

As Passed by the House

**128th General Assembly
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Sub. H. B. No. 35

Representative Dyer

**Cosponsors: Representatives Williams, B., Hagan, Boyd, Harris, Luckie,
Amstutz, Combs, Domenick, Dyer, Harwood, Letson, Mallory, Stewart**

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A B I L L

To amend sections 6115.04, 6115.05, 6115.06, 6115.08, 1
6115.16, 6115.21, 6115.22, 6115.33, 6115.40, 2
6115.43, 6115.45, 6115.46, 6115.47, and 6115.69 3
and to enact sections 6115.051, 6115.081, 4
6115.082, 6115.091, 6115.092, 6115.093, 6115.094, 5
6115.095, 6115.096, and 6115.321 of the Revised 6
Code to revise the law governing sanitary 7
districts that are organized wholly for the 8
reduction of populations of biting arthropods. 9

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

Section 1. That sections 6115.04, 6115.05, 6115.06, 6115.08, 10
6115.16, 6115.21, 6115.22, 6115.33, 6115.40, 6115.43, 6115.45, 11
6115.46, 6115.47, and 6115.69 be amended and sections 6115.051, 12
6115.081, 6115.082, 6115.091, 6115.092, 6115.093, 6115.094, 13
6115.095, 6115.096, and 6115.321 of the Revised Code be enacted to 14
read as follows: 15

Sec. 6115.04. The court of common pleas of any county in this 16
state, when the conditions stated in section 6115.05 or 6115.051 17
of the Revised Code, as applicable, are found to exist, may 18

establish sanitary districts within the county in which the court 19
is located. Districts partly within and partly without such county 20
may also be established by a court comprised of one judge of the 21
court of common pleas from each county having area within the 22
district, as provided in section 6115.08 or 6115.081 of the 23
Revised Code, as applicable. 24

If there are but two judges who sit as a court under this 25
section, and the judges are unable to agree as to the 26
establishment of such district or upon any other question left for 27
their decision, then a third judge from a disinterested county 28
shall be appointed by the chief justice of the supreme court, 29
which judge shall sit with the other two judges, and the decisions 30
of a majority of the judges shall be final. Compensation for such 31
judge shall be fixed by the chief justice. 32

Sanitary districts may be established for any of the 33
following purposes: 34

(A) To prevent and correct the pollution of streams; 35

(B) To clean and improve stream channels for sanitary 36
purposes; 37

(C) To regulate the flow of streams for sanitary purposes; 38

(D) To provide for the collection and disposal of sewage and 39
other liquid wastes produced within the district; 40

(E) To provide a water supply for domestic, municipal, and 41
public use within the district, and incident to those purposes and 42
to enable their accomplishment to construct reservoirs, trunk 43
sewers, intercepting sewers, siphons, pumping stations, wells, 44
intakes, pipe lines, purification works, and treatment and 45
disposal works, to maintain, operate, and repair the same, to 46
acquire additional water supplies by purchase, and to do all other 47
things necessary for the fulfillment of the purposes of sections 48
6115.01 to 6115.79 of the Revised Code; 49

(F) To reduce populations of biting arthropods and abate 50
their breeding places, and incident to those purposes to purchase 51
supplies, materials, and equipment, to employ technicians and 52
laborers, to build, construct, maintain, and repair such 53
structures, devices, and improvements, to conduct studies and 54
surveys of the populations of biting arthropods and of the 55
incidence or spread within or among human or animal populations of 56
diseases transmitted by biting arthropods, and to do such other 57
things as are necessary or desirable to accomplish those purposes; 58

(G) To collect and dispose of garbage; 59

(H) To collect and dispose of any other refuse that may 60
become a menace to health. 61

Sec. 6115.05. Before any court establishes a sanitary 62
district as outlined in section 6115.04 of the Revised Code, a 63
petition shall be filed in the office of the clerk of ~~said~~ the 64
court, signed by five hundred freeholders, or by a majority of the 65
freeholders, or by the owners of more than half of the property, 66
in either acreage or value, within the limits of the territory 67
proposed to be organized into a district. Such a petition may be 68
signed by the governing body of any public corporation lying 69
wholly or partly within the proposed district, in such manner as 70
it prescribes, and when so signed by such governing body such a 71
petition on the part of ~~said~~ the governing body shall fill all the 72
requirements of representation upon such petition of the 73
freeholders of such public corporation, as they appear upon the 74
tax duplicate; and thereafter it is not necessary for individuals 75
within ~~said~~ the public corporation to sign such a petition. Such a 76
petition may also be signed by railroads and other corporations 77
owning lands. 78

Such petition may be filed by any city interested in some 79
degree in the improvement, upon proper action by its governing 80

body. Property in each political subdivision wholly or partly 81
included in the proposed district shall be represented by the 82
signers of the petition provided for by this section. 83

The petition for the establishment of a district to provide a 84
water supply for domestic, municipal, and public use shall be 85
signed by the governing body of each municipal corporation, or 86
part thereof included in the proposed district, or by a majority 87
of the freeholders of political subdivisions or parts thereof 88
included in the proposed district and lying outside municipal 89
corporations, and shall also be signed by the public service 90
corporation ~~which~~ that may be supplying water to the inhabitants 91
of such political subdivisions under franchise granted by the 92
governing bodies thereof. 93

The petition shall set forth the proposed name of ~~said~~ the 94
district, the necessity for the proposed work and that it will be 95
conducive to the public health, safety, comfort, convenience, or 96
welfare, and a general description of the purpose of the 97
contemplated improvement, and of the territory to be included in 98
the proposed district. ~~Said~~ The description need not be given by 99
metes and bounds or by legal subdivisions, but it is sufficient if 100
a generally accurate description is given of the territory to be 101
organized as a district. ~~Said~~ The territory shall include two or 102
more political subdivisions or portions thereof, and, except as a 103
subdistrict provided for by section 6115.69 of the Revised Code, 104
shall not be included wholly within the limits of a single 105
municipal corporation. ~~Said~~ The territory need not be contiguous, 106
provided that it is so situated that the public health, safety, 107
comfort, convenience, or welfare will be promoted by the 108
organization as a single district of the territory described. ~~Said~~ 109
The petition shall pray for the organization of the district by 110
the name proposed. 111

No petition with the requisite signatures shall be declared 112

void because of alleged defects, but the court may at any time 113
permit the petition to be amended in form and substance to conform 114
to the facts by correcting any errors in the description of the 115
territory, or in any other particular. Several similar petitions 116
or duplicate copies of the same petition for the organization of 117
the same district may be filed and shall together be regarded as 118
one petition. All such petitions filed prior to the hearing on 119
~~said~~ the petition shall be considered by the court as though they 120
had been filed with the first petition placed on file. 121

In determining when a majority of landowners has signed the 122
petition, the court shall be governed by the names as they appear 123
upon the tax duplicate, which shall be prima-facie evidence of 124
such ownership. 125

This section does not apply to a sanitary district that is 126
proposed to be organized wholly for the reduction of populations 127
of biting arthropods. Instead, section 6115.051 of the Revised 128
Code applies to such a sanitary district. 129

Sec. 6115.051. (A) Before a court establishes a sanitary 130
district that is to be organized wholly for the reduction of 131
populations of biting arthropods as outlined in section 6115.04 of 132
the Revised Code, a petition shall be filed in the office of the 133
clerk of the court, signed by the lesser of five hundred 134
registered voters or ten per cent of the electors who voted for 135
the office of governor within the political subdivision in the 136
most recent gubernatorial election in each political subdivision 137
in which any portion of the sanitary district is proposed to be 138
located. 139

(B)(1) The petition shall set forth the proposed name of the 140
sanitary district, the purpose for the creation of the sanitary 141
district, and a general description of the territory to be 142
included in the proposed sanitary district. The description need 143

not be given by metes and bounds or by legal subdivisions, but it 144
is sufficient if a generally accurate description is given of the 145
territory to be organized as a sanitary district. The territory 146
shall include two or more political subdivisions or portions 147
thereof and shall not be included wholly within the limits of a 148
single municipal corporation. The territory need not be 149
contiguous, provided that it is so situated that the public 150
health, safety, comfort, convenience, or welfare will be promoted 151
by the organization as a single sanitary district of the territory 152
described. 153

(2) The petition shall request the organization of the 154
sanitary district by the name proposed. 155

(C) No petition with the requisite signatures shall be 156
declared void because of alleged defects, but the court at any 157
time may permit the petition to be amended in form and substance 158
to conform to the facts by correcting any errors in the 159
description of the territory or in any other particular. Several 160
similar petitions or duplicate copies of the same petition for the 161
organization of the same sanitary district may be filed and shall 162
together be regarded as one petition. All such petitions that are 163
filed prior to the election on the petition shall be considered by 164
the court as though they had been filed with the first petition 165
placed on file. 166

(D) After receiving the petition with the requisite number of 167
signatures, the court shall submit the names and signatures of the 168
petitioners to the appropriate boards of elections of the counties 169
in which the petitioners reside for verification of the petition 170
signatures. The boards of elections shall notify the court of the 171
sufficiency or insufficiency of the petition. If the petition 172
contains a sufficient number of valid signatures, the court shall 173
follow the procedures established in section 6115.081 of the 174
Revised Code. 175

Sec. 6115.06. At the time of filing the petition provided for 176
in section 6115.05 of the Revised Code, or at any time subsequent 177
thereto and prior to the time of the hearing on ~~said~~ the petition, 178
a bond shall be filed, with security approved by the court, 179
sufficient to pay all the expenses connected with the proceedings 180
in case the court refuses to organize the sanitary district. If at 181
any time during the proceeding the court is satisfied that the 182
bond first executed is insufficient in amount, it may require the 183
execution of an additional bond within a time to be fixed, which 184
shall be not less than ten days distant, and upon failure of the 185
petitioners to execute such additional bond the petition shall be 186
dismissed. 187

This section does not apply to a sanitary district that is 188
proposed to be organized wholly for the reduction of populations 189
of biting arthropods. Instead, section 6115.082 of the Revised 190
Code applies to such a sanitary district. 191

Sec. 6115.08. Any owner of real property in a proposed 192
sanitary district who individually has not signed a petition under 193
section 6115.05 of the Revised Code, and who wishes to object to 194
the organization and incorporation of ~~said~~ the district shall, on 195
or before the date set for the cause to be heard, file ~~his~~ the 196
owner's objections to the organization and incorporation of such 197
district. Such objections shall be limited to a denial of the 198
statements in the petition, and shall be heard by the court as an 199
advanced case without unnecessary delay. 200

Upon the hearing, if it appears that the purposes of sections 201
6115.01 to 6115.79, ~~inclusive,~~ of the Revised Code, would be 202
~~suberved~~ served by the creation of a district, the court, after 203
disposing of all objections as justice and equity require, shall 204
by its findings, duly entered of record, adjudicate all questions 205
of jurisdiction, declare the district organized, and give it a 206

corporate name by which in all proceedings it shall thereafter be 207
known. A district so organized shall be a political subdivision of 208
the state and a body corporate with all the powers of a 209
corporation, and shall have perpetual existence, with power to sue 210
and be sued, to incur debts, liabilities, and obligations, to 211
exercise the right of eminent domain and of taxation and 212
assessment as provided in such sections, to issue bonds, and to do 213
all acts necessary and proper for the carrying out of the purposes 214
for which the district was created and for executing the powers 215
with which it is invested. 216

In such decree, the court shall designate the place where the 217
office or principal place of business of the district shall be 218
located, which shall be within the corporate limits of the 219
district if practicable, and which may be changed by order of 220
court. The regular meetings of the board of directors of the 221
district shall be held at such office or place of business, but 222
for cause may be adjourned to any other convenient place. The 223
official records and files of the district shall be kept at the 224
office so established. 225

If the court finds that the property set out in ~~said the~~ 226
petition should not be incorporated into a district, it shall 227
dismiss ~~said the~~ proceedings, and adjudge the costs against the 228
signers of the petition in the proportion of the interest 229
represented by them. 230

After an order is entered establishing the district, such 231
order is final and binding upon the real property within the 232
district and finally and conclusively establishes the regular 233
organization of such district against all persons except the state 234
upon suit commenced by the attorney general. Any such suit ~~must~~ 235
shall be commenced within three months after ~~said the~~ decree 236
declaring such district organized. The organization of ~~said the~~ 237
district shall not be directly or collaterally questioned in any 238

suit, action, or proceeding except as expressly authorized in 239
sections 6115.01 to 6115.79, ~~inclusive~~, of the Revised Code. 240

In the case of a district lying in more than one county, one 241
judge of the court of common pleas of each of the counties having 242
land in the district shall sit as a court in the courthouse where 243
the original petition was filed to make the findings required by 244
this section and by section 6115.16 of the Revised Code. A 245
majority of ~~said~~ the judges shall be necessary to render a 246
decision. 247

This section does not apply to a sanitary district that is 248
proposed to be organized wholly for the reduction of populations 249
of biting arthropods unless the board of health of a health 250
district having jurisdiction within the territory in which the 251
sanitary district is proposed to be located issues an order under 252
section 3709.20 or 3709.21 of the Revised Code, as applicable, 253
declaring a health emergency that requires the reduction of 254
populations of biting arthropods. Even if such an order is issued, 255
such a sanitary district does not have the power to exercise the 256
right of eminent domain and of taxation under this section. 257

Sec. 6115.081. (A) If it appears that the purposes of this 258
chapter would be served by the creation of a sanitary district 259
that is to be organized wholly for the reduction of populations of 260
biting arthropods, the court shall submit the question of whether 261
such a sanitary district shall be created to the electors residing 262
within the territory in which the sanitary district is proposed to 263
be located. 264

(B) The court shall certify a copy of the court order 265
proposing to create the sanitary district to the board of 266
elections of each county in which any territory of the proposed 267
sanitary district is located. The board of elections of each such 268
county shall make the necessary arrangements for the submission of 269

the question to the electors of the proposed sanitary district on 270
the day specified in the order and occurring not less than 271
seventy-five days after the order is certified to the board of 272
elections. The election shall be held, canvassed, and certified in 273
the same manner as regular elections for the election of county 274
officers. 275

(C) Notice of the election shall be published in one or more 276
newspapers that, in the aggregate, are of general circulation in 277
the territory of the proposed sanitary district. The notice of the 278
election shall be published once a week for two consecutive weeks 279
prior to the election. If an applicable board of elections 280
operates and maintains a web site, notice of the election also 281
shall be posted on that web site for thirty days prior to the 282
election. The notice shall state the purpose for the creation of 283
the sanitary district and the time and place of the election. 284

(D) The form of the ballot cast at the election shall be as 285
follows: 286

"Shall a sanitary district organized wholly for the reduction 287
of populations of biting arthropods be created encompassing 288
property located within the (name of political 289
subdivisions)? 290

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

(E)(1) If a majority of the electors voting on the question 295
of creating the sanitary district vote in favor of the creation, 296
the court shall declare the sanitary district organized and give 297
it a corporate name by which it shall thereafter be known in all 298
proceedings. A sanitary district so organized is a political 299
subdivision of the state and a body corporate with all the powers 300

of a corporation and shall have perpetual existence, with power to 301
sue and be sued, to incur debts, liabilities, and obligations, to 302
exercise the right of assessment as provided in this chapter, to 303
issue bonds, and to perform all acts that are necessary and proper 304
for carrying out the purposes for which the sanitary district was 305
created and for executing the powers with which it is invested. A 306
sanitary district that is organized wholly for the reduction of 307
populations of biting arthropods does not have the power to levy a 308
property tax or to exercise the right of eminent domain under this 309
chapter. 310

(2) In its decree, the court shall designate the place where 311
the office or principal place of business of the sanitary district 312
shall be located, which shall be within the corporate limits of 313
the sanitary district if practicable and which may be changed by 314
order of the court. The regular meetings of the board of directors 315
of the sanitary district shall be held at that office or place of 316
business, but for cause may be adjourned to any other convenient 317
place. The official records and files of the sanitary district 318
shall be kept at the office so established. 319

(3) After an order is entered establishing the sanitary 320
district, the order is final and binding on the real property 321
within the sanitary district. The organization of the sanitary 322
district shall not be directly or collaterally questioned in any 323
suit, action, or proceeding except as expressly authorized in this 324
chapter. 325

(4) In the case of a sanitary district lying in more than one 326
county, one judge of the court of common pleas of each of the 327
counties having land in the sanitary district shall sit as a court 328
in the courthouse where the original petition was filed for the 329
purposes of this section and to make the findings required by 330
section 6115.16 of the Revised Code. A majority of the judges 331
shall be necessary to render a decision. 332

Sec. 6115.082. At the time of filing the petition provided 333
for in section 6115.051 of the Revised Code, or at any time 334
subsequent to the filing and prior to the election on the 335
petition, a bond shall be filed, with security approved by the 336
court, sufficient to pay all of the expenses connected with the 337
proceedings in case the electors voting on the question of 338
creating a sanitary district in accordance with section 6115.081 339
of the Revised Code vote against the creation of the sanitary 340
district. If at any time during the proceeding the court is 341
satisfied that the bond first executed is insufficient in amount, 342
it may require the execution of an additional bond within a time 343
to be fixed, which shall be not less than ten days distant, and 344
upon failure of the petitioners to execute the additional bond, 345
the petition shall be dismissed. 346

Sec. 6115.091. (A) If the board of directors of a sanitary 347
district that is organized wholly for the reduction of populations 348
of biting arthropods wishes to expand the sanitary district beyond 349
its existing territory, the board shall file a petition in the 350
office of the clerk of the court, signed by the lesser of five 351
hundred registered voters or ten per cent of the electors who 352
voted for the office of governor within the political subdivision 353
in the most recent gubernatorial election in each political 354
subdivision in which any portion of the sanitary district is 355
located and in each political subdivision in which any territory 356
is located that is proposed to be included in the sanitary 357
district by expansion. 358

(B)(1) The petition shall set forth the reason for the 359
expansion of the sanitary district and a general description of 360
the territory that is proposed to be included in the sanitary 361
district. The description need not be given by metes and bounds or 362
by legal subdivisions, but it is sufficient if a generally 363

accurate description is given of the territory that is proposed to 364
be included in the sanitary district. The territory in the 365
proposed expansion need not be contiguous to the territory that is 366
located in the sanitary district, provided that the expanded 367
territory is so situated that the public health, safety, comfort, 368
convenience, or welfare will be promoted by the inclusion of the 369
territory described. 370

(2) The petition shall request that the sanitary district be 371
expanded to include the territory described in the petition. 372

(C) No petition with the requisite signatures shall be 373
declared void because of alleged defects, but the court at any 374
time may permit the petition to be amended in form and substance 375
to conform to the facts by correcting any errors in the 376
description of the territory or in any other particular. Several 377
similar petitions or duplicate copies of the same petition for the 378
expansion of the sanitary district may be filed and shall together 379
be regarded as one petition. All such petitions that are filed 380
prior to the election on the petition shall be considered by the 381
court as though they had been filed with the first petition placed 382
on file. 383

(D) After receiving the petition with the requisite number of 384
signatures, the court shall submit the names and signatures of the 385
petitioners to the appropriate boards of elections of the counties 386
in which the petitioners reside for verification of the petition 387
signatures. The boards of elections shall notify the court of the 388
sufficiency or insufficiency of the petition. If the petition 389
contains a sufficient number of valid signatures, the court shall 390
follow the procedures established in section 6115.092 of the 391
Revised Code. 392

Sec. 6115.092. (A) If it appears that the purposes of this 393
chapter would be served by the expansion of a sanitary district 394

that is organized wholly for the reduction of populations of 395
biting arthropods, the court shall submit the question of whether 396
such a sanitary district shall be expanded to the electors 397
residing in the sanitary district and in the territory that is 398
proposed to be included in the sanitary district by expansion. 399

(B) The court shall certify a copy of the court order 400
proposing to expand the sanitary district to the board of 401
elections of each county in which any territory that is included 402
in the sanitary district or that is proposed to be included in the 403
sanitary district is located. The board of elections of each such 404
county shall make the necessary arrangements for the submission of 405
the question to the electors of the sanitary district or of the 406
proposed expansion of the sanitary district, as applicable, on the 407
day specified in the order and occurring not less than 408
seventy-five days after the order is certified to the board of 409
elections. The election shall be held, canvassed, and certified in 410
the same manner as regular elections for the election of county 411
officers. 412

(C) Notice of the election shall be published in one or more 413
newspapers that, in the aggregate, are of general circulation in 414
the sanitary district and in the territory that is proposed to be 415
included in the sanitary district. The notice of the election 416
shall be published once a week for two consecutive weeks prior to 417
the election. If an applicable board of elections operates and 418
maintains a web site, notice of the election also shall be posted 419
on that web site for thirty days prior to the election. The notice 420
shall state the purpose for the expansion of the sanitary district 421
and the time and place of the election. 422

(D) The form of the ballot cast at the election shall be as 423
follows: 424

"Shall the (name of sanitary district) be expanded 425

to include property located within the (name of 426
political subdivisions)? 427

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

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429
430
431
(E) If a majority of the electors voting on the question of 432
expanding the sanitary district vote in favor of the expansion, 433
the court shall declare that the territory that is proposed to be 434
included in the expansion is part of the sanitary district. The 435
court may give the sanitary district a new corporate name that 436
includes the expanded territory by which it shall thereafter be 437
known in all proceedings. 438

Sec. 6115.093. (A) If the board of directors of a sanitary 439
district that is organized wholly for the reduction of populations 440
of biting arthropods receives a petition for the withdrawal of a 441
political subdivision from the sanitary district, signed by the 442
lesser of five hundred registered voters or ten per cent of the 443
electors who voted for the office of governor within the political 444
subdivision in the most recent gubernatorial election in the 445
political subdivision, the board shall file the petition in the 446
office of the clerk of the court. 447

(B) The petition shall set forth the reason for the 448
withdrawal of the political subdivision from the sanitary district 449
and shall request the withdrawal of the political subdivision from 450
the sanitary district. 451

(C) No petition with the requisite signatures shall be 452
declared void because of alleged defects, but the court at any 453
time may permit the petition to be amended in form and substance 454
to conform to the facts by correcting any errors in the 455

description of the territory or in any other particular. Several 456
similar petitions or duplicate copies of the same petition for the 457
withdrawal of a political subdivision from the sanitary district 458
may be filed and shall together be regarded as one petition. All 459
such petitions that are filed prior to the election on the 460
petition shall be considered by the court as though they had been 461
filed with the first petition placed on file. 462

(D) After receiving the petition with the requisite number of 463
signatures, the court shall submit the names and signatures of the 464
petitioners to the appropriate boards of elections of the counties 465
in which the petitioners reside for verification of the petition 466
signatures. The boards of elections shall notify the court of the 467
sufficiency or insufficiency of the petition. If the petition 468
contains a sufficient number of valid signatures, the court shall 469
follow the procedures established in section 6115.094 of the 470
Revised Code. 471

Sec. 6115.094. (A) If the applicable boards of elections 472
notify the court that a petition to withdraw a political 473
subdivision from a sanitary district that is organized wholly for 474
the reduction of populations of biting arthropods contains a 475
sufficient number of valid signatures as provided in section 476
6115.093 of the Revised Code, the court shall submit the question 477
of whether the political subdivision shall withdraw from the 478
sanitary district to the electors residing in the political 479
subdivision. 480

(B) The court shall certify a copy of the court order 481
proposing the withdrawal of the political subdivision from the 482
sanitary district to the board of elections of each county in 483
which any territory of the political subdivision is located. The 484
board of elections of each such county shall make the necessary 485
arrangements for the submission of the question to the electors of 486

the proposed withdrawal of the political subdivision from the sanitary district on the day specified in the order and occurring not less than 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.

(C) Notice of the election shall be published in one or more newspapers that, in the aggregate, are of general circulation in the political subdivision that is proposed to be withdrawn from the 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 reason for the withdrawal of the political subdivision from the sanitary district and the time and place of the election.

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

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

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

(E) If a majority of the electors voting on the question of withdrawing the political subdivision from the sanitary district vote in favor of the withdrawal, the court shall declare the political subdivision withdrawn from the sanitary district. The withdrawal shall take effect one year after the electors vote in favor of the withdrawal. The court shall conclude the affairs of the political subdivision with regard to 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 political subdivision withdrawn from the 519
sanitary district. 520

(F) If a political subdivision withdraws from a sanitary 521
district that is organized wholly for the reduction of populations 522
of biting arthropods under this section and the sanitary district 523
then consists of only one political subdivision, the requirement 524
in section 6115.051 of the Revised Code that the territory in such 525
a sanitary district include two or more political subdivisions or 526
portions thereof does not apply to that sanitary district. 527

Sec. 6115.095. (A) If the board of directors of a sanitary 528
district that is organized wholly for the reduction of populations 529
of biting arthropods receives a petition for the dissolution of 530
the sanitary district, signed by the lesser of five hundred 531
registered voters or ten per cent of the electors who voted for 532
the office of governor within the political subdivision in the 533
most recent gubernatorial election in each political subdivision 534
that has territory that is included in the sanitary district, the 535
board shall file the petition in the office of the clerk of the 536
court. 537

(B) The petition shall set forth the reason for the 538
dissolution of the sanitary district and shall request the 539
dissolution of the sanitary district. 540

(C) No petition with the requisite signatures shall be 541
declared void because of alleged defects, but the court at any 542
time may permit the petition to be amended in form and substance 543
to conform to the facts by correcting any errors in the 544
description of the territory or in any other particular. Several 545
similar petitions or duplicate copies of the same petition for the 546
dissolution of the sanitary district may be filed and shall 547
together be regarded as one petition. All such petitions that are 548
filed prior to the election on the petition shall be considered by 549

the court as though they had been filed with the first petition 550
placed on file. 551

(D) After receiving the petition with the requisite number of 552
signatures, the court shall submit the names and signatures of the 553
petitioners to the appropriate boards of elections of the counties 554
in which the petitioners reside for verification of the petition 555
signatures. The boards of elections shall notify the court of the 556
sufficiency or insufficiency of the petition. If the petition 557
contains a sufficient number of valid signatures, the court shall 558
follow the procedures established in section 6115.096 of the 559
Revised Code. 560

Sec. 6115.096. (A) If the applicable boards of elections 561
notify the court that a petition to dissolve a sanitary district 562
that is organized wholly for the reduction of populations of 563
biting arthropods contains a sufficient number of valid signatures 564
as provided in section 6115.095 of the Revised Code, the court 565
shall submit the question of whether such a sanitary district 566
shall be dissolved to the electors residing in the sanitary 567
district. 568

(B) The court shall certify a copy of the court order 569
proposing to dissolve the sanitary district to the board of 570
elections of each county in which any territory of the sanitary 571
district is located. The board of elections of each such county 572
shall make the necessary arrangements for the submission of the 573
question to the electors of the proposed dissolution of the 574
sanitary district on the day specified in the order and occurring 575
not less than seventy-five days after the order is certified to 576
the board of elections. The election shall be held, canvassed, and 577
certified in the same manner as regular elections for the election 578
of county officers. 579

(C) Notice of the election shall be published in one or more 580

newspapers that, in the aggregate, are of general circulation in 581
the sanitary district. The notice of the election shall be 582
published once a week for two consecutive weeks prior to the 583
election. If an applicable board of elections operates and 584
maintains a web site, notice of the election also shall be posted 585
on that web site for thirty days prior to the election. The notice 586
shall state the reason for the dissolution of the sanitary 587
district and the time and place of the election. 588

(D) The form of the ballot cast at the election shall be as 589
follows: 590

"Shall the (name of sanitary district) be 591
dissolved? 592

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

(E) If a majority of the electors voting on the question of 597
dissolving the sanitary district vote in favor of the dissolution, 598
the court shall declare the sanitary district dissolved. The 599
dissolution shall take effect one year after the electors vote in 600
favor of the dissolution. The court shall conclude the affairs of 601
the sanitary district. For that purpose, all the claims, demands, 602
or interests of creditors or claimants shall be determined as of 603
the day on which the court declares the sanitary district 604
dissolved. 605

Sec. 6115.16. Upon its qualification, the board of directors 606
of a sanitary district shall prepare a plan for the improvement 607
for which the district was created. The plan shall include such 608
maps, profiles, plans, and other data and descriptions as are 609
necessary to set forth properly the location and character of the 610

work, and of the property benefited or taken or damaged, with 611
estimates of cost. In the case of a district organized wholly or 612
partly for the reduction of populations of biting arthropods, the 613
plan is sufficient if it includes a description, in general terms, 614
of the methods of reducing such populations to be utilized, and it 615
shall not be necessary to indicate in the plan the particular 616
parcels of land in the district where the physical structures, 617
devices, or improvements incident to the reduction of such 618
populations are to be constructed or where the labor incident to 619
the reduction of biting arthropod populations will be employed. 620

In the preparation of the plan, the board may recognize the 621
necessity of future extensions and enlargements that may result 622
from enlargements of the area of the district, in order that the 623
district improvements may be designed to meet properly the 624
increased demands. The plan for a water supply for domestic, 625
municipal, and public use shall be prepared with recognition of an 626
equitable apportionment of the available supply to each political 627
subdivision within the district. If the purposes for which the 628
district was established include both improved sanitation and 629
improved water supply, a plan shall be prepared for each purpose. 630

If the board finds that any former survey made by any other 631
district or in any other manner is useful for the purposes of the 632
district, the board may take over the data secured by such survey, 633
or such other proceedings as ~~is~~ are useful to it, and may pay 634
therefor an amount equal to the value of such data to the 635
district. 636

Upon the completion of the plan, the board shall submit it to 637
the environmental protection agency for approval. In deciding 638
whether to approve or reject the plan, the agency shall consider, 639
among other factors, the protection of the public health, and 640
compliance with air and water quality standards and regulations 641
and solid waste disposal requirements. If the agency rejects the 642

plan, the board shall proceed as in the first instance under this 643
section to prepare another plan. If the agency refers the plan to 644
the board for amendment, the board shall prepare and submit an 645
amended plan to the agency. If the agency approves the plan, a 646
copy of the action of the agency shall be filed with the secretary 647
of the district and by ~~him~~ the secretary incorporated into the 648
records of the district. 649

Upon the approval of the plan by the agency, the board shall 650
cause notice by publication to be given in each county of the 651
district of the completion of the plan, and shall permit the 652
inspection of the plan at its office by all persons interested. 653
The notice shall fix the time and place for the hearing of all 654
objections to the plan, which shall be not less than twenty nor 655
more than thirty days after the last publication of the notice. 656
All objections to the plan shall be in writing and filed with the 657
secretary at ~~his~~ the secretary's office not more than ten days 658
after the last publication of the notice. After the hearing before 659
the board, the board shall adopt the plan as the official plan of 660
the district. If any persons object to the official plan, so 661
adopted, then those persons may, within ten days from the adoption 662
of the official plan, file their objections in writing, specifying 663
the features of the plan to which they object, in the original 664
case establishing the district in the office of the clerk of the 665
court, who shall fix a day for the hearing of the objections 666
before the court, which shall be not less than twenty nor more 667
than thirty days after the time fixed for filing objections, at 668
which time the judges, sitting as a court as provided in section 669
6115.08 or 6115.081 of the Revised Code, as applicable, for the 670
organization of the district, shall meet at the courthouse of the 671
county where the original case is pending and hear the objections 672
and adopt, reject, or refer back the plan to the board. A majority 673
of the judges shall control. If the court rejects the plan, the 674
board shall proceed as in the first instance under this section to 675

prepare another plan. If the court refers the plan to the board 676
for amendment, then the court shall continue the hearing to a day 677
certain without publication of notice. If the court approves the 678
plan as the official plan of the district, a certified copy of the 679
journal of the court shall be filed with the secretary, and by ~~him~~ 680
the secretary incorporated into the records of the district. 681

The official plan may be altered in detail until the 682
assessment roll is filed, and of all the alterations the board of 683
appraisers of the sanitary district shall take notice. After the 684
assessment roll has been filed in court, no alterations of the 685
official plan shall be made except as provided in section 6115.40 686
of the Revised Code. 687

The board of directors of a sanitary district shall have full 688
power and authority to devise, prepare for, execute, maintain, and 689
operate all works or improvements necessary or desirable to 690
complete, maintain, operate, and protect the official plan. It may 691
secure and use ~~men~~ personnel and equipment under the supervision 692
of the chief engineer or other agents, or it may let contracts for 693
such works, either as a whole or in parts. 694

Sec. 6115.21. The board of directors of a sanitary district, 695
when it is necessary for the purposes of ~~sections 6115.01 to~~ 696
~~6115.79, inclusive, of the Revised Code~~ this chapter, shall have a 697
dominant right of eminent domain over the right of eminent domain 698
of railroad, telegraph, telephone, gas, water power, and other 699
companies and corporations, and over townships, counties, and 700
municipal corporations. 701

In the exercise of this right due care shall be taken to do 702
no unnecessary damage to other public utilities, and, in case of 703
failure to agree upon the mode and terms of interference, not to 704
interfere with their operation or usefulness beyond the actual 705
necessities of the case, due regard being paid to the other public 706

interests involved. 707

This section does not apply to a sanitary district that is 708
organized wholly for the reduction of populations of biting 709
arthropods. 710

Sec. 6115.22. The board of directors of a sanitary district 711
may condemn for the use of the district, any land or property 712
within or without said district not acquired or condemned by the 713
court on the report of the board of appraisers of the sanitary 714
district, according to the procedure provided by sections 163.01 715
to 163.22, ~~inclusive~~, of the Revised Code, instead of having 716
appraisals and assessments made by the board of appraisers. 717

This section does not apply to a sanitary district that is 718
organized wholly for the reduction of populations of biting 719
arthropods. 720

Sec. 6115.321. Sections 6115.31 and 6115.32 of the Revised 721
Code do not apply to the proposed inclusion of land in a sanitary 722
district that is organized wholly for the reduction of populations 723
of biting arthropods. Instead, such an inclusion is governed by 724
sections 6115.091 and 6115.092 of the Revised Code. 725

Sec. 6115.33. The board of appraisers of a sanitary district 726
shall prepare a report of its findings, which shall be arranged in 727
tabular form and bound in book form, and which shall be known as 728
the "sanitary district appraisal record." In case the purposes of 729
the district include both improved sanitation and improved water 730
supply, the board shall prepare a separate report for each 731
purpose. Such record shall contain the name of the owner of 732
property appraised as it appears on the tax duplicate or the deed 733
records, a description of the property appraised, the amount of 734
benefits appraised, the amount of damages appraised, and the 735
appraised value of land or other property ~~which~~ that may be taken, 736

except by a sanitary district that is organized wholly for the 737
reduction of populations of biting arthropods, for the purposes of 738
the district. The board shall also report any other benefits or 739
damages or any other matter which in its opinion should be brought 740
to the attention of the court. No error in the names of the owners 741
of real property or in the descriptions thereof shall invalidate 742
said appraisal or the levy of assessments or taxes based thereon, 743
if sufficient description is given to identify such real property. 744

When such report is completed, it shall be signed by at least 745
a majority of the board and deposited with the clerk of the court 746
who shall file it in the original case. At the same time copies of 747
that part of the report giving the appraisal of benefits and 748
appraisals of land to be taken and of damages in any county shall 749
be made, certified to, and filed with the clerk of the court of 750
common pleas of such county. 751

Sec. 6115.40. The board of directors of a sanitary district 752
may at any time, when necessary to fulfill the objects for which 753
the district was created, alter or add to the official plan. When 754
such alterations or additions are formally approved by the board, 755
by the environmental protection agency, and by the court, and are 756
filed with the secretary of the sanitary district, they shall 757
become part of the official plan for all purposes of this chapter. 758
Where such alterations or additions in the judgment of the court 759
neither materially modify the general character of the work, nor 760
materially increase resulting damages for which the board is not 761
able to make amicable settlement, no action other than a 762
resolution of the board and approval by the environmental 763
protection agency is necessary for the approval of such 764
alterations or additions. In case the proposed alterations or 765
additions materially modify the general character of the work or 766
materially modify the resulting damages or materially reduce the 767
benefits, for which the board is not able to make amicable 768

settlement, or materially increase the benefits in such a manner 769
as to require a new appraisal, the court shall direct the board of 770
appraisers of the sanitary district, which may be the original 771
board, or a new board appointed by the court on petition of the 772
board of directors or otherwise, to appraise the property to be 773
~~taken~~, benefited, or damaged by the proposed alterations or 774
additions, or to be taken by a sanitary district that is not 775
organized wholly for the reduction of populations of biting 776
arthropods. 777

Upon the completion of the report by the board of appraisers, 778
notice shall be given and a hearing had on its report in the same 779
manner as in the case of the original report of the board of 780
appraisers, and the same right of appeal to a jury exists. Where 781
few landowners are affected, the clerk of the court may, on order 782
of the court, if found to be more economical and convenient, give 783
personal notice of the pendency of the report of the board of 784
appraisers, instead of notice by publication. When the only 785
question at issue is additional damages or reduction of benefits 786
to property due to modification or additions to the plans, the 787
board of directors may, if it finds it practicable, make 788
settlements with the owners of the property damaged, instead of 789
having appraisals made by the board of appraisers. In case such 790
settlements are made, notice and hearing need not be had. After 791
bonds have been sold, in order that their security may not be 792
impaired, no reduction shall be made in the amount of benefits 793
appraised against property in the district. This section applies 794
to all changes in appraisals under this chapter. 795

Sec. 6115.43. In case any real property within or without any 796
sanitary district is benefited, which, for any reason, was not 797
appraised in the original proceedings, or was not appraised to the 798
extent of benefits received, or in case any person, public 799
corporation, or other district makes use of or profits by the 800

works of any district to a degree not compensated for in the 801
original appraisal, or in case the board of directors of the 802
sanitary district finds it necessary, subsequent to the time when 803
the first appraisals are made, to take or damage any additional 804
property, the board of directors, at any time that condition 805
becomes evident, shall direct the board of appraisers of the 806
sanitary district to appraise the benefits or enhanced benefits 807
received by that property, or the damages or value of property 808
taken. Only the board of appraisers of a sanitary district that is 809
not organized wholly for the reduction of populations of biting 810
arthropods shall be directed to appraise the value of property 811
taken. Proceedings outlined in sections 6115.01 to 6115.79 of the 812
Revised Code for appraising lands not at first included within the 813
boundaries of the district shall in all matters be conformed with, 814
including notice to the parties, or the board of directors may 815
make any suitable settlement with the person, public corporation, 816
or other district for the use, benefit, damage, or property taken. 817

In the case of a district organized wholly for the reduction 818
of populations of biting arthropods, if the board of appraisers 819
determines that each parcel of real property in the district 820
receives a portion of the benefits received by the entire district 821
in the same proportion that its taxable value bears to the taxable 822
value of all the real property in the district, and the court 823
confirms the determination of the board, the assessments for the 824
reduction of such populations shall be uniformly apportioned 825
throughout the district on that basis. 826

Sec. 6115.45. The moneys of every sanitary district shall 827
consist of three separate funds: 828

(A) The "preliminary fund" consisting of the proceeds of the 829
ad valorem tax authorized by section 6115.46 of the Revised Code, 830
and such advancements as are made from the general county funds as 831

provided in section 6115.46 of the Revised Code, except that a 832
sanitary district that is organized wholly for the reduction of 833
populations of biting arthropods is not required to have a 834
preliminary fund unless it contains advancements from the county 835
general fund; 836

(B) The "bond fund" consisting of the proceeds of levies made 837
against the special assessments of benefits equalized and 838
confirmed under this chapter, and, as to sanitary districts 839
organized for the purpose of providing a water supply, the 840
proceeds of the sale of water pursuant to section 6115.19 of the 841
Revised Code and the proceeds of bonds issued under this chapter; 842

(C) The "maintenance fund" consisting of a special assessment 843
to be levied annually for the purpose of upkeep, administration, 844
and current expenses as provided in section 6115.53 of the Revised 845
Code, except that the maintenance fund for improved water supply 846
for domestic, municipal, and public use shall be derived from the 847
sale of water as provided in such section. 848

The cost of preparing the official plan, the appraisal, 849
except as paid out of the preliminary fund, the entire cost of 850
construction and superintendence, including all charges incidental 851
thereto, the financing costs as defined in section 133.01 of the 852
Revised Code, and the cost of administration during the period of 853
construction shall be paid out of the bond fund. No vouchers shall 854
be drawn against the preliminary fund, except for advances from 855
the general county funds, or against the maintenance fund provided 856
for purposes other than improved water supply for domestic, 857
municipal, and public use, until a tax-levying resolution has been 858
properly passed by the board of directors of the sanitary 859
district, and duly entered upon its records. In case the purposes 860
of the district include both improved sanitation and improved 861
water supply, the funds for these purposes shall be kept separate. 862

Sec. 6115.46. After the filing of a petition for the organization of a sanitary district, and before the district is organized, the costs of publication and other official costs of the proceedings shall be paid out of the general funds of the county in which the petition is pending. Such payment shall be made on the warrant of the county auditor on the order of the court. If the district is organized, such cost shall be repaid to the county out of the first funds received by the district through the levying of taxes, except by a sanitary district that is organized wholly for the reduction of populations of biting arthropods, or through the levying of assessments or, the selling of bonds, or the borrowing of money. If the district is not organized, the cost shall be collected from the petitioners or their ~~bondsmen~~ bondspersons. Upon the organization of the district, the court shall make an order indicating a preliminary division of the preliminary expenses between the counties included in the district in approximately the proportions of interest of the various counties as estimated by the court. The court shall issue an order to the auditor of each county to issue ~~his a~~ a warrant upon the county treasurer of ~~his~~ the auditor's county to reimburse the county having paid the total cost.

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

As soon as any district has been organized, and a board of 895
directors of the sanitary district has been appointed and 896
qualified, such board, except the board of directors of a sanitary 897
district that is organized wholly for the reduction of populations 898
of biting arthropods, may levy upon the property of the district 899
not to exceed three-tenths of a mill on the assessed valuation 900
thereof as a level rate to be used for the purpose of paying 901
expenses of organization, for surveys and plans, and for other 902
incidental expenses ~~which~~ that may be necessary up to the time 903
money is received from the sale of bonds or otherwise. This tax 904
shall be certified to the auditors of the various counties and by 905
them to the respective treasurers of their counties. If such items 906
of expense have already been paid in whole or in part from other 907
sources, they may be repaid although the work proposed may have 908
been found impracticable or for other reasons is abandoned. The 909
collection of such tax levy and the procedure relating to the 910
nonpayment of taxes shall conform in all matters to the collection 911
of taxes and assessments for the district. The board of directors 912
of a sanitary district organized wholly for the reduction of 913
populations of biting arthropods is not entitled to levy a 914
property tax under this chapter. 915

The board may borrow money in any manner provided for in 916
sections 6115.47 and 6115.50 of the Revised Code, and may pledge 917
the receipts from such taxes or, in the case of a sanitary 918
district organized for the purpose of providing a water supply, 919
the proceeds of the sale of water pursuant to section 6115.62 of 920
the Revised Code for its repayment, the information collected by 921
the necessary surveys, the appraisal of benefits and damages, and 922
other information and data being of real value and constituting 923
benefits for which the tax may be levied. In case a district is 924
disbanded for any cause before the work is constructed, the data, 925
plans, and estimates ~~which~~ that have been secured shall be filed 926
with the clerk of the court before which the district was 927

organized and shall be matters of public record available to any 928
person interested. 929

The procedures and requirements established in this section 930
also apply to the expansion of a sanitary district that is 931
organized wholly for the reduction of populations of biting 932
arthropods. 933

Sec. 6115.47. In order to facilitate the preliminary work, 934
the board of directors of a sanitary district may borrow money at 935
a rate of interest not exceeding six per cent per annum; may issue 936
and sell or pay to contractors or others negotiable warrants 937
signed by the members of the board; and, except for a sanitary 938
district that is organized wholly for the reduction of populations 939
of biting arthropods, may pledge, after it has been levied, the 940
preliminary tax of not exceeding three-tenths of a mill for the 941
repayment thereof. If any warrant issued by the board is presented 942
for payment and is not paid for want of funds in the treasury, 943
that fact with the date of refusal shall be indorsed on the back 944
of such warrant, and said warrant shall thereafter draw interest 945
at the rate of six per cent until such time as there is money on 946
hand sufficient to pay the amount of said warrant with interest. 947

Sec. 6115.69. Whenever it is desired to construct 948
improvements wholly within or partly within and partly without any 949
sanitary district, which improvements will affect only a part of 950
~~said~~ the district, for the purpose of accomplishing such work, 951
subdistricts may be organized upon petition of the owners of real 952
property within or partly within and partly without the district. 953
Such petition shall fulfill the same requirements concerning the 954
subdistricts as the petition outlined in section 6115.05 of the 955
Revised Code is required to fulfill concerning the organization of 956
the main district, shall be filed with the clerk of the same court 957
of common pleas, and shall be accompanied by a bond as provided 958

for in section 6115.06 of the Revised Code. All proceedings 959
relating to the organization of such subdistricts shall conform in 960
all things to sections 6115.01 to 6115.79, ~~inclusive~~, of the 961
Revised Code, relating to the organization of districts. Whenever 962
the court by its order entered of record decrees such subdistricts 963
to be organized, the clerk of ~~said~~ the court shall thereupon give 964
notice of such order to the board of directors of the sanitary 965
district, which shall thereupon act also as the board of directors 966
of the subdistrict. Thereafter, the proceedings in reference to 967
the subdistrict shall in all matters conform to such sections, ~~and~~ 968
except that in appraisal of benefits and damages for the purposes 969
of such subdistricts, in the issuance of bonds, in the levying of 970
assessments or taxes, and in all other matters affecting only the 971
subdistrict, such sections shall apply to this subdistrict as 972
though it were an independent district, and it shall not, in these 973
things, be amalgamated with the main district. 974

The board of directors, board of appraisers, chief engineer, 975
attorney, secretary of the sanitary district, and other officers, 976
agents, and employees of the district shall, so far as it is 977
necessary, serve in the same capacity for such subdistricts, and 978
contracts and agreements between the main district and the 979
subdistrict may be made in the same manner as contracts and 980
agreements between two districts. The distribution of 981
administrative expense between the main district and subdistrict 982
shall be in proportion to the interests involved and the amount of 983
service rendered. Such division shall be made by the board of 984
directors with an appeal to the court establishing the district. 985
This section does not prevent the organization of independent 986
districts for local improvements under other laws within the 987
limits of a district organized under sections 6115.01 to 6115.79, ~~and~~ 988
~~inclusive~~, of the Revised Code, as provided in sections 6115.66 989
and 6115.67 of the Revised Code. 990

This section does not apply to a sanitary district that is 991
organized wholly for the reduction of populations of biting 992
arthropods. 993

Section 2. That existing sections 6115.04, 6115.05, 6115.06, 994
6115.08, 6115.16, 6115.21, 6115.22, 6115.33, 6115.40, 6115.43, 995
6115.45, 6115.46, 6115.47, and 6115.69 of the Revised Code are 996
hereby repealed. 997