

As Introduced

**128th General Assembly
Regular Session
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H. B. No. 35

Representative Dyer

**Cosponsors: Representatives Williams, B., Hagan, Boyd, Harris, Luckie,
Amstutz**

—

A BILL

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(G) To collect and dispose of garbage; 57

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

district by expansion. 361

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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the reduction of biting arthropod populations will be employed. 638

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

hereby repealed.

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