# Fiscal Note & Local Impact Statement

127 th General Assembly of Ohio

Ohio Legislative Service Commission 77 South High Street, 9<sup>th</sup> Floor, Columbus, OH 43215-6136 ∻ Phone: (614) 466-3615 *♦ Internet Web Site:* http://www.lsc.state.oh.us/

BILL:	Sub. H.B. 470		DATE:	December 16, 2008
STATUS:	As Passed by the House		SPONSOR:	Rep. Setzer
LOCAL IMP	ACT STATEMENT REQUIRED:	No —	Permissive	

CONTENTS: To authorize township and counties to remove vegetation that interferes with the sight lines on township roads and to make other changes

## State Fiscal Highlights

• No direct fiscal effect on the state.

### Local Fiscal Highlights

LOCAL GOVER	NMENT FY 2009 – FUTURE YEARS			
Counties and Townships				
Revenues	Potential offsetting gain to recoup vegetation removal costs			
Expenditures	Potential increase in vegetation removal costs and restitution for property damage			
	Potential decrease in ditch and culvert cleaning costs			

- While townships and counties could incur costs for vegetation removal, the bill allows these costs to be applied to the property owner's tax bill. This means that any new costs, most likely minimal, would be recouped via additional property tax assessment.
- The bill also establishes a process whereby townships can require property owners to clean out ditches or culverts if blockages threaten to cause flooding of public property. This may result in decreased ditch cleaning costs for townships and counties.
- The bill requires that the board of township trustees or county engineer pay restitution for any property damage resulting from the removal of vegetation.

### **Detailed Fiscal Analysis**

### Background and bill summary

Current law allows townships and counties to remove vegetation that either is growing or encroaching on the public right-of-way and requires townships to destroy all brush, briers, burrs, vines, and noxious weeds growing within the limits of a township road. These provisions, however, do not allow township workers or county engineer employees to enter onto private property and remove vegetation that is located wholly on private property, even if the vegetation hinders the sight lines of motorists traveling on township or county roads. The bill would give township trustee's and county engineer authority to do so, provided certain procedures are followed. Finally, the bill outlines procedures under which landowners may seek restitution for property damage that results from the removal of vegetation.

Under the bill, if a board of township trustees or a county engineer determines that vegetation located on land near a township road constitutes a danger to the traveling public, the township or county engineer's office must send written notice to the landowner and allow 15 days for the removal of the offending vegetation. If the described vegetation is not removed within that timeframe, the township or county engineer department may direct its employees to enter private property in order to remove the obstructing plant matter, provided that sufficient notice is given. The bill also contains other notification requirements concerning the owners or occupants of a residence containing vegetation that needs removed.

#### Recouping removal costs—report to county auditor

Once township or county engineer department employees enter private property and remove vegetation, the bill allows them to record the associated costs and report them to the county auditor. The amount would be entered on the tax duplicate and placed as a lien on the land, would be collected as other taxes, and returned to the township or county general fund. Presumably, if a township or county engineer's department chose to file such a report with the county auditor, this procedure would allow some of these removal costs to be recouped.

#### Ditch and culvert cleaning

The bill also creates a process whereby townships can order property owners, given a period of not less than 15 days, to clean obstructed culverts or ditches on private property if these blockages threaten to flood roadways or other public property. The 15-day notification requirement would not apply in emergencies. If the landowner fails to remove the material, the bill allows the township to remove the material, the cost of which is to be paid from the township general fund. The bill allows townships to recoup ditch cleaning costs through the same form of report as described in the preceding section. Under this procedure, townships could recoup some or most of their ditch cleaning costs.

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