to average over the	14171
bond repayment period mills for each one dollar of tax	14172
valuation, which amounts to (rate expressed in cents or	14173
dollars and cents, such as "36 cents" or "\$1.41") for each \$100 of	14174
tax valuation, to pay the annual debt charges on the bonds, and to	14175
pay debt charges on any notes issued in anticipation of those	14176
bonds?	14177
	14178
	14179
	14180
	14181
(E) If the question submitted to electors proposes a school	14182
district income tax only on the taxable income of individuals as	14183
defined in division (E)(1)(b) of section 5748.01 of the Revised	14184

	FOR THE INCOME TAX AND BOND ISSUE
	AGAINST THE INCOME TAX AND BOND ISSUE

"

Code, the form of the ballot shall be modified by stating that the 14185
tax is to be levied on the "earned income of individuals residing 14186
in the school district" in lieu of the "school district income of 14187
individuals and of estates." 14188

(F) The board of elections promptly shall certify the results 14189
of the election to the tax commissioner and the county auditor of 14190
the county in which the school district is located. If a majority 14191
of the electors voting on the question vote in favor of it, the 14192
income tax and the applicable provisions of Chapter 5747. of the 14193
Revised Code shall take effect on the date specified in the 14194
resolution, and the board of education may proceed with issuance 14195
of the bonds and with the levy and collection of the property 14196
taxes to pay debt charges on the bonds, at the additional rate or 14197
any lesser rate in excess of the ten-mill limitation. Any 14198
securities issued by the board of education under this section are 14199
Chapter 133. securities, as that term is defined in section 133.01 14200
of the Revised Code. 14201

(G) After approval of a question under this section, the 14202
board of education may anticipate a fraction of the proceeds of 14203
the school district income tax in accordance with section 5748.05 14204
of the Revised Code. Any anticipation notes under this division 14205
shall be issued as provided in section 133.24 of the Revised Code, 14206
shall have principal payments during each year after the year of 14207
their issuance over a period not to exceed five years, and may 14208
have a principal payment in the year of their issuance. 14209

(H) The question of repeal of a school district income tax 14210
levied for more than five years may be initiated and submitted in 14211
accordance with section 5748.04 of the Revised Code. 14212

(I) No board of education shall submit a question under this 14213
section to the electors of the school district more than twice in 14214
any calendar year. If a board submits the question twice in any 14215
calendar year, one of the elections on the question shall be held 14216

on the date of the general election. 14217

Sec. 6101.16. When it is determined to let the work relating 14218
to the improvements for which a conservancy district was 14219
established by contract, contracts in amounts to exceed 14220
twenty-five thousand dollars shall be advertised after notice 14221
calling for bids has been published once a week for two 14222
consecutive weeks or as provided in section 7.16 of the Revised 14223
Code, with the last publication to occur at least eight days prior 14224
to the date on which bids will be accepted, in a newspaper of 14225
general circulation within the conservancy district where the work 14226
is to be done. If the bids are for a contract for the 14227
construction, demolition, alteration, repair, or reconstruction of 14228
an improvement, the board of directors of the conservancy district 14229
may let the contract to the lowest responsive and most responsible 14230
bidder who meets the requirements of section 153.54 of the Revised 14231
Code. If the bids are for a contract for any other work relating 14232
to the improvements for which a conservancy district was 14233
established, the board of directors of the district may let the 14234
contract to the lowest responsive and most responsible bidder who 14235
gives a good and approved bond, with ample security, conditioned 14236
on the carrying out of the contract. The contract shall be in 14237
writing and shall be accompanied by or refer to plans and 14238
specifications for the work to be done prepared by the chief 14239
engineer. The plans and specifications shall at all times be made 14240
and considered a part of the contract. The contract shall be 14241
approved by the board and signed by the president of the board and 14242
by the contractor and shall be executed in duplicate. In case of 14243
sudden emergency when it is necessary in order to protect the 14244
district, the advertising of contracts may be waived upon the 14245
consent of the board, with the approval of the court or a judge of 14246
the court of common pleas of the county in which the office of the 14247
district is located. 14248

Sec. 6103.05. (A) After the establishment of any county sewer 14249
district, the board of county commissioners, if a water supply 14250
improvement is to be undertaken, may have the county sanitary 14251
engineer prepare, or otherwise cause to be prepared, for the 14252
district, or revise as needed, a general plan of water supply that 14253
is as complete as can be developed at the time. After the general 14254
plan, in original or revised form, has been approved by the board, 14255
it may adopt a resolution generally describing the water supply 14256
improvement that is necessary to be acquired or constructed in 14257
accordance with the plan, declaring that the improvement is 14258
necessary for the preservation and promotion of the public health 14259
and welfare, and determining whether or not special assessments 14260
are to be levied and collected to pay any part of the cost of the 14261
improvement. 14262

(B) If special assessments are not to be levied and collected 14263
to pay any part of the cost of the improvement, the board, in the 14264
resolution provided for in division (A) of this section or in a 14265
subsequent resolution, including a resolution authorizing the 14266
issuance or incurrence of public obligations for the improvement, 14267
may authorize the improvement and the expenditure of the funds 14268
required for its acquisition or construction and may proceed with 14269
the improvement without regard to the procedures otherwise 14270
required by divisions (C), (D), and (E) of this section and by 14271
sections 6103.06, 6103.07, and 6117.09 to 6117.24 of the Revised 14272
Code. Those procedures shall be required only for improvements for 14273
which special assessments are to be levied and collected. 14274

(C) If special assessments are to be levied and collected 14275
pursuant to a determination made in the resolution provided for in 14276
division (A) of this section or in a subsequent resolution, the 14277
procedures referred to in division (B) of this section as being 14278
required for that purpose shall apply, and the board may have the 14279
county sanitary engineer prepare, or otherwise cause to be 14280

prepared, detailed plans, specifications, and an estimate of cost 14281
for the improvement, together with a tentative assessment of the 14282
cost based on the estimate. The tentative assessment shall be for 14283
the information of property owners and shall not be levied or 14284
certified to the county auditor for collection. The detailed 14285
plans, specifications, estimate of cost, and tentative assessment, 14286
if approved by the board, shall be carefully preserved in the 14287
office of the board or the county sanitary engineer and shall be 14288
open to the inspection of all persons interested in the 14289
improvement. 14290

(D) After the board's approval of the detailed plans, 14291
specifications, estimate of cost, and tentative assessment, and at 14292
least twenty-four days before adopting a resolution pursuant to 14293
division (E) of this section, the board, except to the extent that 14294
appropriate waivers of notice are obtained from affected owners, 14295
shall cause to be sent a notice of its intent to adopt a 14296
resolution to each owner of property proposed to be assessed that 14297
is listed on the records of the county auditor for current 14298
agricultural use value taxation pursuant to section 5713.31 of the 14299
Revised Code and that is not located in an agricultural district 14300
established under section 929.02 of the Revised Code. The notice 14301
shall satisfy all of the following: 14302

(1) Be sent by first class or certified mail; 14303

(2) Specify the proposed date of the adoption of the 14304
resolution; 14305

(3) Contain a statement that the improvement will be financed 14306
in whole or in part by special assessments and that all properties 14307
not located in an agricultural district established pursuant to 14308
section 929.02 of the Revised Code may be subject to a special 14309
assessment; 14310

(4) Contain a statement that an agricultural district may be 14311

established by filing an application with the county auditor. 14312

If it appears, by the return of the mailed notices or by 14313
other means, that one or more of the affected owners cannot be 14314
found or are not served by the mailed notice, the board shall 14315
cause the notice to be published once in a newspaper of general 14316
circulation in the county not later than ten days before the 14317
adoption of the resolution. 14318

(E) After complying with divisions (A), (C), and (D) of this 14319
section, the board may adopt a resolution declaring that the 14320
improvement, which shall be described as to its nature and its 14321
location, route, and termini, is necessary for the preservation 14322
and promotion of the public health and welfare, referring to the 14323
plans, specifications, estimate of cost, and tentative assessment, 14324
stating the place where they are on file and may be examined, and 14325
providing that the entire cost or a lesser designated part of the 14326
cost will be specially assessed against the benefited properties 14327
within the district and that any balance will be paid by the 14328
county at large from other available funds. The resolution also 14329
shall contain a description of the boundaries of that part of the 14330
district to be assessed and shall designate a time and place for 14331
objections to the improvement, to the tentative assessment, or to 14332
the boundaries of the assessment district to be heard by the 14333
board. The date of that hearing shall be not less than twenty-four 14334
days after the date of the first publication of the notice of the 14335
hearing required by this division. 14336

The board shall cause a notice of the hearing to be published 14337
once a week for two consecutive weeks in a newspaper of general 14338
circulation in the county or as provided in section 7.16 of the 14339
Revised Code, and on or before the date of the second publication, 14340
it shall cause to be sent by first class or certified mail a copy 14341
of the notice to every owner of property to be assessed for the 14342
improvement whose address is known. 14343

The notice shall set forth the time and place of the hearing, 14344
a summary description of the proposed improvement, including its 14345
general route and termini, a summary description of the area 14346
constituting the assessment district, and the place where the 14347
plans, specifications, estimate of cost, and tentative assessment 14348
are on file and may be examined. Each mailed notice also shall 14349
include a statement that the property of the addressee will be 14350
assessed for the improvement. The notice also shall be sent by 14351
first class or certified mail, on or before the date of the second 14352
publication, to the clerk, or the official discharging the duties 14353
of a clerk, of any municipal corporation any part of which lies 14354
within the assessment district and shall state whether or not any 14355
property belonging to the municipal corporation is to be assessed 14356
and, if so, shall identify that property. 14357

At the hearing, or at any adjournment of the hearing, of 14358
which no further published or mailed notice need be given, the 14359
board shall hear all parties whose properties are proposed to be 14360
assessed. Written objections to or endorsements of the proposed 14361
improvement, its character and termini, the boundaries of the 14362
assessment district, or the tentative assessment shall be received 14363
by the board for a period of five days after the completion of the 14364
hearing, and no action shall be taken by the board in the matter 14365
until after that period has elapsed. The minutes of the hearing 14366
shall be entered on the journal of the board showing the persons 14367
who appear in person or by attorney, and all written objections 14368
shall be preserved and filed in the office of the board. 14369

Sec. 6103.06. After the expiration of the period of five days 14370
provided in section 6103.05 of the Revised Code for the filing of 14371
written objections, the board of county commissioners shall 14372
determine whether it will proceed with the construction of the 14373
proposed improvement. If it decides to proceed therewith, the 14374
board shall ratify or amend the plans for the improvement, the 14375

character and termini thereof, the boundaries of the assessment 14376
district, and the tentative assessment, and may cause such 14377
revision of plans, boundaries, or assessments as is necessary to 14378
be made by the county sanitary engineer. If the boundaries of the 14379
assessment district are amended so as to include any property not 14380
included within the boundaries as established by the resolution of 14381
necessity, provided for in section 6103.05 of the Revised Code, 14382
the owners of all such property shall be notified by mail if their 14383
addresses are known, and notice shall be published once a week for 14384
two consecutive weeks in a newspaper of general circulation within 14385
the county or as provided in section 7.16 of the Revised Code, 14386
that such amendments have been adopted and that a hearing will be 14387
given by the board at a time and place stated in such notice at 14388
which all persons interested will be heard by the board. The date 14389
of such hearing shall be not less than twenty-four days after the 14390
first publication of such notice, and the hearing shall be 14391
conducted and records kept in the same manner as the first 14392
hearing. Five days shall be allowed for the filing of written 14393
objections as provided in section 6103.05 of the Revised Code for 14394
the first hearing and after the expiration of such five day period 14395
the board shall ratify the plans for the improvement, the 14396
character and termini thereof, the boundaries of the assessment 14397
district, and the tentative assessment, or shall further amend the 14398
same. If the boundaries of the assessment district are amended so 14399
as to include any property not included in the assessment district 14400
as originally established or previously amended, further notice 14401
and hearing shall be given to the owners of such property in the 14402
same manner as for the first amendment of such boundaries, and the 14403
same procedure shall be repeated until all property owners 14404
affected have been given an opportunity to be heard. If the owners 14405
of all property added to an assessment district by amendment of 14406
the original boundaries thereof waive objection to such amendment 14407
in writing, no further notice or hearing shall be given. After the 14408

board has ratified the plans for the improvement, the character 14409
and termini thereof, the boundaries of the assessment district, 14410
and the tentative assessment, either as originally presented or as 14411
amended, and if it decides to proceed therewith, the board shall 14412
adopt a resolution, to be known as the improvement resolution. 14413
Said improvement resolution shall declare the determination of 14414
such board to proceed with the construction of the improvement 14415
provided for in the resolution of necessity, in accordance with 14416
the plans and specification provided for such improvement, as 14417
ratified or amended, and whether bonds or certificates of 14418
indebtedness shall be issued in anticipation of the collection of 14419
special assessments, or that money in the county treasury 14420
unappropriated for any other purpose shall be appropriated to pay 14421
for said improvement. 14422

Sec. 6103.081. (A) After the establishment of any county 14423
sewer district, the board of county commissioners may determine by 14424
resolution that it is necessary to provide water supply 14425
improvements and to maintain and operate the improvements within 14426
the district or a designated portion of the district, that the 14427
improvements, which shall be generally described in the 14428
resolution, shall be constructed, that funds are required to pay 14429
the preliminary costs of the improvements to be incurred prior to 14430
the commencement of the proceedings for their construction, and 14431
that those funds shall be provided in accordance with this 14432
section. 14433

(B) Prior to the adoption of the resolution, the board shall 14434
give notice of its pendency and of the proposed determination of 14435
the necessity of the improvements generally described in the 14436
resolution. The notice shall set forth a description of the 14437
properties to be benefited by the improvements and the time and 14438
place of a hearing of objections to and endorsements of the 14439
improvements. The notice shall be given either by publication in a 14440

newspaper of general circulation in the county once a week for two 14441
consecutive weeks, by publication as provided in section 7.16 of 14442
the Revised Code, or by mailing a copy of the notice by first 14443
class or certified mail to the owners of the properties proposed 14444
to be assessed at their respective tax mailing addresses, or by 14445
~~both~~ a combination of these manners, the first publication to be 14446
made or the mailing to occur at least two weeks prior to the date 14447
set for the hearing. At the hearing, or at any adjournment of the 14448
hearing, of which no further published or mailed notice need be 14449
given, the board shall hear all persons whose properties are 14450
proposed to be assessed and the evidence it considers to be 14451
necessary. The board then shall determine the necessity of the 14452
proposed improvements and whether the improvements shall be made 14453
by the board and, if they are to be made, shall direct the 14454
preparation of tentative assessments upon the benefited properties 14455
and by whom they shall be prepared. 14456

(C) In order to obtain funds for the preparation of a general 14457
or revised general plan of water supply for the district or part 14458
of the district, for the preparation of the detailed plans, 14459
specifications, estimate of cost, and tentative assessment for the 14460
proposed improvements, and for the cost of financing and legal 14461
services incident to the preparation of all of those plans and a 14462
plan of financing the proposed improvements, the board may levy 14463
upon the properties to be benefited in the district a preliminary 14464
assessment apportioned according to benefits or to tax valuation 14465
or partly by one method and partly by the other method as the 14466
board may determine. The assessments shall be in the amount 14467
determined to be necessary to obtain funds for the general and 14468
detailed plans and the cost of financing and legal services and 14469
shall be payable in the number of years that the board shall 14470
determine, not to exceed twenty years, together with interest on 14471
any public obligations that may be issued or incurred in 14472
anticipation of the collection of the assessments. 14473

(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 14506
in the year or years in which they are payable. 14507

(F) Upon the adoption of the resolution described in division 14508
(E) of this section, no further action shall be taken or work done 14509
until ten days have elapsed. If, at the expiration of that period, 14510
no appeal has been effected by any property owner as provided in 14511
this division, the action of the board shall be final. If, at the 14512
end of that ten days, any owner of property to be assessed for the 14513
improvements has effected an appeal, no further action shall be 14514
taken and no work done in connection with the improvements under 14515
the resolution until the matters appealed from have been disposed 14516
of in court. 14517

Any owner of property to be assessed may appeal as provided 14518
and upon the grounds stated in sections 6117.09 to 6117.24 of the 14519
Revised Code. 14520

If no appeal has been perfected or if on appeal the 14521
resolution of the board is sustained, the board may authorize and 14522
enter into contracts to carry out the purpose for which the 14523
assessments have been levied without the prior issuance of notes, 14524
provided that the payments under those contracts do not fall due 14525
prior to the time by which the assessments are to be collected. 14526
The board may issue and sell bonds with a maximum maturity of 14527
twenty years in anticipation of the collection of the assessments 14528
and may issue notes in anticipation of the issuance of the bonds, 14529
which notes and bonds, as public obligations, shall be issued and 14530
sold as provided in Chapter 133. of the Revised Code. 14531

Sec. 6103.31. (A) If the board of county commissioners 14532
determines by resolution that the best interests of the county and 14533
the users of water supply facilities of the county serving a sewer 14534
district so require, the board may sell or otherwise dispose of 14535
the facilities to another public agency or a person. The 14536

resolution declaring the necessity of that disposition shall 14537
recite the reasons for the sale or other disposition and shall 14538
establish any conditions or terms that the board may impose, 14539
including, but not limited to, a minimum sales price if a sale is 14540
proposed, a requirement for the submission by bidders of the 14541
schedule of water rates and charges initially proposed to be paid 14542
by the users of the facilities, and other pertinent conditions or 14543
terms relating to the sale or other disposition. The resolution 14544
also shall designate a time and place for the hearing of 14545
objections to the sale or other disposition by the board. Notice 14546
of the adoption of the resolution and the time and place of the 14547
hearing shall be published as provided in section 7.16 of the 14548
Revised Code, or once a week for two consecutive weeks, in a 14549
newspaper of general circulation in the sewer district and in the 14550
county. The public hearing on the sale or other disposition shall 14551
be held not less than twenty-four days following the date of first 14552
publication of the notice. A copy of the notice also shall be sent 14553
by first class or certified mail, on or before the date of the 14554
second publication, to any public agency within the area served by 14555
the facilities. At the public hearing, or at any adjournment of 14556
it, of which no further published or mailed notice need be given, 14557
the board shall hear all interested parties. A period of five days 14558
shall be given following the completion of the hearing for the 14559
filing of written objections by any interested persons or public 14560
agencies to the sale or other disposition, after which the board 14561
shall consider any objections and by resolution determine whether 14562
or not to proceed with the sale or other disposition. If the board 14563
determines to proceed with the sale or other disposition, it shall 14564
receive bids after advertising once a week for four consecutive 14565
weeks in a newspaper of general circulation in the county or as 14566
provided in section 7.16 of the Revised Code and, subject to the 14567
right of the board to reject any or all bids, may make an award to 14568

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 14599
where a hearing will be held by the board on the question of 14600
designating such channel as a restricted channel or such area as a 14601
restricted floodway ~~and~~. The board also shall give not less than 14602
ten days notice of said hearing by first class mail to all owners 14603
of property within the area proposed to be designated as a 14604
restricted floodway. The date of such hearing shall be not less 14605
than ten days after the completion of the publication provided for 14606
by this division. 14607

(C) The board shall hold a hearing at the time and place 14608
designated in the notice published under division (B) of this 14609
section at which time indorsements of and objections to the 14610
designation of such channel as a restricted channel or such area 14611
as a restricted floodway shall be heard. 14612

(D) The board may, after the completion of the hearing under 14613
division (C) of this section and after finding that the 14614
construction or alteration of structures or obstructions or 14615
relocation, alteration, restriction, deposit, or encroachment 14616
within the designated reach of such channel will restrict its 14617
capacity so as to constitute an unreasonable hazard to the safety 14618
of life and property in times of flood, adopt a resolution 14619
designating the reach of the channel described in the resolution 14620
of intent adopted under division (A) of this section or any 14621
modification thereof as a restricted channel. 14622

(E) In like manner the board may, after completion of a 14623
hearing under division (C) of this section and after finding that 14624
the construction or alteration of structures or obstructions or 14625
change of grade within a designated floodway area will restrict 14626
its capacity or efficiency as a means of carrying off flood water 14627
so as to constitute an unreasonable hazard to the safety of life 14628
and property in times of flood, adopt a resolution designating the 14629
area described in the resolution of intent adopted under division 14630

(A) of this section, or any modification thereof, as a restricted floodway. 14631
14632

Sec. 6115.01. As used in sections 6115.01 to 6115.79 of the Revised Code: 14633
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(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. 14635
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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. 14640
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(B) "Person" means person, firm, partnership, association, or corporation, other than county, township, municipal corporation, or other political subdivision. 14645
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(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. 14648
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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. 14653
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(E) "Land" or "property," unless otherwise specified, means real property, as "real property" is used in and defined by the 14659
14660

laws of this state, and embraces all railroads, tramroads, roads, 14661
electric railroads, street and interurban railroads, streets and 14662
street improvements, telephones, telegraph, and transmission 14663
lines, gas, sewerage, and water systems, pipelines and 14664
rights-of-way of public service corporations, and all other real 14665
property whether public or private. 14666

(F) "Board of directors" applies to the duties of one 14667
director appointed in accordance with section 6115.10 of the 14668
Revised Code in a district lying wholly within one county. 14669

(G) "Biting arthropods" include mosquitoes, ticks, biting 14670
flies, or other biting arthropods capable of transmitting disease 14671
to humans. 14672

(H) "Bond" or "bonds" means bonds, notes, certificates of 14673
indebtedness, certificates of participation, commercial paper, and 14674
other instruments in writing, including, unless the context does 14675
not admit, bonds or notes issued in anticipation of the issuance 14676
of other bonds, issued by a sanitary district to evidence its 14677
obligation to repay money borrowed, or to pay interest, by, or to 14678
pay at any future time other money obligations of, the sanitary 14679
district. 14680

(I) "Financing costs" has the same meaning as in division (K) 14681
of section 133.01 of the Revised Code. 14682

Sec. 6115.20. (A) When it is determined to let the work 14683
relating to the improvements for which a sanitary district was 14684
established by contract, contracts in amounts to exceed ten 14685
thousand dollars shall be advertised after notice calling for bids 14686
has been published once a week for five consecutive weeks 14687
completed on the date of last publication or as provided in 14688
section 7.16 of the Revised Code, in ~~at least one~~ a newspaper of 14689
general circulation within the sanitary district where the work is 14690
to be done. The board of directors of the sanitary district shall 14691

let bids as provided in this section or, if applicable, section 14692
9.312 of the Revised Code. If the bids are for a contract for the 14693
construction, demolition, alteration, repair, or reconstruction of 14694
an improvement, the board of directors of the sanitary district 14695
shall let the contract to the lowest or best bidder who meets the 14696
requirements of section 153.54 of the Revised Code. If the bids 14697
are for a contract for any other work relating to the improvements 14698
for which a sanitary district was established, the board of 14699
directors of the sanitary district shall let the contract to the 14700
lowest or best bidder who gives a good and approved bond, with 14701
ample security, conditioned on the carrying out of the contract 14702
and the payment for all labor and material. The contract shall be 14703
in writing and shall be accompanied by or shall refer to plans and 14704
specifications for the work to be done prepared by the chief 14705
engineer. The plans and specifications at all times shall be made 14706
and considered a part of the contract. The contract shall be 14707
approved by the board and signed by the president of the board and 14708
by the contractor and shall be executed in duplicate. In case of 14709
emergency the advertising of contracts may be waived upon the 14710
consent of the board with the approval of the court or judge in 14711
vacation. 14712

(B) In the case of a sanitary district organized wholly for 14713
the purpose of providing a water supply for domestic, municipal, 14714
and public use that includes two municipal corporations in two 14715
counties, any service to be purchased, including the services of 14716
an accountant, architect, attorney at law, physician, or 14717
professional engineer, at a cost in excess of ten thousand dollars 14718
shall be obtained in the manner provided in sections 153.65 to 14719
153.71 of the Revised Code. For the purposes of the application of 14720
those sections to division (B) of this section, all of the 14721
following apply: 14722

(1) "Public authority," as used in those sections, shall be 14723

deemed to mean a sanitary district organized wholly for the 14724
purpose of providing a water supply for domestic, municipal, and 14725
public use that includes two municipal corporations in two 14726
counties; 14727

(2) "Professional design firm," as used in those sections, 14728
shall be deemed to mean any person legally engaged in rendering 14729
professional design services as defined in division (B)(3) of this 14730
section; 14731

(3) "Professional design services," as used in those 14732
sections, shall be deemed to mean accounting, architectural, 14733
legal, medical, or professional engineering services; 14734

(4) The use of other terms in those sections shall be adapted 14735
accordingly, including, without limitation, for the purposes of 14736
division (D)(2) of section 153.67 of the Revised Code; 14737

(5) Divisions (A) to (C) of section 153.71 of the Revised 14738
Code do not apply. 14739

(C) The board of directors of a district organized wholly for 14740
the purpose of providing a water supply for domestic, municipal, 14741
and public use may contract for, purchase, or otherwise procure 14742
for the benefit of employees of the district and pay all or any 14743
part of the cost of group insurance policies that may provide 14744
benefits, including, but not limited to, hospitalization, surgical 14745
care, major medical care, disability, dental care, vision care, 14746
medical care, hearing aids, or prescription drugs. Any group 14747
insurance policy purchased under this division shall be purchased 14748
from the health care corporation that the board of directors 14749
determines offers the most cost-effective group insurance policy. 14750

Sec. 6117.06. (A) After the establishment of any sewer 14751
district, the board of county commissioners, if a sanitary or 14752
drainage facility or prevention or replacement facility 14753

improvement is to be undertaken, may have the county sanitary 14754
engineer prepare, or otherwise cause to be prepared, for the 14755
district, or revise as needed, a general plan of sewerage or 14756
drainage that is as complete in each case as can be developed at 14757
the time and that is devised with regard to any existing sanitary 14758
or drainage facilities or prevention or replacement facilities in 14759
the district and present as well as prospective needs for 14760
additional sanitary or drainage facilities or prevention or 14761
replacement facilities in the district. After the general plan, in 14762
original or revised form, has been approved by the board, it may 14763
adopt a resolution generally describing the improvement that is 14764
necessary to be acquired or constructed in accordance with the 14765
particular plan, declaring that the improvement is necessary for 14766
the preservation and promotion of the public health and welfare, 14767
and determining whether or not special assessments are to be 14768
levied and collected to pay any part of the cost of the 14769
improvement. 14770

(B) If special assessments are not to be levied and collected 14771
to pay any part of the cost of the improvement, the board, in the 14772
resolution provided for in division (A) of this section or in a 14773
subsequent resolution, including a resolution authorizing the 14774
issuance or incurrence of public obligations for the improvement, 14775
may authorize the improvement and the expenditure of the funds 14776
required for its acquisition or construction and may proceed with 14777
the improvement without regard to the procedures otherwise 14778
required by divisions (C), (D), and (E) of this section and by 14779
sections 6117.07 to 6117.24 of the Revised Code. Those procedures 14780
are required only for improvements for which special assessments 14781
are to be levied and collected. 14782

(C) If special assessments are to be levied and collected 14783
pursuant to a determination made in the resolution provided for in 14784
division (A) of this section or in a subsequent resolution, the 14785

procedures referred to in division (B) of this section as being 14786
required for that purpose shall apply, and the board may have the 14787
county sanitary engineer prepare, or otherwise cause to be 14788
prepared, detailed plans, specifications, and an estimate of cost 14789
for the improvement, together with a tentative assessment of the 14790
cost based on the estimate. The tentative assessment shall be for 14791
the information of property owners and shall not be levied or 14792
certified to the county auditor for collection. The detailed 14793
plans, specifications, estimate of cost, and tentative assessment, 14794
if approved by the board, shall be carefully preserved in the 14795
office of the board or the county sanitary engineer and shall be 14796
open to the inspection of all persons interested in the 14797
improvement. 14798

(D) After the board's approval of the detailed plans, 14799
specifications, estimate of cost, and tentative assessment, and at 14800
least twenty-four days before adopting a resolution pursuant to 14801
division (E) of this section, the board, except to the extent that 14802
appropriate waivers of notice are obtained from affected owners, 14803
shall cause to be sent a notice of its intent to adopt the 14804
resolution to each owner of property proposed to be assessed that 14805
is listed on the records of the county auditor for current 14806
agricultural use value taxation pursuant to section 5713.31 of the 14807
Revised Code and that is not located in an agricultural district 14808
established under section 929.02 of the Revised Code. The notice 14809
shall satisfy all of the following: 14810

(1) Be sent by first class or certified mail; 14811

(2) Specify the proposed date of the adoption of the 14812
resolution; 14813

(3) Contain a statement that the improvement will be financed 14814
in whole or in part by special assessments and that all properties 14815
not located in an agricultural district established pursuant to 14816
section 929.02 of the Revised Code may be subject to a special 14817

assessment; 14818

(4) Contain a statement that an agricultural district may be 14819
established by filing an application with the county auditor. 14820

If it appears, by the return of the mailed notices or by 14821
other means, that one or more of the affected owners cannot be 14822
found or are not served by the mailed notice, the board shall 14823
cause the notice to be published once in a newspaper of general 14824
circulation in the county not later than ten days before the 14825
adoption of the resolution. 14826

(E) After complying with divisions (A), (C), and (D) of this 14827
section, the board may adopt a resolution declaring that the 14828
improvement, which shall be described as to its nature and its 14829
location, route, and termini, is necessary for the preservation 14830
and promotion of the public health and welfare, referring to the 14831
plans, specifications, estimate of cost, and tentative assessment, 14832
stating the place where they are on file and may be examined, and 14833
providing that the entire cost or a lesser designated part of the 14834
cost will be specially assessed against the benefited properties 14835
within the district and that any balance will be paid by the 14836
county at large from other available funds. The resolution also 14837
shall contain a description of the boundaries of that part of the 14838
district to be assessed and shall designate a time and place for 14839
objections to the improvement, to the tentative assessment, or to 14840
the boundaries of the assessment district to be heard by the 14841
board. The date of that hearing shall be not less than twenty-four 14842
days after the date of the first publication of the notice of the 14843
hearing required by this division. 14844

The board shall cause a notice of the hearing to be published 14845
once a week for two consecutive weeks in a newspaper of general 14846
circulation in the county, ~~and on~~ or as provided in section 7.16 14847
of the Revised Code. On or before the date of the second 14848
publication, ~~it~~ the board shall cause to be sent by first class or 14849

certified mail a copy of the notice to every owner of property to 14850
be assessed for the improvement whose address is known. 14851

The notice shall set forth the time and place of the hearing, 14852
a summary description of the proposed improvement, including its 14853
general route and termini, a summary description of the area 14854
constituting the assessment district, and the place where the 14855
plans, specifications, estimate of cost, and tentative assessment 14856
are on file and may be examined. Each mailed notice also shall 14857
include a statement that the property of the addressee will be 14858
assessed for the improvement. The notice also shall be sent by 14859
first class or certified mail, on or before the date of the second 14860
publication, to the clerk, or to the official discharging the 14861
duties of a clerk, of any municipal corporation any part of which 14862
lies within the assessment district and shall state whether or not 14863
any property belonging to the municipal corporation is to be 14864
assessed and, if so, shall identify that property. 14865

At the hearing, or at any adjournment of the hearing, of 14866
which no further published or mailed notice need be given, the 14867
board shall hear all parties whose properties are proposed to be 14868
assessed. Written objections to or endorsements of the proposed 14869
improvement, its character and termini, the boundaries of the 14870
assessment district, or the tentative assessment shall be received 14871
by the board for a period of five days after the completion of the 14872
hearing, and no action shall be taken by the board in the matter 14873
until after that period has elapsed. The minutes of the hearing 14874
shall be entered on the journal of the board, showing the persons 14875
who appear in person or by attorney, and all written objections 14876
shall be preserved and filed in the office of the board. 14877

Sec. 6117.07. After the expiration of the period of five days 14878
provided for in section 6117.06 of the Revised Code for the filing 14879
of written objections, the board of county commissioners shall 14880

determine whether or not it will proceed with the construction of 14881
the improvement mentioned in such section. Notice of the time and 14882
place of each meeting of the board of county commissioners, at 14883
which the resolution to proceed with the construction of such 14884
improvement will be considered, shall be given in writing to all 14885
persons who filed written objections as provided in section 14886
6117.06 of the Revised Code. Such notice shall contain the 14887
following language in addition to the time and place of the 14888
meeting of the board: "any person, firm, or corporation desiring 14889
to appeal from the final order or judgment of the board upon any 14890
of the questions mentioned in section 6117.09 of the Revised Code 14891
shall, on or before the date of the passage of the improvement 14892
resolution, give notice in writing of an intention to appeal, 14893
specifying therein the matters to be appealed from." If it decides 14894
to proceed therewith, the board shall ratify or amend the plans 14895
for the improvement and the character and termini thereof, the 14896
boundaries of the assessment district, and the tentative 14897
assessment, and may cause such revision of plans, boundaries, or 14898
assessments as the board considers necessary to be made by the 14899
county sanitary engineer. If the boundaries of the assessment 14900
district are amended so as to include any property not included 14901
within the boundaries as established by the resolution of 14902
necessity provided for in section 6117.06 of the Revised Code, the 14903
owners of all such property shall be notified by mail if their 14904
addresses are known, and notice shall be published once a week for 14905
two consecutive weeks in a newspaper of general circulation within 14906
the county or as provided in section 7.16 of the Revised Code that 14907
such amendments have been adopted and that a hearing will be given 14908
by the board at a time and place stated in such notice, at which 14909
all persons interested will be heard by the board. The date of 14910
such hearing shall be not less than twenty-four days after the 14911
first publication of such notice, and the hearing shall be 14912
conducted and records kept in the same manner as the first 14913

hearing. Five days shall be allowed for the filing of written 14914
objections as provided in such section for the first hearing. 14915

After the expiration of such five day period, the board shall 14916
ratify the plans for the improvement and the character and termini 14917
thereof, the boundaries of the assessment district, and the 14918
tentative assessment, or shall further amend the same. If the 14919
boundaries of the assessment district are amended so as to include 14920
any property not included in the assessment district as originally 14921
established or previously amended, further notice and hearing 14922
shall be given to the owners of such property in the same manner 14923
as for the first amendment of such boundaries, and the same 14924
procedure shall be repeated until all property owners affected 14925
have been given an opportunity to be heard. If the owners of all 14926
property added to an assessment district by amendment of the 14927
original boundaries thereof waive objection to such amendment in 14928
writing, no further notice or hearing shall be given. 14929

After the board has ratified the plans for the improvement 14930
and the character and termini thereof, the boundaries of the 14931
assessment district, and the tentative assessment, either as 14932
originally presented or as amended, and if it decides to proceed 14933
therewith, the board shall adopt a resolution to be known as the 14934
improvement resolution. Said improvement resolution shall declare 14935
the determination of such board to proceed with the construction 14936
of the improvement provided for in the resolution of necessity, in 14937
accordance with the plans and specifications provided for such 14938
improvement as ratified or amended, and whether bonds or 14939
certificates of indebtedness shall be issued in anticipation of 14940
the collection of special assessments, as provided in section 14941
6117.08 to 6117.45, inclusive, of the Revised Code, or that money 14942
in the county treasury unappropriated for any other purpose shall 14943
be appropriated to pay for said improvement. 14944

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 14977
preparation of tentative assessments upon the benefited properties 14978
and by whom they shall be prepared. 14979

(C) In order to obtain funds for the preparation of a general 14980
or revised general plan of sewerage or drainage for the district 14981
or part of the district, for the preparation of the detailed 14982
plans, specifications, estimate of cost, and tentative assessment 14983
for the proposed improvements, and for the cost of financing and 14984
legal services incident to the preparation of all of those plans 14985
and a plan of financing the proposed improvements, the board may 14986
levy upon the properties to be benefited in the district a 14987
preliminary assessment apportioned according to benefits or to tax 14988
valuation or partly by one method and partly by the other method 14989
as the board may determine. The assessments shall be in the amount 14990
determined to be necessary to obtain funds for the general and 14991
detailed plans and the cost of financing and legal services and 14992
shall be payable in the number of years that the board shall 14993
determine, not to exceed twenty years, together with interest on 14994
any public obligations that may be issued or incurred in 14995
anticipation of the collection of the assessments. 14996

(D) The board shall have power at any time to levy additional 14997
assessments according to benefits or to tax valuation or partly by 14998
one method and partly by the other method as the board may 14999
determine for the purposes described in division (C) of this 15000
section upon the benefited properties to complete the payment of 15001
the costs described in division (C) of this section or to pay the 15002
cost of any additional plans, specifications, estimate of cost, or 15003
tentative assessment and the cost of financing and legal services 15004
incident to the preparation of those plans and the plan of 15005
financing, which additional assessments shall be payable in the 15006
number of years that the board shall determine, not to exceed 15007
twenty years, together with interest on any public obligations 15008

that may be issued or incurred in anticipation of the collection 15009
of the additional assessments. 15010

(E) Prior to the adoption of a resolution levying assessments 15011
under this section, the board shall give notice either by one 15012
publication in a newspaper of general circulation in the county, 15013
or by mailing a copy of the notice by first class or certified 15014
mail to the owners of the properties proposed to be assessed at 15015
their respective tax mailing addresses, or by both manners, the 15016
publication to be made or the mailing to occur at least ten days 15017
prior to the date of the meeting at which the resolution shall be 15018
taken up for consideration; that notice shall state the time and 15019
place of the meeting at which the resolution is to be considered. 15020
At the time and place of the meeting, or at any adjournment of the 15021
meeting, of which no further published or mailed notice need be 15022
given, the board shall hear all persons whose properties are 15023
proposed to be assessed, shall correct any errors and make any 15024
revisions that appear to be necessary or just, and then may adopt 15025
a resolution levying upon the properties determined to be 15026
benefited the assessments as so corrected and revised. 15027

The assessments levied by the resolution shall be certified 15028
to the county auditor for collection in the same manner as taxes 15029
in the year or years in which they are payable. 15030

(F) Upon the adoption of the resolution described in division 15031
(E) of this section, no further action shall be taken or work done 15032
until ten days have elapsed. If, at the expiration of that period, 15033
no appeal has been effected by any property owner as provided in 15034
this division, the action of the board shall be final. If, at the 15035
end of that ten days, any owner of property to be assessed for the 15036
improvements has effected an appeal, no further action shall be 15037
taken and no work done in connection with the improvements under 15038
the resolution until the matters appealed from have been disposed 15039
of in court. 15040

Any owner of property to be assessed may appeal as provided 15041
and upon the grounds stated in sections 6117.09 to 6117.24 of the 15042
Revised Code. 15043

If no appeal has been perfected or if on appeal the 15044
resolution of the board is sustained, the board may authorize and 15045
enter into contracts to carry out the purposes for which the 15046
assessments have been levied without the prior issuance of notes, 15047
provided that the payments under those contracts do not fall due 15048
prior to the time by which the assessments are to be collected. 15049
The board may issue and sell bonds with a maximum maturity of 15050
twenty years in anticipation of the collection of the assessments 15051
and may issue notes in anticipation of the issuance of the bonds, 15052
which notes and bonds, as public obligations, shall be issued and 15053
sold as provided in Chapter 133. of the Revised Code. 15054

Sec. 6117.49. (A) If the board of county commissioners 15055
determines by resolution that the best interests of the county and 15056
those served by the sanitary or drainage facilities or the 15057
prevention or replacement facilities of a county sewer district so 15058
require, the board may sell or otherwise dispose of the facilities 15059
to another public agency or a person. The resolution declaring the 15060
necessity of that disposition shall recite the reasons for the 15061
sale or other disposition and shall establish any conditions or 15062
terms that the board may impose, including, but not limited to, a 15063
minimum sales price if a sale is proposed, a requirement for the 15064
submission by bidders of the schedule of rates and charges 15065
initially proposed to be paid for the services of the facilities, 15066
and other pertinent conditions or terms relating to the sale or 15067
other disposition. The resolution also shall designate a time and 15068
place for the hearing of objections to the sale or other 15069
disposition by the board. Notice of the adoption of the resolution 15070
and the time and place of the hearing shall be published as 15071
provided in section 7.16 of the Revised Code or once a week for 15072

two consecutive weeks, in a newspaper of general circulation in 15073
the sewer district and in the county. The public hearing on the 15074
sale or other disposition shall be held not less than twenty-four 15075
days following the date of first publication of the notice. A copy 15076
of the notice also shall be sent by first class or certified mail, 15077
on or before the date of the second publication, to any public 15078
agency within the area served by the facilities. At the public 15079
hearing, or at any adjournment of it, of which no further 15080
published or mailed notice need be given, the board shall hear all 15081
interested parties. A period of five days shall be given following 15082
the completion of the hearing for the filing of written objections 15083
by any interested persons or public agencies to the sale or other 15084
disposition, after which the board shall consider any objections 15085
and by resolution determine whether or not to proceed with the 15086
sale or other disposition. If the board determines to proceed with 15087
the sale or other disposition, it shall receive bids after 15088
advertising once a week for four consecutive weeks or as provided 15089
in section 7.16 of the Revised Code, in a newspaper of general 15090
circulation in the county and, subject to the right of the board 15091
to reject any or all bids, may make an award to a responsible 15092
bidder whose proposal is determined by the board to be in the best 15093
interests of the county and those served by the facilities. 15094

(B) A conveyance of sanitary or drainage facilities or of 15095
prevention or replacement facilities by a county to a municipal 15096
corporation in accordance with division (B) of section 6117.05 of 15097
the Revised Code may be made without regard to division (A) of 15098
this section. 15099

Sec. 6119.10. The board of trustees of a regional water and 15100
sewer district or any officer or employee designated by the board 15101
may make any contract for the purchase of supplies or material or 15102
for labor for any work, under the supervision of the board, the 15103
cost of which shall not exceed twenty-five thousand dollars. When 15104

an expenditure, other than for the acquisition of real estate and 15105
interests in real estate, the discharge of noncontractual claims, 15106
personal services, the joint use of facilities or the exercise of 15107
powers with other political subdivisions, or the product or 15108
services of public utilities, exceeds twenty-five thousand 15109
dollars, the expenditures shall be made only after a notice 15110
calling for bids has been published ~~not less than~~ two consecutive 15111
weeks in ~~at least~~ one newspaper ~~having a~~ of general circulation 15112
within the district or as provided in section 7.16 of the Revised 15113
Code. If the bids are for a contract for the construction, 15114
demolition, alteration, repair, or reconstruction of an 15115
improvement, the board may let the contract to the lowest and best 15116
bidder who meets the requirements of section 153.54 of the Revised 15117
Code. If the bids are for a contract for any other work relating 15118
to the improvements for which a regional water and sewer district 15119
was established, the board of trustees of the regional water and 15120
sewer district may let the contract to the lowest or best bidder 15121
who gives a good and approved bond with ample security conditioned 15122
on the carrying out of the contract. The contract shall be in 15123
writing and shall be accompanied by or shall refer to plans and 15124
specifications for the work to be done, approved by the board. The 15125
plans and specifications shall at all times be made and considered 15126
part of the contract. The contract shall be approved by the board 15127
and signed by its president or other duly authorized officer and 15128
by the contractor. In case of a real and present emergency, the 15129
board of trustees of the district, by two-thirds vote of all 15130
members, may authorize the president or other duly authorized 15131
officer to enter into a contract for work to be done or for the 15132
purchase of supplies or materials without formal bidding or 15133
advertising. All contracts shall have attached the certificate 15134
required by section 5705.41 of the Revised Code duly executed by 15135
the secretary of the board of trustees of the district. The 15136
district may make improvements by force account or direct labor, 15137

provided that, if the estimated cost of supplies or material for 15138
any such improvement exceeds twenty-five thousand dollars, bids 15139
shall be received as provided in this section. For the purposes of 15140
the competitive bidding requirements of this section, the board 15141
shall not sever a contract for supplies or materials and labor 15142
into separate contracts for labor, supplies, or materials if the 15143
contracts are in fact a part of a single contract required to be 15144
bid competitively under this section. 15145

Sec. 6119.18. The board of trustees of a regional water and 15146
sewer district, by a vote of two-thirds of all its members, may 15147
declare by resolution that it is necessary to levy a tax in excess 15148
of the ten-mill limitation for the purpose of providing funds to 15149
pay current expenses of the district or for the purpose of paying 15150
any portion of the cost of one or more water resource projects or 15151
parts thereof or for both of such purposes, and that the question 15152
of such tax levy shall be submitted to the electors of the 15153
district at a general or primary election. Such resolution shall 15154
conform to the requirements of section 5705.19 of the Revised 15155
Code, except as otherwise permitted by this section and except 15156
that such levy may be for a period not longer than ten years. The 15157
resolution shall go into immediate effect upon its passage and no 15158
publication of the resolution is necessary other than that 15159
provided for in the notice of election. A copy of such resolution 15160
shall, immediately after its passage, be certified to the board of 15161
elections of the proper county or counties in the manner provided 15162
by section 5705.25 of the Revised Code, and such section shall 15163
govern the arrangements for the submission of such question and 15164
other matters with respect to such election to which such section 15165
refers. Publication of the notice of that election shall be made 15166
in one ~~or more newspapers having a~~ newspaper of general 15167
circulation in the district once a week for two consecutive weeks 15168
prior to the election, ~~and, if~~ or as provided in section 7.16 of 15169

the Revised Code. If the board of elections operates and maintains 15170
a web site, the board of elections shall post notice of the 15171
election on its web site for thirty days prior to the election. 15172

If a majority of the electors voting on the question vote in 15173
favor thereof, the board may make the necessary levy within the 15174
district at the additional rate or at any lesser rate on the tax 15175
list and duplicate for the purpose or purposes stated in the 15176
resolution. 15177

The taxes realized from such levy shall be collected at the 15178
same time and in the same manner as other taxes on such tax list 15179
and duplicate and such taxes, when collected, shall be paid to the 15180
district and deposited by it in a special fund which shall be 15181
established by the district for all revenues derived from such 15182
levy and for the proceeds of anticipation notes which shall be 15183
deposited in such fund. 15184

After the approval of such levy, the district may anticipate 15185
a fraction of the proceeds of such levy and, from time to time, 15186
during the life of such levy, issue anticipation notes in an 15187
amount not exceeding fifty per cent of the estimated proceeds of 15188
such levy to be collected in each year up to a period of five 15189
years after the date of issuance of such notes, less an amount 15190
equal to the proceeds of such levy previously obligated for each 15191
year by the issuance of anticipation notes, provided that the 15192
total amount maturing in any one year shall not exceed fifty per 15193
cent of the anticipated proceeds of such levy for that year. Each 15194
issue of notes shall be sold as provided in Chapter 133. of the 15195
Revised Code, and shall, except for such limitation that the total 15196
amount of such notes maturing in any one year shall not exceed 15197
fifty per cent of the anticipated proceeds of such levy for that 15198
year, mature serially in substantially equal installments during 15199
each year over a period not to exceed five years after their 15200
issuance. 15201

Sec. 6119.22. When a plan of sewerage devised in accordance 15202
with section 6119.19 of the Revised Code has been prepared, the 15203
board of trustees of the regional water and sewer district shall 15204
give at least ten days' notice in one newspaper of general 15205
circulation in such area or give notice as provided in section 15206
7.16 of the Revised Code, stating that such plans have been 15207
prepared and are filed in the office of the secretary of the board 15208
for examination and inspection by the parties interested. 15209

Any objection to such plan shall then be made to the board 15210
and it may amend or correct such plan, and shall thereupon file it 15211
as amended, or if no amendments are made, it shall file the 15212
original plan in the office of the secretary. 15213

Sec. 6119.25. When the board of trustees of a regional water 15214
and sewer district deems it necessary to construct all or a part 15215
of the sewers provided for in the plan devised in accordance with 15216
section 6119.19 of the Revised Code, the board shall declare by 15217
resolution the necessity thereof. Such resolution shall contain a 15218
declaration of the necessity of such improvement, a statement of 15219
the districts, areas, or parts thereof proposed to be constructed, 15220
the character of the materials to be used, a reference to the 15221
plans and specifications, where they are on file, and the mode of 15222
payment therefor, and shall publish the resolution once a week for 15223
not less than two nor more than four consecutive weeks in one 15224
newspaper of general circulation in the area or as provided in 15225
section 7.16 of the Revised Code. 15226

Sec. 6119.58. In order to obtain funds for the preparation of 15227
plans, specifications, estimates of cost, tentative assessments, 15228
and a plan of financing for any water resource project or part 15229
thereof, the board of trustees of a regional water and sewer 15230
district may levy upon the property in such district to be 15231

benefited by such project assessments apportioned in accordance 15232
with one or more of the methods set forth in section 6119.42 of 15233
the Revised Code. The aggregate of such assessments shall not 15234
exceed the amount determined by the board of trustees to be 15235
necessary for such purpose, including costs of financing, legal 15236
services, and other incidental costs, and shall be payable in such 15237
number of annual installments, not less than one, as the board of 15238
trustees prescribes, together with interest on any water resource 15239
revenue notes and bonds which may be issued in anticipation of the 15240
collection of such assessments. 15241

If the board of trustees proposes to obtain funds in 15242
accordance with this section, it shall determine by resolution 15243
that it is necessary to construct the water resource project and 15244
to maintain and operate the same on behalf of the district. 15245

Prior to the adoption of the resolution making such 15246
determination, the board of trustees shall give notice of the 15247
pendency thereof and of the proposed determination of the 15248
necessity of the construction of such project therein generally 15249
described, and such notice shall set forth a description of the 15250
properties to be benefited by such project and the time and place 15251
of a hearing of objections to, and endorsements of, such project. 15252
Such notice shall be given by publication in ~~at least~~ one 15253
newspaper ~~having a~~ of general circulation in the district once a 15254
week for two consecutive weeks or as provided in section 7.16 of 15255
the Revised Code, the first publication to be at least two weeks 15256
prior to the date set for the hearing, provided that the board of 15257
trustees may give, or cause to be given, such alternative or 15258
further notice of such hearing as it finds to be necessary or 15259
appropriate. At such hearing, or at any adjournment thereof, of 15260
which no further notice need be given, the board of trustees shall 15261
hear all owners whose properties are proposed to be assessed and 15262
such other evidence as is considered to be necessary, and may then 15263

adopt its resolution determining that the proposed project is 15264
necessary and should be undertaken by the district. In such 15265
resolution, the board of trustees shall direct the preparation of 15266
the estimated assessments upon the benefited properties and by 15267
whom they shall be prepared. 15268

After such assessments have been prepared and filed in the 15269
office of the secretary of the board of trustees and prior to the 15270
adoption of the resolution levying such assessments, the board of 15271
trustees shall give notice of the pendency of such resolution and 15272
of the proposed determination to levy such assessments, and such 15273
notice shall set forth the time and place of a hearing of 15274
objections to such assessments. Such notice shall be given by 15275
publication once in ~~at least~~ one newspaper ~~having a~~ of general 15276
circulation in the district, such publication to be made at least 15277
ten days prior to the date set for the hearing, provided that the 15278
board of trustees may give or cause to be given, such alternative 15279
of further notice of such hearing as it finds to be necessary or 15280
appropriate. At such hearing, or at any adjournment thereof, of 15281
which no further notice need be given, the board of trustees shall 15282
hear all persons whose properties are proposed to be assessed, 15283
shall correct any errors and make any revisions in the estimated 15284
assessments that appear to be necessary or just, and may then 15285
adopt a resolution levying upon the properties determined to be 15286
benefited the assessments as originally prepared or as so 15287
corrected and revised. 15288

The board of trustees shall have the power at any time to 15289
levy additional assessments upon such properties to complete the 15290
payment of the costs for which the original assessments were 15291
levied or to provide funds for any additional plans, 15292
specifications, estimates of cost, tentative assessments, and 15293
other incidental costs, provided that the board shall first have 15294
held a hearing on objections to such additional assessments in the 15295

same manner as required by this section with respect to such 15296
original assessments. Such additional assessments shall be payable 15297
in such number of annual installments, not less than one, as the 15298
board of trustees prescribes, together with interest on any water 15299
resource revenue notes and bonds which may be issued in 15300
anticipation of the collection of such assessments. 15301

The board of trustees may authorize contracts to carry out 15302
the purposes for which such assessments have been levied without 15303
the prior issuance of water resource revenue notes and bonds, 15304
provided that the payments to be made by the district do not fall 15305
due prior to the times when such assessments shall be collected. 15306

Section 2. That existing sections 7.10, 7.11, 7.12, 118.17, 15307
131.23, 133.18, 133.55, 135.05, 301.02, 301.15, 301.28, 306.35, 15308
306.43, 306.70, 307.022, 307.041, 307.10, 307.12, 307.676, 307.70, 15309
307.79, 307.791, 307.81, 307.82, 307.83, 308.13, 317.20, 319.11, 15310
319.54, 321.18, 322.02, 322.021, 323.08, 323.73, 324.02, 324.021, 15311
343.08, 345.03, 349.03, 501.07, 503.05, 503.162, 503.41, 504.02, 15312
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5747.451, 5748.02, 5748.021, 5748.04, 5748.08, 6101.16, 6103.05, 15335
6103.06, 6103.081, 6103.31, 6105.131, 6115.01, 6115.20, 6117.06, 15336
6117.07, 6117.251, 6117.49, 6119.10, 6119.18, 6119.22, 6119.25, 15337
and 6119.58 of the Revised Code are hereby repealed. 15338

Section 3. That sections 7.14 and 701.04 of the Revised Code 15339
are hereby repealed. 15340

Section 4. Section 5723.05 of the Revised Code is presented 15341
in this act as a composite of the section as amended by both Am. 15342
Sub. H.B. 387 and Am. Sub. H.B. 576 of the 118th General Assembly. 15343
The General Assembly, applying the principle stated in division 15344
(B) of section 1.52 of the Revised Code that amendments are to be 15345
harmonized if reasonably capable of simultaneous operation, finds 15346
that the composite is the resulting version of the section in 15347
effect prior to the effective date of the section as presented in 15348
this act. 15349