

# Fiscal Note & Local Impact Statement

127<sup>th</sup> 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/>

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BILL: **H.B. 470** DATE: **March 10, 2008**  
STATUS: **As Introduced** SPONSOR: **Rep. Setzer**  
LOCAL IMPACT STATEMENT REQUIRED: **No — Permissive**  
CONTENTS: **To authorize a board of township trustees to remove vegetation that blocks or otherwise interferes with the sight lines of motorists traveling on township roads**

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## State Fiscal Highlights

- No direct fiscal effect on the state.

## Local Fiscal Highlights

LOCAL GOVERNMENT	FY 2008	FY 2009	FUTURE YEARS
<b>Townships</b>			
Revenues	Potential offsetting gain to recoup vegetation removal costs	Potential offsetting gain to recoup vegetation removal costs	Potential offsetting gain to recoup vegetation removal costs
Expenditures	Potential increase in vegetation removal costs	Potential increase in vegetation removal costs	Potential increase in vegetation removal costs

Note: The state fiscal year is July 1 through June 30. For example, FY 2008 is July 1, 2007 through June 30, 2008.

- While townships could incur costs for vegetation removal, it allows these costs to be applied to the property owner's tax bill. This means that any new costs, most likely minimal, could be recouped via additional property tax assessment.



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## ***Detailed Fiscal Analysis***

### **Background**

In general, townships have a duty to maintain their roads. Specifically, current law states that "the board of township trustees shall have control of the township roads of its township and . . . shall keep them in good repair." Current law allows the removal of vegetation that either is growing on the public right-of-way or encroaching on it. Also, a board of township trustees must destroy all brush, briars, burrs, vines, and noxious weeds growing within the limits of a township road. However, these provisions do not allow township workers to enter onto private property and remove vegetation that is located wholly on that private property, even if the vegetation hinders the sight lines of motorists traveling on township roads. The bill would give townships' employees authority to do so, provided certain procedures are followed.

### **Procedures of the bill**

If a board of township trustees determines, based upon evidence submitted by the county engineer, that, at a particular location, vegetation located on land that is located on a township road constitutes a clear and present danger to the safety of the traveling public, the board must send a written notice informing the land owner of the situation and allowing the owner to remove that vegetation within 15 days. The notice further must inform the owner that if the owner does not remove the vegetation within that period, the board will remove the vegetation at the owner's expense. If a board issues such a notice and the owner does not remove the described vegetation in a timely manner, the board must issue an order directing township employees to enter upon the land and remove the vegetation. The board must give notice of the "proposed" entry to the owner and to the person possessing the land, if that person is not the owner, by reasonably available means not less than three, but not more than seven, days before the entry date.

### **Recouping removal costs**

Once a township enters private property and removes the vegetation, the bill requires the township to submit a report to the county auditor, detailing the expenses incurred with the removal of the vegetation, which includes the costs for providing all required notices. This amount is then entered on the tax duplicate and placed as a lien on the land. These amounts would then be collected when the taxes for the land are collected, and deposited into the township's general fund. The township is required to pay restitution for any damages to the private property that occur as a result of vegetation removal. Should a township elect to use the authority granted to it in the bill, there would likely be no net fiscal effect as any expenses incurred would be repaid as taxes are collected.

*LSC fiscal staff: Terry Steele, Budget Analyst*

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