

As Passed by the House

128th General Assembly

Regular Session

2009-2010

Sub. H. B. No. 393

Representatives Gerberry, Blessing

Cosponsors: Representatives Chandler, Weddington, Blair, Boose, Derickson, Domenick, Luckie, Ruhl, Slesnick, Yuko, Balderson, Batchelder, Beck, Bolon, Bubp, Combs, Daniels, Evans, Garland, Goodwin, Grossman, Hackett, Harris, Harwood, Koziura, Lehner, Letson, Lundy, Mallory, McClain, McGregor, Mecklenborg, Moran, Morgan, Newcomb, Patten, Phillips, Pillich, Pryor, Sayre, Snitchler, Stautberg, Uecker, Williams, B., Winburn

—

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 and any 3
lienholder for a subsequent nuisance determination 4
made within 12 months after a nuisance 5
determination was made regarding the same 6
property. 7

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

Section 1. That section 505.87 of the Revised Code be amended 8
to read as follows: 9

Sec. 505.87. (A) A board of township trustees may provide for 10
the abatement, control, or removal of vegetation, garbage, refuse, 11
and other debris from land in the township, if the board 12
determines that the owner's maintenance of that vegetation, 13
garbage, refuse, or other debris constitutes a nuisance. 14

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

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

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

The board shall send the notice to the owner of the land by certified mail if the owner is a resident of the township or is a nonresident whose address is known, and by certified mail to lienholders of record; alternatively, if the owner is a resident of the township or is a nonresident whose address is known, the board may give notice to the owner by causing any of its agents or employees to post the notice on the principal structure on the land and to photograph that posted notice with a camera capable of recording the date of the photograph on it. If the owner's address is unknown and cannot reasonably be obtained, it is sufficient to publish the notice once in a newspaper of general circulation in the township. ~~The~~

(C) If a board of township trustees determines within twelve consecutive months after a prior nuisance determination that the same owner's maintenance of vegetation, garbage, refuse, or other debris on the same land in the township constitutes a nuisance, at least four days before providing for the abatement, control, or

removal of any vegetation, garbage, refuse, or other debris, the 47
board shall give notice of the subsequent nuisance determination 48
to the owner of the land and to any holders of liens of record 49
upon the land as follows: 50

(1) The board shall send written notice by first class mail 51
to the owner of the land and to any lienholders of record. Failure 52
of delivery of the notice shall not invalidate any action to 53
abate, control, or remove the nuisance. Alternatively, the board 54
may give notice to the owner by causing any of its agents or 55
employees to post the notice on the principal structure on the 56
land and to photograph that posted notice with a camera capable of 57
recording the date of the photograph on it. 58

(2) If the owner's address is unknown and cannot reasonably 59
be obtained, it is sufficient to post the notice on the board of 60
township trustee's internet web site for four consecutive days, or 61
to post the notice in a conspicuous location in the board's office 62
for four consecutive days if the board does not maintain an 63
internet web site. 64

(D) The owner of the land or holders of liens of record upon 65
the land may enter into an agreement with the board of township 66
trustees providing for either party to the agreement to perform 67
the abatement, control, or removal before the time the board is 68
required to provide for the abatement, control, or removal under 69
division ~~(C)~~(E) of this section. 70

~~(C)~~(E) If, within seven days after notice is given under 71
division (B) of this section, or within four days after notice is 72
given under division (C) of this section, the owner of the land 73
fails to abate, control, or remove the vegetation, garbage, 74
refuse, or other debris, or no agreement for its abatement, 75
control, or removal is entered into under division ~~(B)~~(D) of this 76
section, the board of township trustees shall provide for the 77
abatement, control, or removal and may employ the necessary labor, 78

materials, and equipment to perform the task. All expenses 79
incurred, when approved by the board, shall be paid out of the 80
township general fund from moneys not otherwise appropriated, 81
except that if the expenses incurred exceed five hundred dollars, 82
the board may borrow moneys from a financial institution to pay 83
for the expenses in whole or in part. 84

~~(D)~~(F) The board of township trustees shall make a written 85
report to the county auditor of the board's action under this 86
section. The board shall include in the report a proper 87
description of the premises and a statement of all expenses 88
incurred in providing for the abatement, control, or removal of 89
any vegetation, garbage, refuse, or other debris as provided in 90
division ~~(C)~~(E) of this section, including the board's charges for 91
its services, the costs incurred in providing notice, any fees or 92
interest paid to borrow moneys, and the amount paid for labor, 93
materials, and equipment. The expenses incurred, when allowed, 94
shall be entered upon the tax duplicate, are a lien upon the land 95
from the date of the entry, shall be collected as other taxes, and 96
shall be returned to the township and placed in the township 97
general fund. 98

Section 2. That existing section 505.87 of the Revised Code 99
is hereby repealed. 100