

**As Reported by the House Agriculture and Natural Resources  
Committee**

**129th General Assembly  
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2011-2012**

**Sub. H. B. No. 276**

**Representatives Buchy, Gentile**

**Cosponsors: Representatives Hall, Derickson, Peterson, Balderson, Boose,  
Ruhl, Murray, O'Brien, Huffman, Grossman, Amstutz, Hackett, Maag,  
Gonzales, Adams, R., Johnson, Yuko, Fende**

—

**A B I L L**

To amend sections 1.61, 303.01, 303.21, 519.01, 1  
519.21, 901.511, 903.10, 929.01, 1309.102, 2  
1311.55, 1729.01, 3781.06, 5501.50, and 5713.30 of 3  
the Revised Code to include algaculture in the 4  
laws governing agriculture, in the definition of 5  
"agriculture" for purposes of the laws governing 6  
county and township zoning, and in the laws 7  
governing current agricultural use valuation; to 8  
exclude from zoning restrictions the production 9  
from certain feedstocks of biodiesel, biomass 10  
energy, electric or heat energy, and biologically 11  
derived methane gas; to include that production in 12  
the laws governing current agricultural use 13  
valuation; and to provide for the establishment of 14  
best management practices for that production 15  
under the Concentrated Animal Feeding Facilities 16  
Law. 17

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

**Section 1.** That sections 1.61, 303.01, 303.21, 519.01, 18  
519.21, 901.511, 903.10, 929.01, 1309.102, 1311.55, 1729.01, 19  
3781.06, 5501.50, and 5713.30 of the Revised Code be amended to 20  
read as follows: 21

**Sec. 1.61.** As used in any statute except section 303.01 or 22  
519.01 of the Revised Code, "agriculture" includes farming; 23  
ranching; aquaculture; algaculture meaning the farming of algae; 24  
apiculture and related apicultural activities, production of 25  
honey, beeswax, honeycomb, and other related products; 26  
horticulture; viticulture, winemaking, and related activities; 27  
animal husbandry, including, but not limited to, the care and 28  
raising of livestock, equine, and fur-bearing animals; poultry 29  
husbandry and the production of poultry and poultry products; 30  
dairy production; the production of field crops, tobacco, fruits, 31  
vegetables, nursery stock, ornamental shrubs, ornamental trees, 32  
flowers, sod, or mushrooms; timber; pasturage; any combination of 33  
the foregoing; the processing, drying, storage, and marketing of 34  
agricultural products when those activities are conducted in 35  
conjunction with, but are secondary to, such husbandry or 36  
production; and any additions or modifications to the foregoing 37  
made by the director of agriculture by rule adopted in accordance 38  
with Chapter 119. of the Revised Code. 39

**Sec. 303.01.** As used in sections 303.02 to 303.25 of the 40  
Revised Code, "agriculture" includes farming; ranching; 41  
algaculture meaning the farming of algae; aquaculture; apiculture; 42  
horticulture; viticulture; animal husbandry, including, but not 43  
limited to, the care and raising of livestock, equine, and 44  
fur-bearing animals; poultry husbandry and the production of 45  
poultry and poultry products; dairy production; the production of 46  
field crops, tobacco, fruits, vegetables, nursery stock, 47

ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; 48  
timber; pasturage; any combination of the foregoing; and the 49  
processing, drying, storage, and marketing of agricultural 50  
products when those activities are conducted in conjunction with, 51  
but are secondary to, such husbandry or production. 52

**Sec. 303.21.** (A) Except as otherwise provided in division (B) 53  
of this section, sections 303.01 to 303.25 of the Revised Code do 54  
not confer any power on any county rural zoning commission, board 55  
of county commissioners, or board of zoning appeals to prohibit 56  
the use of any land for agricultural purposes or the construction 57  
or use of buildings or structures incident to the use for 58  
agricultural purposes of the land on which such buildings or 59  
structures are located, and no zoning certificate shall be 60  
required for any such building or structure. 61

(B) A county zoning resolution, or an amendment to such 62  
resolution, may in any platted subdivision approved under section 63  
711.05, 711.09, or 711.10 of the Revised Code, or in any area 64  
consisting of fifteen or more lots approved under section 711.131 65  
of the Revised Code that are contiguous to one another, or some of 66  
which are contiguous to one another and adjacent to one side of a 67  
dedicated public road, and the balance of which are contiguous to 68  
one another and adjacent to the opposite side of the same 69  
dedicated public road regulate: 70

(1) Agriculture on lots of one acre or less; 71

(2) Buildings or structures incident to the use of land for 72  
agricultural purposes on lots greater than one acre but not 73  
greater than five acres by: set back building lines; height; and 74  
size; 75

(3) Dairying and animal and poultry husbandry on lots greater 76  
than one acre but not greater than five acres when at least 77  
thirty-five per cent of the lots in the subdivision are developed 78

with at least one building, structure, or improvement that is 79  
subject to real property taxation or that is subject to the tax on 80  
manufactured and mobile homes under section 4503.06 of the Revised 81  
Code. After thirty-five per cent of the lots are so developed, 82  
dairying and animal and poultry husbandry shall be considered 83  
nonconforming use of land and buildings or structures pursuant to 84  
section 303.19 of the Revised Code. 85

Division (B) of this section confers no power on any county 86  
rural zoning commission, board of county commissioners, or board 87  
of zoning appeals to regulate agriculture, buildings or 88  
structures, and dairying and animal and poultry husbandry on lots 89  
greater than five acres. 90

(C) Such sections confer no power on any board of county 91  
commissioners, county rural zoning commission, or board of zoning 92  
appeals to prohibit in a district zoned for agricultural, 93  
industrial, residential, or commercial uses, the use of any land 94  
for a: 95

(1) A farm market where fifty per cent or more of the gross 96  
income received from the market is derived from produce raised on 97  
farms owned or operated by the market operator in a normal crop 98  
year. However, a board of county commissioners, as provided in 99  
section 303.02 of the Revised Code, may regulate such factors 100  
pertaining to farm markets as size of the structure, size of 101  
parking areas that may be required, set back building lines, and 102  
egress or ingress, where such regulation is necessary to protect 103  
the public health and safety. 104

(2) Biodiesel production, biomass energy production, electric 105  
or heat energy production, or biologically derived methane gas 106  
production if the land on which the production facility is located 107  
qualifies as land devoted exclusively to agricultural use under 108  
sections 5713.30 to 5713.37 of the Revised Code for real property 109  
tax purposes. As used in division (C)(2) of this section, 110

"biodiesel," "biomass energy," "electric or heat energy," and 111  
"biologically derived methane gas" have the same meanings as in 112  
section 5713.30 of the Revised Code. 113

**Sec. 519.01.** As used in ~~section~~ sections 519.02 to 519.25 of 114  
the Revised Code, "agriculture" includes farming; ranching; 115  
algaculture meaning the farming of algae; aquaculture; apiculture; 116  
horticulture; viticulture; animal husbandry, including, but not 117  
limited to, the care and raising of livestock, equine, and 118  
fur-bearing animals; poultry husbandry and the production of 119  
poultry and poultry products; dairy production; the production of 120  
field crops, tobacco, fruits, vegetables, nursery stock, 121  
ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; 122  
timber; pasturage; any combination of the foregoing; and the 123  
processing, drying, storage, and marketing of agricultural 124  
products when those activities are conducted in conjunction with, 125  
but are secondary to, such husbandry or production. 126

**Sec. 519.21.** (A) Except as otherwise provided in division (B) 127  
of this section, sections 519.02 to 519.25 of the Revised Code 128  
confer no power on any township zoning commission, board of 129  
township trustees, or board of zoning appeals to prohibit the use 130  
of any land for agricultural purposes or the construction or use 131  
of buildings or structures incident to the use for agricultural 132  
purposes of the land on which such buildings or structures are 133  
located, including buildings or structures that are used primarily 134  
for vinting and selling wine and that are located on land any part 135  
of which is used for viticulture, and no zoning certificate shall 136  
be required for any such building or structure. 137

(B) A township zoning resolution, or an amendment to such 138  
resolution, may in any platted subdivision approved under section 139  
711.05, 711.09, or 711.10 of the Revised Code, or in any area 140  
consisting of fifteen or more lots approved under section 711.131 141

of the Revised Code that are contiguous to one another, or some of 142  
which are contiguous to one another and adjacent to one side of a 143  
dedicated public road, and the balance of which are contiguous to 144  
one another and adjacent to the opposite side of the same 145  
dedicated public road regulate: 146

(1) Agriculture on lots of one acre or less; 147

(2) Buildings or structures incident to the use of land for 148  
agricultural purposes on lots greater than one acre but not 149  
greater than five acres by: set back building lines; height; and 150  
size; 151

(3) Dairying and animal and poultry husbandry on lots greater 152  
than one acre but not greater than five acres when at least 153  
thirty-five per cent of the lots in the subdivision are developed 154  
with at least one building, structure, or improvement that is 155  
subject to real property taxation or that is subject to the tax on 156  
manufactured and mobile homes under section 4503.06 of the Revised 157  
Code. After thirty-five per cent of the lots are so developed, 158  
dairying and animal and poultry husbandry shall be considered 159  
nonconforming use of land and buildings or structures pursuant to 160  
section 519.19 of the Revised Code. 161

Division (B) of this section confers no power on any township 162  
zoning commission, board of township trustees, or board of zoning 163  
appeals to regulate agriculture, buildings or structures, and 164  
dairying and animal and poultry husbandry on lots greater than 165  
five acres. 166

(C) Such sections confer no power on any township zoning 167  
commission, board of township trustees, or board of zoning appeals 168  
to prohibit in a district zoned for agricultural, industrial, 169  
residential, or commercial uses, the use of any land for a: 170

(1) A farm market where fifty per cent or more of the gross 171  
income received from the market is derived from produce raised on 172

farms owned or operated by the market operator in a normal crop 173  
year. However, a board of township trustees, as provided in 174  
section 519.02 of the Revised Code, may regulate such factors 175  
pertaining to farm markets as size of the structure, size of 176  
parking areas that may be required, set back building lines, and 177  
egress or ingress, where such regulation is necessary to protect 178  
the public health and safety. 179

(2) Biodiesel production, biomass energy production, electric 180  
or heat energy production, or biologically derived methane gas 181  
production if the land on which the production facility is located 182  
qualifies as land devoted exclusively to agricultural use under 183  
sections 5713.30 to 5713.37 of the Revised Code for real property 184  
tax purposes. As used in division (C)(2) of this section, 185  
"biodiesel," "biomass energy," "electric or heat energy," and 186  
"biologically derived methane gas" have the same meanings as in 187  
section 5713.30 of the Revised Code. 188

**Sec. 901.511.** (A) As used in this section: 189

(1) "Agricultural product" means any of the following items 190  
that is produced for testing or research in the context of a 191  
product development program in conjunction or coordination with a 192  
private research facility, a university, or any federal, state, or 193  
local governmental agency or that is produced for personal, 194  
commercial, pharmaceutical, or educational purposes: field crop or 195  
field crop product; timber or timber product; forestry product; 196  
livestock or livestock product; meat or meat product; milk or 197  
dairy product; poultry or poultry product; equine animal; wool; 198  
fruit or vegetable crop; aquacultural product; algacultural 199  
product; horticultural crop, including plant materials grown in a 200  
greenhouse, nursery stock grown inside or outside of a container, 201  
ornamental grass, turf grass, ornamental trees, ornamental shrubs, 202  
or flowers; sod; mushrooms; viticultural product; apicultural 203

product; tobacco; pasture; wild animal or domestic deer, as "wild animal" and "domestic deer" are defined in section 1531.01 of the Revised Code; or any combination of those items.

(2) "Algacultural product" means algal paste, algal powder, or dried algae that is comprised primarily of algal biomass.

(3) "Equipment" means any implement, machinery, real or personal property, building, or structure that is used in the production, growing, harvesting, or housing of any agricultural product. "Equipment" also includes any laboratory, research, product, samples, supplies, or fixed equipment that is used to test, develop, or analyze the process of producing, growing, or maintaining any agricultural product.

~~(3)~~(4) "Material support or resources" means currency, payment instruments, other financial securities, financial services, lodging, training, safehouses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel, transportation, and other physical assets, except medicine or religious materials.

~~(4)~~(5) "Payment instrument" means a check, draft, money order, traveler's check, cashier's check, teller's check, or other instrument or order for the transmission or payment of money regardless of whether the item in question is negotiable.

~~(5)~~(6) "Specified offense" means either of the following:

(a) A violation of section 2909.02, 2909.03, 2909.05, 2909.06, 2909.07, 2911.13, 2911.21, 2913.02, 2913.04, or 2913.42 of the Revised Code;

(b) An attempt to commit, complicity in committing, or a conspiracy to commit an offense listed in division (A)(5)(a) of this section.

(B) No person shall commit a specified offense involving any

agricultural product or equipment with the intent to do any of the	234
following:	235
(1) Intimidate or coerce a civilian population;	236
(2) Influence the policy of any government by intimidation or coercion;	237
(3) Affect the conduct of any government;	238
(4) Interrupt or interfere with agricultural production,	239
agricultural research, or equipment for purposes of disrupting or	240
influencing, through intimidation or other means, consumer	241
confidence or agricultural production methods.	242
Division (B) of this section does not apply to the practice	243
of veterinary medicine by a person who has been issued a valid	244
license, temporary permit, or registration certificate to practice	245
veterinary medicine under Chapter 4741. of the Revised Code. As	246
used in this division, "practice of veterinary medicine" has the	247
same meaning as in section 4741.01 of the Revised Code.	248
(C) No person shall raise, solicit, collect, donate, or	249
provide any material support or resources with the purpose that	250
the material support or resources will be used in whole or in part	251
to plan, prepare, carry out, or aid in either a violation of	252
division (B) of this section or in the concealment of, or an	253
escape from, a violation of that division.	254
(D)(1) In addition to the penalties established in section	255
901.99 of the Revised Code for a violation of this section, the	256
court may require any person who violates this section to pay the	257
victim of the offense an amount up to triple the value of the	258
agricultural product or equipment that was the subject of the	259
violation.	260
(2) In ordering restitution under division (D)(1) of this	261
section, the court shall consider as part of the value of the	262
	263

agricultural product or equipment the market value of the 264  
agricultural product or equipment prior to the violation and the 265  
production, research, testing, replacement, and development costs 266  
directly related to the agricultural product or equipment that was 267  
the subject of the violation. 268

(E) The enactment of this section is not intended to require 269  
the prosecution exclusively under this section of an act, series 270  
of acts, or course of behavior that could be prosecuted either 271  
under this section or under another section of the Revised Code. 272  
One or more acts, series of acts, or courses of behavior that may 273  
be prosecuted either under this section or under another section 274  
of the Revised Code may be prosecuted under this section, the 275  
other section, or both sections. 276

**Sec. 903.10.** The director of agriculture may adopt rules in 277  
accordance with Chapter 119. of the Revised Code that do all of 278  
the following: 279

(A) Establish all of the following concerning permits to 280  
install and permits to operate: 281

(1) A description of what constitutes a modification of a 282  
concentrated animal feeding facility; 283

(2) A description of what constitutes a major operational 284  
change at a concentrated animal feeding facility; 285

(3) The amount of the fee that must be submitted with each 286  
permit application and each application for a permit modification; 287

(4) Information that must be included in the designs and 288  
plans required to be submitted with an application for a permit to 289  
install and criteria for approving, disapproving, or requiring 290  
modification of the designs and plans; 291

(5) Information that must be included in a manure management 292  
plan required to be submitted with an application for a permit to 293

operate;	294
(6) Information that must be included in an application for the modification of an installation permit, a permit to install, or a permit to operate;	295 296 297
(7) Information that must be included in an application for approval of a major operational change at a concentrated animal feeding facility;	298 299 300
(8) Any additional information that must be included with a permit application;	301 302
(9) Procedures for the issuance, denial, modification, transfer, suspension, and revocation of permits to install and permits to operate, including general permits;	303 304 305
(10) Procedures for the approval or denial of an application for approval of a major operational change at a concentrated animal feeding facility;	306 307 308
(11) Grounds for the denial, modification, suspension, or revocation of permits to install and permits to operate in addition to the grounds established in division (D) of section 903.02 and division (D) of section 903.03 of the Revised Code;	309 310 311 312
(12) Grounds for the denial of an application for approval of a major operational change at a concentrated animal feeding facility;	313 314 315
(13) A requirement that a person that is required to obtain both a permit to install and a permit to operate submit applications for those permits simultaneously;	316 317 318
(14) A definition of "general permit to operate" that establishes categories of concentrated animal feeding facilities to be covered under such a permit and a definition of "individual permit to operate" together with the criteria for issuing a general permit to operate and the criteria for determining a	319 320 321 322 323

person's eligibility to operate under a general permit to operate.	324
(B) Establish all of the following for the purposes of review	325
compliance certificates issued under section 903.04 of the Revised	326
Code:	327
(1) The form of a certificate;	328
(2) Criteria for what constitutes a significant capital	329
expenditure under division (D) of that section;	330
(3) Deadlines and procedures for submitting information under	331
division (E)(2) of that section.	332
(C) Establish best management practices that minimize water	333
pollution, odors, insects, and rodents, that govern the land	334
application of manure that originated at a concentrated animal	335
feeding facility, and that govern all of the following activities	336
that occur at a concentrated animal feeding facility:	337
(1) Manure management, including the storage, handling,	338
transportation, and land application of manure. Rules adopted	339
under division (C)(1) of this section shall include practices that	340
prevent surface and ground water contamination caused by the	341
storage of manure or the land application of manure and prevent	342
the contamination of water in drainage tiles that may be caused by	343
that application.	344
(2) Disposal of dead livestock;	345
(3) <u>Production of biodiesel, biomass energy, electric or heat</u>	346
<u>energy, and biologically derived methane gas as those terms are</u>	347
<u>defined in section 5713.30 of the Revised Code;</u>	348
(4) Any other activity that the director considers	349
appropriate.	350
Best management practices established in rules adopted under	351
division (C) of this section shall not conflict with best	352
management practices established in rules that have been adopted	353

under any other section of the Revised Code. The rules adopted 354  
under division (C) of this section shall establish guidelines that 355  
require owners or operators of concentrated animal feeding 356  
facilities to consult with and work with local officials, 357  
including boards of county commissioners and boards of township 358  
trustees, in addressing issues related to local government 359  
infrastructure needs and the financing of that infrastructure. 360

(D) Establish all of the following concerning insect and 361  
rodent control plans required under section 903.06 of the Revised 362  
Code: 363

(1) The information to be included in an insect and rodent 364  
control plan; 365

(2) Criteria for approving, disapproving, or requiring 366  
modification of an insect and rodent control plan; 367

(3) Criteria for determining compliance with or violation of 368  
an insect and rodent control plan; 369

(4) Procedures and standards for monitoring insect and rodent 370  
control plans; 371

(5) Procedures and standards for enforcing insect and rodent 372  
control plans at concentrated animal feeding facilities at which 373  
insects or rodents constitute a nuisance or adversely affect 374  
public health; 375

(6) The amount of civil penalties for violation of an insect 376  
and rodent control plan assessed by the director of agriculture 377  
under division (B) of section 903.16 of the Revised Code, provided 378  
that the rules adopted under division (D)(6) of this section shall 379  
not establish a civil penalty of more than ten thousand dollars 380  
for a violation involving a concentrated animal feeding facility 381  
that is not a major concentrated animal feeding facility and shall 382  
not establish a civil penalty of more than twenty-five thousand 383  
dollars for a violation involving a major concentrated animal 384

feeding facility;	385
(7) The time period within which the director must approve or deny an insect and rodent control plan after receiving it;	386 387
(8) Any other provisions necessary to administer and enforce section 903.12 of the Revised Code.	388 389
(E) Establish all of the following concerning livestock manager certifications required under section 903.07 of the Revised Code:	390 391 392
(1) The information to be included in an application for a livestock manager certification and the amount of the application fee;	393 394 395
(2) The content of the training required to be completed and of the examination required to be passed by an applicant for a livestock manager certification. The training shall include and the examination shall test the applicant's knowledge of information on topics that include calculating nutrient values in manure, devising and implementing a plan for the land application of manure, removing manure held in a manure storage or treatment facility, and following best management practices established in rules for disposal of dead animals and manure management, including practices that control odor and protect the environment. The director may specify other types of recognized training programs that, if completed, are considered to satisfy the training and examination requirement.	396 397 398 399 400 401 402 403 404 405 406 407 408
(3) Criteria and procedures for the issuance, denial, suspension, revocation, or reinstatement of a livestock manager certification;	409 410 411
(4) The length of time during which livestock manager certifications will be valid and procedures for their renewal;	412 413
(5) The volume of manure that must be transported and land	414

applied annually or the volume of manure that must be bought, 415  
sold, or land applied annually by a person in order for the person 416  
to be required to obtain a livestock manager certification under 417  
division (A)(2) of section 903.07 of the Revised Code; 418

(6) Requirements governing the management and handling of 419  
manure, including the land application of manure; 420

(7) Requirements governing the keeping of records regarding 421  
the handling of manure, including the land application of manure; 422

(8) Any other provisions necessary to administer and enforce 423  
section 903.07 of the Revised Code. 424

(F) Establish all of the following concerning NPDES permits: 425

(1) The designation of concentrated animal feeding operations 426  
that are subject to NPDES permit requirements under section 903.08 427  
of the Revised Code; 428

(2) Effluent limitations governing discharges into waters of 429  
the state that are authorized by permits; 430

(3) Variances from effluent limitations and other permit 431  
requirements to the extent that the variances are consistent with 432  
the Federal Water Pollution Control Act; 433

(4) Terms and conditions to be included in a permit, 434  
including, as applicable, best management practices; installation 435  
of discharge or water quality monitoring methods or equipment; 436  
creation and retention of records; submission of periodic reports; 437  
schedules of compliance; net volume, net weight, and, where 438  
necessary, concentration and mass loading limits of manure that 439  
may be discharged into waters of the state; and authorized 440  
duration and frequency of any discharges into waters of the state; 441

(5) Procedures for the submission of applications for permits 442  
and notices of intent to be covered by general permits, including 443  
information that must be included in the applications and notices; 444

(6) The amount of the fee that must be submitted with an application for a permit;	445 446
(7) Procedures for processing permit applications, including public notice and participation requirements;	447 448
(8) Procedures for notifying the United States environmental protection agency of the submission of permit applications, the director's action on those applications, and any other reasonable and relevant information;	449 450 451 452
(9) Procedures for notifying and receiving and responding to recommendations from other states whose waters may be affected by the issuance of a permit;	453 454 455
(10) Procedures for the transfer of permits to new owners or operators;	456 457
(11) Grounds and procedures for the issuance, denial, modification, suspension, or revocation of permits, including general permits;	458 459 460
(12) A definition of "general NPDES permit" that establishes categories of point sources to be covered under such a permit and a definition of "individual NPDES permit" together with the criteria for issuing a general NPDES permit and the criteria for determining a person's eligibility to discharge under a general NPDES permit.	461 462 463 464 465 466
The rules adopted under division (F) of this section shall be consistent with the requirements of the Federal Water Pollution Control Act.	467 468 469
(G) Establish public notice and participation requirements, in addition to the procedures established in rules adopted under division (F)(7) of this section, for the issuance, denial, modification, transfer, suspension, and revocation of permits to install, permits to operate, and NPDES permits consistent with	470 471 472 473 474

section 903.09 of the Revised Code, including a definition of what 475  
constitutes significant public interest for the purposes of 476  
divisions (A) and (F) of section 903.09 of the Revised Code and 477  
procedures for public meetings. The rules shall require that 478  
information that is presented at such a public meeting be limited 479  
to the criteria that are applicable to the permit application that 480  
is the subject of the public meeting. 481

(H) Establish the amount of civil penalties assessed by the 482  
director of agriculture under division (B) of section 903.16 of 483  
the Revised Code for violation of the terms and conditions of a 484  
permit to install, permit to operate, or review compliance 485  
certificate, provided that the rules adopted under this division 486  
shall not establish a civil penalty of more than ten thousand 487  
dollars per day for each violation; 488

(I) Establish procedures for the protection of trade secrets 489  
from public disclosure. The procedures shall authorize the release 490  
of trade secrets to officers, employees, or authorized 491  
representatives of the state, another state, or the United States 492  
when necessary for an enforcement action brought under this 493  
chapter or when otherwise required by the Federal Water Pollution 494  
Control Act. The rules shall require at least ten days' written 495  
notice to the person to whom a trade secret applies prior to the 496  
release of the trade secret. Rules adopted under this division do 497  
not apply to any information that is contained in applications, 498  
including attachments, for NPDES permits and that is required to 499  
be submitted under section 903.08 of the Revised Code or rules 500  
adopted under division (F) of this section. 501

(J) Establish any other provisions necessary to administer 502  
and enforce this chapter. 503

**Sec. 929.01.** As used in this chapter: 504

(A) "Agricultural production" means commercial aquaculture, 505

algaculture meaning the farming of algae, apiculture, animal 506  
husbandry, or poultry husbandry; the production for a commercial 507  
purpose of timber, field crops, tobacco, fruits, vegetables, 508  
nursery stock, ornamental shrubs, ornamental trees, flowers, or 509  
sod; the growth of timber for a noncommercial purpose if the land 510  
on which the timber is grown is contiguous to or part of a parcel 511  
of land under common ownership that is otherwise devoted 512  
exclusively to agricultural use; or any combination of such 513  
husbandry, production, or growth; and includes the processing, 514  
drying, storage, and marketing of agricultural products when those 515  
activities are conducted in conjunction with such husbandry, 516  
production, or growth. 517

"Agricultural production" includes conservation practices, 518  
provided that the tracts, lots, or parcels of land or portions 519  
thereof that are used for conservation practices comprise not more 520  
than twenty-five per cent of tracts, lots, or parcels of land that 521  
are otherwise devoted exclusively to agricultural use and for 522  
which an application is filed under section 929.02 of the Revised 523  
Code. 524

(B) "Withdrawal from an agricultural district" includes the 525  
explicit removal of land from an agricultural district, conversion 526  
of land in an agricultural district to use for purposes other than 527  
agricultural production, and withdrawal of land from a land 528  
retirement or conservation program to use for purposes other than 529  
agricultural production. Withdrawal from an agricultural district 530  
does not include land described in division (A)(4) of section 531  
5713.30 of the Revised Code. 532

(C) "Conservation practice" has the same meaning as in 533  
section 5713.30 of the Revised Code. 534

**Sec. 1309.102.** (A) As used in this chapter, unless the 535  
context requires otherwise: 536

(1) "Accession" means goods that are physically united with other goods in such a manner that the identity of the original goods is not lost.

(2)(a) "Account," except as used in "account for," means a right to payment of a monetary obligation, whether or not earned by performance, (i) for property that has been or is to be sold, leased, licensed, assigned, or otherwise disposed of, (ii) for services rendered or to be rendered, (iii) for a policy of insurance issued or to be issued, (iv) for a secondary obligation incurred or to be incurred, (v) for energy provided or to be provided, (vi) for the use or hire of a vessel under a charter or other contract, (vii) arising out of the use of a credit or charge card or information contained on or for use with the card, or (viii) as winnings in a lottery or other game of chance operated or sponsored by a state, governmental unit of a state, or person licensed or authorized to operate the game by a state or governmental unit of a state.

(b) "Account" includes health-care insurance receivables.

(c) "Account" does not include (i) rights to payment evidenced by chattel paper or an instrument, (ii) commercial tort claims, (iii) deposit accounts, (iv) investment property, (v) letter-of-credit rights or letters of credit, or (vi) rights to payment for money or funds advanced or sold, other than rights arising out of the use of a credit or charge card or information contained on or for use with the card.

(3) "Account debtor" means a person who is obligated on an account, chattel paper, or general intangible. "Account debtor" does not include a person who is obligated to pay a negotiable instrument, even if the instrument constitutes part of chattel paper.

(4) "Accounting," except as used in "accounting for," means a

record:	568
(a) Authenticated by a secured party;	569
(b) Indicating the aggregate unpaid secured obligations as of a date not more than thirty-five days earlier or thirty-five days later than the date of the record; and	570 571 572
(c) Identifying the components of the obligations in reasonable detail.	573 574
(5) "Agricultural lien" means an interest, other than a security interest, in farm products:	575 576
(a) That secures payment or performance of an obligation for:	577
(i) Goods or services furnished in connection with a debtor's farming operation; or	578 579
(ii) Rent on real property leased by a debtor in connection with its farming operation.	580 581
(b) That is created by statute in favor of a person who:	582
(i) In the ordinary course of business, furnished goods or services to a debtor in connection with the debtor's farming operation; or	583 584 585
(ii) Leased real property to a debtor in connection with the debtor's farming operation; and	586 587
(c) Whose effectiveness does not depend on the person's possession of the personal property.	588 589
(6) "As-extracted collateral" means:	590
(a) Oil, gas, or other minerals that are subject to a security interest that:	591 592
(i) Is created by a debtor having an interest in the minerals before extraction; and	593 594
(ii) Attaches to the minerals as extracted; or	595

(b) Accounts arising out of the sale at the wellhead or minehead of oil, gas, or other minerals in which the debtor had an interest before extraction.

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(7) "Authenticate" means:

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(a) To sign; or

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(b) To execute or otherwise adopt a symbol, or encrypt or similarly process a record in whole or in part, with the present intent of the authenticating person to identify the person and adopt or accept a record.

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(8) "Bank" means an organization that is engaged in the business of banking. "Bank" includes savings banks, savings and loan associations, credit unions, and trust companies.

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(9) "Cash proceeds" means proceeds that are money, checks, deposit accounts, or the like.

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(10) "Certificate of title" means a certificate of title with respect to which a statute provides for the security interest in question to be indicated on the certificate as a condition or result of the security interest's obtaining priority over the rights of a lien creditor with respect to the collateral.

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(11)(a) "Chattel paper" means a record that evidences both a monetary obligation and a security interest in specific goods, a security interest in specific goods and software used in the goods, a security interest in specific goods and license of software used in the goods, a lease of specific goods, or a lease of specific goods and license of software used in the goods.

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As used in division (A)(11)(a) of this section, "monetary obligation" means a monetary obligation secured by the goods or owed under a lease of the goods and includes a monetary obligation with respect to software used in the goods.

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(b) If a transaction is evidenced by records that include an

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instrument or series of instruments, the group of records taken 626  
together constitutes chattel paper. 627

(c) "Chattel paper" does not include (i) charters or other 628  
contracts involving the use or hire of a vessel or (ii) records 629  
that evidence a right to payment arising out of the use of a 630  
credit or charge card or information contained on or for use with 631  
the card. 632

(12) "Collateral" means the property subject to a security 633  
interest or agricultural lien, including: 634

(a) Proceeds to which a security interest attaches; 635

(b) Accounts, chattel paper, payment intangibles, and 636  
promissory notes that have been sold; and 637

(c) Goods that are the subject of a consignment. 638

(13) "Commercial tort claim" means a claim arising in tort 639  
with respect to which: 640

(a) The claimant is an organization; or 641

(b) The claimant is an individual, and the claim: 642

(i) Arose in the course of the claimant's business or 643  
profession; and 644

(ii) Does not include damages arising out of personal injury 645  
to or the death of an individual. 646

(14) "Commodity account" means an account maintained by a 647  
commodity intermediary in which a commodity contract is carried 648  
for a commodity customer. 649

(15) "Commodity contract" means a commodity futures contract, 650  
an option on a commodity futures contract, a commodity option, or 651  
another contract if the contract or option is: 652

(a) Traded on or subject to the rules of a board of trade 653  
that has been designated as a contract market for such a contract 654

pursuant to the federal commodities laws; or 655

(b) Traded on a foreign commodity board of trade, exchange, 656  
or market and is carried on the books of a commodity intermediary 657  
for a commodity customer. 658

(16) "Commodity customer" means a person for whom a commodity 659  
intermediary carries a commodity contract on its books. 660

(17) "Commodity intermediary" means a person that: 661

(a) Is registered as a futures commission merchant under the 662  
federal commodities laws; or 663

(b) In the ordinary course of its business provides clearance 664  
or settlement services for a board of trade that has been 665  
designated as a contract market pursuant to the federal 666  
commodities laws. 667

(18) "Communicate" means: 668

(a) To send a written or other tangible record; 669

(b) To transmit a record by any means agreed upon by the 670  
persons sending and receiving the record; or 671

(c) In the case of transmission of a record to or by a filing 672  
office, to transmit a record by any means prescribed by 673  
filing-office rule. 674

(19) "Consignee" means a merchant to whom goods are delivered 675  
in a consignment. 676

(20) "Consignment" means a transaction, regardless of its 677  
form, in which a person delivers goods to a merchant for the 678  
purpose of sale and: 679

(a) The merchant: 680

(i) Deals in goods of that kind under a name other than the 681  
name of the person making delivery; 682

(ii) Is not an auctioneer; and 683

(iii) Is not generally known by its creditors to be	684
substantially engaged in selling the goods of others;	685
(b) With respect to each delivery, the aggregate value of the	686
goods is one thousand dollars or more at the time of delivery.	687
(c) The goods are not consumer goods immediately before	688
delivery; and	689
(d) The transaction does not create a security interest that	690
secures an obligation.	691
(21) "Consignor" means a person that delivers goods to a	692
consignee in a consignment.	693
(22) "Consumer debtor" means a debtor in a consumer	694
transaction.	695
(23) "Consumer goods" means goods that are used or bought for	696
use primarily for personal, family, or household purposes.	697
(24) "Consumer-goods transaction" means a consumer	698
transaction in which:	699
(a) An individual incurs an obligation primarily for	700
personal, family, or household purposes; and	701
(b) A security interest in consumer goods secures the	702
obligation.	703
(25) "Consumer obligor" means an obligor who is an individual	704
and who incurred the obligation as part of a transaction entered	705
into primarily for personal, family, or household purposes.	706
(26) "Consumer transaction" means a transaction in which: (a)	707
an individual incurs an obligation primarily for personal, family,	708
or household purposes, (b) a security interest secures the	709
obligation, and (c) the collateral is held or acquired primarily	710
for personal, family, or household purposes. "Consumer	711
transaction" includes consumer-goods transactions.	712

(27) "Continuation statement" means an amendment of a	713
financing statement that:	714
(a) Identifies, by its file number, the initial financing	715
statement to which it relates; and	716
(b) Indicates that it is a continuation statement for, or	717
that it is filed to continue the effectiveness of, the identified	718
financing statement.	719
(28) "Debtor" means:	720
(a) A person having an interest, other than a security	721
interest or other lien, in the collateral, whether or not the	722
person is an obligor;	723
(b) A seller of accounts, chattel paper, payment intangibles,	724
or promissory notes; or	725
(c) A consignee.	726
(29) "Deposit account" means a demand, time, savings,	727
passbook, or similar account maintained with a bank but does not	728
include investment property or accounts evidenced by an	729
instrument.	730
(30) "Document" means a document of title or a receipt of the	731
type described in division (B) of section 1307.201 of the Revised	732
Code.	733
(31) "Electronic chattel paper" means chattel paper evidenced	734
by a record consisting of information stored in an electronic	735
medium.	736
(32) "Encumbrance" means a right, other than an ownership	737
interest, in real property. "Encumbrance" includes mortgages and	738
other liens on real property.	739
(33) "Equipment" means goods other than inventory, farm	740
products, or consumer goods.	741

(34) "Farm products" means goods, other than standing timber, with respect to which the debtor is engaged in a farming operation and that are:

(a) Crops grown, growing, or to be grown, including:

(i) Crops produced on trees, vines, and bushes; ~~and~~

(ii) Aquatic goods produced in aquacultural operations;

(iii) Algacultural products as defined in section 901.511 of the Revised Code that are produced as a result of algaculture meaning the farming of algae.

(b) Livestock, born or unborn, including aquatic goods produced in aquacultural operations;

(c) Supplies used or produced in a farming operation; or

(d) Products of crops or livestock in their unmanufactured states.

(35) "Farming operation" means raising, cultivating, propagating, fattening, grazing, or any other farming, livestock, or aquacultural operation.

(36) "File number" means the number assigned to an initial financing statement under division (A) of section 1309.519 of the Revised Code.

(37) "Filing office" means an office designated in section 1309.501 of the Revised Code as the place to file a financing statement.

(38) "Filing-office rule" means a rule adopted under section 1309.526 of the Revised Code.

(39) "Financing statement" means a record composed of an initial financing statement and any filed record or records relating to the initial financing statement. For the purposes of this chapter, financing statements filed for recording with the

secretary of state shall not be required to include social 771  
security or employer identification numbers. 772

(40) "Fixture filing" means the filing of a financing 773  
statement covering goods that are or are to become fixtures and 774  
satisfying divisions (A) and (B) of section 1309.502 of the 775  
Revised Code. "Fixture filing" includes the filing of a financing 776  
statement covering goods of a transmitting utility that are or are 777  
to become fixtures. 778

(41) "Fixtures" means goods that have become so related to 779  
particular real property that an interest in them arises under 780  
real property law. 781

(42) "General intangible" means any personal property, 782  
including things in action, other than accounts, chattel paper, 783  
commercial tort claims, deposit accounts, documents, goods, 784  
instruments, investment property, letter-of-credit rights, letters 785  
of credit, money, and oil, gas, or other minerals before 786  
extraction. "General intangible" includes payment intangibles and 787  
software. 788

(43) "Good faith" has the same meaning as in section 1301.201 789  
of the Revised Code. 790

(44)(a) "Goods" means all things that are movable when a 791  
security interest attaches. "Goods" includes (i) fixtures, (ii) 792  
standing timber that is to be cut and removed under a conveyance 793  
or contract for sale, (iii) the unborn young of animals, (iv) 794  
crops grown, growing, or to be grown, even if the crops are 795  
produced on trees, vines, or bushes, and (v) manufactured homes. 796

(b) "Goods" also includes a computer program embedded in 797  
goods and any supporting information provided in connection with a 798  
transaction relating to the program if (i) the program is 799  
associated with the goods in such a manner that it customarily is 800  
considered part of the goods, or (ii) by becoming the owner of the 801

goods, a person acquires a right to use the program in connection 802  
with the goods. 803

(c) "Goods" does not include a computer program embedded in 804  
goods that consist solely of the medium in which the program is 805  
embedded. "Goods" does not include accounts, chattel paper, 806  
commercial tort claims, deposit accounts, documents, general 807  
intangibles, instruments, investment property, letter-of-credit 808  
rights, letters of credit, money, or oil, gas, or other minerals 809  
before extraction. 810

(45) "Governmental unit" means a subdivision, agency, 811  
department, county, parish, municipal corporation, or other unit 812  
of the government of the United States, a state, or a foreign 813  
country. "Governmental unit" includes an organization having a 814  
separate corporate existence if the organization is eligible to 815  
issue debt on which interest is exempt from income taxation under 816  
the laws of the United States. 817

(46) "Health-care-insurance receivable" means an interest in 818  
or claim under a policy of insurance that is a right to payment of 819  
a monetary obligation for health-care goods or services provided. 820

(47)(a) "Instrument" means a negotiable instrument or any 821  
other writing that evidences a right to the payment of a monetary 822  
obligation, is not itself a security agreement or lease, and is of 823  
a type that in ordinary course of business is transferred by 824  
delivery with any necessary indorsement or assignment. 825

(b) "Instrument" does not include (i) investment property, 826  
(ii) letters of credit, or (iii) writings that evidence a right to 827  
payment arising out of the use of a credit or charge card or 828  
information contained on or for use with the card. 829

(48) "Inventory" means goods, other than farm products, that: 830

(a) Are leased by a person as lessor; 831

(b) Are held by a person for sale or lease or to be furnished under a contract of service;	832 833
(c) Are furnished by a person under a contract of service; or	834
(d) Consist of raw materials, work in process, or materials used or consumed in a business.	835 836
(49) "Investment property" means a security, whether certificated or uncertificated, a security entitlement, a securities account, a commodity contract, or a commodity account.	837 838 839
(50) "Jurisdiction of organization," with respect to a registered organization, means the jurisdiction under whose law the organization is organized.	840 841 842
(51) "Letter-of-credit right" means a right to payment or performance under a letter of credit, whether or not the beneficiary has demanded or is at the time entitled to demand payment or performance. "Letter-of-credit right" does not include the right of a beneficiary to demand payment or performance under a letter of credit.	843 844 845 846 847 848
(52) "Lien creditor" means:	849
(a) A creditor who has acquired a lien on the property involved by attachment, levy or the like;	850 851
(b) An assignee for benefit of creditors from the time of assignment;	852 853
(c) A trustee in bankruptcy from the date of the filing of the petition; or	854 855
(d) A receiver in equity from the time of appointment.	856
(53) "Manufactured home" means a structure, transportable in one or more sections, that, in the traveling mode, is eight body feet or more in width or forty body feet or more in length, or, when erected on site, is three hundred twenty or more square feet, and that is built on a permanent chassis and designed to be used	857 858 859 860 861

as a dwelling with or without a permanent foundation when 862  
connected to the required utilities, and includes the plumbing, 863  
heating, air conditioning, and electrical systems contained in the 864  
structure. "Manufactured home" includes any structure that meets 865  
all of the requirements of this paragraph except the size 866  
requirements and with respect to which the manufacturer 867  
voluntarily files a certification required by the United States 868  
secretary of housing and urban development and complies with the 869  
standards established under Title 42 of the United States Code. 870

(54) "Manufactured-home transaction" means a secured 871  
transaction: 872

(a) That creates a purchase-money security interest in a 873  
manufactured home, other than a manufactured home held as 874  
inventory; or 875

(b) In which a manufactured home, other than a manufactured 876  
home held as inventory, is the primary collateral. 877

(55) "Mortgage" means a consensual interest in real property, 878  
including fixtures, that secures payment or performance of an 879  
obligation. 880

(56) "New debtor" means a person that becomes bound as debtor 881  
under division (D) of section 1309.203 of the Revised Code by a 882  
security agreement previously entered into by another person. 883

(57)(a) "New value" means (i) money, (ii) money's worth in 884  
property, services, or new credit, or (iii) release by a 885  
transferee of an interest in property previously transferred to 886  
the transferee. 887

(b) "New value" does not include an obligation substituted 888  
for another obligation. 889

(58) "Noncash proceeds" means proceeds other than cash 890  
proceeds. 891

(59)(a) "Obligor" means a person who, with respect to an obligation secured by a security interest in or an agricultural lien on the collateral, (i) owes payment or other performance of the obligation, (ii) has provided property other than the collateral to secure payment or other performance of the obligation, or (iii) is otherwise accountable in whole or in part for payment or other performance of the obligation.

(b) "Obligor" does not include issuers or nominated persons under a letter of credit.

(60) "Original debtor," except as used in division (C) of section 1309.310 of the Revised Code, means a person who, as debtor, entered into a security agreement to which a new debtor has become bound under division (D) of section 1309.203 of the Revised Code.

(61) "Payment intangible" means a general intangible under which the account debtor's principal obligation is a monetary obligation.

(62) "Person related to," with respect to an individual, means:

(a) The spouse of the individual;

(b) A brother, brother-in-law, sister, or sister-in-law of the individual;

(c) An ancestor or lineal descendant of the individual or the individual's spouse; or

(d) Any other relative, by blood or marriage, of the individual or the individual's spouse who shares the same home with the individual.

(63) "Person related to," with respect to an organization, means:

(a) A person directly or indirectly controlling, controlled

by, or under common control with the organization;	922
(b) An officer or director of, or a person performing similar functions with respect to, the organization;	923 924
(c) An officer or director of, or a person performing similar functions with respect to, a person described in division (A)(63)(a) of this section;	925 926 927
(d) The spouse of an individual described in division (A)(63)(a), (b), or (c) of this section; or	928 929
(e) An individual who is related by blood or marriage to an individual described in division (A)(63)(a), (b), (c), or (d) of this section and shares the same home with the individual.	930 931 932
(64) "Proceeds," except as used in division (B) of section 1309.609 of the Revised Code, means the following property:	933 934
(a) Whatever is acquired upon the sale, lease, license, exchange, or other disposition of collateral;	935 936
(b) Whatever is collected on, or distributed on account of, collateral;	937 938
(c) Rights arising out of collateral;	939
(d) To the extent of the value of collateral, claims arising out of the loss, nonconformity, or interference with the use of, defects or infringement of rights in, or damage to the collateral; or	940 941 942 943
(e) To the extent of the value of collateral and to the extent payable to the debtor or the secured party, insurance payable by reason of the loss or nonconformity of, defects or infringement of rights in, or damage to the collateral.	944 945 946 947
(65) "Promissory note" means an instrument that evidences a promise to pay a monetary obligation, does not evidence an order to pay, and does not contain an acknowledgment by a bank that the bank has received for deposit a sum of money or funds.	948 949 950 951

(66) "Proposal" means a record authenticated by a secured party that includes the terms on which the secured party is willing to accept collateral in full or partial satisfaction of the obligation it secures pursuant to sections 1309.620, 1309.621, and 1309.622 of the Revised Code.

(67) "Public-finance transaction" means a secured transaction in connection with which:

(a) Debt securities are issued;

(b) All or a portion of the securities issued have an initial stated maturity of at least twenty years; and

(c) The debtor, obligor, secured party, account debtor or other person obligated on collateral, assignor or assignee of a secured obligation, or assignor or assignee of a security interest is a state or a governmental unit of a state.

(68) "Pursuant to commitment," with respect to an advance made or other value given by a secured party, means pursuant to the secured party's obligation, whether or not a subsequent event of default or other event not within the secured party's control has relieved or may relieve the secured party from its obligation.

(69) "Record," except as used in "for record," "of record," "record or legal title," and "record owner," means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(70) "Registered organization" means an organization organized solely under the law of a single state or the United States and as to which the state or the United States must maintain a public record showing the organization to have been organized.

(71) "Secondary obligor" means an obligor to the extent that:

(a) The obligor's obligation is secondary; or

(b) The obligor has a right of recourse with respect to an obligation secured by collateral against the debtor, another obligor, or property of either.	982 983 984
(72) "Secured party" means:	985
(a) A person in whose favor a security interest is created or provided for under a security agreement, whether or not any obligation to be secured is outstanding;	986 987 988
(b) A person that holds an agricultural lien;	989
(c) A consignor;	990
(d) A person to whom accounts, chattel paper, payment intangibles, or promissory notes have been sold;	991 992
(e) A trustee, indenture trustee, agent, collateral agent, or other representative in whose favor a security interest or agricultural lien is created or provided for; or	993 994 995
(f) A person who holds a security interest arising under section 1302.42, 1302.49, 1302.85, 1304.20, 1305.18, or 1310.54 of the Revised Code.	996 997 998
(73) "Security agreement" means an agreement that creates or provides for a security interest.	999 1000
(74) "Send," in connection with a record or notification, means:	1001 1002
(a) To deposit in the mail, deliver for transmission, or transmit by any other usual means of communication, with postage or cost of transmission provided for, addressed to any address reasonable under the circumstances; or	1003 1004 1005 1006
(b) To cause the record or notification to be received within the time that it would have been received if properly sent under division (A)(74)(a) of this section.	1007 1008 1009
(75) "Software" means a computer program and any supporting	1010

information provided in connection with a transaction relating to 1011  
the program. "Software" does not include a computer program that 1012  
is included in the definition of goods. 1013

(76) "State" means a state of the United States, the District 1014  
of Columbia, Puerto Rico, the United States Virgin Islands, or any 1015  
territory or insular possession subject to the jurisdiction of the 1016  
United States. 1017

(77) "Supporting obligation" means a letter-of-credit right 1018  
or secondary obligation that supports the payment or performance 1019  
of an account, chattel paper, a document, a general intangible, an 1020  
instrument, or investment property. 1021

(78) "Tangible chattel paper" means chattel paper evidenced 1022  
by a record consisting of information that is inscribed on a 1023  
tangible medium. 1024

(79) "Termination statement" means an amendment of a 1025  
financing statement that: 1026

(a) Identifies, by its file number, the initial financing 1027  
statement to which it relates; and 1028

(b) Indicates either that it is a termination statement or 1029  
that the identified financing statement is no longer effective. 1030

(80) "Transmitting utility" means a person primarily engaged 1031  
in the business of: 1032

(a) Operating a railroad, subway, street railway, or trolley 1033  
bus; 1034

(b) Transmitting communications electrically, 1035  
electromagnetically, or by light; 1036

(c) Transmitting goods by pipeline or sewer; or 1037

(d) Transmitting or producing and transmitting electricity, 1038  
steam, gas, or water. 1039

(B) Other definitions applying to this chapter are:	1040
(1) "Applicant" has the same meaning as in section 1305.01 of the Revised Code.	1041 1042
(2) "Beneficiary" has the same meaning as in section 1305.01 of the Revised Code.	1043 1044
(3) "Broker" has the same meaning as in section 1308.01 of the Revised Code.	1045 1046
(4) "Certificated security" has the same meaning as in section 1308.01 of the Revised Code.	1047 1048
(5) "Check" has the same meaning as in section 1303.03 of the Revised Code.	1049 1050
(6) "Clearing corporation" has the same meaning as in section 1308.01 of the Revised Code.	1051 1052
(7) "Contract for sale" has the same meaning as in section 1302.01 of the Revised Code.	1053 1054
(8) "Control" with respect to a document of title, has the same meaning as in section 1307.106 of the Revised Code.	1055 1056
(9) "Customer" has the same meaning as in section 1304.01 of the Revised Code.	1057 1058
(10) "Entitlement holder" has the same meaning as in section 1308.01 of the Revised Code.	1059 1060
(11) "Financial asset" has the same meaning as in section 1308.01 of the Revised Code.	1061 1062
(12) "Holder in due course" has the same meaning as in section 1303.32 of the Revised Code.	1063 1064
(13) "Issuer," with respect to a letter of credit or letter-of-credit right, has the same meaning as in section 1305.01 of the Revised Code.	1065 1066 1067
(14) "Issuer," with respect to a security, has the same	1068

meaning as in section 1308.08 of the Revised Code.	1069
(15) "Issuer," with respect to a document of title, has the same meaning as in section 1307.102 of the Revised Code.	1070 1071
(16) "Lease," "lease agreement," "lease contract," "leasehold interest," "lessee," "lessee in ordinary course of business," "lessor," and "lessor's residual interest" have the same meanings as in section 1310.01 of the Revised Code.	1072 1073 1074 1075
(17) "Letter of credit" has the same meaning as in section 1305.01 of the Revised Code.	1076 1077
(18) "Merchant" has the same meaning as in section 1302.01 of the Revised Code.	1078 1079
(19) "Negotiable instrument" has the same meaning as in section 1303.03 of the Revised Code.	1080 1081
(20) "Nominated person" has the same meaning as in section 1305.01 of the Revised Code.	1082 1083
(21) "Note" has the same meaning as in section 1303.03 of the Revised Code.	1084 1085
(22) "Proceeds of a letter of credit" has the same meaning as in section 1305.13 of the Revised Code.	1086 1087
(23) "Prove" has the same meaning as in section 1303.01 of the Revised Code.	1088 1089
(24) "Sale" has the same meaning as in division (A)(11) of section 1302.01 of the Revised Code.	1090 1091
(25) "Securities account" has the same meaning as in section 1308.51 of the Revised Code.	1092 1093
(26) "Securities intermediary," "security," "security certificate," "security entitlement," and "uncertificated security" have the same meanings as in section 1308.01 of the Revised Code.	1094 1095 1096 1097

(C) In addition, Chapter 1301. of the Revised Code contains 1098  
general definitions and principles of construction and 1099  
interpretations applicable throughout this chapter. 1100

**Sec. 1311.55.** (A) As used in this section: 1101

(1) "Agricultural product" means all fruit and vegetable 1102  
crops, meat and meat products, milk and dairy products, poultry 1103  
and poultry products, wool, and all seeds harvested by a producer 1104  
for sale, except that it does not include any grain crop that is 1105  
subject to the fee that the director of agriculture may require to 1106  
be remitted under section 926.16 of the Revised Code. 1107

"Agricultural product" also includes an agricultural product as 1108  
defined in section 901.511 of the Revised Code. 1109

(2) "Agricultural product handling" means engaging in or 1110  
participating in the business of buying, selling, exchanging, or 1111  
negotiating or soliciting a purchase, sale, resale, exchange, or 1112  
transfer of an agricultural product. 1113

(3) "Agricultural product handler" or "handler" means any 1114  
person who is engaged in the business of agricultural product 1115  
handling, except that a person who sells only those agricultural 1116  
products that the person has produced, or buys agricultural 1117  
products for the person's own use, is not an agricultural product 1118  
handler. 1119

(4) "Agricultural producer" or "producer" means any person 1120  
who grows, raises, or produces an agricultural product on land 1121  
that the person owns or leases. 1122

(5) "Proceeds" has the same meaning as in division (A)(64) of 1123  
section 1309.102 of the Revised Code. 1124

(B) An agricultural producer who delivers an agricultural 1125  
product under an express or implied contract to an agricultural 1126  
product handler, or an agricultural product handler who delivers 1127

an agricultural product under an express or implied contract to 1128  
another agricultural product handler, has a lien to secure the 1129  
payment for all of the agricultural product delivered under that 1130  
contract. The lien attaches to the product, whether in a raw or 1131  
processed condition, while in the possession of the agricultural 1132  
product handler, and to the proceeds of the sale of the 1133  
agricultural product. The lien attaches from the date of delivery 1134  
of the agricultural product to the handler, or if there is a 1135  
series of deliveries under the contract, from the date of the 1136  
first delivery. The lien is contingent until the producer or 1137  
handler complies with section 1311.56 of the Revised Code. 1138

(C) The lien on an agricultural product covers the contract 1139  
price agreed upon, or when there is no agreed price at the time of 1140  
delivery, the value of the agricultural product as determined by 1141  
the "market news service" of the Ohio department of agriculture on 1142  
the date the agricultural producer or handler files the affidavit 1143  
permitted under section 1311.56 of the Revised Code. 1144

(D) Any waiver by a producer or handler of the producer's or 1145  
handler's right to an agricultural product lien is void as being 1146  
contrary to public policy. 1147

**Sec. 1729.01.** As used in this chapter: 1148

(A) "Agricultural cooperative" means a cooperative to which 1149  
all of the following apply: 1150

(1) The cooperative engages in any activity in connection 1151  
with the propagation, raising, producing, harvesting, storing, 1152  
drying, handling, processing, or marketing of agricultural 1153  
products; procuring equipment and supplies or providing services 1154  
for producers and others; bargaining; and any activity related to 1155  
the foregoing. 1156

(2) Producers or agricultural cooperatives exercise more than 1157

fifty per cent of the voting control of the cooperative. 1158

(3) The cooperative does at least fifty per cent of its 1159  
business with producers or agricultural cooperatives. 1160

(B) "Agricultural products" includes aquacultural, 1161  
horticultural, viticultural, forestry, dairy, livestock, poultry, 1162  
bee, and farm products, and the produce or byproducts of any of 1163  
such products. "Agricultural products" also includes algacultural 1164  
products as defined in section 901.511 of the Revised Code. 1165

(C) "Association" means any corporation organized under this 1166  
chapter. 1167

(D) "Bargaining" means the mutual obligation of a handler and 1168  
a marketing cooperative to meet at reasonable times and confer and 1169  
negotiate in good faith. Negotiations may include all terms 1170  
relative to trading between handlers and producers. The obligation 1171  
does not require either party to agree upon price, terms of sale, 1172  
or any other marketing agreement, or to make a concession. 1173

(E) "Board" means the board of directors of an association. 1174

(F) "Cooperative" means an association or a foreign 1175  
association. 1176

(G) "Entity," except as otherwise provided, means a foreign 1177  
association, a foreign or domestic corporation other than a 1178  
cooperative, or a foreign or domestic limited liability company. 1179

(H) "Foreign association" means a corporation organized under 1180  
the cooperative laws of another state or the District of Columbia 1181  
or a foreign corporation organized under corporation laws of 1182  
another state, the District of Columbia, or the United States that 1183  
operates on a cooperative basis. 1184

(I) "Handler" means a person who acquires agricultural 1185  
products under a sales contract for the purpose of processing or 1186  
reselling agricultural products. 1187

(J) "Marketing agreement" means an agreement, contract, or 1188  
other arrangement between a cooperative and a member in which the 1189  
member agrees to market all or a part of the products or produce 1190  
produced by the member, or agrees to purchase all or a part of the 1191  
member's requirements for inputs, services, or supplies. 1192

(K) "Marketing cooperative" means any agricultural 1193  
cooperative meeting the requirements of the "Co-operative 1194  
Marketing Associations Act," 42 Stat. 388 (1922), 7 U.S.C.A. 291, 1195  
that negotiates sales contracts with handlers on behalf of its 1196  
members and is not in direct competition with any handler with 1197  
which it negotiates such contracts. 1198

(L) "Member" means a person who has been qualified and 1199  
accepted into membership in a cooperative. 1200

(M) "Membership stock" means any class of stock or other 1201  
equity interest in a cooperative, continuous ownership of which is 1202  
required for membership in the cooperative. 1203

(N) "Patron" means a person with which a cooperative has made 1204  
an enforceable agreement to allocate and distribute a per unit 1205  
retain, patronage dividend, or patronage refund with respect to 1206  
business conducted by the cooperative with or for the person. 1207

(O) "Patronage stock" means any stock or other equity 1208  
interest in a cooperative that was originally issued by the 1209  
cooperative with respect to patronage transactions. 1210

(P) "Person" includes a natural person, partnership, 1211  
corporation, cooperative, or other entity. 1212

(Q) "Processing" means changing the physical or chemical 1213  
characteristics of agricultural products. 1214

(R) "Producer" means a person engaged in the production of 1215  
agricultural products for the market, including a lessor of real 1216  
or personal property used for production of agricultural products 1217

for the market that receives as rent part of the agricultural 1218  
product. 1219

(S) "Sales contract" means a marketing agreement or other 1220  
similar arrangement between a handler and a producer, negotiated 1221  
by the producer or by an agricultural cooperative acting as agent 1222  
for a producer, under which the producer agrees to grow or produce 1223  
agricultural products for sale to the handler. 1224

**Sec. 3781.06.** (A)(1) Any building that may be used as a place 1225  
of resort, assembly, education, entertainment, lodging, dwelling, 1226  
trade, manufacture, repair, storage, traffic, or occupancy by the 1227  
public, any residential building, and all other buildings or parts 1228  
and appurtenances of those buildings erected within this state, 1229  
shall be so constructed, erected, equipped, and maintained that 1230  
they shall be safe and sanitary for their intended use and 1231  
occupancy. 1232

(2) Nothing in sections 3781.06 to 3781.18 and 3791.04 of the 1233  
Revised Code shall be construed to limit the power of the public 1234  
health council to adopt rules of uniform application governing 1235  
manufactured home parks pursuant to section 3733.02 of the Revised 1236  
Code. 1237

(B) Sections 3781.06 to 3781.18 and 3791.04 of the Revised 1238  
Code do not apply to either of the following: 1239

(1) Buildings or structures that are incident to the use for 1240  
agricultural purposes of the land on which the buildings or 1241  
structures are located, provided those buildings or structures are 1242  
not used in the business of retail trade. For purposes of this 1243  
division, a building or structure is not considered used in the 1244  
business of retail trade if fifty per cent or more of the gross 1245  
income received from sales of products in the building or 1246  
structure by the owner or operator is from sales of products 1247  
produced or raised in a normal crop year on farms owned or 1248

operated by the seller. 1249

(2) Existing single-family, two-family, and three-family 1250  
detached dwelling houses for which applications have been 1251  
submitted to the director of job and family services pursuant to 1252  
section 5104.03 of the Revised Code for the purposes of operating 1253  
type A family day-care homes as defined in section 5104.01 of the 1254  
Revised Code. 1255

(C) As used in sections 3781.06 to 3781.18 and 3791.04 of the 1256  
Revised Code: 1257

(1) "Agricultural purposes" include agriculture, farming, 1258  
dairying, pasturage, apiculture, algaculture meaning the farming 1259  
of algae, horticulture, floriculture, viticulture, ornamental 1260  
horticulture, olericulture, pomiculture, and animal and poultry 1261  
husbandry. 1262

(2) "Building" means any structure consisting of foundations, 1263  
walls, columns, girders, beams, floors, and roof, or a combination 1264  
of any number of these parts, with or without other parts or 1265  
appurtenances. 1266

(3) "Industrialized unit" means a building unit or assembly 1267  
of closed construction fabricated in an off-site facility, that is 1268  
substantially self-sufficient as a unit or as part of a greater 1269  
structure, and that requires transportation to the site of 1270  
intended use. "Industrialized unit" includes units installed on 1271  
the site as independent units, as part of a group of units, or 1272  
incorporated with standard construction methods to form a 1273  
completed structural entity. "Industrialized unit" does not 1274  
include a manufactured home as defined by division (C)(4) of this 1275  
section or a mobile home as defined by division (O) of section 1276  
4501.01 of the Revised Code. 1277

(4) "Manufactured home" means a building unit or assembly of 1278  
closed construction that is fabricated in an off-site facility and 1279

constructed in conformance with the federal construction and 1280  
safety standards established by the secretary of housing and urban 1281  
development pursuant to the "Manufactured Housing Construction and 1282  
Safety Standards Act of 1974," 88 Stat. 700, 42 U.S.C.A. 5401, 1283  
5403, and that has a permanent label or tag affixed to it, as 1284  
specified in 42 U.S.C.A. 5415, certifying compliance with all 1285  
applicable federal construction and safety standards. 1286

(5) "Permanent foundation" means permanent masonry, concrete, 1287  
or a footing or foundation approved by the manufactured homes 1288  
commission pursuant to Chapter 4781. of the Revised Code, to which 1289  
a manufactured or mobile home may be affixed. 1290

(6) "Permanently sited manufactured home" means a 1291  
manufactured home that meets all of the following criteria: 1292

(a) The structure is affixed to a permanent foundation and is 1293  
connected to appropriate facilities; 1294

(b) The structure, excluding any addition, has a width of at 1295  
least twenty-two feet at one point, a length of at least 1296  
twenty-two feet at one point, and a total living area, excluding 1297  
garages, porches, or attachments, of at least nine hundred square 1298  
feet; 1299

(c) The structure has a minimum 3:12 residential roof pitch, 1300  
conventional residential siding, and a six-inch minimum eave 1301  
overhang, including appropriate guttering; 1302

(d) The structure was manufactured after January 1, 1995; 1303

(e) The structure is not located in a manufactured home park 1304  
as defined by section 3733.01 of the Revised Code. 1305

(7) "Safe," with respect to a building, means it is free from 1306  
danger or hazard to the life, safety, health, or welfare of 1307  
persons occupying or frequenting it, or of the public and from 1308  
danger of settlement, movement, disintegration, or collapse, 1309

whether such danger arises from the methods or materials of its construction or from equipment installed therein, for the purpose of lighting, heating, the transmission or utilization of electric current, or from its location or otherwise.

(8) "Sanitary," with respect to a building, means it is free from danger or hazard to the health of persons occupying or frequenting it or to that of the public, if such danger arises from the method or materials of its construction or from any equipment installed therein, for the purpose of lighting, heating, ventilating, or plumbing.

(9) "Residential building" means a one-family, two-family, or three-family dwelling house, and any accessory structure incidental to that dwelling house. "Residential building" includes a one-family, two-family, or three-family dwelling house that is used as a model to promote the sale of a similar dwelling house. "Residential building" does not include an industrialized unit as defined by division (C)(3) of this section, a manufactured home as defined by division (C)(4) of this section, or a mobile home as defined by division (O) of section 4501.01 of the Revised Code.

(10) "Nonresidential building" means any building that is not a residential building or a manufactured or mobile home.

(11) "Accessory structure" means a structure that is attached to a residential building and serves the principal use of the residential building. "Accessory structure" includes, but is not limited to, a garage, porch, or screened-in patio.

**Sec. 5501.50.** (A) As used in this section, "agricultural purposes" means commercial animal or poultry husbandry, or the production for a commercial purpose of field crops, tobacco, fruits, or vegetables. "Agricultural purposes" also includes algaculture meaning the farming of algae.

(B) Whenever the director of transportation acquires real property as provided in section 5501.32 of the Revised Code or otherwise acquires real property in fee simple in the name of the state for highway purposes and subsequently finds the property is not needed for such purposes, or will not be needed for such purposes for a period of two years or more following the date of acquisition of the property, and the property is adjacent to or in the near vicinity of property used for agricultural purposes, the director may, at the director's discretion, offer to lease the property for agricultural purposes for one year at a price consistent with rentals of adjacent agricultural lands in the manner provided in divisions (C), (D), (E), (F), (G), (H), and (I) of this section before conveying or transferring the fee simple estate or any lesser estate or interest in the property, or permitting its use by another.

(C) Real property shall be offered for lease by mailing a notice, in writing, to each person who owns or leases property being used for agricultural purposes that adjoins or is in the near vicinity of the property. The notice shall include a general description of the property offered for lease, the cost of the lease, the manner in which the lease will be made, the requirements of this section, a statement that the person shall notify the director in writing within no more than four weeks following mailing of the notice if the person is interested in leasing the property, and such other information as the director considers necessary.

(D) If the director receives information in writing from two or more persons who are interested in leasing the real property, one of whom is the owner of real property that adjoins the property offered for lease, the director may lease the property to that person. If the director receives such information from two or more persons, two or more of whom are owners of real property that

adjoins the property offered for lease, the director shall lease 1372  
the property to the person whose information is contained in the 1373  
envelope bearing the earliest postmark. 1374

(E) Any lease made under this section shall be conditioned 1375  
upon the lessee's written agreement to maintain weed control on 1376  
the property. If the director has reasonable cause to believe that 1377  
such an agreement is violated, the director, or any of the 1378  
director's authorized agents, may, at the director's or authorized 1379  
agent's discretion, do either of the following: 1380

(1) Provide necessary weed control. The expense of providing 1381  
weed control shall be paid by the director out of any 1382  
appropriation to the department of transportation available for 1383  
the establishment, use, maintenance, or repair of highways and the 1384  
amount thereof shall be reimbursed by the lessee to the department 1385  
and if not reimbursed the amount thereof shall be certified to the 1386  
attorney general for collection by civil action against the lessee 1387  
of the property. 1388

(2) File a complaint by petition in the court of common pleas 1389  
of the county in which the property is located. Upon a finding by 1390  
the court that a violation of the agreement exists as alleged in 1391  
the petition, the court shall enter an order of abatement against 1392  
the lessee of the property. 1393

(F) If real property offered for lease as provided in this 1394  
section is located near a highway where the use of the property 1395  
for crops such as corn and wheat will obstruct the view of any 1396  
part of the highway from a person operating a vehicle on the 1397  
highway or on an intersecting highway or private road, or near an 1398  
airport where such use of the property may interfere with airport 1399  
safety, any lease made shall be conditioned upon the lessee's 1400  
written agreement to use the property for only crops that will not 1401  
create such an obstruction of the view of the highway or 1402  
interference with airport safety. If the director has reasonable 1403

cause to believe that such an agreement is violated, the director, 1404  
or any of the director's authorized agents, may, at the director's 1405  
or authorized agent's discretion, do either of the following: 1406

(1) Remove the crop or such part thereof as may be necessary 1407  
to ensure that the view of the highway will not be obstructed, or 1408  
that airport safety will not be reduced. The expense of the 1409  
removal shall be paid by the director out of any appropriation to 1410  
the department of transportation available for the establishment, 1411  
use, maintenance, or repair of highways and the amount thereof 1412  
shall be reimbursed by the lessee to the department and if not 1413  
reimbursed the amount thereof shall be certified to the attorney 1414  
general for collection by civil action against the lessee of the 1415  
property. 1416

(2) File a complaint by petition in the court of common pleas 1417  
of the county in which the property is located. Upon a finding by 1418  
the court that a violation of the agreement exists as alleged in 1419  
the petition, the court shall enter an order of abatement against 1420  
the lessee of the property. 1421

(G) The director may offer to renew annually any lease of 1422  
real property made under this section to the current lessee or may 1423  
offer the opportunity to lease to others in the manner and subject 1424  
to the requirements and limitations as provided for in this 1425  
section. 1426

(H) The requirements of sections 5501.32, 5501.34, and 1427  
5501.45 of the Revised Code relating to the appraisal, 1428  
advertisement, manner of sale, and minimum sale price of property 1429  
not needed for highway purposes and the requirements of sections 1430  
5501.34 and 5501.45 of the Revised Code relating to the use of 1431  
property not needed for highway purposes for recreation purposes, 1432  
do not apply to a lease or renewal of a lease of real property 1433  
made in accordance with this section. 1434

(I) Except as provided in divisions (E)(1) and (F)(1) of this section, all expense incurred in the lease of real property under this section shall be paid out of the proceeds of the lease and the balance shall be deposited in the highway fund from which the purchase of the real property giving rise to the proceeds was made.

(J) Nothing in this section shall be construed to permit the director to acquire real property by appropriation for the purpose of leasing it for agricultural purposes.

**Sec. 5713.30.** As used in sections 5713.31 to 5713.37 and 5715.01 of the Revised Code:

(A) "Land devoted exclusively to agricultural use" means:

(1) Tracts, lots, or parcels of land totaling not less than ten acres ~~that~~ to which, during the three calendar years prior to the year in which application is filed under section 5713.31 of the Revised Code, and through the last day of May of such year, one or more of the following apply:

(a) The tracts, lots, or parcels of land were devoted exclusively to commercial animal or poultry husbandry, aquaculture, algaculture meaning the farming of algae, apiculture, the production for a commercial purpose of timber, field crops, tobacco, fruits, vegetables, nursery stock, ornamental trees, sod, or flowers, or the growth of timber for a noncommercial purpose, if the land on which the timber is grown is contiguous to or part of a parcel of land under common ownership that is otherwise devoted exclusively to agricultural use, ~~or.~~

(b) The tracts, lots, or parcels of land were devoted exclusively to biodiesel production, biomass energy production, electric or heat energy production, or biologically derived methane gas production if the land on which the production

facility is located is contiguous to or part of a parcel of land 1465  
under common ownership that is otherwise devoted exclusively to 1466  
agricultural use, provided that at least fifty per cent of the 1467  
feedstock used in the production was derived from parcels of land 1468  
under common ownership or leasehold. 1469

(c) The tracts, lots, or parcels of land were devoted to and 1470  
qualified for payments or other compensation under a land 1471  
retirement or conservation program under an agreement with an 1472  
agency of the federal government+. 1473

(2) Tracts, lots, or parcels of land totaling less than ten 1474  
acres that, during the three calendar years prior to the year in 1475  
which application is filed under section 5713.31 of the Revised 1476  
Code and through the last day of May of such year, were devoted 1477  
exclusively to commercial animal or poultry husbandry, 1478  
aquaculture, algaculture meaning the farming of algae, apiculture, 1479  
the production for a commercial purpose of field crops, tobacco, 1480  
fruits, vegetables, timber, nursery stock, ornamental trees, sod, 1481  
or flowers where such activities produced an average yearly gross 1482  
income of at least twenty-five hundred dollars during such 1483  
three-year period or where there is evidence of an anticipated 1484  
gross income of such amount from such activities during the tax 1485  
year in which application is made, or were devoted to and 1486  
qualified for payments or other compensation under a land 1487  
retirement or conservation program under an agreement with an 1488  
agency of the federal government; 1489

(3) A tract, lot, or parcel of land taxed under sections 1490  
5713.22 to 5713.26 of the Revised Code is not land devoted 1491  
exclusively to agricultural use; 1492

(4) Tracts, lots, or parcels of land, or portions thereof 1493  
that, during the previous three consecutive calendar years have 1494  
been designated as land devoted exclusively to agricultural use, 1495  
but such land has been lying idle or fallow for up to one year and 1496

no action has occurred to such land that is either inconsistent 1497  
with the return of it to agricultural production or converts the 1498  
land devoted exclusively to agricultural use as defined in this 1499  
section. Such land shall remain designated as land devoted 1500  
exclusively to agricultural use provided that beyond one year, but 1501  
less than three years, the landowner proves good cause as 1502  
determined by the board of revision. 1503

"Land devoted exclusively to agricultural use" includes 1504  
tracts, lots, or parcels of land or portions thereof that are used 1505  
for conservation practices, provided that the tracts, lots, or 1506  
parcels of land or portions thereof comprise twenty-five per cent 1507  
or less of the total of the tracts, lots, or parcels of land that 1508  
satisfy the criteria established in division (A)(1), (2), or (4) 1509  
of this section together with the tracts, lots, or parcels of land 1510  
or portions thereof that are used for conservation practices. 1511

(B) "Conversion of land devoted exclusively to agricultural 1512  
use" means any of the following: 1513

(1) The failure of the owner of land devoted exclusively to 1514  
agricultural use during the next preceding calendar year to file a 1515  
renewal application under section 5713.31 of the Revised Code 1516  
without good cause as determined by the board of revision; 1517

(2) The failure of the new owner of such land to file an 1518  
initial application under that section without good cause as 1519  
determined by the board of revision; 1520

(3) The failure of such land or portion thereof to qualify as 1521  
land devoted exclusively to agricultural use for the current 1522  
calendar year as requested by an application filed under such 1523  
section; 1524

(4) The failure of the owner of the land described in 1525  
division (A)(4) of this section to act on such land in a manner 1526  
that is consistent with the return of the land to agricultural 1527

production after three years. 1528

The construction or installation of an energy facility, as 1529  
defined in section 5727.01 of the Revised Code, on a portion of a 1530  
tract, lot, or parcel of land devoted exclusively to agricultural 1531  
use shall not cause the remaining portion of the tract, lot, or 1532  
parcel to be regarded as a conversion of land devoted exclusively 1533  
to agricultural use if the remaining portion of the tract, lot, or 1534  
parcel continues to be devoted exclusively to agricultural use. 1535

(C) "Tax savings" means the difference between the dollar 1536  
amount of real property taxes levied in any year on land valued 1537  
and assessed in accordance with its current agricultural use value 1538  
and the dollar amount of real property taxes that would have been 1539  
levied upon such land if it had been valued and assessed for such 1540  
year in accordance with Section 2 of Article XII, Ohio 1541  
Constitution. 1542

(D) "Owner" includes, but is not limited to, any person 1543  
owning a fee simple, fee tail, or life estate or a buyer on a land 1544  
installment contract. 1545

(E) "Conservation practices" are practices used to abate soil 1546  
erosion as required in the management of the farming operation, 1547  
and include, but are not limited to, the installation, 1548  
construction, development, planting, or use of grass waterways, 1549  
terraces, diversions, filter strips, field borders, windbreaks, 1550  
riparian buffers, wetlands, ponds, and cover crops for that 1551  
purpose. 1552

(F) "Wetlands" has the same meaning as in section 6111.02 of 1553  
the Revised Code. 1554

(G) "Biodiesel" means a mono-alkyl ester combustible liquid 1555  
fuel that is derived from vegetable oils or animal fats or any 1556  
combination of those reagents and that meets the American society 1557  
for testing and materials specification D6751-03a for biodiesel 1558

<u>fuel (B100) blend stock distillate fuels.</u>	1559
<u>(H) "Biologically derived methane gas" means gas from the</u>	1560
<u>anaerobic digestion of organic materials, including animal waste</u>	1561
<u>and agricultural crops and residues.</u>	1562
<u>(I) "Biomass energy" means energy that is produced from</u>	1563
<u>organic material derived from plants or animals and available on a</u>	1564
<u>renewable basis, including, but not limited to, agricultural</u>	1565
<u>crops, tree crops, crop by-products, and residues.</u>	1566
<u>(J) "Electric or heat energy" means electric or heat energy</u>	1567
<u>generated from manure, cornstalks, soybean waste, or other</u>	1568
<u>agricultural feedstocks.</u>	1569
<b>Section 2.</b> That existing sections 1.61, 303.01, 303.21,	1570
519.01, 519.21, 901.511, 903.10, 929.01, 1309.102, 1311.55,	1571
1729.01, 3781.06, 5501.50, and 5713.30 of the Revised Code are	1572
hereby repealed.	1573