

As Introduced

**128th General Assembly
Regular Session
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H. B. No. 393

Representatives Gerberry, Blessing

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A B I L L

To amend section 505.87 of the Revised Code to revise 1
the notice required to be provided by a board of 2
township trustees to a landowner for the 3
abatement, control, or removal of vegetation, 4
garbage, refuse, or other debris from the owner's 5
land. 6

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

Section 1. That section 505.87 of the Revised Code be amended 7
to read as follows: 8

Sec. 505.87. (A) A board of township trustees may provide for 9
the abatement, control, or removal of vegetation, garbage, refuse, 10
and other debris from land in the township, if the board 11
determines that the owner's maintenance of that vegetation, 12
garbage, refuse, or other debris constitutes a nuisance. 13

(B) At least seven days before providing for the abatement, 14
control, or removal of any vegetation, garbage, refuse, or other 15
debris, the board of township trustees shall notify the owner of 16
the land and any holders of liens of record upon the land that: 17

(1) The owner is ordered to abate, control, or remove the 18
vegetation, garbage, refuse, or other debris, the owner's 19
maintenance of which has been determined by the board to be a 20

nuisance; 21

(2) If that vegetation, garbage, refuse, or other debris is 22
not abated, controlled, or removed, or if provision for its 23
abatement, control, or removal is not made, within seven days, the 24
board shall provide for the abatement, control, or removal, and 25
any expenses incurred by the board in performing that task shall 26
be entered upon the tax duplicate and become a lien upon the land 27
from the date of entry. 28

The (C)(1) If the board of township trustees has not sent a 29
notice under division (B) of this section within the preceding 30
twelve months regarding the same parcel of land, the board shall 31
send the notice to the owner of the land by certified mail if the 32
owner is a resident of the township or is a nonresident whose 33
address is known, and by certified mail to lienholders of record; 34
alternatively, if the owner is a resident of the township or is a 35
nonresident whose address is known, the board may give notice to 36
the owner by causing any of its agents or employees to post the 37
notice on the principal structure on the land and to photograph 38
that posted notice with a camera capable of recording the date of 39
the photograph on it. If the owner's address is unknown and cannot 40
reasonably be obtained, it is sufficient to publish the notice 41
once in a newspaper of general circulation in the township. ~~The~~ 42

(2) If the board of township trustees has sent a notice under 44
division (B) of this section within the preceding twelve months 45
regarding the same parcel of land, the board shall send the notice 46
to the owner of land by ordinary mail if the owner is a resident 47
of the township or is a nonresident whose address is known, and by 48
ordinary mail to lienholders of record; alternatively, if the 49
owner is a resident of the township or is a nonresident whose 50
address is known, the board may give notice to the owner by 51
causing any of its agents or employees to post the notice on the 52

principal structure on the land and to photograph that posted 53
notice with a camera capable of recording the date of the 54
photograph in it. If the owner's address is unknown and cannot 55
reasonably be obtained, it is sufficient to post the notice on the 56
board of township trustee's internet web site for seven days, or 57
to post the notice in a conspicuous location in the board's office 58
for seven days if the board does not maintain an internet web 59
site. 60

(D) The owner of the land or holders of liens of record upon 61
the land may enter into an agreement with the board of township 62
trustees providing for either party to the agreement to perform 63
the abatement, control, or removal before the time the board is 64
required to provide for the abatement, control, or removal under 65
division ~~(C)~~(E) of this section. 66

~~(C)~~(E) If, within seven days after notice is given, the owner 67
of the land fails to abate, control, or remove the vegetation, 68
garbage, refuse, or other debris, or no agreement for its 69
abatement, control, or removal is entered into under division 70
~~(B)~~(D) of this section, the board of township trustees shall 71
provide for the abatement, control, or removal and may employ the 72
necessary labor, materials, and equipment to perform the task. All 73
expenses incurred, when approved by the board, shall be paid out 74
of the township general fund from moneys not otherwise 75
appropriated, except that if the expenses incurred exceed five 76
hundred dollars, the board may borrow moneys from a financial 77
institution to pay for the expenses in whole or in part. 78

~~(D)~~(F) The board of township trustees shall make a written 79
report to the county auditor of the board's action under this 80
section. The board shall include in the report a proper 81
description of the premises and a statement of all expenses 82
incurred in providing for the abatement, control, or removal of 83
any vegetation, garbage, refuse, or other debris as provided in 84

division ~~(C)~~(E) of this section, including the board's charges for 85
its services, the costs incurred in providing notice, any fees or 86
interest paid to borrow moneys, and the amount paid for labor, 87
materials, and equipment. The expenses incurred, when allowed, 88
shall be entered upon the tax duplicate, are a lien upon the land 89
from the date of the entry, shall be collected as other taxes, and 90
shall be returned to the township and placed in the township 91
general fund. 92

Section 2. That existing section 505.87 of the Revised Code 93
is hereby repealed. 94